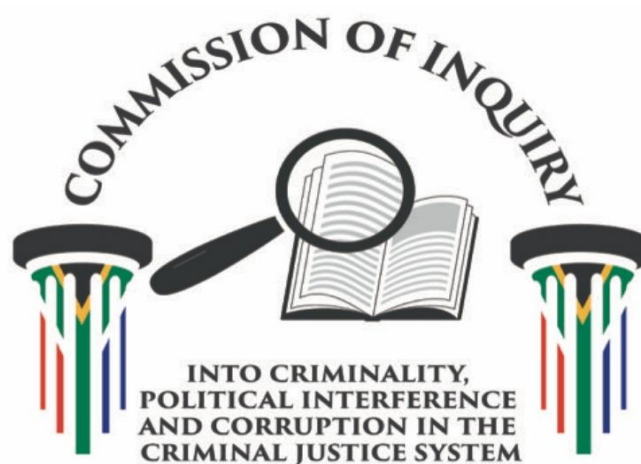


**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**  
**BRIGITTE MABANDLA JUSTICE COLLEGE**

**18 NOVEMBER 2025**

**DAY 35**



**PROCEEDINGS ON 18 NOVEMBER 2025**

**CHAIRPERSON:** Apologies to everybody for being two minutes late. Mr Chaskalson?

**ADV CHASKALSON SC:** Chair, I wonder if we could ask the photographers to sit down at this point.

**CHAIRPERSON:** Please, please take your seats.

**ADV CHASKALSON SC:** Chair, today's witness is Mr Brown Mogotsi. He is represented by Advocate Arno Venter, instructed by David Baylis. Before we start with Mr  
10 Mogotsi, Chair, I merely want to place on record that we are shifting, at the start of proceedings, my predecessor, Adv Motau, she explained that we were going to structure these hearings essentially in three stages.

That in the first stage, the persons making the allegations in support of the allegations that General Mkhwanazi made at his press conference would have the opportunity to bring evidence forward in support of those allegations, and that evidence would not be tested at this stage. It would be tested later when we call those  
20 witnesses back in stage three. Then in stage two, persons who need to answer some of those allegations will be called, and we are now moving into stage two.

Now, the witnesses making the allegations were allowed to tell their stories without interruption or without hostile questioning. And so, in fairness to Mr Mogotsi and

to all other witnesses who come in this stage, we propose that we will allow the witnesses to tell their story first. We will lead them on their statements without interrogating in any detail the allegations that they make in their statements, so that they have the opportunity to tell their story in full without hostile interruption.

Once they have completed their statements, we will then shift to a more intrusive form of questioning just to test the veracity of the allegations that are made. So for most  
10 of today, I would imagine ...[intervenes].

**CHAIRPERSON**: So is this something the Evidence Leaders will do immediately?

**ADV CHASKALSON SC**: Indeed.

**CHAIRPERSON**: The witnesses' evidences?

**ADV CHASKALSON SC**: Indeed. But to enable the witness to tell their story in full, we will only do that after they have told their story in full. So for most of today, I will be leading Mr Mogotsi through his statement that has been made available to you. Depending on how far we get today,  
20 either late today or tomorrow, I will then start testing particular aspects of what Mr Mogotsi says in his statement.

**CHAIRPERSON**: I hope that does not stop us from doing what we have been doing, which is sometimes to ask a few testing questions as you go along.

**ADV CHASKALSON SC**: Indeed. Certainly, clarificatory

questions, absolutely, Chair. We would welcome clarificatory questions. Mr Mogotsi needs the opportunity to make everything clear to the Commission.

**CHAIRPERSON**: Yes.

**ADV CHASKALSON SC**: Again, on the same basis as the Commissioners have been questioning the Phase 1 witnesses on particular details, the Commissioners must feel free to do the same in relation to Mr Mogotsi and all other witnesses.

10 **CHAIRPERSON**: Thank you. In addition to the file containing the statement, there are two other files, one referred to as the Exhibit Bundle and the other as Annexures. I want to put one behind me. Is there one that ...[intervenes].

**ADV CHASKALSON SC**: Indeed, the Exhibits Bundle will not be referred to today.

**CHAIRPERSON**: Which one?

**ADV CHASKALSON SC**: Exhibits Bundle, File 1. Exhibits Bundle will not be referred to today at all. That is in terms  
20 of an undertaking I have made to Mr Mogotsi's legal representatives because it was made available at a very, very late stage. They will need to go through it with Mr Mogotsi after hearings today before I can refer to it.

I should mention also in that regard that there are certain, in the Annexure Bundle which is File 2, there are

certain – if one goes to page 144, from 144 on there are documents which are the documents that were attached to the chats between Mr Mogotsi and Mr Cat Matlala. I will not be referring to those documents today because, again, they were made available at a late stage to Mr Mogotsi and his legal team needs just to have the opportunity to confirm that they are indeed what we say they are.

**CHAIRPERSON**: Thank you. Thank you, Mr Chaskalson.

**ADV BALOYI SC**: Mr Chaskalson, is it 144 of 2 of 2?

10 **ADV CHASKALSON SC**: It is...

**ADV BALOYI SC**: CBM 1.

**ADV CHASKALSON SC**: From CBM 1 onwards.

**ADV BALOYI SC**: And also maybe just to guide our engagement in this uninterrupted section, when you do the second part, you will be interrogating the statement of today.

**ADV CHASKALSON SC**: Indeed. Absolutely.

**ADV BALOYI SC**: Thank you.

20 **CHAIRPERSON**: Mr Mogotsi, good morning. Please place your name, your full names, on record.

**WITNESS**: Oupa Brown Mogotsi.

**CHAIRPERSON**: Are you going to swear or affirm?

**WITNESS**: I am going to swear, Commissioner.

**CHAIRPERSON**: Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the

truth? If so, please raise your right hand and say, so help me God.

**WITNESS**: So help me God.

**OUPA BROWN MOGOTSI**: (duly sworn states)

**EXAMINATION BY ADV CHASKALSON SC**: Thank you, Chair. Thank you, Mr Mogotsi. And, Mr Mogotsi, just to repeat what I have just said to the Chair, in the first stage of this ...[intervenes].

**CHAIRPERSON**: I am very sorry to interrupt you, Mr  
10 Chaskalson. Mr Mogotsi, can you please switch on both  
mics and try to pull them as close to you as possible? As  
long as you still have room for your laptop.

**MR MOGOTSI**: Thank you.

**CHAIRPERSON**: Yes, thank you.

**ADV CHASKALSON SC**: Just to repeat what I indicated to  
the Chair at the outset, the purpose of the starting phase of  
today's session is really for me to enable you to tell the  
story that you tell in your statement. So I am not going to  
try to catch you out this morning, as it were. I am trying to  
20 amplify what you say in your statement. There will come a  
point when we reach the end of your statement when I will  
have to test the correctness of what you are saying, but I  
will give you notice when we reach that point so you know  
when to be on your guard, as it were.

With that introduction, Mr Mogotsi, can I just check

that you have in front of you both the file called Statement and the file called Annexures, File 2 of 2?

**MR MOGOTSI**: Yes, they are in my possession. Thank you.

**ADV CHASKALSON SC**: So, we will start with your statement. There is a fairly lengthy introductory section that runs from page 1 through to paragraph 13 on page 4, which explains the approach to you from the Commission, the notices that were sent to you and your responses. I do  
10 not think we need to dwell on it in any detail, but will you merely confirm that what you – well, maybe we should start at the very beginning. Can I ask you to go to the end of your statement, page 25, and confirm that the signature that we see on page 25 is your signature?

**MR MOGOTSI**: That is my signature. That is correct, Commissioner.

**ADV CHASKALSON SC**: And that the contents of the statement that you have furnished to the Commission are true and correct?

20 **MR MOGOTSI**: True and correct. That is correct.

**ADV CHASKALSON SC**: To go back then, paragraphs 3 to 13 really set out the background to the Commission's engagement with you and what happened in leading up to your furnishing of the statement that we received on Saturday. Beyond confirming that those paragraphs are

correct, is there anything in relation to those paragraphs that you would like to highlight or to amplify before we move on to the substance of your statement?

**MR MOGOTSI**: No, they are correct.

**ADV CHASKALSON SC**: Thank you.

**MR MOGOTSI**: I am satisfied.

**ADV CHASKALSON SC**: Then if we can start with the substantive part of your statement and maybe you can start at paragraph 15 and tell the Commission about your history  
10 that you set out in paragraph 15.

**MR MOGOTSI**: Thank you, Commissioners. During the period from 1993 to the early part of 1995, I was in uMkhonto weSizwe operative, but in its self-defence unit which operated within South Africa and had its own objective and gathering of intelligence. I gained a lot of experience in the clandestine gathering of intelligence and the practices of counterintelligence. I then became and I was appointed an official informant for the South African Police Service in 1999. During 2009, I was registered and  
20 thereafter acted as an agent for Crime Intelligence in the South African Police Service.

**ADV CHASKALSON SC**: Can you explain to the Commission the difference between an informant and an agent?

**MR MOGOTSI**: You see, an informant will be any person.

It even happens in different situations. We may be a group of three probably doing something illegal or stealing. And when I happen to be arrested alone, the moment I tell the police the truth and tell them even yesterday we stole something and we left it at a particular place and the police goes there and finds whatever that I am saying and further probably tell the police, look, even next week or tomorrow we are planning to break somewhere and the police goes there and they find that it is true, my friends were  
10 attempting to steal or they were breaking, the particular person can also be regarded as an informant. Or a police officer may be knowing the movement of this person, his environment, and may also make that particular person an informant.

But when it comes to a contact agent, a contact agent will be recruited by a Crime Intelligence officer or official and that recruitment will include certain things based on your history. And also usually they will even recruit an individual who has been an informant for some  
20 time. There is a particular paragraph in here which gives the difference between an informant, I mean the definition of a co-handler. But what I need to emphasise, a co-agent, sorry. A co-agent, unlike ...[intervenes].

**ADV CHASKALSON SC:** Sorry, can I just clarify, when you say co-agent are you referring to contact agent?

**MR MOGOTSI**: Contact agent. Contact agent. A contact agent is having a different, is usually empowered with an instrument that is utilised by all organisations, criminal intelligence organisations in the world. It is a very sophisticated instrument, it is called the Legend Building. In its definition, it is more like creating a false life or a back story created for a clandestine operative. It is an essential component of spy identity designed to withstand scrutiny and conceal the identity. Now, this contact agent, as I said,  
10 there is a particular paragraph which gives, it is paragraph 18. It says:

“A contact agent is a person who is recruited by a Crime Intelligence officer which is referred to as a handler. A contact agent is expected to establish network of sources and informants in order to execute the task and the handler would from time to time assign to the contact agent in the  
20 field.”

It goes to say:

“A contact agent does not carry any form of identification which would refer to him or her as holding that designation because a file with a

contact agent details is kept in custody of his or her handler's possession. Now all payments for services rendered by a contact agent and disbursement incurred in the execution of his or her duties as a contact agent are paid in cash by the handler after having completed the necessary paperwork. And usually, a handler would recruit a  
10 contact agent with the knowledge that the contact agent has been an informant for South African Police Services proceeding his or her recruitment.”

And it further says:

“A contact agent can thus be described as a person who acts as a link between an intelligence service, an informant, or undercover operative. He or she  
20 passes information, instruction, or resources between the two while protecting the identities of those involved. He further manages the safety and secrecy of the communication channel used. For

example, in South Africa Crime Intelligence Division, a contact agent might liaise with police intelligence officers and civilian sources who provide information about criminal activities and/or investigation.”

**ADV CHASKALSON SC:** If I can just clarify a couple of issues.

**MR MOGOTSI:** Ja.

10 **ADV CHASKALSON SC:** You talk about payments. Can I ask, when you were an informant, were you ever paid for your services as informant?

**MR MOGOTSI:** As an informant, yes. You would be reimbursed in some way.

**ADV CHASKALSON SC:** And as an agent? Have you been paid as an agent?

**MR MOGOTSI:** When recruited, you will obviously, after meeting your handler, after a week or so he will come and probably give you a recruitment fee of some sort and you  
20 will gradually be talking about your tasks and so forth and here and there he will assist you and bring you some payment, which all the time you will have to sign some papers on receiving of that payment.

**ADV CHASKALSON SC:** And when you as an agent run informants or have informants, are you empowered to pay

them, the informants underneath you?

**MR MOGOTSI**: Commissioners, there is no way. You may just know that a particular informant has claimed so and so much, and so much too. And because you will be talking to the handler, there is no way you can pay. It is only the handler who can pay the informant. And just to add, Commissioners, even the handler on doing the payment will never come with a friend or a colleague. It will only be you and the handler.

10 **ADV CHASKALSON SC**: So if your informants were paid, it was not you who paid them, it was one of your handlers who would pay them?

**MR MOGOTSI**: Commissioners, can you repeat the question?

**ADV CHASKALSON SC**: So if your informants, the informants who you had when you were building a network as an agent, if they were paid, it would be the handlers who paid them, not you?

**MR MOGOTSI**: It would be the handlers, that is correct.

20 **ADV CHASKALSON SC**: You have talked generally, sorry, you mentioned building a legend. Can you just explain to the Commission what you meant by that regard, in that regard?

**MR MOGOTSI**: The Legend Building. This instrument, let me – when I said you will create a false life, in one of the

statements you see I said, one of my communications with General Mkhwanazi, for example, I sent him a message that how is your relationship between yourself and Lt-Gen Khumalo? And he asked, what did he say? And I said, no, he was putting a remark that you are not listening to the Crime Intelligence. But the moment you advanced more questions, I said, the Minister has been briefed, or I said, General Khan will brief you next week. It is just to create a false life, you create a perception that the person can start  
10 talking to you.

**ADV CHASKALSON SC**: But in your case, the legend that you created did not involve any different identity from your actual identity as Brown Mogotsi.

**MR MOGOTSI**: Yes, I remained Brown Mogotsi.

**ADV CHASKALSON SC**: Can you then take the Commission to paragraph 16 of your statement and explain what happened in December 2020?

**MR MOGOTSI**: During December 2020, I was called by the late Lt-Gen Mfazi. It was just after the PPE scandal, after  
20 the Covid-19. And it was also after the arrest of Divisional Commissioner Lt-Gen Jacobs, Maj-Gen Lekalakala, and others. And when he called me, he called me for a task in my capacity as a contact agent, to investigate also to check the irregularities within the Crime Intelligence and South African Police Service. At that time, Lt-Gen Mfazi was the

Deputy National Commissioner of Crime Detection.

**ADV CHASKALSON SC:** And, I mean, you referred to a brief to look into irregularities within Crime Intelligence and SAPS. That is quite a general brief. Was there anything specifically that you were asked to look at?

**MR MOGOTSI:** Ja, for example, that period he referred to, there was reference about procurement of some vehicles by Crime Intelligence which could not be traced, and other transactions. For example, you would want to, you would  
10 have a proof of payment to informants and you would want to establish if really these informants did receive those payments, and so forth.

**ADV CHASKALSON SC:** Can you continue then to paragraph 17?

**MR MOGOTSI:** Yes, that is where Lt-Gen Mfazi introduced – he actually introduced, he wanted the particular handler to be my handler, and I told him no, but I do have a handler, General Mfazi, who was Warrant Officer Mabizela, but then the one that he called, we then agreed that he will be my  
20 co-handler.

**ADV CHASKALSON SC:** So, Lt-Gen Mfazi essentially gave you a co-handler to work alongside Mabizela?

**MR MOGOTSI:** Mabizela. That is correct.

**ADV CHASKALSON SC:** And was, as far as you were concerned, was there any division of labour between the

two handlers? Was there work that you did with Mabizela but not your co-handler, and work that you did with the co-handler and not Mabizela?

**MR MOGOTSI**: Yes, we will, meaning the handler is the one who will always give you tasks, but in circumstances where the handler is not available, we will also say please talk to the co-handler, or I have spoken to the co-handler, please work with him in this particular project.

**ADV CHASKALSON SC**: So, as far as you were  
10 concerned, the handlers were a team that was managing you – there was not as though Mabizela dealt with you in relation to a particular project, co-handler had nothing to do with that, but he dealt with a different project?

**MR MOGOTSI**: No, if there is a project, the co-handler will know and be notified by the handler. A co-handler will not initiate any mission without the main handler, the handler himself.

**ADV CHASKALSON SC**: Now, in paragraph 19 you  
20 indicate that you need to protect the identity of the co-handler, and you say he undertook to be interviewed by me, and that interview in fact took place yesterday. I do not want you to name the co-handler in open Commission, but can I ask you just to write on a piece of paper which you will show to the Commissioners the name of the co-handler, so that if at a later stage the co-handler is called to testify,

we know that we are talking to the same person?

**MR MOGOTSI**: Commissioners, may I approach my counsel please? Commissioners, I will take it that it is only the Commissioners who have the name of my co-handler. Thank you.

**CHAIRPERSON**: Trust us, Mr Mogotsi.

**ADV CHASKALSON SC**: Can I ask Mr Baylis to take the piece of paper up to the Commission?

**CHAIRPERSON**: Thank you.

10 **ADV CHASKALSON SC**: On second thoughts, can I also see the piece of paper?

**CHAIRPERSON**: May I ask that Mr Mogotsi should please write the first name as well, if he knows it. Thank you.

**ADV CHASKALSON SC**: When you are not testifying, and particularly when you are talking to your attorney, switch off your microphones because it gets recorded.

**CHAIRPERSON**: Thank you.

**ADV CHASKALSON SC**: Mr Mogotsi, at the end of paragraph 19 ...[intervenes].

20 **CHAIRPERSON**: Sorry, Mr Chaskalson. Please continue.

**ADV CHASKALSON SC**: At the end of paragraph 19, you say:

“During my clandestine investigations I uncovered criminal activities and as a result my scope of work investigation

was expanded.”

Can you amplify that? Can you give an indication of the sorts of criminal activities that you uncovered and how your scope of work expanded?

**MR MOGOTSI**: At first it came about most of the missions which were done, like informants working with the police, how the claims of informants would be inflated on the original submission as opposed to what the informant would receive. But most importantly was the coordination in the  
10 Crime Intelligence in terms of, I may just give you one example.

There was a time when an instruction was given out that all informants would receive a flat rate amount, whereas when claims are done you just get a different thing. And remember, Commissioners ...[intervenes].

**CHAIRPERSON**: What do you mean by seeing a different thing?

**MR MOGOTSI**: A different amount, like it was now known and that is what created a big problem for the Crime  
20 Intelligence. When all informants were given a flat rate of R3 000 irrespective of the work they have done. And I believe as we continue, one will give you tangible explanation, evidence that shows how the Crime Intelligence actually got affected to where we are today.

**CHAIRPERSON**: Yes. Just to be sure I understand you,

Mr Mogotsi, are you saying the informants would be paid a flat rate, but when the claim was made in respect of that informant, the higher amount would be claimed?

**MR MOGOTSI**: Yes, yes.

**CHAIRPERSON**: From the so-called fund?

**MR MOGOTSI**: Yes, that is correct. And not only that. You know, Commissioners, what is contained in the statement is mostly questions which were directed to me to respond to. I believe this Commission through the  
10 contribution, how we want to assist this Commission, there will be a drastic change especially in the Crime Intelligence. As we go on, we will be able to get the picture, the actual picture as to actually why are we here, why there is this Commission as we go on.

**CHAIRPERSON**: Apologies, I interrupted you. You were still at the point where you were talking about the flat rate being paid but a higher claim being made.

**MR MOGOTSI**: Yes, that is where an informant will tell you I have received this much and your source insight will tell  
20 you a different amount. And then as two or three of those things happened, that is when the scope gets expanded.

**ADV CHASKALSON SC**: And how did the scope expand?

**MR MOGOTSI**: Then that is when you start focussing on something very, very difficult. If an incident of that kind has occurred, Commissioners, it will now call for to check as to

after every arrest how will this informant be remunerated. Now not focussing on fighting crime, now wishing that there could be something happening, and once arrest has happened, then one will want to know or want to know how the whole thing unfolded at the end of the day.

**ADV BALOYI SC:** Just to clarify, Mr Mogotsi, I think earlier you said that payments would be made in cash.

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** So were there records that you verify  
10 against if you are doing this investigation?

**MR MOGOTSI:** The utilisation of a source, it is a very tricky thing. It goes with loyalty and trust. But the source will always show you something which you cannot take, but then you will inform your handler that such and such has taken place. That is correct.

**ADV BALOYI SC:** Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** Then in paragraph 20 you talk about Lt-Gen passing away in July 2021. Can you explain to the Commission what happened at that point?

20 **MR MOGOTSI:** Lieutenant Mfazi passed away in 2021. Immediately my handler has instructed me to lay low. And by the way, there is an investigation on the passing of Lt-Gen Mfazi. The suspicion of being poisoned. There is that investigation by IDAC. However, my handler instructed me to lay low, which I did, But I kept communication between

the handler and the co-handler.

**ADV CHASKALSON SC**: Can I just clarify, certainly the official recorded cause of death for Lt-Gen Mfazi is Covid, is it not?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And do you know why you were instructed to lay low?

**MR MOGOTSI**: I did not. I took that because Lt-Gen Mfazi has passed on, The handler is probably thinking there  
10 should be other things that will come up at a later stage. But there was no way we could continue when the handlers say you must lay low.

**ADV CHASKALSON SC**: In paragraph 21 you talk about the period December 23 to January 2024. Had you been laying low from July 2021 through to December 2023?

**MR MOGOTSI**: Yes, but I said I kept contact with my handlers.

**ADV CHASKALSON SC**: Can you then take the Commission through to paragraph 21?

20 **MR MOGOTSI**: Yes, that was the time, 2023 up to 2024, when the South African Government initiated an action against the Government of Israel in the International Court of Justice. Now, that is when we got information that the area in Richards Bay, which is controlled by this Israeli interest, there was a worry from those interests that South

Africa may halt that particular business, the trade.

**CHAIRPERSON**: What area in Richards Bay, Mr Mogotsi?

**MR MOGOTSI**: There is a mine in Richards Bay. But then the information as it came was that there was a suspicion then, a real, real suspicion, that Lt-Gen Mkhwanazi was and is, was recruited by the Central Intelligence Agency, the American one, and he actively worked for them.

**CHAIRPERSON**: In your statement, I will read exactly what you say when you introduce this subject of recruitment.

10 You say:

“I obtained information from one of my sources that King Misuzulu and Lt-Gen Mkhwanazi were recruited by and actively worked for and with the American Central Intelligence Agency (CIA).”

Relayed to us by you, this information is hearsay. And relayed to you by your source, it is hearsay. So it is hearsay upon hearsay or double hearsay. Do you agree?

20 **MR MOGOTSI**: I do not agree, Commissioners. In this world, the intelligence world, when there is a suspicion, you may presume, you can say yes, it is a hearsay, how a general person would think. But a contact agent, an underground operative, will have to investigate. Even if it is...

**CHAIRPERSON**: No, please continue.

**MR MOGOTSI**: The hearsay part, it becomes something of a general knowledge. One must investigate because it is a suspicion. Now, if a source says to you, King Misuzulu and Lt-Gen Mkhwanazi were recruited by the CIA, you start paying attention to everything they do.

**CHAIRPERSON**: May I, please, please, it is a simple question. I do not even understand why you would dispute what I am suggesting to you. In my language, which is the  
10 IsiXhosa, hearsay is *undiva*. I have asked my Co-Commissioners what it is in Setswana, and they tell me that it is *mafhari-vhari*.

**MR MOGOTSI**: It is true, it is true.

**CHAIRPERSON**: You know that?

**MR MOGOTSI**: Yes, I know that.

**CHAIRPERSON**: So all I am asking you is whether you accept or ...[intervenes].

**MR MOGOTSI**: It is hearsay.

**CHAIRPERSON**: Yes, it was *mafhari-vhari* when it was  
20 first presented.

**CHAIRPERSON**: Yes, I am not asking about what you then established afterwards. Thank you ...[vernacular].

**MR MOGOTSI**: [Vernacular].

**CHAIRPERSON**: Thanks. I do not want you to misunderstand me.

**MR MOGOTSI**: That is correct.

**CHAIRPERSON**: Hearsay evidence is admissible in this Commission. The only issue would be its probative value, then it is what weight we attach to it. So it is still admissible.

**MR MOGOTSI**: Thank you.

**CHAIRPERSON**: But my next question then is, what detail, if any, did your source give you on how the source knew that General Mkhwanazi and King Misuzulu had been  
10 recruited by the CIA?

**MR MOGOTSI**: Commissioner, may Commissioner rephrase the question? I do not, I do not, I do not...

**CHAIRPERSON**: What detail did your source give you on how they, that is your source, knew that General Mkhwanazi and King Misuzulu had been recruited by the CIA?

**MR MOGOTSI**: Ja.

**CHAIRPERSON**: Did your source just say, do you know General Mkhwanazi and King Misuzulu were recruited by the CIA without more?

20 **MR MOGOTSI**: Ja, you just say you know King Misuzulu comes, sorry, comes, he has been staying somewhere in the US. And then you say, you see how General Mkhwanazi speaks, he always tells you he was trained by the American and what, that is where everything started there, Commissioner. And indeed, even in front of here and in ad

hoc he spoke about being trained by the American. Yes.

**CHAIRPERSON**: I will tell you that I actually hold a degree from the United States of America, does that make me a CIA operative, a CIA operative? I am scared I asked that question because you just might say yes.

**MR MOGOTSI**: No.

**CHAIRPERSON**: But can you please respond?

**MR MOGOTSI**: No, I cannot say that, Commissioners. Investigation as it comes, someone may say that, not to me,  
10 to another agent, to whoever, may say Commissioner Madlanga is a CIA. He may say that, not to me. Yes.

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

**ADV CHASKALSON SC**: But just picking up on the Chair's question, apart from the fact that General Mkhwanazi says that he received some training in the United States, did your source give you any information to support his allegation that General Mkhwanazi and King Misuzulu are CIA agents?

