

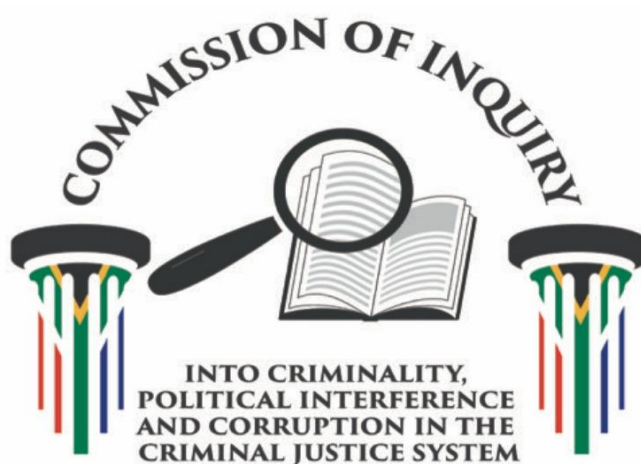
**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**10 NOVEMBER 2025**

**DAY 29**



**PROCEEDINGS ON 10 NOVEMBER 2025**

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

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

**CHAIRPERSON:** Good morning, Mr Spies.

**COMMISSIONER SPIES:** Good morning, Commissioner.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** And good morning, Commissioner Spies.

**COMMISSIONER SPIES:** Morning, SC.

10 **EXAMINATION BY ADV SELLO SC**

**(CONTINUES):** Commissioner Spies, I trust you still have the two files in front of you, the so-called small file and the big file.

**COMMISSIONER SPIES:** Correct.

**ADV SELLO SC:** Can we turn to the small file, your statement? And when we parted on Friday, we had dealt with the last paragraph at page 6, at the bottom of page 6, and we ended our conversation around the blue light issue. Do you recall that?

20 **COMMISSIONER SPIES:** Correct, Commissioner.

**ADV SELLO SC:** Before we start a new topic, I thought perhaps to establish from you, in your experience, how prevalent is this problem of quote-unquote misuse of blue lights? Was this the sole incident? Are there other incidents you may want to bring to the attention of the

Commission? Thank you.

**COMMISSIONER SPIES**: Morning, Commissioners. It is definitely not the sole incident. It is still occurring. Even though I have retired from Ekurhuleni Metro Police, my old officers still have contact with me. They phoned me two weeks ago to explain the exact same incident where on the N12 highway a vehicle, black BMW with blue lights, was stopped by an officer.

This officer did a radio enquiry, and after he did the  
10 radio enquiry all went quiet. And then when they did the enquiry on the vehicle itself, the vehicle was let go, but the vehicle itself belongs to a company with the name of Kelvin and Family, which is a private security firm situated in the East Rand. So this is still prevalent. It happens numerous times that it happens.

**ADV SELLO SC**: Now, that is not part of your written statement. If the Commission were to pursue that, to establish the accuracy of the report you got as regards the N12 incident, firstly, we would have to file a supplementary  
20 statement. But I guess for me, most importantly, how do we go about testing the accuracy of that statement, the report you got?

**COMMISSIONER SPIES**: There is a Radion Control. The radios are monitored. There is electronic logbooks and OB occurrence books at the Radion Control in Ekurhuleni,

which will record all of this. And then the officers on the radio itself that heard it and that interacted with it will also be able to testify to the exactness of that.

**ADV SELLO SC:** Thank you. Is there any other incident worth noting, or is that where you end?

**COMMISSIONER SPIES:** No, that is where I end, two weeks ago, Commissioners.

**ADV SELLO SC:** Thank you.

**ADV BALOYI SC:** Commissioner, will you be arranging  
10 that we at least have an investigation into those documents?

**ADV SELLO SC:** Indeed, Commissioner Baloyi, we intend to.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Commissioner Spies now advises that we get in touch with Ekurhuleni Radion Control. As I understand it, the call would have been logged in their occurrence book. So ours would be to uplift the content of that report in the occurrence book, its detail, and try and  
20 locate a witness who can speak to those facts and perhaps shed more light on the incident.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you.

**ADV KHUMALO SC:** What about the name of a security company was mentioned?

**ADV SELLO SC:** Yes, the name of ...[intervenes].

**ADV KHUMALO SC:** Contacting that security company and finding out how it came about that they were given permission to use blue lights. My concern with approaching the municipality is that the allegations in this Commission are that the municipality has not acted on many of the reports.

**ADV SELLO SC:** Yes.

**ADV KHUMALO SC:** There is even frustration of the  
10 investigations within the municipality. So we might end up with a report which is incomplete.

**ADV SELLO SC:** Indeed.

**ADV KHUMALO SC:** Whereas if we get confirmation from the security company, at least they would be able to explain who gave them permission and under what circumstances. If indeed it is true that they are using blue lights, because we do not know that.

**ADV SELLO SC:** We do not.

**ADV KHUMALO SC:** Thank you.

20 **ADV SELLO SC:** Thanks, Commissioner Khumalo. We shall do so. So perhaps, in essence, we will seek to obtain two statements. One from the Radion Control perspective, Ekurhuleni Radion Control Office perspective, and the other from the very security company that is said to have used the blue lights on the date. Just a last question on that.

Would you have a sense of the date on which this happened?

**COMMISSIONER SPIES**: Commissioners, I have it, but then I have to consult my phone to look specifically at the exact date. I think it is a Wednesday or Thursday, and I have got the registration number as it was reported to me.

**ADV SELLO SC**: Okay. Then I do not think we have to detain the Commission with that, seeing as we will be preparing, seeking at least the statements. You will then  
10 provide us with that further detail to assist us in establishing the facts around this matter.

**COMMISSIONER SPIES**: Thank you, Commissioner.

**ADV SELLO SC**: Thank you. Commissioner, then we move on. In our statement, we are at page 7. And at page 7, you have a heading Formal Investigation and Brigadier Julius Mkhwanazi's Involvement, and the involvement is just to locate us and where we are at. His involvement relates to the use, the alleged use of blue lights in a private vehicle, the videos of which you flighted last week. Do you recall  
20 that?

**COMMISSIONER SPIES**: Yes.

**ADV SELLO SC**: So if you can then take your testimony from paragraph 19 at page 7? Thank you.

**COMMISSIONER SPIES**: So on this specific day, when I received this query and we answered it as back to the

media through Colonel Thepa, and I then instructed Colonel Erasmus, he is the head of Internal Affairs in Ekurhuleni Metro Police. I instructed him formally with a letter to say that he must initiate this misconduct inquiry because of the seriousness of this as well.

I also went further to instruct him that he must not delegate it to a lower rank because it is a senior officer that is involved, that we do not have the situation where lower ranks like constables investigate seniors, managers. It  
10 could be abused in that manner. This instruction is also done in writing formally. And then during that week, sorry. During that week, it was council meeting on the Thursday evening as well.

And on the Tuesday morning, Commissioner Mzolo came back from leave, and I then addressed it directly with him to say, can you please assist me in getting answers in this matter? And then he said to me that I must contact directly Brigadier Mkhwanazi because he was on leave and he does not know what took place. On the Thursday  
20 evening at the council meeting itself, Brigadier Mkhwanazi was at the council meeting.

I approached him then at the council meeting itself where I informed him, but we have this media queries. I have sent it to you. I have not received any answers yet. Can I please have an answer about it? He then explained

to me that, but we have a formal relationship with this company, CAT VIP, where they actually assist us at all scenes. And not only us. They assist DPCI, TOMS, which is the tactical operations side of the DPCI. They assist us with information and they respond to scenes and all things like that.

I said to him, but it is impossible. I do not know anything about this. I have never heard it. And he then stated that he will send me WhatsApps of previous  
10 successes which will then prove that CAT VIP was involved in these incidents and crime scenes and everything. So during the council meeting we were sitting at, he started to send me WhatsApps relating to these incidents where CAT VIP is listed then as a role player in crime scenes.

And later that evening, he also then concluded that, but they were even involved in a State of the City Address, which is an annual event by the Cities where the Mayor would produce or present the State of the City Address. And in the 2022 March State of the City Address, which was  
20 done by Alderman Tania Campbell, he alleged that even in the operational plan, it is there, that CAT VIP is part of this. And I said, that does not sound right to me, but send me proof of that.

He started to send me WhatsApps with pictures and then I said to him later during the WhatsApp conversation, I

want a plan. This is pictures. It could be photoshopped, and I do not believe in that. Sent me the original plan. And later that evening, he sent me a SharePoint link, which is an email with a link that you can click on it and then you will get to an operational plan, but it took me also to pictures of the plan itself.

And then I answered him back and said I want the operational plan, the original. Because for every operation that we conduct, there will be an operational plan, which is  
10 signed off and approved, and that gets archived and kept in the records. So the very next morning, he sent an operational plan in a sealed envelope to my office.

I opened this operational plan, and just by opening it and looking at the plan, it looks to me as if it is uttering, as if it is photoshopped, as if it is altered. The reason being is that the document itself consists of 14 pages. The first two to three pages had a smudge on the paper as if it was printed on an old cartridge, like makes a faint mark on the papers ...[intervenes].

20 **ADV SELLO SC**: Commissioner, if I may, I do apologise. The detail you are providing, in particular on that document, I think would be best served by going to the actual document. So if we could wait, you deal with that further on in your statement. We will wait and get to that annexure, and then you will take the Commissioners through the

issues you had with that particular operational plan that Mr Mkhwanazi provided you with. For the moment, though, I would like to refer you to your paragraph 19. You deal there with an annexure RS7, and this according to your statement ...[intervenes].

**CHAIRPERSON**: Just before you do that, I do not know if you were listening, Commissioner, when Chief Mapiyeye was testifying.

**COMMISSIONER SPIES**: No, I did not, Commissioner.

10 **CHAIRPERSON**: Okay. I corrected him on the pronunciation of Xulu. He pronounced it Xulu. So I want to correct you as well. You repeatedly talk of Mkhwanazi. There is no A right at the beginning of that first syllable. The A is after the H, so it is Mkhwanazi, not Mkhwanazi.

**COMMISSIONER SPIES**: I have to apologise.

**CHAIRPERSON**: So, I have to be fair in insisting on the correct pronunciation, so I should not correct only Chief Mapiyeye. I should correct you as well.

20 **COMMISSIONER SPIES**: I have to apologise, Commissioner.

**CHAIRPERSON**: Mkhwanazi.

**COMMISSIONER SPIES**: Mkhwanazi.

**CHAIRPERSON**: Yes, easy. Thank you.

**ADV SELLO SC**: Thank you, Chair. I referred you to Annexure RS7. That is to be found at page 11 in the

annexure file. Now, at your paragraph 19, you say this was the letter of instruction you issued to Lt-Col Erasmus to investigate the matter. Are you at RS7?

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV SELLO SC**: Just to confirm a few things. It is dated at the bottom thereof, 2<sup>nd</sup> of February 2023, and against that date is a name R Spies with a signature. R Spies refers to yourself, and that is your signature. Do you confirm?

10 **COMMISSIONER SPIES**: That is correct.

**ADV SELLO SC**: And directed, we see from the top of the page, to HJ Erasmus, Lt-Col.

**COMMISSIONER SPIES**: That is correct.

**ADV SELLO SC**: And you indicated that when you issued this letter, as the letter itself states, you were then the Acting Police Commissioner.

**COMMISSIONER SPIES**: That is correct, Commissioner.

**ADV SELLO SC**: I would like to refer you to midway that page. There are two headings. The second is a description  
20 of accusation. Could you read the first paragraph into the letter, into the record?

**COMMISSIONER SPIES**:

“It was reported that Brigadier JD Mkhwanazi appointed CAT VIP services on an official document. Vehicles was

registered on the City of Ekurhuleni name. It was further alleged that Brigadier JD Mkhwanazi appointed individuals to work with EMPD. These and other conduct need to be investigated accordingly, including other facts that may be discovered during the investigation, and any other conduct that you may determine during this investigation.”

10

**ADV SELLO SC:** And with the issue and service of that letter... Thank you. With the issue of that letter and service on Colonel Erasmus, that was the trigger of the formal investigation within EMPD?

**COMMISSIONER SPIES:** That is correct, Commissioners.

**ADV SELLO SC:** You then move on to, there is a paragraph 21 ...[intervenes].

**ADV BALOYI SC:** Before you do that, Ms Sello, let me just ask about this, relating to the same letter. Commissioner,  
20 we heard evidence from Chief Mapiyeye that at some point he was instructed by the City Manager to discontinue disciplinary proceedings against Brigadier Mkhwanazi. Now, in paragraph 1 of this letter, you say:

“In terms of clause 7 to the Disciplinary Procedure Collective Agreement, I, the

authorised representative, do hereby  
appoint you as the investigating officer.  
You must investigate the allegation as  
per the accusation of misconduct.”

It is that first sentence that I am interested in, which is, you  
are the authorised representative in terms of clause 7. Can  
you just explain to us where the power, in terms of that  
Disciplinary Procedure Collective Agreement, where the  
power to institute disciplinary processes lies according to  
10 that collective agreement?

**COMMISSIONER SPIES**: Commissioner, for all local  
government, there is a Bargaining Council where collective  
agreements are reached with, which is represented by  
SALGA, which is the South African Local Government  
Association, and organised labour, which is IMATU in some  
ways, the two organised labours. Collective agreements is  
through the years then obviously reached and signed and  
agreed upon, and those collective agreements, this specific  
collective agreement is an old collective agreement that has  
20 just been extended continuously.

In terms of that, the actual disciplinary proceedings  
and authorised representative is the accounting officer,  
which is the City Manager in this case. However, she has  
delegated at that stage, when this letter was issued, the  
delegation was issued to the Heads of Department, which is

the Chief of Police for Metro Police, and it was also then that further disciplinary steps to appoint the presiding and the presenting officers was vested in formal delegation from her office to the Head of Employee Relations. It is a Divisional Head, which at that stage was ...[indistinct]. He was appointed as the disciplinary representative.

So to initiate investigations in the department in terms of this agreement vested in the Heads of Department. Once the investigation has reached a state where there is  
10 *prima facie* evidence, the Chief of Police will then hand over the complete dossier with an instruction to the DHER, Employee Relations, and there is then two methods of concluding it.

The one is what we call, it is an informal process, and there is a formal process. Informal is for petty matters, a person arrived late for work, and it will be dealt with within the department, and the presiding and presenting officer for the disciplinary case will be internal officers that will deal with it because it is petty. However, when it is  
20 highly technical or when it is a very serious matter that could lead to dismissal, then it will be handed over to the Division Employee Relations, which is situated within the Human Resource Department.

**ADV BALOYI SC**: Thank you, Commissioner. Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. I was taking you to your next annexure, which you deal with at paragraph 21, and this annexure you term WhatsApp messages between yourself and Brigadier Mkhwanazi after you had approached him on this matter. Now, the RS8 starts at your page 12. We do not have to read the content unless there is something in particular you would like to draw the Commissioner's attention to, but you could just help us understand how to read Annexure 12. Thank you.

10 Annexure 8, I apologise.

**COMMISSIONER SPIES:** Yes. Commissioners, this is an export from my WhatsApp chats with Brigadier Mkhwanazi, then Brigadier Mkhwanazi, who is now a Deputy Chief, Acting Chief Mkhwanazi. It starts off, obviously, when we start at 2017, but if you go to page 14, page 14 in the middle of the page there is a break where it was a report of cable theft and then a list of that, and then immediately thereafter it says 2023-02-02-2049.

20 This is where Julius Mkhwanazi then sent to me a series of WhatsApp that says success report, and then there is a break in it because it is old WhatsApps which is 2022-12-21, Mafolos [?], who went to Johannesburg. It is an old WhatsApp that he has forwarded to me, and it starts off with units involved and then it is listing DPCI TOMS, Saturation Unit, Bad Boy Security, and then a hyphen

space, and then CAT VIP Security.

It is about a hit on a Taxi Chairman of NANDUWE, and that list and everything that was a success at that specific incident, and then on 23-02-02, on the next page, page 15, it again lists Julius Mkhwanazi operational success, and then it lists 02-12-22, ORTIA cargo section, Kempton Park. ORTIA is the abbreviation for OR Tambo International Airport, and cargo section is the northern portion of it where we have gates where cargo can go in  
10 and out.

And there it lists 11 suspects arrested, 3 unlicensed firearms, 33 unlicensed live ammunition, 8-tonne truck with false plates, and then again the units involved. It says Hawks TOMS, Tactical Operations Management Solution, STF, which is a Special Task Force, CAT VIP Security, Bad Boy Security, K-9 Law Enforcement, and then list report. So this was a set of WhatsApps that he then forwarded to me to say, but here is proof that we have worked with specifically CAT VIP.

20 **ADV SELLO SC:** Thank you. You do deal with the two documents, the memoranda of understanding ...[INTERVENES].

**ADV BALOYI SC:** Sorry, Ms Sello.

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

**ADV BALOYI SC:** Can I ask for clarification here?

**ADV SELLO SC:** Indeed.

**ADV BALOYI SC:** Commissioner, looking at that page 14, you have got the DPCI TOMS Saturation Unit, Bad Boy Security, and then you have got CAT VIP Security, and then you have given us that list again at page 15, which now has in it the STF and the K-9. I am trying to understand what it is that Brigadier Mkhwanazi was conveying to you. Was he saying to you that CAT VIP were involved as listed here at the invitation or assisting the EMPD? That is why they were  
10 involved here. That is the one possibility. The other is they came in as an independent party, not invited by the EMPD, but used by whether it is DPCI TOMS or somebody else. What, in fact, was he conveying to you?

**COMMISSIONER SPIES:** Commissioner, from what I understood was the query and the questions was about CAT VIP Security, specifically from the media. And the way I ask him as well is why is this company involved here? And then his words when he spoke to me was that, but this company has been involved with us. They are assisting us.  
20 There is MOUs between us, and they are working with us. And here is proof that they are actually at crime scenes where EMPD is also present, and then give successors back of that.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. We

will get to the memoranda of understanding that were ostensibly concluded between Ekurhuleni and CAT VIP. But for the moment, just to remind, to let you know that Chief Mapiyeye did testify on these documents and according to our records, those memoranda were concluded in October 2021. Is that your recollection as well?

**COMMISSIONER SPIES**: The ...[intervenes].

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

**COMMISSIONER SPIES**: It was not concluded.

10 **ADV SELLO SC**: Thank you for the correction. Were signed by Brigadier Mkhwanazi in October 2021.

**COMMISSIONER SPIES**: Correct.

**ADV SELLO SC**: Okay. Now, I ask because at page 14, what he highlights and the part that you drew our attention to, as well as page 15, these are incidents that arose in 2023, both 2023 and in February, where he claims that there have been these deployments of VIP CAT Security.

**COMMISSIONER SPIES**: The first one that he sent is in 2022, December. The second one is October 2022. And  
20 then the third one is February 2023.

**ADV SELLO SC**: Okay. Now, Chief Mapiyeye informed us that Ekurhuleni EMPD issues public tenders for provision of security services to EMPD facilities. You are aware of that?

**COMMISSIONER SPIES**: Correct. It is for security guards to protect council premises.

**ADV SELLO SC:** And he drew the Commissioners' attention to the fact that in 2020 the EMPD appointed 10 service providers for that purpose and provided a list. And for the record, that will be Chief Mapiyeye's Annexure JM13 and JM14. So there is a list of service providers.

**COMMISSIONER SPIES:** Correct, Commissioners. In terms of the MFMA, the Finance Management Act, there is every three years a tender that is published and then awarded to security companies to protect council premises  
10 and the tender runs in a three-year cycle.

**ADV SELLO SC:** Yes. Looking then at page 14, you are given details by Brigadier Mkhwanazi regarding the engagement of entities such as Bad Boys Security. And unless it goes by another name, you can accept that according to JM13 tendered by Chief Mapiyeye, that entity is not one of the 10 listed there. Do you know who Bad Boys Security is or was at the time?

**COMMISSIONER SPIES:** Bad Boys Security is a security company which I know of them. They are in Johannesburg  
20 and a little bit on the East Rand as well. I do not know further than that I know them. It is like a private security company that I sometimes see their vehicles. And CAT VIP Security at that date and time, I did not know them at all. I know them now.

**ADV SELLO SC:** Okay. And equally so with CAT VIP

Security, they do not appear on that list.

**COMMISSIONER SPIES**: Correct. They are not part of – Bad Boys or CAT VIP Security is not one of the tender-approved security companies for guarding services at all.

**ADV SELLO SC**: Now, there is a reference as well to Saturation Unit. What is that?

**COMMISSIONER SPIES**: I do not know all the abbreviations. I would believe that this is South African Police Services unit belonging to either the DPCI TOMS, 10 Hawks. I do not know what the Saturation Unit in the South African Police Services. It is not one of our units. We do not have a unit like that in Ekurhuleni Metro Police.

**ADV SELLO SC**: Okay. Then at page 15 you referred us to page 15, that date entry 2023-02-02. And then it has got another date below that, 02-12-2022, the OTIA Cargo Section and the units involved. Is it a correct way to read those messages to mean that the units involved listed there at page 15 under the date 02-12-2022 were involved in the OTIA Cargo Section issue, whatever that may have been? 20 Am I reading it correctly?

**COMMISSIONER SPIES**: Correct. It is in terms of the success report, it first stated in the first paragraphs with the red bullets. It is black here, but on my WhatsApp it is red bullets. It states what was found back, what was arrested. And then it says units involved, and it lists the units and

then it will state in the report what actually has happened. They were robbing Swissport Cargo Section. That is what it is.

**ADV SELLO SC:** So you say this incident related to a robbery of the Swissport Section at the airport at OTIA?

**COMMISSIONER SPIES:** Correct.

**ADV SELLO SC:** Then I understand that the units involved were Hawks TOMS, Tactical Operations Management Solution, STF, Special Task Force, CAT VIP Security, Bad  
10 Boys Security, K-9 Law Enforcement. You see that at the bottom of page 15.

**COMMISSIONER SPIES:** Correct, Commissioner.

**ADV SELLO SC:** Is it a correct interpretation on my part to say all those units were involved in dealing with that Swissport robbery, resulting in the arrest of 11 suspects, finding three firearms, and all that is listed there? So CAT Security was part of that operation.

**COMMISSIONER SPIES:** That is what it ...[intervenes].

**ADV SELLO SC:** Is that how you too understood it?

20 **COMMISSIONER SPIES:** That is how I understood it. And sometimes it is even strange to me is that all these units are involved, and it is sent to me from Brigadier Mkhwanazi as if it is Ekurhuleni Metro Police that is running the show, but we are not even listed there. So to me it feels as if he just took stuff wherever the word CAT VIP came on and sent

it on to me to say, but look, here we are working with them, but we are not even listed on that scene, even though it is in our area on that.

**ADV SELLO SC:** By we, I take it, it is reference to EMPD ...[intervenes].

**COMMISSIONER SPIES:** Ekurhuleni. Sorry, Commissioner, it is a force of habit. If I am speaking about it, it is Ekurhuleni Metro Police.

**ADV KHUMALO SC:** And Commissioner, the first one is  
10 not even in your area. I understand the other three are within Ekurhuleni, but chasing a suspected hitman in Mofolo Soweto on page 14, the very first entry. What does that have to do with EMPD?

**COMMISSIONER SPIES:** Commissioner, that is one of the rogueness [sic] that hopefully I will touch on later, is that in terms of the South African Police Services Act section 64, we as Metro Police have established and we have a specific mandate, which is traffic enforcement, bylaw enforcement and crime prevention. That is the first, the main mandate.  
20 But we are further also restricted to our area of jurisdiction to the local government that has appointed us. Except there is a clause that also allows us if there is collaboration agreements or there is agreements with other cities that we can extend upon request to those areas.

But a large portion of what these groups did is that

they were actually operating rogue. They would hear a rumour here or information here and they will go and do law enforcement, arrest people in Hammanskraal. They will go to KZN. They will go to Free State. They will actually arrest and it will all be good successes according to them because there is arrest in that, but they acted completely out of scope. They do criminal investigations which is the sole capability of the South African Police Service. They have no powers to do criminal investigations at all, but they  
10 were doing it.

**ADV KHUMALO SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner Khumalo. Taking you back to page 15, that OR Tambo incident that is referenced there. For the record, OR Tambo Airport falls within the jurisdiction of Ekurhuleni. So if there was anything that required the Metro Police involvement, that would fall under the jurisdiction of EMPD. Is that correct?

**COMMISSIONER SPIES:** Correct, Commissioner. We will assist the South African Police Service if they ask us. If it  
20 is in our area, we will assist them with whatever they ask us to do within our area.

**ADV SELLO SC:** So you say EMPD would assist. If you go to the bottom of page 15 and the units listed there, as I said, it is Hawks TOMS, Special Task Force, CAT VIP Security, Bad Boys, K-9 Law Enforcement. There are five

units ostensibly that were involved. Which police service or force or unit would actually have been responsible or initiated this engagement at OTIA? I am trying to understand because I see two CAT VIP, Bad Boys Security, sounds like private companies.

