

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**20 NOVEMBER 2025**

**DAY 37**



**PROCEEDINGS ON 20 NOVEMBER 2025**

**CHAIRPERSON:** Good morning, Mr Chaskalson. Good morning, Mr Mogotsi. Thank you.

**ADV CHASKALSON SC:** Morning, Chair.

**CHAIRPERSON:** Before you move on to the next point, I have a few questions, and possibly my Co-Commissioners also do. Mr Chaskalson, I understood you to be moving on to another section when we adjourned yesterday. Or am I mistaken?

10 **ADV CHASKALSON SC:** What I want to address now is the issue in relation to IPID and also some of the texts between ...[intervenes].

**CHAIRPERSON:** That sounds like a new section.

**ADV CHASKALSON SC:** It is a new section.

**CHAIRPERSON:** Yes. Mr Mogotsi, I have a fundamental problem with your entire testimony at this point. That problem relates to how you appear to value or not to value an oath. Mr Chaskalson dealt with this aspect, but I want to approach it from a slightly different angle. In the affidavit,  
20 starting at page 43 of the exhibit bundle, that is EXHIBIT CJC44, you say that you work for Government in the Office of the Minister of Police. I think that is in paragraph 1 of that affidavit.

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

**CHAIRPERSON:** Yes. In response to a question by Mr

Chaskalson, you said that that statement was a lie. Correct? I just want a yes or no answer.

**MR MOGOTSI**: Yes, Commissioner.

**CHAIRPERSON**: Yes. I understand you to say you deliberately told this lie for a specific purpose. Correct?

**MR MOGOTSI**: Correct, Commissioner.

**CHAIRPERSON**: You told this lie under oath. Correct?

**MR MOGOTSI**: Correct, Commissioner.

**CHAIRPERSON**: Now, do you consider an oath to be  
10 binding on your conscience?

**MR MOGOTSI**: I consider it correct, Commissioner.

**CHAIRPERSON**: But in the affidavit I have referred to, you told a lie and you took an oath well-knowing that part of the content of that affidavit was a lie. Correct?

**MR MOGOTSI**: Correct, but I was on duty, executing my duties, Commissioner.

**CHAIRPERSON**: But it is correct that as you saw, as you took the oath, you knew, even as you took the oath, that you were lying in that affidavit. Correct?

20 **MR MOGOTSI**: Correct, to achieve the objective of the mission, Commissioner.

**CHAIRPERSON**: But it is correct that you took the oath knowing that you are lying.

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

**CHAIRPERSON**: I will ask you, do you consider an oath to

be binding on your conscience?

**MR MOGOTSI**: I consider it, Commissioner.

**CHAIRPERSON**: Can you explain, though? Can you explain what you mean by that? There is the oath you took in respect of CJC44, and as you took the oath, you knew you were lying. When you took that particular oath, did you consider it to be binding on your conscience? That earlier oath, not the one you took before us, did you consider that to be binding on your conscience?

10 **MR MOGOTSI**: The one on the affidavit?

**CHAIRPERSON**: Sorry, CJC44, at page 43.

**MR MOGOTSI**: That is correct. Commissioner, will I be allowed to say something, please?

**CHAIRPERSON**: Can you just answer the question, did you consider that oath to be binding on your conscience?

**MR MOGOTSI**: For the purpose of the mission I was undertaking, Commissioner, it was the only way to execute that mission.

20 **CHAIRPERSON**: And can you now answer the question directly? Okay, thank you, I hear you. Can you answer the question directly? Did you consider that oath to be binding on your conscience? Yes or no? You have given an explanation, now I want a direct answer to my question.

**MR MOGOTSI**: You know, Commissioner, the questions you are putting, it is somehow putting me in a position to –

it looks that now the questions are suppressing me. And when I say, may I say something to the Commission, I thought I could bring probably a particular understanding.

**CHAIRPERSON**: Mr Mogotsi, you do give a very lengthy explanation when you were questioned by Advocate Chaskalson. You explained fully why you did what you did in respect of the oath in CJC44. So you have given your full explanation, I am aware of it.

**MR MOGOTSI**: All right.

10 **CHAIRPERSON**: So in trying to explain again, it cannot be on the basis that you think I do not remember your full, full explanation. Advocate Chaskalson gave you the time to explain. He did not interfere. Nor did we interfere. So we have heard your explanation. Do you get me?

**MR MOGOTSI**: I get you. But what I was about to say now, Commissioners, is to add to what I was saying. To give a – probably, it seems like this process misses, there is something missing in this process.

**CHAIRPERSON**: Are you going to add something different  
20 to what you already explained fully yesterday?

**MR MOGOTSI**: No, giving the background to – I am going to explain a context that will bring a proper understanding to this.

**CHAIRPERSON**: So that you do not leave this room with a view that you are being suppressed, I am using your verb.

So perhaps let me give you an opportunity to give yet another explanation.

**MR MOGOTSI**: Thank you, Commissioner. Commissioner, when I came here to this Commission, I never said I am a high priest. I said I am a state agent, and I have an instrument called the Legend Building, which allows me in circumstances in executing my duties to use what you call a false life. It is part of what I do. And the reason I requested to speak, Commissioner, it is because even the  
10 Evidence Leader, I was checking how he – it is like he is a prosecutor. He is not playing the role of Evidence Leader. Because I said I am an agent, in circumstances in executing my duties, I have to lie.

Now he come to the public and say I am a professional liar, knowing that I told him if I execute my duties, I do give a certain impression to reach or to get to the bottom of what the mission wants. Because even Madam Commissioner yesterday, she said I am bringing allegations, I am talking about people, allegations that I  
20 make, I cannot provide proof. That is my job, Commissioners.

An agent is not a policeman who obtains statements that can be presented here. I give intelligence information which must be converted into evidence which the Commission wants. And how will that information be

converted? It is when I bring people again who will corroborate what I am saying to become the evidence that the Commission wants.

Example about yesterday, she said are you accusing Brigadier Sebula? And I said no, but I was going to say the handler is Colonel Khoza, he is working with Brigadier Johnson, and after the murder of that particular informant, Colonel Singh investigated the case. What does that mean? It means when he meets with the Commission,  
10 he will be able to show the Commission the light as to up to where his investigation arrived.

But the moment you say, you cannot say that I am not a policeman, I cannot even analyse what you call intelligence information. And I am bringing raw information, but I am not saying I cannot support or I cannot get anyone to come and corroborate. And last thing that I am trying to say about Senior Counsel Chaskalson. Evidence Leaders - maybe I should read this, please, Commissioner:

20 “Evidence Leader present evidence in a formal process, such as in a disciplinary or commission of inquiry. Their role is to assist a committee or tribunal by organising a leading evidence, which includes preparing witnesses, interviewing them,

presenting their evidence in a clear  
and structured way.”

Unlike a prosecutor. Because now, even when he spoke about that, he gave us this thing to go and read, that me and the legal team should go through it. Now, he comes and talks about the Richards Bay terminal, and I was not prepared, of which I also have a story to tell. That the coal that comes from there goes straight to Israel. There was people protesting in Richards Bay ...[intervenes].

10 **CHAIRPERSON**: Mr Mogotsi, can you please try to confine yourself to the question of the oath and giving an explanation? Now you appear to be attacking the role of the Evidence Leader. I am not quite sure how that relates to how you value or do not value an oath. And why, as you admit, you told a lie in your affidavit, which is annexed here as EXHIBIT CJC44. Can you, please? I am giving you all the leeway to explain yourself with regard to the lie that you admittedly told, but please do not veer off to a whole lot of other issues.

20 **MR MOGOTSI**: Thank you, Commissioner. It means, Commissioners, we need to start at this particular point. Does the Commission believe and acknowledge that I am an agent? If the Commissioner ...[intervenes].

**CHAIRPERSON**: Well, we cannot answer that. We are still to evaluate the evidence at some point. So we cannot say,

yes, we believe you, Mr Mogotsi. We cannot do that. Not now.

**MR MOGOTSI:** The answer, Commissioner, to the question because the Commission has not yet arrived at the conclusion if I am an agent. Commissioners, yes, I lied in executing my duties. My conscience, when signing this affidavit, I took an oath in front of that particular police officer, that Commissioner of Oath, knowing that it is a lie, in executing my duties. That is correct, Commissioner.

10 **CHAIRPERSON:** I want to suggest to you, Mr Mogotsi, and hopefully depending on the answer that you give, this is the last point I am making at this stage. I want to suggest to you that an oath is meaningless to you and I have no reason to believe that the one you took before us here means anything to you. Do you want to comment on that?

**MR MOGOTSI:** No comment, Commissioner.

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

**ADV BALOYI SC:** Mr Mogotsi, maybe just to complete this topic. Yesterday you discussed with Mr Chaskalson the  
20 judgment, the North West judgment. And you remember the conversation about, on the topic of urgency, that in your affidavit you had said one thing and then in your replying affidavit you were making corrections, saying where you referred to August, in fact you meant to refer to September. You remember that conversation?

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

**ADV BALOYI SC:** And all of that is covered in paragraphs 9, 10, 11, and 12, sorry, 7, 8, 9, 10, 11, in those paragraphs of the judgment. Now, you paid the attorneys in August, in September, right? You remember that? If you go to page 2 of that bundle, just to remind you, that you paid the attorneys on the 10<sup>th</sup> of August 2023. You paid Tau Matsimela Attorneys. And then again, on the 19<sup>th</sup> of September you made another payment, but the first  
10 payment is August, in August already, the 10<sup>th</sup>. This payment would have been – was for this litigation, this first payment. I think that was your evidence yesterday.

**MR MOGOTSI:** That is what I answered yesterday, Commissioner.

**ADV BALOYI SC:** Ja, you said you paid towards this litigation because a decision had already been made that this matter should be litigated.

**MR MOGOTSI:** Yes, that is what I said. And I said the appointment letter was not yet out. Based on the  
20 information from the whistleblower, that is when we started to know. That is correct.

**ADV BALOYI SC:** Okay. And you said you became aware of the appointment letter when? I think you say in paragraph 7 that – no, sorry, in paragraph 9, rather of the judgment, you were criticised for doing nothing after the

letter on 11 August 2023. And then in your correction, you said the letter, you became aware of it in September.

**MR MOGOTSI**: That is when the letter came, tangibly.

**ADV BALOYI SC**: So what were you paying the attorneys for?

**MR MOGOTSI**: I said there was information. And, you know, as I was speaking, if Commissioners can remember yesterday.

**ADV BALOYI SC**: Yes.

10 **MR MOGOTSI**: I said the Gotlhe and this Brown Mogotsi Foundation, they did the payment after they requested assistance. And I further said, because of the whistleblower who showed that the process, the internal process, without the appointment letter, who confirmed that so-and-so has been appointed, he did that during the month of August. And with that information, whether the lawyers were paid or not, there was no way you could bring an urgent application until you get the proof that this so-and-so has been appointed. That is the reason.

20 **MR MOGOTSI**: Yes, but you see, the judgment says your affidavit says you only approached the lawyers in September. It says so in your affidavit ...[intervenes].

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC**: In replying ...[intervenes].

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC:** You say, I approached the lawyers, the legal representatives, during September.

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** Once you have got the letter.

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

**ADV BALOYI SC:** But we know from the payment that already in August you had approached them without the letter.

**MR MOGOTSI:** Yes, that is correct. But there was no way  
10 you could give them full instructions without the appointment letter.

**ADV BALOYI SC:** Yes, so it is not correct in your affidavit, in your replying affidavit where you say, where you said to the Court that I approached the legal representatives in September, where I say August, it is a mistake. Because that is what you said in your affidavit. You said to the Court, where in the founding affidavit I said I approached the lawyers in August, that is a mistake. I, in fact, approached them in September. You remember that is what  
20 happened.

**MR MOGOTSI:** I remember.

**ADV BALOYI SC:** But the proof of payment, that schedule on page 2 shows that you actually approached the lawyers in August already.

**MR MOGOTSI:** It means the date that should be

considered is when we have full instructions. Whether the money is with the lawyers in January and you get full instructions in June, that is the only time you can be able to go to court. Perhaps in the affidavit there is only an omission that says we are supposed to have said we approached our legal team when we have full instructions in September. Perhaps that is what should have been said.

**ADV BALOYI SC:** You did not tell the Court. The point I am checking with you is the issue of urgency was important and you understood that, because otherwise you would not have been heard, right, if the matter was considered not to be urgent. What I am putting to you is the Court was misled when it was told that you only approached the lawyers in September when, in fact, you approached the lawyers in August. We know that from these documents.

**MR MOGOTSI:** It is true, Commissioner, but what would the lawyer do in August if there were no full instructions? There was nothing they could do.

**ADV BALOYI SC:** Yes. No, I am not arguing there what would the lawyers do. I am just clearing the fact of what the Court was not told or, in fact, what you said you were correcting is where you had initially been honest with the Court that the lawyers were approached in August and when the issue of urgency was taken up, you then, in your reply in affidavit, said I am correcting this. In fact, it was in

September. So, on just the judgment, it looks like, in fact, in another affidavit, which was not about you being a contact or an informer, in an affidavit before Court in an urgent application, you actually misled the Court into believing that you approached the lawyers for the first time in September when, in fact, you did so in August. That is all I am establishing with you.

**MR MOGOTSI**: Perhaps, Commissioner, it should be understood properly that the second payment, there is a  
10 second payment in September. It shows that the first payment would have been a deposit. Approaching an attorney without full instructions, there is nothing the attorney will do until all instructions are being paid up and submitted all the evidences.

Now, it may be an issue of how lawyers are writing. And the Commission should take into cognisance, Commissioners, I do not even have matric myself. And when you have a lawyer who prepares documents for you, you read, and as a layman, a lawyer may still not put  
20 contextualised things in the understanding of this level. But what we know is the deposit was paid, and that whether approached or not approached, perhaps in front of the Court, to approach the Court means you must have full instructions. But by then, there were no full instructions.

**ADV BALOYI SC**: On a separate topic, you also discussed

yesterday with Mr Chaskalson that Mr Matlala was the, I think he provided assistance in this court application.

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC**: You remember that?

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC**: And we know this court application was in 2023, so you met him before September 2024. You started interacting with him, with Mr Matlala.

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

10 **ADV BALOYI SC**: What was the nature of that relationship, such that he comes and advises you on litigation? What was the nature of your relationship?

**MR MOGOTSI**: As business people, Commissioners, and he did not come. Remember, we were talking over the phone. And as business people, you can discuss anything. It does not require a particular relationship to talk about anything. If you are known, maybe in Durban being a successful businessman and you happen to meet, I do not think there is anything wrong if I should call the  
20 businessman in Durban and say, you know, we are having this situation. Local businesses or companies are crying. Can you not help us? And that time, he only gave us ideas.

**ADV BALOYI SC**: So he called you out of the blue because ...[intervenes].

**MR MOGOTSI**: I called him.

**ADV BALOYI SC:** You called him?

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

**ADV BALOYI SC:** You knew him from away when you called him? I am asking because until your evidence yesterday, I was under the impression that the first time you had anything to do with him from your evidence was September 2024 and yesterday you conceded that in October already, 2023, you had some dealings with him.

**MR MOGOTSI:** Ja.

10 **ADV BALOYI SC:** So I am trying to understand the nature of your relationship.

**MR MOGOTSI:** There was no any dealings. It is a person that I knew, and that is it. I did not even know. I was not even that much close to him, but I could talk to him. And the issue here was to get assistance on assisting those local business people.

**ADV BALOYI SC:** What kind of assistance were you looking for? He is not a lawyer, at least I think. Mr Matlala is not a lawyer, and you are preparing a court application.  
20 What assistance did you ...[intervenes].

**MR MOGOTSI:** I am not a lawyer, Commissioner. But business people came to me requesting me to help them to go to court. It is not about being an attorney or a lawyer. When someone needs or asks or any kind of when you engage, a person can hear, oh, this person can help me.

**ADV BALOYI SC:** So what I am asking is you called Mr Matlala. I think that is what you just said now.

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** And I am saying, well, he is not a lawyer, so help us understand. Why did you call him, and what were you expecting from a non-lawyer will say to you about an application to court?

**MR MOGOTSI:** Commissioners, I called him, talking to him, and if you tell him of a scenario of what is happening  
10 in my game that time, he will just give you some ideas what to do. It is not that you approach him knowing that he has legal background or something. It is a norm in most of the cases for any businessman to talk to big business people. He is a big businessman. There is nothing wrong to talk to him.

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

**ADV KHUMALO SC:** Yes. Good morning, Mr Mogotsi.

**MR MOGOTSI:** Good morning.

20 **ADV KHUMALO SC:** I have listened quietly and attentively to your testimony. There is a few things I need to clarify, and I need really short answers because I want to give Mr Chaskalson his time back. So from 10 o'clock, I am hoping that he will have his time back. Chair asked you about the oath and whether you considered binding on your

conscience. In the February 2025 affidavit, you give your residential address as Chiawelo, Soweto. Have you ever lived in Chiawelo, Soweto?

**MR MOGOTSI**: Correctly.

**ADV KHUMALO SC**: When?

**MR MOGOTSI**: In 2927 Nxumalo Street, Chiawelo.

**ADV KHUMALO SC**: In?

**MR MOGOTSI**: Nxumalo Street, Chiawelo. I stay ...[intervenes].

10 **ADV KHUMALO SC**: When? When did you live there?

**MR MOGOTSI**: 1990, in the 90s. Even this year, we held a funeral at home. It is a home.

**ADV KHUMALO SC**: In February 2025, you did not live in Chiawelo, Soweto?

**MR MOGOTSI**: In 2025?

**ADV KHUMALO SC**: Yes, February 2025.

**MR MOGOTSI**: That is correct, but it is also my second home in Johannesburg.

20 **ADV KHUMALO SC**: Okay, so I will leave it there. In your affidavit, in your statement at paragraph 15, you say you were an uMkhonto weSizwe operative in 1993.

**MR MOGOTSI**: In the SDU.

**ADV KHUMALO SC**: Yes.

**MR MOGOTSI**: SDU was the organisation in South Africa. I never went outside as an uMkhonto weSizwe.

**ADV KHUMALO SC:** Wait for my question. Were you ever an uMkhonto weSizwe operative?

**MR MOGOTSI:** Yes, in the SDU. That is correct. uMkhonto weSizwe had SDU, Self-Defence Unit.

**ADV KHUMALO SC:** Do you know that uMkhonto weSizwe was disbanded in 1993?

**MR MOGOTSI:** Yes, I am aware.

**ADV KHUMALO SC:** So, as a 13-year-old, you would have been an uMkhonto weSizwe operative in the SDU in 1993,  
10 as a 13-year-old?

**MR MOGOTSI:** No, I was not 13 years old. I know, Commissioner, you are bringing it on the basis of my birthday era. I was not actually born in 1979. I was born in 1977.

**ADV KHUMALO SC:** So that is another lie in your affidavit, when you said you were born in August 1979.

**MR MOGOTSI:** No.

**ADV KHUMALO SC:** That is another lie.

**MR MOGOTSI:** No, Commissioner, it is not a lie.  
20 Commissioner, my ID number, my date of birth in the Home Affairs, even my mother knows, I was born in 1977. It is just an error of 1979 from the Home Affairs. And from the Home Affairs, Commissioner, we have tried in so many ways to rectify that. But the moment you cannot say, I was born in 1979, and then when someone wants your ID number,

then you put 1977.

**ADV KHUMALO SC:** Mr Mogotsi, it is your affidavit which you signed and you say in that affidavit I was born in August 1979.

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

**ADV KHUMALO SC:** So that is incorrect. You were not born in August 1979.

**MR MOGOTSI:** It is not that it is incorrect. I am saying due to the ID number. The ID number, my ID number, is  
10 incorrect from the Home Affairs. From the Home Affairs. And I grew up like that. And actually, I was born in September 1977. 22 September, not August. But the error that came from the Home Affairs, there was no way I could reverse and change it.

**ADV KHUMALO SC:** Okay, let us move on from that.

**MR MOGOTSI:** Thank you.

**ADV KHUMALO SC:** Do you have any form of policing training? Formal policing training?

**MR MOGOTSI:** No, no.

20 **ADV KHUMALO SC:** No. Do you have any form of intelligence gathering training? Any formal training?

**MR MOGOTSI:** Clandestine training, yes. Formal, you mean with qualifications?

**ADV KHUMALO SC:** Yes.

**MR MOGOTSI:** No.

**ADV KHUMALO SC:** You do not have qualifications?

**MR MOGOTSI:** No, no. The training was different.

**ADV KHUMALO SC:** Do you have any form of qualification that involves forensic investigations?

**MR MOGOTSI:** No.

**ADV KHUMALO SC:** No. But now you want this Commission to believe that in 2020 you were hired to investigate irregularities within Crime Intelligence.