**MR MOGOTSI**: You see, when information came,  
20 Commissioners, it further talks to the treatment which, the combination of General Mkhwanazi and Misuzulu, King Misuzulu, how they treated the brother to King Misuzulu, Prince Simakade. The investigation took us to that extent that we ended up having to meet ...[intervenes].

**CHAIRPERSON**: I am sorry to interrupt you, even though

the question is not mine. I do not understand the question to be about what you established later.

**MR MOGOTSI**: Okay.

**CHAIRPERSON**: It is about the stage at which you get the information.

**MR MOGOTSI**: No, there was nothing on top of it. Thank you. I understand.

**ADV CHASKALSON SC**: I think maybe then go to paragraph 22, where I think you were heading anyway.

10 **MR MOGOTSI**: Ja. This is where the source further indicated that in execution of his mandate from CIA, Lt-Gen Mkhwanazi on numerous occasions sent members of the Political Killings Task Team to intimidate, harass, attempt to murder members of the Royal House associated to Prince Simakade. Now, a number of cases were opened with SAPS in KwaZulu-Natal related to this conduct. And these cases were however not investigated or acted upon by SAPS due to intervention of Lt-Gen Mkhwanazi being the Provincial Commissioner of KwaZulu-Natal.

20 **ADV CHASKALSON SC**: So, can you explain what evidence, if any, you received to substantiate the statement that this was in execution of a mandate from the CIA?

**MR MOGOTSI**: It is because we ended up, like I am mentioning, Prince Simakade, Commissioners, part of my network, we ended up having to meet with them. Actually,

they even came to Gauteng. We hosted them in Midrand, helped them to open a case, as they were alluding. But that time, Prince Simakade sent the aid and Prince Zulu. They came to Midrand. And after opening the case, due to jurisdictional purpose, the matter was then transferred back to Nongoma Police Station. We also have the case number mentioned here, Commissioners.

**ADV CHASKALSON SC:** You mention in paragraph 22 that cases relating to alleged intimidation, harassment, and  
10 attempted murder of members of the Royal Household associated with Prince Simakade were never investigated or acted upon by the SAPS. Do you have any details of these cases that we could investigate further?

**MR MOGOTSI:** It was said during when we opened the case, when we said, okay, come, let us open it and let us see what will happen. This is what came from the investigation, Commissioners.

**ADV CHASKALSON SC:** But do you have any details of these cases ...[intervenes].

20 **MR MOGOTSI:** Except for the case we opened, this is the only case that we have.

**ADV CHASKALSON SC:** And this case that was opened first in Midrand and then transferred to Nongoma, do you have any details of what has happened in that case?

**MR MOGOTSI:** The case could not be furthered, could not

even be investigated further.

**ADV CHASKALSON SC**: You say it could not be investigated, or ...[intervenes].

**MR MOGOTSI**: When you ask the complainant, they will say there is nothing happening on the matter.

**ADV CHASKALSON SC**: Then in paragraph 25, you ...[intervenes].

**ADV BALOYI SC**: Sorry, Mr Chaskalson, maybe let me just clarify something still in paragraph 22. Mr Mogotsi, maybe  
10 before I ask my question, let me go back to 21 just to complete so that 22 makes sense. In 21, right at the end, after you say that General Mkhwanazi was trained in the United States, you say, and I read, they being King Misuzulu and General Mkhwanazi, you say:

20 “They were activated in that capacity to protect Western interests. I further obtained information from the source that Lieutenant Mkhwanazi was tasked to neutralise any opposition to King Misuzulu. Prince Simakade is currently involved in litigation.”

And then in paragraph 22, and my question is you say:

“A number of criminal cases were opened with the SAPS in KwaZulu-Natal related to this conduct.”

And this is after the sentence where you say members of the Political Killings Task Team were sent to intimidate. These cases that you referred to, were they cases against members of the PKTT?

**MR MOGOTSI**: That is correct. And thank you, Commissioner. In fact, when SC was crossing to paragraph 25, I was going to ask the Commission that I should emphasise that the reason the case was opened in Gauteng was simply because it is not written elsewhere, but it is a  
10 practice that has been developed that if cases were opened against Political Killings Task Team members, not only in KZN, all over, and they would not be investigated. That is the thing I wanted to say.

**ADV BALOYI SC**: Yes. My question is more specific. It is, you say there were a number of cases opened. And my question is, are those a number of cases against members of the PKTT, accusing them of intimidation, harassment, and attempted murder?

**MR MOGOTSI**: Yes.

20 **ADV BALOYI SC**: You are saying there are such cases that were opened.

**MR MOGOTSI**: Yes, that is what I said. There were such cases according to the investigation.

**ADV BALOYI SC**: Yes.

**MR MOGOTSI**: But the one that we opened in Midrand, it

was against Lt-Gen Mkhwanazi, the case that was opened by Prince Simakade.

**ADV BALOYI SC:** And the ones opened against PKTT members, there are names to them. There are individual members who are named in those cases?

**MR MOGOTSI:** That perhaps, Commission, one will have to find out and try to get more information. But as I am saying, on the arrival, as we spoke, the ...[indistinct] did say, you know, we tried to open these cases so many times  
10 against PKTT, against General Mkhwanazi. Nothing has ever happened.

**ADV BALOYI SC:** So that is what you were told?

**MR MOGOTSI:** Yes.

**ADV BALOYI SC:** Is that what you are saying?

**MR MOGOTSI:** Yes.

**ADV BALOYI SC:** I see.

**MR MOGOTSI:** The one that was registered, it was against Lt-Gen Mkhwanazi.

**ADV BALOYI SC:** Thank you. Thank you, Mr Chaskalson.

20 **ADV CHASKALSON SC:** Thank you, Commissioner. And this case was, it was registered at a regular SAPS station, not with an IPID?

**MR MOGOTSI:** No, no, a police station.

**ADV CHASKALSON SC:** Can you then proceed to paragraph 25 where you talk about the Western interests

that were allegedly being protected here?

**MR MOGOTSI**: Yes. That is the part I say there is a mine, a coal mine sources, and the export routes thereof in South Africa. So it further says:

10                   “There was an apprehension that South African Government may hold the output of coal via the Richards Bay Point port terminal. And the offtake portion of this coal route was owned by Israeli interests. It is for this reason that the Richards Bay area became priority region and focussed point for Lt-Gen Mkhwanazi.”

**ADV CHASKALSON SC**: Can I ask you just to expand on this? Because there are a couple of issues I need clarity on. The first is where the concern arose about the halting of output of coal from Richards Bay.

20                   **MR MOGOTSI**: You see, like I said, when the information came, Commissioners, there was a feeling of the Western, of the Israelis, that because South Africa took Israel to International Criminal Court, that feeling amongst them was that even that trade route could be halted. And that is why they had now to activate their sources being the King and Lt-Gen Mkhwanazi.

                  And I can also confirm that during that time, Prince

Simakade was in a business engagement, I think, with the Chinese, because I believe there was kind of agreement which was planned to be entered into, but it was opposed and it never materialised.

**ADV CHASKALSON SC**: And you speak about the off-take portion of the coal route being owned by Israeli interests. Are you talking about, well, what share of the output that goes through Richards Bay are you talking about?

**MR MOGOTSI**: The information, one could not verify. I  
10 remember the business interest was something which we never got much into. The issue was that the Prince had a problem and he knew that there is coal going out from there and it falls under his jurisdiction, they were part of it. I never got much information related to the shareholdings and so forth.

**ADV CHASKALSON SC**: And did you investigate whether coal output from Richards Bay was increasing or decreasing over the period 2023 through 2024 and on to 2025?

**MR MOGOTSI**: We never got to that stage to investigate  
20 that part.

**CHAIRPERSON**: Of what relevance, if any, is your evidence about the intended transaction between Prince Simakade and China? Is that of any relevance to your testimony today?

**MR MOGOTSI**: I do not understand the question,

Commissioner.

**CHAIRPERSON**: You mentioned, in the context of the Richards Bay port terminal, you mentioned Prince Simakade and China and you said something like there was an intended transaction which, as I understood you, fell through. So my question is, is that testimony of any relevance? I am not suggesting that it is not, but is it of any relevance?

**MR MOGOTSI**: Yes, I would say, Commissioner, if the  
10 Chinese were brought into the picture, it directly impacted on the interest of the Israelis. I think that is the relevance.

**CHAIRPERSON**: Thank you.

**ADV CHASKALSON SC**: And Mr Mogotsi, do you know who owns the Richards Bay coal terminal?

**MR MOGOTSI**: No, I am not aware, I do not know. I do not know, Commissioners.

**ADV CHASKALSON SC**: Can I then, moving away from Richards Bay, ask you to turn to paragraph 26?

**MR MOGOTSI**: Commissioner, I would like to be advised  
20 here. When SC is mentioning a paragraph, do I have to read it or should I? I am not actually conversant with these processes now. I end up repeating what is written, or one is expected to expound what is contained in here.

**ADV CHASKALSON SC**: If I can say, if you want to amplify anything there, please do. But when I ask you to go

to paragraph 26, bear in mind we can see the statement, but the people watching and listening cannot. So it is to read it, and if you want to amplify, to amplify.

**MR MOGOTSI**: Thank you, thank you. Okay:

10 “During the period March/April 2024, one of my sources in the South African Police Service informed me about the Health tender that was awarded to Vusimuzi Cat Matlala through a company owned by Matlala, namely Medicare 24. This company also had links to the then-Minister Bheki Cele, and from the information discussed with my handler, Bheki Cele indicated that I should wait to action this until the elections. He had a view that changes would be made in this regard on a political level.”

20 **CHAIRPERSON**: What links did this company have with Minister Bheki Cele?

**MR MOGOTSI**: Commissioner?

**CHAIRPERSON**: What links did Medicaid 24 have with Minister Bheki Cele? And what do you base that statement on?

**MR MOGOTSI**: When the information comes, it says this

company has been awarded a R360-million tender. And the source says, I can tell you, Minister Bheki Cele is having interest in this particular tender. Now the question is, what interest? Now, earlier the Commissioner was saying, my question is based on the moment when you received the information. Now I do not know if I should continue to explain what then happened, or I should stick to when I received the information.

**CHAIRPERSON:** All I want is, do you have a basis for  
10 saying that there was this link? That is all.

**MR MOGOTSI:** Yes, there are bases. There are bases, Commissioner.

**CHAIRPERSON:** Do you care sharing those bases with us?

**MR MOGOTSI:** Correctly so, Commissioner. The tender was awarded during the tenure of Minister Bheki Cele. And I am going to take this opportunity, Commissioner, just to reference what former Minister Bheki Cele said in Parliament about this Vusimuzi-Cat Matlala. Apart from in the statement I did mention how much Vusimuzi Cat Matlala  
20 told me about his financial transactions with Minister Bheki Cele.

Now, there is something I believe the Commission will have access to that. The Commission should perhaps direct attention to the Crime Intelligence in the archives. There is something called Boko Haram. It was a

presentation, intelligence presentation which was presented to the former Minister Bheki Cele. I am going to give a brief description about the presentation.

Commissioners, it was six pages. The Boko Haram, it talks to a man who was known as John Wick. This John Wick appears on the presentation of the intelligence presentation which was presented to Minister Bheki Cele. There is a picture of John Wick, his ID number, it has his previous convictions, pending cases, and everything, all the  
10 matters that were withdrawn against him. It was in 2018 October, Commissioner.

Commissioner, John Wick is Vusimuzi Cat Matlala. Even the picture is showing that. Now, former Minister Bheki Cele says now he only met him in December 2024. Now, one will ask again, he even said he did not know him, he invited him to his house and it was a freebie, he had to take it. And I should also say it is within those messages between me and Cat Matlala.

The story that Minister Bheki Cele was in Cat's  
20 house, it is true. We actually had to arrest Minister Bheki Cele at that time. He was affected by this POCA Act, the Proceeds of Crime Act. There was an arrangement, I believe when we get to those messages, one will be able to allude to the Commission exactly what happened. It was during the ANC Lekgotla, when General Cele was in that

house.

And the basis which I also refer to, I am saying when we reach there, it is written in my statement, the monies which Cat Matlala alleges to have given to Bheki Cele, they are there.

**CHAIRPERSON:** On the timing, when was Minister Cele in Mr Matlala's house in relation to the award of the contract?

**MR MOGOTSI:** It was after the contract was awarded, Commissioner. The contract was awarded last year and the  
10 information said, and it is not only former Minister, it goes to General Masemola also. Not only General Cele. When the information came, they referred, of course, to General Bheki Cele, that he has interest in that. And it is true that he would from time to time talk to Cat Matlala.

But that time, because he was the Minister, we could not do anything. Hence, the instruction was that let us wait for the elections. And indeed, the ANC parliamentary list, when it was published, Bheki Cele was on the list around 200 and something to 300. We already  
20 knew he was not coming back to Parliament, And we waited for the new dispensation. And as a result, Minister Senzo Mchunu was appointed the Minister of Police.

**CHAIRPERSON:** I just want to understand, and this is my last question on this. I just want to understand your point around Mr John Wicks in relation to the award of the

contract. If you are making any connection at all in that regard, what is your point exactly?

**MR MOGOTSI**: The point is that it is clear that General Bheki Cele, he knew Vusimuzi Cat Matlala beforehand because this presentation was done in 2018. And when the source says General Bheki Cele is having an interest in this tender, you will ask him, but why are you saying that? What do you have? He will say, no, with the information that is coming, go and check, but I know they are talking or they  
10 are meeting. He will just give you a draft information as to this is what is happening.

**CHAIRPERSON**: If I understand you correctly, so you are basically saying at the stage of what you referred to as the Boko Haram presentation, Minister Cele knew of or about Mr Matlala.

**MR MOGOTSI**: Definitely.

**CHAIRPERSON**: But at that stage, you are not suggesting that they had met?

**MR MOGOTSI**: Yes, they had not met. Let me say,  
20 because he was presented and the picture of the presentation shows Vusi Matlala's picture. It does not show, there is no other John Wick. John Wick is Vusimuzi Cat Matlala.

**CHAIRPERSON**: So he knew of or about him.

**MR MOGOTSI**: He knew of the man, yes.

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

**ADV CHASKALSON SC:** You speak with some detail about this presentation. You said six pages, October 2018. Have you seen it yourself?

**MR MOGOTSI:** Yes, that is correct, Commissioners. There is what you call compartmentation. What you call is a sensitive compartmentation information, intelligence information. Sensitive compartmentation, compartmented intelligence information. Now, as an agent, you can just  
10 see that. I saw it. And that is why I am requesting the Commission to engage with the Crime Intelligence. I believe they will get the copy of that.

**ADV CHASKALSON SC:** Do you know who in Crime Intelligence presented it to the Minister at the time?

**MR MOGOTSI:** No, I do not know.

**ADV CHASKALSON SC:** And do you know who we should ask in Crime Intelligence to receive this document?

**MR MOGOTSI:** I believe the Commission will, just like it has been doing with other institutions, will pursue that route  
20 to find a particular person who is relevant.

**ADV CHASKALSON SC:** And beyond the description Boko Haram presentation, is there any detail you can give us that will enable us to track down this document?

**MR MOGOTSI:** To get the Boko Haram?

**ADV CHASKALSON SC:** I mean, I need to know what we

should be looking for. So I need to describe it.

**MR MOGOTSI**: You say you are looking for Boko Haram presentation, Crime Intelligence Boko Haram presentation. It is blue in colour.

**ADV CHASKALSON SC**: And October 2018?

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC**: Mr Mogosi, you, in that paragraph 26, right at the end, in page 7, you say the information was discussed. This is the information about Minister Bheki

10 Cele's interest in the company. You say:

“This information was discussed with my handler, who indicated that I should wait to action this until after the election.”

What action were you supposed to take?

**MR MOGOTSI**: No, he indicated that I should wait to action.

**ADV BALOYI SC**: Yes, what is to action here? What were you supposed to do?

20 **MR MOGOTSI**: Ja, meaning to enquire or to speak to anyone within or outside, because that is correct.

**ADV BALOYI SC**: Okay, so it was not, I thought earlier you said something about arresting Minister Cele ...[intervenes].

**MR MOGOTSI**: No, no, I was referring to the

...[intervenes].

**ADV BALOYI SC:** That is not what I was talking about.

**MR MOGOTSI:** Commissioner, I was referring to the messages which I speak to Cat about certain things that will show that I knew the time when Minister Bheki Cele was in Cat's house.

**ADV BALOYI SC:** Okay.

**MR MOGOTSI:** Yes.

**ADV BALOYI SC:** And then the second part, which is the  
10 last sentence in that paragraph 26, you say your handler held the view that changes would be made in this regard on a political level. What is this? What did your handler say is the significance of political changes?

**MR MOGOTSI:** Ja, meaning that there may be a new Minister except Bheki Cele.

**ADV BALOYI SC:** What did it matter? Did he explain why it would matter that there would be a new Minister to your work, because you were going to action something?

**MR MOGOTSI:** Ja, ja. Obviously, Commissioners, if you  
20 are to investigate anything against the person on the seat, who is sitting there at that moment, it is very, very difficult. So we had to perhaps wait for the new administration that would perhaps give us a breakthrough to find a way to talk to other people.

**ADV BALOYI SC:** So what the handler was saying is that a

new Minister would allow you, or hoping that the new Minister would enable you to conduct the investigation, to action, that which you were holding in abeyance.

**MR MOGOTSI**: Not that way, Commissioner. Obviously, when the new Minister comes, we will always come with new changes. We will make changes to some important positions, which allows one to have access or talk to certain people.

**ADV BALOYI SC**: Thank you. Thank you, Mr Chaskalson.

10 **ADV CHASKALSON SC**: Mr Matlala, you then, in paragraph 28 ...[intervenes].

**ADV BALOYI SC**: Mr Mogotsi.

**ADV CHASKALSON SC**: I beg your pardon. Mr Mogotsi, in paragraph 28 you then mention that after the elections took place in September 24, your handler and I discussed the possibility of arranging a meeting with General Sibiya. Can I first ask which handler you are talking about? And we will not mention your co-handler by name, so just refer to him as your co-handler.

20 **MR MOGOTSI**: It was my handler, Mabizela. But in this situation, I remember very well that he did tell me that he spoke to my co-handler and that we should find a way to meet with General Sibiya.

**ADV CHASKALSON SC**: And why General Sibiya?

**MR MOGOTSI**: One of the reasons from the source was

that General Sibiya was totally not involved in the awarding of this tender. And more relevantly, General Sibiya was appointed exactly in the space of the late General Mfazi. So we thought we could find a way to create a relationship.

**ADV CHASKALSON SC:** And you say you called General Sibiya. Why would you call him and not your handler?

**MR MOGOTSI:** It is in the nature of this work. You get that a handler will not call a senior police officer and say we have this particular thinking or whatever. If he gives me  
10 the number, he gave me the number, and then it is me who had to approach Lt-Gen Sibiya. In case he does not agree or does not like what we would perhaps be proposing, the handler should not be having a problem at work now that he spoke to the Deputy National Commissioner.

**ADV CHASKALSON SC:** So when you spoke to General Sibiya, you did so not telling him that your handler had suggested this, not telling him that you were an agent? How did it work?

**MR MOGOTSI:** Obviously you send a message to say,  
20 good day General, my name is Oupa Brown Mogotsi. And he will ask you a question, how do I help you, who are you? And you will send a next message saying, I think it is important that I meet you face to face. It is something that may be affecting you directly or indirectly. May we have a meeting please?

**ADV CHASKALSON SC:** And do you introduce yourself to him as an agent or just as someone coming off the street as it were?

**MR MOGOTSI:** No, you do say I have information that can be of use and it may need your intervention. It is about the tender and also the department, so a tender in the South African Police Service. And then where you start talking about the corruption of Crime Intelligence, you will say in SAPS there are these and those challenges. I know,  
10 I have information of things that are happening inside.

**ADV CHASKALSON SC:** And how did your interaction with General Sibiyi then proceed? Did you meet him face to face? Did you speak to him on the phone?

**MR MOGOTSI:** Yes. We spoke two or three times over the phone. Then I requested to meet him and we met here in Gauteng, and that is when I told him that I am a contact agent and this is what I am looking for. And there is a project, an award of a tender in the South African Police Service and I used to work with Lt-Gen Mfazi and so forth.  
20 That is when I introduced myself formally.

**ADV CHASKALSON SC:** And when approximately was this?

**MR MOGOTSI:** It was around August last year or September, August.

**ADV CHASKALSON SC:** And do you remember where you

met?

**MR MOGOTSI**: Yes, we met. At first I came to his office. And there is something very important that I should also mention, Commissioners. The moment you inform a person that you are this particular agent, I believe you can hear as it is spoken by me, myself, that everyone heard Lt-Gen Sibiya speak in Parliament that we met in December and what not.

At first the intention was to bring this application in  
10 *camera*. And I know he had a view that he had to protect me. He could not speak what I am saying here to the public. That perhaps a question will be posed, but we had General Sibiya. Okay, he even said I did not pay my breakfast in Cape Town, but I am trying to say it should not be misconceived that I am saying something he did not say.

He had a duty to protect me. That is why he could not allude openly that this is Brown Mogotsi, we met. He just said I came to him with information that someone is after him in Crime Intelligence. He did not speak to this  
20 that I am saying, and this is what happened.

**ADV CHASKALSON SC**: But your evidence is that you met for the first time in August, September last year.

**MR MOGOTSI**: Yes, in his office.

**ADV CHASKALSON SC**: In his office?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC:** And you say you briefed him on the two matters. The one of which was the tender of Mr Matlala, which you have discussed. The other was Crime Intelligence corruption. What did you brief him on in relation to Crime Intelligence corruption?

**MR MOGOTSI:** At that time, there were so many things happening in Crime Intelligence. I am going to be specific in relation to Crime Intelligence, Commissioners. There is one Maj-Gen Lushaba. He is the Chief Financial Officer of  
10 the Crime Intelligence. It is one of those incidents. He happened to, at his own time in Pretoria, met a woman.

I do not know whether the girl was beautiful, but he met the girl. He took the girl to his house. And in the morning, the state laptop and the cell phones were gone. Maj-Gen Lushaba, instead of reporting that I had a visitor in my house, this and this happened, he opened a case of housebreaking against this girl.

Now, as investigation was continuing, one of the Crime Intelligence officers, he was a sergeant, who was  
20 gathering information for this housebreaking case, he realised that this is not the housebreaking. Something different has happened. They started by cutting him off of the WhatsApp groups and so forth. As I speak, the man has been fired just to participate in that.

Let me say, part of the reason this was used, they

may have something that they may have added during his disciplinary hearing, but this was the main reason he was kicked out.

**ADV CHASKALSON SC:** And when did that happen?

**MR MOGOTSI:** It happened, it was last year. As I am saying, I was talking to General Sibiya. One will mention certain things in the Crime Intelligence. That is one of the examples that I have given.

**CHAIRPERSON:** You started using pronouns. I got a little  
10 bit confused. Is it Maj-Gen Lushaba who was fired?

**MR MOGOTSI:** No, the sergeant who was helping with the gathering of information on the docket.

**CHAIRPERSON:** Thank you, thank you. The he, he, he, you know, got a little bit confusing.

**MR MOGOTSI:** Okay.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** And this is part of what you reported to General Sibiya at your meeting?

**MR MOGOTSI:** Ja, if you talk of Crime Intelligence, I was  
20 also showing the Commission, particularly what is being transpiring in the Crime Intelligence. And of course, we also spoke about that a bit.

**ADV BALOYI SC:** Can I, sorry, just on that. So, the question from Mr Chaskalson is, in this meeting in August of '24, when you meet with General Sibiya, what did you brief

him about Crime Intelligence corruption? Now, you have explained about the loss of the Crime Intelligence corruption. You have explained about the laptop being lost, somebody having lost their employment because they were looking at this. Is all of that what you briefed General Sibiya about in August '24?

**MR MOGOTSI**: Yes, that is correct.

**CHAIRPERSON**: What about the fraudulent claims, or what about the claims you referred to earlier? Was that part of  
10 the briefing or not?

**MR MOGOTSI**: No, we did not get much into it.

**CHAIRPERSON**: All right.

**MR MOGOTSI**: Actually, when we spoke, General Sibiya was very, he did not trust me, he was not comfortable. We did not speak comfortably for a long time, but we did touch some of these things.

**CHAIRPERSON**: So, is all that you spoke to him about in relation to the corruption, the issue involving Maj-Gen Lushaba, is that all you spoke to him about?

20 **MR MOGOTSI**: I did mention that, yes, I did mention that.

**CHAIRPERSON**: Is it the only thing you mentioned?

**MR MOGOTSI**: No. To General Sibiya, yes, we spoke about corruption, and I did mention this thing about General Lushaba, but particularly I was too much into this one of the Health tender of Vusi Cat Matlala.

**CHAIRPERSON:** You say Crime Intelligence corruption.

**MR MOGOTSI:** That is correct.

**CHAIRPERSON:** And how do you relate the tender to Crime Intelligence corruption?

**MR MOGOTSI:** That is why I am saying, on this part, Commissioners, if a person is not that comfortable to talk to you, you will just say, you know, there is a lot of crime, there is a lot of corruption in Crime Intelligence, then it does not give you much, much time to explain what we are referring to. But he did know that I told him I am a contact agent and I am having to deal with this corruption and so forth. And we spoke only particularly about the issue of General Lushaba.

**ADV BALOYI SC:** You also say there, though, in that same sentence, that you also briefed him about the Matlala SAPS tender award. What about it did you say to him?

**MR MOGOTSI:** Telling him that my sources say it was not awarded in terms of the law. Probably it was irregularly awarded. There are certain things which were not done properly out of the tender till its finalisation and appointment.

**ADV BALOYI SC:** So as at August 2024, General Sibiya knew that there were irregularities to do with the award of this tender?