I see Hawks TOMS Tactical Operation Management Solution. Then there is the Special Task Force reference and the K-9 Law Enforcement reference. Who, in your understanding, was responsible for that operation? Which  
10 of these units, if any?

**COMMISSIONER SPIES**: From my understanding, how it works is that the Hawks, the tactical operation would actually be the one who do the operational plan and manage and control it. And the STF, if it is the South African, and I do not know if it is the South African Special Task Force, but if it is the South African Special Task Force because of the high risk involved, they would operate obviously based on operational plan that was drawn up and managed by Hawks and they will do the dangerous work of doing the rest  
20 and that. But the planning and everything would be resulting under the Hawks.

**ADV SELLO SC**: Now, if we accept that this was a Hawks TOMS operation supported by the Special Task Force, beyond that it is K-9 Law Enforcement, is that an EMPD unit or is it Provincial, National?

**COMMISSIONER SPIES**: No, Commissioners, I do not know. If it is stated K-9 Law Enforcement, it could be anyone. It could be Ekurhuleni Metro Police. It could be SAPS. I would not know who that is because nowhere in that whole report does it actually list if it was Ekurhuleni's K-9 or if it was SAPS' K-9. It is not listed.

**ADV SELLO SC**: Then it leaves the other two, CAT VIP and Bad Boys. How does this become an operation that falls under Ekurhuleni? When you say at best it was an  
10 operation by Hawks TOMS, which is not an Ekurhuleni unit, that perhaps would be a National unit, I do not see how Ekurhuleni gets involved in this operation based on the entities listed there. Are you able to shed light?

**COMMISSIONER SPIES**: Commissioners, from what I understand from what is standing here is that CAT VIP and Bad Boys Security as the private security could have been the informants or they could have received the information and they therefore are assisting the Hawks to actually do the operation because they have access maybe to Swissport  
20 Cargo or to the information where it was. So from my understanding from what is standing here is that CAT VIP and Bad Boys Security is involved with the Hawks. They are supporting them and that the STF is obviously necessary because it is a high-risk robbery that is going to take place.

That is my understanding from this. The K-9 Law Enforcement, I would not know who it was. It could be Ekurhuleni. It could also, because it is a year before it even happened and this was just sent as WhatsApps, which I did not really even care about it. It was like someone made them up just to send to me to say yes. Yes, here is success is to prove that we do work with CAT VIP.

**ADV SELLO SC:** And this is supposed to have happened on the 2<sup>nd</sup> of December 2022. You were still with EMPD at  
10 the time.

**COMMISSIONER SPIES:** It is correct, Commissioner. It is 2 December.

**ADV SELLO SC:** And at the time, what position did you hold in EMPD again?

**COMMISSIONER SPIES:** I was then the Deputy Chief of Police Auxiliary and Support Services. I was appointed 1 August 2022 in that post, so Deputy Police Commissioner then.

**ADV SELLO SC:** Now, could we turn to you to find out  
20 whether there is a record of an operation such as described in that WhatsApp that the EMPD was responsible for or who do we turn to try and get an answer to that?

**COMMISSIONER SPIES:** Only from the Hawks. If it is a police operation like this where the Hawks and the STF is, it will be a SAPS-driven operational plan. Even if we were

there, even though we are not mentioned here at all, even if we were there, we would do a supporting role to SAPS, fully supporting role, not even at the front line.

**ADV SELLO SC:** So then if we are to pursue this operation and see the involvement of everyone in it, we need to turn to Hawks TOMS? You cannot help us beyond that?

**COMMISSIONER SPIES:** Correct.

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

**ADV BALOYI SC:** May I just check this, Commissioner? If  
10 this were in the nature or on the face of these operations as they are described here, it does not look like anything that would be initiated and run by the EMPD. They would have been playing a supportive role, as you explained. And given that Brigadier Mkhwanazi, when he sent this to you, your understanding of what he was conveying was that CAT  
VIP were there to assist EMPD.

You have testified that the security companies appointed to secure the property of the municipality. Would it have been proper and open to EMPD to invite Matlala,  
20 CAT VIP Security into an operation where the EMPD has been asked by, let us say, the Hawks or SAPS to come and assist them?

**COMMISSIONER SPIES:** No, Commissioner, that would be completely out of bounds and out of script. No outsiders get invited into an operation where we are already. Even if

we are with SAPS, it just leads to leak of information and anything. So we would not invite. If the SAPS and the Hawks is in charge of operation, there is operational plan which is driven by them. If we are then invited to assist them, we assist them. We cannot carry on and invite more people, invite more people.

It just opens up and it makes a farcical of policing when information is being leaked all over the show to everyone. And we would not – at the bottom end, when we  
10 do patrols, we have friendly relationships with the security companies that is in our same areas that we patrol. So it is not that we do not know they are there. We do work together.

If they say, for instance, to us, but there is a robbery at one of my clients' house around the corner, we will obviously assist and respond there. Or if they arrest someone and they contact us, we will go and assist them. But we do not have formal approved operations or MOUs with security companies as Ekurhuleni at all. We only have  
20 this 10 companies that is annually or every three years appointed to protect our guarding and our premises that we have. Not to do patrols and provide extra services to us and do anything security related.

**ADV BALOYI SC**: Thank you, Commissioner. Thanks, Ms Sello.



At page 8, paragraph 22, you highlight what the investigations revealed and you reference the two documents, which you have annexed as RS10 and RS11. Could you take the Commissioners through that? Thank you.

**COMMISSIONER SPIES:** Commissioners, they were sent by email. And what is attached hereto as well is the two MOUs which was drafted between the first one, which is on page 25, RS10, is listing a MOU or agreement between  
10 Medicare 24 Emergency Medical Services and Anubis Protection Services, which is duly represented by Mike Van Wyk, and that is then on page 30.

It is signed off by Brigadier Mkhwanazi, Director of Specialised Services. And it is as if it is dated October 2021. If you look at the date just above the signature that says effective date, it leaves a day open, but it is month 10, October, and 2021 is the year, and then it has got open years at the end. That was the first version that was submitted.

20 Then the second version is a very similar memorandum of agreement, but this time it is with CAT VIP Protection, which is on page 32. And this MOU is then also signed on page 34. It ends the same thing as that effective date, and then a 10, 2021, just fill in a date. It is also under support by JD Mkhwanazi, and it is then dated with a

date handwritten in this 13 October 2021 ...[intervenes].

**ADV SELLO SC:** Commissioner Spies, my apologies. Commissioners, just to orientate you, those are the same documents that Chief Mapiyeye submitted as JM11 and JM12, respectively. Thank you. You may proceed, Commissioner.

**COMMISSIONER SPIES:** The one thing that I want to highlight on this first one with Medicare 24 is that if on page 30, and I have actually, maybe, Advocate, if we can just  
10 highlight that specific paragraph, because when we start the investigation, this paragraph jumped out at us to say but here is vehicles that has been registered onto our name from a private firm or security company that we will use, but this paragraph is completely against any police training knowledge that I have. Is that, and maybe if I can read that into the record, is that:

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

That is as if we outsource law enforcement now to a private company to say you will respond on my behalf. You will

actually act as a policeman. That is what this MOU purport to be, and that is why when initially, when I read this, it is so wrong that every fibre of my body jumps up to say, but this is wrong. Here is something horribly wrong in this matter, and that is why the registration of the vehicles that is on our name actually red flagged, and the investigation initially say but here is something much deeper, and it is very wrong, and that is why we start with a disciplinary inquiry misconduct investigation.

10 **ADV SELLO SC:** Commissioner, I think what you read has been put up on the screen just for reference point, or reference purposes. That is Annexure RS10, and that is the memorandum of agreement allegedly between Ekurhuleni Metropolitan Police Department and Medicare 24. And just to confirm that at our paginated page 30 of the bundle, that is where you read from. There are five bullet points on that page, but if you go a step back, or a page back at page 29, it would appear it is part of a list of what is termed understandings.

20 **COMMISSIONER SPIES:** Correct, Commissioners.

**ADV SELLO SC:** So the part you read is the last bullet point of these quote-unquote understandings as they appear at page 30.

**COMMISSIONER SPIES:** That is correct.

**ADV SELLO SC:** Thank you.

**COMMISSIONER SPIES**: Page 29 will deal with what Medicare 24 will provide.

**ADV SELLO SC**: Yes.

**COMMISSIONER SPIES**: And then page 30 deals with what any Ekurhuleni Metro Police Department will provide.

**ADV SELLO SC**: Thank you. Noted. You may proceed. We have now dealt with RS10.

**ADV BALOYI SC**: Can I just ask this? Commissioner, that paragraph that you read into the record, it makes reference  
10 to red lights. Can you just explain what is this within the EMPD?

**COMMISSIONER SPIES**: Commissioner, the lights as I have stated earlier in terms of the National Road Traffic Act, specific lights have specific meanings. A blue light is always law enforcement of those entities that may have them, the South African Police Service, the SANDF, Military Police, the Traffic, and the Municipal Police. Those are the ones that may use blue lights.

Red lights in terms of the law must be used by  
20 medical practitioners, which is a paramedic or ambulance responding to a scene. That is the use of red lights. Amber lights is then for construction work and that. And green lights is civil defence when a person responds to a civil defence light for a green light.

So red lights in this manner is, we do not have red

lights. As Ekurhuleni Metro Police, we do not have. But there is sometimes a municipal police department that combine the use of police and paramedics, for instance, in a city. And then when you have a combined, even South African Police Service, when you have a combined service where there is paramedics in the vehicle plus there is policemen in the vehicle, you would use a combination of blue and red in the vehicles. But if it is purely police, it will be blue. If it is purely ambulance or medical services, it will be red.

**ADV BALOYI SC:** And you are saying Ekurhuleni does not have this combined?

**COMMISSIONER SPIES:** We do not have combined at all. We are a Metro Police Department consisting purely of a Metro Police Department. There is a Disaster Management and Emergency Services section which use fire engines and used to have ambulances. They would use red.

**ADV BALOYI SC:** And Brigadier Mkhwanazi would know that you do not have this combined service, and so he was not authorised to permit use of red lights?

**COMMISSIONER SPIES:** Correct, Commissioner.

**ADV BALOYI SC:** Is that is something he would know?

**COMMISSIONER SPIES:** Correct, Commissioner.

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

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

**ADV KHUMALO SC:** Adv Sello, on page 29 still, items 4 and 5. Just reading those two items, it seems to me that it was not just law enforcement and blue lights that were being outsourced. Even health and legal services were now being outsourced to CAT, at least to Medicare 24, not CAT Protection Services. Just reading item 4 and 5.

**ADV SELLO SC:** Indeed, Commissioner. Can ...[intervenes].

**ADV KHUMALO SC:** Commissioner, do you want to read  
10 those into the record? We do not have to deal with them.

**COMMISSIONER SPIES:** I can, Commissioner.

**ADV SELLO SC:** It is at page 29, under the heading understandings.

**COMMISSIONER SPIES:** So ...[intervenes].

**ADV SELLO SC:** What Commissioner Khumalo is referring us to is the numbered items 1 to 7, and he is asking you to read into the record, is 4 and 5, Commissioner Khumalo?

**ADV KHUMALO SC:** Yes.

**ADV SELLO SC:** 4 and 5. Thank you.

20 **COMMISSIONER SPIES:** It is understandings:

“By signing this MOU, Medicare 24

Emergency Services agrees to:

1. First project will be a trial run.”

...[intervenes].

**ADV SELLO SC:** Sorry, Commissioner, I apologise. I was

unclear. Commissioner Khumalo would like you to read items 4, listed 4, and 5, and leave the others in that list.

**COMMISSIONER SPIES**: 4 and 5?

**ADV SELLO SC**: 4 and 5, please.

**COMMISSIONER SPIES**: Can I read 6 as well?

**ADV SELLO SC**: Then you can read 6 as well.

**ADV BALOYI SC**: Can you read 7 as well? Please.

**ADV SELLO SC**: Then please read from 4 to 7. Chair, any particular request? No. 4 to 7, thank you.

10 **COMMISSIONER SPIES**: I will explain why 6 when I get to six:

“Medicare 24/Anubis Protection Services can assist when needed. All members are registered with PSiRA and are issued firearms through our VIP Protection unit that are owned by Medicare 24 holders.

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

6. Medicare 24 can assist with drawing bloods in roadblocks for you and staff will be available.”

And this I just want to pause and explain why. It is that

when we as road traffic enforcement, part of our mandate do in terms of the National Road Traffic Act, there is a prescription that you can either draw blood or that you can do a breathalyser test. But blood is the most known at the moment.

But the Criminal Procedure Act goes further to say when you draw blood, it must be by a registered medical practitioner, and that is sometimes misunderstood. It is not just any nurse on the street that can draw your blood. It is  
10 a registered medical practitioner, meaning it must be a doctor with a medical qualification and registered as such and it must be a registered nurse with a health profession. So this can assist with drawing blood, maybe that is to hold the patient down, but you cannot draw blood if you are not, in terms of the Criminal Procedure Act, a registered medical practitioner. And then 7 is:

“Medicare 24 can also manage your  
workman's compensation injuries on  
duty.”

20 That is also a very contentious issue because we are an employer and we are registered with a Compensation Commissioner and the Compensation Commissioner deals with it. And we have staff on board that actually deals with our workman compensation within the department. It is not dealt with by outsiders in Ekurhuleni at all.

**ADV SELLO SC:** Thank you, Commissioners. So I think it was Commissioner Baloyi who made the point that according to this document, or it was Commissioner Khumalo, technically this entity was taking over all the services provided by EMPD and acting for and on behalf of EMPD if they were to be followed. Is that your sense as well?

**COMMISSIONER SPIES:** That is only if this was ever approved and signed. This will never pass a proper legal  
10 department or through a scrutiny.

**ADV SELLO SC:** Did you ever get to establish, and you read this into the record on that list, item 5. I understand that the CEO, and we are talking here of Medicare 24 Emergency Services, has got health qualifications and legal degree and was offering to assist when required in an event of a drug bust. And he/she can give legal advice where needed. Did you get to know, firstly, what legal advice during a drug bust did you understand this to mean that he could provide help on?

20 **COMMISSIONER SPIES:** This is a laughing matter if I actually read this, and I am looking at it from a police perspective. We are a formal city with a formal legal department, and even in terms of policies and procedures within a council, any employee, if you need legal advice, or any department, if you need legal advice, it will go through

your legal department, and that legal department will give legal advice.

If they are not in a position to give it, for whatever reason, whatever matter, they will use contracted proper SC or legal advice from outside. But on a scene itself, from a foreigner, from a strange person getting legal advice, that, it just does not work like that in any law enforcement environment where we arrive on a scene and someone else from a private sector arrives and says, let me give you legal  
10 advice. It will actually, genuinely, if I am there as a policeman and someone gives me legal advice on a scene, he will most probably be arrested for obstructing justice because he is interfering in my scene.

**ADV SELLO SC:** Okay. Point taken.

**ADV BALOYI SC:** That is also assuming they do hold qualifications to advise, to give legal advice, right?

**COMMISSIONER SPIES:** Ja, that I cannot confirm. I do not know this company.

**ADV BALOYI SC:** If Mr Van Wyk is a lawyer, what lawyer,  
20 and that he is a doctor, and what doctor, we do not know that.

**COMMISSIONER SPIES:** The only way, if Medicare 24 and this person, Mike Van Wyk, the only way I know about him is rumours that he used to work for Boksburg Traffic Department in the paramedic health environment very, very

long ago, before we became even a city. I do not know if he in the meantime studied to become a lawyer or anything. I just do not know him at all.

**ADV SELLO SC:** Thank you, but it would appear not only a lawyer, he has got health qualifications. I do not know if I am assuming too much that it is to be qualified as a doctor, and then he has got legal qualifications, so we take it at face value. We would accept that he is a highly qualified person.

10 **COMMISSIONER SPIES:** Ja, but I do not know that.

**ADV SELLO SC:** I know. Thank you. Moving then to the next MOU, you deal with that again at paragraph 22.3, and that is RS11. Is there anything in particular you would like to draw the Commissioner's attention to insofar as that particular MOU is concerned?

**COMMISSIONER SPIES:** This MOU differs just that it is with CAT VIP Security, which I have never heard before, and then on page 33 it states a specific list that this MOU will pertain to, where they will provide us with vehicles.

20 Understandings from their side in the middle of the page:

“... and by signing this memorandum of understanding, CAT VIP Protection agrees to:

1.1. Provide the Ekurhuleni Metro Police Department with the following:

1.1.1. Two BMW motor vehicles.

1.1.2. One Mercedes-Benz motor vehicle.

1.1.3. One Volkswagen Golf motor vehicle.”

Which makes a total of four vehicles. It also then goes to

1.2:

10 “To provide the Ekurhuleni Metro Police Department with a helicopter with which the department will fly for a maximum of two hours per month when needed for operations, and to assist the Ekurhuleni Metro Police Department with VIP protection services, skills transfers, and tactical training.”

And then 1.4:

20 “Ensure that CAT VIP staff that may be required to be part of any operation to carry out any task is well-trained, proficient, has the necessary qualification or permit as required by the law of the Republic of South Africa to carry out such tasks.”

And then on page 34:

“It is the commitment from Ekurhuleni Police...”

They forgot the Metro there, but:

“... Ekurhuleni Police Department, is that we agree to:

10 2.1. To dedicate a duty officer, community relations, to focus on crime prevention and community safety in and around the Ekurhuleni Metro, and to report those who attempt to commit, who have committed crimes of any nature, be it on the roads, in commercial or residential settlements, both in urban, semi-urban, semi-rural, and rural settlements of the Ekurhuleni Metro.”

And just for pausing there, now it sounds like the Metro Police must report crime to a private company, whereas crime is the sole purveyor of law. We must actually report  
20 crime to SAPS and not to a private company at all. 2.2:

“The on-duty officer shall serve as a liaison to community officer EMPD in order to facilitate access to appropriate management and community resources.

2.3. Make the operational duty officer

available to work in partnership with  
CAT VIP Protection staff that may be  
called upon to assist in special  
operations.”

So it sounds as if we are really abdicating or giving  
everything away to a private company to become the Metro  
Police on our behalf.

**ADV SELLO SC:** Thank you for that.

**CHAIRPERSON:** Sorry, Ms Sello.

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

**CHAIRPERSON:** May I request that whoever, over the tea  
break or maybe even lunch, Ms Mohlasedi should look at my  
annexures. You will find an annexure, maybe RS10,  
running across more than one flag. And it is the same with  
RS11, so it makes it very difficult for me to follow, to read  
properly.

**ADV SELLO SC:** It is true, Chair, and I apologise for that.  
I do not know how it happened. Just to check with the other  
Commissioners that they do not have the problem. It is only  
20 you, Chair. We will attend to it immediately during tea  
break. My apologies.

**CHAIRPERSON:** Thank you, thank you.

**ADV SELLO SC:** Commissioner, what you have just read  
now into the record, appearing at page 34, it is the second  
last page of that annexure, which we have on record as

annexure RS11. I am particularly interested in item 2.3, and I want to test if you could help me to have better understanding of what was intended by that. And I quote:

“Make the operational duty officer available to work in partnership with CAT VIP Protection staff that may be called upon to assist in special operations.”

I struggle to understand. Are you able to help me perhaps  
10 through your understanding as to what that could potentially mean?

**COMMISSIONER SPIES:** Commissioner, I cannot. I can read the words, but I do not understand the context of it. I must upfront say this, that how it feels to me initially is that when the query came in in 2023 February from the journalist, I was immediately, when I saw this, it was as if in my mind this was created, that stage to actually try to answer the media query that arises in February ‘23, is that there is not genuinely a 2021 attempt or a genuine attempt  
20 to make.

It is as if the wording here, because of that paragraph in Medicare is one that says we are going to register the vehicles for them and then we are going to abdicate to them and say do everything on behalf of law enforcement, and then here is the vehicles registered in ‘23

to us.

So initially my belief was this is generated stuff to actually make up and answer the media query about the blue lights. But obviously in hindsight I have also seen that there have been, these MOUs have been in existence for a long period before the time, but it has been drafted and drawn up by, in my mind, and it is sometimes I should not say it, but it is illiterate people that does not know how to type MOUs.

10 It is completely wrong. Everything in here, the wording, the intention, even from the letter when you started to say endless working relationship, this is all as if it is children drafting stuff and we are going to get to adults that can actually look at it and make it better.

**CHAIRPERSON:** And one can see from the document that it must have been drafted by Mr Van Wyk because he sometimes forgets to refer to CAT, what security, CAT VIP, yes, and he says I.

**COMMISSIONER SPIES:** Correct, Commissioner.

20 **CHAIRPERSON:** So he is actually the one drafting and he forgets CAT VIP and says I.

**COMMISSIONER SPIES:** There is also, and this is something that I have not yet fully understand, there is also, CAT VIP and Medicare was not friends at this date, if you look at 2021. From my understanding is that CAT VIP

only obtained Medicare 24 in 2022 when the police tender started. At this stage, they were not yet holdings and friends with one another. They were still separate entities, but here they already speak as if it is one in 2021.

**ADV SELLO SC**: Thank you, Chair. On that annexure at page 33, under the heading understandings.

**CHAIRPERSON**: Just before that.

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

**CHAIRPERSON**: Yes, right at the end where the evidence  
10 leader referred you, that is 2.3, there is reference to an operational duty officer. What is that? I looked, there is a definition section at the beginning of the document, but that is not defined. What is that?

**COMMISSIONER SPIES**: Commissioner, we do not have something like operational duty officer in that context at all, but in paragraph 2.1 it states that we agree to dedicate a duty officer community relations to focus on crime prevention. So it is as if this MOU is saying that we are going to dedicate a duty officer for them to report stuff to  
20 them and report ...[intervenes].

**CHAIRPERSON**: So it is a creation of the so-called MOU?

**COMMISSIONER SPIES**: Yes.

**ADV SELLO SC**: Thank you, Chair. I referred you, Commissioner Spies, to page 33, same document. Under the heading understandings item 1, the main body of the

paragraph starts with by signing this memorandum of understanding, CAT VIP Protection agrees to. Now, I would like to draw attention to paragraph 1.2:

“Provide the Ekurhuleni Metro Police Department with a helicopter with which the department will fly for a maximum of two hours per month when needed for operations.”

10 Based on your experience, what value would such a resource, a helicopter that you could only fly for two hours in a month, what value would that add to your efforts as EMPD?

**COMMISSIONER SPIES**: It will not add. Two hours is nothing in helicopter time. It is also, real money-wise, it is maybe about R25 000 worth, two hours, because we do not have a helicopter. So we will have, it is a rented helicopter. I do not know exactly how much it costs per hour, but we have a pilot that can be used, who has got a private pilot licence that can be used. But it is about R25 000 worth.  
20 But two hours in the sense of a crime scene, that is nothing. It cannot do law enforcement.

Helicopters is a critical tool to be used, but you need more hours if you really want to fly properly for crime prevention, and you have to attend to scenes. It is a very – whoever made that, the City does not get anything from it if

you give me two hours per helicopter. It is expensive for us as a city to rent because it is about R25 000 in my opinion. I am not a pilot, so I would not know, but it is where I think it is approximately.

**ADV SELLO SC:** It is not two hours per helicopter, as I read it. It is two hours per month.

**COMMISSIONER SPIES:** Correct. The helicopter ...[intervenes].

**ADV SELLO SC:** So you may split it into 15 minutes per  
10 investigation to stay in the air for 15 minutes, so that you effectively use up that two hours over the course of the month.

**COMMISSIONER SPIES:** There is so many crimes that take place that that 15 minutes, it is from the start. Helicopters measure from the moment it starts, and the flight time is maybe 10/15 minutes to a scene, and then it is still going back, land again, and switch off. So your two hours is, it is everything. It is not the actual flight time that is counted. When you say you rent a helicopter for two  
20 hours, it is right from the moment you actually pull it out of the hangar and start it, right up to when it goes back into that hangar and it is switched off. So even if it is just one scene, it is maybe, it sounds like it is a 10/15 minute flight time. It is a much longer payment time, effectively.

**ADV SELLO SC:** Thank you. I move then to your

paragraph 25 at page ...[intervenes].

**ADV BALOYI SC:** Sorry, Ms Sello.

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

**ADV BALOYI SC:** Now that you are moving away from the same page 33, in the top paragraph, right at the top of the page, one, two, three, line four, maybe let me start at the beginning of that sentence in line two. It says:

10                   “Further, the agreement shall assist the  
                          Ekurhuleni Metro Police Department to  
                          achieve its crime prevention targets,  
                          police visibility, and safety of citizens  
                          as CAT VIP will donate motor  
                          vehicles...”