**MR MOGOTSI:** Commissioner, that is a fact. An irregular  
10 – the task was given to me and for the Commission, more clarity. It was not the first time. I just could not put, it is not in the statement. It was not the first time I was tasked to do any mission or a job for the Crime Intelligence.

**ADV KHUMALO SC:** What qualifies you to conduct that investigation?

**MR MOGOTSI:** My basic training. I have basic training.

**ADV KHUMALO SC:** And it is what, Mr Mogotsi? What is your basic training?

**MR MOGOTSI:** On Counter Intelligence, Crime  
20 Intelligence, and Counter Intelligence.

**ADV KHUMALO SC:** Where did you learn that?

**MR MOGOTSI:** We were more than a team of 10, Commissioners. When you get that training, even the pre-1994 arrangement, as you said the ANC was disbanded in 1993, you will have a class. You will have a class. You will

be sent to do certain things. You will have a class. You will be sent from one place to another place. You will be tasked to look at this car, look at these people from KZN, look at whatever was required. And after that, you will be tasked.

**ADV KHUMALO SC:** So that is Counter Intelligence training, to look at cars?

**MR MOGOTSI:** No, no Commissioner. Commissioners, I took this opportunity last time, together with my lawyers,  
10 because now the questions we are posing, as far as I have said I am an agent, I cannot deliberate more than that. I cannot go deeper and deeper into that on my side. We took Senior Counsel Chaskalson to meet with my handler at the hospital. He explained to him when I was registered and what happened after deregistration. And it is not only him. I also did a job with a mission between 2006 and 2008, proper one, with a Former Divisional Commissioner, General Bob Mhlanga. As I was saying earlier here, to corroborate information, to corroborate information into  
20 evidence, if one is allowed, I can bring those people ...[intervenes].

**ADV KHUMALO SC:** Let me interrupt you, Mr Mogotsi. I said short answers. I do not want you to go to 2008. I want to give Mr Chaskalson his time back. Lastly, you said to Chair you want this Commission to believe that you are a

contact agent. That is what you said in your response to the Chair. Do you accept that as we are sitting here today, you have not provided this Commission with any supporting documents that confirm ...[intervenes].

**MR MOGOTSI:** No ...[intervenes].

**ADV KHUMALO SC:** Wait for the question. You have not supported this Commission with any supporting documents that confirm your version that you are conducting investigations as a contact agent. We have nothing in front  
10 of us. You say you were in Kenya. We do not have your flight tickets. We do not have the communication between you and the person in Kenya. You say you called him on your cell phone. You say you followed Cat Matlala to Durban. We do not have your flight tickets. You did not take photos of this place you followed him to. So there is absolutely nothing before us that supports the version that you conducted any of these investigations that you are mentioning. Are you at least prepared to accept that before  
20 us as we are sitting here today, other than your statement and your say-so, there are no documents that support the version that you are a contact agent and you conducted these investigations? Yes or no?

**MR MOGOTSI:** The question is very unfair, Commissioner. To say I have nothing – I have just said to you, Commissioners, contact agent, you will never find any

identity of a contact agent. You will never. In this whole room, I am a state agent. I am a contact agent. You will never find a document written contact agent. And as I say, I took ...[intervenes].

**ADV KHUMALO SC:** Mr Mogotsi ...[intervenes].

**MR MOGOTSI:** Senior Counsel to the hospital ...[intervenes].

**ADV KHUMALO SC:** Not a document that says contact agent. A document that shows that you conducted these  
10 investigations that you claim you were busy with.

**MR MOGOTSI:** Commissioner, Senior Counsel will have to answer on that. He met with my co-handler and I believe they will provide my file because when you work, you report. You give your handler and you report, you give him information and all that information stays with your handler. There is no way that I can bring papers and give to you. And logically, unless you say, Commissioner, unless Commissioner has this belief that I just came here to come and impress people.

20 I said I did section 252A, it is with ...[indistinct].  
The Commission found it there. I recorded someone and this and this happened. Commission found it there. I said there is Boko Haram's thing within the Crime Intelligence. I did not tell you where to go. I can tell you now that you must go to the Analysis Department. You will find that thing

there. That is how a contact agent works. You cannot find anything written. But I thought, because I saw here in this bundle there is a letter from Crime Intelligence, I thought we would talk about it. I just do not want to go through it before we get there. I will answer about that. I will give you, I will provide you answers ...[intervenes].

**ADV KHUMALO SC:** Okay ...[intervenes].

**MR MOGOTSI:** You will never get a paper, anything, unless you meet with my co-handler who will provide you  
10 with a file ...[intervenes].

**ADV KHUMALO SC:** Mr Mogotsi, if you are not going to answer the question I am asking you, maybe let us leave that there. I want to give Mr Chaskalson his time back.

**MR MOGOTSI:** All right, thank you.

**ADV KHUMALO SC:** All right.

**ADV CHASKALSON SC:** Thank you, Chair. In fairness to Mr Mogotsi, I must confirm that we did interview in a hospital a man describing himself as Mr Mogotsi's co-handler with the name that has been shown to you. He did  
20 confirm that he had been running Mr Mogotsi as an agent. We have certain questions we would like to ask that man, but we are waiting for him to recover from his health condition.

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

**ADV CHASKALSON SC:** Mr Mogotsi, I want to talk today

about your Signal communications with the Minister. And to begin with, I want to put to you the proposition that Signal is a more secure app than WhatsApp. Would you accept that?

**MR MOGOTSI:** It is not? Repeat the question.

**ADV CHASKALSON SC:** That Signal is a more secure app, secure against interception than WhatsApp.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And it is an app that is generally  
10 used for clandestine communications.

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

**ADV CHASKALSON SC:** Well, you are an agent, are you not?

**MR MOGOTSI:** I know of Telegram.

**ADV CHASKALSON SC:** Telegram?

**MR MOGOTSI:** If that is what you are saying, yes.

**ADV CHASKALSON SC:** Do you use Telegram in your clandestine communications?

**MR MOGOTSI:** It is used, yes.

20 **ADV CHASKALSON SC:** I know it is used, but I am asking, do you use it?

**MR MOGOTSI:** I sometimes use it, correct.

**ADV CHASKALSON SC:** And do you have access to a Telegram account that you could share with the Commission?

**MR MOGOTSI:** Not at the moment.

**ADV CHASKALSON SC:** Why is that?

**MR MOGOTSI:** It is a long time that I did not use it.

**ADV CHASKALSON SC:** So you have not used Telegram since when?

**MR MOGOTSI:** Depending on the mission, for that particular purpose, I will use Telegram. If there is nothing related or needed for that top classification information, I will not use it.

10 **ADV CHASKALSON SC:** When last did you use Telegram?

**MR MOGOTSI:** I cannot remember.

**ADV CHASKALSON SC:** Was it this year, last year?

**MR MOGOTSI:** I cannot remember.

**ADV CHASKALSON SC:** Mr Mogotsi, you must have a broad sense of when last you used Telegram. Maybe at tea time you can open your phone and look at what your Telegram account says.

**MR MOGOTSI:** Yes, I can look for it, Commissioner. But what I am saying, and all these phones are new, you need  
20 to know, and there are reasons. There are reasons why one would stop using a certain app. Like in the case of Telegram, there were very few people using it in the network. Everyone would use a WhatsApp or Signal.

**ADV CHASKALSON SC:** So when you stopped using Telegram, what platform did you use for your clandestine

messaging?

**MR MOGOTSI**: WhatsApp.

**ADV CHASKALSON SC**: WhatsApp?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: But you communicated with the Minister on Signal. Was that his choice?

**MR MOGOTSI**: It is not his choice. I also downloaded Signal because he was using Signal.

**ADV CHASKALSON SC**: Sorry, I did not hear your first  
10 half of that answer. You also?

**MR MOGOTSI**: Downloaded Signal.

**ADV CHASKALSON SC**: You downloaded Signal?

**MR MOGOTSI**: Yes. He was using Signal. He was using Signal also.

**ADV CHASKALSON SC**: Did you download it for the purpose of communicating with the Minister?

**MR MOGOTSI**: Not only that. There were other few people also.

**ADV CHASKALSON SC**: Do you remember when you  
20 downloaded Signal?

**MR MOGOTSI**: I cannot remember.

**ADV CHASKALSON SC**: When the Minister – did you have Signal on your phone when you first started communicating with the Minister?

**MR MOGOTSI**: I really cannot remember, Commissioner.

You know, I am saying most of the time I am using WhatsApp. And some of the apps, like you are referring to Signal, I do not know if – I believe I downloaded it somewhere last year, the Signal. And as you scroll the phone, you start seeing people who are also using Signal. Then that is when you start greeting a person to say, hey, are you on Signal? I am also on Signal.

**ADV CHASKALSON SC:** But presumably the Minister is also on WhatsApp.

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

**ADV CHASKALSON SC:** Why did you communicate with him on Signal?

**MR MOGOTSI:** We also communicated on WhatsApp. It was not only on Signal. Like I said, when you scroll the phone, you start seeing people who are using Signal.

**ADV CHASKALSON SC:** I understand that, but why did you choose to communicate with the Minister on Signal? Why did you send Signal messages to the Minister rather than WhatsApp?

20 **MR MOGOTSI:** You start seeing him using Signal, and you greet and say, hello, are you also on Signal? Then you start talking. There is no specific reason that we must talk on Signal.

**ADV CHASKALSON SC:** So you use WhatsApp and Signal interchangeably?

**MR MOGOTSI**: That is correct. When I am ...[indistinct], I do not have Signal anymore.

**ADV CHASKALSON SC**: And if I understood you correctly, that when you went on to Signal, you realised that the Minister was also on Signal, so you reached out to him on Signal?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Can we go to the first Signal text I want to discuss with you? It is at page 52. Page 52 of the  
10 annexure bundle.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And we touched on it, I think, two days ago. You will recall just below Monday, December 23, so it is 23 December 2024, that would have been, you sent the Minister a message saying:

“We got a breakthrough.”

Do you recall that?

**MR MOGOTSI**: This is not the – I am in the wrong bundle, sorry.

20 **ADV CHASKALSON SC**: Page 52.

**MR MOGOTSI**: 52.

**CHAIRPERSON**: Annexure bundle. I was looking at the exhibits bundle also, Mr Mogotsi.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Now, in relation to this

breakthrough, can we assume that it related to something that you and the Minister had been discussing at the time? Because it would be odd for you just to text the Minister of Police out of the blue to say, We have got a breakthrough. He must have known what you were talking about.

**MR MOGOTSI**: You know, after our engagement, Commissioners, about this chat, I went and checked. I really, in bringing all these chats and pieces together, I cannot really find a way to contextualise this message  
10 because I forgot what we were talking about.

**ADV CHASKALSON SC**: So you cannot recall what you and the Minister were talking about in late December 2024?

**MR MOGOTSI**: I cannot remember.

**ADV CHASKALSON SC**: How many conversations did you have with the Minister in 2024?

**CHAIRPERSON**: 2023, Mr Chaskalson.

**ADV CHASKALSON SC**: In 2024. It is the 23<sup>rd</sup> of December 2024.

**MR MOGOTSI**: Communications I had with the Minister?

20 **ADV CHASKALSON SC**: I mean, how regularly were you talking with the Minister that you cannot recall what you were talking about?

**MR MOGOTSI**: Ja, we would talk not so many times, but with this one, because I remember we were talking over the phone, but with “We have got a breakthrough” I cannot

remember what was this about.

**ADV CHASKALSON SC:** What topics did you discuss with the Minister when you spoke to him in that period when you were speaking to him?

**MR MOGOTSI:** It would be in the period that ...[intervenes].

**ADV CHASKALSON SC:** I am talking about, if I understood your version, and I think it broadly tallies with that of the Minister and the Chief of Staff, you were in touch with him  
10 from, I think it was September 2024, they say, and we have seen that that communication ran on, at least through Signal, into January 2025. What sort of topics were you addressing with the Minister?

**MR MOGOTSI:** There were political topics, except the other message that I sent to him regarding what we discussed last time about the Constitutional Court judgment. At the other time, we only talked about political things.

**ADV CHASKALSON SC:** You see, Ms Pooe has pointed  
20 out to me that when we asked you this question, when you were discussing this text two days ago, you said it was about Stilfontein. There was a breakthrough in Stilfontein.

**MR MOGOTSI:** In the one about the – ja, the Stilfontein, we are talking about the arrest. When you asked was the arrest effected, if you remember, I said there I can still

remember we were talking about Stilfontein.

**ADV CHASKALSON SC:** But this breakthrough was not about Stilfontein that you can remember?

**MR MOGOTSI:** I could have said if it was, because me and him, that time we were talking about a community meeting which was held in Stilfontein, and the community were looking for that suspect and he was never arrested. So I cannot remember this breakthrough what was it about.

**ADV CHASKALSON SC:** You see, yesterday the Chief of Staff of the Minister was in Parliament, and he was also just  
10 talking about Stilfontein. Everyone was talking about Stilfontein. Did you see the evidence of the Stilfontein – on Stilfontein from the Chief of Staff?

**MR MOGOTSI:** I cannot hear the question, Commissioner.

**ADV CHASKALSON SC:** The Chief of Staff was in Parliament, the Minister's Chief of Staff, Mr Nkabinde, he was testifying at Parliament yesterday. And when he was asked about this contact that you had and in particular meetings you had with the Minister, everything was about  
20 Stilfontein.

**MR MOGOTSI:** I did not hear him, but yes, the Minister was in Stilfontein, and I was also there.

**ADV CHASKALSON SC:** You see, I want to put to you that you know that this breakthrough had nothing to do with Stilfontein. It had to do with something else.

**MR MOGOTSI**: Unless, Commissioner, you know what it is, now I cannot remember.

**ADV CHASKALSON SC**: Let me take you through the chats. Let us start with this one:

“We have got a breakthrough.”

Can you see the time of that chat?

**MR MOGOTSI**: Yes, I can see it.

**ADV CHASKALSON SC**: Monday the 23<sup>rd</sup> of December, what time?

10 **MR MOGOTSI**: 10:34.

**ADV CHASKALSON SC**: I would like you to take that page and the next page out of the file so that you can keep them on one side.

**MR MOGOTSI**: Yes, I can see them.

**ADV CHASKALSON SC**: You have got page 52 and 53 out of the file?

**MR MOGOTSI**: Yes, they are here.

**ADV CHASKALSON SC**: I actually want you to take them out of the file because I am going to take you somewhere  
20 else in the file, and I want you to be able to look at both at the same time.

**MR MOGOTSI**: Yes, I can see them.

**ADV CHASKALSON SC**: Because this is a rare situation where we actually know what you were doing on the 23<sup>rd</sup> of December at 10:34. Can you go to page 45? At the top of

the page, you will see at exactly the same time, 23<sup>rd</sup> of December 2024 at 10:34, you were on the phone. You, in fact, called Cat Matlala. You called him at 10:34:40, but the call may not have gone through because at 10:34:59 Cat Matlala called you back.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And then at 10:35, you texted him:

“IPID guy name.”

10 Does that help you remember what the breakthrough was?

**MR MOGOTSI**: No, it does not go together this one. Because even when he said IPID guy, when I wanted the name of the IPID guy, he never gave me that name. And even if he had given me, he would probably say that was the breakthrough, but he never gave me the name.

**ADV CHASKALSON SC**: Sorry. Sorry, Mr Mogotsi. I must ask you to answer these questions as an honest witness, not as an operative trying to pursue an operation at this point. You spoke to – you texted the Minister at 10:34.

20 And you texted the Minister saying, we got a breakthrough.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: At 10:34 you had just come off a call, two calls in fact, to Mr Matlala.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And after you texted the Minister

at 10:34, less than a minute after, because 10:35 exactly, you text back to Mr Matlala:

“IPID guy name.”

**MR MOGOTSI**: That is correct. But you see, in this situation, it happens to everyone, when you are chatting with someone and then you receive another call, when you answer that call, the particular person will start chatting to you. It has nothing to do with a breakthrough, unless if the IPID guy's name was given to me and I say, yes, we have  
10 got a breakthrough. It was not.

**ADV CHASKALSON SC**: Mr Mogotsi, I have to put to you that your answer in this regard is false, but let us go through the texts.

**MR MOGOTSI**: Okay.

**ADV CHASKALSON SC**: Let us go back to page 52 to see what happens later on the 23<sup>rd</sup> of December. The Minister calls you back at 11:23. Do you often get called by the Minister?

**MR MOGOTSI**: Commissioner?

20 **ADV CHASKALSON SC**: Do you often get called by the Minister?

**MR MOGOTSI**: Yes, he does call me, but you will find that if we have spoken that day and we continue what we are talking about, probably he can call me.

**ADV CHASKALSON SC**: I see. He really seemed to want

to get hold of you because he called you twice.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: He called you again at 14:49.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And you still cannot recall what he was calling about?

**MR MOGOTSI**: Commissioner, I cannot recall. I thought he would go to the 24<sup>th</sup> and he asked me about the arrest. You see, if ...[intervenes].

10 **ADV CHASKALSON SC**: Sorry, Mr Mogotsi, I must ask you to answer these questions as they ...[intervenes].

**MR MOGOTSI**: I cannot recall.

**ADV CHASKALSON SC**: You cannot recall?

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: Let me help you again. Go back to page 45. The Minister has called you at 14:49. You have had a conversation with him apparently.

**MR MOGOTSI**: Who called me, Matlala?

20 **ADV CHASKALSON SC**: No, no. Go to 52, or you can look behind you at 52, or look to your left at 52, and you will see that there is an incoming call from the Minister at 14:49.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And then seven minutes later, if we go back to page 45.

**MR MOGOTSI:** All right.

**ADV CHASKALSON SC:** We see that you have sent Mr Matlala this message at 10:35 saying:

“IPID guy name.”

And he has not come back to you.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So seven minutes after the Minister calls you, you send him another message:

“My brother, any news from IPID?”

10 **MR MOGOTSI:** Yes, I can see, ja, that is correct.

**ADV CHASKALSON SC:** Why were you so anxious to get IPID news from Mr Matlala? Was it that you did not want to disappoint the Minister?

**MR MOGOTSI:** No, no, no. The Minister did not want the IPID guy. It is me who wanted the IPID guy. It is me who was pushing Cat to give me the IPID guy. And I am still repeating, Commissioners, unless if I send the message, you have got a breakthrough, on the other side, we find that Cat has given me the IPID guy's name. Probably that would  
20 be the breakthrough. That is what would relate to the message of the breakthrough.

**ADV CHASKALSON SC:** But then, sorry, I am not understanding your answer. Are you saying that the breakthrough would be a breakthrough if Cat had told you who the IPID guy was?

**MR MOGOTSI**: I am saying the message that you say I remember and it is linked to my communication with Cat and the Minister would have made sense, the portion where I say we have got a breakthrough would have made sense because you imply that I was looking for the IPID guy and simultaneously I was talking to the Minister and our communication differs in seconds. If there was a breakthrough, it means it would have been that IPID guy. So it is not, and I cannot remember this message.

10 **ADV CHASKALSON SC**: Well, let me suggest you another breakthrough that there may have been. You may have been told that there are grounds to arrest members of the PKTT for allegedly assaulting Mr Matlala when they arrested him on the 6<sup>th</sup> of December and you may have reported that to the Minister as a breakthrough.

**MR MOGOTSI**: Probably that would be a prophecy from somewhere.

**ADV CHASKALSON SC**: That could be?

20 **MR MOGOTSI**: Maybe someone prophesying. It is not that.

**ADV CHASKALSON SC**: You did by this stage know that Mr Matlala was alleging that he had been assaulted, he and his wife had been assaulted on the 6<sup>th</sup> of December?

**MR MOGOTSI**: Yes, I did. And even if those people could have been arrested, there was no need for me to tell the

Minister.

**ADV CHASKALSON SC:** I see.

**MR MOGOTSI:** Ja.

**ADV CHASKALSON SC:** Well, let us look at the texts again. You have asked Mr Matlala, still on the 23<sup>rd</sup> of December at 14:46:

“My brother, any news from IPID?”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Do not get a reply from him, so  
10 you call him at 15:39 on that day.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Why would you be calling him?  
You also called him at 15:40, we see lower down.

**MR MOGOTSI:** Me and Cat were talking.

**ADV CHASKALSON SC:** You have asked him twice for details of an IPID guy early in the day and he has not got back to you.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** Would you accept that the  
20 probabilities are that when you are calling him, you are looking for that IPID guy?