**MR MOGOTSI:** He did not know. I was telling him.

**ADV BALOYI SC:** I am saying you told him, you know.

**MR MOGOTSI:** Yes.

**ADV BALOYI SC:** So as at August, he heard that from you that there were irregularities.

**MR MOGOTSI:** Ja, towards the end of August, I believe, ja.

**ADV BALOYI SC:** Thank you. And then maybe lastly from me, Mr Chaskalson, if I may just finish off. Sorry that I am interrupting you. You introduced yourself to General Sibiya, 10 you say, and told him that you are a contact agent. Now, I would assume that he would have wanted to check for himself to verify you. You say he did not quite know to trust you at the time.

**MR MOGOTSI:** Yes.

**ADV BALOYI SC:** Did you have to tell him who your handler is? Because I would imagine that is relevant information for him.

**MR MOGOTSI:** Yes.

**ADV BALOYI SC:** Okay.

20 **MR MOGOTSI:** Unfortunately, he knew my co-handler.

**ADV BALOYI SC:** He did?

**MR MOGOTSI:** Yes, co-handler.

**ADV BALOYI SC:** He knew that it is your co-handler?

**MR MOGOTSI:** Yes, I did mention a bit that I am working with this man so-and-so.

**ADV BALOYI SC:** Thank you. Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you. And you then in paragraph 29 and 30 talk about how you gained the trust of General Sibiya by letting him know your role in an arrest in the North West province in an operation. Can you just tell us a little about that operation and what your role was?

**MR MOGOTSI:** Yes. At first, we got information about, they referred to them as Inkabis, who were, in fact, a week before there was some shooting taking place in the area.

10 And through the information, they had to come in three or four days from the previous shooting.

And there were TOMS, the Tactical Operation Management System of the Hawks, who also came to Rustenburg. And then on their arrival, Commissioners, they found security officers wearing a black uniform and they enquired about the permits and licences for the firearms and rifles they were holding. And indeed, they were presented with such. And an hour later, they left and took a cover.

20 Now, immediately within an hour, the anticipated gang of Inkabis arrived at that place, and the police came. It is on exhibit. The pictures and the rifles will be seen there. There were 32 firearms, pistols and rifles, from 17 suspects. Now, what happened on that day? It was this man who was leading the operation that I was working with,

the Lt-Col. His statement is here and everything. He received a call from, at that time, a Maj-Gen Mboti. He was a Maj-Gen.

He called him and said, why are you arresting police officers, I mean, security officers? Because at that time, those people were already detained. All the firearms were put into the SAP13 and so forth. Then he asked him, why are you arresting security officers? And the officer alluded to him, no, we came at first, as I told the  
10 Commission, we checked the security. These people are not security officers.

And Maj-Gen Mboti, he was a Maj-Gen at the time, he insisted these people are security officers. But then the man who was the duty officer at the police station, because in Sun City there are not holding cells and the suspects were already taken to Rustenburg for detention, that is when General Lebeya also spoke to one of the members of SAPS at the police station, at the CSC, who brought the phone to the man who was on duty at that time, Lt-Col  
20 Maluleka.

Now, General Lebeya also said you have detained security officers. But through their engagement, they finally agreed that, no, these people are not officers, and he narrated the whole story as to how, what happened and so forth, and it was agreed that they should be detained. Now,

Sunday, Monday, when we were hoping that these people would appear in court, on Tuesday they never came, and then this man enquired at the police station, it was confirmed that Maj-Gen Mbotu gave a directive that these people should be released.

On the question of firearms and rifles which were also recovered from the suspect, irrespective of whether they are security officers or not, because of the incident that happened four or five days before that day, they  
10 wanted to subject these firearms for ballistic testing. They were all given back to the suspect and they were all released. Pictures ...[intervenes].

**CHAIRPERSON:** I just want to get an idea of who this Maj-Gen Mbotu is. Do you know the unit, division?

**MR MOGOTSI:** Yes, he was the head of the Hawks at that time. Right now he is a Lt-Gen, a Divisional Commissioner.

**CHAIRPERSON:** Thank you.

**MR MOGOTSI:** But they were released as per his directive, without subjecting those firearms and rifles to ballistic  
20 testing.

**ADV CHASKALSON SC:** Can I just clarify, you mentioned a Lt-Col who essentially you worked with on this operation, and who effected the arrest, I did not get the name.

**MR MOGOTSI:** It is Lt-Col Maluleke, his statement is contained in these annexures.

**ADV CHASKALSON SC:** And the annexure you are referring to is BM6?

**MR MOGOTSI:** It is BM6 to BM6E, 6A to BM6A.

**ADV CHASKALSON SC:** Thank you. Chair, I wonder if this is a convenient time to take the tea break.

**CHAIRPERSON:** Let us adjourn and resume at 11:20.

**ADV CHASKALSON SC:** Thank you.

### **INQUIRY ADJOURNS**

### **INQUIRY RESUMES**

10 **CHAIRPERSON:** We have received information that a picture of the name that Mr Mogotsi down may well have been photographed. Please do not put me in the position of having to state my basis like I put Mr Mogotsi to task with regard to the basis of his information. But seriously or on a serious note, if that has indeed been done, I direct that that name should not be published. Thank you.

**ADV CHASKALSON SC:** Thank you, Chair. Mr Mogotsi, if I can take you then to paragraph 31 of your statement. And you say in paragraph 31 that after you had won, well you  
20 talk about winning General Sibiya's trust in paragraph 30 and in paragraph 31 you say General Sibiya agreed that I could continue with my two infiltration matters, infiltration operations. Can I confirm that you are talking about the Matlala tender as one and the crime intelligence corruption issue as the second?

**MR MOGOTSI:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And can you then take the Commission through the rest of your paragraph 31?

**MR MOGOTSI:** General Sibiya agreed that I could continue with my two infiltration operations. We refer to the matter involving Matlala ...[intervenes]

**CHAIRPERSON:** Mr Mogotsi, can you please have the mics in front of you? Please, please. Thank you.

**MR MOGOTSI:** Refer to the matter involving Matlala, then  
10 General Sibiya gave me Matlala's contact numbers. My task was simple. I had to get close to Matlala and identify the syndicate involved in the tender, including if any members, including if any SAPS members. For this purpose, I had to convince Matlala that I am close to Mchunu and that my concern - and any concerns that Matlala had regarding South African Police Service tender could be addressed with the Minister. These investigations are still going.

**ADV CHASKALSON SC:** So, your job was to investigate  
20 and identify the syndicate involved in the tender. Have you been able to members of that syndicate?

**MR MOGOTSI:** Yes, the investigation is ongoing. I cannot confirm that indeed I have a solid member that I have identified.

**ADV CHASKALSON SC:** Sorry, I did not hear that.

**MR MOGOTSI**: I said the investigation is ongoing and therefore cannot confirm solid names that I have identified.

**ADV CHASKALSON SC**: You do later in your statement refer to Mr Kareem as an investor in the tender. Was that something that you established in the course of your investigations?

**MR MOGOTSI**: That is correct, Commissioner. Mr Kareem is Kareem Suleiman Kareem. He did of course show me some documents that he has invested money in this tender  
10 with Vusimuzi Cat Matlala.

**ADV CHASKALSON SC**: Can you then take the Commission through your meeting with Mr Matlala on 7 December 2024 and what came out of that meeting?

**MR MOGOTSI**: I did of course call Matlala, engage with Matlala. A meeting was arranged on 7 December 2024 during which Matlala vented his frustrations regarding the SAPS tender. He intimated that *inter alia* SAPS had not made payments to him with reference to the tender. But after the meeting and in December I received a call from  
20 Matlala saying – I think I must emphasise 32 that this was a telephonic call. And then after I received the second call that is when we met with Matlala saying that I should speak to Mchunu as he and his wife have been assaulted by members of the PKTT. He indicated that he was intent on and was indeed attempting to open a criminal case

regarding the incident at SAPS Brooklyn. He was however unsuccessful due to the fact that the SAPS refused to open a docket and receive the complaint.

**ADV CHASKALSON SC:** So just to clarify did you physically meet with Matlala at all on 7 December?

**MR MOGOTSI:** Yes, Matlala we spoke over the phone, and I received a call from him, and he told me that he has a problem he could not open a case. And in my response to that I did call my handler to arrange for Matlala to open a  
10 criminal case at Soweto. And then it was my handler who then spoke to my co-handler who then facilitated the opening of a docket. Now after Matlala was able to open the case through my intervention. So, the case was opened at SAPS in Soweto on 7 December 2024 and on that day me and Matlala met in Johannesburg.

**ADV CHASKALSON SC:** And we are talking about a physical meeting?

**MR MOGOTSI:** Physical meeting.

**ADV CHASKALSON SC:** I am sorry I should have just  
20 raised this with you earlier. You say in paragraph 31 that General Sibiya gave you Matlala's contact numbers.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Did you not have those numbers yourself?

**MR MOGOTSI:** In my phone I had different numbers, but I

never spoke to him before. But the numbers that he gave me were those on official arrangement with SAPS two years tender.

**ADV CHASKALSON SC:** So, you had certain numbers for Mr Matlala in your phone already?

**MR MOGOTSI:** Yes, but they never worked because I had the numbers in my phone.

**ADV CHASKALSON SC:** So, we have clarified then there was a physical meeting on 7 December. Can you go to  
10 paragraph 34 and indicate to the Commission what Mr Matlala shared with you at that meeting?

**MR MOGOTSI:** Yes, the meeting was very, very important because Commissioners it is Matlala who told me that these people are very ungrateful. He further spoke about General Bheki Cele and General Masemola saying that you know these people expect me like Masemola expect R25 million from me and I have already given him R5 million. He also spoke about Bheki Cele that he has given him R2 million, and he wanted 10 million which means the R8 million was  
20 outstanding. One of the important things he said was that General Masemola and Bheki Cele they are having a plan, a comeback strategy for General Bheki Cele to come back and they really, really want to get rid of General Sibiya.

**ADV CHASKALSON SC:** And so, this is information that Mr Matlala is giving you about as it were factions within the

SAPS?

**MR MOGOTSI**: May you rephrase the question?

**ADV CHASKALSON SC**: Am I understanding your evidence correctly that this information about General Bheki Cele, General Masemola, General Sibiya it is coming from Mr Matlala himself, and he is speaking to you about divisions within the SAPS?

**MR MOGOTSI**: Yes, he is telling me, he was telling me physically, we were together when he told me.

10 **CHAIRPERSON**: Can you please read what he said they expected from him? Please read it as is in paragraph 34.1.

**MR MOGOTSI**:

20 “They expected him as a service provider to make payment to General Masemola in the amount of 25 million and General Bheki Cele in the amount of 10 million. Of the 25 million expected to be paid to Masemola, R5 million had already been paid and there was a balance of R20 million outstanding. With regard to the Cele payment, R2 million had already been paid and a balance of R8 million was outstanding.”

**CHAIRPERSON**: Thank you.

**ADV CHASKALSON SC:** And did he give you any indication of how he paid them, when he paid them, whether he was going to pay the balance?

**MR MOGOTSI:** No, we never spoke about how he paid. Usually when you are investigating something, talking to someone, the moment, as soon as you get deeper to know how, he will immediately doubt you. You will take it as information and keep it.

**ADV BALOYI SC:** Did Mr Matlala explain to you how he  
10 knows that General Masemola and General Bheki Cele wanted to oust Minister Mchunu and General Sibiyi? I am assuming you would have asked the question.

**MR MOGOTSI:** Yes, he did not tell the how of doing it. He just said they do not want they want to get rid of Senzo Mchunu and Sibiyi.

**ADV BALOYI SC:** Sorry, maybe you misunderstood my question. My question is how he knows that is what they want to do.

**MR MOGOTSI:** No, he never told me.

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

**ADV CHASKALSON SC:** Can we then go to paragraph 35, and can you take the Commission through paragraph 35?

**MR MOGOTSI:** Yes, paragraph 35, I will read it first:

“It is in December 2024, the same  
Matlala, he referred me to a high-

ranking police officer, and I subsequently met with him. I knew this police officer, I also knew him, as we have conducted one operation with him in the past. He shared information with me of the intention to craft a negative finding in a disciplinary hearing against Maj-Gen Khan, which was underway. He confirmed that he was in KZN for a briefing on how to address the Maj-Gen Khan situation. I am not in the position to identify him herein as there are real concerns relating to his personal safety.”

**ADV CHASKALSON SC:** So, if I can clarify, this man was brought to you by Matlala?

**MR MOGOTSI:** Yes, he said he told me there is one this, he used the word, there is another bra that I want you to meet. He has something for you, and I believe the Minister may want to hear and the Minister can do something. And I met this man who I have, in fact, I briefed my handler first to say there is this man who wants to meet with me and then he said he has this kind of information.

But when I met this man I did a recording on our conversation and immediately sent an agent after informing

my handler, we had to process that because with the DPCI was section 252(A) and I did meet with Lt-Col Schnelle to register and apply for and conduct the operation in terms of that section of the law. The intention, my intention there, Commissioners was to employ the information that I obtained from the senior officer in the section 204 that he can against General Mkhwanazi and Lt-Gen Khumalo because that is what he told me that in Durban they plotted on how to expel General Khan.

10 **ADV CHASKALSON SC**: So, if I can just clarify, this officer who was referred to you by Mr Matlala told you that he was aware of a plot by Generals Khumalo and Mkhwanazi to get rid of General Khan?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And that as I understand it, maybe I am getting ahead of myself, but the plot involves getting this officer to give false evidence against General Khan.

20 **MR MOGOTSI**: That is correct. He was one of the witnesses of an incident that occurred some years back and he was called to KZN as part of preparations for the hearing. They did give him how the whole plot is to unfold and how he should implicate General Khan.

**CHAIRPERSON**: Do you still have that recording?

**MR MOGOTSI**: Yes, the recording and the statement is

with Lt-Col Schnelle.

**ADV CHASKALSON SC:** If I might just mention in that regard, one of the documents that we have actually approached Lt-Col Schnelle and one of the documents that was given to you late yesterday is the transcription that the DPCI made of that recording. So, it is in that exhibits bundle. Can I ask that overnight, I will not ask you to do anything about it now, but overnight can you look at that transcription and just check that it accurately reflects the  
10 recording according to your memory and if there are any problems with it can we address those tomorrow or can you be in a position to address those tomorrow?

**MR MOGOTSI:** Okay.

**ADV CHASKALSON SC:** So, I want to just take a step back. This is Mr Matlala again telling you about, for want of a better word, factional fights within the SAPS. You have, according to Mr Matlala and the officer he refers you to, you have two generals plotting to get rid of another general through false evidence of this officer.

20 **MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Did you understand this division within the SAPS to be in any way related to the other division that Mr Matlala had told you about, that you have General Masemola and Minister Cele on the one hand and General Sibiya on the other or was this just a completely

different split within the SAPS?

**MR MOGOTSI**: Yes. Honestly speaking, Commissioners, I believe at the right time also I will talk to the relationship between General Bheki Cele, Masemola, General Khumalo and I have even given them a particular term which as we proceed, I will be able to. Yes, the moment he mentioned that Lt-Gen Khumalo, Lt-Gen Mkhwanzi, there is a Maj-Gen Khumalo also in the KZN. It is him who addressed the senior police to say we expect you, this is how we expect  
10 you to perform during the hearing because now according to the lieutenant telling me about the instruction from General Khumalo and General Mkhwanazi is that they must find this General, Maj-Gen Khan guilty and he must be dismissed.

**ADV CHASKALSON SC**: I am not sure that you understood my question. What I was asking is that you are now flagging a division within SAPS of two Generals, Generals Khumalo and Mkhwanazi on one hand and General Khan on the other hand. Is that division in any way related to the division that you spoke about earlier with General Sibiya on  
20 one hand, General Masemola on the other hand with ex-Minister Cele?

**MR MOGOTSI**: Okay, thank you, thank you for clarity. Yes, it is true that is the Crime Intelligence, the division of the South African Police Service, the similar, the same division which when I spoke initially with General Mfazi and

General Sibiya I was referring to. That was one of the cracks that I identified within the Crime Intelligence. The moment he says and I did ask him who is Maj-Gen Khan and he said is this other, but he knew him and he explained to me I did not know him that time and furthermore said yes it seems like Khumalo and Mkhwanazi they want to get rid of him. That is when immediately because the recording is there and then we were able to perform this whole thing. Then I realised that there are factions and this is the unit  
10 which was referred to.

**ADV CHASKALSON SC:** So just to clarify again, you were involved in a 252(A) operation.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Which involves essentially setting a trap.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And the target of the trap, well targets were Generals Mkhwanazi and Khumalo.

**MR MOGOTSI:** No, remember the senior officer as he was  
20 talking to me, he did mention that they have promised him a colonel position. Not a colonel, no, they promised him a position and with me as we were talking, he was mentioning of a similar offer that I should perhaps because I am close to the Minister with my legend building, he thinks I can also give him something better. Then the recording talks to that

that he was expecting something from me which may be in the form of a promotion or something of that sort.

**ADV CHASKALSON SC:** Sorry but I just need to take you back to paragraph 36. You say the intention, second sentence, the intention was to employ this person, that is the officer, as a section 204 witness against both Lt-Col Khumalo and Lt-Gen Mkhwanazi.

**MR MOGOTSI:** Yes, it is true. The first question you mentioned 252(A), it was a trap. But because we have  
10 trapped him already, now is my time to tell him that I expect you to 204 to help me against Lt-Gen Mkhwanazi and General Khumalo because he was recorded already telling me the instruction, they have given him on the plot against General Khan.

**ADV CHASKALSON SC:** So, the 252(A) did not relate to his future testimony in the disciplinary hearing, it related to your meeting with him when you recorded him.

**MR MOGOTSI:** Both two sections become instrumental. Remember the 252(A) was to trap on what he wanted, what  
20 he expected that I could be able to give him as he has given me the information and now I immediately use that information against him to say now I need your testimony, we are going to testify against General Mkhwanazi and General Khumalo about their plot against General Khan, which was the plan.

**ADV BALOYI SC:** So, the trap, the trap that you say you had already entrapped him, I think that is the language you use, you had trapped him already. What was it that he is supposed to have done wrong that gives you that bargaining position to say he must now testify against the two generals?

**MR MOGOTSI:** The expectation of a rank, remember he said if I give you say something at least you must talk to the Minister to give me a rank or something.

10 **ADV BALOYI SC:** So, it is that he said you must give him a rank that constituted what you have trapped him on.

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** And when was the meeting with him at which you trapped him?

**MR MOGOTSI:** It was in December 2024.

**ADV CHASKALSON SC:** I do not want to - I just want to mention now that I think when we go to the chats with Mr Matlala we may see that it is in January 2024 but are you,  
20 so I do not, we will get into it in some detail when we go through those chats, but why do you say December 2024?

**MR MOGOTSI:** Because the disciplinary, I went to enquire, I spoke to the handler, he did confirm when arranging with Lt-Gen Schnelle, he did confirm that there is a disciplinary hearing which is underway against this particular General

Khan.

**ADV CHASKALSON SC:** Okay, we can look at the chronology as it plays out in the chats later. What then happened? Did the trap go ahead?

**MR MOGOTSI:** Upon him agreeing to the 204 and because he was recorded already and the information was with the DPCI, now it was incumbent upon the site of Lieutenant Schnelle to proceed with the investigations and so forth. But the only thing that I did with a copy of the recording  
10 that I had after speaking to my handler, the conversation, the information was leaked to the media, and it was leaked by me purposely and upon by General Khumalo and General Mkhwanazi.

They had no choice because the information has leaked and that is why I believe General Khan was acquitted. There was nothing he could do because there was a recording that proves that there was a plot to dismiss General Khan. And I heard him when he was here, if you remember Commissioners, he said after he has accepted to  
20 preside over General Khan's disciplinary hearing, I started talking to him. It is true. That was the period.

**ADV CHASKALSON SC:** So, let me just take a step back. You leaked the information to the media.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And the information that you

leaked to the media was that certain witnesses had been pressurised to give false evidence.

**MR MOGOTSI**: And will be given promotions. I think the publication is available in one of the minutes.

**ADV CHASKALSON SC**: But that was what you leaked to the media.

**MR MOGOTSI**: That is me, that is me.

**ADV CHASKALSON SC**: And that had the result, in your view, of General Mkhwanazi acquitting General Khan?

10 **MR MOGOTSI**: Yes, that is what happened. He had no choice. He ended up acquitting General Khan.

**ADV CHASKALSON SC**: And what then happened with the Section 204 and the trap?

**MR MOGOTSI**: That Commissioners, as the senior counsel has alluded, that he has managed to obtain the transcript from Lieutenant Schnelle. I believe he will be in a better position also to give senior counsel the progress relating to that matter.

20 **ADV CHASKALSON SC**: And can I - I am still not understanding the sequence, and in particular Section 252. You would have to get authorisation under Section 252A to run a trap, would you not?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: So, when did you intend, or when did you seek authorisation, and when did you intend to run

the trap?

**MR MOGOTSI**: Through my handler, there is also a verbal authority to obtain the particular authorisation, and it was done. I believe Lt-Gen Schnelle will confirm the process as to how did the whole thing unfolded. But it was done in my presence, by my handler, because it was a verbal authority.

**ADV CHASKALSON SC**: So, did this happen before your meeting?

**MR MOGOTSI**: That is correct.

10 **ADV CHASKALSON SC**: And the meeting you date in December, I suggest you it might have been sometime in January. But at any rate, it would have been before that meeting with the senior officer who had been asked to give false evidence.

**MR MOGOTSI**: Yes, but it was around December, if I recall. But as you say in one of the messages it will reflect, I believe the correct date will be obtained, Commissioner.

**ADV CHASKALSON SC**: Okay. If we can move on to the 8 January ANC celebrations, can you take the Commission to  
20 paragraph 39?

**MR MOGOTSI**: Thank you, Commissioners:

“On January 8, 2025, an ANC celebration was scheduled in Cape Town. Matlala indicated to me that he wanted to meet Mchunu at the

celebration. He offered in December of 2024 to contribute to the event by subsidising ordinary ANC members from different parts of the country to be able to attend the ANC celebration. I relayed the suggestion to my handler, who then asked my co-handler to accompany me to Cape Town because my handler was not available. Matlala assisted with the funding of transportation, entertainment, as well as accommodation of ANC members to attend the ANC celebration in Cape Town. Matlala made payment in the amount of 149 000 towards the faucet expenses and other payments towards the travel expense of eight persons, which included my co-handler and his partner. The amount of 149 000 was paid to the company called Kgotle, and payments were made to service providers by the company. The additional travel for the eight persons mentioned was paid directly by Matlala.”

**ADV CHASKALSON SC**: Can you explain to the Commission what your link to Kgotle is?

**MR MOGOTSI**: The Kgotle is a company owned by my fiancé. Now to ensure when you do this travelling arrangement, it happens all the time. You do payment to certain people, and the transactions or services end up not being rendered. But then with Kgotle, I knew because we had to, other payments had to go to busses, others to flights, others to be poured petrol. Now we wanted a  
10 central way of controlling the funds. That is why I used my fiancé.

**ADV CHASKALSON SC**: So, you were able to direct what would happen to the payments that were made to Kgotle?

**MR MOGOTSI**: Not only on people who were already in Cape Town, because the payment arrived when we were in Cape Town already.

**ADV CHASKALSON SC**: And who were the service providers who were paid out of this 149 000 that was ultimately paid?

20 **MR MOGOTSI**: Those are different people. Like I said, you will have other people travelling by bus, you will have people at Cape Town, they say, we want to eat this. Others will have to be given, or we have to buy from a restaurant. Others you buy in bulk, it depends. The money had to be available that side and be controlled. But as to other

service providers, it is only Kgotle that is able to prepare who else did they pay the money to.

**ADV CHASKALSON SC:** And are you able to account for that 149 000 as to where it went?

**MR MOGOTSI:** No, Kgotle must. I am not the director of Kgotle. They have to deal with that. And if the Commission requests them to do so.

**ADV CHASKALSON SC:** Okay, but your fiancé could account for that?

10 **MR MOGOTSI:** Yes, those are entities. Maybe as I am here, I may have another fiancé. It is not a thing that I can control her business.

**ADV BALOYI SC:** You say you are not a director. Do you have any relationship whatsoever with this company?

**MR MOGOTSI:** Not company, the individual, the person.

**ADV BALOYI SC:** So, you have nothing to do with Kgotle?

**MR MOGOTSI:** No, I do not.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Do you get paid by Kgotle?

20 **MR MOGOTSI:** No, I am not getting paid. It is a business, she manages things. As a travelling agent, here and there, she will take a percentage. That is her thing.

**ADV CHASKALSON SC:** You say it was never your intention that Matlala would meet with Mchunu in paragraph 41. Can you just elaborate there?

**MR MOGOTSI**: Yes, indeed. One of the instructions from the handler was that, both the handler and the co-handlers, Cat Matlala must never meet with Senzo Mchunu. My responsibility would rather be to manage him or to say things that I know would never materialise. But it was a clear instruction that they should never meet. And indeed, they never met. They never met.

**ADV CHASKALSON SC**: And did you know why there was that instruction?

10 **MR MOGOTSI**: Yes, remember the intention on this company was to investigate the director who comes from being a John Wigg, who is now Cat Matlala. There was no way you could bring that person closer to the Minister.

**ADV CHASKALSON SC**: Sorry, there is no way?

**MR MOGOTSI**: You could bring that person close to the Minister, Commissioner.

**ADV CHASKALSON SC**: You say at the last minute you informed Matlala that the Minister would not be attending the ANC celebration, and you suggested, as an alternative,  
20 that General Sibiyi, Matlala and yourself should meet in Camps Bay.

**MR MOGOTSI**: Yes, that was a consolation. Remember, on the last minute when I informed him that the Minister is not in the celebration, is not in Cape Town, he also decided that he is not coming. But I could not just say, when you

operate on somebody, you cannot say the Minister's not coming and you just close the conversation. You have to tell him, but I think because Sibiya is also in Cape Town, you can come and let us meet with him.