We have discussed that:

“... to the EMPD and...”

This is the part:

“...provide their staff with skills transfer  
and tactical training.”

20                   And then you find the same thing under the heading  
                          understandings at paragraph 1.3. It reads:

“To assist the EMPD with VIP  
protection services, skills transfer, and  
tactical training.”

Where does the EMPD procure its training for its people?

And is that a regulated area?

**COMMISSIONER SPIES**: Commissioners, firstly, this sounds like donations. And donations, in terms of legislation, there is legislation and policy within the City of Ekurhuleni. The City of Ekurhuleni has got a gifts and donation policy, how it must be dealt with, and the National Treasury has also issued instructions and the MFMA makes provision for donations.

There is a complete process that a city has to go through when accepting donations. It must first be submitted to the City Manager as a full motivation. Then it must be looked at and analysed if there is not a hold that will effectively be created on the City for that and Council must then accept the donation and it becomes then assetised [sic].

When it deals with training, as an example, during 2020, during the Covid disaster, we had received numerous donations from, for instance, the Church of Scientology, who cleansed and sprayed our buildings for free because they did that as a service as a church there. And that was found as irregular by the Auditor General because it was not declared. The value, even though they came into the building and sprayed the buildings, to us that worked there and kept on carrying working, we did not understand it even as a donation. It was public that came in and cleaned our buildings for us.

The Auditor General found it as irregular and it had to be corrected in Council to say, but a value had to be attached to it and it had to be declared as a donation. That is how strict it comes when someone has donations. So our training initially, majority of our training, police-related training, is provided by the South African Police Services itself. We have a challenge at the moment with it, because it was provided for free, but the South African Police Service has changed their structure and they want us now  
10 to pay for training, but we are in the process of trying to resolve that.

Any other training is done on a tender basis. So the Council will, during every year, there will be a workplace skills programme where training needs is identified by every department. This is submitted to the corporate HR. Corporate HR then will develop a training plan in terms of the WSP, and this training plan will then go out on tender so that we can source service providers in specific fields to provide training for us.

20 Any other training, if it is done on the sideline or anything like that, must be declared because there is an actual intrinsic value into that, and in terms of the policies and legislation, it must be declared.

**ADV BALOYI SC:** Still on that, does the EMPD get tactical training from private security companies?

**COMMISSIONER SPIES**: No, not unless ...[intervenes].

**ADV BALOYI SC**: Because that is what is being offered here.

**COMMISSIONER SPIES**: No, not unless it was provided on a tender where we procured the services. Otherwise we do not get tactical training.

**ADV BALOYI SC**: And there has not been a tender for this service from the VIP?

**COMMISSIONER SPIES**: There was not any of this  
10 training. Our officers have been sent to the South African Police Service for training, for public order policing or things like that historically. For the last three to four years, we have not had any training to these officers because of the impasse between us and the South African Police Service about payment of services.

**ADV BALOYI SC**: And you say if it is a donation, a submission would have to be made to the City Manager, to the Office of the City Manager?

**COMMISSIONER SPIES**: Correct. To the accounting  
20 officer, the City Manager herself. She must approve the acceptance of the donation. So any gift or any donation must be declared, and then it must be approved by the City Manager before it can be accepted because there must be analysis made by her to say if it is not improper to accept a donation that she can accept or not. But she must approve

the acceptance of the donation.

**ADV BALOYI SC:** All right. So in the very second paragraph at page 33, under paragraph 3, heading duration, it says:

“The public-private partnership is...”

So it speaks of a public-private partnership to establish a working relationship. Now, in the light of your explanation that if donations are being made and they have to be, a submission would have to be made to the Office of the City  
10 Manager, if this donation, what you say is a donation, if this was properly handled in the City Manager's Office, there has to be a submission that was made to the City Manager's Office?

**COMMISSIONER SPIES:** Correct, Commissioner. There is a huge amount of private-public partnerships which is allowed by law, there is nothing wrong with it, but it is dealt with formally. It is in writing, whoever offers to provide these services to the Cities, even if it is for free, there will be an MOU signed and it will be signed off by the City  
20 Manager as accepted, and that will even be reported, even though it will not be, it does not need to be resolved by Council to accept it, it will be reported to Council, but there will be or there must be record of an agreement reached with any of these companies.

**ADV BALOYI SC:** So the City Manager's approval, if this

was approved by the City Manager, it should be in that office?

**COMMISSIONER SPIES**: It must be in her office.

**COMMISSIONER SPIES**: And it should have been reported to Council, so there would be records of that?

**COMMISSIONER SPIES**: Correct, correct, Commissioner.

**ADV BALOYI SC**: Thank you, Commissioner. Thank you, Ms Sello.

**ADV SELLO SC**: Thank you, Chair ...[intervenes].

10 **ADV KHUMALO SC**: Ms Sello, before you leave the MOUs.

**ADV SELLO SC**: Yes.

**ADV KHUMALO SC**: Commissioner, just to be clear, I am not asking you about the City of Tshwane. I just want to make an enquiry for future reference. You are the second in command now at Tshwane Metropolitan Police, am I correct?

**COMMISSIONER SPIES**: I am one of five.

**ADV KHUMALO SC**: One of five?

**COMMISSIONER SPIES**: Second in command.

20 **ADV KHUMALO SC**: Yes, and without giving us the name, maybe just the title, as you are aware, Tshwane Metropolitan Police falls under our terms of reference as a Commission and we are investigating similar issues in relation to Tshwane. Who at Tshwane would be the custodian of similar MOUs and similar arrangements, so

that if this Commission were to make enquiries to Tshwane about whether there are similar arrangements?

**COMMISSIONER SPIES**: It will be the City Manager's Office.

**ADV KHUMALO SC**: It will be the City Manager's Office. I will leave it there for now.

**ADV SELLO SC**: Thank you, Commissioner. Commissioner Spies, we now are at your paragraph 25, where you indicate that after Brigadier Mkhwanazi had  
10 provided via WhatsApp a series of documents including the operational plan, he subsequently provided a hardcopy version of that plan. Do you see?

**COMMISSIONER SPIES**: Correct.

**ADV SELLO SC**: Now, we read your paragraph 25 with paragraph 21, the last line of paragraph 21. That operational plan you say is Annexure RS9A. RS9A starts at page 24.1, and it will run to 24.14.

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV SELLO SC**: And you make the following statement in  
20 paragraph 25:

“Upon inspection, I immediately noted that the plan appeared to have been altered and misrepresented.”

Then you say observations included, and overleaf you then lists those observations. Could you take the

Commissioners through the observations you made? Thank you.

**COMMISSIONER SPIES**: Commissioners, so from the original, this is obviously now a copy of a copy of a copy eventually, but the original is still in the dossier which is kept at ...[indistinct] office, hopefully in the City of Ekurhuleni Legal Department. On that original, the page 1 and page 2 and page 3 had, on the right hand side, they had smudges from a printer cartridge, like if you print on a  
10 dot matrix, not a dot matrix, a inkjet printer. The cartridge has got a filthy roller that actually smudge and makes smudge marks there.

And then the middle pages up to page 9 had clean pages with no smudges whatsoever. And then the following pages again had smudges on that page. So it is as if someone has inserted and replaced the middle portion of the operational plan. Then ...[intervenes].

**ADV SELLO SC**: Commissioner, may I request that perhaps you take us issue by issue, the smudges. Please  
20 refer us to a specific page and you talk to the smudges and where they are to be located. Thank you.

**CHAIRPERSON**: And Commissioner, when you say page 1, page 9 and so on, are you referring to the pages that say 1 of 14, 9 of 14?

**COMMISSIONER SPIES**: Correct, Commissioner.

**CHAIRPERSON**: Please refer to the page numbers at the top.

**COMMISSIONER SPIES**: So page 1 of 14 of the document, but indicated in the record as 24.1.

**CHAIRPERSON**: Thank you.

**COMMISSIONER SPIES**: And then 2 of 14 indicated as 24.2 and 3 of 14, 24.3, had smudges at the bottom side of it that indicate that this has been printed on a printer. That is, you can see on the right-hand side, there is like a faint  
10 line on some of the copies that still stick out there. Then ...[intervenes].

**ADV SELLO SC**: Please refer us to a specific page and then we look at it and we ...[intervenes].

**COMMISSIONER SPIES**: On page 3 ...[intervenes].

**ADV SELLO SC**: Okay, that would be ...[intervenes].

**COMMISSIONER SPIES**: 24.3.

**ADV SELLO SC**: Paginated 24.3.

**COMMISSIONER SPIES**: On the complete right-hand side at the top part of it, there is a black line that runs there.

20 **ADV SELLO SC**: The black line running across the page?

**COMMISSIONER SPIES**: From the top to the bottom. So where the number ...[intervenes].

**ADV SELLO SC**: Top to the bottom.

**COMMISSIONER SPIES**: The block that has got 58 in it, on the right-hand side of that there is a black line that runs

there.

**ADV SELLO SC**: Okay.

**COMMISSIONER SPIES**: So the frame around the document itself, they have created a frame around it. That frame, if you look at where 24.3 is, and then this black block 58 and the square around it, that touches on the left-hand side the frame of the document. But to the right-hand side of that 58 there is a faint black line running to about the middle of the page.

10 **ADV SELLO SC**: Yes.

**COMMISSIONER SPIES**: That is a scratch mark or a faint ink mark that stems from the printer that caused it. If you then look at the next page, which is 24.4, that line will not be there.

**ADV SELLO SC**: Okay.

**COMMISSIONER SPIES**: Touching that black block. So that is a newly inserted page, a clean page that was in there. And the same then with 24.5 and 24.6, 24.7, 24.8, and 24.9. So there is no more lines on that right-hand side.

20 So that is why it feels like it is only when you get back to the signature page again that there is a difference in the page itself. At the bottom right-hand corner, there is like dirty dots.

So page 24.14, at the bottom right-hand side, just to the right of that frame around the document, there is dirty

dots at the bottom. It is about two centimetres below the last signature on the page. It is very faint ...[intervenes].

**ADV SELLO SC:** What kind of dots do you call them?

**COMMISSIONER SPIES:** It is smudge marks from a printer that the ink is rubbed off on the page.

**CHAIRPERSON:** What must we make of that, Commissioner? All the things that you have noted here.

**COMMISSIONER SPIES:** Commissioner, on the original, it is much clearer. So when I looked at it and I started to  
10 open it and I paged through it, it is the very first thing I saw when I paged through it to say, but here is a document consisting of 14 pages. But the middle portion of it has got brand-spanking new pages in, where the first page was printed on a printer that has got a cartridge that is old and makes smudge marks on it.

And then the last few pages from page 10 onwards have also smudge marks on them. So it is as if what I immediately thought what happened is that someone changed the middle of the document and printed it on a new  
20 printer and inserted it. Because when you go to my second observation that I made, is that the fonts and the pitch size of the fonts and the spacing between paragraphs have changed, where initially it was like, it is as if it is a 12 pitch, a normal font that you can read. But as soon as you get to page 3 or page 4 of the document ...[intervenes].

**ADV SELLO SC:** By page 3 and page 4, you mean paginated 24.3 and 24.4?

**COMMISSIONER SPIES:** So up to 24.3, which is page 3 of 14, it is as if the spacing and the typing is normal. But then if you go to page 24.4, which is 4 of 14, suddenly there the wording when it gets to intentions and mission, it is as if when it is bullets there is no more spacing between it. It is as if it has been shifted and the space has been removed. To my mind, it was to add something into it so that you do  
10 not jump too much in the document. So there was stuff added into the document.

**CHAIRPERSON:** Could that not have been a function of sloppiness with the typing?

**COMMISSIONER SPIES:** It could be, Commissioner, but I am looking at it with about five or six different points. So the first one is these smudge marks. Then I am looking at the fonts that is being changed. The next one ...[intervenes].

**CHAIRPERSON:** Without sounding facetious, can I take  
20 you to page 35 of your statement, the very last page, the very last page of your statement? Look at the font above the heading conclusion and look at the font below that same heading conclusion. Do you see that? I do not know whether it is the font size or probably it is. What can you attribute that to? See, I am drawing your attention to your

own statement and your statement also seems to have some of the issues you raise about this document.

**COMMISSIONER SPIES**: Correct, but there the spacing stays the same, but the font does change there. So it could be sloppiness on my side, which I will accept on that. But in total, when you look at everything that I am mentioning about this operational plan, this is not the only thing that I based it on what I am saying, why I feel something was changed. The final ...[intervenes].

10 **ADV SELLO SC**: Before you do the final, can I add paragraph 25.3? You make the point that on the second to last page, the auto-numbering of items was inconsistent. In parenthesis, item 17 was followed by 18, which was then repeated on the next page.

**COMMISSIONER SPIES**: Yes.

**ADV SELLO SC**: And your item 17, please refer to page 24.13. Is that the item 17 with the heading debriefing that you reference?

**COMMISSIONER SPIES**: Correct, Commissioner. So if  
20 you ...[intervenes].

**ADV SELLO SC**: Okay. Can you deal with that aspect?

**COMMISSIONER SPIES**: If you go to page 24.13, which is page 13 or 14, and this added to the fact that I am saying something has been removed and the spacing has been removed because point 17 debriefing, and then a bullet that

says:

“The debriefing will take place immediately after the operation by the operational commanders.”

On the next page, page 14.14, the very top of that heading ends with operational commander full stop. And if you then go back to the previous page, it says 18, administration and logistics, and a bullet proper record of all accidents to be safely kept. And you go back to the signature page, point  
10 18 is again the same.

So it is as if someone, and that is what I am analysing it as, is if someone has made it smaller to scrunch it, not understanding, and then they took the last page of a previous operation plan, they photostat it, and fitted this photostat plan to it. Because the reason I say photostat as well, is that when you sign a document with a pen, and especially Commissioner Mapiyeye, he signs very strange to me. He takes a pen with a very sharp point, and he pushes it about through the paper, and he signs very  
20 slow in that. So if you feel at the back of a page, the imprint of his signature is always there.

And he also, when he signs documents, he normally signs and writes the date. Whereas on this document, if you look at the signatures and the pen colour and the author, the four signatures is different pens. However the

dates is same pen, same handwriting.

If you look then at Chief Mapiyeye's signature, there is a predetermined line where you can write the date in. And on all three of the others, the line is a specific length, but then when you get to Brigadier Mkhwanazi's and then the Chief, it is as if that line has become shorter. And that is what I then perceived as, this was a page of a previous plan, it was already in there, but then something was altered to make it short, to pull everything to the front,  
10 and then this was just photostatted [sic], and the date was by a single individual with the same handwriting, that person used the same pen and he wrote all four dates in.

That is what the – why the reason is that I say this plan to me is altered, and it is not the genuine original plan as it was presented. And when you then look in the plan itself, page 3 or 4, let us just go to the correct page ...[intervenes].

**ADV SELLO SC**: I think you are looking for page, paginated 24.4.

20 **COMMISSIONER SPIES**: On page 24.4, in the middle where it states mission, two-point mission:

“To prevent and combat crime that may threaten the safety and security of any community.”

The CLU and the DEU, CLU is the Community Liaison Unit,

and the DEU is the Drug Enforcement Unit:

“To gather information with regard to any crimes threatening the safety and security of any community, ensure that offenders are brought to justice, and participate in efforts to address the causes of crime, VIP and CAT VIP Protection to ensure safety of the principles.”

10 I will never allow a private security company to come and protect my principle. And based on that as well, it is the officers that was protecting the Mayor at that stage. Even they, much later, the one officer has actually emigrated to Australia, that officer sent WhatsApp this year to us, when he stated that when he arrived on the scene to pick up the Mayor, there was two vehicles at that scene waiting already.

And when he asked them who they are, they said they are Special Task Force. So you make an assumption  
20 that it is from South African Police Service. However, while they were driving, he did the enquiry and he verified them, and the one vehicle came out in CAT VIP, and the other vehicle in a private individual. And he complained about that, apparently that is what he says, but he is now in Australia, so I cannot – I am just saying with the WhatsApp

that I received from him.

So the CAT VIP portion in there, it is just not happening. If you look at the next sentence, EMPD security and Khayalami Security Services, that is one of the contracted security for guarding. So EMPD security, we have got a security in Ekurhuleni Metro Police, there is a security division, security and loss control, and Khayalami Security Services is one of the 10 companies that was contracted to protect council premises. That makes sense.

10           However, in the line just above it where it says VIP and CAT VIP Protection to ensure the safety of principles, it is as if that was now added in there. And then ...[intervenes].

**ADV SELLO SC:** Before you move off that point, my reading is technically, according to this document, the safety of principles was left to VIP and CAT VIP Protection, and EMPD was reduced to protecting the property and access control. Am I understanding it correctly?

**COMMISSIONER SPIES:** Correct.

20           **CHAIRPERSON:** Let us leave it at that. Please hold your thought, Ms Sello.

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

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Sello?

**ADV SELLO SC:** Thank you, Chair. First things first, I understand the glitch in your file has been addressed and I really hope ...[intervenes].

**CHAIRPERSON:** At least, all I will say is that I saw people handling it.

**ADV SELLO SC:** Yes, Chair. I hope there are no further glitches.

**CHAIRPERSON:** Thank you.

10 **EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank you. When we broke for tea, Commissioner Spies were dealing with the document, operational plan at page 24.4 in particular, and we had dealt with what the plan claims, what services the plan claims CAT VIP Protection would be providing, which is ensuring the safety of principals. And on the other hand, the EMPD, together with Khayalami Security Services, confined to the protection of property and access control. Do you recall that?

**COMMISSIONER SPIES:** Correct, Commissioners.

20 **ADV SELLO SC:** May I then turn your attention to page 24.14 of the same document? And I am interested in item 19 under the heading financial implication. Do you see that?

**COMMISSIONER SPIES:** Correct, Commissioners.

**ADV SELLO SC:** And I note there that this exercise, or

should I say the plan for the day, is costed at some region of 301 000. It strikes me that that total appears to be a part of it, different from the rest of the other amounts. Is there something to be made of that, or am I making too much of nothing?

**COMMISSIONER SPIES**: Commissioner, it might be just again a glitch, but that includes, and it is a standard practice that we ...[intervenes].

**ADV SELLO SC**: Sorry, Commissioner, my question is, I  
10 do not know if the same on your copy. The colour does not appear to be the same at the total line, the 301 000, and the sum does not appear to be in alignment, unless it is my copy only.

**COMMISSIONER SPIES**: Commissioner, it is the same on mine, but I just wanted to explain the table and the financial implications of ...[intervenes].

**ADV SELLO SC**: I will get to that.

**COMMISSIONER SPIES**: It is definitely different where it is as if it was skewed on the page and it was photocopied,  
20 and it happened during the photocopy.

**ADV SELLO SC**: Okay.

**COMMISSIONER SPIES**: The only way that I could confirm now that it is still like that on the original is if we actually split the original plan, which is very difficult to source because it was forcefully taken away from us.

**ADV SELLO SC:** Taken away from you by who?

**COMMISSIONER SPIES:** The City Manager instructed Commissioner Mapiyeye that the complete internal affairs dossier must be handed over to the head of legal, Kemi Behari. So he had a meeting with her, she gave him this instruction, and he then gave a written instruction to, or not a written, he informed Colonel Erasmus that the complete dossier with all the evidence must be handed over to Kemi Behari. And Colonel Erasmus then had an accompanying  
10 cover letter from the Chief of Police to Kemi Behari to say, as per our discussion yesterday, herewith is the dossier.

**ADV SELLO SC:** Okay. So are you suggesting that the original document, this we will find in the dossier, that was subsequently handed over to Adv Kemi Behari?

**COMMISSIONER SPIES:** Correct.

**ADV SELLO SC:** Okay, we will pursue that. You wanted to talk about the actual costing then. You may do so.

**COMMISSIONER SPIES:** Correct, Commissioners. For every operation that we do, we obviously have to provide  
20 the financial implication that operations will cost us for reporting purposes and also for budgetary purposes. So the table that is listed there lists then, for instance, the going rate at that stage of the staff that will be deployed and the vehicles that will be deployed as per published tariffs and everything.

However, none of that will include, or is including, the falseness of CAT VIP that support us. So if there was support from them, vehicles or water or anything provided from them as resources, we would also list to say that these are the resources that is being used for them. It becomes massively critical, as you would obviously know from previous operations that went skew and there is commissions of inquiry into those operations, is that every single thing at that operation must be listed. What is going  
10 to be used, what is used, if there was ammunition used, if there was firearms used, everything has to be listed in the operational plan.

**ADV KHUMALO SC:** Unless it was a donation, it would have no cost implications to the Metro if it was a donation.

**COMMISSIONER SPIES:** If there was a donation, Commissioner, then the subsequent MOU or in terms of what the donation is, there must be a formal declaration of this was received and this was accepted as a donation. Donations, you cannot just take donations. You have to  
20 formally accept donations and manage formally donations. We live in a government environment which is highly regulated.

**ADV SELLO SC:** So are you suggesting and should I understand you to mean that somewhere in this plan there should have been a portion as regarding the costing of the

CAT VIP services? And if it is a donation, then it would indicate that there are no cost implications for the EMPD or that the cost is recoverable from the EMPD. Am I understanding you correctly?

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV SELLO SC**: Thank you.

**CHAIRPERSON**: I am looking at, or rather against vehicles and below that, armoured vehicle. I see that above those, the number of hours are indicated. But against these two  
10 items, vehicles and armoured vehicle, no hours are indicated. I know it is not your document. Were hours not supposed to be indicated there as well?

**COMMISSIONER SPIES**: Correct, Commissioner. It is correct that next to the armoured vehicle and the water carrier, there is no rate per hour and number of vehicles. The reason for that is that the water carrier and the armoured vehicle, all our specialised vehicles does not have tariffs published for them to be used because they are deployed at specific scenes and it is never used as a  
20 vehicle doing normal performance. They are specialised vehicles and they use the situation. So they are not published.

But normal vehicles have tariffs related to them. It comes closer to when the public, for instance, wants to make use of our services, for instance, an escort for a

funeral or a sports event where we will provide traffic control. The sports organiser has to pay for the services and that cost is then for the vehicle that is going to be deployed and the officers that will be there per hour. However, the Specialised Services, the armoured troop carriers or the water cannon, that is not costed because we do not rent that out for services to the public that we provide to them.

**CHAIRPERSON:** Can you explain then how the three  
10 figures in respect of those three vehicles are arrived at? The R36 850, the R1 100, the R550, if you do not have, for example, an hourly rate, how do you get to those figures on the extreme right?

**COMMISSIONER SPIES:** The 550 is the rate per normal hour. So they most probably, they are sloppy or does not know how to type it, but it is 67 vehicles with times 550 and I really hope that we come to R36 850. My math is not that quick.

**CHAIRPERSON:** All right. Thank you. Thank you. Thank  
20 you, Commissioner.

**ADV SELLO SC:** Thank you, Chair. That then should bring us to the conclusion of your comments on this document. Is there anything perhaps that we may have overlooked you want to draw the Commissioners' attention to?

**ADV BALOYI SC:** Maybe before you do that,

Commissioner Spies, let me just clarify two questions. The one at 24, in fact, it starts at page 24.3 and it is under the heading activities, somewhere in the middle of the page. You see that?

**COMMISSIONER SPIES**: 24.3, 1.1 activities?

**ADV BALOYI SC**: Yes.

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV BALOYI SC**: And then it is repeated, 1.1, the first 1.1 is orientation in capital letters and there is another 1.1  
10 which is activities, and the 1.1.1 before. The second entry, it says order of proceedings, that is the heading. And then the two entries there, the one is on-duty parade and briefing the operational commanders and then the second one is deployment at ORT GP in the initial point, as well as all identified key points. This second part is repeated where it says deployment at ORT GP in some form. If you go to 24.10, and then you have got 10.2 and then you have got 11, which is coordination in the middle of the page. You see that?

20 **COMMISSIONER SPIES**: Correct, Commissioner.

**ADV BALOYI SC**: And then it says parade of members at ORT GP at six hours in the morning and then a clear line of command and control should be established, all commanders. The security companies, CAT VIP and the Kayalami that you say is one of the appointed security

companies, am I correct that they would have been at these briefings in the morning if they are part of the operation? They should have been there?

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV BALOYI SC**: Okay. And there would be a record somewhere of who was present in the morning at the parade. So if CAT VIP were there, the record of this deployment in the morning would reflect the participants in that?

10 **COMMISSIONER SPIES**: Correct, Commissioner. There should have been a parade and at the parade people would sign on and there would be occurrence book entries and everyone that signed on would then be mentioned in the occurrence books.

**ADV BALOYI SC**: So somewhere there must be a record of this?

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV BALOYI SC**: All right. Now, preceding this plan, if we take it at face value, it is the plan that was approved.

20 Before this plan is finalised and approved, what would have been the process and who would have participated in the discussions? I am assuming there are meetings with stakeholders or role players, different role players are present and which culminates in this plan. If I am correct in that, who would have participated? And maybe just explain

how it works in fact.