**MR MOGOTSI:** No, that will not be. It would have been the possibility, but if I do not remember, I do not remember. But I am still saying I was looking for the IPID guy and the possibility may be that, of course, I was looking for the IPID

guy. But it is not easy to convey a message verbally to someone on those things. It is easy to say an IPID guy because I wanted the name. So I would want him probably to type it or to get something tangible.

**ADV CHASKALSON SC:** And he has not yet told you who the IPID guy is?

**MR MOGOTSI:** He did not tell me. You will see in our chats, in some of the chats he do acknowledge that the IPID guy could not help him and he was not brave enough. It is  
10 written in one of the messages. Ja, there you go on page 47. He said on page 47, if you go there, I asked him:

“IPID guy can be a breakthrough.”

It is me saying that.

**ADV CHASKALSON SC:** I will come to that in due course.

**MR MOGOTSI:** And he answered:

“There is a bit of a hurdle there, but I will fill you in.”

And I said:

“Will it work? It never works.”

20 **ADV CHASKALSON SC:** Mr Mogotsi, we will get to that. I promise you, you will have an opportunity to explain that chat because the word that you use calls for some explanation. But we will get there in due course. I want to take this chronologically.

**MR MOGOTSI:** All right.

**ADV CHASKALSON SC:** Let us see what the next stage of these proceedings is. On the 24<sup>th</sup> of December, if we go back to page 53 in your WhatsApps to the Minister, you see on Tuesday the 24<sup>th</sup> of December at 19:19, it is the Minister who's initiating contact again and he says:

“Was the arrest effected?”

**MR MOGOTSI:** Ja, this I remember.

**ADV CHASKALSON SC:** And what do you say this was?

**MR MOGOTSI:** In the Stilfontein.

10 **ADV CHASKALSON SC:** We are back with Stilfontein now?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Okay, I will put it to you that that is false and you know it is false.

**MR MOGOTSI:** It is not false, it is true. It is me who was talking to the Minister. There is no way you can know that.

**ADV CHASKALSON SC:** Sorry, no one was talking to the Minister here, this was the Minister texting you.

20 **MR MOGOTSI:** Yes, I am saying it is me who was chatting with him and it is me who was in contact with him. There is no way that person can say I am lying, it is not true, or we are talking about something else. It is true what you see here.

**ADV CHASKALSON SC:** Let us see how you respond to the Minister. Well, first of all we see that you did actually

respond. Can we just stay on 53? There was a response that you sent on Tuesday December the 24<sup>th</sup>. We can see the top, that little blue line at the top represents a message that would have come from you but we cannot see what its content was because it is obscured by the sign that says Signal message. So we know you responded and that you responded on Tuesday December the 24<sup>th</sup>, we just do not know what you said.

**MR MOGOTSI**: Ja, I can see. But I believe you,  
10 Commissioners, this is *mos* downloadable from the iPhone 16. It is supposed to come out clear. I do not know why is it like this.

**ADV CHASKALSON SC**: Sorry, Mr Mogotsi, this is a screenshot that you yourself took of your communications with the Minister and then WhatsApped it to Mr Mogotsi, Mr Matlala.

**MR MOGOTSI**: No, I know I am Mr Matlala at the moment. Ja, but I responded there as you see, but I know we are talking about Stilfontein.

20 **ADV CHASKALSON SC**: You know you are talking about Stilfontein now.

**MR MOGOTSI**: I cannot hear the question?

**ADV CHASKALSON SC**: You know now that that was about Stilfontein?

**MR MOGOTSI**: About the arrest, that is correct.

**ADV CHASKALSON SC:** Who was arrested in Stilfontein?

**MR MOGOTSI:** Like I said, they were looking for a suspect after a community meeting and he asked me if the arrest was. Then I called him, I also called him I remember, to say there was no any arrest.

**ADV CHASKALSON SC:** Of course if we had access to your Signal chats all of this would be resolved, but it seems that you no longer have access to your Signal.

**MR MOGOTSI:** Well, you know, during our interaction with  
10 your office, one of the investigators told me that I should do certain things to access my and talk to whoever I did. I am going to try to – I know there is going to be cross-examinations and all those things. I will try to get these things also.

**ADV CHASKALSON SC:** You will try to reconstruct your Signal account?

**MR MOGOTSI:** Yes, but and by the way, there is a process. I believe that the Cat Matlala's phone and those messages will be redownloaded. Perhaps at some stage we  
20 will get all these messages.

**ADV CHASKALSON SC:** No, but what we are looking at here is not something that any redownloading of Cat Matlala's phone will ever help us with because this is a screenshot of your Signal communications that you sent to Mr Matlala.

**MR MOGOTSI**: Commissioners, I will try. I will go out there and see how do I get the Signal. I will try my best because it will also help me.

**ADV CHASKALSON SC**: It would help you to have your Signal back?

**MR MOGOTSI**: In these proceedings, like these messages which one cannot answer, there will not be a time where someone says I am putting to you that you are talking about something. If the Signal can work, that question will not –  
10 that statement will not come again.

**ADV CHASKALSON SC**: The Signal would help both of us, I suspect.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Now, before we leave this text, the Minister says:

“Was the arrest affected?”

That is quite formal language. Is that how the Minister speaks?

**MR MOGOTSI**: I do not know the formal and informal.  
20 Commissioners, I did tell you, I do not have formal, I am not matriculated and I cannot literally say if this is formal and this is not formal.

**ADV CHASKALSON SC**: Well, he is not saying, were they arrested or did they make an arrest? He is saying, was the arrest affected?

**MR MOGOTSI:** On the kingpin of the Stilfontein, whom the community was looking for.

**ADV CHASKALSON SC:** Can you give us some details of this Stilfontein arrest that has now loomed so large? Who was the suspect? Was the suspect ever arrested?

**MR MOGOTSI:** I do not know anymore, but the ...[intervenes].

**ADV CHASKALSON SC:** Sorry, you do not know anymore?

**MR MOGOTSI:** Yes, I have not been following that since  
10 ...[intervenes].

**ADV CHASKALSON SC:** So we can assume that in December 2025, 2024, the suspect was not arrested?

**MR MOGOTSI:** No, that time he was not arrested. Ever since this July 6<sup>th</sup>, all our lives have changed.

**ADV CHASKALSON SC:** I can understand that, but I am very curious about these Stilfontein stories that we keep hearing about. Who was the suspect? What was the suspect alleged to have done?

**MR MOGOTSI:** The king of the Zama Zamas who was  
20 arrested and escaped from custody. The community was willing and they were trying to show some leads where to find the person.

**ADV CHASKALSON SC:** Right, but that person was never arrested?

**MR MOGOTSI:** To date I cannot confirm, but that time I

was not arrested.

**ADV CHASKALSON SC:** So when you sent a text to the Minister saying you had a breakthrough, it did not relate to the arrest of the king of the Zama Zamas because he is still at large?

**MR MOGOTSI:** Ja, that is what I was saying. If it was, I would have said yes, it was the Zama Zamas because the person was arrested. So since there was no arrest effected, I cannot link the two messages.

10 **ADV CHASKALSON SC:** So the breakthrough was not about the Zama Zamas?

**MR MOGOTSI:** No, I cannot remember. It was not the one.

**ADV CHASKALSON SC:** There was some other breakthrough that you cannot recall?

**MR MOGOTSI:** Ja, probably.

**ADV CHASKALSON SC:** Let us follow that chronology a bit further. Now, we need to go back to page 46, and we see on page 46 two things, which is before the Minister has texted you at 19:19, you have called Mr Matlala at 14:05.

20 **MR MOGOTSI:** But I do not see where you say the Minister called me. Is it the same ...[intervenes].

**ADV CHASKALSON SC:** No, no, remember the Minister calls you – sorry, the Minister texts you on Signal, before the Minister texts you on Signal.

**MR MOGOTSI:** Yes, but that means it is the separate two

pages that you said I should keep separate?

**ADV CHASKALSON SC:** Yes, your communications with the Minister are on pages 52 and 53.

**MR MOGOTSI:** That is correct, I have it.

**ADV CHASKALSON SC:** So on the 24th at 14:05, you had an audio call with Mr Matlala. The Minister then asks about whether an arrest has been effected at 19:19, that is page 53. And nothing comes back from Mr Matlala, but you end up calling him at 3 minutes past 11 on Christmas Eve.

10 **MR MOGOTSI:** Calling who, Commissioner?

**ADV CHASKALSON SC:** Mr Matlala. Was that because you were very anxious to find out about the IPID guy because you wanted to give the Minister a Christmas present?

**MR MOGOTSI:** Commissioners, I do not know how this will be understood well that the two messages, the two communications between myself and the Minister and myself and Cat do not really apply to the messages of Minister. And about the Christmas present, I do not know of  
20 a Christmas present.

**ADV CHASKALSON SC:** I see.

**MR MOGOTSI:** Ja.

**ADV CHASKALSON SC:** Let us see what happens on Christmas Day. If we go down to 08:42, that is just almost quarter to nine on Christmas morning, you send Mr Matlala

a WhatsApp:

“Good day, bro. I believe it was a missed dial, sorry.

1. IPID.”

So on Christmas Day, you are still badgering Mr Matlala to give you details about IPID.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: We go down a little bit. In fact, over the page all the way down to 09:18 on Christmas Day  
10 on page 47. You got that?

**MR MOGOTSI**: What time?

**ADV CHASKALSON SC**: 09:18. Towards the bottom of page 47.

**MR MOGOTSI**: I see, I see.

**ADV CHASKALSON SC**: You got it?

**MR MOGOTSI**: Ja.

**ADV CHASKALSON SC**: You send Mr Matlala a message and the message says:

“IPID can be a breakthrough.”

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

**ADV CHASKALSON SC**: Does that word breakthrough ring a bell?

**MR MOGOTSI**: To get the IPID, I think that should be read together with the page 46 where I say:

“Good day, bra.”

Christmas, 08:42:

“I believe it was a missed dial, sorry.

1. IPID.
2. Court case date.
3. 25%, we may lose accommodation and flight packages.”

It must be read with that. So I knew that when he can get the IPID person, it will help him to deal with the police, those handled his wife and everything. But particularly for  
10 me, I wanted to know the IPID person.

**ADV CHASKALSON SC:** Why did you want to know the IPID person?

**MR MOGOTSI:** Because he could do wonders. The way he told me he could deal with – it was his connection. I wanted to know him and he was telling me that guy can do wonders. Can arrest.

**ADV CHASKALSON SC:** And what would these wonders do to advance your operation?

**MR MOGOTSI:** Is to know this particular IPID guy who is  
20 able to perform his duties so wonderfully instructed by this private person.

**ADV CHASKALSON SC:** I see. Let us follow the chats. You say:

“IPID can be a breakthrough.”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Was is it just a coincidence that you use breakthrough in your text to the Minister a couple of days earlier and breakthrough that ...[intervenes].

**MR MOGOTSI:** Ja, it is a coincidence. Question, Commissioner?

**ADV CHASKALSON SC:** And unfortunate coincidence.

**MR MOGOTSI:** Ja, it is a coincidence.

**ADV CHASKALSON SC:** I see. What happens later is you have texted 09:18. Mr Matlala says at 09:18:

10                   “There is a bit of a hurdle there, but I  
                          will fill you in.”

You text back at 10:32:

                          “Will it work?”

And he says at 10:54:

                          “Need someone brave enough.”

**MR MOGOTSI:** That is correct. It means that IPID guy could not do it and he ended up not giving the name of the IPID guy, but the man was not brave enough.

**ADV CHASKALSON SC:** I see. So we did not have an  
20 IPID guy who was brave enough.

**MR MOGOTSI:** Ja.

**ADV CHASKALSON SC:** Let us go down the chat until we get to 27 December, the day that you forwarded him the Minister's exchange. Page 52. You got it?

**MR MOGOTSI:** I got it. It is the one I have on my hand.

**ADV CHASKALSON SC:** Indeed. Indeed. On the 27<sup>th</sup> of December you send Mr Matlala your exchange with the Minister about breakthroughs and whether arrests were affected. You follow that?

**MR MOGOTSI:** I can follow.

**ADV CHASKALSON SC:** What you have in your hand, pages 52 and 53, is a screenshot of your Signal chat to the Minister that you sent to Mr Matlala on the 27<sup>th</sup> of December at 12:01.

10 **MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** You will see the date when you sent it to Mr Matlala if you go to the top of page 52.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So you have a screenshot of your Signal account with the Minister. Take a screenshot, you forward it to Mr Matlala on WhatsApp on the 27<sup>th</sup> of December at 12:01.

**MR MOGOTSI:** That is correct.

20 **ADV CHASKALSON SC:** And what you are forwarding to him is this ...[intervenes].

**MR MOGOTSI:** Thing of Stilfontein.

**ADV CHASKALSON SC:** Well, you say it is a thing of Stilfontein. What it says is we got a breakthrough and was the arrest affected?

**MR MOGOTSI:** Ja, but this ...[intervenes].

**ADV CHASKALSON SC:** And then four minutes after you – sorry, not four minutes. Ja, 12:04. Four minutes after you have sent it to him, you send him a one-word message that says IPID.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Why did you send that one-word message IPID to him straight after forwarding him the Minister's ...[intervenes].

**MR MOGOTSI:** Well, I was going back to the discussion,  
10 our discussion about IPID. But I can tell you why did this message go to him of the Stilfontein. Then the police who released, let us start my work again. The police who were charged for the escape of that kingpin which we were looking for. There was a case and they were charged. And one of these police is based here in Pretoria. And this, as I was talking, maybe this one – I cannot remember but we were talking me and Cat on the phone and he told me, you know, I have got a guy. This guy can help us because I was telling him about that guy because the one, one of them  
20 who was charged is staying in Pretoria, and he felt that that guy wanted to tell the truth.

**ADV CHASKALSON SC:** Sorry, can I just clarify what you are saying now?

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** That Mr Matlala had told you that

he knew this guy ...[intervenes].

**MR MOGOTSI**: Who was one of the police officers who were charged for the escape of the kingpin.

**ADV CHASKALSON SC**: Of allowing the kingpin to escape?

**MR MOGOTSI**: Yes, that one.

**ADV CHASKALSON SC**: Is this the same story as that operation ...[intervenes].

**MR MOGOTSI**: Same ...[intervenes].

10 **ADV CHASKALSON SC**: Sorry, hang on a minute. The operation of with Colonel Maluleke that you did with the Inkabis that – the one you, the trust of General Sibiya. Was it a different situation?

**MR MOGOTSI**: No, this is a different situation. We are talking about here the person we wanted to have the kingpin who was, who ran away. Now, this kingpin ran away, Commissioners, we could not get him. Now, I reached to Matlala that, you know, we are looking for this and this and this person. The police allowed, well, they ganged or  
20 whatever, but they teamed up to have this man escaped. And he said, indeed, there is one guy also from here who was working there, I think he may know how this whole thing happened.

**ADV CHASKALSON SC**: You see, what is odd about this explanation is there is not the faintest hint of it in any of the

WhatsApps that we see between yourself and Mr Matlala, which traverse a very wide range of subjects, but never touch on Stilfontein at all.

**MR MOGOTSI:** Ja, but we would also talk over the phone, because that was now when I was talking to him over the phone.

**ADV CHASKALSON SC:** I see. So, you are suggesting that it is just another unfortunate coincidence that when you send the Minister's communication to you, to Mr Matlala, it  
10 just happened, unfortunately, to follow it up with a one-line message saying IPID. That message was sent four minutes later.

**MR MOGOTSI:** Ja, but IPID has always been our story, me and Matlala.

**ADV CHASKALSON SC:** I see.

**MR MOGOTSI:** And I told him that we are looking for this particular guy, and some of the information he provided about this police officer who was charged could not actually help us at the end of the day. He could not find that man.  
20 And for the Commission's knowledge, information, those police who were charged, they are still – I think their disciplinary hearings have just been concluded. I am not sure. Since July 6<sup>th</sup>.

**ADV CHASKALSON SC:** Let us follow the chats. 5 past 12, you say:

“IPID.”

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: You get a response about 20 minutes later from Mr Matlala who says:

“Let me know when you get back.”

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: 12:31, you say:

“What does the guy need?”

And then you say:

10 “I am heading to Cape Town for  
January the 8<sup>th</sup> at 12:32.”

And then Mr Matlala writes back to you at 12:37:

“The case needs to have a sort for him  
to effect arrest.”

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: He uses that same phrase, effect arrest. Is that another coincidence?

**MR MOGOTSI**: That is correct. But that is an English word, hey?

20 **ADV CHASKALSON SC**: It is an English word. It is quite a formal way of describing the process of arresting someone.

**MR MOGOTSI**: Ja, but this Cat, I could not tell him what to write and how not to write. It is an English word.

**ADV CHASKALSON SC**: So it is another one of these

inexplicable, unfortunate coincidences that he just happens to use the same formal language as the Minister does when he comes to describing the process of arrest.

**MR MOGOTSI**: No, probably not like the Minister does. Maybe he just – because he just copied maybe from what I sent him, but it is an English that came to him that time. It is just an English word.

**ADV CHASKALSON SC**: I see. Because he then goes on to use what sounds like his own English when he says he is  
10 saying he cannot do arrest if there is no J88 to prove assault.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And:

“My wife is not keen to open up an assault case. The guards were assaulted at my house. Only coming back in January. They went home for Christmas.”

**MR MOGOTSI**: That is correct. May I add something here,  
20 Commissioner? The formal way of writing, you see, if you can check how I write and how Cat writes, usually, the keys need to have – yes, he types his sentences in full. He likes typing formally. That is how he types, unlike me. So his English is very, very formal.

**ADV CHASKALSON SC**: Is “he cannot do arrest” a formal

description in the sentence that is typed in full?

**MR MOGOTSI**: I cannot understand the question, Commissioner.

**ADV CHASKALSON SC**: You are saying when he types in full, he likes to use formal English.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: But in this paragraph where he types in full, first he says:

10                   “The case needs to have assault for  
                          him to effect arrest.”

Mirroring exactly what the Minister said. And then he says:

                          “He is saying he cannot do arrest if  
                          there is no J88.”

Is do arrest a formal – Mr Matlala's usual formal style for typing out long sentences?

**MR MOGOTSI**: Ja, but this is how it is written. I do not know if, Commissioner, was he expected to repeat effect arrest so that the English could be proper?

20                   **ADV CHASKALSON SC**: You were the one who said he  
                          writes formally when he writes in long sentences.

**MR MOGOTSI**: And formally, Commissioner, you cannot repeat a sentence the way it is. Like here, he does not even say to open a case. If it is me, I would write two in a number and open up an assault case. I would have just said a criminal or a case. But I am trying to show you that

he even put a comma. That is very formal way of writing. Comma, the guards who were assaulted at my house. Everything is formal, how he types.

**ADV CHASKALSON SC**: You see, Mr Matlala, what I am going to put to you is that it is absolutely clear from these chats that what you and the Minister were discussing on 23 and 24 December was the possible arrest of PKTT members by IPID in relation to the events during the 6 December operation at Mr Matlala's house.

10 **MR MOGOTSI**: No, that was not the discussion. That was not the discussion. It cannot be that I can discuss the arrest of these PKTT members with the Minister. And to be clear with you, I know who can arrest and who has that power to arrest the PKTT. I cannot even think that I can rely on Matlala to get me an IPID guy to arrest this guy. I wanted the IPID guy. So the notion that you are saying is totally not true.

**ADV CHASKALSON SC**: Why did you want the IPID guy?

**MR MOGOTSI**: Because they said he can do wonders.  
20 And the wonders meaning he could – and I wanted to know who this person was. It was not the first time I hear about him. It was not the first time.

**ADV CHASKALSON SC**: So what were you hoping to achieve through the IPID guy?

**MR MOGOTSI**: After I got him?

**ADV CHASKALSON SC:** Who did you want the IPID guy to arrest?

**MR MOGOTSI:** No, I did not want that. I was not interested in how the IPID will arrest those people. I wanted to know the IPID guy.

**ADV CHASKALSON SC:** Why did you want to know an IPID guy?

**MR MOGOTSI:** That is for my investigation for my own operation.

10 **ADV CHASKALSON SC:** For what purpose?

**MR MOGOTSI:** The purpose will never be understood, Commissioner. I wanted this particular guy.

**ADV CHASKALSON SC:** This particular IPID guy?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** The one who Mr Matlala had been speaking to at a certain stage?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** What was so special about that guy?

20 **MR MOGOTSI:** Commissioners, you know, I know IPID people. I know a lot of them. I interacted with even the investigators. I know a lot of them. I did not need Matlala to help me to find an IPID person who can effect any arrest. I said I wanted the IPID guy for my own purpose, for whatever that I wanted him for. Not what you are implying

that we were blaming that the IPID should arrest the PKTT members.