**ADV CHASKALSON SC**: What would the purpose of meeting with Sibiya be?

**MR MOGOTSI**: There would not be any purpose because I knew he wanted to meet the Minister. It was to make him realise that I tried something because the Minister's not  
10 here.

**ADV CHASKALSON SC**: But what interest would Mr Matlala have in meeting with General Sibiya? Why would that be an offer that would be attractive to him?

**MR MOGOTSI**: No, if there was no way, I could not say to him, come and meet comrades. You would want him to meet someone. Remember, if he has frustrations about his business, you will want him to meet someone. Remember, General Sibiya is a Deputy National Commissioner. It is not like I am saying, come and meet Maliki. You will give him  
20 someone who will make him realise that you mean business.

**ADV CHASKALSON SC**: But if I understand your evidence correctly, Matlala said he had already paid millions of rands to the national Commissioner for this contract.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: So why did you think offering him

a route to the Deputy National Commissioner would be of any value to him?

**MR MOGOTSI:** Commissioners, it is just that I do not wish that I should be operating a particular person like yourself. But what is happening is, the moment you cannot, there was no way I could say, the Minister is not coming, bye-bye. You would rather say, look, because the Deputy National Commissioner is here, I think you can come, we will meet with him. But the Minister is not here. So as to whether it  
10 adds value or it does not add value at the time, what was important is to pass the message for the man to make a decision whether he was coming or not. And I knew he would not come.

**ADV CHASKALSON SC:** Why were you sure he would not come?

**MR MOGOTSI:** He was the Minister. He would have told me initially, from the first place, that I want Sibiya, he said, I want Senzo Mchunu.

**ADV CHASKALSON SC:** All right, you mentioned that your  
20 prediction was correct. He decided not to travel to Cape Town. Can you take the Commission through paragraph 42?

**MR MOGOTSI:**

“That Matlala received of this information and the alternative

suggestion decided, however, not to travel to Cape Town. He was increasingly adamant that he wanted to meet with Mchunu, as he was not paid by the SAPS in terms of the tender contract awarded. Now, that is when I requested permission from my handler to facilitate a meeting between Matlala and the chief of staff, Cedrick Nkabinde, without the Minister's blessing.”

And should I go to paragraph 43, Commissioner?

**ADV CHASKALSON SC**: Please do, yes.

**MR MOGOTSI**:

“My handler held the opinion that I should find a way to manage Matlala without attending to the Minister's office, either to arrange an audience with Mchunu and/or the chief of staff. He reiterated that I had to continue infiltrating Matlala network in order to identify all the role players within SAPS tender that was awarded to him.”

**ADV CHASKALSON SC**: So, from your handler's perspective, they wanted to keep Matlala away from the

Minister's office entirely?

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC**: Can I just ask, I find that sentence very confusing. The handler wanted to keep Matlala away from the Minister's office. That is the first part that you have just confirmed. And then it is the second part I do not understand. Did the handler encourage you or approve that you arrange an audience with the Minister and the chief of staff, but just not attend the office of the Minister? I do not  
10 understand what you are conveying in that sentence.

**MR MOGOTSI**: I requested permission from the handler that I should rather, how about I arrange a meeting with chief of staff Cedrick Nkabinde, but I will not let the Minister know that I arranged that meeting. Still, the handler refused.

**ADV BALOYI SC**: So, the handler, so what you are saying in paragraph 43, I am at 43 now, are you there saying the handler refused you arranging a meeting with the chief of staff and/or Mchunu? Is that what you are conveying in that  
20 sentence?

**MR MOGOTSI**: Yes, both of them, yes. I must stay away from the Minister's office.

**ADV BALOYI SC**: When you say Minister's office, you mean the people in that office?

**MR MOGOTSI**: Yes, the Minister and the chief of staff.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** So, you say in paragraph 44 that you still had to manage Matlala's expectations, how did you do that?

**MR MOGOTSI:** I remember he had problems with the non-payments, I then proceeded to say but why do not I arrange a meeting for you with General Sibiyi and Nkabinde, or possibly the Minister personally and himself. I said it to him.

10 **ADV CHASKALSON SC:** So, although your handlers had said you cannot let him get close, you cannot let him meet the Minister and/or the chief of staff, you essentially offered that to him.

**MR MOGOTSI:** Yes, but what is happening is like in this situation here, even if Commissioners, I can tell someone now on the phone that come to the Commission place and bring me food, he will not enter here, he will not get a chance to even, they will demand identity, he will not enter the place. When I offer you something, it must be  
20 practically happening.

There must be, for example, a message that I send to Cat, to say, come to this hotel, I am with the Minister. That is when I want the person to meet the Minister, or I am with the chief of staff. But when you, when someone says, I need to be paid, I have a problem, man, come on, man, I

need to meet the Minister. You cannot say no if you are an operative.

You say, I will find a way, I know that there is an ANC meeting, or the Minister has been called. Sometimes you listen to the media, immediately when you hear, you type in the message, the Minister could be available, he is now going to Cape Town. There is a portfolio meeting, even when the portfolio is visual, you will even say he went to Cape Town to that meeting. The issue is you must keep  
10 contact with your target.

**ADV CHASKALSON SC:** But knowing all along that what you were promising him could never materialise?

**MR MOGOTSI:** It would never materialise, and it never materialised.

**ADV CHASKALSON SC:** Can we then move to the top of page 12 in paragraph 45?

**MR MOGOTSI:**

20 “During April 2025, the exact dates I cannot recall, I travelled to KwaZulu-Natal by car, I made a trip, after Matlala indicated to me that he was going to meet with a person who would solve all his difficulties in KwaZulu-Natal. Moreover, in Durban. And that he said in two days' time. I travelled to

KwaZulu-Natala arriving the day before Matlala's intended arrival. My source at the King Shaka International Airport, an Uber driver, kept observation on my behalf and informed me when Matlala arrived at the airport. The Uber driver relayed to me the registration number of the..."

**CHAIRPERSON:** Just a minute. Do you not agree that this  
10 was an unwise choice of a source? An Uber driver could easily have gotten a call for a pickup and left the airport. How would the source be of use to you then?

**MR MOGOTSI:** Thank you, Commissioner. I did not explain to that. Uber drivers and Bolt drivers, when you have a mission with him, the first thing he gives you a price that I may not move, I am going to sit here until your target arrives. And he will tell you I will make 2.5 a day. And for you to make it easy, you will say, okay, sharp, I will give you that much. So, he observed for me that day. He even  
20 gave me, he even ensured that he follow him to the car, the other Bolt, the Uber he was travelling with, and send me the particular registration. I was waiting along the road from the airport.

**ADV BALOYI SC:** So, is this Uber driver your informant or just a random Uber driver?

**MR MOGOTSI**: No, no, it must be, it is an informant.

**ADV BALOYI SC**: And how would you have identified Mr Matlala? He knows Matlala. He knew him. Remember you talk to a person, you would even send him a picture, but that time he knew him already.

**ADV BALOYI SC**: You did not send him a picture?

**MR MOGOTSI**: That time, no, no, no, he knew Cat Matlala already.

**ADV BALOYI SC**: And he knew him from where?

10 **MR MOGOTSI**: Because we were talking about him. There was a time when I was in Durban, because as an agent, Commissioners, you have a network. You see, for the intelligence service to function, I can say you cannot run intelligence service without Brown, without an agent. Now, you will have, even people who are selling on small scale, someone still knowing, he is selling drugs, R100, 700.

You know him, you will not arrest him, you will not tell, he is your informant. He will lie to you, he will say, no, no, this man to me, but because he is your source, you will  
20 not tell your hand that this man sells drugs. But he is selling on small scale, but he gives you information that can reach him. Now, the same applies to Uber drivers. Even in Cape Town, you go to, especially Durban, OR Tambo, Cape Town, you must have those people.

**ADV BALOYI SC**: The payment to this informant came not

from your handler, but from you directly to him?

**MR MOGOTSI**: You must - now, those are other things. Remunerations of your Uber does not happen with the informant. Remember what happens, you explain to him that how much this is, whatever, and he will say, for a day, I need R2 000. Now, as I have alluded in my statement that informants cannot be paid by me, it does not necessarily say, when an informant says to me, I need R200, your target, I must tell the handler, hey, the man wants R200.

10 When I have means, I am able to give him, but I must inform my handler. The man is then by, this is what we are looking for, in case we go right, you will please arrange something for him.

**ADV BALOYI SC**: Okay, but the payment to the Uber handler comes from crime intelligence funds, because you are doing work for crime intelligence.

**MR MOGOTSI**: Yes, but now, it is now, you see, now, it was only two days, the time. The handler must find someone in KZN who must facilitate that, because the Uber  
20 driver is from KZN, but that was only two days' time, and we have only agreed upon R1 000 at the time, which I spoke to my handler and was able to give him.

**ADV BALOYI SC**: Thank you.

**ADV CHASKALSON SC**: Sir, I just need clarity here. You are paying the Uber driver, essentially, to take the day off

from Uber and to be your source?

**MR MOGOTSI**: Yes, and then, something like that, but sometimes you become lucky, your target arrives at 11 o'clock, and it is not that you only give him, you can say, I give him 500.

**ADV CHASKALSON SC**: But you are the one who is physically giving the money?

**MR MOGOTSI**: Yes, you have to make arrangements. Either you give him cash, or you arrange a Shoprite. There  
10 must be something that you do for this person. Now, remember, when it comes to other informants, when they get caught, he is able to say, look, on my phone, this man sent me money. There must be always a way to exchange money with informants, depending on the scenario.

**ADV CHASKALSON SC**: My concern is not with the method. I just want to clarify that you are the one paying in this case. It is not an ordinary case where you do not pay and the handler pays. You are the one who pays in this case.

20 **MR MOGOTSI**: Yes, it is more like investment, correct. It is more like you tell a handler, I am going to give this man 1 000 or whatever, but as soon as the transaction or the mission has been completed, when you get the remunerated, including the money you lost, you will be able to recover in some instance.

**ADV CHASKALSON SC:** And in terms of paperwork there, does the handler ask any evidence from you?

**MR MOGOTSI:** Yes, the source, the informant's source, who is my link, well, there may not be a transaction between him and my handler. I will just inform my handler that this is and this and this, for me to reach to this destination with this person.

**ADV CHASKALSON SC:** But do you not have to give your handler some proof so that he can go back to the crime  
10 intelligence audit people and account for what he is given you to give to the source?

**MR MOGOTSI:** Yes, explanation. Look, depending on the situation Commissioners. Let me give an example. There is an Uber driver who will tell you, I am transporting drugs from Hillbrow to Mamelodi. Now, and then he tells you that they give me these drugs on Friday 9 o'clock. But when you check the value of the drugs, about R10 000, the value of the drugs, it is about R10 000.

You talk to inform and say, look, there is this thing  
20 about the Uber. You see now that one, because we are even asking who is delivering those drugs. Probably the one who is delivering the drugs has R50 000 worth of drugs, R100 000 of drugs. Now, this person will definitely be reimbursed by your handler. It must be handled by him when it comes to that.

But when you speak to an Uber person in Cape Town and say, there is this guy, remember we were talking about he is coming. Are you able to sit for me there to check when the person is coming and so forth? Obviously, we will go to the screen at the airport and say, Johannesburg, Johannesburg to Cape Town or Johannesburg to Durban, okay, there are five flights. If it is 9 o'clock and there is a flight, the next flight comes only at 2, he may leave the airport and come at half past one. But  
10 it does not necessarily mean you will at all times say, sit there even if there are only two flights during the day.

**ADV CHASKALSON SC:** Yes, I am just interested in paperwork. How does crime intelligence account for this money that will ultimately end up in the hands of the Uber driver, but on what you are saying has gone through your hands?

**MR MOGOTSI:** Yes, it is when I have arranged with him and I have given him this guy, and I paid him out. And in my interaction with my handler, that is when we will cover  
20 all these other things.

**ADV CHASKALSON SC:** But what does the paperwork say?

**MR MOGOTSI:** He comes with the paper, I sign. There is nothing that I keep. It will be in a duplicate form.

**ADV CHASKALSON SC:** So, you will sign something with

your handler to be reimbursed for money that you have given the Uber driver?

**MR MOGOTSI**: Yes, but you see now, you cannot go to a handler and say 5 000. They cannot speak those amounts that are not realistic. Where there is a lot of money needed, he must know in advance. And it is not the informant who determine how much. It is not the informant, Commissioners. It is my arrangement with the informant. And at that time, the information, you are certain that the  
10 man is going to land on Wednesday.

And the information for the Uber driver is to sit there two to three or four hours. And then you agree with him. If you give him 500, you tell your handler I have given him 500. But for the work of this magnitude, not necessarily that I will one day refund if I have done that. Some of these things, I afford them. What I want is to know the person that is going to help Cat do away with all these problems at that moment.

**ADV BALOYI SC**: So, you pay your informant. And you  
20 say you can claim it back from the handler when the mission is complete and has been achieved. The handler pays you whatever amount you say you paid the Uber driver. How does the handler know that to believe you, that you paid the Uber driver R1 000 and not R500?

**MR MOGOTSI**: Maybe if you can speak in this case, where

I gave that man R1 000. I did not claim it. I just told the - I thought we are talking generally how does this thing work. But in this case, I gave him R1 000 and I did not claim it. I told my handler. And by the way, because the person I was following, it happened so differently. The Uber dropped him at the hotel. He was with his wife. They went into the hotel. And I waited and waited. They came, a white Mercedes-Benz, picked the man up. And I had to follow this Mercedes-Benz to this other place in ...[intervenes]

10 **ADV CHASKALSON SC**: Can I just ask you not to mention the address of the place? Because we do not mention addresses for obvious reasons.

**MR MOGOTSI**: Then I went to Umhlanga to check the place. And then I waited for some time because they were together inside the house. And I did not know whose house was that. It was just a white house. It is fine. Then I waited for them as they came back, came out. And then we went back to the hotel. I also slept and went away. And that was in April this year.

20 You know, Commissioners, May, June, July, during the 6<sup>th</sup> of July, during General Mkhwanazi's press conference, General Mkhwanazi did mention Cat Matlala, Brown Mogotsi during his press statement. And it came out to everyone that on that day, Cat Matlala was found with a cell phone in prison. And he did. And he called me, very

furious.

He said, Brown, can I tell you something? You know, there was a time I told you that I went to look for someone who can solve my problem. And he said, and I said, yes, I remember. Because when I followed him, I did not tell him that I was following him. And it became that I did not know who he met with them in the car. And it was something that was packed.

And he said, I went to see General Mkhwaanzi's  
10 house. And I also gave him something. He was talking about money. I gave him, you know, I also gave him, but he was speaking this language ...[speaking in vernacular] and he was talking like this about us. I think, and I never said to Cat, you know, I followed you. I did not know. Honestly speaking, I did not see who that person was. But how he narrated everything about the day he was going to meet someone who was going to solve his problems, I remembered. And he said it was General Mkhwanazi that he went to see.

20 **ADV CHASKALSON SC:** You said this was after General Mkhwanazi's press conference of 6 July?

**MR MOGOTSI:** That is correct, Commissioner.

**ADV CHASKALSON SC:** So, Mr Matlala was calling you from prison?

**MR MOGOTSI:** Yes, he did call me from prison. Not once.

**ADV CHASKALSON SC:** And which number did he call you on?

**MR MOGOTSI:** No, prison phones. You cannot, no, it was just another number.

**ADV CHASKALSON SC:** No, which number of yours did he call you on?

**MR MOGOTSI:** My cell phone number, yes. The one that he uses in the chats. Yes, everyone has that number.

**ADV CHASKALSON SC:** And did he call you on, was he  
10 still using WhatsApp or was he calling you landline?

**MR MOGOTSI:** WhatsApp as well.

**ADV CHASKALSON SC:** Then in 48, you talk about some other calls from prison. Can you just briefly describe those?

**MR MOGOTSI:** Yes, he did call me, of course, from prison. But we were discussing, like, his strategy, how was he going to get bail and what is happening, what is transpiring, and what is he doing all that, like, what is happening to him, like, his plans of getting bail.

20 **CHAIRPERSON:** Let me take you back to the visit to Durban. When Mr Matlala said that he was going to go to somebody who would solve all of his problems, was he referring to the problems he had with regard to the tender?

**MR MOGOTSI:** Yes, he was mentioning, yes, yes, particularly in SAPS.

**CHAIRPERSON:** Yes, I am thinking the tender, as I understand, was a tender concluded at national level. Did Mr Matlala explain how the KwaZulu-Natal SAPS Commissioner would have assisted on this?

**MR MOGOTSI:** He never said, and this is an omission. Honestly, I thought maybe he was going to meet General Cele or someone close to General Cele. But then I only got surprised when he said it was General Mkhwanazi and I was in his house.

10 **CHAIRPERSON:** And you did not ask when he told you, you did not ask, how did you think the KZN SAPS Commissioner would have helped you on something like this?

**MR MOGOTSI:** No, I did not ask him, Commissioners. And then, you know, like in prison, people will not call you and say, hey, how are you, are you fine? It is like you pass a message, what do you want to say, and then maybe the phone goes out. But he did mention to me that he was, of course, in KZN to see, and he went to Lt-Gen Mkhwanazi's  
20 house.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** Can I ask, you had the address where he went?

**MR MOGOTSI:** Yes, that is correct.

**ADV CHASKALSON SC:** Did you report that to your

handler?

**MR MOGOTSI**: I gave that to my handler, that is correct.

**ADV CHASKALSON SC**: And did your handler ever tell you who lives at that address?

**MR MOGOTSI**: No. This whole thing stopped after Cat himself told me who he went to meet. But the description of the trip, it fitted with the problems that he told me about and the period. Because, you know, if let us say it happened in April, Monday, and he tells me on Thursday, so  
10 it took very, very long, only on the 6<sup>th</sup> of July.

**ADV CHASKALSON SC**: Paragraph 49, you now talk about your actions after Lt-Gen Mkhwanazi's press briefing on 6<sup>th</sup> July. Can you take the Commission through that?

**MR MOGOTSI**: Yes:

20 “After Lt-Gen's press briefing on July, and moreover the reference made therein to me, I decided to continue investigating General Mkhwanazi and obtain as much information as I could. To give context to the arguments and statement that he had made during the press statement, my handler at all relevant times knew of my continued investigation and it carried his approval.”

Paragraph 50:

“Sometime thereafter, towards the end of August, I contacted the late former Minister of Police Nathi Mthethwa. I wanted to know, to understand why Lt-Gen Mkhwanazi was removed as acting National Commissioner of Police in 2012. I spoke to Mthethwa regarding my concerns that General Mkhwanazi was CIA operative, according to information I received from my source. Mthethwa said he shared my suspicion. In order to confirm this, he said I needed to travel to Kenya to meet with the contact who was aware of CIA operations in South Africa.”

51 ...[intervenes]

**ADV CHASKALSON SC:** Can I just stop you at this point?

Had you ever met the late Minister Mthethwa before?

20 **MR MOGOTSI:** As a member of the ANC, long time.

**ADV CHASKALSON SC:** And how did you contact him?

**MR MOGOTSI:** You mean now, before? Yes, I had his WhatsApp numbers. I believe even the gadgets, remember, it is known. There were a search and seizure on my phones recently. That number, I will give you the name I saved it

under. It is there. The name is there.

**ADV CHASKALSON SC:** And where was he when you contacted him?

**MR MOGOTSI:** No, we only spoke over the phone. I think he was overseas.

**ADV CHASKALSON SC:** And he said you needed to travel to Kenya to meet a contact.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And did he give you details of  
10 who this contact was and how to get hold of him?

**MR MOGOTSI:** He gave me the name and the contact numbers on WhatsApp. I phoned this person at some stage. He said he was in Tanzania. And he was going to come back three or four days later. And when I called, he confirmed he was back in Kenya. And that is when I left to Kenya on the 10<sup>th</sup> of September 2025. I believe in some way I annexed the ticket. I have also annexed the proof of the ticket. And I returned back from Kenya on the 12<sup>th</sup> of September 2025.

20 **CHAIRPERSON:** So, proof by means of, or rather, you have proof which is a ticket.

**MR MOGOTSI:** Yes, I flew to ...[intervenes]

**CHAIRPERSON:** And I assume you also have stamps on your passport.

**MR MOGOTSI:** Yes, that is correct.

**CHAIRPERSON**: All right. And taking you back to the call you made to Ambassador Mthethwa, I think you said there is proof on your phone, a phone that was confiscated.

**MR MOGOTSI**: The contact numbers. The question was how did I contact him.

**CHAIRPERSON**: Okay.

**MR MOGOTSI**: That is correct.

**CHAIRPERSON**: So, there will be a record on your phone of you having called Ambassador Mthethwa?

10 **MR MOGOTSI**: I believe it is supposed to be there. It should be.

**CHAIRPERSON**: There should be a record of that. So, this will be a French number or a South African number?

**MR MOGOTSI**: No, it was that 27. He was still using the stamp.

**CHAIRPERSON**: Okay.

**MR MOGOTSI**: Because they still work outside here.

**CHAIRPERSON**: Thank you.

20 **ADV CHASKALSON SC**: And if you can then tell the Commission what happened in Nairobi.

**MR MOGOTSI**: In Nairobi I did meet a gentleman who introduced his name only as George. But I do not believe this was his name. But the relevance of this guy, he is more conversant about most of the CIA operations in SADC, not only in South Africa. And perhaps I should read it. He

confirmed the possibility of the information obtained from my source as being correct. And again, I contacted Mthethwa ...[intervenes]

**ADV CHASKALSON SC**: Sorry, before we get to 52, you say he confirmed the possibility of the information obtained from my source as being correct. So, if I understand that correctly, he could not say it was correct, but he equally could not say it was not correct.

**MR MOGOTSI**: I do not understand the question,  
10 Commissioner.

**ADV CHASKALSON SC**: You say he confirmed the possibility of the information obtained from my source as being correct. So, he did not, I mean, did he say to you this information is correct, or did he say this information is possible?

**MR MOGOTSI**: He also held a suspicion. He also held a suspicion.

**CHAIRPERSON**: And you were satisfied with that?

**MR MOGOTSI**: We still have to engage, the investigation  
20 is continuing. He said he lost the contact number of a particular person. But he also made reference to this current G20, that during this period there may be some lead. He will probably come back to me.

**CHAIRPERSON**: You see, why I am asking you if you were satisfied, you had gone all the way to Nairobi, Kenya, and

all you are told is that there is a possibility that the information may be correct. And you come back to South Africa. It seems to me that it was all a futile exercise.

**MR MOGOTSI**: Commissioner, you know my world is a very different world. And it is something else, Commissioner. But just to give you a hint. It is not that I arrive at the airport, 9 o'clock, 10 o'clock, I meet you, you sharp, sharp. Is it true? No. Possibility, bye-bye. Then I go change the flight. A person will give you, when I meet him, he must  
10 introduce himself properly to me. I also do the same.

Now, agents, when they meet, there are certain things that you look for from this person. He will give you reference about something or about someone. And he will tell you that maybe in Botswana there is this person doing whatever, and they are doing similar things. And this one we know for sure, he is a CIA. But this guy is doing something similar to what this man does.

For example, you must check them. Every year they will go to Dubai and go to Switzerland. That is where  
20 the Switzerland meeting takes place or something. He will give you information that you are able to put the dots together. And especially when you meet the person for the first time. I am still going to go there. He may come here. We have to meet.

He cannot just say, yes, it is true. He knows I will

say, but what do you have? Because he asked me, I hear you are saying that, but what do you have? And I told him so many things about Richards Bay and all these things, how he behaves. And I must tell you how, because this whole thing of the 6<sup>th</sup> of July, to me it was something else. It is not what we see.

Something that was staged more like a coup, a civil war is what I was trying to show him. And the idea, when you mix, when you bring these dots together, there is a  
10 theory in intelligence Commissioners which is called misdirection. And you start to see how this 6<sup>th</sup> of July is more like staged from what I saw, from what I am seeing. And when I was trying to tell him and he laughed, he could not. But he is also carrying the issue of the suspicion.

**CHAIRPERSON:** From what you are saying, it seems to me that there was a lot of information from you, but on the bottom line, which is what we had gone to Nairobi before, all you got was just this one-liner, there is a possibility.

**MR MOGOTSI:** Yes, which will help me to investigate, will  
20 continue to investigate, and we will finally get the truth, because this is just a suspicion.

**CHAIRPERSON:** Could you not have done this over a phone call?

**MR MOGOTSI:** Because I was so hopeful that I would get something, either negative or positive, but I thought I would

get an answer. And it is not the first time, Commissioner, where you get to travel for information.

**CHAIRPERSON**: In your world, do you ever interact on issues like this over the phone? In your environment?

**MR MOGOTSI**: If we know each other, being able to talk on certain codes which will understand each other, yes. But I cannot talk to someone I never met and say something. We cannot. It is not doable.

**CHAIRPERSON**: What is the difference between seeing  
10 each other face-to-face and talking over the phone?

**MR MOGOTSI**: It is the thinking that the phone is not safe. It is that thing, all of us will say, hey, you cannot talk this over the phone. And also, to take effort to obtain information, it makes a person realise, Commissioner, that this man is serious about this.

**CHAIRPERSON**: But do you consider the phone to be safe when you spoke to Ambassador Mthethwa about the same subject?

**MR MOGOTSI**: If we know each other, you can just ask  
20 him.

**CHAIRPERSON**: No, this is about safety now. This is about safety. Did you consider the phone to be safe when you spoke to Ambassador Mthethwa about the same subject?

**MR MOGOTSI**: Yes, and he was far. And for me and him,

we thought we could just talk about it. It is not that it is safe or not. I get the Commissioner's point.

**CHAIRPERSON**: I think you are conflating issues. You made a point about your reluctance about raising this with a person in Nairobi over the phone. You made a point that the phone might very well not have been safe. That is a totally different issue from whether he would have had any comfort to talk to you about this subject. The two are totally different. There is one, the question of safety, and  
10 two, the question of comfort or lack of it. Do you get me?