**COMMISSIONER SPIES**: Commissioner, because it is a State of the City Address, the responsibility would fall in the division operations and Specialised Services and specifically in the Directorate or the Specialised Services section. They would be overall because it is dealing with the security at the ORT and the name is for the Germiston Administrative Head Office of the City of Ekurhuleni's OR Tambo Administrative Precinct. So that is where the ORT  
10 GP comes from. It is the Germiston head office where the City's head office is.

Before that, there needs to be a formal plan. It needs to go through the SASREA process, the Sports and Recreation Act that prescribes for any event that is being held. So it would go through a SASREA process where the unit responsible for it will design the plan, call a meeting with SASREA and then present the operational plan to them, which will then be approved by them that it complies with the SASREA Act.

20 And then it will go from that unit. Now, in this case, from the signature basis, it was drafted or signed first as recommended as then Lt-Col Ximba [?]. She would have signed off first and then it would go to the Director, which is Brigadier Mkhwanazi. It would then go to his Divisional Head, which is Deputy Chief Goodman Mzolo, and then

ultimately the Chief would sign off.

The moment the Chief has signed off that it is an approved plan, it went through all the structures. It will then go back to the unit to be kept at the JOC, which is the Joint Operations Centre at the venue itself where the event is. It will be kept at the JOC as approval so they can, from this plan, record and make everything in the OBs as it happens.

And then after the JOC and the event is finished,  
10 there will be a debriefing session where these documents and the OBs will then be archived and stored at the unit itself. So it will be at the Specialised Services region where the documents will be stored.

**ADV BALOYI SC:** Yes, I think more particularly what I am asking is, CAT VIP and the other security company, would they have had to be part of the discussion which sets out what their role is going to be? I mean, I cannot imagine that the City would simply go ahead and assign functions and roles to them without them having been part of a  
20 discussion that determines and agrees on their role.

**COMMISSIONER SPIES:** I do not know about the CAT VIP side of it, but the Khayalami Security is the security that is deployed at the ORT Administrative Precinct, the council chambers and everything. So they are the private security company doing the guarding there. They would do their

normal day-to-day screening and access control portions. So they are included in the operational plan because they are already there and they are guarding the front door and the entrances and the exits. So there is no need to add anything extra to them.

The only time that we will actually give extra information to them is if there is a genuine threat detected that we will say, but, you know, here is a threat, close the doors, nothing else comes in, then they will be given direct  
10 instructions. But they will not really form part of being included in a pre-planning, except to say, this is the start times, this is the end times, this is the event that is going to take place.

**ADV BALOYI SC:** Yes, all right. And then lastly, in that page 24.14, you were looking at the financial implications. There does not seem, and please correct me if I am wrong, there does not seem to be any financial implication that is attributed to CAT VIP.

**COMMISSIONER SPIES:** No, Commissioner, there is  
20 nothing there. That is purely our own. It is as if no one else was with us that day. That is our cost as the City of Ekurhuleni.

**ADV BALOYI SC:** And if CAT VIP were present on that day, then it would mean, because they are not reflected here, it would mean it was a donation.

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV BALOYI SC**: And you are saying the City Manager would have had to have approved it.

**COMMISSIONER SPIES**: Correct, Commissioner.

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

**ADV SELLO SC**: Thank you, Commissioner. Commissioner Spies, this then takes us to your paragraph 26. You have indicated that that is what you did. Where you reflect that you contacted Lt-Col Erasmus and you  
10 provided him with the operational plan and instructed him to place it in an envelope to preserve any potential forensic detail.

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV SELLO SC**: That then will bring us to your next main chapter, which you had referral to the Independent Police Investigative Directorate, IPID. You deal with these matters from your paragraph 27. May I request you to take the Commissioners from paragraph 27 to paragraph 33 in the best manner you deem appropriate, whether it is to  
20 summarise or read what is stated there, or both summary and direct reading from the statement.

**COMMISSIONER SPIES**: Obviously, this matter has now been investigated by Colonel Erasmus and a lot of the evidence and everything was concluded. The Chief of Police, Commissioner Mapiyeye, has already submitted a

letter. He was already back at work then because I was only the Acting Chief until the 5<sup>th</sup> of February. And he submitted a request and a dossier portion that we had at that stage to Xolani Nciza, who was the Division Head Employee Relations, so that the request to Brigadier Mkhwanazi must be suspended because he could still interfere with all the evidence that is at work.

And then in the beginning of March, Chief Mapiyeye instructed me where he had a meeting with IPID, the  
10 Executive Director of IPID, Ms Jennifer Ntlatseng. And there was a meeting set up between IPID and us at the Roodepoort Police Station boardroom in Florida on the 6<sup>th</sup> of March, which we then attended that meeting. Obviously, from my side, it was instruction from my Chief of Police, but we travelled together, Colonel Erasmus and myself, with my private vehicle so that we do not leave a footprint because we are going to meet IPID.

And we then met IPID, and people present at that meeting were, as I stated already, the Executive Director,  
20 Commissioner Mapiyeye, Colonel Erasmus, and I. But from IPID themselves, there were a senior investigator, a lady with the name of Nomsa Masuku, and then also an investigator with the name of Thulani Magagula.

And we then, in this meeting, from our side, we discussed the matter with them because in terms of the IPID

Act at that stage there is a section where all crime must be reported, where policemen are involved, crime must be reported to IPID. But the Act was, at that stage, still reading that the South African Police Services must report crimes to them. It excluded, in the Act itself, it excluded Municipal Police Services.

But because of this anomaly, all the Municipal Police Services in the country have signed an MOU with IPID, including SAPS, to say that we abide by the same Act  
10 until the Act is amended, which actually happened this year. The Act started to be amended to include Municipal Police Services now as well in that matter. It was just an oversight in legislation for that period, but there was an MOU that we will comply in the same manner to the same Act as the South African Police Service.

So we then, obviously, tried to report it to IPID to say here it is a serious matter that we cannot investigate from ourselves because we do not have the investigative powers. And the more we scratch on this, the more things  
20 come out, and that was the concept behind that we meet with them. And then while we sit there and we explain all of this to them ...[intervenenes].

**ADV SELLO SC:** Apologies, Commissioner. Before you do so, importantly, can you please deal with paragraphs 29 and 30 specifically? Because the two paragraphs frame the

conversation EMPD was about to have with IPID.

**COMMISSIONER SPIES**: So paragraph 29 is, we detailed our concerns regarding the false registration of vehicles in the Metro Police's name, and the use of these vehicles by civilians with blue lights, and then allegations of civilians impersonating Municipal Police officers. So that is why we requested them, because from our evidence so far, that is what we can deduct is busy happening.

10 And we obviously then have to report it to the police, but because this is a policeman involved, we reported it to IPID to investigate everything that we do wrong. And we also explained to them, and it is still valid to date, is that we, as a Municipal Police Service, do not have criminal investigative powers at all. So we can investigate a misconduct, we can do inquiry into misconduct, but we cannot do criminal investigations. And this is criminal, and therefore we have to report it to SAPS and hand it over to them.

20 The inspector, after we presented our case of what we have, inspector, or I say now inspector, but I do not know his real title, Mr Magagula, who is the investigator for IPID. He started to tell us, but they are already investigating the same group of officers. And we are like, what group of officers? And he mentioned their names then and all the crimes that is there.

Now, at this meeting, I took notes of that. And my notes, as I keep the notes, my notes is in my statement as well, and we will get most of it now to my notes. But as I took the notes, it is what they are saying to me. So it is not that I have the real facts at that moment, I just took notes of it. And it just became worse and worse, because they were mentioning cable theft, they were mentioning murder, that these officers.

And we are like, what officers? We are speaking  
10 here about one officer who is committing a crime, and now suddenly you make it as if it is a whole group of officers that is busy there. And it is a really bad situation what they explained, is that there is a group of officers within the Specialised Services section that works directly under Deon Singh, who is now been promoted to a Brigadier last year by Mkhwanazi.

And Mkhwanazi running the scene, there is officers that is in that team, that they operate on a modus operandi where there would be truck hijackings. And then this group  
20 will always found the horse, the front of the truck, they will find the horse back and will be a very good success, But the freight or the load and the trailer will always be missing.

And he then went through that list to say, but there is a modus operandi where a group of police officers will then take the load and offer it back to the owner via burner

phones and they will actually offer this back and then get paid, and then the owner will receive a pin and he will get his load and things back. So they were explaining all of these crimes to us.

And then at the end of this meeting, when all the crimes have been explained to us, we were instructed by the executive director, Jennifer Ntlatseng, to say that the very next day we must hand over all our evidence that we have in our internal dossier about any of these matters, if  
10 we touch on them. We must hand it over to them the next morning so that they can properly investigate and carry forward with this.

**ADV SELLO SC:** Commissioner Spies, if I may? You deal with the list of cases that IPID brought to your, your being EMPD, attention at that meeting of the 6<sup>th</sup> of March. You deal with, you have got a table there starting on page 11 after paragraph 33. I am going to invite you to deal with each case individually. But before you do so, at paragraph – you must indicate whether any member of EMPD has been  
20 formally charged and appeared in court in respect of that crime, indicate the extent of their implication in that crime. And if they have appeared in court and been formally charged, you may mention their names. If they have not, kindly do not mention their names, and if you do not know what the actual status is, you shall equally so indicate. Is

that okay?

**COMMISSIONER SPIES**: Okay.

**ADV SELLO SC**: So then if we start at the table appearing at page 11, starting with, under the heading case, what your table – perhaps to describe the table. You have numbered them, all of them, from one till seven in that table. And then your second column is headed case, and this is where you identify the case. The third column is the details regarding the CAS number under which that case is  
10 registered.

Then you provide the place. I take it the place is where the crime supposedly occurred. And then lastly, you give a description in the last column. So I would like you to follow the similar format where you identify the case with its CAS number, where it happened, and then you highlight what is set out under the description heading.

**COMMISSIONER SPIES**: I will do so, Commissioners. It is just that my list, as I list them here, it is not anymore in the order as they were presented by Magagula. It is a list that  
20 is made, and it is a living list in the sense that right up to now, every time I get anything new from any informant or anyone, I just add to that list to say, but this is new. One of the cases, I only got an update, for instance, this past Friday, but I will deal with that when I got the information.

**ADV SELLO SC**: Thank you.

**COMMISSIONER SPIES**: The very first case that they mentioned was an incident that took place in Putfontein. It is a truck with theft under false pretences. The CAS number, it is a criminal archive system of SAPS that they are using. The CAS number is 86/2/2023, and it is a Putfontein SAPS case, and IPID is obviously investigating it, this Inspector Magagula. It happened on a plot in Marigold Street in Putfontein.

10 These officers arrived at the scene 11 o'clock in the evening, and they contacted their supervisor, who arranged the driver for them, who only arrived the next morning. So during the whole night, they kept the truck and the owner very similar to, close to kidnapping, but they kept him in detention, which they are not allowed to do, but they were stationary with the truck and not allow anything to happen with the truck.

20 The next morning, they actually, when the driver arrived that they have arranged, they took the truck and they drove off the plot with the pretence that the truck is not licenced and it does not have paperwork or anything, and they are going to impound the truck. And they follow a route, and in my head, obviously I know the area very well, but it is – if you are in Putfontein area in Benoni, there is from the plot, you go past the police station in Putfontein, and then if you carry on with that, you eventually get to the

N12.

Just off the N12 is the police vehicle impoundment, so you can either impound at Putfontein, or you can impound at the vehicle theft unit pound, but they kept on driving past onto the N12 all the way towards Gillooly's. The owner of this truck, and this is what Mr Magagula informs us, the owner of this truck is following them with a dash cam all the way to Gillooly's.

At Gillooly's, the officers switch on their blue lights  
10 and sirens, and they push in peak hour traffic through Gillooly's, and the truck owner got stuck behind them, he could not go and follow them through Gillooly's, and obviously he lost them. Then, so that happened 11 o'clock the previous night to 8 o'clock the next morning, and then the truck is now gone.

The very next day at 4 o'clock in the morning, the horse of this truck is handed in at Boksburg EMPD pound, found by this specific officer, recovered as a stolen recovered vehicle. The truck is driven into the pound,  
20 meaning that it is operational, the engine, everything is working, but there is no load. So, no trailers whatsoever, the truck alone, the horse is driven in, and it is parked and booked into the pound legally as found back.

However, the owner is then contacted to say your truck has been found back, come look at it. And when you

get there the owner indicates that but this truck cannot drive as it is now because the gearbox controller has been removed. So the owner then alleged that the reason for that is that this is a brand new type of truck, that you can reconstruct the movements from the gearbox controller if you are the owner or the manufacturer of the vehicle.

But now the truck cannot move and drive at all, the controller of the truck was moved. But that is where that matter stopped. We provided the proof to IPID the very  
10 next day of, here is the occurrence book, here is the pound register where the vehicle was booked in, you can see which officer signed in, you can see which officer actually found the vehicle back, which correlates directly back to the officer that was on the scene that reported the initial scene. That case is to date not concluded that we know of at all.

**ADV SELLO SC:** Can I just enquire from you? You do indicate in your statement that certain members of EMPD are implicated in that crime. Do you know, one, whether any have been arrested, firstly? And secondly, if they have,  
20 whether they have appeared in court?

**COMMISSIONER SPIES:** No, Commissioner. From this specific case, I do not know if any of them have been arrested or anything has been concluded on that matter at all. This already took place in February 2023. It was right then when we had the meeting. It was mentioned to us

immediately as this is a new valid case that is running at the moment.

**ADV SELLO SC**: Thank you. Your next matter ...[intervenes].

**COMMISSIONER SPIES**: The next matter, this occurred – it was not presented at that meeting to us immediately, but it was because we then the next day had a meeting with Mr Magagula where we hand over information on that. This came in that same month still, this complaint, and it came  
10 from him as well to inform us that there is an incident which took place in the Hillbrow, Kensington, Johannesburg area.

But this has followed up at that moment in time, it was just informed from Mr Magagula that this incident took place. We call it just the pressure stones. But at the later stage, we received a notification from a lawyer firm that they intend to sue the City in a civil claim for the loss of this. And everything that Mr Magagula told us is contained in this claim against the City for the loss of this. I think it was R45-million that was stolen.

20 The complaint and from the claim itself, that claim was received. The Sheriff of the Court tried to serve it on me and I then indicated to my office in Kempton Park, and I then indicated to the Sheriff, but I am not the correct person to serve documents on. You must serve it on either the Chief of Police or you must serve it on the City's head office

in Germiston. And I redirected him then to where the Chief of Police offices and he went and served it on the Chief of Police Office. That I know has happened.

And this is one of the matters where the Chief of Police took this claim and he went to the City Manager, and this has been reported to the Chief to me. When he took it to the City Manager to say to her, here is a civil claim where the same group of officers are involved again. The City Manager made it off as if the Chief of Police is directly  
10 going after Brigadier Mkhwanazi and she lambasted him. That is what he informed me. She lambasted him and we should step out of this matter and not get involved into it at all.

But from the claim itself, what I can deduce from that is that in the claim is that it was precious stones. And at that stage in my life, I only know that diamonds are precious stones, but this is Sugilite, which looks like dirty rocks to me, but it is apparently a very expensive precious stone as well. And the owner of these rocks or precious  
20 stones was, what I understand, was in the process of exporting it out of the country and he already had approval for that and then our officers arrived on scene in uniform.

What they did is they went before that to the South African Police Service, the police station in the area. They signed on in the SAPS OB and then from there, they took

SAPS forms, a yellow form of how evidence get disposed of that have been impounded. They took that, go to this person and then took the stones away from him as if it is being – he is in possession of precious stones that by law he may not be and they are going to impound this. So they took this away from him.

And then they gave him this form to say, but, you know, here is your receipt and proof that we took it away. And he, when he went to complain to the police, the police  
10 does not know about this at all. And then eventually, the matter was escalated and reported to IPID. And when IPID saw his CCTV photos and video, they immediately can see it is the same officers that is from EMPD and they linked them in that manner.

And that case has criminally also not been resolved that I know of at all and the civil claim side is that I just know that it has been handed over to the City Manager and then it went to Behari. Thereafter, I do not know what happened with it at all.

20 **ADV SELLO SC:** Now, do you know if any arrests of EMPD members were made in respect of ...[intervenes].

**COMMISSIONER SPIES:** No arrests for this matter that I know of has been made. They were at the scene itself in the photos. There were civilians or a civilian that later on that civilian gets mentioned more and more because he is a

civilian that he works and operates as if he is a Metro Police officer with them the whole time. But there was no arrest that I know of for this matter.

**ADV SELLO SC:** Okay.

**ADV KHUMALO SC:** Commissioner, you said IPID deals with criminal issues, but EMPD and by extension the municipality deals with HR issues. Were these officers ever suspended or subjected to any HR-related disciplinary process?

10 **COMMISSIONER SPIES:** Not for this matter so far. There is one matter, the very next one, but for these matters nothing has been done yet to them.

**ADV SELLO SC:** And lastly, do you know whether or not these semi-precious stones were ever recovered? Or you do not know any progress on that?

**COMMISSIONER SPIES:** From my knowledge to date, it has never been recovered.

**ADV SELLO SC:** Thank you.

20 **ADV BALOYI SC:** Commissioner, in that explanation block you say:

“a female officer received a call whom she referred to as the boss. The female officer took photos and then phoned the boss back again. She then said her boss arrived and parked on

the wrong side with another lead to  
Kelani.”

Is that what Mr Magagula told you?

**COMMISSIONER SPIES**: That is correct.

**ADV BALOYI SC**: Has been reported to him?

**COMMISSIONER SPIES**: That is correct, Commissioner.

**ADV BALOYI SC**: Okay. And then further on in that  
explanation, further down, you say:

“And Magagula (IPID).”

10 I do not know if you see where I am.

**COMMISSIONER SPIES**: Correct.

**ADV BALOYI SC**:

“He said he got his firearm licences  
within three weeks.”

What is this about?

**COMMISSIONER SPIES**: That civilian that he mentions  
there, which because I cannot mention his name because he  
has not been charged or anything like that, but the civilian  
who Magagula mentioned there is also owner of a private  
20 security company and Magagula then mentioned and says,  
yes, even this person has the private security company. He  
has got contacts in SAPS because he gets his firearm  
licences within three weeks. It is just something that  
Magagula said. I do not have any proof or anything to that  
matter.

**ADV BALOYI SC:** And the City and here specifically the EMPD, you and the Chief did not consider to lay a complaint, a criminal complaint against the civilian, the civilian that is named here for impersonating an EMPD officer?

**COMMISSIONER SPIES:** Commissioner, at that stage, we did not have any evidence except that Mr Magagula said to us. And when we requested the reverse, we will provide all our information. IPID did not want to provide us with any  
10 information from their side at all, even though we requested them for information like this. And to our knowledge, the way it was conveyed to us is that IPID is already investigating this group, including the civilians, because it comes more and more out.

There is stages where there is a group of about five to six civilians, of which one is my informant that was actually killed. It is a Mr Jaco Hanekom. He was in possession of a letter exactly the same as Mr CJ Smith in the beginning, a letter where he is appointed, or not  
20 appointed, where he is – to whom it may concern, this person collaborate with us and work with us. Mr Hanekom had exactly the same letter. This person had exactly the same letter. So there was a group of people that were working with our officers in this whole scheme. It was a criminal enterprise running, and Mr Magagula just

mentioned it to him.

When we asked him for, can we please have more information on this so that we can take disciplinary steps against our officers, he was saying that they are imminent for arrest. We must wait on our side. We cannot, because we will damage the criminal cases that they are busy investigating against them. So we then had to hold back.

That even includes Brigadier Mkhwanazi's case, which way he was suspended. He was supposed to be  
10 disciplined. He was in the process already. The presiding and presenting officer was already appointed. When we then said, but the next moment is that Mr Magagula and them say but here is a serious murder case where he is implicated as accessory after the fact and he helped clean up the scene in that matter as well.

So we were holding back under the impression that IPID, it is a murder that already took place on 15 April '22. We were under the impression this was going to take place any moment now because they would already have a lot of  
20 information if they can tell me that there is a murder case. And that is why IPID did not want to give us really any physical information or anything back to us. They were investigating the docket, which we then had to obviously respect because they are the investigating officers in this matter.

**ADV BALOYI SC:** Thank you, Commissioner. Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. That then brings us to the third matter on your table, if you could deal with that. And once again, indicating whether or not there have been arrests and appearances in court and the like, because that determines whether or not you may disclose the identities. Thank you.

**COMMISSIONER SPIES:** Commissioners, if I can just  
10 make sure, they were arrested, they did appear, they were out on bail. The case came many times, but last week, Thursday, I received notification that the matter has been provisionally withdrawn ...[intervenes].

**ADV SELLO SC:** You are running ahead of us, Commissioner.

**COMMISSIONER SPIES:** I just want to make sure before I mention their names so I do not get into trouble.

**ADV SELLO SC:** Okay. I think to the Chair, what you want to mention is they were arrested, specific members of the  
20 EMPD. They did appear in court, formally charged, and they were released on bail. And your question to the Chair is, in those circumstances, are you entitled to identify them?

**COMMISSIONER SPIES:** Correct.

**ADV SELLO SC:** The answer is yes.

**COMMISSIONER SPIES**: Okay. So it is an incident that happened in Benoni, and the business name is Smoke King Supermarket, where they were formally charged or criminally charged with the theft, kidnapping, extortion, defeating the ends of justice. The CAS number was Benoni 215/07/2022. This dossier was initially investigated by the local detective, a Sergeant Ben from Benoni. The docket was completed by her. It was already presented to the Control Prosecutor, because policemen are involved, that  
10 the Control Prosecutor makes the determination if they must be arrested or not and notify the DPP.

However, Mr Magagula went to the Control Prosecutor, and he took the docket away from the Control Prosecutor so that IPID take the whole matter over. And then in this matter, Mr Magagula contacted me on a specific Thursday afternoon and he said to me that the very next morning he wants these three officers at my office. And I said to him, but they are not working for me. I am not dealing with them. Their direct supervisor is Deon Singh.  
20 Contact Deon Singh. He will arrange that you can meet them. And I have left the matter there.

So the next morning, which is a Friday morning, I was in my office, in my boardroom. It is called Leopard Boardroom. So I was in my boardroom having my weekly meeting with my direct subordinates, discussing everything

that happened during the week. And the next moment, there was a knock on my door of the boardroom and the door was opened. And as it was opened, SAPS TRT members came in with fully armed, balaclava, rifles, everything.

So we are all police officers sitting in a room, which is a very tense situation, where people are now actually invading inside a police station, inside my boardroom. And they went and stood at the corners and then the next  
10 moment, Mr Magagula came in, carrying a docket with him and then these three officers, Kasher Lee-Stols, Adrian McKenzie, and Bafana Twala, came in in civilian clothes.

They were from the Specialised Services. They sat down at the boardroom. And then in the passage, more TRT members stood in the passage, protecting the boardroom. I then asked Mr Magagula, what is this? What are you doing in my boardroom with these three members? And he then informed me that they actually contacted Deon Singh. They discussed it with him. He referred them back  
20 to me again, and that is why they came to my office, because they went to Mr Mzolo's office, which is the Deputy Chief Operations. There is no one there. So they came to me to use my boardroom.

And I then asked him if all my staff can be excused, so that we do not intermingle stuff. So all my staff, except

myself and Colonel Erasmus from Internal Affairs stayed behind because he was reporting to me at that stage. And then Mr Magagula proceeded to inform them of this case and he arrested them in front of us, arrested them, took their cell phones away from them, took their appointment cards away from them.

We had to wait for a few minutes so that I can arrange the armourer, which is the responsible person in terms of the Firearms Control Act, to actually come to my  
10 office to collect their firearms so that we can hand it to the armourer. And they even were followed by the TRT members to their vehicle to go fetch rifles which they have left in the car, to fetch the rifles as well to be handed over to the armourer. And that lasted for about an hour, hour and a half. Then they left, and obviously they are now being arrested by IPID, and they would appear in court, or they would be detained.

On the Monday morning, I was sent a video clip from Benoni Court just to show that the officers appear in  
20 court, but they were denied bail because of court processes, and it was postponed to the next week for a bail application. And then at the next week, the week Friday thereafter, very early in the morning, they then got bail and they were released on bail.

**ADV SELLO SC**: Commissioner Spies, one thing we

overlooked in respect of this matter is you did not tell the Commissioners what the matter is about.

**COMMISSIONER SPIES**: It is – I thought I mentioned the headings, but what these officers did in effect, what was alleged by the victim, is that they entered his shop which is in Benoni diagonally across the fire station. They entered into his shop and they confiscated boxes and boxes of cigarettes, which they claimed he is illegally in possession with, and they then arrested him as well. So they took the  
10 boxes of cigarettes and him, they travelled down Pretoria Road towards the Benoni police station side, and when they got to the N12 in Benoni where Pretoria Road and N12 intersect, they let this man out of the vehicle, they took his cell phone and R200, and they told him to run away into the veld because he was an illegal – not illegal, but a foreigner. I did not know if he was legal or illegal, but he was a foreigner.