**ADV CHASKALSON SC:** But why then would IPID be a breakthrough in your own words?

**MR MOGOTSI:** I do not understand. From the message that I said?

**ADV CHASKALSON SC:** You sent a message, “IPID can be a breakthrough.”

**MR MOGOTSI:** I remember when you talked to Matlala, I  
10 wanted, myself, I wanted the IPID guy. He wanted him to assist him to arrest people who assaulted his wife. For me to support him, I must keep on saying he must get this IPID guy to get you these people.

**ADV CHASKALSON SC:** And what was going to be so special about this one IPID guy, as opposed to all of the other IPID guys you know?

**MR MOGOTSI:** You see, I am not at liberty to tell. I will be opening another can as to what this particular IPID guy do, according to Matlala.

20 **ADV CHASKALSON SC:** All right. Well, I put it to you that your version here is transparently false, but I am not going to take it further.

**ADV KHUMALO SC:** Mr Chaskalson, are you leaving this chat?

**ADV CHASKALSON SC:** I am leaving this chat, but I am

moving on to other Signal chats, which will pass further light on it.

**ADV KHUMALO SC:** I just need the witness to clarify. Mr Mogotsi, whose arrest were you discussing with Mr Matlala in the last chat on page 53? Because it does refer to somebody's arrest, and it says the wife is not willing to open an assault case. The guards who were assaulted at my house are only coming back in January. So whose arrest are you discussing in this chat?

10 **MR MOGOTSI:** The people who went to his house.

**ADV KHUMALO SC:** The PKTT?

**MR MOGOTSI:** Ja, those that went to his house and harassed him.

**ADV KHUMALO SC:** The PKTT? Yes or no?

**MR MOGOTSI:** Yes, yes. If it was the PKTT, yes, that is correct.

**ADV KHUMALO SC:** Thank you.

**ADV CHASKALSON SC:** You will recall later on is that when you send Mr Matlala news of the disbandment  
20 decision, you say the people who harassed you, that unit has been disbanded.

**MR MOGOTSI:** Ja, I know.

**ADV CHASKALSON SC:** So it was the PKTT people you were looking to have arrested?

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

**ADV CHASKALSON SC:** Can we then go to the next text, which also seems to be a text to the Minister from you targeting the PKTT and its leadership? Can we go to page 57?

**MR MOGOTSI:** 57?

**ADV CHASKALSON SC:** 57. And you will see that on the 31<sup>st</sup> of December at 11:18, you forward to Mr Matlala a screenshot of another message that you have sent to the Minister. And you will recall that we discussed this  
10 message yesterday. It is a message that refers to a Constitutional Court judgment on 20 December 2024, the Makala [?] judgment. And you say to the Minister:

“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  
20 Constitutional Court to release a man who was sentenced to life imprisonment through a forced section-204 confession. Imagine, Comrade Senzo, after 30 years of democracy having this kind of policing. The good

thing now is that these are not allegations, but a court judgment.”

We discussed this briefly again yesterday. And can you just run us through your reasoning as to why this would afford a basis for the charging of General Khumalo?

**MR MOGOTSI**: As we were discussing yesterday, I did say the head of the PKTT should take, should account, or take responsibility if any of – if this has been decided by the Court.

10 **ADV CHASKALSON SC**: Who told you about this case?

**MR MOGOTSI**: Commissioner?

**ADV CHASKALSON SC**: Who told you about this case, this judgment?

**MR MOGOTSI**: I cannot remember where I saw it, but I cannot remember who sent me that. It was on the news, I think. This was on the news on the 24<sup>th</sup>.

**ADV CHASKALSON SC**: Do you know that there is not a single mention of the PKTT, or in fact General Khumalo, in the judgment?

20 **MR MOGOTSI**: I was informed yesterday by the Madam Commissioner, and I thought it was the PKTT.

**ADV CHASKALSON SC**: You thought it was the PKTT?

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: Why did you think the Minister would be interested in the idea of charging General

Khumalo arising from this judgment, assuming you are right that it was the PKTT?

**MR MOGOTSI**: And I did not think he will be interested. I was just showing him my view at that time, of which I even found it that it is probably the National Commissioner or whoever who can charge them, not the Minister.

**ADV CHASKALSON SC**: What is interesting about what you write to the Minister is, well, there are at least two features of what you write to him that I would submit are  
10 interesting. The first is, you say you are going to:

“...get the case number and this judgment for you, now we got something proven by the court.”

Who is the we?

**MR MOGOTSI**: Me and people who – I mean, whoever sent me that thing. And even when we speak, actually, me and the person who sent me that thing will refer to ourselves as we. And even me when I speak to the Minister, I may end up saying we.

20 **ADV CHASKALSON SC**: So ‘we’ includes the Minister, I would have thought. If you write to someone or if you say to someone we have this or we should do that, you are saying that person and yourself are the ‘we’.

**MR MOGOTSI**: No, no, not in this one.

**ADV CHASKALSON SC**: So this was not ...[intervenes].

**MR MOGOTSI**: If the message talks about democracy after 30 years, ‘we’ means the people of South Africa, means the public.

**ADV CHASKALSON SC**: So this is like the royal we?

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: You are speaking on behalf of the whole South African nation?

**MR MOGOTSI**: No, whoever has this particular interest that someone is being acquitted after being sentenced to  
10 life, those that see this as an achievement.

**ADV CHASKALSON SC**: But why would you write to the Minister about this?

**MR MOGOTSI**: The Minister, irrespective of for each department, even if this was in relation to minerals, I would write to the Minister of Minerals. If it was about sports, you would write to the Minister of Sports.

**ADV CHASKALSON SC**: On his personal Signal account?

**MR MOGOTSI**: On any platform where you are able to find him.

20 **ADV CHASKALSON SC**: And then you say:

“This is the matter now which either Sibiya or the Minister can charge Khumalo and apply Rule 9 of the disciplinary hearing.”

So you are suggesting to the Minister that he should

discipline General Khumalo.

**MR MOGOTSI**: As a public, yes, as a South African, I was not the first person to suggest. Where we want accountability, you will even say, Minister, fire these people or, Minister, do this, this, this ...[intervenes].

**ADV CHASKALSON SC**: But you are not an ordinary member of the public in relation to the Minister, Mr Mogotsi. You are someone who the Minister has been phoning on several occasions on WhatsApp, on Signal.

10 **MR MOGOTSI**: As a comrade. And it should not be misconceived that if someone is a comrade and you being a comrade, the moment he becomes a Minister, he is not my comrade. You still call him, he will still call you.

**ADV CHASKALSON SC**: And in your testimony a few minutes ago, you said it may be the National Commissioner to do the disciplining. But in this message, you did not mention the National Commissioner, you mentioned Sibiya. Why did you mention Sibiya?

20 **MR MOGOTSI**: I do not know why I mentioned Sibiya, but I mentioned him.

**ADV CHASKALSON SC**: Come now, Mr Mogotsi. You do know why you mentioned Sibiya. Why would you have mentioned Sibiya?

**MR MOGOTSI**: Commissioners, if you know why I mentioned him, please, be at liberty to tell the Commission

why.

**ADV CHASKALSON SC:** I am not saying I know, I am saying that you know.

**MR MOGOTSI:** When you say I know, it means you know that I know.

**ADV CHASKALSON SC:** Why on earth would you mention a Deputy National Commissioner in relation to the discipline of General Khumalo? What could General Sibiya have anything ...[intervenes].

10 **MR MOGOTSI:** No.

**ADV CHASKALSON SC:** What relevance could General Sibiya have to the disciplinary process?

**MR MOGOTSI:** No, I understand. I understand the question. Sorry for wasting the Commission's time. The Deputy National Commissioner of Detection is, we like using the word, the boss to both the Divisional Commissioner of Intelligence, General Khumalo. He is the immediate supervisor, he is the immediate person above him.

20 **ADV CHASKALSON SC:** So, you are saying that General Khumalo reports to General Sibiya?

**MR MOGOTSI:** Definitely.

**ADV CHASKALSON SC:** Well, I think you are wrong in that regard. Is that what you thought?

**MR MOGOTSI:** I am not wrong.

**ADV CHASKALSON SC:** You are wrong. It is not a debate

that we need to have with you ...[intervenes].

**MR MOGOTSI:** I cannot ...[intervenes].

**ADV CHASKALSON SC:** It is a legal fact that we can debate at the end of this Commission.

**MR MOGOTSI:** Okay, may I clarify this to the Commission? The Divisional Commissioner of Crime Intelligence is accountable to the DNC, to the Deputy National Commissioner.

**ADV CHASKALSON SC:** Who told you this? Is that what  
10 General Sibiya told you in your meetings with him when he was handling your operation?

**MR MOGOTSI:** No, I know.

**ADV CHASKALSON SC:** Is it what your handlers told you?

**MR MOGOTSI:** I cannot even say it is my handlers, but I know that the Deputy National Commissioner is above the Deputy Divisional Commissioner. They are both Lieutenant Generals, but this one is a Divisional Commissioner. The Deputy National Commissioner is above the Divisional Commissioner.

20 **ADV CHASKALSON SC:** It is not a debate that I want to have with you, but I do want to know where you get that view.

**MR MOGOTSI:** It is not a view. The only person who is above the Deputy National Commissioner is the National Commissioner, and underneath the Deputy National

Commissioner is the Divisional Commissioner.

**ADV CHASKALSON SC:** Let us leave that there. I just want to find out from you, was the Minister receptive to your suggestion that General Khumalo should be charged arising out of the Makala judgment?

**MR MOGOTSI:** It was quite clear on the message he did not even respond to me.

**ADV CHASKALSON SC:** No, it is not clear on the message that he did not respond. We do not know what happened in  
10 your Signal communications with the Minister because this is the only piece of the screenshot we see.

**MR MOGOTSI:** No, I know he did not respond.

**ADV CHASKALSON SC:** So he did not respond at all to this message?

**MR MOGOTSI:** He never responded.

**ADV CHASKALSON SC:** But he did respond to other messages later?

**MR MOGOTSI:** Like I say, he did not respond to this particular message.

20 **ADV CHASKALSON SC:** I see. We do know, however, and we will get to it in due course, that he asked his Chief of Staff to set up a meeting for you on the 3<sup>rd</sup> of February at a later stage.

**MR MOGOTSI:** At the Legislature?

**ADV CHASKALSON SC:** The Chief of Staff testified

yesterday, having looked at the Minister's diary, that the Minister had tasked him to set up a meeting for you and the Minister on the 3<sup>rd</sup> of February.

**MR MOGOTSI**: With some comrades, that is correct.

**ADV CHASKALSON SC**: Right, we will get to that meeting a little later. Chair, I think I have run over time here.

**CHAIRPERSON**: Let us adjourn and resume at 11:25.

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

**INQUIRY ADJOURNS**

10 **INQUIRY RESUMES**

**CHAIRPERSON**: Yes, Mr Chaskalson.

**ADV CHASKALSON SC**: Chair, I am going to move to a new topic now. If the Commissioners have any questions on the topics of those two chats that we have traversed, I will pause here.

**CHAIRPERSON**: Thank you. For me, just a few on one aspect, the Constitutional Court judgment. Mr Mogotsi, by saying that you were still going to get the judgment when you wrote to the Minister about it, you had obviously not  
20 read the judgment itself, correct?

**MR MOGOTSI**: That is correct.

**CHAIRPERSON**: Yes. Since you had not read the judgment, you must have heard about what you say in your text to the Minister about the judgment, correct?

**MR MOGOTSI**: That is correct.

**CHAIRPERSON:** What exactly had you heard?

**MR MOGOTSI:** PKTT members is an acquittal of the people who were forced into 204 statement by the PKTT members.

**CHAIRPERSON:** Who had told you this?

**MR MOGOTSI:** It was, like I said, it came from the social, not the news, or online news thing. But whoever sent it to me said the PKTT members.

**CHAIRPERSON:** So, there are two things here, what the  
10 person who communicated with you said, and also what was in the news. So, I want to be sure about the mention of the PKTT. Was it by the person who communicated with you, or was it by the media? Was it in the news?

**MR MOGOTSI:** Yes, it was in the news, but like a senior counsel was saying, so you thought it was the PKTT. I accepted, yes.

**CHAIRPERSON:** So, are you saying specifically that the news mentioned the PKTT?

**MR MOGOTSI:** The person who sent me the message on  
20 WhatsApp, they are showing me the PKTT members.

**CHAIRPERSON:** Not the news, not the news. So, the news made no mention of the PKTT.

**MR MOGOTSI:** Yes, I cannot confirm it was the news, no, did not.

**CHAIRPERSON:** And who was the person who told you

this? It is one of the, is it on the group, but there is these three groups. I can try and verify where this thing come from. Maybe after lunch, I should just go in and look for it quickly. I can try and get where and the source of that.

**CHAIRPERSON**: How was this communicated to you?

**MR MOGOTSI**: WhatsApp.

**CHAIRPERSON**: WhatsApp. So, you still have this somewhere?

**MR MOGOTSI**: No, if you go to, if it was a news link, I will  
10 have to look for that particular phrase, like 204, go to Google just to research quickly how was it phrased.

**CHAIRPERSON**: Without suggesting that news is always accurate, but I would be very surprised that this was in the news because this case had nothing to do with the PKTT. Do you want to comment on that?

**MR MOGOTSI**: Yes, the fact that the question was posed as to whether, Mr Mogotsi, did you read the statement? Answering no means I cannot even, I should be directed given what the fact says as we speak.

20 **CHAIRPERSON**: I will tell you that the judgment concerned events that took place in the Western Cape that had nothing to do with the PKTT. Do you accept that?

**MR MOGOTSI**: I accept on the basis that probably, I did not read the judgment. I accept that the judgment may have not said the PKTT, but I know that, I do not know if

Commissioners, if Commissioners saying it has nothing to do with the PKTT because it is not KZN?

**CHAIRPERSON**: No, no, no, no, no, no.

**MR MOGOTSI**: No, if that is not the case.

**CHAIRPERSON**: I am just stating the fact that that case had nothing to do with the PKTT.

**MR MOGOTSI**: I accept that.

**CHAIRPERSON**: But I may add also that what we have heard thus far, unless you are going to suggest otherwise,  
10 is that the PKTT was involved in KZN and also in the Eastern Cape Fort Hare cases and in Mthatha case. And we have not heard anything else. Yes, a few members came to assist in Gauteng. That is all we have heard. But that is not the point I was making. I was just saying to you that case had nothing to do with the PKTT.

**MR MOGOTSI**: I agree.

**CHAIRPERSON**: It related to Western Cape events that had nothing to do with the PKTT.

**MR MOGOTSI**: I agree, Commissioner.

20 **CHAIRPERSON**: Why did you rush to tell the Minister about the judgment when you had not yourself read the judgment?

**MR MOGOTSI**: Like I said, it happened so quickly. And even to date, I have not read the judgment. It happened that quickly, and I typed that message. I thought it was the

PKTT.

**CHAIRPERSON**: Just remind me again, what do you say about sourcing for us the information that released what was communicated to you? Are you saying you are going to get that for us?

**MR MOGOTSI**: No, I was saying it was before you say it is a fact, Commissioner. Now, now that you say it is a fact, there is nothing. There is no need for me to look for anything.

10 **CHAIRPERSON**: Well, I am interested in who told you about this.

**MR MOGOTSI**: No, I would not even find who told me. I was going to check how was it phrased, whether it is phrased in some of the media links. But if you say it is a fact.

**CHAIRPERSON**: Let me ask you directly then, who gave you that information? The information that this was about the PKTT, who gave you that information?

**MR MOGOTSI**: I cannot remember.

20 **CHAIRPERSON**: On something that you consider to be so crucial, Minister, we are going to be, you and General Sibiya now have a basis for having General Khumalo arrested. Surely that must have been something quite important to you, was it not? The arrest of a general, especially at your instance, is not something that happens

every day. Is that not so?

**MR MOGOTSI**: Is it so. I believe, Commissioners, it seems like it is about General Khumalo. We hear, I am thinking of people who were sent to life, were sentenced to life. They had to go. It is not easy to go from High Court to SCA and finally get a judgment in the Constitutional Court. It is not everyone. So, I am saying that how much they lost, the time in prison, all their resources. I even said even after 30 years of democracy, I was referring, I was just  
10 feeling for those people. Where I am wrong is to align or attach that to the PKTT.

**CHAIRPERSON**: Did you not consider this subject to be of importance?

**MR MOGOTSI**: It is important, that is important.

**CHAIRPERSON**: The subject that you communicated with the Minister about, did you not consider it to be important?

**MR MOGOTSI**: I did.

**CHAIRPERSON**: So, I would have thought that it should be quite easy to know who communicated to you the fact that  
20 this was about the PKTT.

**MR MOGOTSI**: You know, it could have, even the message that I sent that talks about the property from the CI and this, I cannot really tell you now, who sent it to me. But it is very, very important.

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

Baloyi. Baloyi, yes.

**ADV BALOYI SC:** Thank you, Chair. Still on that message or exchange with the Minister, that page 52 that you were discussing now with the Chairperson, you say there that the Minister or Sibiya or General Sibiya can charge Khumalo. That is what you say. I did not hear your explanation why you skipped the National Commissioner?

**MR MOGOTSI:** I was saying General Sibiya was the immediate land manager to General Khumalo.

10 **ADV BALOYI SC:** Yes, and then you say the Minister, the executive authority that can do that. And my question is, the operational issues of discipline are not, at least in my understanding, are not Ministerial functions. Why do you say the Minister and skip the National Commissioner?

**MR MOGOTSI:** Yes, this message was directed to the Minister and as I said, I also realised as we speak of the internal processes, that the Minister cannot charge an individual.

20 **ADV BALOYI SC:** No, but you understand, I think you earlier on told Mr Chaskalson that you know the workings of the SAPS, so you know that the Minister cannot discipline. It must mean that you know that.

**MR MOGOTSI:** I said, I realised later that it is not the Minister who can do that. Remember, it is not that I am acquainted with or conversant with everything in SAPS.

**ADV BALOYI SC:** Okay, and where in that message you say, now we got something. Now we got something. Before this, it suggests that before this, you had been searching, and you were not succeeding and now we got them. Am I wrong to read to that the emphasis of now to mean that? That you are telling the Minister, we have been looking, now we have got something to discipline them.

**MR MOGOTSI:** Yes, you are not wrong to think it that way, but that is not what I meant.

10 **ADV BALOYI SC:** You say I am not wrong?

**MR MOGOTSI:** No, you have to think, Commissioner is saying, Madam Commissioner is saying, do you agree that I am not wrong to think this way? Indeed, you are not wrong to think that way.

**ADV BALOYI SC:** Okay, so I am correct that the communication here means you had been looking for something and now you are telling the Minister, we have got them finally.

20 **MR MOGOTSI:** Not necessarily, Commissioner. Maybe the way, you know English is very troublesome. You just like it. Maybe I just said now we have something. I did not imply, as you were saying, if I mentioned something, there must have been some communication.

**ADV BALOYI SC:** Yes. Why are you sending your communication with the Minister to Mr Matlala about

judgments and about Khumalo being disciplined? Why did you think, or why did you know in fact that it would be of interest to Mr Matlala that you are communicating this with the Minister?

**MR MOGOTSI**: I was showing him that I am still close to the Minister and the PKTT, which was, it was news for him also, good news. But he hears it from me. But that is suggestion, because he talks about the PKTT.

**ADV BALOYI SC**: Sorry, your answer is?

10 **MR MOGOTSI**: It would interest him. According to me, I just thought, because the PKTT, just like the letter that I sent, the PKTT that came to your house, it would, he would have interest in that to hear if I suggest that, because that was what I was thinking.

**ADV BALOYI SC**: No, but you see, your text does not mention the PKTT. It mentions Khumalo.

**MR MOGOTSI**: Yes, who ...[intervenes]

**ADV BALOYI SC**: So, you knew he would be interested that Khumalo is to be disciplined, that you are talking to the  
20 Minister about disciplining Khumalo. You knew that.

**MR MOGOTSI**: It is true, it is true. Khumalo, who is the head of the PKTT.

**ADV BALOYI SC**: Why did you think Mr Matlala has an interest in Khumalo being disciplined?

**MR MOGOTSI**: Not Khumalo only.

**ADV BALOYI SC:** No, no, no, you are referring to Khumalo here. Let us take it one step at a time. Your message here speaks only to Khumalo. You have not said in this message anyone else is to be disciplined, right? You say Khumalo will be disciplined. The question is, why did you think Mr Matlala has an interest in knowing that you are speaking to the Minister about disciplining Khumalo?