**MR MOGOTSI**: That is correct.

**CHAIRPERSON**: Now I am saying, let us focus on the question of safety only. If there were issues of safety, why is it that you were comfortable to raise the issue with Ambassador Mthethwa over the phone, which you consider not to be safe? Do you understand my question?

**MR MOGOTSI**: Yes, I understand your question. I believe I should put it right. Also, it is more riskier to talk to a stranger about something over the phone that you have  
20 never met. And I believe, Commissioner, that first let me agree to what you are saying, that it was a futile exercise, and I wasted time. I could have done it over the phone. I must admit that. It is just that at that moment, I thought the man, if I meet him, it is difficult to make accusations to a stranger. I also thought seeing me face-to-face, he may be

more comfortable and tell me the truth, if there is any truth.  
But that is the answer he gave me.

**CHAIRPERSON**: Thank you.

**ADV BALOYI SC**: Mr Mogotsi, you say in that paragraph 50 that Minister Mthethwa referred you to a contact in your wedding, contact who was aware of CIA operations in South Africa. So, this contact, this George, is not a CIA operative himself. He is someone who is aware of CIA operatives.

**MR MOGOTSI**: That is correct.

10 **ADV BALOYI SC**: And he must, who is he? He belongs to an organisation. How does he become aware of CIA operations?

**MR MOGOTSI**: I do not know. I do not know.

**ADV BALOYI SC**: You were not told?

**MR MOGOTSI**: I was just told, yes.

**ADV BALOYI SC**: You were just told, go meet George. Yes. And you did not know who George is, and you went to meet him.

20 **MR MOGOTSI**: Commissioner, no one will say I am a CIA operative or I am not. But when you get information that this person may know something, and you start talking to him, and he agrees to meet you, you will go and find out.

**ADV BALOYI SC**: So, George may well just have been a random person you do not know, because you do not know his organisation. You know nothing about him except that

he is George. So, it is fair to say that he may well have been a random person who just misled you when he said there is a possibility.

**MR MOGOTSI**: It is not about being random. It is like me, if you ask me, to which organisation do I belong? I will not say Crime Intelligence. I will just say I am an operative. Now, if George says to me, he is an agent ...[intervenes]

**ADV BALOYI SC**: You believe him.

**MR MOGOTSI**: Not to believe. I agreed to go and see him.

10 Yes, and I have acceded to the fact that indeed it was futile, but he has promised to provide more information in the future.

**ADV BALOYI SC**: And this trip you made as a contact agent. It is part of your investigation as a contact agent.

**MR MOGOTSI**: Yes, that is correct.

**ADV BALOYI SC**: So, it would have been paid for by Crime Intelligence.

**MR MOGOTSI**: No, I paid for myself. I paid for myself. I have not claimed anything from my handler. Some of these  
20 things, Commissioner, you know, I am very patriotic. That is what people do not know. Some of these things, I will do them from my pocket.

**ADV BALOYI SC**: So, the long and short of it is you paid for this trip out of your pocket.

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** If I may ask, how much did it cost you? Travelling, hotel bills, and whatever other incidentals. How much did it cost you?

**MR MOGOTSI:** R15 000.

**CHAIRPERSON:** And I assume you have claimed amounts less than R15 000 from Crime Intelligence. Have you not?

**MR MOGOTSI:** Less than or above.

**CHAIRPERSON:** I am saying even less than. Or have you  
10 not?

**MR MOGOTSI:** Yes, I have been there. It is not more than that. We will claim here and there, but not more than that.

**CHAIRPERSON:** Sorry?

**MR MOGOTSI:** I have not claimed more than that. You mean like money, cash, R15 000? No.

**CHAIRPERSON:** You have not?

**MR MOGOTSI:** No.

**CHAIRPERSON:** I find it strange then that you would not have claimed back an amount as high as R15 000.

20 **MR MOGOTSI:** It is not the first time, Commissioners. Commissioners, this is not only about claiming. Putting the country first, being patriotic, respecting the flag, carries more weight than these things people are thinking. A lot of weight.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** So, you then, on your return, say you contacted ex-Minister Mthethwa and briefed him about the trip in Kenya. What did you report to him?

**MR MOGOTSI:** I told him we are still at the same position. There was nothing more tangible provided. The guy also has similar suspicions. He did not give me anything tangible.

**ADV CHASKALSON SC:** And what did ex-Minister Mthethwa say to you?

10 **MR MOGOTSI:** He did tell me that he was also going to come to the Commission, and amongst other things, he was prepared to corroborate his suspicions also.

**ADV CHASKALSON SC:** For the record, I can confirm that ex-Minister Mthethwa at no stage communicated his intention to come to the Commission. He made no contact with the Commission, ever.

**MR MOGOTSI:** Yes, he did. He did tell me. He never said he made contact. He was just saying he is coming, he is prepared to come to the Commission and give that.

20 **ADV CHASKALSON SC:** Can you date when you spoke to him?

**MR MOGOTSI:** Come again, Commissioner?

**ADV CHASKALSON SC:** Can you date when you spoke to him to report what had happened in Kenya?

**MR MOGOTSI:** Just after I came from Kenya, on the 14<sup>th</sup>, I

think. 13<sup>th</sup>, 14<sup>th</sup> September.

**ADV CHASKALSON SC:** And again, would that be reflected on your phone?

**MR MOGOTSI:** Yes, I believe so.

**CHAIRPERSON:** Mr Chaskalson, please. Mr Mogotsi, can you read into the record from the second sentence of paragraph 52 all the way to my handler at the end of paragraph 52?

**MR MOGOTSI:** Okay:

10                    “Mthethwa confirmed that he was prepared to testify before the Commission in confirmation of entirely the fact that Lt-Gen Mkhwanazi had been removed from office by Mthethwa for various reasons, one of which was the suspicion of him being a CIA agent. I relay this information to my handler.”

**CHAIRPERSON:** Thank you.

20                    **ADV CHASKALSON SC:** And we know that the late Minister Mthethwa passed away on 30 September 2025, which is what you allude to in paragraph 53. You say, under what can only be described as suspicious circumstances, are you aware of any facts in this regard that are not in the public domain?

**MR MOGOTSI:** No, I know nothing. I only see what is in

the public domain.

**ADV CHASKALSON SC:** Can you then read paragraph 54 of your statement and maybe expand and explain to the Commission what you are wanting to convey in that paragraph?

**MR MOGOTSI:**

10                   “The modus operandi I have adopted  
                      as an ...[indistinct] agent and  
                      thereafter as informant of the South  
                      African Police Service and as an agent  
                      for crime intelligence with a formal  
                      handler assigned has always been that  
                      I am constantly on the lookout for  
                      information that will suit my purpose in  
                      a particular situation. I would typically  
                      take advantage from acquiring a piece  
                      of information, relaying it to a specific  
                      person in a specific context for a  
                      specific purpose and to elicit specific  
20                   reaction.”

This means I have learned to always look for any information that I can use, be it spoken by someone or any information that is on the public domain. If it is suitable or if I can use it to the advantage of whatever that I want to further, that is what I learned to do.

**ADV KHUMALO SC:** Mr Mogotsi, in your capacity as contact agent, you interact with your handler and your informants. You are investigating so many cases, according to you. Do you keep a diary where you record this information? And the dates and who you met and what information they gave you? Where do you record all this information?

**MR MOGOTSI:** As an agent, you are required at all times to make notes and do whatever and give to your handler  
10 who keeps your file. Your file is kept by your handler. You cannot have a diary of anything of that sort, which if it becomes accessible to anyone, will definitely be attacked.

**ADV KHUMALO SC:** So, details relating to this trip to Kenya, all that information, you have already given it to your handler?

**MR MOGOTSI:** That is correct.

**ADV KHUMALO SC:** You no longer have the notes with you?

**MR MOGOTSI:** Yes, but there was nothing written in  
20 Kenya. We only conversed as we do. And I came to tell him, and then we noted in the file, and he kept the file. That is correct.

**ADV KHUMALO SC:** I am assuming that when you had to go to Kenya, you needed to go to a certain address at a certain time to meet a certain person who has been

described to you? Because you cannot just go there and meet anybody. You had to know what the person looks like, where you are going to meet them, at what time. Where did you record all that information?

**MR MOGOTSI:** It is a normal thing. I am flying at 12 o'clock or 1 o'clock. I arrive in Kenya at 5 o'clock, and then he will tell you, you sit in the restaurant at 6 o'clock, you go to outside. There is MTN and Telkom in Kenya. Either you buy airtime, but in the airport, there is Wi-Fi. You say, I  
10 have arrived, and he tells you I am wearing a blue jacket, I am outside. You go and meet him, and then you drive, go somewhere. From there, you come back.

**ADV KHUMALO SC:** So that will be in your WhatsApp, then? It will not be in a notebook?

**MR MOGOTSI:** No, you cannot write that. You talk to him over the phone.

**ADV KHUMALO SC:** Thank you.

**ADV BALOYI SC:** Maybe on the same theme of records, and to an earlier discussion where you say in your  
20 statement that you were involved in an operation with 32 suspects and 32 firearms were seized. You remember that operation?

**MR MOGOTSI:** Yes, correct.

**ADV BALOYI SC:** Now, you are a contact agent. You are not an operating member of the SAPS, is that correct?

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** But you are in an operation. There must be a record of this operation.

**MR MOGOTSI:** It is.

**ADV BALOYI SC:** Somewhere ...[intervenes]

**MR MOGOTSI:** It is annexed ...[intervenes]

**ADV BALOYI SC:** No, no, I am not talking about pictures. I am not talking about the pictures that are attached. I am talking about a proper record of the operation itself in  
10 SAPSs books, and which will tell whoever is interested who was involved in that operation.

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** So, one can expect to find you there.

**MR MOGOTSI:** Yes, what happens is that the person I am referring to was who I was doing operations with. He has read me the statement, and on his statement, he will say, remember his name is there in contact numbers, he will say my source. He will not write my name. So only because I believe the Commission will perhaps meet the person. It is  
20 him who will tell you, this is my source, this is the man who called us, this is what he told us, and that is how we knew.

**ADV BALOYI SC:** Yes, I am not asking about the source. I am asking about you participating in an operation. Unless I am reading paragraph 29 wrong, you say I was also part of an operation during October 24, 2024, rather, when 32

suspects were apprehended and 32 firearms were seized. So, what I am asking is if you were part of that operation as it unfolded, there must be a record because we have come to learn that operations of the SAPS, there is a record of an operation that was undertaken and who was there. So, I am asking, you would be in that record.

**MR MOGOTSI**: Yes, I am not sure if Commissioner is aware that being part of the operation is not physical, it is about information.

10 **ADV BALOYI SC**: So, you do not mean you were present when there was, I think, this takedown or whatever they call it.

**MR MOGOTSI**: No, if there can be a crossfire, you will be hurt.

**ADV BALOYI SC**: I have misunderstood your statement. Thank you.

**ADV CHASKALSON SC**: Thank you, Mr Mogotsi. We are now going to get to the specific topics that we asked you to address in the various notices we sent to you. And the first  
20 topic is the evidence of Lt-Gen Mkhwanazi, which you address from the top of page 14, paragraph 56. I have some questions later on in this section, but maybe if you could take the Commission through paragraphs 56 to 60.

**MR MOGOTSI**: The evidence of Lt-Gen Mkhwanazi:

“The evidence of Lt-Gen Mkhwanazi,

the conclusion drawn, and the assumptions made by him regarding me cannot be, in the absence of what I have stated herein above, be criticised. I say this because Lt-Gen Mkhwanazi could not and did not know that at all relevant times, I was a contact agent acting on behalf of the state, with tasks, orders to investigate both Lt-Gen Mkhwanazi and Matlala as aforesaid. The perception and assumptions that Lt-Gen Mkhwanazi alluded to in his evidence with reference to me is exactly the outcome and the perception that I wanted to obtain and to create in order *inter alia* to gain his trust and to get closer to him to investigate his ties with the CIA. At all relevant times, my handlers had full knowledge of and was kept appraised of my conduct and strategy, not only where Lt-Gen Mkhwanazi was concerned. I was privy to sensitive information regarding the South African Police Service and Crime Intelligence,

not because I had dubious relationship with any senior police officer or persons in the public office, but due to my involvement as a contact agent for the Crime Intelligence and through my vast network of informers and sources.”

**ADV CHASKALSON SC:** Can I just stop you at this point. Did your informers and sources within the SAPS did they know that you are an agent?

10 **MR MOGOTSI:** I do not understand the question.

**ADV CHASKALSON SC:** So, people were giving you information SAPS members and crime intelligent members in particular and they gave you information. Did they know that you were an agent?

**MR MOGOTSI:** It depends, it is not everyone but remember someone who is employed in the Crime Intelligence will not necessarily be an informant, except for maybe a person who is in the employment of Crime Intelligence, being a support staff, for example, in the  
20 human resource or supply chain. That particular person, you may, of course, work with that person and the person will know that you are an agent.

But others will, in this context, think you are maybe close to the Minister or you can do some changes, or you are just a person connected in the ANC, top brass, you can

help them. Others, they perceive that you are standing, you know someone in politics, or you know a person relevant to the situation that you are discussing.

**ADV CHASKALSON SC**: Because I am just trying to understand the situation that you are describing, which is an unusual one, which is of an agent operating to investigate Crime Intelligence itself and depending on sources of information that come from inside Crime Intelligence. Now, it seems to me that if people inside  
10 Crime Intelligence know that you are an agent and give you information on that basis, there is a risk that that will compromise the whole operation because once your status as an agent is known, it will be very difficult for you to get covert information from anybody else in Crime Intelligence. Do you accept that?

**MR MOGOTSI**: I accept that, not only in Crime Intelligence. I was raising that with my legal team to say after this engagement with your office, senior counsel, remember initially the plan was to bring this statement *in*  
20 *camera*. I have taken into cognisance all those factors and I am now aware that from now on the whole world knows that I am this person. So, no one ever, I do not think anyone will ever give me information. Even if they say there is a tender of 10 000, once you see me you will say, no, they will never work with me. I was telling my team,

how are we going to deal with this going forward?

**ADV CHASKALSON SC:** It is a concern, but in fairness, I think you yourself have disclosed your status as an undercover operative in interviews before you came to this Commission.

**MR MOGOTSI:** I have never Commissioned. I have always said the right platform will come. There was no way because after the Commission was established, I also checked and read the terms of reference. I really believed I  
10 will present this *in camera*.

**ADV CHASKALSON SC:** So that is the first issue, which is that if people know you are an agent, then there is always a risk that your status as an agent leak into the broader world of Crime Intelligence that you are investigating, and your position is compromised. You accepted that proposition?

**MR MOGOTSI:** Yes, provided you do not explain to the person giving you information at first. You need to explain to a person that, look, the information you are giving me, there now comes this part. I can assure you, even the  
20 President will know, will deal with this. You assure a person.

**ADV CHASKALSON SC:** But that raises my second concern, which is if people do not know that you are an agent.

**MR MOGOTSI:** They did not know. Now they know.

**ADV CHASKALSON SC**: No, no, now they do. But if they do not, then what you are doing is, what is happening in the process is that Crime Intelligence operatives, employees, agents, are giving you what I would imagine is classified information, thinking that they are giving it to someone who isn't an agent.

**MR MOGOTSI**: No, there is no one. You see, all the information and instructions, Commissioners, they will come through the handler. The handler will tell you there is this  
10 and he will show you. There is no way you have to find me in possession of classified information. You can look at it, make notes, and understand, and even the notes you cannot keep.

But this investigation is not like a normal investigation. You meet a police carrying a docket, goes to a person and say you stole a laptop. What happens is you tell your handler the investigating officer of this case is sparkling. He knows he has to go and talk to this investigating officer. In some instances, the commander of  
20 the handler, I do not know his commander, he will talk to the commander of this investigating officer to say, we want to gather information for you.

Crime Intelligence will not carry the dockets, but with the information I give him, he will come and fill this docket in with information. Not necessarily that I must

come and salute and say, hey, I am an agent, give me the information, I am going to help you. That is not how it works. You do not show the identity of people involved. You talk to your person and say, with this information, I will be able to do 1, 2, 3.

Remember, a support staff whose work is data capture and supply chain. He can give you information and ask you, please make sure nobody knows about this, that it comes from me. He is a support staff in the supply chain.

10 Once you have read it, maybe you take a picture and give it back. Then you give it to a handler and the investigation unfolds. They will not know who gave it to you. And it does not necessarily have to be you saying I am an agent. Remember, the support staff cannot even trust these other police. Your handler is not trusted by all the people. They can trust me, and I give this handler the information.

**ADV CHASKALSON SC:** Can we very briefly just deal with the letter, the disbandment letter that you addressed at 61 and 62, before we take the lunch break?

20 **ADV BALOYI SC:** Maybe before you do that, Mr Chaskalson, just the last thing on this topic that you are having now. You do, I think from your evidence, in fact it is not even a question of accepting, you did disclose to General Sibiyi that you are an agent.

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** So other people may well know because of that disclosure to General Sibiya that you have no control over it. He may well have told other people in crime intelligence.

**MR MOGOTSI:** I do not know. It is him who knows.

**ADV BALOYI SC:** But it is possible that, in fact, the people in crime intelligence that you are discussing with Mr Chaskalson may well have known that you are an agent because you have already shared that information with  
10 somebody else and that is General Sibiya. It has to be a yes, Mr Mogotsi.

**MR MOGOTSI:** I do not understand Commissioner. Commissioner is saying, after I told General Sibiya, he told someone.

**ADV BALOYI SC:** He may have told other people. You do not know.

**MR MOGOTSI:** I do not know.

**ADV BALOYI SC:** So, it is quite possible on that hypothesis that people in crime intelligence, other people in  
20 crime intelligence may well have known that you are an agent.

**MR MOGOTSI:** If he has told them.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** I think, Mr Chaskalson, let us deal with what you were referring to when we come back.

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

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Chair. Mr Mogotsi, when we broke, I was about to ask you just to take us through paragraph 61 and 62, which deal with the disbandment of the PKTT and that letter. Can you read the  
10 paragraphs and just amplify anything that you would like the Commission to know in this regard?

**MR MOGOTSI:** Thank you, Commissioners:

“The fact that a letter addressed to General Masemola by Mchunu entirely disbanding the PKTT was leaked on social media on 1 January 2025 was fictitious. Through the social media leak, it came to my attention. It suited the circumstances and the furtherance  
20 of my engagement with Matlala, bolstering my credibility in that I was in a position to inform him of the disbandment of the task team prior to it being formally made public. The time of year, New Year's Day, further aided

my purpose, as Matlala did not seem to have knowledge of the social media leak regarding the information stated above. The circumstances and moreover the timing in which I could present this information to Matlala further gained his trust. I created the impression that I was privy to information emanating from the Minister's office prior to it being made public.”

**ADV CHASKALSON SC:** Can I ask, do you recall how you came to see the letter on social media? Was it from a personal social media contact or was it from a public social media contact?

**MR MOGOTSI:** It was a public social media contact. In fact, it was all over Commissioners, even in other social media groups.

**ADV CHASKALSON SC:** And do you recall whether it was on Twitter, Facebook, any particular platform?

**MR MOGOTSI:** I cannot recall, Commissioner, I just know it was on social media.

**ADV CHASKALSON SC:** And how soon after you received it did you mention it to Mr Matlala? Was it immediately, did you delay?

**MR MOGOTSI**: I saw the letter on the 1<sup>st</sup>, but because of the content of the letter, I decided to withhold the letter for a while just to see whether it was authentic or not. But as it was still in my possession, it continued to be viral, even the second day. But I did send him a message at night without sharing the letter itself. I only sent it to him the following day, which was the 2<sup>nd</sup> of January.

**ADV KHUMALO SC**: Are you leaving the letter?

**ADV CHASKALSON SC**: I am leaving the letter for now. I  
10 will come back to it later.

**ADV KHUMALO SC**: I have got more questions later on, but for now, why did you think Mr Matlala would be interested in the disbandment of PKTT?

**MR MOGOTSI**: Commissioners, the man would be very much interested and happy. As I have alluded earlier, he did, of course, get harassed by the same people, which is the PKTT. Even when they manhandled him, he did make reference that they, of course, also assaulted his wife, and that is why I helped him to go to the police station in  
20 Soweto through my arrangement with a co-handler. But in addition, Commissioner, inasmuch as he was frustrated and telling me that these people keep on looking for money and so forth, and the PKTT does not give him space I believed that his disbandment would really relieve him.

**ADV KHUMALO SC**: So, there was a lot of discussion

between you and Mr Matlala about the PKTT during December 2024?

**MR MOGOTSI:** Not necessarily a lot of discussion, but they harassed him, they came to his house, and they also assaulted his wife. It is something not to forget. You cannot just forget that easily if one is on the shoes of Mr Matlala.

**ADV KHUMALO SC:** And do you know how he knew that it was the PKTT that harassed him, as opposed to any other  
10 unit?

**MR MOGOTSI:** Yes, he did mention that they were wearing balaclavas, they were in KZN cars, and they were speaking Zulu, and as it is also known, people here in Gauteng, the Zulu that they speak is not like the one in KZN. Even if I can speak any language with you, you will not speak Twana that I speak in my gang. Here, you speak differently. Even the Zulus here, the Zulus are not like the Twana in KZN. I think that is where he drew the distinction.

**ADV KHUMALO SC:** Thank you, Mr Chaskalson.

20 **ADV CHASKALSON SC:** Can we then, can you then take the Commission through paragraph 63 to 65?

**MR MOGOTSI:**

“In testimony before the committee, Lt-Gen Mkhwanazi states that I am not a registered source in police, but yet I

have access to everything in the police. I reiterate that Lt-Gen Mkhwanazi could not know that I was a registered contact agent for Crime Intelligence and therefore privy to the information and documents relating to the inner workings of South African Police Service. By implication, what Lt-Gen Mkhwanazi is saying is that if I were to be a contact agent, I would be privy to this information, and his concern would therefore be undermined. The perceived links that I have with persons in the underworld is drawn from WhatsApp communication *inter alia* with Matlala, which were sent and in execution of my task orders received from my handler in the Crime Intelligence.”

20 **ADV CHASKALSON SC:** Can I just stop you there? Was your handler aware of your WhatsApp communications with Mr Matlala? Did you share them with your handler?

**MR MOGOTSI:** It is very, very important that you notify your handler about your discussion, but in the main, you will not wake up in the morning and say, hello Mr Matlala, how

are you? Then you tell your handler, I just greeted him, he said he is fine. No, you will tell him, I am going to have a discussion with him, and this is what I am going to draw, and this is what I want to achieve or perhaps this is what I have achieved. And you will have your briefings three or two times a week, but usually you will have to bring everything that you discussed with him.

**ADV CHASKALSON SC:** And would you bring your cell phone so that the handler could actually see the WhatsApp  
10 communications?

**MR MOGOTSI:** Yes, but not at all material times, it depends on the content of the discussion. For example, where he insists, I will really have to meet with Minister Senzo Mcnunu, we will then come to him and say, this man now is adamant, he is putting pressure, he wants to see Minister Senzo Mchunu.

**ADV CHASKALSON SC:** Thanks, then if you can continue with paragraph 65 and 66.

**MR MOGOTSI:**  
20 “From the outset and despite the perception which I effectively created with General Mkhwanazi that I was close to and had the ear of Mchunu, I deny that I had any personal relationship of any kind with him, he

means Mr Mchunu. I was neither an associate nor a friend of Mchunu, I regarded him and I still do as a comrade. In the same way as I wanted to create the perception and belief in the mind of Lt-Gen Mkhwanazi, I wanted to create perception in the mind of Matlala, but for different purposes. Both, however, would be the execution of my task instruction received from my handler at Crime Intelligence.”

**ADV CHASKALSON SC:** Then from paragraph 67 onwards, you talk about your first approaches to General Mkhwanazi, can you take the Commission through those paragraphs?

**MR MOGOTSI:** 67 in?

**ADV CHASKALSON SC:** 67 onwards, all the way through to 72.

**MR MOGOTSI:**

“I did send the WhatsApp message to Lt-Gen Mkhwanazi on 30 September 2024, and attached document being the OB occurrence book register and a letter, this was my opening communication to Lt-Gen Mkhwanazi. The documents were attached to give

the message the necessary weight and to get his attention in an attempt to gain his trust. This was in line with my modus operandi as a contact agent. I also sent the follow-up message later that day, moreover with reference to Mchunu being in Lusikisiki. I wanted to leave him with the impression, which later proved to be effective, that I was with Mchunu in Lusikisiki. The contrary was however true, I left Lusikisiki a day before the Minister's arrival, Mchunu was not aware that I was in Lusikisiki and I never met him there. I became aware that the Minister was travelling to Lusikisik via the media. I also sent the WhatsApp message to Lt-Gen Mkhwanazi that he must be mindful and check his standing with Lt-Gen Khumalo in an effect to elicit a response. I confirm once again that at all relevant times I sent these messages in an attempt to gain Lt-Gen Mkhwanazi's confidence and trust in order to execute my mandate in terms

of the task order of my handler.”

**ADV CHASKALSON SC:** Can I just stop you there before we move on to the crime intelligence screenshot? Where did you get the occurrence book register extract and the letter?

**MR MOGOTSI:** From one of my sources, I remember Commissioners, the occurrence was a recorded incident that took place which implicated Lt-Gen Mkhwanazi and having found something that talks to him directly, I knew he  
10 was going to respond and because it was talking about him, indeed he responded.

**ADV CHASKALSON SC:** So, this is a complaint that had been lodged against Lt-Gen Mkhwanazi in relation to the correctional services incident?

**MR MOGOTSI:** Yes, that is correct. From Qalakabusha, it was about the arrest of possession of drugs against a head of correctional centre, which according to General Mkhwanazi, because when I spoke to him, he responded to me in detail as to what really transpired. Then he ordered  
20 that the correctional officer should not be arrested. He cited the reasons being he was going to sue the state or South African Police Service. Those drugs were found in a rubbish bin, not necessarily inside the house of a correctional officer. That is what happened.