And they then let him go. The specific, Kasher Lee-Stols then, she went to Benoni police station where in  
20 the police station, in the 13, which is the evidence register, she handed in one box of cigarettes as if she – and her words were in that document where she handed in, it was picked up in the veld, and she collected it in the veld.

**ADV SELLO SC**: A box or a carton? One box of cigarettes or a carton?

**COMMISSIONER SPIES**: A carton.

**ADV SELLO SC**: All right, thank you. And you say they were then arrested. Do you know the status of that matter?

**COMMISSIONER SPIES**: So, as I stated earlier, this matter, last week Thursday, I was informed that initially it was – the person who informed me initially thought that the matter was completely withdrawn against them, but when I queried specifically with the Control Prosecutor, it is a matter of where it was numerous times postponed and the  
10 last time the Magistrate stated that he is going to withdraw the matter if it is not dealt with, and then the State Prosecutor, or the Public Prosecutor provisionally withdrew the matter because they could not find the victim and the complainant in the matter for the whole case matter. So it is as if the complainant is now either dead or gone or missing, and he cannot be found. So the matter was provisionally withdrawn by the Prosecutor in April this year.

**ADV SELLO SC**: And this is after the matter was remanded how many times? Do you recall, based on the  
20 knowledge you received from the Prosecutor?

**COMMISSIONER SPIES**: I can say numerous times. It is more than 10. There is a list of dates on the side of the charge sheet that you can see every time that it was postponed. There is a huge amount of dates that it was postponed every time.

**ADV SELLO SC**: You indicate that you acquired this information last week Thursday.

**COMMISSIONER SPIES**: Correct.

**ADV SELLO SC**: Which was in preparation for your testimony here before the Commission. Is there anything that was shared with you to substantiate what you are saying that you may want to share with the Commission? Any documentary evidence?

**COMMISSIONER SPIES**: I can share it, but obviously I  
10 have not printed it out.

**ADV SELLO SC**: Yes.

**COMMISSIONER SPIES**: It is on my WhatsApp. It is a charge sheet that is attached to it. I think it is a J15, which is the official court document. It is the J14 and then for every charge that was like the kidnapping and the theft and the extortion, there was an annexure that list – normally when it is presented to Court, it is what the Prosecutor would present when they are found guilty so that the Magistrate can just sign it.

20           It is the actual charges. And the versions I received is copies that were certified as true copies by the clerk of the court that made them. And then on the J14, which is normally the previous convictions of a person that would be read into court, on that J14 on the right-hand side, it states that provisionally withdrawn by the Public

Prosecutor and it is signed off by the clerk of the court as true copies of it. I have that.

**ADV SELLO SC:** Could you make that available to us? And, Commissioners, we will attach it to the statement. We will sort out the annexure numbering for its purpose. It is a late submission, but we will update your statements and the files accordingly. Do you have a date? Do you recall the date on which the matter was withdrawn eventually?

**COMMISSIONER SPIES:** It is April this year. I do not  
10 have the exact date, but it is listed on the charge sheet itself on the right-hand side, the last date is mentioned.

**ADV SELLO SC:** Okay. Yes, Commissioner?

**ADV BALOYI SC:** Are you moving to the next one?

**ADV SELLO SC:** I was about to.

**ADV BALOYI SC:** Okay. On this one still, in your explanation column, the very last column, you have used the word “then they kidnapped the manager”. And when you are testifying now, you said they arrested him. Is there a difference? And what is the significance of the difference?

20 **COMMISSIONER SPIES:** Commissioner, when you do a legal arrest within the realms of law and you go and you arrest by law, we cannot detain, we can arrest. So if we arrest, we must immediately hand over to SAPS as soon as possible, and SAPS will then detain. If the process is legal, then it is an arrest. If I act outside my scope of mandated

and my powers and my functions, the member of the public will think he is being arrested, but I actually kidnap him in law because I am acting illegally. Then it is not an arrest anymore.

So when we speak between us, it was because he was illegally arrested, there was no reason to arrest him. He was then taken from his store where he is under the impression he is being arrested. From the other side, it is actually, and then they get to the highway and then they let  
10 him run away because he is a foreigner. That action is actually kidnapping.

So the difference between this, when you do it correctly and legally and you hand him over to SAPS and he goes through the papers, it is a legal arrest. However, when you take a person and he is under the impression he is being arrested and you do something to him, that is kidnapping, in my knowledge.

**ADV BALOYI SC:** And then secondly, the arrest that happened in your boardroom by IPID, when was this? Do  
20 you have a recollection? When about, even if it is not exact?

**COMMISSIONER SPIES:** It is in March. Let me just see when Hanekom was – it is two weeks before Hanekom was killed. I will look at it, Commissioner, but it is somewhere in March.

**ADV BALOYI SC:** March 20?

**COMMISSIONER SPIES:** 2023.

**ADV BALOYI SC:** Okay. And after that arrest, what happened with these officers in the workplace? Did they remain at work?

**COMMISSIONER SPIES:** Their matter, because when they were arrested, we obviously now have proper proof that there is a case against them. So an internal dossier was investigated by Colonel Erasmus. It was presented to the  
10 Division Head of ER, Mr Xolani Nciza, and he then appointed a presiding and a presenting officer to start with the disciplinary matter.

It only got to the very first day of the disciplinary matter. At that morning, I was there to actually start the testimony and everything, and when I arrived there, the matter was taken away. I do not know exactly how it was taken away, but the disciplinary process inside stopped completely.

In May of that same year, the officers were on  
20 suspension for that period. And then at the end of their suspension, because normally the City will only suspend you for a three-month period in terms of a disciplinary agreement. So at the end of that three months, when the officers returned to duty, there was an email discussion and correspondence from Commissioner Mzolo, who was the

direct Divisional Head, the Deputy Chief.

He sent an email to Brigadier Mkhwanazi to state that the three officers will be deployed in my division, administratively, where they can be in the office environment so that they do not work as law enforcement officers, and I was cc'd in this correspondence. Kasher Lee-Stols was placed at my Alberton Fine Administration office, resorting under the command and control of Senior Clerk Veronica Britz. And Officer McKenzie was placed at  
10 Nigel, under Senior Clerk Juanita Marais. And Officer Twala was placed in Boksburg under the command of Senior Clerk Patty Peterson.

And the reason why they were placed at those specific places is to make sure that that is the closest to their residences, so that we do not have to provide transport or anything to them. So they were placed there. They stayed there for approximately a year. And then in 2024 November, the staff started to complain. Right from the beginning they were complaining about them because  
20 they are intransigent, they do not listen, they do not do anything. So the officers were then, a request was made back to Commissioner Mzolo to say, can they please – to Mkhwanazi then, can they please be taken back from us that they do not, because they sit in an environment where they create issues.

And then it was instructed, not to us, through us at all, because we are being sidelined. But the officer, like McKenzie, just came to Ms Marais and said to her I have been replaced and I am moved to Loads. Here is a WhatsApp, I have been moved. And then she said, but I have not received notification from Commissioner Spies. And he just says, well, here is a WhatsApp, I have been redeployed to Loads.

Ms Stols, she started – so this happened in May  
10 and June of that year. She then lodged a grievance against me, where she stated that I do not allow her to work overtime. Where at the back end we have a system in place where overtime is pre-approved at least a month before. So for this month I will pre-approve overtime for the next month. Depending on what you plan and motivate it, the overtime will be pre-approved.

And the pre-approval for the Alberton section has already been concluded the previous month. She came in the middle of a month to our section. And then she  
20 submitted a grievance to say that she does not get overtime and I am victimising her because I was present during the arrest and I am testifying against her and I am victimising her. That is why I do not want to give her overtime.

However, in the evidentiary proof, she sent a whole e-mail to Linda Gxasheka, which was the HOD HR, the City

Manager, Mkhwanazi, all of them, Mkhwanazi, where she stated that I am victimising her and she does not get overtime. We have replied to that, where there is proof of that as well, to say that she can apply the next month in the motivation and she will be placed on overtime if it can be motivated for the next month.

And then at the end of that month, July, she actually resigned out of her own free will and she left the force. After she left the force, she then lodged an unfair  
10 dismissal through Arbitration Labour Relations and that was then concluded at about October, November and it was found not in her favour, where there was no victimisation or anything like that. So the two officers that stayed behind, Twala and McKenzi, to date, no disciplinary action has been taken against them at all.

**ADV BALOYI SC:** Thank you, Commissioner.

**ADV SELLO SC:** Thank you, Commissioner Spies. That then brings us to the matter dealt with under item 4.

**COMMISSIONER SPIES:** The item 4.1 is allegations of  
20 theft of copper at a plot in the Meyerton area. This information was corroborated not only when IPID gave you this information, but I also got from an informant, which is Jaco Hanekom, and he was shot the day Stols, McKenzi and Twala, the morning they got bail, that morning, that 12 o'clock, that same day Jaco Hanekom was shot in a drive-by

shooting, which the police alleged is a hijacking that went wrong, but it looked to me and everyone it looked like a hit.

But he gave video clips of what happened and took place, and there is a person with the name of Oom Willem that is a complainant close to the R29 in Meyerton, but it is also stated that Oom Willem does not trust the police and he does not want to get involved because the local police also does not want to involve him.

And in this video clip, and we are most probably  
10 going to show the video clip, but the person who is speaking over the video clip explaining what is happening on it, is a civilian who is most probably family from Oom Willem, but it is someone speaking there. And in that, when he speaks, he mentions the person's name, but just his name, not his surname or anything like that.

But it is an incident where our officers, together with this civilian, arrived on scene with unmarked cars, and one car has got a mark on it, and they stopped at the front gate. The civilian with the red shirt tries to climb over the  
20 fence. It is a very high fence. He tries to climb over the fence, and then eventually the gate is opened for him and all the vehicles drive in. The civilian climbs into the – Kasher Lee-Stols, she is one of the officers.

It is her patrol car that has been assigned to her. The civilian climbs in her patrol car and he drives the car

into the premises, driving the police car. And then the cars are standing around there and they are accosting the owner and they are discussing with him, they stole the cop and everything from him, that is what Mr Magagula was saying. But then at this point where they are speaking about the last car that came in, they all went to the right rear passenger door of this car, and as they got there the door opened and Mkhwanazi, the Brigadier Mkhwanazi at that stage, he climbs out of the right rear side as if he is being  
10 escorted or as if he is a principal VIP protection.

He climbs out there and you can clearly see him on the video clip where he stands and talks to them and gives instructions to them. So that is a matter that is also being investigated by IPID and Magagula and them, but which is not concluded to date. There is nothing, even internally, there is nothing that has happened with that matter.

**ADV KHUMALO SC:** Can you just confirm, Commissioner, Meyerton is also outside of Ekurhuleni's jurisdiction?

**COMMISSIONER SPIES:** That is correct, Commissioner.

20 **ADV KHUMALO SC:** My understanding is that it is in Midvaal, is it?

**COMMISSIONER SPIES:** Correct, Commissioner.

**ADV KHUMALO SC:** And then your reference to R29, is it 29 or 59?

**COMMISSIONER SPIES:** What I wrote there, it is R29 is

as Mr Magagula said it to me and I wrote it down. I do not know the exact address at all, but it is definitely in Meyerton and R29 was mentioned. I know the R59 goes through them on the side, but I do not know if it is the correct address or not.

**ADV KHUMALO SC:** But my issue remains that apart from the criminal activity, if you have EMPD police officers using EMPD vehicles driving outside of the jurisdiction of EMPD, apart from criminal issues, I mean, is that not misconduct  
10 that should result in them being subjected to discipline?

**COMMISSIONER SPIES:** Correct, Commissioner.

**ADV KHUMALO SC:** And you being the Deputy Police Chief at the time, one of the deputies, why did you not raise that issue internally to say, I know IPID has its own processes, NPA has its own processes, but if we allow EMPD officers to drive outside of jurisdiction and do things there which they should not be doing, that is a serious labour issue.

**COMMISSIONER SPIES:** Commissioner, it was mentioned  
20 ...[intervenes].

**ADV BALOYI SC:** Can I just add also to what Commissioner Khumalo is raising that the involvement of a civilian in an EMPD operation where they are even outside jurisdiction, sounds to me, would also be a disciplinary issue. And so when you answer Commissioner Khumalo,

deal with this as well.

**COMMISSIONER SPIES**: Commissioner, when we received this information on the 6<sup>th</sup> of March and we were discussing it, we also had, when we came back, we had a discussion where we had a meeting internally with Xolani Nciza from HR to say that these are all the cases which is being mentioned. But for these matters, it was mentioned to us by Magagula, but we do not have evidence of that. We have video clips which does not really relate to it.

10           So we do not have proper matters that we can put into a disciplinary matter. But when we discussed it, because Magagula and IPID stated to us the day before that they are imminent, they are going to be arrested, and then these matters will come to the front. Internally, it was decided by HR that they only want to proceed with the one matter. And that one matter was the serious, the blue lights, where we have all the evidence already that we can proceed with a disciplinary matter.

20           So from our side, we did give it to HR to say here is serious matters, but the decision was made that we will deal with the one matter, which is very serious, and we have all the evidence. The others are proper hearsay, we cannot really deal with that at that stage in time.

**ADV KHUMALO SC**: Commissioner, my concern is that there are this many issues. You have only highlighted a

few. But if internally EMPD does nothing about this, it promotes the culture that police officers – I mean, you have got a similar Hillbrow case where, apart from whatever was stolen, they, EMPD officers, went to Hillbrow Police Station, completed forms that should be completed by SAPS, then proceeded to the residence of somebody and robbed that person of precious stones. But again, no HR-related consequences. It is almost like EMPD and Ekurhuleni leave those issues to IPID, and they do nothing about it. And this  
10 promotes a culture within EMPD of impunity.

**COMMISSIONER SPIES**: Commissioner, it is very true what you say. But the atmosphere and the environment where we operate it, Brigadier Mkhwanazi and his unit, the VIP protection side, the Specialised Services and all of those officers, were very seriously protected by the City Manager, by the Head of Legal, by the Head of HR.

There is even a nickname that we used to use for the City. It is not the City of Ekurhuleni, it is Kemashli, which is the abbreviation for Kemi Behari, Imogen Mashazi  
20 and Linda Gxasheka. They protected Brigadier Mkhwanazi to the extent that I cannot explain to you the victimisation even I experienced, where I was completely pushed out.

In the structure itself, I was appointed as a section-56 employee with a fixed-term, fixed-performance contract. However, in 2024, Council adopted a new structure which

changed the whole structure of the Metro Police that they report now to a civilian. They do not report as per SAPS Act anymore to the City Manager and accountable to her. My position where I was appointed in, the Deputy Chief Auxiliary and Support Services, was completely removed of the structure.

When I queried it with the HR people as to why, why would there not be a support and an auxiliary, how do you get rid of me, I am still in the post, the words that was  
10 directed at me was, you will sit here and read newspapers for the next three years till your contract ends. So there is a – and I touched later on it, there was even meetings held where the City Manager absolutely, unprofessionally, pushed us aside and actually tries to forcibly interfere into our matters.

They were properly protected, does not matter what I say or do. I will touch on it, there will come to a point where it deals with vetting, it deals with criminal records, where the manner how it was being dealt with. So there is  
20 a situation of fear in the Metro Police against this small group of officers that has completely taken over the City, but with the protection of the City Manager, the Head of HR, the Head of Legal, who is protecting them.

There is even false reports being generated and created where they try to push us and get us out of the

system and to push us aside.

**ADV SELLO SC:** Thank you, Commissioner Khumalo. You then have given a brief overview of this Meyerton copper theft case. You have a date in the third, fourth column, 16/2022. Is that when it occurred?

**COMMISSIONER SPIES:** That is the date that the crime, the original crime occurred.

**ADV SELLO SC:** You, in your testimony, referenced videos, which now you have made available to us. And  
10 once again, Commissioners, if you could just make a note for yourselves, we will update your files so that we formally introduce them as annexures to his statement. You gave us three short videos and I think you have indicated the order in which you want them played. The first one is very, very short. So I think we will allow you to play and then you will explain to us what it is where – you perhaps at the beginning, explain to us what we will be seeing and that is how we will approach each one of them. Then we play the video.

20 **COMMISSIONER SPIES:** The first very short one, it is a camera at this premises which is on at the outside gate where the for sale sign stands. On the right-hand side is the actual entrance to the property. The vehicle that approached there is our Metro Police vehicle. So it approached on the gravel road and it is going to turn to the

left, stop in front of the gate.

Then it will follow up with, you will see officers come out of the vehicle, one or two stays at the gate outside. They go stand at the gate armed. They are standing at the gate. They do not allow anyone else to come into the property. They are guarding from outside. And then on the next video clip you will actually see a camera from inside pointing at the gate where in the top left corner, the individual with, the private individual with the  
10 red shirt is trying to climb over the fence.

And then at the next moment, the gate will open. This vehicle in front of the gate will pull in and then the second vehicle will also come up a little bit later. And the female officer, Kasher Lee-Stols. she is the one speaking to the owner then, and this Oom Willem. And then it will go to the actual vehicle at the back where Mkhwanazi climbs out of the back of the vehicle and then they stand in a group and speak.

**ADV SELLO SC:** And as we go through it and you need us  
20 to stop, please indicate so, so that you can assist to the extent that it is possible to identify the people that we are seeing in any particular video. Okay. We are playing the first one.

[VIDEO FOOTAGE PLAYED BACK]

**ADV SELLO SC:** Okay. We are going to try and slow it

down. I seem to...

**COMMISSIONER SPIES**: But it is only seven seconds, Commissioner.

**ADV SELLO SC**: It is just seven seconds?

**COMMISSIONER SPIES**: It is just that portion where the car approached and it stops in front of the gate then.

**ADV SELLO SC**: And you confirm that this is firstly an EMPD vehicle?

**COMMISSIONER SPIES**: Correct.

10 **ADV SELLO SC**: And secondly, the clip, what we are seeing on that clip is the approach of that vehicle onto the complainant's property. We start the next clip.

[VIDEO FOOTAGE PLAYED BACK]

**COMMISSIONER SPIES**: That is the Etienne person, the civilian climbing out of the passenger.

**ADV BALOYI SC**: Then just say that is an unmarked EMPD car that is coming ...[intervenes].

**COMMISSIONER SPIES**: Both vehicles is unmarked EMPD vehicles and that civilian is the one that they will refer to as  
20 Etienne the whole time.

**ADV BALOYI SC**: Thank you.

**ADV SELLO SC**: Thank you.

[VIDEO FOOTAGE PLAYED BACK]

**COMMISSIONER SPIES**: The officer on the bottom right hand corner with the black hair, female officer, that is

Kasher Lee-Stols. And then the officer, I do not know the other officers by name, but they are from the Specialised Services. The one with the denim on the left hand side, I do not know his name, but he also works for us.

**ADV BALOYI SC:** And you know that you do not know his name, you know he works for you, how? Have you seen him?

**COMMISSIONER SPIES:** Because it has been confirmed by everyone that looks at this video. They know, the  
10 officers on the ground knows them. I just know that they say this is our officer, this is our officer. And some you can see in uniform, it is our officer as well. This one in the red shirt is the only civilian one that we know that does not work for us.

**ADV BALOYI SC:** Thank you.

[VIDEO FOOTAGE PLAYED BACK]

**ADV SELLO SC:** I do not know if we saw – you mentioned a lady, is she the one closest to the gate in front of the gentleman in red?

20 **COMMISSIONER SPIES:** Correct Commissioners. She walks towards the camera right next to the gate, but you will see a better angle of her when they go to the inside camera.

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

[VIDEO FOOTAGE PLAYED BACK]

**ADV SELLO SC:** If we may pause, can you identify the person on the screen now?

**COMMISSIONER SPIES:** That is also one of our officers dressed in a golf shirt, but with our cap, EMPD cap, and then the EMPD pants and a rifle and everything. I also do not know his name, but the officers know him, that he is from Special Services.

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

**COMMISSIONER SPIES:** So that officer stays the whole  
10 side, the whole period, he stays at that corner of the gate, protecting in and out.

**ADV SELLO SC:** This particular?

**COMMISSIONER SPIES:** That particular officer, he does not come into the premises. He stays at that gate, guarding the gate.

**ADV SELLO SC:** Okay.

**ADV BALOYI SC:** Before we proceed, the visuals, the facial visuals here of this officer in particular, it is not very clear, but from what you have viewed and you say he is  
20 identified as one of your officers, are his facial features clear enough to see who it is?

**COMMISSIONER SPIES:** Commissioner, what we do with the officers, it is because we know we work together with them. For instance, Officer Stols, there is in the Metro Police in Ekurhuleni there is only five white female officers.

And there is always a misunderstanding between my wife or my life partner and Officer Stols, because both has got long hair, black hair, and both is about the same height. So there is always confusion about that. And therefore, I can immediately, when I see them, I know the difference between my wife and Constable Stols.

**ADV BALOYI SC:** We would hope, Commissioner.

**COMMISSIONER SPIES:** So even in the way she walked, and Officer Stols, I know her much better than the rest  
10 because I was in charge of the Ekurhuleni shooting team for Metro Police games and things like that. And she was one of my members on my shooting team. So I know her more better than what I would know all the other officers that is in Specialised Services because she was on my shooting team for close to four or five years. And then the resemblance to my wife, where she gets confused. The only difference really, when you see quickly, is that people will confuse them, but we will not, because she has got tattoos, tribal tattoos, all over her arms and her face, where my wife does  
20 not have tribal tattoos.

**ADV BALOYI SC:** And this officer here, your people were able to identify him?

**COMMISSIONER SPIES:** Yes.

**ADV BALOYI SC:** And put a name to him and where he is?

**COMMISSIONER SPIES:** Yes, Commissioner. From the

team, they can immediately say but this is the officer that worked together with him. And based on his demeanour, his walk, and the way he looks and his face, we can identify officers because we worked together with him. But I cannot because I am at the management level and I very seldom see the operational officers.

**ADV BALOYI SC**: I understand. Thank you, Commissioner.

**ADV SELLO SC**: Thank you, Commissioner Baloyi. We  
10 continue with the tape.

[VIDEO FOOTAGE PLAYED BACK]

**ADV SELLO SC**: And I think we will also do it formally, but are you able for the moment to translate the conversation in Afrikaans, just to give everyone a sense of what is being said?

**COMMISSIONER SPIES**: I can, Commissioners. I just have not listened to that last words.

**ADV SELLO SC**: But just generally, what the conversation is about, and from your understanding, between whom?

20 **COMMISSIONER SPIES**: The person that is doing the speaking here is asking someone else, is this the Brigadier? And his answer was, no, you will see him later, he is in another car. That is the gist of what is happening here.

**ADV SELLO SC**: Okay. And do you know who is speaking?

**COMMISSIONER SPIES**: No, I do not know who is speaking. I received this video clips from Jaco Hanekom. I do not know who is speaking. From the discussion, when Jaco Hanekom discussed it with me, when he introduced this evidence to me and he says this is what he has seen, he stated that they actually came back to remove the evidence. But Oom Willem's son or someone has actually took out the hard drive, put in a brand new hard drive, and they came and fetched the brand new hard drive. So it was  
10 a joke, actually, how they operated.

Because this incident took place, but when it was reported by Oom Willem, and this comes from Jaco Hanekom now, is that when it was reported by Oom Willem to the police, this group came back the next week to retrieve the hard drive from him, but they retrieved the wrong hard drive. And so the people who are speaking, I do not know. I know that one is Oom Willem, because you can hear that he is asking the person, who is this, and what happened, and then the uncle is explaining back to them  
20 who it is.

**ADV SELLO SC**: Thank you.

**ADV BALOYI SC**: Just to be clear, Commissioner, the voices that we are hearing that you are being asked about, these are not people on the scene at the time?

**COMMISSIONER SPIES**: No, Commissioner. It is people

who is narrating what happens afterwards.

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

[VIDEO FOOTAGE PLAYED BACK]

**COMMISSIONER SPIES:** He is pulling in. And then the second car is coming in as well. We are going to stop and then show the inside camera.

**ADV SELLO SC:** Before it ended, the gentleman in blue and a cap, is that a rifle in his hands that he has got?

**COMMISSIONER SPIES:** Correct, Commissioner.

10 **ADV SELLO SC:** Okay. Yes, there it is. Okay. And you say this gentleman stayed at the gate and never moved?

**COMMISSIONER SPIES:** He stayed at the gate. He did not come on. Even from the other camera angle, you will be able to see that he stayed at the gate, but there is two officers that stay at the gate. The other officer that earlier was shown with a denim and that, you also do not see him inside again. So that officer you can see stay at the gate, but the other officer, I make an assumption that he went to the other side of the gate and he stood there at the outside  
20 of the gate.