**MR MOGOTSI:** Yes, it is because Khumalo is the head of the PKTT, and as I said yesterday, I thought, you know,  
10 Commissioners, if you can know what I think of that message now, it is totally different from what I thought then. Now I can see this message did not have any weight, it is meaningless, but that time I thought, because PKTT is headed by General Khumalo, so for this thing that people went to prison for nothing, you must also be accountable, that is what I thought.

**ADV BALOYI SC:** No, but you see, you are wrong. The message is not meaningless, then and now. It is not meaningless it is very meaningful. You are telling the  
20 Minister, he has a judgment, you, Sibiya, must discipline, right? It must discipline Khumalo, and you share that with Matlala, who has an interest, because PKTT people have come to his house. So, it is a meaningful message. You cannot downplay it now, Mr Mogotsi.

**MR MOGOTSI:** Yes, the content, to think that, to say

Khumalo must be disciplined, it is very wrong. That is what I am saying, because in the first place, like what you alluded to yesterday, if this was a criminal case, and you ask me, did Khumalo arrest those people and force them to, and so forth, the answer would be no, and I would be at fault with that.

**ADV BALOYI SC:** Okay, and then you said to the Chairperson, and I think it is not the first time, but you did not read this judgment that you are referring to. It was  
10 given to you, and you just forwarded it to the Minister, or you told the Minister. Yes, let me correct that. You were told about the judgment, and then you mentioned it to the Minister, and then you say, Khumalo, you did not read this judgment, right?

**MR MOGOTSI:** That is correct.

**ADV BALOYI SC:** Now, you have admitted the judgment does not refer to PKTT and does not refer to Khumalo at all. Is this, you accept that this is yet another case of you saying things that are not supported by facts. So, you  
20 communicate to the Minister something that you did not check, and that is untrue. This judgment has nothing to do with the PKTT. You accept that?

**MR MOGOTSI:** I accept that.

**ADV BALOYI SC:** Now, the WhatsApp exchange is in page 52, if you would just go there, and I have only one question,

maybe, about it. You say, why did you share this with Matlala? Why did Matlala, because it is quite cryptic, by the way, so on its face, it does not tell anything. It just says, please update, that is page 52. Minister Mchunu said that to you. You say to him, you say something, it was during your tenure, you had said that at 307.

You said you do not remember what that was. There are a number of telephone calls, and then you say we have got a breakthrough on the 24<sup>th</sup>, and then the next page  
10 is the Minister asking, was the arrest effected? Now, anyone reading this, unless you tell us what you were discussing with Mr Matlala so that this makes sense, anyone reading these exchanges between you and Mr Matlala, it does not make sense, it lacks content. Why do you share this with Mr Matlala when it has absolutely no content unless on the phone call you have discussed with him and he knows exactly what these communications are about?

**MR MOGOTSI:** It is not that, it is just that now I do not  
20 remember. It is not that I am saying this never happened, or that time it was, it had a meaning. I so wish I could remember, but I do not remember.

**ADV BALOYI SC:** So, you do not remember why you even shared with Mr Matlala?

**MR MOGOTSI:** No, Mr Matlala, I had to keep him abreast

that I am working with the Minister. That is something else. I would always talk to him.

**ADV BALOYI SC:** And here you are working with the Minister about what? His contract is not yet cancelled, as I understand. It is December 27<sup>th</sup>. Why do you need to be persuading Mr Matlala that you are working with the Minister about what?

**MR MOGOTSI:** Not to work with the Minister, I am close to him, I am showing him that I always talk to him.

10 **ADV BALOYI SC:** Yes, what I am asking is, his contract is not cancelled yet at this point, so why do you need to persuade him that you are working with the Minister, or you are close to the Minister?

**MR MOGOTSI:** You know, I do not know how to put it, Commissioners. If you want to win somebody's trust, and then you, I can, and you, like any other message that I send him about the intelligence vehicles and what, is to show a person that I am doing my job, this is what I am doing, and I am working with the Minister. The unfortunate part is that  
20 the Minister did not know, hence I, you will just show someone that you are with the Minister.

**ADV BALOYI SC:** Okay, now lastly, it is the discussion about the IPID guy. I think, and please correct me if I am wrong, I understood your evidence this morning to be that you were not interested in the arrest itself, but in the IPID

guy. You wanted to know who is this IPID guy.

**MR MOGOTSI**: That is correct.

**ADV BALOYI SC**: Is that correct?

**MR MOGOTSI**: Yes, mainly, mainly, I wanted to know in particular who is this person.

**ADV BALOYI SC**: What does mainly mean, that qualifier?

**MR MOGOTSI**: Among, in the midst of all these things, that yes, he needed to get justice for his wife and his household, but my focus was to get this IPID person.

10 **ADV BALOYI SC**: So, you were interested in an arrest as well, being made?

**MR MOGOTSI**: Yes, the arrest is not about interest. I mean, if someone is being arrested and his wife being beaten up in front of him, that justice, no one has the right to do that. I cannot deny that the arrest, I would even want to see it.

**ADV BALOYI SC**: You actually encouraged it, because you actually helped him to go and open a case in Soweto.

**MR MOGOTSI**: It is true, that is correct.

20 **ADV BALOYI SC**: And according to you, who would have been arrested on that case? You know the facts. You know who went to his house?

**MR MOGOTSI**: No, I was ...[intervenes]

**ADV BALOYI SC**: Who, according to you, would have been arrested?

**MR MOGOTSI:** It would be the person who manhandled his wife and him.

**ADV BALOYI SC:** And you wanted the name of the IPID guy that would help him with that?

**MR MOGOTSI:** No, because he mentioned him along those lines, I also wanted to know him, as to who is this person.

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

**MR MOGOTSI:** Commissioner?

**ADV BALOYI SC:** Sorry, yes.

10 **MR MOGOTSI:** I am sitting here, you know, asking myself questions, as I am responding one by one. And I am responding to the same table that says to me, even the oath that I have taken, they do not believe it is binding my conscience. If someone is in my shoes, does it really help for me to be here? Or as we go on, it will start to bind in the mind of the Commissioners? Is it still appropriating for me to be sitting here giving evidence on a known fact that the oath that I have taken does not help?

20 **CHAIRPERSON:** Mr Mogotsi, please do not make a mistake. What is put to you by way of questioning in no way means that decisions, conclusive findings have been made by this Commission. I think you asked me a similar question yesterday. I forget. Or I think you asked whether we believe that you are in fact a co-agent. Am I mistaken? I think that is the question you put.

**MR MOGOTSI**: That was the question.

**CHAIRPERSON**: And I said to you, Mr Mogotsi, we are going to make our findings at some stage down the line. So, take it from me when I say at this stage, we have not made any findings. But that does not mean that we will not test what you are saying or what is apparent to us from documents. We are going to test that. All of that will assist us in the end in making findings.

**MR MOGOTSI**: Thank you.

10 **CHAIRPERSON**: Thank you.

**MR MOGOTSI**: Thank you, Commissioner.

**ADV BALOYI SC**: So, Mr Mogotsi, I thought I had finished about the IPID guy. I have one last question that I wanted to ask that I overlooked. At page 47, right at the bottom of those exchanges, you say to Mr Matlala, this is still about the IPID guy, I think in the sequence of conversations.

**MR MOGOTSI**: 47.

20 **ADV BALOYI SC**: 47, yes. Right at the bottom. So, the exchange before that is from Mr Matlala. He says to you, 'there is a bit of a hurdle there, but I will fill you in'. Now, we know from earlier evidence that you gave that this conversation is still about the IPID person. But then the very last comment is from you, or message is from you, where you say, 'will it work'? What were you asking here? What would work? It is, remember, it is about the IPID

person. He is just said to you.

**MR MOGOTSI**: He said, I wanted to know, if he said there is a bit of a hurdle, I just want to know about will ultimately, will it work?

**ADV BALOYI SC**: What will work ultimately?

**MR MOGOTSI**: Whatever that is doing with the IPID person.

**ADV BALOYI SC**: Will the IPID person go and accept it ...[intervenes]

10 **MR MOGOTSI**: Succeed, yes.

**ADV BALOYI SC**: No, let me just make, sorry, let me just make sure that you understand what I am asking. When you ask him, will it work here, were you asking him, will the IPID person make the arrest happen?

**MR MOGOTSI**: Definitely.

**ADV BALOYI SC**: All right, thank you. Thank you, Chair.

**ADV KHUMALO SC**: It is still morning, Mr Mogotsi. I did not want to say good afternoon. The chats that we have been looking at, especially the one on page, it starts on  
20 page 57, continues to page 58. So, you see that the date of those chats is 31 December 2024.

**MR MOGOTSI**: That is correct.

**ADV KHUMALO SC**: Yes, and these are the chats between you and Mr Matlala because they were obtained from Mr Matlala's phone.

**MR MOGOTSI:** That is correct.

**ADV KHUMALO SC:** And we know that 31 December 2012, 2024, is the date when the Minister drafted the disbandment letter.

**MR MOGOTSI:** That is correct.

**ADV KHUMALO SC:** We can accept that.

**MR MOGOTSI:** You accept that.

**ADV KHUMALO SC:** Did you know that the Minister was at home on that day?

10 **MR MOGOTSI:** I did not know where the Minister was.

**ADV KHUMALO SC:** You did not know. And you sending your communication with the Minister to Mr Matlala, correct?

**MR MOGOTSI:** That is correct.

**ADV KHUMALO SC:** Because on 31 December 2024, you want to show Mr Matlala that you and the Minister are discussing the PKTT, or at least people in the leadership of the PKTT, correct?

20 **MR MOGOTSI:** Not discussing, that I send him a message. Remember, the Minister did not respond. If it is me, it was a one-way communication.

**ADV KHUMALO SC:** No, I am saying you are sending this to Mr Matlala.

**MR MOGOTSI:** Yes.

**ADV KHUMALO SC:** And the purpose of you sending it to

Mr Matlala is to show Mr Matlala that at least you are discussing the PKTT with the Minister.

**MR MOGOTSI:** That I send him a message, yes.

**ADV KHUMALO SC:** And that you are portraying the PKTT, or at least its leadership, in a negative light. Is that correct? Because you are not saying positive things about the PKTT or its leadership.

**MR MOGOTSI:** In that context, yes.

**ADV KHUMALO SC:** So, you are portraying the PKTT in a  
10 negative light.

**MR MOGOTSI:** To Matlala.

**ADV KHUMALO SC:** You are showing Matlala that you are portraying to the Minister the PKTT in a negative light.

**MR MOGOTSI:** No, I am not showing that. That is not in that context. To show this is a, where there is a court judgment, it is a fact. We do not portray, we are showing him, this is not what I think the PKTT have done. And this is what my suggestion is to the Minister.

**ADV KHUMALO SC:** So, you are suggesting to the  
20 Minister that the PKTT is doing the wrong things?

**MR MOGOTSI:** That there is a court judgment?

**ADV KHUMALO SC:** Yes.

**MR MOGOTSI:** Yes, not the PKTT. Here, we are not referring mainly to the PKTT. I am referring to the judgment, that here is the judgment. And I feel the leader

of the PKTT should be accountable.

**ADV KHUMALO SC:** Yes.

**MR MOGOTSI:** Yes.

**ADV KHUMALO SC:** No, no, we are saying the same thing. You are referring to a judgment.

**MR MOGOTSI:** Yes.

**ADV KHUMALO SC:** But what interested you in the judgment was the conduct of the PKTT.

**MR MOGOTSI:** That is correct.

10 **ADV KHUMALO SC:** Which you thought was bad.

**MR MOGOTSI:** Inappropriately so, yes.

**ADV KHUMALO SC:** And this is around 11:18 in the morning. So, it is 18 minutes after 11.

**MR MOGOTSI:** Yes.

**ADV KHUMALO SC:** Yes, and then what follows this text is a text on page 59 to Mr Matlala, where you say to him, 'today is D-Day', on the other side. You see that?

**MR MOGOTSI:** I see that.

20 **ADV KHUMALO SC:** And what I am going to suggest to you is that the only thing of relevance or significance that happened that day is the disbandment of the PKTT by the Minister.

**MR MOGOTSI:** Absolutely.

**ADV KHUMALO SC:** At least that is relevant to Mr Matlala. I mean, I am sure the whole country would have been

celebrating the end of the year. But in these exchanges, the only thing of significance that happened that day is the disbandment of the PKTT.

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

**ADV KHUMALO SC**: And this suggests, at least to me, that at 11:32 on the 31<sup>st</sup> of December 2024, you knew that PKTT was going to be disbanded that day. And that is the message you were sending to Mr Matlala, that this is D-Day. This is the day when PKTT is going to be disbanded.

10 **MR MOGOTSI**: The suggestion, Commissioner, is misplaced, Commissioner. Here it was a D-Day. Remember I said it was, you know, this is what I said, if you check the message, outstanding issues. But from the top, it starts by, 'I am now worried, my bra'. He said, worried about. And I said, 'the outstanding issues, now this again'. Then I said, 'okay, today is a D-Day on the other side.

I think you must also stand back'. The D-Day was the pay for the payment of the January 8<sup>th</sup>. And then to stand back, look, this is now what supports the stand back.  
20 He asked me, 'stand back, do not understand what you mean'. Then I only spoke about your safety and business, because I did allude even yesterday. It was after I heard that they were going to Matlala.

I do not want to say attack, but they went to do a similar thing as they did previously. That is why I even say,

if you check the next one, I said, 'we must just fight what comes your way' to help him. It was his way. There is nothing to do with the PKTT and all this stuff and all this thing. Now, I do not know, Commissioner, if I should talk about the letter that you say, it gave impression to the Minister, and I have also showed to Cat.

**ADV KHUMALO SC:** No, I did not ask about that. I am only focussing on this text. So, D-Day to you referred to payments for 8<sup>th</sup> January.

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

**ADV KHUMALO SC:** So why did it have to be D-Day on the 31<sup>st</sup> of December?

**MR MOGOTSI:** Because it was what we agreed with the arrangement for the people going to Cape Town who are going to get the money that we are going to pay. And the focus, as I have said, let us say there is no D-Day. And I say, you must stand back. And he asked me, from what? And I say, for your safety and your business. If it was a PKTT, when he says, stand back from what, I should have  
20 said, something big is coming that is going to make you happy, or something to show that I was awaiting the disbandment. But we are talking specifically about his safety and his business.

**ADV KHUMALO SC:** And his safety and his business have everything to do with PKTT and not the 8<sup>th</sup> of January event

of the ANC.

**MR MOGOTSI**: Yes, that is what I said, because the D-Day is separate. On other issues, it is a D-Day on the other side.

**ADV KHUMALO SC**: And then when he asked you why he must stand back, you say it relates to your safety and your business. Which means it relates to the PKTT.

**MR MOGOTSI**: Because they were going to go, as I heard, they were going to go to him again. There was a stage  
10 when they took all his firearms, where he is running a private security, doing some VIP. That is what he was telling me. You could not run that without firearms.

**ADV KHUMALO SC**: Yesterday, you told us that in September 2024, you assisted some people to open a case against the PKTT in Midrand. Do you remember that?

**MR MOGOTSI**: Against General Mkhwanazi, yes.

**ADV KHUMALO SC**: Did you tell the Minister about that?

**MR MOGOTSI**: No.

**ADV KHUMALO SC**: In December 2024, did you have,  
20 other than the text that we have seen, did you have discussions with the Minister about the PKTT and their raid at Mr Matlala's house and business? Did you tell the Minister about that?

**MR MOGOTSI**: I cannot remember.

**ADV KHUMALO SC**: But it is possible that you did.

**MR MOGOTSI:** No.

**ADV KHUMALO SC:** No, but if you cannot remember, then you cannot say it did not happen. Either you remember or you do not remember.

**MR MOGOTSI:** No, I never told the Minister. If I do not remember, it does not mean I did. If one cannot remember, it is just that this is here now. You will find that even this letter that I wrote to the Minister, I may have sent to another person also about the judgment, which is not for  
10 judgment. But I cannot, I do not remember sending, informing the Minister that they have beaten Cat's wife. And I never even spoke to the Minister about Cat.

**ADV KHUMALO SC:** And then one last point. Just looking at the long text on page 58 and the content of the long text, I think my colleague, Commissioner Baloyi, has taken you through it. You are advising or suggesting to the Minister that either he or Sibiya must charge Khumalo and apply Rule 9 of the disciplinary hearing. Do you see that?

**MR MOGOTSI:** I see that.

20 **ADV KHUMALO SC:** Do you accept that on its face, this is you interfering with police matters at a high level on matters that have nothing to do with you or your community in the Northwest? Do you accept that this is interference in police matters?

**MR MOGOTSI:** Commissioners, you seeing me sitting

here, it should not go out of the mind of the Commissioners that I am still a citizen of South Africa. I am still an individual. It is not the first time that I send a message to someone or request an intervention of some sort from other people. I did. So, to write this, I can give you two practical examples.

There is one general of the army from Mahikeng. He was a well-known person, General Madumane. He had some problems before he passed on. The Commission, I do not know if you are aware, I called the Deputy President, Mashatile, and he referred me to the HOD requesting an intervention. Unfortunately, the HOD, as we were starting, the person passed on. I am saying it is possible. It may have been. This should not be misconstrued just because it is Minister Senzo. Even if it was like the same, the former Minister Bheki Cele, I would call him. I would send him messages. It is not in this that it is because of Minister Senzo.

**ADV KHUMALO SC:** Mr Mogotsi, I am being patient. The case in Cape Town had nothing to do with you. It had nothing to do with your community. And here you are advising a Minister to charge a senior general in the SAPS. I am saying to you that is interference in police matters.

**MR MOGOTSI:** Commissioner, it means you are suggesting to me what happens in the Cape Flats, people being raped

and killed has nothing to do with me and the Commissioner. Being Commissioner, this is South Africa. It is our South Africa. There is nothing wrong to tell a member of parliament or the President or whoever about a particular problem in Eastern Cape or elsewhere. Besides being an agent, this should not be brought in my line of work.

**ADV KHUMALO SC:** So, let me put it the other way. If Mr Cat Matlala had said to the Minister, I want you to arrest Khumalo or to charge Khumalo, as an ordinary citizen, that  
10 would have been fine. There would have been nothing wrong with that.

**MR MOGOTSI:** There would have been nothing wrong with that. I mean, it is him.

**ADV KHUMALO SC:** Thank you.

**MR MOGOTSI:** Thank you.

**CHAIRPERSON:** Mr Chaskalson.

**ADV CHASKALSON SC:** Chief, there is one follow-up question that I just do want to ask. And I just want to clarify with you, Mr Mogotsi. It is that that chat from the  
20 Minister when he asks, was the arrest affected? And if I understood your evidence correctly, you were saying what he was actually interested in was the escape of the Zama-Zama kingpin. Is that correct?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So, he wanted the Zama-Zama

kingpin arrested because the Zama-Zama's had arrested and some police had conspired to let the kingpin go at Stilfontein.

**MR MOGOTSI**: Not in that context, Commissioners. I said there was a community meeting which the Minister went to meet with the community leaders. And that particular commitment and intention from the community was made that the community was going to arrest the Zama-Zama kingpin. So, I am trying to say he asked me specifically  
10 because I was with that community to find out did they find the person.

**ADV CHASKALSON SC**: And are we talking about the Zama-Zama's who were underground in Stilfontein? Was the community going to go underground and arrest the Zama-Zamas?

**MR MOGOTSI**: No, the kingpin was arrested and he escaped. He did not escape back into the hole.

**ADV CHASKALSON SC**: So, this was after they had come up and been arrested and escaped?

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

**ADV CHASKALSON SC**: You see, Mr Matlala, that is what I thought your evidence was, but that cannot be correct. Because the Zama-Zama's only came up from the shaft in the second week of January 2025. And this conversation took place on the 24<sup>th</sup> of December. This text was sent on

the 24<sup>th</sup> of December 2024. So, it could not have related to the escape of someone who had not yet been arrested before he escaped.

**MR MOGOTSI**: Commissioner, I think there is a misconception. The Zama-Zama kingpin never went in and out. He was arrested for these activities. He was never inside the hole.

**ADV CHASKALSON SC**: Are we talking about the same person, Tiger Tshoaeli?

10 **MR MOGOTSI**: Commissioner?

**ADV CHASKALSON SC**: Are we talking about the same person, Tiger Tshoaeli?

**MR MOGOTSI**: The kingpin, I cannot remember. I think it is his name. I cannot remember his name. That guy is a Tiger from Lesotho. I will have to find out. I must check the right name.