**ADV CHASKALSON SC:** And when you refer in paragraph

69 to your WhatsApp message to General Mkhwanazi in relation to General Khumalo, what was your intention in, as it were, telling General Mkhwanazi he should suspect General Khumalo?

**MR MOGOTSI**: It is a modus operandi, Commissioner. It is similar to someone, a very lovely couple. Even if you do not greet him, he does not know you. Should you tell him or ask him, are you sure about your girlfriend? He will definitely start to ask you, what did you see? Why are you  
10 saying that? It is a similar message.

**ADV CHASKALSON SC**: Then you talk about that crime intelligence screenshot. Can you ...[intervenes]

**ADV BALOYI SC**: Sorry, Mr Chaskalson. So, you were asked what was the intention, was the intention to create discord between the two of them because you are raising suspicion about the one or the other?

**MR MOGOTSI**: Obviously General Mkhwanazi knew Lt-Gen Khumalo for longer. He would not just take a story from me in the first place and believe me. He may have told him,  
20 but it created an environment that he must ask me exactly, what did he say? And indeed, he asked me.

**ADV BALOYI SC**: Thank you.

**ADV CHASKALSON SC**: Then the crime intelligence screenshot. You say you obtained the screenshot from a confidential source within your network. That is in

paragraph 71.

**MR MOGOTSI**: That is correct, Commissioner.

**ADV CHASKALSON SC**: Now that source would have had to have been present at the crime intelligence meeting, not so?

**MR MOGOTSI**: I do not know, Your Worship. No, I do not know, Commissioner. Excuse me, sorry.

**ADV CHASKALSON SC**: And did that source know he was dealing with an agent? That he was giving it to you in your  
10 capacity as an agent?

**MR MOGOTSI**: That is correct. Network, you may be surprised. We are sitting with more than 400 in the network, 400, a lot of people. And this one may say my handler attended a meeting and he showed me this and when I saw that I used it to my advantage.

**ADV CHASKALSON SC**: But it was not just shown, it was captured because you had an image to give to General Mkhwanazi.

**MR MOGOTSI**: That is correct, Commissioner. It is a  
20 question that I did not ask my source how and when did he get that picture. But it was not the first time. I have been, for example, talking about a presentation of Boko Haram, which is a very confidential document, but I saw it. I may have also taken a picture. So, in this network you are able to get access to such things.

**ADV CHASKALSON SC:** Can you take the Commission through paragraphs 73 to all the way through to 80.

**MR MOGOTSI:**

10 “I fully understand why the chairperson of the committee during the evidence of Lt-Gen Mkhwanazi raises a question. Why would I warn Lt-Gen Mkhwanazi of an attempt to discredit him? And the reason why Lt-Gen Mkhwanazi would answer the chairman that he had no idea at the time. He could not and he would not have an idea because absent the explanation that I acted as a contact agent investigating General Mkhwanazi and being in the process of infiltrating his world, it would be on the face of it rather random. It is clear from the conduct of General Mkhwanazi after receiving the WhatsApp

20 communication from me that he has established through the chief of staff in the Minister's office that the Minister was indeed in Lusikisiki at the time. I indicated that I was there and by giving a long-winded explanation relating to

the charges levelled at the acting head of correctional facility in Qalakabusha at the Empangeni, I managed to get his attention. Lt-Gen Mkhwanazi defended the long explanation when he gave it to me regarding this incident as he believed that I am close to the Minister hoping that the explanation will reach the ear of the Minister. I clearly succeeded in getting the attention of Lt-Gen Mkhwanazi as he chose to engage with me. He enquired as to what Lt-Gen Khumalo had said about him with regard to cash and transit. I merely responded that the Minister is briefed and he has arrived in Lusikisiki. My reference to the Minister in Lusikisiki as well as my presence there as stated clearly confirmed in Lt-Gen Mkhwanazi's mind that I was close to the Minister having knowledge of his movement. With reference to the screenshot depicting the meeting of crime intelligence heads, I requested that General Mkhwanazi keep this

confidential and add his best interest at heart. I further communicated to him that the representatives within crime intelligence are of the opinion that he does not listen to crime intelligence, that he might have his own cartel and mention that provincial crime intelligence head is retiring in the next month. Once again, my communication had the desired effect as Lt-Gen Mkhwanazi stated in his evidence that it is his understanding of the message that in the meeting referring to the screenshot attended by representative of crime intelligence was that he did not want to cooperate and is not working well with the head of crime intelligence in KwaZulu-Natal. Further that he does not take heed of the information that they are giving him and in turn does not want to operationalise such information. The aforesaid is underlined by the response of Lt-Gen when he replies and requests the full presentation relating to the

screenshot of the crime intelligence meeting alternatively records of what was said therein. I then replied reference General Khan stating this general will brief him next week. My intentional reference to Maj-Gen Khan in the WhatsApp conversation with General Mkhwanazi again effectively caught his attention. He makes the following statement in reply. “Almost everything that we see happening in parliament, in the media come from the components of crime intelligence and this is where the real fight comes from” Lt-Gen Mkhwanazi stated the following, “General Khumalo, the Divisional Commissioner of Crime Intelligence approached me and asked me to be a presiding officer. I then agreed. Shortly after agreeing to be the presiding officer, not long after that, I started getting this communication from Mogotsi. But at that time, I am not understanding as to what this communication, what is the background

of this communication. He started to communicate these things to me. That is why throws Maj-Gen Khan's name in it”.”

**ADV CHASKALSON SC:** Can I just get the timing of these WhatsApp’s confirmed? Your first approach to General Mkhwanazi was on the 30th of September and that was the OB WhatsApp which you record on page 67. The WhatsApp in relation to crime intelligence and the presentation and  
10 General Khan, that was the following day, 1 October. Is that correct?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And your purpose in shifting the conversation to General Khan is what you address in paragraph 84. Can you take the Commission there?

**MR MOGOTSI:** Should I read this again?

**ADV CHASKALSON SC:** Yes, please do.

**MR MOGOTSI:**

20 “I made reference to Maj-Gen Khan specifically and reiterate that I was stated here in above regarding the plot surrounding the disciplinary hearing of Maj-Gen Khan and the contrived outcome thereof. I wanted to create perception in General Mkhwanazi’s

mind that I may know of the plot. To elicit the reaction from Lt-Gen Mkhwanazi, if he suspected that I had knowledge of the plot, he would not accept the appointment to chair the disciplinary hearing as requested by General Khan.”

**ADV CHASKALSON SC:** So, you were mentioning Maj-Gen Khan specifically because you knew about the plot and you  
10 wanted essentially to signal to General Mkhwanazi that you were aware of the plot and that he might then choose not to take on the disciplinary committee and not to carry forward that plot. Is that what your intention was?

**MR MOGOTSI:** Here I am simply saying he may have thought I knew. Commissioners, remember the recording part only happened in December. This was our conversation during October or after September.

**ADV CHASKALSON SC:** But sorry, I do not understand 84  
20 then because what 84 says to me is that in October you mentioned Maj-Gen Khan specifically.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** Because you wanted to create a perception in Lt-Gen Mkhwanazi's mind that you may know of the plot.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** Did you know of the plot at that stage?

**MR MOGOTSI:** No. This would be, that is what I am saying, it should be captured correctly. I spoke to General Mkhwanazi and I knew, we only knew about the plot when we did the 252(A) things. But in October I had already heard that it is General Mkhwanazi who was going to preside over the case of General Khan. But I did not have any interest of some sort at that time until that time when  
10 we conducted the 252.

**ADV CHASKALSON SC:** But then why did you have any reason to mention Khan in your WhatsApp to General Mkhwanazi on the 1<sup>st</sup> of October?

**MR MOGOTSI:** It is Lt-Gen Mkhwanazi who according to him in the statement was thinking that I have mentioned this because I knew he was going to preside. Indeed, I knew but I am trying to say it should be properly recorded that the conversation between the recording of the particular process, the 252(A) about the plot only got carried out or  
20 conducted when we did the 252.

**ADV CHASKALSON SC:** So, I understand what you are saying now but I still do not, I cannot make sense of 84. Maybe if you could just reframe 84 as you would want it, if 84 is saying the wrong thing in relation to the plot. What is it that you are saying in relation to General Khan and

General Mkhwanazi?

**MR MOGOTSI**: May I just approach?

**CHAIRPERSON**: The story is yours and you know what the evidence is.

**MR MOGOTSI**: Okay, I am just trying to say this paragraph may have been captured, the part of the paragraph could have been captured in another paragraph. What I am saying is when I spoke to General Khan about this incident, to General Mkhwanazi, no, I should put it properly, sorry.

10 When we did the 252(A), it was done after this conversation. So, I am simply trying to say the part where we speak about the disciplinary hearing should have been before the December 252(A).

**ADV CHASKALSON SC**: So, this reference to a perception in Lt-Gen Mkhwanazi's mind that I may know of a plot shouldn't actually be in this paragraph.

**MR MOGOTSI**: Yes, should have been. I will show you where it is supposed to come. You will check that, not congratulating. May I just have a second to rectify this,  
20 Commissioner?

**CHAIRPERSON**: Mr Chaskalson, unless it is crucial that he should deal with it now, which I do not think should be the case, Mr Mogotsi is coming back tomorrow.

**ADV CHASKALSON SC**: Certainly, maybe we can clarify this tomorrow.

**CHAIRPERSON:** Yes.

**ADV CHASKALSON SC:** It is not a critical issue at all.

**MR MOGOTSI:** And thank you, Commissioner. Perhaps there'll be time for cross-examination, and this will be wrongly placed here.

**CHAIRPERSON:** It will be sorted out before you are cross-examined. Thank you, Mr Mogotsi.

**ADV CHASKALSON SC:** And then, if you can possibly finish off with paragraphs 85, 6, and 7.

10 **MR MOGOTSI:** Thank you. Paragraph 85:

“I did send a message to Lt-Gen Mkhwanazi stating, congratulations, you are going to save the country. I knew a press conference was going to be held by Lt-Gen Mkhwanazi before it happened. I wanted him to know that I had this knowledge and furtherance of my investigation. This conversation took place shortly after the arrest of

20 General Khumalo. I was under the impression that General Mkhwanazi was going to have a very positive press conference and therefore, I wrote the message as aforesaid. The latter transpired not to be the case. My

message sent on 4 July 2025 congratulating General Mkhwanazi that he is going to save the country clearly further caught his attention and he deemed it necessary to respond there too. I did direct the communication to General Mkhwanazi requesting him to intervene. This was not out of genuine concern about the situation that was unfolding regarding warrants of arrest that were procured. This was, in my view, as a knee-jerk reaction to the arrest of General Khumalo, to arrest certain other high-ranking police officials, including General Masemola. I wanted to know how Lt-Gen Mkhwanazi was going to react. I further also wanted to know what his next step would be. I contemplated a genuine possibility that he might resign from his position during the press conference that was going on.

**ADV CHASKALSON SC:** So, if I understand you correctly, that message in early July you sent really to try to work out what Lt-Gen Mkhwanazi was going to do next?

**MR MOGOTSI**: Yes, but just to add on that, Commissioners, there was a heavy observation because that week General Mkhwanazi came to Gauteng and that is why earlier I spoke about something like a coup of some sort. Here in Pretoria at the police college, including General Masemola, they stayed the whole night there. And that is where I derived ...[intervenes]

**ADV CHASKALSON SC**: Sorry to interrupt. Who stayed the whole night? General Masemola?

10 **MR MOGOTSI**: After General Mkhwanazi came here, frequented and went back, General Masemola and the other team, they stayed at the college for the whole night during that week of the press conference. And the information we have, I believe I will be perhaps guided how to perhaps supplement if we reach the conclusion of what we are working on. I can confirm that the press conference, the statement which General Mkhwanazi read was not typed in KZN. It was typed in Pretoria at the college. We could not even find the computer from which that statement was  
20 typed. It was not typed there.

**CHAIRPERSON**: You are saying you found, or you are hoping to find?

**MR MOGOTSI**: No, there is. We are 80 percent already. That is why I am saying you should check when I sent him a message in advance, Commissioners, it was after the arrest

of General Khumalo, General Lekalakala and those other brigadiers. And General Masemola after the arrest, maybe that should be recorded.

**CHAIRPERSON:** It is either you found it or you have not found it. You cannot find it 80 percent, Mr Mogotsi. Please make me understand.

**MR MOGOTSI:** You get that a person tasked will say, I have it. Now, for me here to say, I have it, I will not be telling the truth. I hope if he is watching, he will just call  
10 me and say, I have it. But for four days, we placed a network to monitor the movement before this press conference. And I do not want to go into the content of the press conference and leave the script, but I hope the stage will come for one to elaborate the investigation around this July 6 press conference.

**CHAIRPERSON:** You say that you contemplated the genuine possibility that General Mkhwanazi might announce his resignation at the press briefing. Why did you contemplate that?

20 **MR MOGOTSI:** You see, the arrest of General Khumalo was a breaking point. It almost changed the South African Police Service. Everything changed. That is why we are here. There is no – that is why I am able to say there is intelligence reporting 2018. I know of 2019, 2021. There is no such thing as the big five and things they are talking

about.

General Mkhwanazi, he was angered by the arrest of General Khumalo. Even the press conference was only about that, where he said there is a drug cartel. They are using this tactic of misdirection, Commissioners too. Like you say, the PKTT was disbanded because there is a drug cartel, which Minister Mchunu wanted to protect. These people were still going to be arrested whether the PKTT was there or not.

10            Now, they just brought a big narrative. If you allow me, Commissioners, I can just one minute to show you this thing properly. There is this thing called misdirection. To mislead how everything happened. I will give an example of this Witness C who came here with the recording. He came with the recording. They say Brown Mogotsi had 500 000 for him and Senzo Mchunu.

                 And then again, he came with - Cat says on the recording, I give Sibiyi 2 million plus 1 million per month. And I know – the Witness C I think I know him. He is  
20            having a rank in the South African Police Service. They know in terms of the law, they are supposed to subject Cat Matlala with his recording to a magistrate for a confession statement and immediately on the spot, apply for a warrant of arrest for Brown Mogotsi, Senzo Mchunu and General Sibiyi. No, they bring it and play it raw here.

They just come with information that will never be admissible in the court of law. To say, we gave him 500 000. And then on the recording, they ask Cat, was it cash or what? He said, no, he was in Cape Town, I sent it. They do not immediately ask from the records, show us the balance or the proof of 500 000. It is a similar thing, Commissioner, when General Mkhwanazi was speaking in that press conference, check this thing that he raised.

He spoke about the magistrate who imposed a bail  
10 condition against the Crime Intelligence General. Even Nelson Mandela, the most respected president, he never called a press conference with people holding rifles behind him. And General Mkhwanazi speaking about that magistrate, I can assure you, he is either, he refused, he even resigned that magistrate to say, how can he impose a bail condition like that?

Whereas he knows they could just apply for the relaxation of bail condition and life goes on. But he was able to threaten that magistrate. He did not even worry  
20 during his statement, Commissioners, that it was Fadil Adams in Cape Town who opened the case against General Lushaba, the one I spoke about with the housebreaking and stuff, and other cases.

What happened in Cape Town, the matters could not be investigated. It is written on my statement. It is a

practise across the country. PKTT and this police mafia cartel, this group of policemen, they do not want to be accountable. When the case could not be opened in Cape Town, he came to Soweto again, and the matter could not be investigated.

He requested the IDEC, and IDEC confirmed during the Ad-hoc that it was a Section 27 referral. But Bheki Cele came to Parliament and said, no, it was Nkabinde who wrote the latter. Bheki Cele came to the ad hoc and said, Cat told  
10 him, Brown Mogotsi and Senzo, they were together with Cat, they spoke about money. As a former Minister, you are supposed to say, where is the date?

Call Khumalo, obtain Section 205, locate Brown Mogotis, Senzo Mchunu, and Cat. They bring, is to mislead everyone. They bring information that does not go into work. There is one, just coincidental, there is a priest, that Priest Bushiri, he came now on the line. He is saying he gave Sibiya 12 million, he is taking so much money. I can attest, I assure you now, the period in question, Sibiya was  
20 not a policeman.

But, because there is a misdirection, there is something that is concocted, just to say, this one is doing that, now, now, I hope you are going to the messages Commissioner, you will see, messages that I sent to Cat, messages that I wanted to publish secretly, came out this

Sunday from the, I do not know whether it is the Sunday where I got it, but it speaks of the inspector general that does the report.

It is there in those messages they are not talking about it. It is there in my messages that the car, the Mercedes-Benz belonging to the crime intelligence was used, and AK-47 was taken from the SAP69 for the death of Makatla. They do not talk those things. They want 149 000, they want to do with it, it is just to mislead everyone.

10 They even did that in the absence of the president, we thought Masemola will say, you are not supposed to call a press conference like that.

He did not even respect the protocol. No, he is endorsing that. When these generals are arrested, he refused to suspend them. What did he do? He took the same provincial Commissioner who was in Western Cape, who refused to open those cases. He is now working in the office of General Masemola, Patekile. In six days, he met those generals which were arrested, he cleared them, and  
20 said, internally, they are not wrong, they must come back to work. I speak to you now.

Mashaba is back to work. I believe General Khumalo, the lieutenant, is going back to work this week. It is because of this police mafia. There is something that is coloured to mislead everyone. Big Five, the drug cartel, the

Minister said, there is a mafia, Chinese mafia, Russian mafia, spoke so many things. But in this report of the Big Five, there is not even one Chinese, not Russia, nothing. They just orchestrate things to mislead the public. Thank you, Commissioner.

**ADV BALOYI SC:** You asked the question about why you entertained the possibility that General Mkhwanazi would resign at that press conference. Now, I am trying to reconcile that and maybe explain it, that in the preceding  
10 paragraph, paragraph 85, you say, this is at page 18, you say at the end of that paragraph, you say, I was under the impression that General Mkhwanazi was going to have a positive press conference.

So, you say that, and then in the later paragraph, you then say you contemplated that he was going to resign. Is that a positive that you are talking about, that it would have been, you contemplated he would resign, and that is what you had in mind as a positive thing that would happen?

20 **MR MOGOTSI:** Thank you, Commissioner. In those messages, and I heard him when he was giving evidence here, he said, me and him spoke on the phone. We spoke about how easy it is for one police officer to obtain a section, what, AJ50 for another officer, and this arrest are now happening randomly. I thought on the basis of that

discussion, he would bring a press conference that speaks to uniting the police community, uniting the infighting, as opposed to what, or he would resign. That is what actually I said.

**ADV BALOYI SC:** You considered the resignation to be the positive thing, because I am trying to make sense of two seemingly contradictory statements that you are making. You contemplated he would resign, but earlier on, you made the statement you thought something positive would come  
10 out of his press conference. I am trying to make it make sense.

**MR MOGOTSI:** Commissioner, thank you. The paragraph speaks about the conversation that took place after the arrest of General Khumalo, and I was under the impression was going to have a positive press conference and therefore wrote that above message. But I said they later transpired not to be the case.

**ADV BALOYI SC:** All right I think you have answered me as best as you can. Thank you.

20 **MR MOGOTSI:** Thank you.

**ADV CHASKALSON SC:** We come now to the communications, and I will take you in some detail through the communications in due course, because I do need you to explain some of them to us. But let us first deal with the ones that you mentioned in your statement before we go to

the annexure. And the first one you mention is a WhatsApp of 31 December 2024, saying, and you say you sent the WhatsApp message to Matlala on 31 December, stating today is the day and Matlala should just stand back. Can you just go to page 59 of the witness statement bundle? I think that is the WhatsApp you are talking about. Do you have it at 11:32 on the 31<sup>st</sup> of December?

**MR MOGOTSI:** That is correct, Commissioners.

**ADV CHASKALSON SC:** So, there you write to Matlala  
10 outstanding issues, now this again, today is D-Day on the  
other side. I think, I also think you must stand back. So  
that you wrote.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** What did you mean today is D-  
Day on the other side?

**MR MOGOTSI:** Yes, the message 11:32, 11:31, I say:

20 “I am now worried, my brother, and  
11:32 is responding or same seconds,  
worried about what? And then I said  
outstanding issues, now this again,  
today is D-Day on the other side, stand  
back. Then he asked, stand back, do  
not understand what you mean. Then  
there comes my response, for your  
safety and business.”

**ADV CHASKALSON SC:** But I am curious as to what you meant by saying today is D-Day on the other side. What did you mean with that?

**MR MOGOTSI:** That was the issue of, remember it was the, before the January 8<sup>th</sup>, there was the first deadline to do the payment. The other side, that is what he had to do for the January 8<sup>th</sup>. But that one, then on the other side, then he says I think you must stand back. Then stand back, he said, I do not understand. And I said, for your safety  
10 and business. That was the deadline for the other thing to be paid for the January 8<sup>th</sup>, the other side. It was a deadline it was a D-Day for that one.

**ADV CHASKALSON SC:** So, you are saying that when you referred to D-Day, you were referring to the January the 8<sup>th</sup> payment?

**MR MOGOTSI:** Yes, because I say outstanding issues at ...[indistinct], then I speak about now this again, but today is a D-Day on the other side. I referred to the D-Day for the payment.

20 **ADV KHUMALO SC:** Mr Mogotsi, what does the January 8<sup>th</sup> celebration have to do with Mr Matlala's safety and business?

**MR MOGOTSI:** Those were two issues. The same way when the PKKT went to his house on the 6<sup>th</sup>, there was that information again. That is why I spoke about his safety and

business, that they were going to, to his business again, and they would also either confiscate or do something. It was just information that came that time.

**ADV KHUMALO SC:** But this is the 31<sup>st</sup> of December 2024. Why do you say for your safety and business? What did you know about the PKK?T?

**MR MOGOTSI:** I am saying I did tell him over the phone as we spoke. I heard that they were going to go back to him again. And this time they were going to either lose his  
10 business, because there was a time when they took his firearms and he is running a security campaign. Then I said, this time, just for your safety and for your business, that is what I was referring to.

**ADV KHUMALO SC:** So, did you think that the PKK?T was going to go to Mr Matlala's house on the 31<sup>st</sup> of December 2024?

**MR MOGOTSI:** Not necessarily the 31<sup>st</sup>. It was, I thought, any time during that time. Any time.

**ADV KHUMALO SC:** Including that 31<sup>st</sup> of December?

20 **MR MOGOTSI:** Yes, but the part of the other side was D-Day, was the payment. I hear everyone saying now, I was saying the D-Day for the disbandment. And as I remember, we have been talking about this legend. You do not apply it when you lie unnecessarily. You cannot lie under oath. I would say, no, no. I was referring to my wife. No, it is not

like that, Commissioner. This was clearly for the deadline. And the other one, it was for the suspicion that the PKKT was going to go to his house again and his business.

**ADV BALOYI SC:** Why did you suspect the PKKT would go to his house?

**MR MOGOTSI:** It is information that you get, Commissioner, every day.

**ADV BALOYI SC:** Yes, but why?

**MR MOGOTSI:** It is because they told me. It is because of  
10 what they told me.

**ADV BALOYI SC:** Your sources told you that the PKKT  
...[intervenes]

**MR MOGOTSI:** It is not only about sources. You always  
hear no, I cannot remember. We were doing something  
here, Commissioner, here in this institution with somebody  
else. And I just said, I wish I can just share you with my  
phone and see what comes in my phone every minute,  
where they were talking about the G20 and what, what. It is  
like that. Every time something will come, hey, there is a  
20 heat wave, hey, there is a CIT, it is that line. But there was  
a suspicion that they were going to go to his house again,  
that time.

**ADV BALOYI SC:** So, someone told you.

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** That the PKKT was going to go to his

house on the 31<sup>st</sup>?

**MR MOGOTSI**: Yes, that is when I was talking to him.

**ADV BALOYI SC**: Thank you.

**ADV CHASKALSON SC**: Then if we go down to page 62, and at the foot of the page 62.

**MR MOGOTSI**: Page 62.

**ADV CHASKALSON SC**: Page 62, you say in your statement at paragraph 89, I did not send the WhatsApp communication to Matlala on 1 January 2025, stating:

10                   “Good day, I have arranged a meeting  
                          for Sibiya and the Minister, must have  
                          a solution.”

You say you did not send that one?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: You then say in paragraph 90, I'd like to point out there is a screenshot of what purports to be Matlala's phone. It stands to be noted that a screenshot is easily manufactured and cannot be relied on the face of. In my view, regardless, he had to be a regional message on  
20 the original phone on which it was received, referencing the phone number of the recipient and the sender.

What I can say to you is that what you see in this document that is being displayed here is a printout of a single Android WhatsApp file that is recorded on Mr Matlala's phone. So, this is not a screenshot. This is

something that is printed out from a single Android file recording the WhatsApp calls between Mr Matlala and yourself. That is the genesis of it.

**MR MOGOTSI**: Is which page, Commissioner?

**ADV CHASKALSON SC**: Sorry?

**MR MOGOTSI**: It is which page 63?

**ADV CHASKALSON SC**: It is page 62.

**MR MOGOTSI**: Thank you.

**CHAIRPERSON**: If I did not miss here, Mr Chaskalson, I  
10 think you said calls. It is mostly chats.

**ADV CHASKALSON SC**: Well, chats and calls. It is a WhatsApp file that contains a record of all of the WhatsApp messages, be they voice or chat, between two parties on an Android device. Sorry, on an Apple device because it is from the i16. So, what is printed out here is the entire contents of the record on Mr Matlala's Apple i16 of the WhatsApp calls and chats between himself and yourself.

**CHAIRPERSON**: Do you follow the substance of the point being made by Mr Chaskalson and Mr Mogotsi?

20 **MR MOGOTSI**: Yes, I am trying to – as I do follow that you say it is a printout. Commissioners, you know, this message, compared to all these other messages that speaks very implicating issues that I said I have typed, I would have easily said, yes, I wrote this message. Perhaps the Commission should allow me that tomorrow I must bring

you, you must tell me what I must bring.