**ADV SELLO SC:** Okay.

**ADV BALOYI SC:** You said, Commissioner, that that golf shirt that he is wearing, it is part of your uniform?

**COMMISSIONER SPIES:** It is not part of our official uniform at all. So the pants and the rifle and the cap is our

uniform and we have a blue shirt. That is normal part of us. But the Specialised Services, they would use out of their own, on most probably direction of their Brigadier, they will use a golf, a blue golf shirt, but it is not provided uniform, that shirt itself.

**ADV BALOYI SC:** Can we just go back? I thought I saw that at the back, it is written EMPD. Am I wrong in my observation?

**COMMISSIONER SPIES:** At the back of the shirt?

10 **ADV BALOYI SC:** Ja. It would be embroidered by themselves.

**ADV BALOYI SC:** Okay, I think you can stop. I think it is much – and you are saying it would not be issued uniform if it is?

**COMMISSIONER SPIES:** No, that is not issued uniform. The shirt is not issued.

**ADV SELLO SC:** Sorry, we tried to stop it as quickly as we could because that is the point at which he turns his back to the camera. And Commissioner Baloyi, is it at this point?

20 **COMMISSIONER SPIES:** Yes.

**ADV SELLO SC:** What can you make out?

**COMMISSIONER SPIES:** It is definitely embroidered letters which states EMPD.

**ADV SELLO SC:** Okay.

**ADV BALOYI SC:** Thank you.

**COMMISSIONER SPIES**: But it is not an official shirt. It is not part of the schedule. It is not issued by the stores of EMPD at all.

**ADV BALOYI SC**: Thank you.

**ADV SELLO SC**: Thank you. That then leads us to video three. Okay.

**COMMISSIONER SPIES**: So it starts off with the person, Etienne, at the wall itself, trying to climb over the wall. He is hanging there on the top in the middle.

10 [VIDEO FOOTAGE PLAYED BACK]

**COMMISSIONER SPIES**: So he is a civilian. Now he climbs into the vehicle, the police vehicle, and he is driving the police vehicle into the premises.

**ADV BALOYI SC**: Is this the vehicle that you said was Stols'?

**COMMISSIONER SPIES**: It is Stols' official vehicle that has been assigned to her.

[VIDEO FOOTAGE PLAYED BACK]

20 **COMMISSIONER SPIES**: Stols is the lady that walks now here.

**ADV SELLO SC**: Sorry, please say that again.

**COMMISSIONER SPIES**: Stols, the lady walking towards Oom Willem now, that is Kasher Lee-Stols.

**ADV SELLO SC**: Then a member of the EMPD?

**COMMISSIONER SPIES**: She was a member of the EMPD

until she resigned.

**ADV SELLO SC:** Okay.

**COMMISSIONER SPIES:** And then the individual with his back to us is the one I assume is Oom Willem because they speak about him and that he is the one being accosted on the premises.

**ADV SELLO SC:** Okay.

**ADV KHUMALO SC:** I was hoping, Commissioner, that you would not identify the occupants of the property.

10 **COMMISSIONER SPIES:** Sorry.

**ADV KHUMALO SC:** Because in your statement you mentioned that the whistleblower that provided you the tape was killed shortly after these officers were granted bail.

**COMMISSIONER SPIES:** That is correct.

**ADV KHUMALO SC:** I think just for the safety of the individuals, can we not mention their names, please? Is that in order?

**ADV SELLO SC:** Commissioner Khumalo is pointing out, and I think you had indicated at the start of your testimony  
20 in respect of this matter that the complainant expressed that he does not have a trust of the police and did not want to engage. And in light of your testimony that your informant, Hanekom, was killed shortly after they were granted bail, that perhaps it might be best not to say as little as possible about the identity of the people affected by

this operation.

**COMMISSIONER SPIES**: Sorry, Commissioner.

**ADV SELLO SC**: Thank you.

[VIDEO FOOTAGE PLAYED BACK]

**COMMISSIONER SPIES**: She asked where is the warehouse and then the person showed her towards where the warehouse is.

[VIDEO FOOTAGE PLAYED BACK]

**COMMISSIONER SPIES**: So they ask if that person  
10 indicates he is the brigadier and then he says no, he is still sitting in the car at the back.

**ADV SELLO SC**: Now, coming in from the direction of the gate towards the camera, I think it is yet another person who seems to have a light coloured top. Is that an EMPD member or another civilian or you do not know?

**COMMISSIONER SPIES**: That is also an EMPD member.

**ADV SELLO SC**: Okay.

**COMMISSIONER SPIES**: Just in civilian clothes. That one on the right hand side.

20 **ADV SELLO SC**: Yes.

**COMMISSIONER SPIES**: It is an EMPD member in civilian clothes.

**ADV SELLO SC**: Okay.

[VIDEO FOOTAGE PLAYED BACK]

**COMMISSIONER SPIES**: There they speak to the

passenger in the back of the car. So Kasher went to the passenger door at the back and she opened it and the driver in the orange shirt he climbed out and opened the door for her and now Kasher speaking to the person in the back of the car, which when he climbs out we can immediately recognise him, but it is Brigadier Mkhwanazi.

**ADV SELLO SC:** Now the driver in the orange top that you just referenced ...[intervenes].

**COMMISSIONER SPIES:** He is also a member.

10 **ADV SELLO SC:** Also a member of the EMPD. Thank you.

**ADV BALOYI SC:** And have you been able to identify this vehicle who it is allocated to?

**COMMISSIONER SPIES:** The vehicle is also allocated to the Specialised Services, but we can identify them.

**ADV BALOYI SC:** Who the driver was?

**COMMISSIONER SPIES:** Yes.

**ADV BALOYI SC:** Thank you.

[VIDEO FOOTAGE PLAYED BACK]

20 **COMMISSIONER SPIES:** So the person that now come, you can see from the head and the side profile that we know him. It is Brigadier Mkhwanazi.

**ADV SELLO SC:** Okay.

[VIDEO FOOTAGE PLAYED BACK]

**ADV SELLO SC:** That is the end of tape three.

**COMMISSIONER SPIES:** Correct Commissioner.

**ADV SELLO SC:** Commissioner?

**ADV KHUMALO SC:** Can we just confirm? That property that we saw in tape one, two and three, that is the Meyerton property?

**COMMISSIONER SPIES:** Correct, Commissioner.

**ADV SELLO SC:** Any concluding remarks on the videos we have just watched before we move to the next matter?

**COMMISSIONER SPIES:** No, it is just ...[intervenes].

**ADV BALOYI SC:** Before you do your conclusion, an  
10 operation such as this, you would expect, am I correct to assume or to expect that there would be a record of it, if it is a proper operation? There would be a record of it in the municipality or in the EMPD in fact, let me say.

**COMMISSIONER SPIES:** Commissioner, if it was a legal operation, but it is so far outside our area that we would not, as management, you would not allow it. If an officer comes to you and says I have information of a crime going to take place in Soweto or in Meyerton, the first instructions will be take your information, handed over to SAPS, so that  
20 the SAPS can actually do a proper operation in that area.

There is no going outside your area exposure to way more than just you acting outside your mandate. If you are injured there, your injury on duty does not cover anything, if anything happens there. So it should be, if there is an operation, there should be records of it, but this

whole operation is irregular.

And therefore I do not think there is any proof in the City itself that there is records that this actually took place. This is a crime that is taking place and there will not be records of crime kept.

**ADV BALOYI SC:** In your narration in that first column, you describe it as theft, copper and we see that they are going into either business or private premises. Is this part of your mandate to go into premises and investigate copper  
10 theft? When I say your, I mean the EMPD's mandate.

**COMMISSIONER SPIES:** We have in our powers that we have, we can search and we can enter premises when crime and things happen right in front of us. However, when it comes down to copper, second-hand goods and things like that, we do not have investigative powers in that matter. We also do not have powers in terms of the Second-hand Goods Act to enter a premises and to search. It is one of the shortcomings that we as Metro Police have, that we think we have, and we have requested Minister Mchunu  
20 actually to give us those powers. That we have limited powers to investigate second-hand goods, shops and things like that.

What we do in practice is that we would contact the local SAPS and say there is a second-hand goods store, they are selling copper, there is allegations for that, and

then SAPS will go together with us because SAPS have got the power to go into those premises, but we cannot go into that power. So we do not have powers in terms of the Second-hand Goods Act. And if anything, if we receive information like that, the proper procedure would be that we ask the local SAPS to accompany us so that we just have a police officer there as well when we then search the property for copper and infrastructure or thefts related to Second-hand Goods Act.

10 **ADV BALOYI SC:** And what about the involvement of civilians in your operations? Assuming this was a proper operation ...[intervenes].

**COMMISSIONER SPIES:** Civilians will not, you know, it is so strange. Civilians will not be allowed into operations, even as informants, because you protect your informants. You do not expose your informant. If it is a genuine case of theft of copper that you now illegally investigate because you have this false perception that you can investigate them, even if you enter that premises then, why would you  
20 take your civilian informant with you? Because you will expose him. So civilians – and we as police do not bring civilians together on our operations. It is unheard of that we actually do that.

**ADV BALOYI SC:** And what about civilian use of your property, such as we see Mr van der Walt driving a motor

vehicle of the EMPD? There must be rules about it.

**COMMISSIONER SPIES**: It is illegal. Firstly, the very short answer is that is impersonation of a police officer. You are using resources belonging to the State, and that is seconds or moments while you are driving the car, you are driving a police car, so you are actually impersonating a police officer. And you can go, most probably, if there is real police on the scene, you can arrest him for theft. You can arrest him for use of your property. It is highly irregular  
10 that civilians...

The only civilians I know of that drive our vehicles is the mechanic when we take it into the workshop. And even then it becomes problematic. We have established a whole unit, the fleet unit, that makes sure that the mechanic does not, for instance, drive our vehicles into the public road distances so that we use our own officer to say take it to the garage or take it to the workshop for repairs. It becomes highly problematic if civilians start to drive official police vehicles.

20 **ADV BALOYI SC**: So in a normal working, functional and orderly work environment that the EMPD should have been, the involvement of a civilian, such as Mr van der Walt, in the operation and in driving the vehicle of the municipality but also impersonating a police officer, that would have been disciplinable action against the officers that are

involved with him. Am I correct?

**COMMISSIONER SPIES**: I think it will be. It should be where you allow someone else to drive or operate the vehicle. So the officer who is responsible for the vehicle, in this case, for instance, Kasher Lee-Stols, or the Brigadier who is on the scene, he is an overall in command, it is a prosecutable or a disciplinary matter for using and allowing other people to use our resources.

**ADV BALOYI SC**: Thank you, Commissioner. Thank you,  
10 Ms Sello.

**ADV SELLO SC**: Thank you.

**ADV KHUMALO SC**: One last point, sorry. You are saying these officers, the EMPD officers, were arrested and charged with theft. So they were not just there to investigate, they were accused of stealing that copper?

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV SELLO SC**: As a follow-up to the answer, an answer you gave to one of Commissioner Baloyi's questions, this is the information you received from Mr Magagula, the IPID  
20 investigator, at the meeting of 6 March 2023?

**COMMISSIONER SPIES**: He presented the information, but the video clips and all the other information I received from Hanekom afterwards. I also handed all of this over to IPID.

**ADV SELLO SC**: Okay. Now, before we get to the handing over the follow-up question to Commissioner Baloyi's

question, having been informed of this particular case or any of these cases, did you investigate whether or not there are records within the EMPD of an operation such as, and I say operation in inverted commas, of course, such as what you have just watched on the screens?

**COMMISSIONER SPIES**: It was investigated, and we could not find anything related to this matter.

**ADV SELLO SC**: Okay. And so far as the tapes are concerned, the video recordings are concerned, you said  
10 you handed them over to IPID. Firstly, to who specifically did you hand them over and when?

**COMMISSIONER SPIES**: Immediately after it came into our possession, it was handed over to Investigator Magagula, but it was also at a later stage copied, but it was copied, I think it is in this year, to Ms Masuku as well.

**ADV SELLO SC**: Now, you say immediately after you came into possession, perhaps, and let us backtrack, when did you come into possession of these tapes?

**COMMISSIONER SPIES**: I do not know the exact – it is in  
20 my emails. During lunchtime, I can look at my emails, the exact date I received it, and then I will give the correct date.

**ADV SELLO SC**: Okay, that would assist greatly, thank you.

**ADV BALOYI SC**: Lastly, Commissioner, you say there is

no record of this operation. Now, if – and the complaint here is theft copper, so if any copper was removed from the premises, there is no record in the EMPD or in the municipality, only Brigadier Mkhwanazi and these people in the operation would know what happened to that copper. Is that fair?

**COMMISSIONER SPIES**: Correct, Commissioner.

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

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

10 **COMMISSIONER SPIES**: Commissioner, sorry, Commissioner, just to add there. If we do a legal operation, any property, any goods that is confiscated by us or impounded, if it is criminal related, those property is immediately handed over to SAPS and it is entered into the SAP13, which is an impoundment, because it is part of a crime. So whatever we, in a legal operation, would impound, we will hand over to SAPS and it will then form part of the SAPS because they are then eventually the investigators into this. But we do not have an impoundment  
20 of copper or anything like that. The only time that we will impound things is in terms of our by-laws, which is fruits or vegetables or things that is left next to the road, which is a by-law related matter.

**ADV BALOYI SC**: And officers such as we see on the video clip with those vehicles, would they have the authority

to impound, or you would have a different set of people that would do the impound, the removal of property?

**COMMISSIONER SPIES**: They would not have the power to impound. If it is a genuine crime and you catch someone, let us say it is a vehicle found with copper on the back of the vehicle, and during my normal patrols I find this vehicle, the moment I find that vehicle I will actually impound it and arrest them, and then I will take the arrested person to SAPS together with the vehicle, and I will hand it  
10 over to SAPS and it will be recorded in their records because it is part of evidence of a crime that was committed.

Those property will not come through my pounds as a City. Through my pounds will only be by-law related goods, which was impounded or confiscated in terms of my by-laws. It is the only goods that will come through me. Even stolen vehicles, if I discover and found a stolen vehicle back, if it is afterhours, it will come into my pound because SAPS pounds will then be closed at night. But the  
20 moment the pound opened the next morning and it is a stolen vehicle, we will shift the stolen vehicles over to the SAPS pound so it can be impounded. Any crime-related evidence is handed over to SAPS and it is impounded by them.

**ADV BALOYI SC**: Thank you, Commissioner. Thank you,

Ms Sello.

**ADV SELLO SC:** And just to conclude, earlier, regarding this very matter, you had an engagement with Commissioner Khumalo, who I think indicated that Meyerton is outside the jurisdiction of the EMPD. Do you recall that?

**COMMISSIONER SPIES:** Correct.

**ADV SELLO SC:** Do you know under which jurisdiction or whose jurisdiction it would fall, firstly?

**COMMISSIONER SPIES:** Most probably Meyerton Police,  
10 which is in the Midvaal Municipal Area.

**ADV SELLO SC:** Midvaal.

**COMMISSIONER SPIES:** But Meyerton, the municipal areas and the South African Police Service areas and the Magisterial areas differ.

**ADV SELLO SC:** Yes.

**COMMISSIONER SPIES:** Since we became metros, it went  
haywire. Originally, it was city to city allowance, so the  
Magisterial District of Benoni was aligned to the Benoni  
Municipality. But since we became metros, the boundaries  
20 is now three different boundaries. The courts have got –  
the judicial side has got one set of boundaries, the police  
stations have a set of boundaries, and the municipality have  
a different set of boundaries. So I would immediately  
assume Meyerton falls under Meyerton South African Police  
Service, which most probably will then be served by the

Vereeniging Court District in that area.

**ADV SELLO SC:** So if we were to pursue this particular case, are you suggesting the logical point to start is to get in contact with the Meyerton SAPS?

**COMMISSIONER SPIES:** I will start with IPID first because they have got the docket.

**ADV SELLO SC:** Okay.

**COMMISSIONER SPIES:** They know more information. And secondly, I will then go to SAPS Meyerton or that area.

10 But I will start with IPID because they have got the docket.

**ADV SELLO SC:** Okay. No, thanks for the heads up. Chair, I see it is a minute to one before we get to the next matter. This is an appropriate time for a lunch adjournment.

**CHAIRPERSON:** Let us adjourn and resume at 2pm.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank you, Chair. Commissioner Spies, before we broke for lunch, 20 you had indicated that the video clips we watched, you handed them over to Investigator Magagula, correct? And you undertook to look through your WhatsApp messages to determine when you had received the clips and when you handed them over to IPID. You confirmed that you now have that, so perhaps if you could just work us through that

detail, you will then provide us with those WhatsApp messages and the details, and we will factor them into your statement at the relevant portion.

**COMMISSIONER SPIES**: Thank you, Commissioners. Jaco Hanekom sent me the original video clips which I saw here on 14 August 2022 via email. We had a meeting the day before, and he then sent me these video clips on 14 August 2022. On the 6<sup>th</sup> of March, we had a meeting with IPID where we were instructed to submit to them all  
10 evidence and anything that we have on our side related to this group of officers.

And on the 7<sup>th</sup> of March, I have sent these video clips plus all the emails from Jaco Hanekom. I forwarded to Nomsa at IPID itself, Nomsa Masuku. I forwarded to her via email. It was discussed the previous afternoon as well in the meeting with IPID, and that is why I said I will forward all the information I have received as well, which was forwarded the next morning on the 7<sup>th</sup> of March.

**ADV SELLO SC**: And you indicated that thereafter you still  
20 informed IPID of the killing of your informant, Mr Hanekom?

**COMMISSIONER SPIES**: Correct, Commissioner. On the 17<sup>th</sup> of March, Mr Hanekom was killed the afternoon, approximately 12 o'clock. At 12:43, I have sent an email to Nomsa to say to her that the informant, have you seen that the informant has just been killed? And she answered me

back via email later that evening to say that, yes, she is heartsore, because she was in court the whole day, but she also knows that it happened and it took place. So, it is 20:23, 17<sup>th</sup> of March.

**ADV SELLO SC:** Thank you. Just to be precise, your communication with Nomsa regarding the assassination of Hanekom, was your communication via WhatsApp or email?

**COMMISSIONER SPIES:** The 17<sup>th</sup> of March was via email to Nomsa.

10 **ADV SELLO SC:** Okay, and you undertake to provide us then with the screen grabs of both the WhatsApp chats with Hanekom and subsequently investigator Magagula and then the emails with Nomsa.

**COMMISSIONER SPIES:** Correct, Commissioner.

**ADV SELLO SC:** Let us turn then to page 14 of your statement. That is the next matter you deal with and that you have headed copperplates.

**COMMISSIONER SPIES:** The copperplates case, I do not have a lot of information, it was just mentioned and then I  
20 was called in by the acting Brakpan station commander who informed me that this incident took place. It was where trucks with a MAN tow truck and was on the R22 with a trailer and it was close to the Carnival Mall. The people involved on the incident itself when they actually found it Brak was a SAPS reservist warrant officer, Adar Security

Ray Springs and a Pakistani warehouse and it happened at the Monster Truck Stop, Pomona.

This Brakpan station commander then, he told me that the information that they are finding, it is from Kasher Stols who posted it of herself on Instagram. So, he called me in, we had a discussion about it because he wanted to have more information from me and I then stated I do not do social media, so I do not have things like Instagram, and I do not have any information about this matter at all. Then  
10 the next matter was again mentioned, we call it the Cobalt case because it is a truck or a few trucks that were hijacked that were conveying cobalt.

The investigating officer in that matter was then Warrant Officer Roets from Springs, and his telephone number was given, and Hanekom is the main informant in this matter. So, what Hanekom informed us about this matter is that Etienne arrived with a helicopter, they were flown by a person impersonating SAPS where he said he is Captain Smith and they arrived on the scene in the Delmas  
20 area ...[intervenes]

**ADV SELLO SC:** May I just, sorry to interrupt, you just said Etienne. When we were watching one of the videos you identified one person, I think they had a red top on as Etienne, is that the same person or is this a different Etienne?

**COMMISSIONER SPIES:** Hanekom is stating it is the same person, Etienne Van Der Walt, the same person mentioned in the one Etienne and this one is the same person that Hanekom said he and the Smith, Smith was flying the helicopter and Etienne was a passenger in the helicopter and they arrived at the scene in Delmas where when they arrived there is already SAPS present.

Now I do not know that you will see in my question, I made in my statement a question mark because on the  
10 scene itself there was a female Captain Carla Hartley, who chased them away from the scene because they wanted to take the scene over from her and she chased them away to say she is in charge of the scene, they must get off her scene.

And so, the helicopter landed and then the helicopter flew out again because she chased them away and then very shortly thereafter, this Stols and McKenzie, they arrived on the same scene with marked vehicles. Stols even posted pictures of this on Instagram of herself and  
20 then Magagula said to us and this is what they discussed, is that they use this modus operandi of stealing the load or the freight and then they will offer the load back to the owner at a 10 percent cost release via burner phones and pin drops so that the owner can collect his own goods.

That matter itself, we do not have more than what

Hanekom has told us, is to say that they arrived on the scene and this, but obviously if it is Captain Harley, Delmas, it is easy to be confirmed or verified to the South African Police Service. And we, and this is where the problem lies with us, is that we cannot do criminal investigations.

So, we receive all of these snippets of information from everyone, and we then hand it over to our SAPS contacts and it is way outside our area, so it becomes  
10 highly problematic for us if we do not have a little bit of investigation capabilities. One of them where I want to touch on is that our officers, municipal police officers, when they commit crimes, does not matter what crime it is, if it is now bribery or corruption which is known officers do when they issue fines or drunken driving or things like that, is that the victim, the member of the public, will always come and complain to us because it is our officers involved, it is our vehicles.

He will then complain to us, and we will take his  
20 statement and deal with it in a misconduct disciplinary enquiry manner, and we will then inform the victim, please go to the SAPS station, this is the area, this is where it is, and lay a formal criminal complaint so that SAPS can investigate it. We cannot ourselves investigate it. And what then happens, and this is where the slight problem

arises with us, is that we know our area for instance, and I want to make it specifically to the Benoni Boksburg area because there - and it is most probably between us and Joburg as well, the magisterial boundaries and the police station boundaries between Benoni and Boksburg is Atlas Road, running from north to south.

If you travel north, the divide between the magisterial boundaries and police station boundaries is the centre island, so the two lanes going north is in the  
10 Boksburg magisterial area. The two lanes going south is in the Benoni magisterial area. So, if our officer does law enforcement there and he stands and takes bribes, he will take one going north, a 50 or R100 bribe, and he will take one in the south, 50 or R100 bribe, and both of those complainers will go and lodge it at either Benoni or Boksburg.

And no one will see the real pattern, no one will see, but this same officer took a large amount of bribes at this specific spot because they do it in different magisterial  
20 areas. And the member of the public will come and complain to us, and we will do the misconduct disciplinary enquiries and try to do the discipline action, but the member of the public is seriously afraid to really push it through and come and testify at our disciplinary hearings, which makes it more difficult, again, to find them guilty and actually

dismiss or fire these officers.

One of the things that, in the specific cases that we also mention, is that, and this is a critical thing which we have been highlighting for many, many years, we have a different set of conditions of agreement when it comes to disciplinary agreements than what the South African Police Service are. We are in a local government environment. Our disciplinary agreement that is already been touched on, it deals with all municipal employees in exactly the same  
10 manner, irrespective if you are a plumber or an admin clerk or a police officer.

We are dealt with in terms of that disciplinary agreement in that manner. You get suspended. If you do get suspended for 3 months with full pay, you must be treated within those conditions of service. However, the South African Police Service has a different dispensation between police and civilians. And we have requested at very high level, SALGA, everyone to intervene so that we can have a separate set of disciplinary agreements for  
20 municipal police officers, even though they are in local government.

But to date, we have been denied that. So, a municipal police officer is treated, does not matter what crimes he committed, he is treated as if he is a normal council employee. And he is not treated as if he is a police

officer, which can intimidate witnesses, and therefore the public does not want to come and testify in our disciplinary cases. There are very few public dos. And if they do testify, then we obviously dismiss and fire officers. But that is one of the problems that we have in this environment where we are dealing with officers.

**ADV SELLO SC:** Okay. We then, on your list, I think, turn to the last case you discussed with the EMPD, discussed with IPID on the 7<sup>th</sup> of March, and that is your Item 7.

10 Could you turn to deal with that one?

**ADV BALOYI SC:** Maybe before you do that ...[intervenes]

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

**ADV BALOYI SC:** Commissioner, let me just check this. In that Item 6, the cobalt matter, you say in your explanation to the extreme right, then Stols, McKenzie arrived on the scene with EMPD vehicles. How does it work? If, and I ask that because in the preceding paragraph, you say the SAPs were already on the scene. So, to have the EMPD come in, how does it work? Is it by  
20 invitation? Would there have been a call? Does there necessarily have to be a call for support from the SAPS or EMPD is free to just attend any crime scene within its jurisdiction?