**ADV CHASKALSON SC**: Because what I do want to put to you is that it is quite clear that an alleged kingpin of the Zama-Zama's called Tiger Tshoaeli was arrested and did  
20 escape. And there was a national press about it. There was a controversy about it. And he was described as the kingpin of the Zama-Zama's in Stilfontein, and he escaped. But that escape only took place in the second week of January 2025. So, it could not be what you were talking to the Minister about on the 24<sup>th</sup> of December 2024.

**MR MOGOTSI**: Commissioner, I am still repeating again. Now, Tiger, is this kingpin, like you said there was a national thing? That is why I say I cannot remember that name. There was a kingpin who was also arrested in Stilfontein. Now, you are talking about something else, somebody now who also appeared on the news. It is not that one. There was someone who, that is why even the community was looking for, who was terrorising the people, forcing them to go inside the hole for mining, that particular  
10 person. We are talking about two different people here.

**ADV CHASKALSON SC**: So, we are no longer talking about Zama-Zama kingpins?

**MR MOGOTSI**: It is a Zama-Zama also.

**ADV CHASKALSON SC**: Well, I do not want to take that one further.

**MR MOGOTSI**: Because that is the meeting which was arranged by the chief of staff for me to meet the Minister there, for the Minister to meet the community.

**ADV CHASKALSON SC**: For the Minister to meet the  
20 community?

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: That was earlier in 2024.

**MR MOGOTSI**: It was in 2024. And after that, as we were talking, it was about that.

**ADV BALOYI SC**: Right, Mr Mogotsi, just to make sure

that I understand, the kingpin, Tshoaeli, is the one that was arrested and four members of the SAPS were accused of assisting him. And that is your evidence. You have been saying.

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

**ADV BALOYI SC**: That is the arrest you were talking about, right, of the four members.

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

**ADV BALOYI SC**: So, it is Tshoaeli you were talking  
10 about. Now you are introducing a second person. But your evidence, if you remain with your earlier evidence, that it is a Zama-Zama kingpin who was arrested, who escaped, and four members of the SAPS were accused of assisting him, because that is your evidence. That is who you are talking about. But if you still stick with that evidence, then you are speaking about Tshoaeli. And he escaped on the 15<sup>th</sup> of January, 2025. Those are the facts.

**MR MOGOTSI**: Those are the facts.

**ADV BALOYI SC**: Yes.

20 **MR MOGOTSI**: That is correct. But it is not what – Commissioners, the Minister was not in Stilfontein in January. And I am trying to understand that Commission perhaps think it is so difficult to say, yes, Minister, I was telling you. I was telling the Minister about the arrest of the PKTT. It was not. It was about the person in Stilfontein.

This person, now you are talking about that rich person. There is this guy who also, and it is something that I can promise you. I think I can get the case number of this particular person.

**ADV BALOYI SC:** What was this particular person that you are talking about now also arrested, escaped, and four members of the SAPS?

**MR MOGOTSI:** No, not four members of the SAPS.

**ADV KHUMALO SC:** Can I just ...[intervenes]

10 **CHAIRPERSON:** Thank you ...[intervenes]

**ADV KHUMALO SC:** Can I just ask a follow-up? Sorry, go ahead.

**CHAIRPERSON:** Thank you. Is there a record anywhere of the mention of this second Kingpin that you are talking about, a Kingpin that you and the Minister would have been concerned about his arrest? Is there any record anyway? Newspapers or whatever?

**MR MOGOTSI:** We will find it, because now the matter which they are talking about, which Commission is referring  
20 to now, about Tiger, that is why I could not say it was Tiger. There was a person, maybe I am using this word, Kingpin, in Stilfontein, who was forcing people to go into there to do this Zama-Zama. That person was arrested, and he ran away.

**CHAIRPERSON:** And he was doing this from where?

**MR MOGOTSI:** From Stilfontein.

**CHAIRPERSON:** Any idea where exactly in Stilfontein?

**MR MOGOTSI:** No, I can try and find something today, because when we are in Stilfontein, there was a community meeting. I only came on the day of the community. I was not part of that thing. And I kept on talking to this individual from the community who said they let this person run away purposely. I am going to look for him. I kept on asking, did you arrest him? Did you arrest him? He said  
10 no.

**CHAIRPERSON:** So, but definitely not from underground. He was not doing this from underground.

**MR MOGOTSI:** I cannot confirm. I do not know. I think even the person I was talking to, I will find this number and ask him properly, maybe during lunch. Because I only communicated to him about this particular person, about that meeting after the Minister went there.

**CHAIRPERSON:** So, it is you and who else that know about this? This second person, who is not Tiger.

20 **MR MOGOTSI:** It is not the second person. I think it happened before.

**CHAIRPERSON:** No, no, no ...[intervenes]

**MR MOGOTSI:** Who was forcing people to go into the ...[intervenes]

**CHAIRPERSON:** No, no, no. I think in response to

questions by Mr Chaskelson and also my co-Commissioner, Commissioner Baloyi, I understood you to be suggesting that this is someone other than Tiger Tshoaeli.

**MR MOGOTSI**: Yes, even Tiger, I do not know him, but I know, I will find out about that one. That is correct, Commissioner.

**CHAIRPERSON**: So, my question was, let us leave out the media or whatever other source. It is you and who, who know about this other person who may possibly not be Mr  
10 Tiger Tshoaeli?

**MR MOGOTSI**: Yes, because it was in December. It is from the community that side, and it was in December, that one. Obviously, it is not ...[intervenes]

**CHAIRPERSON**: I am not asking you about the time. I am asking about who else knows about this person. And do not please, but only if you can, please do not refer me to Stilfontein generally or in general terms. I want to know who else.

**MR MOGOTSI**: The people of Stilfontein.

20 **CHAIRPERSON**: I just said, please do not refer me to Stilfontein in general, unless you say to me, I do not know. All I know is that it is people from Stilfontein. So, I am asking for specifics. Who else other than you knows of this person who may possibly not be Mr Tiger Tshoaeli?

**MR MOGOTSI**: Commissioner, I do not know if Commission

expect me to say the name of the person that I was talking to.

**CHAIRPERSON:** Yes, exactly.

**MR MOGOTSI:** I am not deliberate to do that.

**CHAIRPERSON:** Why not?

**MR MOGOTSI:** The person who was helping is to put this man on target for the Zama-Zama's to know he was talking to me.

**CHAIRPERSON:** All right, thank you.

10 **ADV KHUMALO SC:** Thank you. Mr Mogotsi, we have already established that these chats are between you and Mr Matlala, correct?

**MR MOGOTSI:** Yes, correct.

**ADV KHUMALO SC:** In December 2024.

**MR MOGOTSI:** Yes.

**ADV KHUMALO SC:** Now, why would Mr Matlala be interested in the arrest of a Zama-Zama Kingpin?

**MR MOGOTSI:** It is not the arrest of him. And I am showing you, I was sending Matlala almost, even things  
20 which were not relevant to him, I would show him. Like also, as we were talking, there was even a stage when me and him were talking about the police officer. Now, after that, who was suspended from this thing of the person who escaped.

**ADV KHUMALO SC:** Let me leave it there.

**ADV CHASKALSON SC:** To move to a completely different topic, I would like us to move now to the 252(A) operations. And if we can start with your statement, and if we go to the foot of page 9, paragraph 35, you say the following:

10                    “In December 2024, Matlala referred me to a high-ranking police officer, and I subsequently met him. I knew him, as I had conducted an 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.”

So, the starting point for this whole process is a reference from Mr Matlala. He brings you someone, puts you in touch with someone. Is that correct?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And this person, he says, will tell you about a plot to convict General Khan.

**MR MOGOTSI:** That is correct.

20                    **ADV CHASKALSON SC:** Did he tell you how he found this person, this police officer?

**MR MOGOTSI:** He did not tell me.

**ADV CHASKALSON SC:** Did it strike you as odd that Mr Matlala, who you suspect of being a criminal and who you are investigating for corruption in SAPS, comes to you with

a witness to be able to prove and expose corruption in SAPS? Why would Mr Matlala want to expose corruption in SAPS?

**MR MOGOTSI**: I do not know, but I do not know why he would want to expose.

**ADV CHASKALSON SC**: Did it not strike you odd that your primary target, who is suspected of corrupting the procurement process, is now wanting to expose corruption in SAPS?

10 **MR MOGOTSI**: It did not.

**ADV CHASKALSON SC**: I see. Now, the ultimate target of this operation was Generals Khumalo and Mkhwanazi. If you go to paragraph 36 of your statement, you say:

20 “The intention was to employ this person as a Section 204 witness against both Lt-Col Khumalo and Lt-Gen Mkhwanazi, who plotted against Maj-Gen Khan with reference to the disciplinary hearing outcome. So that you gave a statement to Lt-Col Schnelle. Part of the strategy behind the disciplinary hearing instituted against Maj-Gen Khan was that he would be employed in that situation to give implicating testimony against Maj-

Gen Khan at the insistence of Lt-Gen Khumalo and Lt-Gen Mkhwanazi. So, if I understand you correctly, you are saying this officer who Mr Matlala wants you to use to expose corruption in SAPS says he is being used by General Khumalo and General Mkhwanazi to give false evidence against General Khan. Is that broadly  
10 correct?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And you then go to meet the officer and essentially, he tells you that he will only change his story to what he says is the truth if you ensure that he gets promoted to the level of full colonel and you give him a bag of cash. Is that correct?

**MR MOGOTSI:** He spoke about something and he said, yes, he was talking about a bag, maybe he implied cash, but he never said bag of cash.

20 **ADV CHASKALSON SC:** He said bag, he did not mention cash. But what did you understand the bag to contain? The bag that he wanted, what would have to be in the bag?

**MR MOGOTSI:** A bag would be ...[intervenues]

**ADV CHASKALSON SC:** Was he looking for a sort of smart handbag or something?

**MR MOGOTSI:** No.

**ADV CHASKALSON SC:** Was he looking for a bag of cash?

**MR MOGOTSI:** That would imply cash, of course.

**ADV CHASKALSON SC:** I thought so too. Let us date this meeting. If you go to evidence bundle 51.

**ADV KHUMALO SC:** Sorry, exhibits or annexures?

**ADV CHASKALSON SC:** Evidence bundle in this case, but we will move between annexures and evidence bundle. So  
10 unfortunately, we may need both. Sorry, exhibit, exhibit, exhibit, sorry.

**CHAIRPERSON:** You said page?

**ADV CHASKALSON SC:** 51.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** And this should not be displayed because the name of the investigating colonel should not be displayed. But what we see at the - this is a WhatsApp that was sent to Lt-Col Schnelle, who was going to be in charge of the 252(A) operations. It was sent by the investigator  
20 from the Hawks who came with you to that meeting with the source, who was going to change his story. And in paragraph 2, he reports the following:

“The colonel, who is going to change his story, contacted Mr Brown and he arranged a meeting for Wednesday, 29

January 2025.”

So, the meeting was on 29 January 2025. Is that correct?

Mr Mogotsi.

**MR MOGOTSI**: It is, I can, this is the WhatsApp which was sent to Colonel Schnelle.

**ADV CHASKALSON SC**: Yes, but I am interested in the dates and times. It says 29 January 2025, and the meeting at the Houghton Hotel at approximately 18:23. Does that correspond with what you recall?

10 **MR MOGOTSI**: Yes, but I am not sure about this date.

**ADV CHASKALSON SC**: Sorry, you are not sure about the date of 29 January?

**MR MOGOTSI**: Yes, yes.

**ADV CHASKALSON SC**: When do you think the meeting did take place?

**MR MOGOTSI**: It is the same, you know, when we are not good with dates, remember I was so much, I kept on saying to the Commission the recording happened in December, summer, January. I was not sure. So, but I think if we  
20 proceed, we can proceed, I will take this date. I am just not sure. Remember, it is someone who typed. I cannot really say, yes, it was on this date.

**ADV CHASKALSON SC**: Perhaps we can help by going to your affidavit, which is in the exhibit bundle at page 43.

**MR MOGOTSI**: That is correct. Yes, it confirms an

affidavit.

**ADV CHASKALSON SC:** And paragraph 5, at the foot of page 43, there you say:

“On Wednesday, 29 January 2025, at approximately 18:23 I was accompanied by...”

And then you give the name of the investigator. So, those dates are correct.

**MR MOGOTSI:** Yes, they are.

10 **ADV CHASKALSON SC:** Date and time. Because you would have made that affidavit quite soon after the event. Let us go to page 106 of the annexure bundle now, and see what happened in the chats when you came out of that meeting. If you ...[intervenes]

**MR MOGOTSI:** 106.

**ADV CHASKALSON SC:** 106, indeed. If you go down to 2015. So, that would have been less than two hours after your meeting with your source started. In 2015, you text Mr Matlala, and you say to him, ‘the meeting was positive’.

20 Are we referring to the same meeting? Maybe if you read further:

“Is he willing to help you guys, says Mr Matlala. You respond, I just wish he could help with a statement.”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And then you say, ‘I think he needs cash’. So, we are talking about what has happened at this meeting.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And you go over the page, and Mr Matlala's response at the top of page 107 is:

“Okay, arrange with Khan to give him cash if the information he has is worth it.”

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

**ADV CHASKALSON SC:** So, Mr Matlala is saying, he wants cash, speak to General Khan. We give him the cash if the information's going to be worth it.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So, let us just take a step back. Mr Matlala is a suspected criminal you are investigating.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** He refers you to an apparently corrupt SAPS officer who is willing to tailor his evidence if  
20 he is paid enough.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And Mr Matlala says, you should get General Khan to pay the officer to give evidence that will incriminate General Mkhwanazi and General Kumano.

**MR MOGOTSI:** For him to make a statement, not to

incriminate, as such, remember, it is the man coming to me saying I am being told to incriminate the person. Now and I am going back to the person who gave me the senior officer to say I think this person wants cash and he say it means therefore that it is this general who is affected I must ask him that he is the one who must finance this.

**ADV CHASKALSON SC:** I see, but you said it is not to incriminate them, but in fact if you go back to your witness statement at paragraph 37, you said that was the purpose.

10 Strategy behind the disciplinary hearing institute against Maj-Gen Khan was that he, in other words this officer, would be employed in that situation.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** To give implicating testimony against Maj-Gen Khan at the insistence of Lt-Gen Khumalo and Lt-Gen Mkhwanazi.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And so, the whole purpose of this operation is to expose Lt-Gen Khumalo and Lt-Gen  
20 Mkhwanazi, is it not?

**MR MOGOTSI:** Yes, it is to use this statement, correct.

**ADV CHASKALSON SC:** And you want to use it as a section 204 witness, you say in paragraph 36.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And that presupposes that there

will be criminal charges against Lt-Col Khumalo and Lt-Gen Mkhwanazi.

**MR MOGOTSI**: It is true.

**ADV CHASKALSON SC**: Because you do not have 204 witnesses unless you are in a criminal case.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: So, let us scroll forward a little bit in these chats to page 114. And on 2 February, at 12:27, Mr Matlala sends you a story about the plot against  
10 General Khan being exposed. It says:

“Breaking, police witnesses change statements for promotion.”

And there is a long story about the trumped-up charges against General Khan and how witnesses have come clean and said that they were persuaded to give false evidence against Khan. You recall that chat?

**MR MOGOTSI**: I recall.

**ADV CHASKALSON SC**: Your response to that chat is revealing. That is on page 115 at 1227. You say,  
20 ‘disappointed’. You recall that?

**MR MOGOTSI**: Yes, correct.

**ADV CHASKALSON SC**: And then you say, ‘just have to leave everything’. Then there are two calls between you and Mr Matlala. And then you say, ‘small session with lawyers.’ All of this is happening almost immediately. What

was the small session with lawyers you were talking about?

**MR MOGOTSI**: There was no session with lawyers.

**ADV CHASKALSON SC**: Sorry, there was no session with lawyers.

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: There was not one.

**MR MOGOTSI**: No.

**ADV CHASKALSON SC**: So, this was a false statement you made to Mr Matlala.

10 **MR MOGOTSI**: Because I did not answer his phone.

**ADV CHASKALSON SC**: So, you were just explaining why you did not answer his phone.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: But if we look at the time, the text that you sent to him was at 12:27:52. His calls were at 12:27:56 and 12:28:05. So, then you respond to him again at 12:28. So are you saying that you deliberately chose not to answer his phone, you wanted to communicate with him on text? And you need to have a reason to explain that.

20 **MR MOGOTSI**: It is not that I did not. I wanted him to tell me what you were saying.

**ADV CHASKALSON SC**: Sorry, you wanted him?

**MR MOGOTSI**: To perhaps tell me what you were saying. I did not take the call that time.

**ADV CHASKALSON SC**: Well, he then says:

“This is in your favour actually. It  
disrupts their plan against Khan.”

He says that to you.

**MR MOGOTSI**: He said that to me.

**ADV CHASKALSON SC**: Yes. Why would he think that  
disrupting a plan against Khan is in your favour?

**MR MOGOTSI**: He was referring to the publication that you  
just showed.

**ADV CHASKALSON SC**: But why would it be in your  
10 favour to disrupt a plan against Khan?

**MR MOGOTSI**: I do not know why he sent me that  
message.

**ADV CHASKALSON SC**: You respond to him by saying,  
'maybe, but that is not my plan'. So, you are saying it will  
disrupt the plan against Khan, but it was not what you had  
in mind. Is that correct?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: What did you have in mind?

**MR MOGOTSI**: When I say maybe.

20 **ADV CHASKALSON SC**: When you say, but that is not my  
plan, what was your plan?

**MR MOGOTSI**: That is not my plan. It is the response that  
I gave to Cat. And now the question is, what was my plan  
then?

**ADV CHASKALSON SC**: Well, let me put to you what I

think your plan was and why you were disappointed. Your plan was always to use this case to target General Khumalo and General Mkhwanazi. You accept that. That was your plan.

**MR MOGOTSI**: That is not the plan. The reason I said I was disappointed. Remember, I did write on my statement that I leaked that publication.

**ADV CHASKALSON SC**: I know what you write.

**MR MOGOTSI**: Now, the moment you give me someone to  
10 help me with whatever, that is how we recorded the person. And it quickly appeared on the news that the same person who gave me information about the plot, it is now known. I was pretending as if I do not know. And I was disappointed.

**ADV CHASKALSON SC**: As if you do not know what?

**MR MOGOTSI**: That this information leaked.

**ADV CHASKALSON SC**: You see, I want to put to you what your plan all along had been. And in fact, what you indicated in your statement is that you wanted this colonel to be used in a criminal prosecution of General Khumalo  
20 and General Mkhwanazi. That was your original plan, was it not?

**MR MOGOTSI**: Yes. Commissioners, when you refer to the text here, I am saying, because you also mentioned ...[intervenes]

**ADV CHASKALSON SC**: No, no. I am asking whether that

was your original plan. We will talk about the text later.

**MR MOGOTSI**: I do not get it as a question properly. You are saying apart from the fact that this thing leaked, because the moment it got leaked, it means now I am disappointed because my plan will never work again. So, what are you saying?

**ADV CHASKALSON SC**: That is what I am saying.

**MR MOGOTSI**: No, that was not the plan. The plan here was that I should – Cat should not know that this  
10 information has leaked because of me. But the intention of the recording, yes, was that plan that you are saying.

**ADV CHASKALSON SC**: Yes, and the leaking meant that that plan could never be put into operation.

**MR MOGOTSI**: Yes, but it means the ...[intervenes]

**ADV CHASKALSON SC**: So, you said yes.

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: Yes, so the leaking prevented that plan being put into operation. Because once it leaked, you could no longer do your sting with General Khumalo and  
20 General Mkhwanazi.

**MR MOGOTSI**: Yes, once it leaked, could not proceed.

**ADV CHASKALSON SC**: Yes. Why were you targeting General Mkhwanazi and General Khumalo?

**MR MOGOTSI**: No, I did not target them. They made themselves a target by planning with the person.

**ADV CHASKALSON SC:** I see.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** So, you are saying they told this person to give false evidence about what happened in that drug bust in 2021.

**MR MOGOTSI:** That is what he told me. That is what I recorded out of him. It is now my statement, but it is now set in the Commission like that because he said that.

**ADV CHASKALSON SC:** See, did you bother at the time  
10 before you tried to target General Khumalo and General Mkhwanazi this way to check out what story this witness had told when the drug bust happened in 2021, long before he had had contact with either of the generals?

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

**ADV CHASKALSON SC:** You did not?

**MR MOGOTSI:** No.

**ADV CHASKALSON SC:** So, you did not investigate this  
apparently corrupt cop who comes to you from Cat Matlala who says, I will change my story if you pay me enough  
20 money because General Khumalo and General Mkhwanazi are making me tell a false story. You did not investigate what he had said earlier.