I can make this is easily fabricated. There was a message of Brown Mogotsi with the Treasurer General of the ANC that she wrote me a message that I must attack Fikile Mbalula, which I never, never, I never spoke to the Treasurer General of the ANC. So, these messages can easily be. You even, even during the, this other Ad-hoc, Advocate Johnson, she did confirm that some of the messages from Cat's phone were tampered with.

10 **ADV CHASKALSON SC:** I do not know, I do not think she did, Mr Mogotsi.

**MR MOGOTSI:** The moment you delete, it means you have tampered.

**ADV CHASKALSON SC:** You are standing by your version that you did not send this. I must just place on record that your paragraph 90 is wrong. It is not a screenshot. So, if you still want to stand by the version, knowing that it is not a screenshot as opposed to a printout of the WhatsApp file on the Apple i6.

20 **MR MOGOTSI:** I stand by that I stand by that. And then I will ...[intervenes]

**CHAIRPERSON:** Just, just, just before you move on, there is the possibility that your point is, this may not necessarily be a screenshot, but even if that be so, it is still manufactured.

**MR MOGOTSI**: It is not manufactured.

**CHAIRPERSON**: There is the second possibility that it purports to be a screenshot, but it is manufactured. Which one of the two points are you making?

**MR MOGOTSI**: The first one that you say, according to the evidence leader, the Commissioner is saying, this is not a screenshot, it is a printout. So, I am saying ...[intervenes]

**CHAIRPERSON**: It is a printout of chats, not a screenshot of chats, yes.

10 **MR MOGOTSI**: So, I am saying, inasmuch as I do not remember myself sending this message, and perhaps tomorrow there will be an opportunity to share with the Commission, how do you mention in my world the name minister or Sibiyi or another person, I will have - I do not remember myself. I did not send this message. And inasmuch as I say, it is not implicating me in any way. There is no need to say I did not send it. I could have said, yes, I sent it. I was in – just like I have been explaining prior Commissioners.

20 **CHAIRPERSON**: Thank you.

**ADV CHASKALSON SC**: If we then proceed, paragraph 91, you say you did send the message, send the WhatsApp to Matlala referencing that the task team came to his house and harassed him. And that is a message on the 1<sup>st</sup> of January. And it is at 22:38 on the 1<sup>st</sup> of January. That is

the message that you are confirming you did send.

**MR MOGOTSI**: Is page 63 the message? Sorry, page 63.

**ADV CHASKALSON SC**: Page 63 at 22:38.

**MR MOGOTSI**: That is correct. I did send this message.

**ADV CHASKALSON SC**: Paragraph 92, you explain why you sent it. Then in paragraph 93, I think you are referring to the message on the 2<sup>nd</sup> of January at 08:58, where it says:

10                   “They got the letter on Monday as we  
                      speak, they are bringing all the dockets  
                      to Sibiya.”

**MR MOGOTSI**: That is correct, I sent it.

**ADV CHASKALSON SC**: And that you say you did send?

**MR MOGOTSI**: Yes, I did send this message.

**ADV CHASKALSON SC**: And in paragraph 93, you explain why you assume that they were bringing the dockets to General Sibiya. Can you just read that for the Commission?

**MR MOGOTSI**:

20                   “Although the information contained in  
                      the letter of the Minister *inter alia*  
                      disbanding the PKTT task team did not  
                      include any reference to the National  
                      Commission of General Sibiya taking  
                      control of the dockets. That the PKTT  
                      was taking control of the dockets that

the PKTT was investigating. This would have occurred as a matter of consequence. I say this because the National Commission of Police is responsible for all the dockets within the South African Police Service across the country. I therefore implied in my mind that when a specialised task team like the PKTT is disbanded by the Minister of Police, the dockets being of a very high profile will resort under the care, custody and control of the Deputy National Commissioner General Sibiya.

**ADV CHASKALSON SC:** So, if I understand you correctly, you are saying you made an assumption that when disbanding. Thank you, Chair. Sorry, Mr Mogotsi, do you have the correct reference that you were referring to in paragraph 96?

**CHAIRPERSON:** Please, please switch on, please switch on.

**MR MOGOTSI:** It is 14 January, it appears on page 101, where the invoice comes.

**ADV CHASKALSON SC:** Could be the invoice at the top of the page, sorry, the message at the top of the page on page 101.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Then on 97, you confirm sending a screenshot, and I think that is the screenshot at page 30, January 12:31, page 110. That is the screenshot of the message of a chat between yourself and the Minister.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** We will get to that later because you deal with it in, I think it is BM10 or BM11. And then at paragraph 98, you confirm that except for the messages  
10 that you specifically say you dispute in your statement, you accept that the other messages that we see in Annexure BM7 all the way from page 1 to 93 are authentic.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And then you proceed at paragraph 99 to deal with the topics that we asked you to address. Mr Matlala, you do not add to what you have said already. Likewise, Minister Mchunu, your relationship and details of communications on WhatsApp or Signal with Mr Nkabinde, you address in 99.21. Can you tell the  
20 Commission about that, your relationship with Mr Nkabinde and your communications on WhatsApp or Signal with him?

**MR MOGOTSI:** Yes, at all relevant times, I would speak to Nkabinde, and in most of the time when I could not reach the Comrade Senzo Mchunu, it is when I would speak to the Chief of Staff. And mostly we did speak around, I think it

was in September, or ja, it was September and he was arranging a meeting with myself and other comrades and the residents of Comrade Senzo, Minister Senzo Mchunu.

**ADV CHASKALSON SC:** And what was that? What was that meeting about?

**MR MOGOTSI:** ANC meeting with ANC members from my province.

**ADV CHASKALSON SC:** And that would be the North West?

10 **MR MOGOTSI:** Yes, that is correct.

**ADV CHASKALSON SC:** And you met at the Minister's house in Pretoria or ...[intervenes].

**MR MOGOTSI:** In Pretoria, in Pretoria.

**ADV CHASKALSON SC:** And that would be in September of?

**MR MOGOTSI:** We arranged the meeting around September. I am not quite sure of when did the meeting take place. There was only five people.

20 **ADV CHASKALSON SC:** And apart from arrangements in relation to this meeting, what contact did you have with Mr Nkabinde?

**MR MOGOTSI:** I would only call Mr Nkabinde in instances if when I could not reach the Minister. That is all. Nothing else.

**ADV KHUMALO SC:** So how did it work? You had a direct

line to Minister Mchunu?

**MR MOGOTSI**: Yes, I do, I do have.

**ADV KHUMALO SC**: And only if you did not reach him did you contact his Chief of Staff? So it was not the other way around ...[intervenes].

**MR MOGOTSI**: No, it was not the other way around. I would contact, ja, but usually, you know ...[intervenes].

**CHAIRPERSON**: I am sorry, there will probably be problems with the transcription. Can you please repeat  
10 your question?

**ADV KHUMALO SC**: Mr Mogotsi, maybe you are not used to this, so you will see when I am done. Wait for me to finish and then you can answer. It is not your fault. I know you are not used to this.

**MR MOGOTSI**: [Vernacular].

**ADV KHUMALO SC**: Do not worry. The question I was asking is, you had a direct line to the Minister. You said yes. So my next question was, it was not the case that when you needed to speak to the Minister, you would call  
20 his Chief of Staff first. The way you did it was you would call the Minister, and only if you could not reach him, then you called the Chief of Staff.

**MR MOGOTSI**: Yes, on particular days, all members of whether Parliament, Ministers, all of them, there is something called ANC Day. On ANC Day, it is obviously

open for Minister Senzo Mchunu to call him. I would call him specifically on that day. But if he could not answer on that day as well, I will check the Chief of Staff. And he say, no, he is in the constituency work, or he is with a branch elsewhere. But only on ANC Day, I would call the Minister. Not randomly, every day.

**ADV CHASKALSON SC:** And how often did you end up communicating with the Chief of Staff?

**MR MOGOTSI:** Often, in which sense, Commissioner?

10 **ADV CHASKALSON SC:** How many calls have you exchanged with him? How many WhatsApps have you exchanged with him?

**MR MOGOTSI:** I cannot remember.

**ADV CHASKALSON SC:** Are we talking about one or two, 10 or 20? What kind of level of communication?

**MR MOGOTSI:** Ja, WhatsApp will not speak much. It is only on the days, not much. It will only speak when I could not, but those are the things which I do not usually record.

20 **ADV CHASKALSON SC:** 99.2.2, you deal with Mr Kareem, and you address him all the way down to 99.2.7. Can you take the Commission through those paragraphs which describe your relationship with Mr Kareem?

**MR MOGOTSI:**

“Mr Suleiman Kareem is and was  
always a very prominent businessman

in ...[indistinct]. I have known him for a number of years in that capacity. I used to run a business where I distributed groceries which I obtained on wholesale basis from Mr Kareem, and then distribute on retail basis for profit within the larger Mahikeng community. Mr Kareem is a prominent business person within the Mahikeng society, and he has done a lot for the upliftment of especially the youth in the greater Mahikeng area. I was aware that Mr Kareem was an investor in the contract or tender awarded to Matlala by the South African Police Service, which later became contentious.”

10

Mr Kareem and I have traditionally had a very good relationship ...[intervenes].

**ADV CHASKALSON SC:** So, sorry, I asked you to go all the way through, but can I get clarity on 99.2.3? When you say you were aware that he was an investor in the tender awarded to Mr Matlala by the SAPS, was that something you knew independent of your undercover work in relation to Mr Matlala, or was it something that you found out in your investigation?

20

**MR MOGOTSI**: No, it was not from Matlala or investigation. Mr Kareem did call me to say, you know, I have invested money in the SAPS tender. There is a guy, his name is Cat, and I did not tell him the role or whatever that I was doing on Cat or against Cat. And then what he wanted to find out in particular, he then said, I wish I can find out if this, I am starting to feel that this tender is not authentic kind of due diligence. Is there anyone that you know in SAPS who can tell us, who can confirm that this  
10 contract indeed is authentic or not? And I could not really find that out for him.

That is when I started talking to Cat, which also opened the way for me when I spoke to Cat. But Cat, do you have appointment letter? Were you appointed? Because now, as you say, they are struggling to pay you. Were you really appointed? And then Cat said, yes, of course I am being appointed. But also, Suleiman Kareem showed me the papers of investment with Cat's appointment letter. I think we met in Mahikeng. He was showing me  
20 that this is how he was appointed. And I also said, I believe this is authentic. It looked very authentic.

**ADV CHASKALSON SC**: Sorry, I did not hear that last statement of yours.

**MR MOGOTSI**: It looked very authentic. But remember, I never said to Suleiman Kareem that it was General Sibiya

who gave me the contact number of the service provider. But I told him, yes, it is authentic, because I could see the same tender which I was having some investigations on.

**ADV CHASKALSON SC:** And when you say he showed you the papers of investment, what do you mean by that?

**MR MOGOTSI:** The loan agreement.

**ADV CHASKALSON SC:** And what did the loan agreement involve? The amount of money that was invested, the terms of payment as to whenever you get the ...[intervenes].

10 **ADV CHASKALSON SC:** Let me be more specific. What was the amount invested?

**MR MOGOTSI:** R10-million.

**ADV CHASKALSON SC:** 10 million?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So Mr Kareem advanced 10 million to Mr Matlala for the purposes of this tender?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And the terms of repayment?

20 **MR MOGOTSI:** I did not read the entire document, but part of what I saw was as and when he gets paid, he will be paying off this money.

**ADV BALOYI SC:** This loan agreement is to Mr Matlala personally or the business that got the tender?

**MR MOGOTSI:** The business that tendered. It was strictly for the particular tender we are referring to.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** In 99.2.7, you say that on 4 March, you sent Mr Kareem a WhatsApp containing a screenshot and you say purported to have been sent by Minister Mchunu. I think that is an error. Purported to have been sent to Minister Mchunu. If we can just go to that screenshot. It is at page 118. Do you have it?

**MR MOGOTSI:** To me, it is not 118.

**ADV CHASKALSON SC:** If you look at the footer, page  
10 118.

**MR MOGOTSI:** Yes, that is it.

**ADV CHASKALSON SC:** There is a message from Mr Matlala sent to you.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** That says:

20 “Good morning, Minister. I just received a call from our guy who is a service provider for our health risk management project. He has got very serious concerns. Apparently, you gave a directive to scrutinise his contract and while they are at it, they must stall as much as they can to release purchase orders until you guys come up with something that can

warrant the termination of service.”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Now, that is a WhatsApp that Mr Matlala sends to you on the 4<sup>th</sup> of March.

**MR MOGOTSI:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Are you saying that you had earlier sent this WhatsApp to Mr Kareem?

**MR MOGOTSI:** That is correct. In this instance, you will check that you, as I am sitting, I will not have the content of  
10 Mr Matlala's problems. And in that case, if you check on top, there was a call between me and him or maybe something like that. I will then ask him, look, for me to direct a message to the Minister in a way that you want it, please draft something for me, send it to me so that I can copy and send to the Minister. So indeed, I did ask him to send me this message.

**ADV CHASKALSON SC:** So this is a message that Mr Matlala sends to you at your suggestion, formulating the message that he wants you to send on his behalf to the  
20 Minister?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** That is not what is said in paragraph 99.2.7. Is 99.2.7 incorrect? Because in 99.2.7, you talk about you sending this message to Mr Kareem.

**MR MOGOTSI:** Yes, but this message, I think there is a

mistake with numbering here. It will be a problem with numbering, Commissioners. What I know is that the message that I am referring to when on 4 March 2025, I sent Mr Kareem a message containing screenshot to have been sent by Minister, it must be a Signal message which I am able to craft. Like I have been saying, I wish I could be allowed to do something and bring it. It is the message that says, whatever that I will want Kareem to hear, something that will make him feel okay about the response from the  
10 Minister. I believe I will have to find the correct reference in respect of that.

**ADV CHASKALSON SC:** Okay, we do not need to take it further now. And then paragraph 99.3, you respond to the various references in the chats to an IPID guy.

**MR MOGOTSI:** That is correct, Commissioner.

**ADV CHASKALSON SC:** Maybe I can take them to you. If we start at page 45, sorry, I have my wrong – if you, 45 on the 23<sup>rd</sup> of December, you write to Mr Matlala saying IPID guy name, and then you follow that up with:

20 “My brother, any news from IPID?”

And then there is an audio video call. Two, in fact. What were you interested in in relation to IPID there? What was your enquiry with Mr Matlala about?

**MR MOGOTSI:** I did mention the IPID guy was someone who was known by Matlala, whom he said, remember the

case was open both in Soweto and Brooklyn. He said to me, he has someone in IPID who can help with investigation of these cases. That is why if ...[intervenes].

**ADV CHASKALSON SC:** And sorry, which cases are we talking about?

**MR MOGOTSI:** His case of assault.

**ADV CHASKALSON SC:** His case of assault.

**MR MOGOTSI:** Of ...[indistinct]. And that is why I am going to ask Commissioners to go to page 46.  
10 Commissioners will realise that every time it is me who ask him about the IPID and his court case because I wanted to know in particular what is the name of this IPID guy. I did not know him. I still cannot tell who the IPID guy is.

**ADV CHASKALSON SC:** And why were you interested in the name of the IPID guy?

**MR MOGOTSI:** That is one of the criminal network I wanted to establish. That someone can have IPID person who can do this arrest on his behalf.

**ADV CHASKALSON SC:** So you were trying to identify  
20 who Mr Matlala had in his pay, possibly, in IPID?

**MR MOGOTSI:** In IPID, yes.

**ADV CHASKALSON SC:** Then the other individuals we asked you to comment on are listed on 99.4 to 99.12. You have addressed all of them with the possible exception of General Khan. Is there anything further that you would like

to say in relation to General Khan? Your relationship with General Khan or your communications with General Khan.

**MR MOGOTSI**: I do not have any communication with General Khan. General Khan, I met him physically. He was in the car. I was with my handler. It was about that period, after the plot of his dismissal. It was only then my handler said, and then they opened the window and said, this is General Khan. And it was the time I saw, I heard of him so many times. By the time I shook his hand, that was the  
10 day. Besides that, there is no, any other relationship.

**ADV CHASKALSON SC**: So apart from shaking General Khan's hand, you have had no contact with him?

**MR MOGOTSI**: No, I have never had contact with him.

**ADV BALOYI SC**: If you had no relationship with him, what was your interest in the disciplinary process against him to a point where you were hoping that General Mkhwanazi would not accept to be chairperson of that disciplinary hearing? Because that is your evidence. Why would you be interested in it if you did not know him?

20 **MR MOGOTSI**: It was not the interest on General Khan. Even if it was General James, as long as it was not in the Crime Intelligence and having someone brought it against, I would do the same. It was not about General Khan.

**ADV BALOYI SC**: Thank you.

**MR MOGOTSI**: Thank you.

**ADV CHASKALSON SC:** And then in 99.13, you say you performed no role for Mr Matlala in relation to the Minister of Police, Mr Mchunu.

**MR MOGOTSI:** No role, that is correct.

**ADV CHASKALSON SC:** And then we deal with the signal chats. And there are three signal chats that you receive from the Minister that you confirm. And maybe if we can take them in chronological order and start with the signal chats that you forwarded to Mr Matlala on 27 December,  
10 that is Annexure BM9 at page 137. Can we go there?

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** You have it?

**MR MOGOTSI:** I have it.

**ADV CHASKALSON SC:** So it was forwarded to Mr Mogotsi on the 27<sup>th</sup> of the 12<sup>th</sup>, the 27<sup>th</sup> of December. But it is a screenshot of a conversation between yourself and the Minister at a different time. If we just go down to page 138, we see that at least the second half of the screenshot relates to the December chats on the December 23<sup>rd</sup> and  
20 December 24<sup>th</sup>. You confirm that?

**MR MOGOTSI:** Yes, I confirm, Commissioners.

**ADV CHASKALSON SC:** Now, the first part of the chat, right up at page 137, when was that message, please update, sent to you?

**MR MOGOTSI:** It was sent by a Minister Senzo Mchunu to

me:

“Please update.”

**ADV CHASKALSON SC:** And when did he send it to you? Because it could have been one day before the 23<sup>rd</sup>, it could have been one year before the 23<sup>rd</sup>, do you remember? Do you know what it refers to?

**MR MOGOTSI:** Ja, I cannot necessarily say I confirm, but I can still say it was sent the same day, or the same – because it is a screenshot, I understand the point. But it  
10 was sent to me by Minister Senzo Mchunu, and of course I have a screenshot which I forwarded to Cat Matlala.

**ADV CHASKALSON SC:** So, it would certainly have been forwarded to you before Monday the 23<sup>rd</sup> of December, because we see lower down there is a dateline, Monday 23<sup>rd</sup> December there. Can we just scroll down a little? You see where it says we got a breakthrough, that says Monday December the 23<sup>rd</sup>.

**MR MOGOTSI:** Yes, I know the message.

**ADV CHASKALSON SC:** But do you recall what this chat  
20 was about?

**MR MOGOTSI:** Yes, definitely, I do recall, Commissioners.

**ADV CHASKALSON SC:** Can you tell us what it was about? First, starting with please update, it was during your tenure.

**MR MOGOTSI:** Ja, that is correct, Commissioners. The

message about please update, there was a, what do you call, in Stilfontein, Operation Vala Umgodi. That one in Klerksdorp. The Minister did go there, and the part where I talk about the tenure, I was referring to, we had a call and I was trying to identify for him, because there was the leaders of community in Stilfontein. So I was trying to explain to him this particular person I was referring to. And then I said, that was the time when he was speaking. That time, the Minister was talking, and we were – he wanted to  
10 know an update, and I said – and if you can check even the time, this time came after we have spoken, when I said during your tenure. The update was that Stilfontein matter about the arrest, whatever that was happening in Stilfontein. But when I say it was ...[intervenes].

**ADV CHASKALSON SC:** And is that the arrest you told us about earlier, the operation with the Sun City docket, and ...[intervenes].

**MR MOGOTSI:** No, no, no.

**ADV CHASKALSON SC:** No.

20 **MR MOGOTSI:** That was the Stilfontein, the Zama Zama's. He went there many times.

**ADV CHASKALSON SC:** Okay.

**MR MOGOTSI:** But the please update and it was your tenure, it is not the same message. I was not responding to please update. If you check the time he sent me, five

minutes to two, then we spoke on WhatsApp about something that I think it will appear in one of the messages about this endeavour.

And that is when I said during your tenure, Marie, please update, he wanted, because I called him. I did not respond to him here. I called him to say they are not yet arrested. It was about the camping of the Zama Zama's who ran away from custody, what, what. Because it was the meeting that he held. He had a meeting with people in  
10 Stilfontein.

And I said to him, and I gave him that the man was not yet arrested. I updated him on the WhatsApp, I called him. But this message about it was during your tenure, it is not a response to this. This I just sent, I just sent responding to something else, which we spoke about telephonically, verbally.

**ADV BALOYI SC:** This first part of the message, which you say was about the arrest, you say this one had to do with Operation Vala Umgodi, where you say, where he says  
20 ...[intervenes].

**MR MOGOTSI:** Ja, about the arrest was in Vala Umgodi, yes.

**ADV BALOYI SC:** Why would he want an update about an arrest from you when this is a police matter?

**MR MOGOTSI:** No, Commissioners, there is no way if you

want an update about arrest, then I could tell him about his tenure. The tenure was something else that we spoke about. It will come up in the other meeting issued. The evidence will either go there, or I will go there.

**ADV BALOYI SC:** No, before you do that, I am not asking you about the tenure. I am not asking you about that message ...[intervenes].

**MR MOGOTSI:** Yes, the update you wanted to know.

**ADV BALOYI SC:** You have just said that that question  
10 about please update related to arrests to do with the  
Operation Vala Umgodi, right? Am I representing evidence  
correctly?

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** Okay. So my question is, if the Minister  
wants to know whether there has been an arrest relating to  
an operation of Vala Umgodi, why would he ask you when it  
is a police matter and he has got police who report to him,  
who are dealing with it?

**MR MOGOTSI:** If you check the message, like I said, there  
20 was a community meeting in Stilfontein where there was  
community members, CPF people who were involved, and  
he thought I would have known better because I was  
interacting with those people. Just to say, the person who  
ran away, because they were saying the community was  
going to look and hunt till they find him. So he just thought

I would have had first-hand information because I was in Klerksdorp at that time.

**ADV BALOYI SC**: But you would have first-hand information about an arrest ahead of the police. So you would have first-hand ahead of the police?

**MR MOGOTSI**: Not necessarily the police. As a civilian, you know, if the community decide to look for a person intending to effect probably, I would say, a civilian arrest of some sort. But it was the community which was saying, this  
10 man must be arrested. They kept on saying, and they were roaming all over to look. So it was relevant for him to ask me that what he was trying to say, did the community arrest this person? Because the community was looking for him. That is all.

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

**ADV CHASKALSON SC**: Then when you write back to him on the 23<sup>rd</sup> of December, saying we got a breakthrough, there are then two calls from him to you.

**MR MOGOTSI**: Yes.

20 **ADV CHASKALSON SC**: What was the breakthrough you were talking about?

**MR MOGOTSI**: You see, now this is again a different thing. I mean, because these guys, it has nothing to do with this one of Stilfontein. No, it was not Stilfontein. It was something else. I just cannot remember what was that

breakthrough, but it was not Stilfontein. Neither was it anything to do with politics. I cannot remember what this message, but I did send this message. It came from me to Minister Senzo. There is nothing to do with the police or Stilfontein.

**ADV CHASKALSON SC:** But if you go down a page, well, not down a page, just over the page to Tuesday, December the 24<sup>th</sup>, the Minister asks you, was the arrest effected?

**MR MOGOTSI:** Yes, but this is the same question  
10 Commissioner did ask me now about the arrest in Stilfontein.

**ADV CHASKALSON SC:** So, am I understanding you correctly that the start of this screenshot is talking about Stilfontein?

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** Please update, it was during your tenure?

**MR MOGOTSI:** Yes, during your tenure, it is not Stilfontein again.

20 **ADV CHASKALSON SC:** It is not Stilfontein?

**MR MOGOTSI:** The tenure, no.

**ADV CHASKALSON SC:** No, okay, so please update sometime before the Monday. Then there is some calls, which you say were about Stilfontein. The outgoing calls, you calling the Minister. Then there is, we got a

breakthrough, which you cannot remember it is about, what that was about. And then there is some incoming calls. And then the Minister on Tuesday the 24<sup>th</sup>, says, was the arrest effected? And that is about Stilfontein.

**MR MOGOTSI**: Yes, that is about Stilfontein.

**ADV CHASKALSON SC**: And we cannot – you clearly replied to it because you can see the top of what would be a Signal response, but we do not see what you said.

**MR MOGOTSI**: You know, Commissioner, you know, it is  
10 really natural for one not to capture everything. But if I remember, I can recall some things Stilfontein. There were police officers who were somehow subjected to disciplinary processes, but I never spoke to the Minister about that. Those who were charged for letting the kingpin run away and stuff like that. So I really have to put it that the issue of we got a breakthrough, I cannot remember what were we talking about, but we were not talking about the Stilfontein. I cannot remember because even the community members, the arrest that I was anticipating that we expected from the  
20 community members, never happened. We could not get that person, number one.

And when he spoke to me about, when I spoke about the breakthrough, I will have to remember what did I refer to. But when he asked me about the arrest, I know the only time we spoke about the arrest is it was about the

Stilfontein from that community. There was no other arrest which we spoke about. But the breakthrough, I cannot remember. It was during your tenure, I know where that thing falls in because we spoke about something else, and that is when I responded to this one.

**ADV CHASKALSON SC:** Do you recall what you spoke about that was something else?

**MR MOGOTSI:** Beside the Stilfontein?

**ADV CHASKALSON SC:** Beside Stilfontein, ja.

10 **MR MOGOTSI:** I cannot remember.