**COMMISSIONER SPIES:** Commissioner, normally, if we are operating in the same area, we can arrive at the same

time or just after SAPS is on the scene. We can also arrive at the same scene because of our patrols and the way that we react to scenes. It could be that there is a crime reported on the radio and officers from all over respond to the scene.

And whoever arrives first on scene, there is a national standing, a national standard for municipal police service of first responder to scene. So, if we are the first responder to a crime scene, our function on the scene is to  
10 stop the crime and preserve the scene until we can hand over to SAPS, who is then the lead on that scene forensics and whoever from the detectives and that.

However, if SAPS is first on scene, they do exactly the same. They will preserve the scene, and we will not be allowed to enter into a scene if it is there. And I think that is what happened. Yes, this Captain Carla Hartley, it was her scene, and she chased the officers away. So, you do not belong into my scene. And it is also outside our area. It is, Delmas is closer to our area, to the border, but it is  
20 also outside our area.

And we will not respond because everything reported in Ekurhuleni, everything in there, when we respond to scenes, we will respond within Ekurhuleni. If it is outside our jurisdiction, then the city of Johannesburg or the city of Tshwane would invite us formally to say, please

come and help this operation or we are going to have an intergovernmental relationship roadblock. We need to extract manpower, please send people. And then there is a full operation plan and approval before we actually deal with these scenes.

**ADV BALOYI SC:** Thank you, Commissioner. Thank you, Ms Sello.

**ADV SELLO SC:** Mr Thank you, Commissioner Baloyi. I would invited you, Commissioner, to then deal with your last  
10 item on this table, item number 7.

**COMMISSIONER SPIES:** This was the most serious remark. And when Mr Magagula started to mention this, he spoke the most and Nomsa added a little bit to it. They immediately stated that there are threats against their lives because of this. There is a very serious investigation that they are doing into a murder case.

This murder took place on 15 April 2022 in the Brakpan area, and it is being investigated by IPID already, where it traced back to a body was found in a dam. So  
20 initially it was said to us, it is Nigel Maryvale Dam in the Brakpan area. Do not know the exact dam, but this was traced back to the same group of officers who was there together with civilians.

That was, it is not one of the civilians he had mentioned. So, there was a civilian on the site as well.

And what was alleged is that they tortured this person on the scene where they used a method called tubing, which is a piece of rubber that you pulled over a person's face, and you suffocate the person. So, they tubed this person and at a stage, the actual person, the person who is, he has actually turned state witness.

He submitted a 204 application and statement as well. He said that the person who they were torturing and questioning or interrogating, he actually had said to them, 10 but he is got money in the house, R500 000, he will pay that if they could release him. And then the next moment, this person, they killed him. And from the scene, they called Brigadier Mkhwanazi after it took place now.

And Brigadier Mkhwanazi arrived on the scene in a white Golf. And he then went, proceeded to direct him how to clean the scene. And they placed the body of the victim on this civilian person's bakkie. And they instructed him to go dump the body, which he then duly did. And then when it came out and IPID is investigating it, this person who did 20 it, he turned state witness, according to him.

He contacted me about two weeks ago again to say that he is a state witness. He gave a section 204 statement to turn state witness, and he is committing everything. And that, so it is a confirmed case of where it happened, where Magagula was carrying the docket. And this stems from

April 2022 already. And when we were informed of this, it was March 2023.

And that is one of the reasons as well why we believe that a murder case that is already running for a year investigation, with witnesses, with a body, with everything already there, we thought it is imminent that he would be arrested extremely quickly thereafter. And yet here we are, 2025, and nothing has yet happened. So, none of those officers has been charged that we know of.

10           The case does not go forward anywhere. It is still being investigated. That is what my impression is from it. Also, from internally, we could not do anything against officers because to us, it is hearsay from IPID. They inform us of this, but they are not prepared to give us anything in their docket, which we understand. It is a murder investigation, and they do not want to give us anything. But it is to us, we thought that that would expedite, that the arrest will happen and that the court cases will follow from that as well.

20    **ADV SELLO SC:** So, if the Commission were interested to interrogate the cause of delays in finalising or prosecuting these matters that you have referenced, you are suggesting it is to IPID that the Commission must turn?

**COMMISSIONER SPIES:** Correct, Commissioner. All our cases where the policemen are directly involved is handed

over or taken over. Never mind handed over, it is taken over by IPID. They investigate the police when the police are wrong. So, all the matters that we know of, that we mentioned here, has already been in the possession of IPID, already known to them, and they are investigating it.

**ADV SELLO SC:** So, is it the date of your retirement, to the best of your knowledge, this is where these matters stood, which was in February 2025?

**COMMISSIONER SPIES:** Correct, Commissioner.

10 **ADV SELLO SC:** You have a second part of this evidence where you say since that meeting with IPID, that is the 6<sup>th</sup> of March 2023, two more cases involving EMPD officers have been opened by IPID. You deal with that at page 17. Can you tell us quickly through those two cases?

**COMMISSIONER SPIES:** The first one is the case where I am the complainant in. The fraud, the uttering, it is these vehicles that was allegedly donated by CAT VIP to us. I am the complainant in that matter because I initiated the investigation, and I have at that stage in March, when we  
20 had the meeting with IPID, they alleged that there need to be a complainant in this matter.

So, I undertook that. I know everything about the case. I am the one who gave the instruction for the investigation. And up to that stage, with all the knowledge of the separate statements that we have already obtained

for internal disciplinary hearing, I made then the statement as the A1 statement. It was commissioned at Crystal Park Police Station, and it was then handed to Magagula in his possession, and it was registered at Boksburg as a case number under 262-02-2023.

This matter is the one that actually kick-started off the disciplinary side on the one side. But in the 2024 year, I do not know the exact date, I heard rumours that this case has been withdrawn, even though IPID constantly have  
10 contact with me and tell me that they are still investigating it, and they are still obtaining statements from everyone, and they are still busy with it.

They constantly told me that this case is still being investigated. IPID, Magagula himself, and then from February this year, there was a new investigator, a senior investigator, Xulu. Commissioner, I hope that is the correct pronunciation of him. He will be cross if I pronounce his surname wrong tonight. But he is from KZN, and he came, he was drafted to come in to come and fix something in the  
20 docket, and then he was released again back to KZN, and last month he came back again to do another portion of the docket.

But when I, with a friend of mine in the South African Police Service, when they look on the CAS system itself, where the case number is registered, that case has

been withdrawn on the CAS system by a local South African police officer, a lieutenant colonel, at Boksburg itself in September 2023 already. So, even though IPID is alleging that they still investigate it, they still contact me, they still have dealings where they say they are waiting for this or they are waiting for that. Up to now, on the CAS system, the case has actually been withdrawn as *onopgespoor*, which is undetected. And this happened in 2023 already on the CAS system.

10 **ADV SELLO SC:** Before you deal with the next matter, I think you may want to consider a correction to your statement.

**CHAIRPERSON:** Perhaps before that, have you, Commissioner, have you ever made enquiries as to why IPID is giving you to understand that investigations are ongoing, when in fact the docket was closed as far back as 2023?

**COMMISSIONER SPIES:** Commissioner, I have, and I have queried it with IPID themselves as well, and they have told  
20 me that they will investigate that as well. With the Senior Investigator, Mchunu, he took a supplementary affidavit from me about 2 weeks, 3 weeks ago as well. I asked him specifically as well, and say, what has happened with this? And he says, no, he is carrying, he showed me, he is actually had the docket with him.

He says, I am now temporarily the investigator again because there is something else that I need to obtain in this docket directed from the DPP. The reason for it was that the docket was originally registered at Boksburg, and the query came up is that why is it not at Germiston? Because the vehicles were registered in Wadeville, that is where the crime occurred.

And my answer to that was, it started in Boksburg. Brigadier Mkhwanazi's office, where he is, police office  
10 where he works from, is situated in Boksburg. And from, it happened all over. So it happened in Boksburg, it happened in Germiston where the vehicle fleet section is, it happened at Wadeville where the registrations was done on NATIS, and then when the vehicles were deregistered again from our names, it happened in Silverton in Tshwane.

So it happened over the province, and we had to choose a starting point. So, I started it at Boksburg, because none of the prosecution side wants to touch the docket. I do not know why, but they, everywhere where you  
20 get, they say, no, it is not my station, it is that station. It is not my court it is that court. So, I had to give a statement as to why did I choose Boksburg.

But I do not have an answer. I have got the officer withdrawing it, I have got his name, but it has been withdrawn on the CAS system, and we have reported it to

IPID. It was mentioned, and it has been escalated to a national level in South African Police Service, where we as municipal police have requested at a national level to Commissioner, the National Police Commissioner, where we have requested that a national task team be established to investigate corruption and crime within municipal police departments.

And the National Police Commissioner has assigned officers from DPCI and senior officers, brigadiers, 10 to actually assist us to establish a task team so that we can, from a national level, because we as municipal police are overlooked when it comes to investigation, and we are part of, there is a group of officers right through the country of municipal police that commit crimes, but they are not being investigated properly.

One of the reasons I touched on it is that in terms of the Racketeering Act, or in terms of what the Hawks must investigate, there is limits of like R100 000 incidents, where we are saying is, if you go and look at what bribery is being 20 committed by traffic officers and municipal police officers, if an officer works 8 to 10 hours a day, and you have contact in that session with members of the public, and he issues a fine every hour, he needs to issue 8.

So very quickly you can do maths. If he does not issue, it is like 2 to 3 minutes to issue a fine. If it is an

argument and a long lecture as well, let us make it 10 minutes. He still needs to issue 50 to 60 in his normal day, because he has been employed as a law enforcement officer, not a shoe salesman, he must arrest people, he must give notices that he must do law enforcement.

However, there is officers that issue one fine in 6 months, or one in a year, and when you start looking at that and you calculate the possible contact that he had with public, and the amount of complaints on the other side, and  
10 then the rumours of, if it is a drunken driving it is R4 000, R5 000, and you start calculating that, you will see that those type of officers is actually doing 100, R200 000 a month, based from that, if you start just doing normal maths.

And then you start looking at how officers live. They drive luxury vehicles, they live luxury estates, and when you ask your own counsel and you ask anyone, but can we do lifestyle audits on officers, it is always no, it does not allow it. So, lifestyle audits are reserved at the  
20 moment for maybe the heads of departments, or the city managers, or the mayor, there is lifestyle audits. But at a lower level, there is no lifestyle audits at all. That is something that need to be, according to me, made compulsory, is that you cannot be a law enforcement officer and not be vetted to do your work.

**ADV SELLO SC:** Thank you. Thank you, Chair. I wanted to draw your attention, perhaps, to something that might require correction. The case you just discussed at page 17, you cite as a Boksburg CAS26-02-23. If you turn to page 19, paragraph 36, second line from the - third line from the bottom, you refer to a case number 262-03-2023.

**COMMISSIONER SPIES:** It is correct, Commissioner, it is March. It is 262 of March.

**ADV SELLO SC:** So, in this table, we should correct the  
10 02 to 03.

**COMMISSIONER SPIES:** Correct.

**ADV SELLO SC:** For the correct case number, thank you. That then leads us to your second case that you have since lent of, since your last meeting with IPID on the 6<sup>th</sup> of March 2023. Thanks.

**COMMISSIONER SPIES:** Correct. In the very first week, this matter already took place in 2024, but in the very first week of my retirement, as I finished, everyone, not everyone, a lot of people that used to work with me still  
20 sent me information. And a lot of people, private people, did not know that I retired. So, they would still, they will still send me, as if I am the Deputy Chief of Ekurhuleni.

They will still send me information and tell me stuff that happened. And this is publicly in the news as well, where six officers from the Drug Enforcement Unit was

arrested, because they took, they extorted plus minus R80 000 from a foreigner. These officers were arrested, detained, they were released on bail, and those officers have to date not been disciplined. Not even a disciplinary matter started against them.

What is - and they are reporting directly to Deon Singh, the brigadier that was suddenly promoted last year by Mkhwanazi as well. He reported directly to him, it is the Drug Enforcement Unit. They have been, what we call, 10 what the officers speak to me and phone me and say, can it not be fixed. They were actually promoted, in the sense that they work, they have been deployed to do VIP protection, where they protect, they protect the people that stay behind, which is no threat analysis, nothing has been done on them at all.

So, they are being put as drivers for Behari, for Gxasheka, for Sarah Chita[?]. They have been made drivers for these officers. So, it is as if these officers have now suddenly been protected, and they just moved aside 20 from the Drug Enforcement Unit, and they are being protected by them. But this happened after I left already. So, I do not, it is information that is constantly being sent to me about this arrest that took place. And I saw it in the news as well, that it happened. But the incident took place in 2024 as well, and it is also investigated by IPID, and IPID

did the arrest when they were detained.

**ADV SELLO SC:** Thank you.

**ADV BALOYI SC:** Are you moving off the table?

**ADV SELLO SC:** I was going to.

**ADV BALOYI SC:** In the first item, the blue lights one, right at the end of your explanation, you say you were informed. In that very last sentence, you say you were informed by IPID of direct links between CAT VIP and Ekurhuleni politicians. Do you care to explain a little bit  
10 more there, if you are able to?

**COMMISSIONER SPIES:** What happened there is that the same journalist I, who queried initially, Mr Jeff Wicks, he had, at that same time, he was busy running an exposé in News24, where every day or every week he would release a snippet of information. And the information he released was more aimed at the Tembisa Hospital finance scandal where the whistleblower, Babita Deokaran, was murdered.

So, the angle that he approached was from that side. And he attached that then to the Brigadier  
20 Mkhwanazi, as the newspapers called him, blue light blesser. So, in that situation, these links were made, is that this hospital scandal linked is to politicians based in Ekurhuleni, plus it is linked to this blue light blesser then who assists them as a policeman to get all their functions performed in there. That is how that came up. But it is part

of the newspaper article exposé that Mr Wicks did.

**ADV BALOYI SC:** Okay. And then lastly, I mean, we have gone through the list of the criminal conduct that, or the alleged criminal conduct that you discussed with Mr Magagula, and some of it, it has been raised by Commissioners as matters for disciplinary action, and you have explained why. Is it a case of, because of the environment, those who had the authority to request disciplinary or to even authorise disciplinary action, such as  
10 yourself, and the chief simply gave up on it?

And I ask because we, at least in the case of the blue lights, we have a request from the chief for a tribunal, disciplinary tribunal to be set up. So, we know there is a process which the senior people like yourselves could instigate, and yet we do not have anything done in respect of the others, the many cases that you have referred to. Is it fair to say you simply gave up on initiating disciplinary processes?

**COMMISSIONER SPIES:** No, Commissioner. The thing is  
20 that we, as the deputy chiefs, we give it to the chief and it goes through the chief's office to the HR to actually deal with it, to appoint the presiding and the presenting officers and to make sure that the disciplinary proceeding is happening. However, Chief Mapiyeye was sidelined completely, and he was victimised, and he was suspended,

and he was placed on special leave, and every time when he was placed on special leave or anything like this happened, the then Deputy Chief Mkhwanazi was the acting chief, and he failed to forward it to the correct HR processes.

So, it is not that we did not try to do anything. I was even accosted that we are trying to push the matter on a criminal side, and I was threatened by the city manager in the same manner as what the chief was. So even though  
10 we tried to, and we tried to go to the corporate HR staff, and at that stage Bongani, who was eventually dismissed during this period that we are, we tried to inform them and say, carry on with this matter, what is the challenges and the problems, but then the chief would be placed on special leave, or we would be suspended, and then Mkhwanazi was acting, and nothing happened then with these matters.

**ADV BALOYI SC:** When you say you were threatened by the city manager, I mean, if it is still coming, if it is something that you are still going to deal with, is it still  
20 coming?

**COMMISSIONER SPIES:** It is still coming.

**ADV BALOYI SC:** Okay, all right, that is fine, I will leave it then. Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. That leads us then to paragraphs 36 and 37 of your statement,

Commissioner, and you deal with three annexures in a row, RS13, RS14, and RS15, and these - the three annexures relate to the quote-unquote blue lights issue, am I correct in your paragraphs 36 and 37?

**COMMISSIONER SPIES**: Correct, Commissioners, RS13 is my original affidavit, which was commissioned at the Crystal Park Police Station and signed related to the registration of the vehicle, false registration of the vehicles in the city's name, and the operational plan that was falsified, the  
10 uttering that took place, so RS13 is my original affidavit.

**ADV SELLO SC**: And we have dealt, I believe quite extensively, with the issues, from your perspective, relating to this matter, and this affidavit more or less reiterates what you have already told the Commissioners. Is there anything out of this affidavit that perhaps you believe we may not have put to the - brought to the Commissioner's attention that you would want to do so now? It would appear that we have covered everything.

**COMMISSIONER SPIES**: No, it is correct. Everything up  
20 to now is covered actually in my affidavit.

**ADV SELLO SC**: Okay. The next one then is your RS14, and this you describe appearing at page 41 of the annexures file. This you describe as a picture of the docket in respect of the case registered by Mr Magagula.

**COMMISSIONER SPIES**: Correct. When you do an

affidavit and you are the A1 complainant in a police docket, which is the SAPS3, there is an annexure in the front of that statement, which is the 3M statement portion, which then states the date and the time and the station where it is registered, and then the CAS number that is there, it goes part of your A1 affidavit. This gets put on front to lead that, which is then registered with SAPS in a normal docket.

**ADV SELLO SC:** And lastly, at paragraph 37, you have got Annexure RS15. You had, I think, briefly touched on this in  
10 explaining the fate of the criminal case you had caused to be opened regarding this blue light issue. And can you deal then with Annexure RS15, which you say is proof that the matter was withdrawn?

**COMMISSIONER SPIES:** This is a screen print of the CAS system that the South African Police Service has used, listing this CAS number in the top right corner, 262-03-2023. It states the date when it was registered and when it was handed over to the first investigator on the SAPS system only, it is not the real investigator then. But then at  
20 the last date at the bottom, it is 2023-10-12, which is 12 October 2023 at 16:27. It states the investigating officer, I do not know if I can mention his name or should mention his name.

**ADV SELLO SC:** He is a public official.

**COMMISSIONER SPIES:** It was Lt-Col Mike Whisky

Ntswana, and it was then, and this is Afrikaans version, it was closed as *onopgespoor*, which means undetected.

**ADV SELLO SC:** What does undetected mean?

**COMMISSIONER SPIES:** It is when you do not have any evidence in any docket and you cannot do anything further than it is undetected. It is if I, for instance, let us say there is a break-in at my house tonight and my motorcycle is stolen and the detectives come out to investigate everything, there is no fingerprints, there is nothing, they  
10 cannot find anything, there is no CCTV footage, then it will be very close to say, but they cannot find any evidence on the scene, the docket is undetected and the docket will be closed as undetected.

**ADV SELLO SC:** How do you reconcile that conclusion with the IPID report we looked at, we worked through on Friday, in terms of which IPID made certain specific findings of fraud and corruption in respect of these very activities, and recommended that Brigadier Mkhwanazi be disciplined? How do I reconcile that IPID finding in the human resource  
20 environment with this undetected finding now in the criminal case, arising from the same facts?

**COMMISSIONER SPIES:** I cannot answer that, Commissioner. That is why I say this is very strange, that a local police station at a station is actually closing the docket as if it is undetected and it is archived and stored in

the archive and not being further investigated. This, while IPID is still investigating, they actually released a negative recommendation that there must be disciplined steps taken, and the docket is still being, according to them, to me, it is still being investigated in a criminal investigation.

It was already a few times thereafter presented to the DPP to actually make further recommendations, and it is still, as I stated, two, three weeks ago, Senior Investigator Xulu actually just took a supplementary affidavit from me.

10 So, on the one side, there is this IPID carrying the docket, they are investigating it according to them, but on the other side, I have this proof from the CAS system that says the docket is closed, it is undetected at the local police station. So, if you do an enquiry now, and you are searching anything on the SAPS system, this will not reflect as an open case anymore.

**ADV SELLO SC:** Which leads me to ask you perhaps a fairly stupid question. Is the matter open or closed? Where are we at?

20 **COMMISSIONER SPIES:** I really do not know, Commissioner. To me, IPID says it is open, SAPS says says, or the SAPS station says it is closed. But I do not know the status of it, genuinely, because it is a detective busy being investigating the case, I do not know what the status of the docket is.

**ADV SELLO SC:** I think Commissioner Baloyi has got it.

**ADV BALOYI SC:** I do not have an answer to your question.

**ADV SELLO SC:** No, no, question of your own, Commissioner.

**ADV BALOYI SC:** Let me ask my question. Is it not perhaps, and I think I want to ask my practical question, that your evidence is that the IPID have the docket, as I understand it.

10 **COMMISSIONER SPIES:** Yes, Commissioner.

**ADV BALOYI SC:** Practically, what does it mean, what is remaining at the SAPS then, if IPID has the docket? I am asking the question to try and suggest, is it not possible that the local station has only a cover, as you have given us here, and there is nothing inside it, because the docket is with the IPID, and because he knows nothing about the IPID involvement and progress in the matter, he then, because he is left only with a shell of a docket, he then considers it to be closed. Is it not possible?

20 **COMMISSIONER SPIES:** Commissioner, normally, what will, in other cases that I have knowledge about what happened, is that if IPID takes a docket at a police station, it gets transferred to them electronically. So, the docket is actually maybe a manual, practical hard copy that IPID takes, but on the CAS system itself, the docket is

transferred to, say, whoever the detective is at IPID, so that the South African Police Service can trace their docket where it actually is on the system.

So, the correct procedure that I have seen in other matters is that the IPID detective will actually sign for the docket, and on the CAS system, it will be transferred into their name. And then once they finish with the docket and it goes to court, it will be they who take the docket to the court. So, in terms of the South African Police Service practicality rules, that is how it would normally work. So, in this matter, I do not really know why it was cancelled or withdrawn.

I do not know if there is just a skeleton piece of paper that was left behind, but Mr Magagula is the one who went to Boksburg, who did the actual physical, here is the docket, and he had copies of our docket, so he already had a complete docket with him, and there would have been no docket at the station left behind at all, because Mr Magagula is the one who carries the docket.

20 **ADV BALOYI SC**: In your experience, given your experience, assuming that IPID is still, you accept what Mr Xulu said to you, he is continuing to do the investigation, once that is done and finished, is there any difficulty in him enrolling the matter, getting the matter to be enrolled in the light of this from the SAPS system, which says the case is

closed?

**COMMISSIONER SPIES**: Commissioner, that I do not know, but to enrol the matter at court, I would assume that IPID can just go to the court and say, this docket is concluded, control prosecutor, here is a complete docket, please enrol onto your court register. I believe that there would be no impact from this at all. The only impact this will have is if someone do an enquiry to say who is the accused, who is anything like that, it will come up as it is  
10 closed, the docket has been closed as undetected.

**ADV SELLO SC**: Thank you, Commissioner. Did I understand you to say, as of 2 weeks ago, it would appear that Investigator Xulu has taken over this investigation, because you have been talking about Magagula thus far. What is the actual position today as we speak, to your understanding?

**COMMISSIONER SPIES**: I was contacted 2 weeks ago by the Investigator Xulu, to say that he has been recalled from KZN to come back up and to conclude a specific portion, a  
20 section 205 application and my statement. He was tasked to do that. He only did that portion, then he went back again, but telephonically he has told me that he will come back up again, because it is expensive apparently for him to stay up here, he is deployed in KZN, he is not from here.

**ADV SELLO SC**: Okay. This then will lead us to your

paragraph 38 at page 20, where you conclude on this chapter.

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV SELLO SC**: Yes, you may speak to that.

**COMMISSIONER SPIES**: It is just that last portion that I already touched on, is that 2 weeks ago, the witness who turned state witness contacted me and he explained the whole situation to me again, and he confirmed everything that took place, and that he also informed me that he gave  
10 to Magagula a section 204 statement already, and that he has turned state witness. That is what he informed me.

**ADV SELLO SC**: And that is in respect of the murder case you have listed under item 7?

**COMMISSIONER SPIES**: Correct, it is in relation to the murder case, and that he is turned state witness and he is already given statements to that effect as well.

**ADV SELLO SC**: Thank you. Your next main topic is headed Internal Disciplinary Process and Interference, and under this topic you deal with a few subheadings. Let us  
20 start with your first. Disciplinary action against Brigadier Julius Mkwanazi. Would you like to take the Commissioners through that part of your evidence?