**MR MOGOTSI:** Yes, now here is the situation. It was this senior officer. He may have his original statement, which when he got to Durban, they said he must change. Then he

comes to me and say, if he gets something, he will change the statement again.

**ADV CHASKALSON SC**: So, he made a statement back in 2021. Then he meets the allegedly corrupt Generals Khumalo and Mkhwanazi and they lean on him to change the statements in 2024 to make a new statement that is false. And then he says to you, I will go back to my original true statement if you give me a bag of cash. Is that what you are saying?

10 **MR MOGOTSI**: He never said, he is not said. He just said, he never mentioned or implied the original statement. He spoke about changing the statement which was given to him in Durban. So not knowing whether he would quote the original statement or not.

**ADV CHASKALSON SC**: Now, if he was present at a drug bust, you would expect that a statement would exist from him that was taken at the time of the drug bust, would you not?

**MR MOGOTSI**: That is correct.

20 **ADV CHASKALSON SC**: Did you not ask to look at that statement to see what he said on the day, several years before he had had any contact with General Khumalo or General Mkhwanazi?

**MR MOGOTSI**: No, I did not ask him.

**ADV CHASKALSON SC**: Maybe we should look at it now.

Can you go to exhibit bundle 211? So, you see, I do not know if you have an unredacted copy. The copy that goes up will be redacted. But this is his statement. And if you go down to the date on page 212, it is 14 September 2021. Do you see that? Do you see that date?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And across the top, it says Booyens CAS.

**MR MOGOTSI:** Yes.

10 **ADV CHASKALSON SC:** Something, something stroke and at the end of it, it says 21.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So, this is the statement that he gave in 2021 at the time of the drug bust. You said that is correct.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And you will accept that that was long before General Khumalo or General Mkhwanazi could have had any contact with him in relation to this matter.

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

**ADV CHASKALSON SC:** So, let us see what he says. Go to paragraph 5, the foot of page 211.

**MR MOGOTSI:** 211, that is correct.

**ADV CHASKALSON SC:**

“The driver of the truck, which was

containing the drugs, was pointed to me and was already placed under arrest. And members informing me that they are awaiting the photographer to come take pictures of the said packages of drugs which were placed inside a police bakkie. While the scene was being explained to me, I was surprised to see one general of intelligence.”

10

Now would that be General Khumalo?

**MR MOGOTSI:** I cannot confirm.

**ADV CHASKALSON SC:** Are you aware of any other Generals of intelligence who are alleged to have been present at the scene?

**MR MOGOTSI:** Yes, it was him.

**ADV CHASKALSON SC:** So, it would be General Khan.

He is the only general of intelligence at the scene:

“While the scene was being explained to me, I was surprised to see one general of intelligence who never introduced himself to the members on the scene and started dictating and giving instructions at members who found the said truck with drugs be

20

arrested.”

So, he wants the police officers who did the drug bust to be arrested:

“The suspects [driver] who members already placed under arrest, was released from the scene as a suspect by the said general.”

So, the driver of the drug cargo who had been placed under arrest was, according to your source, released from the scene as a suspect by General Khan. And the truck which was containing the said drugs when it was stopped was never booked into SAP13. So, the truck containing the drugs was never booked into a SAP warehouse. And then your source continues:

“As an experienced investigator, what I observed happening there at the scene is only abuse of power and rank, which I do not know why it was done. I informed all members placed under arrest that they need to open a case of defeating the ends of justice against the said general.”

So, this man says, immediately after the event, I told everyone there we must open a case against General Khan:

“I was not happy, since I noticed what

was happening is a cover strategy to protect the driver of the truck found with drugs and the origin of the said truck and drugs. The fact that members are manipulated and power of rank is used to achieve unknown or ulterior motives is unacceptable and needs to be dealt with within the parameters of the law as what I  
10 observed transpiring on the said day was that some individuals are above the law and it irritated me seeing that members enforcing the law being abused by seniors within the police.”

And then it is signed. And is that the same man who came to you as the source in the 252?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: So, this contemporaneous statement made by that man says that General Khan should  
20 be charged with defeating the ends of justice and that he is abused his authority and suppressed an arrest and a drug bust. And the only false evidence that this man was ever going to give was the false evidence that you and Mr Matlala were hoping he would be paid for to exonerate General Khan and to implicate General Khumalo and

General Mkhwanazi. Do you accept that?

**MR MOGOTSI**: No.

**ADV CHASKALSON SC**: So where was the false evidence?

**MR MOGOTSI**: Like you asked me, did I look at the statement? I did not. And therefore, I would not have known any other statement except what he was telling me. And he was one of the witnesses during the disciplinary hearing. So, I did not have any other statement, and I did  
10 not even ask him what is your original statement. He said, look, we called to Durban. This is what he said, and they want us to implicate the man.

**ADV CHASKALSON SC**: I see. Now that you know what his original statement was, do you accept that if your plan had gone ahead, false evidence would have been given against General Khumalo and General Mkhwanazi by this witness who was going to be paid in the scheme.

**MR MOGOTSI**: Should we have agreed to pay him? Because there was not an intention to pay him.

20 **ADV CHASKALSON SC**: I see.

**MR MOGOTSI**: What we wanted was the information which he had, and we gave that information. And as you say, should the trial or criminal charges been laid, it would only come out during trial when this statement is provided.

**ADV CHASKALSON SC**: I see. Now this plan to trap

General Khumalo and General Mkhwanazi was a plan that you executed with a double set of misrepresentations. First, you say you masqueraded as Mr Matlala's alia. You said you were an agent who was pretending to be Mr Matlala's, but you were not actually. Is that correct?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** But in relation to the SAPS members who did the 252(A) operation, you also masqueraded as an agent of the Minister, as an employee  
10 in the Minister's office.

**MR MOGOTSI:** As a comrade to the Minister.

**CHAIRPERSON:** Please speak up.

**MR MOGOTSI:** That is correct. As a comrade to the Minister.

**ADV CHASKALSON SC:** No, no, not as a comrade. As someone employed in the office of the Minister.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And we went through your affidavit yesterday. I would just like to take you to - I do  
20 not want to traverse what I traversed yesterday, but there is another aspect of your affidavit which I want to look at. Paragraph 5. Do you have paragraph 5 of the affidavit? It is page 43 of the exhibit bundle. There you say:

“On Wednesday, 29 January 2025, at  
approximately 18:23, I was

accompanied by the Hawks officer, and we met the colonel at the Houghton Hotel. And then you say, I do not know the colonel and this is the first time that I have met him.”

That was false too, was not it?

**MR MOGOTSI**: In the context of this, remember I operated ...[intervenes]

**ADV CHASKALSON SC**: No, you have given your  
10 explanation as to why you ...[intervenes]

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: So, it was false too.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Now, can I understand why you had to lie under oath in relation to the fact that you knew this source? Why was it necessary for the operation for you to lie under oath about previously knowing this source? This colonel. Let us call him colonel.

**MR MOGOTSI**: Because I would not tell even Colonel  
20 Schnelle that I knew this person. I would not tell him.

**ADV CHASKALSON SC**: But why would not you tell him? Why was it necessary for the operation? Why was it necessary to lie under oath?

**MR MOGOTSI**: Because it would not make – it would look – even Colonel Schnelle will ask me, but why would this

man – why would you record this man when you know him like this?

**ADV CHASKALSON SC**: Sorry, why would you ...[intervenes]

**MR MOGOTSI**: Why would I record? What would you want to know? It was my thinking then. Why would I record him if I knew him?

**ADV CHASKALSON SC**: So, if Colonel Schnelle knew that you and this colonel had a previous association, the whole  
10 operation would not be allowed to proceed?

**MR MOGOTSI**: Not the whole operation. Not the whole operation.

**ADV CHASKALSON SC**: What operation?

**MR MOGOTSI**: I just felt he should not know. That was my feeling that time.

**ADV CHASKALSON SC**: So, in your judgment, you decided that this was sufficient reason to lie under oath?

**MR MOGOTSI**: I do not know how – it sounds so different. I do not know how we are going – it means we will continue,  
20 even if I have provided reasons unless I do not know if it calls for the Commission to make a ruling that it works. I do not know. It sounds otherwise like I was not doing my job. Like repeating it, you have got a professional liar today. You were lying under oath even though I give reasons, this was an underground work. But I do not know

if Commission could come up with a certain ruling that will stay until this proceeding starts ...[intervenes]

**ADV CHASKALSON SC:** I do not propose to take this further. But so maybe we can stop it there. But I do want to go to further aspects of this operation. If you go down to Lieutenant Schnelle's affidavit and if we go to the sort of bottom of page 47, top of page 48. Top of page 48, he clearly assumed that you were employed in the office of the Minister, because he says:

10                    “I was informed that the complainant  
                         was Mr Brown Mogotsi, a politician that  
                         is deployed at the office of the Minister  
                         police, Mr Senzo Mchunu.”

So, he authorised this operation on the basis that you were someone from the Minister's office.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And then if we go into the transcript of this meeting that you had with the source, we see that the source, the colonel, was reluctant to commit to  
20 writing and wanted some sort of assurance from the Minister or the DNC, the deputy National Commissioner. Let us go to page 65. Maybe if we can just clarify. I understand from this transcript that you would be man 3, man 1 would be the colonel, and man 2 would be the Hawks officer. We cannot show this because names are

mentioned. But if you go to the top of page 65, you see there you say hmm. And then the Hawks officer says:

“The colonel does not want to give a statement, but he is willing to tell the Minister or DNC.”

Would that be deputy National Commissioner?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And that would be General Sibiya, would it not?

10 **MR MOGOTSI**: In this case, I did not even think whom did he refer to but remember there are about three DNCs. I am not sure, but it is possible it can be DNC Sibiya, yes.

**ADV CHASKALSON SC**: Who is the DNC who you refer to right through this process?

**MR MOGOTSI**: Myself.

**ADV CHASKALSON SC**: You, yourself?

**MR MOGOTSI**: Yes, I refer to the DNC Sibiya.

**ADV CHASKALSON SC**: I see.

20 **MR MOGOTSI**: For this man to say the DNC, it should not be concluded that he meant him. There are other DNCs, but ...[intervenes]

**ADV CHASKALSON SC**: So, he may not have been referred to ...[intervenes]

**MR MOGOTSI**: But in this case, let us say he meant DNC Sibiya.

**ADV CHASKALSON SC:** Did you not try to find out which DNC he needed comfort from?

**MR MOGOTSI:** No. I did not because he was not going to meet him or the Minister anyway, so I did not find out.

**ADV CHASKALSON SC:** And let us see what the man says. Go to page 69, where he is expressing his misgivings. He says to you:

10                   “Go see the DNC and the Minister and  
let me think, let me think. And if it can  
happen, or we get something to block  
this okay, I get the post and fix the  
place, they must give something. Khan  
must look after me. He must give me  
something, a bag or something, must  
get a bag.”

Okay, so the source wants you to go and see the DNC and the Minister. The colonel says, go and see the DNC and the Minister and let me think. That is correct, is it not?

**MR MOGOTSI:** Yes, that is correct. I am following.

20 **ADV CHASKALSON SC:** And did you understand which DNC he was referring to? Which DNC did he want you to go and see?

**MR MOGOTSI:** Yes, I have long agreed that let us agree it is DNC Sibiya.

**ADV CHASKALSON SC:** DNC Sibiya?

**MR MOGOTSI**: Yes, let us agree. Even if he is not ...[indistinct].

**ADV CHASKALSON SC**: And the Hawks colonel is egging him on, on the basis that you can sort out his life with the Minister because you are in the Minister's office and all he needs to do is to email the Minister. So let us take a look at paragraph page 62.

**ADV KHUMALO SC**: Sorry, Adv Chaskalson, did we establish what a bag is? Is it a rank or money? I cannot  
10 seem to recall.

**ADV CHASKALSON SC**: A bag with cash inside it. Towards the bottom of the page, on page 62, the Hawks officer says, then what do you do? Then what do you do? He writes an email or a letter related to the Minister to the chief of staff saying this is the story, this is what happened. I am requesting your intervention. That gives them the opportunity. So, the Hawks man is saying to the colonel, write to the Minister, write to the chief of staff. And two lines down, the colonel says:

20 "I do what? I do what? And the Hawks man says, write an email to the Minister to say this is what happened. I have got agreements. This is you. This is you. I am agreed because of X, Y and Z and I am requesting your

assistance in the matter. That is it.

He will sort out the rest for you.”

So, the Hawks man's making promises to this guy that you can step in in the Minister's office and just make his life whole again. Let us go down a page. Top of the next page, 63, the Hawks man again:

10 “That is why we have got to do it. You will write that email. You can write that email tonight even. Write. You send that email tomorrow morning. We can give you, we can talk, give feedback. How are we going to do that?”

So, he is saying to the colonel, write to the Minister. And then in the middle of the page:

20 “But that is what I am saying. Brown will probably speak to the Minister. The colonel's a bit sort of dodgy. And the Hawks guy says, you need to send that email tonight. And the colonel says, Brown's working with the Minister. He is a police officer. And the Hawks guy says, no, he is the Minister's man. And the colonel says, hmm. And the colonel and the Hawks

guy say, he is the Minister's man.”

And over the page, the colonel says:

“The only person who can stop it is the  
Minister.”

**MR MOGOTSI:** Which page is that?

**ADV CHASKALSON SC:** We are now at page 64. Sort of  
like seven lines in. The only person who can stop it is the  
Minister. And the colonel - the Hawks person says:

10                   “How can the Minister stop it? The  
colonel says, hmm. How can the  
Minister stop it? The colonel says,  
misled.                   Misrepresentation,  
misrepresentation. The colonel and  
the Hawks man say, can you? And the  
colonel says, facts were  
misrepresented to me. I did my due  
diligence and worked for. And then the  
Hawks man says and found the truth.  
Can you do a statement for that and  
20                   send it to the Minister?”

So, this Hawks man is saying, Browns from the Minister's  
office, send your complaint to the Minister. And on and on  
it goes. The central theme through all of this is the Hawks  
man who thinks that you are part of the Minister's office, is  
urging this person to send stuff through to the Minister at

every turn. Now, you did not try to stop any of this inside this meeting. I do not see you saying, no, no, do not send anything to the Minister. Do not send anything to the Minister. Have I got it wrong?

**MR MOGOTSI:** I do not understand the state. I did not say anything.

**ADV CHASKALSON SC:** Did you try to stop him sending something to the Minister?

**MR MOGOTSI:** Who? Who is stopping the Commissioner?

10 **ADV CHASKALSON SC:** The Hawks man is saying to the colonel, write something to the Minister, give the Minister a statement, email the Minister. Browns in the Minister's office, he will look after you.

**MR MOGOTSI:** Yes, so he is talking about a statement in relation to the hearing.

**ADV CHASKALSON SC:** Yes, that is what he wants. I think he contemplates two things. One, a statement in relation to the hearing and two, possibly a statement relating to how this colonel's been passed over for  
20 promotion.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And he is saying write this to the Minister and he is also saying brown is in that office, he will sort you out.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Is there anywhere in this transcript where you try to stop that process? Where you say maybe you should not, maybe we should do it this way or maybe do not write to the Minister?

**MR MOGOTSI:** No, there is nowhere there is nowhere.

**ADV CHASKALSON SC:** Well, were you not worried that a letter would go to the Minister or the chief of staff and this colonel would be referring to you as someone who is working in the Minister's office and has made promises to  
10 him and then you would be exposed?

**MR MOGOTSI:** But immediately we knew there was no way he could write a letter.

**ADV CHASKALSON SC:** How did you know there was no way he could write a letter?

**MR MOGOTSI:** Because he relied on me to do that for him. Even if he could write a letter, he had to give it to me. There was no way he could write a letter.

**ADV CHASKALSON SC:** Well, what the Hawks man is saying is email it to the Minister.

20 **MR MOGOTSI:** Yes, you know, I do not think he could write a letter. Well, Commissioners, I am thinking something now and I do not want to laugh. This is very stressful. The way he is doing it is like he was there. And I am thinking of this other email that I have that is linked to me, my name, but it was not a plan. But I am just thinking,

if he emailed, where was he going to email him?

I am getting your point. So, I was going to make sure that I get the letter in my hand. I am trying to show you, Commissioners, in this thing that this is a colonel of crime intelligence talking to the Hawks man about me in that legend building that I spoke about, who confirms this man is with the Minister. I am trying to elaborate that when this function arises, it becomes so real.

**ADV CHASKALSON SC:** Sorry, can you just, I am not sure  
10 I understood what you are saying. You are talking about legend building. So, are you saying that the colonel was actually a colonel in crime intelligence, who was part of a legend building exercise or not?

**MR MOGOTSI:** I am saying if a colonel is telling, you see, this is not man one. The colonel, man one ...[intervenes]

**ADV CHASKALSON SC:** Man, one is the colonel who is going to give the new statement, and he is going to expose the attempt to frame General Khan.

**MR MOGOTSI:** No, no. I am referring to man two.

20 **ADV CHASKALSON SC:** Man, two is the Hawks colonel.

**MR MOGOTSI:** Yes, the one who is talking.

**ADV CHASKALSON SC:** Yes.

**MR MOGOTSI:** He knew, I am sorry to use the words, crime intelligence, he knew I am not in the office of the Minister. We are together when we do this 252.

**ADV CHASKALSON SC:** So that colonel, unlike Colonel Schnelle, who was not, knew what the true state of affairs was and he knew that you were not in the office of the Minister.

**MR MOGOTSI:** He knew.

**ADV CHASKALSON SC:** Yes.

**MR MOGOTSI:** For the purpose of this operation.

**ADV CHASKALSON SC:** But Colonel Schnelle did not know.

10 **MR MOGOTSI:** Did not know.

**ADV CHASKALSON SC:** So, you and that colonel in military intelligence, that colonel was he in ...[intervenes]

**MR MOGOTSI:** I said I made a mistake he is from the Hawks.

**ADV CHASKALSON SC:** Yes, I thought he was from the Hawks, yes. So that colonel from the Hawks and you both knew what your true status was and you were both building a common legend inside this meeting.

**MR MOGOTSI:** That is correct.

20 **ADV CHASKALSON SC:** This was a common legend you had not shared with Colonel Schnelle, who thought that you genuinely were in the Minister's office.

**MR MOGOTSI:** Could not share.

**ADV CHASKALSON SC:** Could not share?

**MR MOGOTSI:** Could not share.

**ADV CHASKALSON SC:** Okay, but the effect of that legend was you have the Hawks colonel urging the colonel who is going to be the key to this whole plan to write letters to the Minister's office, to the chief of staff and on the basis that you, Brown, are part of the Minister's office.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And that everything he wants you will look after, as it were.

**MR MOGOTSI:** That is correct.

10 **ADV CHASKALSON SC:** So I come back to my original question, did not you think that there was a serious risk coming out of this office, coming out of this meeting, that the colonel, in an attempt to get promotion or to get protection for changing his version on oath, would write a letter to the chief of staff or the Minister saying, I have spoken to Mr Mogotsi in your office and I understand you know the situation and this is my problem. Here are the true facts. I want to come clean now and expose this plot against General Khan and I have spoken to Mr Mogotsi of  
20 your office. Did not you spot that as a risk?

**MR MOGOTSI:** There is no police officer who can write their letter and demand their rank in that manner.

**ADV CHASKALSON SC:** Sorry.

**MR MOGOTSI:** There is no police officer who writes, even when you say write a letter, he cannot write that letter. He

wants to do things with me. He cannot write a letter and say to the Minister I want the rank.

**ADV CHASKALSON SC:** Even if he does not ask about a new rank, if he just says, I want to come clean in relation to an attempt to convict General Khan wrongly, I have been forced to give this statement on oath. I have spoken to Mr Mogotsi of your office, and he has encouraged me to approach you to set the record straight so that an innocent man can go free. Was there not a risk that he would write  
10 back to the Minister and say, I have spoken to Mr Mogotsi of your office, he has been instrumental in this?

**MR MOGOTSI:** Those risks are always there. That is why it is called the risk. You just take it. Should you have written this operation, you could have collapsed. The content of what he wanted to allude to the Minister in relation to the plot, perhaps the Minister would still give it the attention it deserved.

**CHAIRPERSON:** Let us adjourn at this point and resume at 14:05.

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

**CHAIRPERSON:** Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV CHASKALSON SC:** Mr Mogotsi, when we broke, I was putting to you that the strategy that you and your

colleague the Hawks colonel had adopted in that meeting carried a real risk that an email or a letter would be written to the Minister or the chief of staff referring to your role as a member of the Minister's office in this whole affair. Do you recall that?