**ADV BALOYI SC:** Do you remember what this, during your tenure?

**MR MOGOTSI:** Yes, that I remember very well.

**ADV BALOYI SC:** I think that is what you are being asked.

**MR MOGOTSI:** About the tenure, it was – there was a – I do not have to take you to this message. May I look for that part, Commissioners?

**ADV CHASKALSON SC:** Sorry, which message are you?

**MR MOGOTSI:** That is going to speak to your tenure. Ja.

20 **ADV CHASKALSON SC:** Is that the message about the Constitutional Court judgment?

**MR MOGOTSI:** No, no. The Constitutional Court judgment, it has to do with the release of people who were sentenced to life after they were forced into a 204 statement by the PKTT. It is not that one. I will perhaps request the

Commission that I should go and make notes, and as I come tomorrow, I will be able to find this there.

**ADV CHASKALSON SC**: Let us not dwell on it now, but can I take you to the next one, which is the Constitutional Court judgment message? That is BM8 of the 31<sup>st</sup> of December, and it starts at the foot of page 135, and it goes down to the end of page 136. And there you write to the Minister:

10                   “Minister, I am going to get the case  
number and this judgment for you.  
Now we have got something proven by  
the court. This is the matter now which  
either Sibiya or the Minister can charge  
Khumalo and apply Rule 9 of the  
disciplinary hearing. It took the  
Constitutional Court to release a man  
who was sentenced to life  
imprisonment through a forced 204  
confession. Imagine, comrade Senza,  
20                   after 30 years of democracy having this  
kind of policing. The good thing now is  
these are not allegations, but a court  
judgment.”

**MR MOGOTSI**: Yes, I did send this message.

**ADV CHASKALSON SC**: So you sent that to the Minister?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Now, and you have explained your understanding of the Makala judgment. What were you suggesting to the Minister in relation to the Makala judgment? Why would this be a matter for disciplining, sorry, which Khumalo are you talking about?

**MR MOGOTSI:** The Khumalo in the Political Killings Task Team.

**ADV CHASKALSON SC:** Major General Khumalo  
10 ...[intervenes].

**MR MOGOTSI:** Yes ...[intervenes].

**ADV CHASKALSON SC:** Who is also head of Crime Intelligence?

**MR MOGOTSI:** That is correct. No, no, not Crime Intelligence, it is in the KZN. Not Lt-Gen.

**ADV CHASKALSON SC:** Not Lt-Gen?

**MR MOGOTSI:** Yes. This is an incident that took place in 2020, 2021, where the PKTT has obtained a statement and when a person decide to change the statement and they  
20 forcefully, they forced the person, the accused to become 204. And during trial, the witnesses did mention to the court that they were forced to write this. They did not intend, they did not want to write this. They were sentenced to life. They went to SCA, they went to the Constitutional Court and they were acquitted by the

Constitutional Court.

And this message, it has nothing to do with my work. I did not investigate this thing. And I may have been misplaced or think this would be the remedy, but I did write this message to say, Minister, here is a judgment of some people who have been sent to prison for something that they did not do. And being forced by the Political Killings Task Team to write, to become 204 for the statement. Unfortunately, the Minister did not even entertain me. He  
10 never responded to this message. He said nothing.

**ADV CHASKALSON SC**: Why were you suggesting that General Sibiya should be the one to do the disciplinary hearing rather than the National Commissioner?

**MR MOGOTSI**: To charge them?

**ADV CHASKALSON SC**: Indeed.

**MR MOGOTSI**: As, Commissioners, in my mind, I believed either Sibiya or – either of the two should do something about it. And whether one is a contact or not contact, naturally a person will have feelings to say, but how can –  
20 anyone can imagine being a witness, being forced to say something, and ultimately being sentenced, and you appeal to SCA, you go, and you end up being acquitted by Constitutional Court for something that you did not do just in the name of the PKTT. That is the reason. And when I checked this, and whoever I spoke to, they said this has

nothing to do with Khumalo, this has nothing to do with whoever, the Minister cannot charge these people, and he did not even respond to me. It was my thinking that time.

**ADV BALOYI SC:** Why did you think General Khumalo in particular should be the one that is disciplined for this? Were there any facts in the judgment that pointed to – you have read the judgment, that is why you forward it, and that is why you suggest it is enough to charge General Khumalo. What is it in this judgment that pointed to General Khumalo  
10 being guilty of misconduct that was committed here?

**MR MOGOTSI:** Yes, that is why I said at that time, I took it that it is their making, they must actually be accountable also. But as I said, like I am saying, it is not specifically General Khumalo who did this.

**ADV BALOYI SC:** Ja, well, your WhatsApp message is very specific. It says Sibiya can charge Khumalo.

**MR MOGOTSI:** Yes.

**ADV BALOYI SC:** So I am asking because you are very specific.

20 **MR MOGOTSI:** Yes.

**ADV BALOYI SC:** What in the judgment pointed you to it is Khumalo that must be disciplined? What about the facts?

**MR MOGOTSI:** When the team commits an offence, the person responsible for that team must take the responsibility.

**ADV BALOYI SC:** Is that the only basis?

**MR MOGOTSI:** That is the basis.

**ADV BALOYI SC:** Okay.

**MR MOGOTSI:** He is the project manager of this Political Killings Task Team.

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

**ADV CHASKALSON SC:** Did you read the judgment?

**MR MOGOTSI:** Not in totality.

**ADV CHASKALSON SC:** So where did you get the idea  
10 that this was a PKTT matter?

**MR MOGOTSI:** In part of the processes, it talks about them, the matter was done by them. It is them who were investigating the matter. It was a killing of a councillor and it falls within the ambit of the Political Killings Task Team.

**ADV CHASKALSON SC:** It was in fact a killing of a counsellor in Knysna.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And it had nothing to do with PKTT in fact.

20 **MR MOGOTSI:** Ja, but it was investigated by them.

**ADV CHASKALSON SC:** Well, we can discuss that tomorrow.

**MR MOGOTSI:** Okay.

**ADV CHASKALSON SC:** The last screenshot I want to take you to is BM11 at page 142. It was sent by you to Mr

Matlala on the 30<sup>th</sup> of January, but it is a screenshot of an exchange that you had with the Minister on the 26<sup>th</sup> of January.

**MR MOGOTSI**: Yes, I did send a message.

**ADV CHASKALSON SC**: Can you just explain to us what you are speaking to? First of all, you say:

10                   “Morning, Minister. I am in Durban and  
                      can confirm they got nothing on  
                      Phoenix Saga and our contact says  
                      they could not even go to any bank. By  
                      the way, the girls here also.”

What is that referring to?

**MR MOGOTSI**: It was, there was information that there were – some people went to Phoenix. Phoenix is a business based in Durban and it was alleged that he was involved with Minister Senzo Mchunu when he was a Minister of Water and Sanitation. So there were some allegations that there are certain people who went to Durban or to KZN to go and find out, to go and establish or  
20 investigate or go to find out as to what is it that Mr Senzo Mchunu was involved with, with Phoenix.

**ADV CHASKALSON SC**: And who was allegedly investigating?

**MR MOGOTSI**: I am not sure, it was just an information.

**ADV CHASKALSON SC**: But somebody must – you say

can confirm that they got nothing on Phoenix Saga. So did you not know who they were?

**MR MOGOTSI:** No, we just heard there were two guys from Gauteng. From which organisation, it was not, there was no any specific response to that.

**ADV CHASKALSON SC:** And how did you know that they got nothing?

**MR MOGOTSI:** Because of the contact and people who were around and the girl who told us, the same girl that I  
10 am mentioning here, she did say they came but they could not even proceed with whatever they were saying.

**ADV CHASKALSON SC:** And were you mandated by the Minister to look into this issue?

**MR MOGOTSI:** Repeat the question, Commissioner.

**ADV CHASKALSON SC:** Were you mandated by the Minister to look into this issue?

**MR MOGOTSI:** No, no, because I was in Durban and I heard about that, I just thought I should talk to him about it.

**ADV CHASKALSON SC:** So this was the first contact you  
20 had with him over that issue?

**MR MOGOTSI:** About, yes, it was the first. You mean the first time in terms of me talking to him about it?

**ADV CHASKALSON SC:** Yes.

**MR MOGOTSI:** No, I did, I did talk to him over the phone but he said there is nothing there, I do not know what they

are talking about and he never sent me. But because I was in Durban, I just thought I should check on that particular issue.

**ADV CHASKALSON SC:** Then you say:

“Tomorrow we are signing the practice notes on the North West PEC matter for the SCA in Pretoria with the senior counsel. The matter will be a month from tomorrow.”

10 What was that referring to?

**MR MOGOTSI:** That had nothing to do with the Minister, it was my programme and therefore I had to tell him that I will be in Pretoria. I was checking in case he will be in Pretoria. Ja.

**ADV CHASKALSON SC:** So you are saying essentially to him, I have got to be in Pretoria tomorrow so maybe if you are in Pretoria we can meet, as it were?

**MR MOGOTSI:** No, I am just saying he should know that I will not be in Durban, I will be in Pretoria.

20 **ADV CHASKALSON SC:** I hear.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** Then:

“Briefing, the businesswoman who would like to assist our programme also participated in BRICS

cybersecurity is available to meet with the Minister. Apparently you did meet before.”

Now what was our programme that the business woman wanted to assist?

**MR MOGOTSI**: There is a programme and it could not even kickstart for Senzo Mchunu in the KZN. It is a charity organisation. At some later stage he felt that it should not continue but the idea was to – in fact even the lady, was to  
10 have a charity organisation for which Senzo Mchunu could work on, especially when he is home.

**ADV CHASKALSON SC**: So when you refer to our programme, you are talking about a charitable foundation that Minister Mchunu was setting up?

**MR MOGOTSI**: Yes, that he actually planned to set up, but he ended up not setting it up.

**ADV CHASKALSON SC**: Why do you refer to it as our programme?

**MR MOGOTSI**: I wanted to be part of it. As a charity  
20 organisation, I would gladly participate in that programme.

**ADV CHASKALSON SC**: Then under 2:

“The guy of the funding is also in Johannesburg from Tuesday. He is the guy of the funding (20) is also in Johannesburg from Tuesday. He is the

one I said has a three billion contract  
with SAPS.”

Who are you referring to there?

**MR MOGOTSI**: This other guy, and it was – there is no one  
who has three billion. It was a mistake. It is not three  
billion contract with SAPS.

**ADV CHASKALSON SC**: But who are you referring to and  
what is the value of their contract?

**MR MOGOTSI**: The contract was about 30 million contract  
10 with SAPS.

**ADV CHASKALSON SC**: 30 million, not three billion?

**MR MOGOTSI**: No, not three billion ...[intervenes].

**ADV CHASKALSON SC**: But who is the guy?

**MR MOGOTSI**: And that guy, I thought we could also use  
him for the same programme, that is charity organisation. I  
was going to combine them and have one programme.

**ADV CHASKALSON SC**: Sorry, but who is he?

**MR MOGOTSI**: Josias, his name was Josias.

**ADV CHASKALSON SC**: Sorry, can you ...[intervenes].

20 **MR MOGOTSI**: Josias, Josias.

**ADV CHASKALSON SC**: Josias?

**MR MOGOTSI**: Ja.

**ADV CHASKALSON SC**: Josias, is that his first name, his  
surname?

**MR MOGOTSI**: I cannot remember his surname. We were

just interacting and he said he had a contract with SAPS for 30 million and we – the same applies to him. We ended up not meeting with that guy.

**ADV CHASKALSON SC:** So are you essentially suggesting to the Minister here that someone who has a contract with SAPS can possibly be used as a source of funding for this charity foundation that the Minister is setting up?

**MR MOGOTSI:** Ja, like I said, you can see that he also did not respond, but he did not agree that he should have this  
10 person being a funder or something. It is me who said, and that is why I was very specific to outline, to confirm and kind of declaration to show interest that the person has contract with SAPS, that he was also in Joburg.

**ADV CHASKALSON SC:** Then the last section of this message, which spills over the page:

“Also meeting with the DNC and COS  
today in Durban for finalisation of  
Khumalo and General Mkhwanazi's  
matters.”

20 What does that refer to?

**MR MOGOTSI:** Yes, with this whole thing, Commissioners – of this thing is cut off. Yes, also that message I sent is number three, under number two.

**ADV CHASKALSON SC:** Yes, it is under number two. I will read it for you because it does get cut off, but I have

got access to a better copy in the original. It says:

“Also meeting with the DNC and COS today in Durban for finalisation of Khumalo and General Mkhwanazi's matters.”

**MR MOGOTSI**: Yes, during this period, the Chief of Staff did allude to me that after his conversation with Lt-Gen Mkhwanazi, General Mkhwanazi did mention to him that he has some problems, and whenever he mentioned those  
10 problems, he did mention my name. So I have requested that if possible, we could meet with the DNC and Chief of Staff that I can actually find out specifically what is it that General Mkhwanazi did have a problem about, but General Sibiya felt that it is not necessary to meet.

Because I did even ask the Minister if that we are able to do because the Chief of Staff did tell me that Lt-Gen Mkhwanazi has a problem with me, and I thought we should find a way that I could, but the Minister also did not agree to that, and that meeting never took place.

20 **ADV CHASKALSON SC**: So what is the issue? I mean, you have spoken about the Mkhwanazi matter, but the text says for finalisation of Khumalo and General Mkhwanazi's matters.

**MR MOGOTSI**: Yes, because I did talk to the DNC alone. I did talk to the Chief of Staff. I was hoping we will be able

to just to find out that I wanted to speak to the DNC and Chief of Staff to say I really need to know what is it that General Mkhwanazi has a problem with, but the meeting never took place.

**ADV CHASKALSON SC:** I understand the meeting never took place, but I want to know what the relevance of Khumalo is in that meeting.

**MR MOGOTSI:** Yes, it is to finalise that meeting, to finalise that issue, all of it. Because remember, to me, it  
10 sounded like General Mkhwanazi did tell General Khumalo about that text of mine that I sent about him. I just thought that is the case. But because we never met, I ended up not knowing what General Khumalo had a problem about.

**ADV CHASKALSON SC:** Sir, when you said you were meeting, you told the Minister you were meeting with General Sibiyi and the Chief of Staff today, which would have been the 26<sup>th</sup> of January.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** But in fact, that meeting did not  
20 take place.

**MR MOGOTSI:** It did not take place.

**ADV CHASKALSON SC:** And just if we scroll a little bit down, you then text the Minister at 13:16 on the same day.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:**

“DNC is waiting for the COS here. This is very significant.”

**MR MOGOTSI**: Yes, it is because the meeting never materialised. Chief of Staff did not come.

**ADV CHASKALSON SC**: So the Chief of Staff did not come, but General Sibiyá did come.

**MR MOGOTSI**: No, remember, General Sibiyá was in Durban already, but I knew he was going to fly back, and that meeting never materialised.

10 **ADV CHASKALSON SC**: Yes, but you say General Sibiyá is waiting for the Chief of Staff here.

**MR MOGOTSI**: Yes, because I did ask him that the Chief of Staff should meet with him, and he must brief him exactly what is it that General Mkhwanazi was saying he had a problem about with me. But that meeting did not materialise.

**ADV CHASKALSON SC**: So the meeting never happened.

**MR MOGOTSI**: That is correct, Commissioner.

20 **ADV CHASKALSON SC**: But as far as you were concerned, that was because the Chief of Staff did not come. General Sibiyá was waiting for him.

**MR MOGOTSI**: What I implied to say he was waiting, I meant, remember he is not staying in KZN, and if he was willing to meet the Chief of Staff and not come in, I thought the Minister could ask Chief of Staff to go and see him to

discuss this issue of General Mkhwanazi.

**ADV CHASKALSON SC:** And you say to the Minister:

“This is very significant with a capital  
S.”

**MR MOGOTSI:** That is correct, I did.

**ADV CHASKALSON SC:** Why would it be significant for  
the Minister?

**MR MOGOTSI:** To ask the Chief of Staff to meet with  
General Sibiya? General Sibiya said, look, there is nothing  
10 that I can do, get the Chief of Staff, because it is General  
Mkhwanazi who spoke to the Chief of Staff. So I cannot call  
him myself.

**ADV CHASKALSON SC:** I understand General Sibiya's  
position, but why would it be significant? You are telling  
the Minister, this is very significant. What significance was  
it for the Minister?

**MR MOGOTSI:** As I said, Commissioners, General  
Mkhwanazi did say whatever that he said to the Chief of  
Staff and for them to meet, I thought it was significant  
20 because Chief of Staff was going to relate whatever that he  
heard from the Lt-Gen Mkhwanazi.

**ADV CHASKALSON SC:** And did you see this as a matter  
of importance for the Minister?

**MR MOGOTSI:** No, not the Minister to attend. For the  
...[intervenes].

**ADV CHASKALSON SC:** But why would the Minister be bothered with something? I mean, it sounds to me that your understanding of what was going on is that General Mkhwanazi had complained to the Chief of Staff about you.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And a meeting was now going to be held to try and sort that out or at least to let you understand why there was this complaint about you. Why would that be significant for the Minister?

10 **MR MOGOTSI:** Not necessarily to understand why. For the Chief of Staff to tell, to narrate the story that he heard from General Mkhwanazi, for him to brief him that this is what General Mkhwanazi said. But now that did not happen.

**ADV CHASKALSON SC:** Chair, we have run quite a long way past four. I am assuming we ought to have stopped at four, or do we run to four?

**CHAIRPERSON:** Should we not get to the end of this part of the testimony? We are what? A couple of pages to the  
20 end?

**ADV CHASKALSON SC:** Sure. Mr Mogotsi, are you happy to finish the statement today?

**MR MOGOTSI:** [Vernacular].

**ADV CHASKALSON SC:** I am afraid you are right. Let us proceed. It is not going to take long. So, the last

screenshot that we see is BM10 on 31<sup>st</sup> of January at page 140. This is actually a screenshot not of a Signal message but of a WhatsApp message, which was forwarded from you to Mr Matlala on the 31<sup>st</sup> of January at 12:34. Now, you say in 99.15 that:

“This is a screenshot of a message which I fabricated and then on sent to Matlala as if I have received this from the Minister Mchunu.”

10 In fact, it is as if you had received it from, I think, the Chief of Staff because I think Senzo Chief is the Chief of Staff:

“...which I did not. But I wanted to create the impression with Matlala that this was the position.”

So, you say you fabricated it.

**MR MOGOTSI**: No, no. I fabricated the name, the name there, Chief of Staff. Senzo Chief. That is what I changed. I put his profile there. But if you look at this message, it also came from Cat explaining to me his position with South  
20 African Police Service where he says, if you take it, outstanding caseload could do well. This was his problem. And I said, send me this message so that I can send it to the Chief of Staff. On top there, he said:

“Please arrange a meeting as soon as possible. I think they are escalating

the matter to him of non-performance.

Rather, let me, I will explain it to the

...[indistinct].”

Now, there, he sent me this message. As is, I copied the message and changed that portion where it is written Senzo of Staff, Senzo Chief. So, there is the fabrication I made, and I sent it back to Cat to show him that I sent him the message.

**ADV CHASKALSON SC**: No, I understand that. But so  
10 you, so what did you actually do? You took it – because if one scrolls down, one sees that the whole screenshot has a copy of, well, what it looks like is there is a copy of the original message sent by Cat. Then there is a voice call. Then you send something responding to the message, and your message says this matter may be escalated to you because of non-performance. And the you, I suppose, is designed to look like the Chief of Staff, because this is supposed to be an engagement with the Chief of Staff:

20 “Our guy needs your intervention. January 08 guy who is about to take over our programme. This non-performance is a result of non-payment and/or late payments. I am sending him your numbers that you meet, please.”

**MR MOGOTSI:** Yes, that is correct.

**ADV CHASKALSON SC:** So, how? You say this is a fabrication?

**MR MOGOTSI:** Yes, and I can do the same thing, and I can put your number there.

**ADV CHASKALSON SC:** So, what did you do? Can you just explain how you created this fabrication?

**MR MOGOTSI:** The message comes to my phone, and on the name of, let us say, I saved Brown Mogotsi. On my  
10 phone, I can take Typo and save him Brown Mogotsi. The same way with a profile of Brown Mogotsi. And I send that message, and then take a screenshot, and delete all on sample. Sample also is not seen immediately. Then this copy, I will send it to Cat Matlala.

**ADV CHASKALSON SC:** So, what you did is you actually, you created a kind of bogus Senzo Chief identity, or not even a bogus Senzo Chief identity. You forwarded that message.

**MR MOGOTSI:** To Cat.

20 **ADV CHASKALSON SC:** No, not to Cat.

**MR MOGOTSI:** To somebody else.

**ADV CHASKALSON SC:** To somebody else.

**MR MOGOTSI:** Yes, like with these two phones of mine, I can send this message here, and write this phone Tsepo. It will look Tsepo.

**ADV CHASKALSON SC:** Yes.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** And then you create a conversation, and then at the end of it all, you put Senzo Chief, or have you created a false Senzo Chief to have the conversation with in the first place?

**MR MOGOTSI:** Yes, you create your own Senzo Chief.

**ADV CHASKALSON SC:** Okay, so this was a conversation that you had essentially with yourself, with a label Senzo  
10 Chief?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** On WhatsApp.

**MR MOGOTSI:** That is how it is done. You have to WhatsApps or whatever to do it, and then you take a screenshot. What is important is that the screenshot is to prove that I have spoken to a Senzo Chief.

**ADV CHASKALSON SC:** Okay. And you then, afterwards, send a V-card to Mr Matlala with the details, and then with a message that has to be sent to the Chief of Staff saying:  
20 “Hello, Chief of Staff. Got your numbers from Mr Brown. Requesting a meeting, please.”

And you say:

“Please talk to him.”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** But of course, the result of all of this is that Mr Matlala is going to try to call the Chief of Staff.

**MR MOGOTSI:** That is correct. And also, you will check there are two options in these operations. If the contact number of the Chief of Staff is on the Ministry website, you can give it to someone. But if it is not on the Ministry website, you will send the number, but out of the 10 numbers, one will be shifted and you will never reach him.

10 **ADV CHASKALSON SC:** So he was never going to reach the Chief of Staff on this number?

**MR MOGOTSI:** Not the Chief of Staff.

**ADV CHASKALSON SC:** I now understand this screenshot, Mr Matlala, Mr Mogotsi.

**MR MOGOTSI:** Call me Matlala, it is fine.

**ADV CHASKALSON SC:** I have done it twice. I apologise.

**MR MOGOTSI:** Next time I will use ...[indistinct].

**ADV CHASKALSON SC:** Chair, 99.17, maybe if you could just quickly run through the rest of the statement from 99.17  
20 to 101, just to indicate and amplify quickly if there is anything that you want to add.

**ADV BALOYI SC:** Maybe before you do that, let me just make sure that I understand that page 141, the last two messages, where you say:

“Hello, Chief of Staff. Got your

numbers from Mr Brown. Requesting a meeting, please.”

You are saying that is you writing to Mr Matlala what he should send to the Chief of Staff. Am I understanding it correctly?

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC**: Okay. Then there is the following message, which says:

“Please talk to him.”

10 This is you to Mr Matlala. Are you still writing for him what you should communicate? What in fact are you communicating here?

**MR MOGOTSI**: 104?

**ADV BALOYI SC**: 141. It is that page you were looking at with Mr Chaskalson just now. 141. So you have got the, from the bottom, you have got the second from the bottom, and you say that is you constructing a message for Mr Matlala to the Chief of Staff.

**MR MOGOTSI**: That is correct.

20 **ADV BALOYI SC**: But then you also send him a message that says:

“Please talk to him.”

Who is this for?

**MR MOGOTSI**: I screenshot again to show Matlala, or I forwarded, I am showing him the message that I sent to the

Chief of Staff, which I did not send.

**ADV BALOYI SC:** So you are saying to Matlala that you have asked the Chief of Staff to talk to him?

**MR MOGOTSI:** And I was quickly, now this must be done quickly, because you also send him a message, please talk to him at that moment. And you know that moment you will not be able to reach him.

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

**MR MOGOTSI:** And there is another option also, because  
10 now I am taking this openly. Sometimes in operations like this, one is able to even make a SIM swap, and the whole day you do not get calls. Somebody is talking on your number as if it is you.

**ADV BALOYI SC:** That is not what happened here.

**MR MOGOTSI:** That is not what happened.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Then, Mr Mogotsi, can you take us from 99.17 through to the end of the statement?

**MR MOGOTSI:**

20                    “The ...[indistinct] document provided to Matlala was received by me through various sources within my network, which I recruited as a contact agent working for Crime Intelligence. I am not at liberty to disclose the source

identity, mindful of the repercussions that may follow. The information in each message contained information concerning Crime Intelligence that you forwarded to Matlala. All messages I sent to Matlala was in furtherance of my task order as a contact agent. Conclusions. At all relevant times hereto, I was duly authorised as a contact agent on behalf of Crime Intelligence, instructed by my handler or co-handler in terms of certain ad hoc task orders. I was privy to documents and information being a contact agent with a vast network of information gathering sources. In terms of instruction received from my handler and co-handler, and in furtherance of executing the mandates contained in the task order, instructions from them I engaged with the person stated hereinabove to the extent that I described.”

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**ADV CHASKALSON SC:** Thanks, Mr Mogotsi. Is there anything you would want to add to the statement before we

pick up tomorrow when you will be questioned on it?

**MR MOGOTSI**: I am not, I do not think. I have not identified anything so far. But I did mention in the statement somewhere that should there be a necessity for any supplementary, I believe I will be somehow allowed to, or I will make that request to bring in a supplementary.

**ADV CHASKALSON SC**: We note that. Thank you.

**MR MOGOTSI**: Thank you so much.

**ADV CHASKALSON SC**: Chair, we have reached a useful  
10 point to end for the day.

**CHAIRPERSON**: Thank you, thank you. Mr Mogotsi, see you tomorrow morning at 09:30. Let us adjourn.

**MR MOGOTSI**: Thank you.

**INQUIRY ADJOURNS TO 19 NOVEMBER 2025**

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