**COMMISSIONER SPIES**: Obviously I initiated the investigation because I was the acting chief of police, but Colonel Erasmus, because he heads Internal Affairs and

they were still reporting to me as caretaker, he kept me abreast of as the investigation would go on. And after his internal investigation has been completed, he submitted it to the chief of police who is Commissioner Mapiyeye, and the dossier and this letter from Commissioner Mapiyeye was then forwarded to the Director Human Resources, the Employee Relations Section, which is Xolani Nciza.

He has been made the authorised representative by the city manager. She delegated it to him to appoint  
10 presiding and presenting officers in serious matters when it is a formal hearing. So, in that process, Mr Nciza prepared the pre-suspension and it was signed by him as recommended and then by Ma'am Linda Gxasheka, who was the head of Human Resources, and it was then served on him for a period that he was suspended for a period of three months, starting from February 24<sup>th</sup>, 2025 to May 24<sup>th</sup>, 2025.

Mr Nciza proceeded to appoint a presiding and a presenting officer firm, two different lawyer firms, Majang is  
20 one of them, and in this process the draft disciplinary charge sheet was drawn up by Majang and it was then sent back to us, and in our dossier, when they sent it back to Colonel Erasmus, he approached me and we then had a meeting with Mr Nciza, Chief of Police, Colonel Erasmus and myself, where we discussed the charge sheet because

initially there were only four charges which relate to the registration of the vehicles that was in there.

But during Colonel Erasmus' investigation, there was another matter that came up which we then suggested, but Brigadier Mkhwanazi made in his own statement, which he gave, he alluded to more donations that he received to the value of R300 000 from Medicare 24, which then draw our training academy into the matter as well. And we then suggested that these two charges must be added as well  
10 because it also is a contravention of the MFMA Act and the policy of receiving gifts and donations.

This was corroborated by a, then he was the brigadier of the training academy, Ndumiso Qwabe, who made a statement to say that Brigadier Mkhwanazi assisted him and informed him that he can go to Medicare 24, which is situated in Boksburg. The training academy, we would train recruits and part of the recruitment training, they would have POEs, which is Portfolio of Evidence, which is like an exam paper or projects that they must complete for  
20 these purposes.

And the training academy ran out of paper and there was a shortage of POEs. So, Brigadier Mkhwanazi then arranged that Brigadier Ndumiso Qwabe can go straight to Mike van Wyk at Boksburg, and they will then create and generate our POEs, which they then

subsequently did. The masters were there and then they printed these. So, this is all in this docket already for internal misconduct.

**CHAIRPERSON:** Commissioner, earlier you explained the issue or question of donations and those purported to be donations to the municipality, do you remember? Now the admission that you referred to by Brigadier Mkhwanazi, an admission of receipt of donations amounting to R300 000, was this receipt of donations on behalf of the municipality?

10 **COMMISSIONER SPIES:** Correct Commissioner, it was and it is our reference.

**CHAIRPERSON:** I am looking at page 44 of Annexure RS16, bottom half of the page, that is where reference is made to a cadet examination at the college that is the heading. So, you say that would be donations to the municipality, not to him personally?

**COMMISSIONER SPIES:** Correct Commissioner, it is in the internal investigation, Colonel Erasmus approached Brigadier Mkhwanazi and stated that he must give a version  
20 of what took place in this event and Annexure RS16 page 43 to 45 is his submission that he made a statement which he signed off on to say but all of this took place and he explained then that we, for instance even the Medicare 24 and CAT Security Services that start already in 2020 during COVID. So, in his own statement he stated that and then

on page 44 in the middle portion, projects undertaken with CAT. It started off with point 1 which states:

10 “Cartels examination at the college.  
We engaged the team when we had challenges of stationery at the college when cartels were about to write exams and they were serious institutional challenges with printing papers and ink. We requested the intervention and the commitment that Mike van Wyk made and fulfilled in terms of printing and producing documents that made cartels to write the exams with our EMPD at the cost of more than R300 000 at that time as per their estimation.”

20 So that portion is where he states for himself that we accepted again a donation to that value and the charges that we then disciplinary inside that is that again it is noncompliance with the policy of declaring donations as and when they occurred and that the correct process must be taken with regards to donations. I know that it is maybe a Freudian slip, but we ...[intervenes]

**CHAIRPERSON:** The cartels instead of cadets.

**COMMISSIONER SPIES:** Yes, it could be a Freudian slip,

but it is – we took a long time, but we believe it would be cadets when we do not speak to our recruits. We speak to them as recruits or students. We do not speak to them as cadets, but it is possible that cartels are actually referring to cadets.

**CHAIRPERSON**: Yes, I almost said that when Chief Mapiyeye was testifying, I almost said Freudian slip, but I stopped myself. There it is. You have said it.

**COMMISSIONER SPIES**: But it is my opinion.

10 **CHAIRPERSON**: You have said it. All right, I sought that clarification, Commissioner, because reading paragraph 41 of your statement, one might think that you are saying that Brigadier Mkhwanazi received the donation in his personal capacity. So, that is why I just sought clarification whether this was a donation to the municipality in the manner you explained this morning.

**COMMISSIONER SPIES**: Commissioner, maybe just – it is maybe my grammar. It says that:

20 “Brigadier Julius Mkhwanazi had personally admitted to receiving a R300 donation from a subsidiary.”

And then I carried on, but it is not – it is from his personal admittance that this donation was not declared.

**ADV SELLO SC**: Chair, through you, I think the chair is correct. What is expressed in the statement is slightly

different from what is in the actual document. The document makes it clear that the donation was to EMPD. The phraseology in the statement would appear to suggest that that donation was made to Brigadier Mkhwanazi personally, right? So, and that is not – that was not your intention?

**COMMISSIONER SPIES**: No, no.

**ADV SELLO SC**: And perhaps then to avoid any confusion and miscommunication, the statement should read, this  
10 evidence revealed that Brigadier Julius Mkhwanazi had personally admitted to EMPD receiving that donation. Would that resolve the problem?

**COMMISSIONER SPIES**: That is correct.

**ADV SELLO SC**: Okay. Which I do, so thank you. Thank you, Chair.

**CHAIRPERSON**: Thank you.

**COMMISSIONER SPIES**: Then, obviously, after that meeting we had, and we read this statement, and then it was decided that Colonel Erasmus must inform the lawyers  
20 to add charge 5 and 6 as well because it is again a contravention of the donation policy.

**ADV SELLO SC**: Thank you. That then takes us to the second leg of this main topic of disciplinary processes and interference. You now have a sub-chapter titled Intervention by Human Resources, starting at paragraph 43.

**COMMISSIONER SPIES**: At this stage, this is really when his suspension is starting to end. There is an intervention by Gxasheka where she, as the head of HR, gives him, sent a letter to him that he must come back to the office and that he must be, his suspension ends. But at the same time, when his charge sheets were served on him, the lawyers sent it to Xolani Nciza to say, please ensure that the charge sheets are served on Mkhwanazi.

And he, in turn, gives it to a person with the name  
10 of Tamizit Zambe[?], who is a senior person working at HR as well. And there are other interactions that happen at the back end that I know now, but I was not present when this took place. But at that stage as well, I asked Mr Zambe, why are you not serving it? Because I was ccd in the charge sheets when it was sent and I was following the process and then at a stage I am at HR and I ask him, why are you not serving this?

Why are you keeping it abbey? It is not being served to him at all. And then he said to me, he phoned  
20 Mkhwanazi to say to him, come to the office to come and fetch these charge sheets. And Mkhwanazi told him over the telephone that I spoke to Gxasheka and the city manager and they instructed me that you shall not serve this on me, this process will be stopped.

So, I said to Zambe, we made a joke about it, like,

it is not possible. He is lying to you. Why do not you just give him an instruction that he must come through? And he says, no, he is honest. This is what happened. He has been stopped from serving these on them. And it came directly, firstly from Mkhwanazi, but then in the department itself from HR the charge he did, and everything were being more dealt and not served on him.

So then, I touch on it in this letter that has been sent from Gxasheka as the head of HR. She is sending a  
10 letter to him to say your suspension has been uplifted, you must return to the office and go back to your office that you can do your work again. And in that process, the chief of police, we had a short management meeting when it was decided by the chief that he is going to redeploy him to the director by-laws. Now, there is eight director positions in the Ekurhuleni Metro Police and the director by-laws position at that stage was vacant. So, he said he will deploy him to the director by-law. It is a similar job description, same level, there will be no interaction, but  
20 then he is not ...[intervenes]

**CHAIRPERSON:** Sorry, Commissioner. When we are done with what I am raising with you, you will go back to the deployment. You say that Brigadier Mkhwanazi said that he was not going to accept service of the disciplinary, let me call them disciplinary documents or documents relating to

the disciplinary process, and that it was the municipal manager and who else who had said he should not receive this?

**COMMISSIONER SPIES**: Gxasheka, the head of HR.

**CHAIRPERSON**: The head of HR, yes. And when you and others said he is talking nonsense and that he must be served, he then said, no, no, no, the person that was serving, he said, no, it is actually true. And my understanding is that you said he had actually gotten word  
10 from above that this was indeed the position.

**COMMISSIONER SPIES**: Correct, Commissioner.

**CHAIRPERSON**: The brigadier was not going to be disciplined. Who were you told had actually said that ...[intervenes]

**COMMISSIONER SPIES**: Mister ...[intervenes]

**CHAIRPERSON**: That the brigadier should not be. That is someone from the top. Who is supposed to have said this?

**COMMISSIONER SPIES**: We had arguments then where we were actually arguing and fighting with HR, and Mr Nciza  
20 said that he was informed that it shall be stopped and it shall not proceed. So, he directly informed me as well, over and above Tommy that made it a joking matter, but Mr Nciza said to me that this matter will be stopped, and it is instruction from above.

**CHAIRPERSON**: Whose names did he give?

**COMMISSIONER SPIES**: He gave the names of Linda Gxasheka and Doctor Imogen Mashazi as the city manager. He said they instructed him, and he says also that advocate Kemi Behari from legal. The three of them were involved in the matter and this matter will be stopped.

**CHAIRPERSON**: Yes, no, I just wanted clarity between what Brigadier Mkhwanazi said and what came directly to Mr Nciza. So, you clarified that. Thank you. You were at the stage of the deployment.

10 **COMMISSIONER SPIES**: And then I referenced that his suspension was uplifted by Gxasheka on RS17 is the reference then to the upliftment of his suspension which was on the 24<sup>th</sup> of May 2023 signed by him.

**ADV SELLO SC**: And for the record that is at page 46 of the annexure bundle.

**COMMISSIONER SPIES**: And the Chief then, subsequent to that upliftment, when it came to his attention that this upliftment was actually effective now, he issued a redeployment letter to Brigadier Mkhwanazi ...[intervenes]

20 **CHAIRPERSON**: I keep interrupting you as you come to the deployment. Is it not so though that the upliftment of the suspension was a function of the fact that the 3-month period allowed for suspensions had run out?

**COMMISSIONER SPIES**: It is correct Commissioner. However, even though it is a clause 16 of the Disciplinary

Procedure Agreements, you can extend again if it actually does that. So sometimes it will happen that the Chief of Police would say we are running out of time because of there is still investigations to be concluded and then the suspension will be extended again. However, in this matter the Chief of Police did not even have the opportunity to extend it again. He was just informed that the upliftment has already been issued by Gxasheka from Human Resource.

10 **CHAIRPERSON:** Thank you. I will not interrupt you at the deployment.

**ADV SELLO SC:** I shall do the interrupting. Commissioner Baloyi.

**ADV BALOYI SC:** Just to follow up on that, the power to extend the suspension, firstly where does it lie? We know that the initial suspension was by the Chief of Police. Does he carry the power to extend, or does it lie with HR? That is question 1. Two, is it provided for in the Collective Agreement, in the Disciplinary Procedures Collective  
20 Agreement?

**COMMISSIONER SPIES:** Commissioner, the first suspension was done by Gxasheka. So, the Chief of Police completed the request to Human Resources that the process be done Xolani Nciza. He then obviously most probably typed the letter, and he signed as recommended

and the first suspension was done by Gxasheka as the HOD HR. It is in the City of Ekurhuleni the manner how that works. In my current position, the Chief of Police is the one who is suspended.

So, she fills in the suspension and if it comes to the time that your suspension must be uplifted or your suspension must be extended, the Chief of Police do the suspension. It is only in Ekurhuleni different and that method of doing it that way has also changed which will  
10 come a little bit later as well. It was changed on a specific date. So, the whole, this Mkhwanazi matter actually changed the whole procedure within Ekurhuleni.

**ADV BALOYI SC:** Well, thank you for the correction of the evidence about who suspends. The second question was, is it in the Collective Agreement that the power to extend an extension at the end of 3 months?

**COMMISSIONER SPIES:** It is contained in the Collective Agreement that the initial period is 3 months but it is not specifically speaking about the extension but it is practise  
20 that you can extend and you must do it in times and there must be reasons but it creates later on when it comes to labour law, it creates issues that you always will have points *in limine* raised because of why it was extended. So, it can be extended, and it is extended in practise, but it also can cause delays in the later procedures.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you Commissioner Baloyi. I think Commissioner Baloyi has covered the area that I would want to because my reading of Annexure RS17 is that the author suggests that that 3-month suspension period can never be extended and the view you express is it is capable of extension under certain circumstances.

**COMMISSIONER SPIES:** Correct Commissioner, it can be extended and it is numerous times have been extended in  
10 the past as well.

**ADV SELLO SC:** Thank you. This then leads us to the next sub-heading which you have titled Death Threats Symphony. Could you speak to that?

**COMMISSIONER SPIES:** Commissioners, there is still paragraph 44 and 45, the redeployment that I did not.

**ADV SELLO SC:** Then perhaps 44, 45. 44 you in part, you are not in part, extensively dealt with earlier in response to a question I think from Commissioner Baloyi but if you want to reiterate what is in paragraph 44 for completeness's  
20 sake, please go ahead.

**COMMISSIONER SPIES:** After he was uplifted now and he is back at work, the Chief of Police redeployed him to the director by-law position and he just blatantly refused and about approximately 2 to 3 weeks after he was redeployed, a letter was issued by Gxasheka to the Chief of Police to

say that the Chief cannot deploy him, he must be redeployed to his substantive position as Director Specialised Services, which in my mind and we had proper discussions about that to say but this is a usurpation of the Chief's powers and functions, he is deploying.

Section 64(C) says he is the one who deploy, who transfer, who appoint, he must sign off and everything and if he deploy any person and he gives them a legal police instruction to go hit a unit or go hit that, he is the one who  
10 takes responsibility, he is the one who gives the instruction. For not complying to that, it is a very, very serious misconduct.

If it was still in the pirate era, he would have walked the plank, but he is being protected by someone from HR who has got no powers to interfere into policing matters, who has actually giving an instruction to a police chief that this person must be moved back to his substantive position. That is the only part that I want to put  
20 down there, is that there is proper interference from civilians into the policing arena and contravening the South African Police Services Act which gives specific powers to the Chief of Police.

**ADV SELLO SC:** And for the record, Chief Mapiyeye dealt with that process during the course of his testimony and has submitted into record the letter that you referenced,

instructing Chief Mapiyeye to reverse the decision to deploy him, Brigadier Mkhwanazi, to the bylaws division and requiring him to be placed back in his substantive post and Chief Mapiyeye's own response to that demand by Ms Gxasheka. So, it is dealt with in full there. So, it is ...[intervenes]

**CHAIRPERSON**: Yes, ...[intervenes]

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

**CHAIRPERSON**: I seem to recall, I do not know whether it  
10 was in Chief Mapiyeye's evidence or in one of the statements, either his or yours, that a reason was given for the deployment in the bylaws section. Just remind me what was the reason again? I am asking this because surely the Chief cannot redeploy at whim. Yes, the power maybe is in terms of 64(C), but I doubt that this is something he can do, you know, based on how he feels. I am using he because it is a 'he', the incumbent is a 'he'. Surely there must be a rational basis, but if you do not remember, no, no, no.

**COMMISSIONER SPIES**: There was a rational given  
20 behind it and as I stated earlier is that the director positions are all the same job descriptions and therefore you can be deployed to any one of those to do the same work. One will be dealing with specific bylaws, one will be dealing specifically with the police station area, but the rationale behind the letter when it was given is that because there is

still investigations going on with this group and with this influence at the specialised services is that he temporarily be redeployed to the bylaw section. So, there was a rationale given.

**CHAIRPERSON:** I think that is exactly what I seem to recall in my mind. Thank you, thank you Commissioner.

**ADV SELLO SC:** Thank you, Chair. Perhaps for the record, if the chair could scribble on Commissioner Spies's, that part of Commissioner Spies's statement. Chief  
10 Mapiyeye, in dealing with this aspect of things, references Annexures JM30, which is the same upliftment letter, followed by JM31, which is the letter from Ms Gxasheka challenging his, Chief Mapiyeye's decision to deploy Brigadier Mkhwanazi to bylaw enforcement and JM32, which then is Chief Mapiyeye's own response to Ms Gxasheka's challenge as to why Brigadier Mkhwanazi has been deployed to bylaws. Thank you, Chair.

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

**ADV SELLO SC:** Thank you. And then in that paragraph,  
20 that chapter, you conclude by, you know, by expressing a view that is, as far as you are concerned, this constituted usurpation of Chief Mapiyeye's powers contemplated in section 64(C)(2).

**COMMISSIONER SPIES:** Correct, Commissioner.

**ADV SELLO SC:** And you say Ms Gxasheka has no

authority to interfere in municipal police matters in this manner.

**COMMISSIONER SPIES**: Correct, Commissioner.

**ADV SELLO SC**: How else would she become involved in police matters?

**COMMISSIONER SPIES**: She cannot be involved in any policing related decision or the deployment or transfer or movement of officers. Her function is as a human resource is to do that in state of portions behind the scenes. If an  
10 officer is appointed or redeployed, capture it in an HR system, manage the personnel files. That is what the HR function is.

It is, and it is strange to say it, but I do not listen to civilians. I am a policeman. I listen to my direct line of command, you know, line from the brigadier underneath me. I do not listen to a person from HR giving me policing instructions. I will assist them if they ask information and they will do paperwork and administrative work. That is the function of HR.

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

**ADV BALOYI SC**: Yes, perhaps on that theme, we saw in the letter of appointment of Chief Mapiyeye, something to the effect, and this is from the city manager, something to the effect that he will exercise his powers or perform his functions among others as directed or the direction of the

city manager, some such wording. What do you understand that to mean, the powers of the city manager over the chief of police?

**COMMISSIONER SPIES**: In terms of the South African Police Services Act, and I think it is section 64(B), is that the city manager is accountable for the Metro Police to the council. So, she is a conduit to the council, and she must be accountable for the Metro Police. Now, because she is accountable for the Metro Police, obviously she will have  
10 powers in the sense that the chief of police must account to her whatever he does but not related to policing matters.

It is in his day-to-day work, how he spent money, how he spent the budget, how he operates within the environment of a local government that he complies with the MFMA, the Structures Act, the Municipal Systems Act, all of those legislation, and whatever is being done in the municipal police must be accountable to her. That is the to issue a policing instruction will be considered as interfering into policing matters.

20 Only the chief of police will have the powers, and that is where section 64(C) then steps away from the city manager who is accountable for the municipal police to the council. It steps into the chief. He himself must then have the following powers. And it goes further. The city has a matrix of delegations. So council resolve a complete

chapter, a whole policy on delegations where council, because just about every piece of legislation will speak about an accounting officer can do this or accounting officer can do that, and all of that is then in a council resolution taken to say the following delegations is delegated to this individual, and the chief of police has then two sets of delegations that is delegated to him from council.

The first one is that everything in section 64 chapter 12, everything that is mentioned there is then  
10 delegated to the chief of police. The delegation for the Firearms Control Act, where the Firearms Control Act speaks about the responsible person for an official government institution, that function is delegated to the chief of police.

And every other piece of legislation that assigns a function to a council authority in that set of delegations, it is then given to the chief of police by council, not by the city manager. And then further to that, there is a generic set of delegations that deals with how normally HOD of a  
20 department will deal, the appointment, the practical appointment, promotions and discipline processes. All of that is then also delegated as a separate set of delegation to the chief of police.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner. Let us turn

then to page 22 of your statement, the sub-chapter you have termed Death Threats.

**COMMISSIONER SPIES**: During this same period, this is now this May, June, July period when all of this is reaching like a hot point where this discussion is going on and nothing happens with the disciplinary and nothing happens with IPID. It just, everyone gets more information, and it gets worse and worse and worse as we go along. I am suddenly approached by a person from the State Security  
10 Agency and he is starting to me that they, the State Security Agency, have picked up that there are death threats being made against me, where this Brigadier Mkhwanazi and other officers were discussing at Katlehong area, they were discussing to rent or hire Inkabi, which is a hitman from the KZN area.

So, they were discussing this, and they already have plotted the concept of, it is easy to take me out because I drive for my private capacity, I also have a motorcycle and I enjoy motorcycle riding, adventure riding,  
20 and it is easy to take me out because I use the motorcycle. So SSA concluded a complete threat assessment against me and with my house and there were conclusions made at the end of the day where they asked me if I am kosher with it, if a guard can stay on my premises and I will provide water and electricity to the guard, and I stated yes, I will do

that if it comes down to that, but I also look after my own security and my family security in a very obscure manner. They then reported this to the city manager.

**CHAIRPERSON**: Commissioner, may we pause at that point when you start talking about the city manager. So please remember where exactly. May we take a short adjournment.

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

**CHAIRPERSON**: We will indicate when we are ready.

10 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

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

**CHAIRPERSON**: Yes, Ms Sello.

**EXAMINATION BY ADV SELLO SC**

20 **(CONTINUES)**: Commissioner Spies, you recall you were still dealing with your engagement by the State Security Agency regarding potential threats to your life, or in question of your safety, and the Chair had interrupted the flow of your narration there. So, if you could pick it up from, and if my recollection serves me well, you were dealing with the State Security Agency investigator reporting back to your engagements he or she had had with the city manager.

**COMMISSIONER SPIES**: Correct, Commissioner. The investigator came back to me and he stated to me that the

report was submitted and that there is a definitive threat against me, and he said to me that after he presented to the city manager, and that is that she came back with a nonsensical answer to say, I provide him with a gun, he can look after himself.

So I thought that, because it is the first time that I really have a threat analysis done on me or anything like that, and I thought, everyone is, you know, maybe they just did not want to do it, and I actually undertook then to the  
10 investigator from the SSA, and I said, no, it is fine, I will make sure that everything they recommended is from my side is actually implemented.

And we then, based on that, even to date, we live extremely reclusive. We have improved our security tremendously, but we have stopped visiting anyone. We do not go out after hours at night. We live extremely reclusive because of this actual threat that exists against me and my family that is being made.

**ADV SELLO SC:** And if I may enquire, that was the  
20 assessment, then you did not give a time or a date. What year was this, when the SSA did this assessment?

**COMMISSIONER SPIES:** It was in 2023. It was in that period, May, June, July, when this was like reaching a peak situation in the department itself.

**ADV SELLO SC:** And secondly, did you ever have a

conversation with the city manager regarding this matter, you directly?

**COMMISSIONER SPIES**: No, I never had a situation or a discussion with her at all about it.

**ADV SELLO SC**: Having been informed by the SSA investigator, why did not you have an engagement with the city manager regarding this very concerning matter about your safety?

**COMMISSIONER SPIES**: The investigator said to me that  
10 he did propose that the guardhouse and the guards that must be placed, but that he was informed that the city will not pay for this cost at all and I must look after myself. After that, I also had a discussion with Chief Mapiyeye about it and stated, is this genuinely what happened? Because I could not believe that my city would take such a stand towards me when I am just doing my normal work. And he stated, it is true, I must look after myself and I must make sure that my security is everything intact.

**ADV SELLO SC**: Have you ever had another assessment  
20 done? Do you know what your security situation is, as you sit here today?

**COMMISSIONER SPIES**: As I sit here, we live still extremely reclusive. I have not had another security assessment done. I have verbally approached the provincial police commissioner to say that I must be

reassessed, but there is no formal, that I know of, reassessment done on my security at all, or my family's security.

**ADV SELLO SC:** Any other comments you would like to make on this topic, the death threats?

**COMMISSIONER SPIES:** It is just that for the last weekend, since I started to testify on Friday again, on the last weekend on social media, there is again people that make comments, but it is farcical. It is comments of, look  
10 after yourself. We know where you stay and things like that. We live very secure at the moment. We are reclusive and we do not go out, and we try to look after ourselves at the moment.

**ADV SELLO SC:** Chair, and is that the end of, is that the conclusion of that sub-charter? Chair, it is now just going for 17:30, 15:30, 15:30, I see fifteen. May I request an early stand down and we resume tomorrow at 09:30 with Commissioner Spies back in the box.

**CHAIRPERSON:** Let us adjourn and resume at 09:30  
20 tomorrow morning.

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

**INQUIRY ADJOURNS TO 11 NOVEMBER 2025**

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