**MR MOGOTSI**: Yes, I remember you were saying that Commissioners, I wish to show you an example that I do not think you would have written the letter. Yes, the risk does exist, but I do not think you would have written the letter to  
10 the Minister because he was relying on me to facilitate whatever that you are doing.

**ADV CHASKALSON SC**: But what he was being told to do by the Hawks colonel was to write an email to the Minister or to the chief of staff or to the deputy national Commissioner.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Now, I want to put to you that it would not make sense for you to run this risk unless you had some sense that there would not be serious  
20 consequences for you in the Ministers office if such an email was sent.

**MR MOGOTSI**: That risk, it is not correct that, like I said, the risk was not that much immense. Now, Commissioners, just look at the message that I sent to General Khan. I said to General Mkhwanazi I said, General Khan will brief you

next week. He never spoke to him. He never even asked him that I was told I will be briefed. In that, you see, when these things happen, just that perhaps they have not happened to certain people, you will believe because it is not that while we are sitting, talking about this.

There are no arrangements made prior. A phone will ring. It will be written a certain name and I will say. And I go outside. When I get there, I do not talk to anyone. When I come back here, the Minister is now, I must leave.

10 Let us finish what you are doing. There was no way you could talk to the Minister.

**ADV CHASKALSON SC**: Why would he not have been able to email the chief of staff or the Minister? They both have public emails.

**MR MOGOTSI**: Should that stage arise, arise, arise, he still had to get the email address from me. He still had to get all the contacts from me. So, there was no way.

**ADV CHASKALSON SC**: The chief of staff and the Minister have email addresses that you can access online.

20 **MR MOGOTSI**: You may say that in so many ways. Like I said, he should have gone to them directly if he had that in mind. So, why would he come to me? Why would he agree to meet with me when he actually could just raise the matter with the Minister directly?

**ADV CHASKALSON SC**: It was in the meeting that he was

urged to write to the Minister, was it not?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: You see, I want to look back at the chronology and what was exchanged between you and the Minister and then come back to this risk and assess it in that light. That chronology, and we only have three signal chats to work with, but what those three signal chats show is that when you told the Minister on the 23<sup>rd</sup> of December there was a breakthrough, and I put it to you that that  
10 breakthrough related to possible IPID arrests of PKTT members. He phoned you twice.

He phoned you back twice on that day, and he texted you the next day to find out if the arrest had been affected. And then later in December you sent a screenshot about a Constitutional Court judgment where you told the Minister to charge General Khumalo, either himself or through General Sibiya. You recall that?

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And then we come to the third  
20 signal chat that we have. That is the signal chat of 26 January. It is at page 210, so maybe we can go there. Sorry, 110 of the annexure bundle. And we discussed it yesterday a little, or the day before yesterday a little, and you recorded addressed three little things. The first was the situation in Phoenix in relation to the woman.

The second was the businesswoman in the Bricks cybersecurity arrangement, and the third had two components. It was the guy of the funding who you said is also in Joburg from Tuesday. He is the one I said has a 3 billion contract with SAPS, and still under the same number you said also meeting with the DNC and COS today in Durban for finalisation of Khumalo and General Mkhwanazi's matters.

10 And then you followed that up with another message to the Minister saying DNC is waiting for the COS here. This is very significant. And I want to put, if one looks at the chronology, the Khumalo and Mkhwanazi matters that you were discussing with the Minister that would involve the DNC and the Chief of Staff. Actually, were your attempts to have the two generals set up on charges for defeating the ends of justice in relation to the General Khan enquiry?

**MR MOGOTSI:** No, that is not true.

20 **ADV CHASKALSON SC:** Well, what was it? What were the Khumalo and Mkhwanazi matters?

**MR MOGOTSI:** I did say previously, it was yesterday or the day before yesterday, it was my wish that the Chief of Staff could meet with the DNC to actually allude to him all that he has had from General Mkhwanazi about me. That was all about him.

**ADV CHASKALSON SC:** And how does that relate to General Khumalo?

**MR MOGOTSI:** Because it was him, according to the Chief of Staff, in his words, what General Mkhwanazi spoke, he also mentioned General Khumalo, and I believe it is because in my chat that time I said, how is your standing with General Khumalo? And he wanted to know what is it that General Khumalo said about him when I gave that other explanation about not listening and the CITs and stuff like  
10 that. That was the reason.

**ADV CHASKALSON SC:** And can I ask you, why you thought that the Chief of Staff of the Minister of Police and the Deputy Commissioner, Deputy National Commissioner of the South African Police Service would spend the time having a meeting to discuss your relationship with General Mkhwanazi and General Khumalo? Why would it be any concern of that?

**MR MOGOTSI:** It was not my relationship. It was what General Mkhwanazi said to the Chief of Staff.

20 **ADV CHASKALSON SC:** What did he say to the Chief of Staff?

**MR MOGOTSI:** He told me over the phone that Lt-Gen Mkhwanazi says there is a problem with the guy from the Northwest. Mogotsi is the one who is creating problems for us. Something of that sort.

**ADV CHASKALSON SC:** And you thought that this was a matter for the immediate attention of the Deputy National Commissioner and the Chief of Staff?

**MR MOGOTSI:** The advantage was they were both in Durban at that time. That is the reason.

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

**MR MOGOTSI:** I was taking advantage that they were already in one place, like in the same area that time.

10 **ADV CHASKALSON SC:** Your follow-up message, DNC is waiting for the Chief of Staff here. This is very significant. What was so significant about the fact that the Chief of Staff had not come to a meeting to discuss ...[intervenes]

**CHAIRPERSON:** Mr Mogotsi, please wait until the question has been posed.

**MR MOGOTSI:** Thank you.

**ADV CHASKALSON SC:** What was so significant about the fact that the Chief of Staff in the Minister's office had not yet arrived for a meeting with the Deputy National  
20 Commissioner to discuss what General Mkhwanazi had apparently said to the Chief of Staff about you?

**MR MOGOTSI:** Commissioner, this question has been posed again. I did say that I was kind of requesting the Minister to ask or somehow tell the Chief of Staff to meet with the DNC so that he could speak to him about this

problem. Whatever that General Mkhwanazi said about me to the Chief of Staff.

**ADV CHASKALSON SC:** Sorry, what General Khumalo said about you to the Chief of Staff?

**MR MOGOTSI:** No, General Mkhwanazi said about me to the Chief of Staff.

**ADV CHASKALSON SC:** And that was the finalisation of the Khumalo and General Mkhwanazi's matters as far as you were concerned?

10 **MR MOGOTSI:** Just to finalise that thing of what General Mkhwanazi said about his concerns.

**ADV CHASKALSON SC:** All you wanted apparently was finality in relation to learning what General Mkhwanazi thought about you. Is that what you are saying?

**MR MOGOTSI:** Not thought what he told Chief of Staff about me.

**ADV CHASKALSON SC:** Why would that require a meeting with General Sibiya? Chief of Staff knew what he told me.

20 **MR MOGOTSI:** It is not that you wanted him. It was my suggestion that he should tell the DNC as soon as possible.

**ADV CHASKALSON SC:** And why would the DNC have any interest in what General Mkhwanazi had told the Chief of Staff about his thoughts in relation to you?

**MR MOGOTSI:** The DNC is a senior police officer.

**ADV CHASKALSON SC:** What business is it of the DNC

what General Mkhwanazi tells the Chief of Staff in obvious views in relation to you? Why is this a top-level police matter?

**MR MOGOTSI**: Like I said, it is what I suggested. If you suggest something and you feel it is correct and you do it, then you are questioned why and you still say, no, I thought it was the right thing to do. And that was the right thing to do.

**ADV CHASKALSON SC**: Do you think that it is a sensible  
10 use of the time of the Deputy National Commissioner and the Chief of Staff in the Minister's office for them to meet specifically to discuss what General Mkhwanazi may have said to the Chief of Staff about you?

**MR MOGOTSI**: It is. You know, I do not know how this can be explained thoroughly. Including General Mkhwanazi himself, he did send a message to the Minister that they must have a meeting, and I must be present. It was testified in the Committee. But now, when it is me requesting, you know, it becomes something else. General  
20 Mkhwanazi did ask the Minister to call a meeting with the DNC and whoever, the Minister did not do that meeting. But when it is me requesting just the two instead of five, which General Mkhwanazi requested, this becomes so questionable in many ways.

**ADV CHASKALSON SC**: There is a difference. If you are

talking about a Provincial Commissioner in one province asking for a meeting with the Deputy National Commissioner to sort out relations within the top-level leadership of the South African Police Force, that makes sense.

**MR MOGOTSI:** With Brown Mogotsi present.

**ADV CHASKALSON SC:** With Brown Mogotsi present, if Brown Mogotsi is interfering with those relations.

**MR MOGOTSI:** Sorry, I cannot ask questions. Sorry, Commissioner, I almost ask that, so is it what General  
10 Mkhwanazi said to senior counsel ...[indistinct].

**ADV CHASKALSON SC:** And why did that, why was that Khumalo's matter?

**MR MOGOTSI:** Because he did, when Lt-Gen Mkhwanazi spoke to the Chief of Staff, he did mention General Khumalo.

**ADV CHASKALSON SC:** Did he mention General Khan?

**MR MOGOTSI:** No, he did not tell me about General Khan.

**ADV CHASKALSON SC:** Chief of Staff did not tell you about General Khan.

20 **MR MOGOTSI:** No, he did not tell me.

**ADV CHASKALSON SC:** You see, I want to put it to you that that answer is self-evidently false. And that the Khumalo and Mkhwanazi's matters that you were referring to, have to relate to something else.

**MR MOGOTSI:** I do not know, it is not true, it is not false.

What I am saying here is that they had to meet, and I was thinking if Chief of Staff explains to the DNC exactly how he had, whatever that General Mkhwanazi was saying, was going to bring a kind of closure to the thinking of General Mkhwanazi.

**ADV CHASKALSON SC:** You see, Mr Mogotsi, you know what that meeting was about. The Commission can only draw its own inferences from what it sees in the evidence and any credible version that you put forward. Now, I am  
10 going to put it to you that you have not put forward any credible version. And so the Commission can only draw the most likely inference from what it sees in relation to all of these texts, which is that having regard to the timeline, having regard to the fact that you sent these messages to the Minister, that the Mkhwanazi and Khumalo matters that you were referring to were your attempt to have General Mkhwanazi and General Khumalo charged with defeating the ends of justice in relation to the common enquiry.

That is what the evidence points to. One sees it in  
20 the timeline, one sees it in your meeting with the source, where the three people who the source is encouraged to engage with are the Minister, the Chief of Staff and General Sibiya. One does not see any other plausible explanation for what you were referring to in relation to the General Khumalo matter and the General Mkhwanazi matter. So,

unless you can give us one, we have to leave it at this point and draw the inference from the actual evidence that we have. So, what are you saying these matters were?

**MR MOGOTSI**: It is obviously going to be what the senior counsel is saying, Commissioners. If inference will only be taken from what the Commission see at their disposal being that they must believe, there is nothing I can do. On my side, I did look, I have just tried to say, like Madam Commissioner said, I did not bring anything. I said, I have  
10 people, names, contact numbers, who can corroborate something here. The Commission has never said what senior counsel is saying now that they will take the information from those people or they will ever allow me to bring that evidence.

**ADV CHASKALSON SC**: Who can we speak to? To corroborate your version that the meeting you were calling for here was to discuss what General Mkhwanazi had told the chief of staff in relation to you.

**MR MOGOTSI**: Those are the only two people we can  
20 speak to, General Sibiya and Chief of Staff. Particularly Chief of Staff will tell you exactly that no, after General Mkhwanazi called me, he did speak about Mr Brown Mogotsi in this way and this way, and Brown requested that we should have a meeting.

**ADV CHASKALSON SC**: When did you make this request?

**MR MOGOTSI:** I cannot remember, we will have to go through what it does. Obviously, I am dates here, but I cannot remember, specifically at that time. I will have to check when was that.

**ADV CHASKALSON SC:** You see what you say in this message, which was sent on the 26<sup>th</sup> of January, is that you were meeting with the Deputy National Commissioner and the Chief of Staff today, in other words, the 26<sup>th</sup> of January, in Durban for finalisation of the Khumalo and General  
10 Mkhwanazi's matters. So, are you suggesting that you had arranged a meeting in Durban on the 26<sup>th</sup> of January for the Deputy National Commissioner and the Chief of Staff to get together with you to brief you on what General Mkhwanazi had said about you and in the process to mention what he may or may not have heard from General Khumalo?

**MR MOGOTSI:** I was in Durban the DNC was in Durban. I was requesting that the three of us could meet. That is what I am trying to say, that the Chief of Staff can come and narrate what he had from Lt-Gen Mkhwanazi to the  
20 DNC.

**ADV CHASKALSON SC:** Well, that is not what you were requesting. What you were saying in the first message is that you were meeting, you were going to meet with the DNC and the CIS today. Not please can I, it is also meeting with the DNC and CIS today in Durban for finalizations. So,

you are saying you had set up a meeting with them.

**MR MOGOTSI**: I had requested a meeting to meet with them.

**ADV CHASKALSON SC**: So, you were hoping to meet as opposed to ...[intervenes]

**MR MOGOTSI**: And it never materialised that meeting.

**ADV CHASKALSON SC**: Well, it partially materialised, but apparently General Sibiya arrived for your meeting because your next text says DNC is waiting for the COS here. This  
10 is very significant.

**MR MOGOTSI**: But it did not materialise. Chief of Staff, the one who was supposed to come and relay the message did not come.

**ADV CHASKALSON SC**: But General Sibiya did come.

**MR MOGOTSI**: Sibiya was in Durban already and I have asked him to wait at that particular place. I was going to come in case the Chief of Staff arrived. So, he did not come.

**ADV CHASKALSON SC**: What was the particular place at  
20 which General Sibiya was told to wait?

**MR MOGOTSI**: No, General Sibiya was in one hotel, I think Southern Sun.

**ADV CHASKALSON SC**: Sorry, which hotel? The Southern Sun Hotel.

**MR MOGOTSI**: Yes, in Durban.

**ADV CHASKALSON SC:** And do you remember which Southern Sun?

**MR MOGOTSI:** No, what?

**ADV CHASKALSON SC:** And is that where this meeting was going to take place?

**MR MOGOTSI:** No, he was at the Southern Sun that moment. So, I was telling the Minister, please ask Chief of Staff to also come because Sibiya was waiting. But the fact that he did not even answer the phone and responded,  
10 meaning Chief of Staff, I ended up not going myself. I went at some stage I went to the airport and left.

**ADV CHASKALSON SC:** Where was the meeting going to take place?

**MR MOGOTSI:** If Chief of Staff answered the phone, the venue could still be confirmed at that moment just to check.

**ADV CHASKALSON SC:** There was no confirmed venue yet.

**MR MOGOTSI:** Yes, we were not yet agreed that you were going to meet. That is correct.

20 **ADV CHASKALSON SC:** And the Deputy National Commissioner was just waiting to find out where he was going to have this meeting with the Chief of Staff.

**MR MOGOTSI:** We would speak, it would depend on where the Chief of Staff was, and maybe you could have said let us meet where the Chief of Staff was or where the DNC

was.

**ADV CHASKALSON SC:** While we are on this screenshot, can we go back to the start of this last item, where you say:

“The guy of the funding (20) is also in Joburg from Tuesday. He is the one I said has a 3 billion contract with SAPS.”

Now, Mr Matlala had been funding what he thought was the Minister's campaign. That is not correct.

10 **MR MOGOTSI:** Mr Matlala only found that the trip that went for the January 8 celebration.

**ADV CHASKALSON SC:** Yes, but he understood himself to be contributing to the Minister's campaign. Is that not correct?

**MR MOGOTSI:** No, it is not correct.

**ADV CHASKALSON SC:** I think it is. If we go to the relevant texts, you will see first of all, when you want money from him, you keep on saying we are going to lose two regions. We need 12 500 for each of the regions.

20 **MR MOGOTSI:** For the regions, that is correct.

**ADV CHASKALSON SC:** Yes, so what were the regions there to do?

**MR MOGOTSI:** You see, in the organisation, we will always have comrades in different parts of the country, whom we will always have a relationship with. Even in our

region, when we need something, we will call them. You can be called in Mpumalanga someone saying, hey, we have a regional conference, or we have this assistance with transport and so forth. I do not think talking of these presidential ambitions and all these things, they have not started. It is premature for people to say Matlala was much going to fund the campaign. It has not started. I have not seen any political race so far. This is going to local elections. It is preparing for that. I never saw the  
10 presidential thing coming.

**ADV CHASKALSON SC:** Can I take you to the exchange that you had with Mr Matlala in relation to D-Day?

**MR MOGOTSI:** To?

**ADV CHASKALSON SC:** D-Day.

**MR MOGOTSI:** All right.

**ADV CHASKALSON SC:** That is the 31<sup>st</sup> of December.

**MR MOGOTSI:** Page.

**ADV CHASKALSON SC:** My section, it starts on the relevant passage that I want to deal with is 59. Do you  
20 have it?

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** We have been through it already.

**ADV BALOYI SC:** Mr Chaskalson, is it paragraph or page?

**ADV CHASKALSON SC:** Page 50, page 59 of the annexure bundle:

10 “Today is D-Day on the other side. I also think you must stand back, you say to Mr Matlala. He says, stand back. I do not understand what you mean. You say for your safety and business. We must just fight what comes your way. And then he says, this will not change my contribution towards the Minister, though. I made a conscious decision, and I am not backing down. Whatever help the Minister needs from my side, I will be happy to assist. I just do not want to fight losing battles.”

What does that sound like to you?

20 **MR MOGOTSI**: It does not sound like nothing. He was just saying he will not change his mind to contribute to the Minister. And he has made that conscious decision. And he will not back down. Whatever help the Minister needs from his side, he will be happy to assist. So, the Minister ...[intervenes]

**ADV CHASKALSON SC**: What funding have you been asking him for?

**MR MOGOTSI**: No, we have not asked funding from him.

**ADV CHASKALSON SC**: Sorry, Mr Mogotsi, I am sorry to

interrupt, but when you are trying to explain away D-Day, are you trying to persuade the Commission that D-Day was the deadline for his contribution to January 8<sup>th</sup>? You recall that?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And that was for funding?

**MR MOGOTSI:** For the celebration of ANC members travelling there.

**ADV CHASKALSON SC:** Yes, but on the same day as that  
10 happens, he says to you, this will not change my contribution towards the Minister though. I made a conscious decision, and I am not backing down. Whatever help the Minister needs from my side, I will be happy to assist.

**MR MOGOTSI:** Yes, he said so.

**ADV CHASKALSON SC:** What help did you think he had in mind?

**MR MOGOTSI:** Remember, only after he has met with the Minister, he would declare what he would want to  
20 contribute. So far, he has not met with the Minister. And when I try to digest this, I find it very difficult to explain this, that maybe a knowledge of how campaigns are done. This is not the way campaigns are done. Campaigns, you do not just meet Mr Brown alone and he tells our campaign, and he gives you my campaigns are done differently.

**ADV CHASKALSON SC**: Well, let us see what he says immediately after he says:

“Let us see what happens immediately after he says, I am not backing down. Whatever help the Minister needs from my side, I will be happy to assist.”

**MR MOGOTSI**: Yes, that is what he said.

**ADV CHASKALSON SC**: So that is at 11:40 at the bottom of page 59. You go to the top of page 60. What do you  
10 say? You say:

“Here is our backlog and we now need to deal with this. It is a last day. I thought we spoke about it, but we did many regions. It is only two regions left. Is it possible for you to intervene on the membership for two regions, 12 and a half K each, because today we must pay?”

**MR MOGOTSI**: Correct. But all these messages they do  
20 not talk about, you see, it is going to be very unbelievable. Even in my region right now, they were going to the regional conference. Does not need Matlala or the Minister to be involved? The this that you see, people talking about the regions and so forth, it happens every time and conferences or celebration comes. It is not, you cannot say, you cannot

fundraise a particular region and align it to the Minister. It is individuals in that region that will ask you to assist them.

**ADV CHASKALSON SC:** But it is in response to Mr Matlala saying his contribution towards the Minister is not going to change.

**MR MOGOTSI:** Yes, that was.

**ADV CHASKALSON SC:** Whatever help the Minister needs he is going to provide.

**MR MOGOTSI:** But it has not, you know, Commissioners,  
10 every time when these things start, a person will have to meet with the campaign managers and the team. If you are taking provincial or national conference and when he had those intentions to do that, he has not. It is unfortunate that I had according to what former Minister Bheki Cele said, he said, Matlala said he met me with Mr Mchunu and he was going to contribute to the presidential campaign of Senzo. I am saying those campaigns have not started.

**ADV CHASKALSON SC:** Can I look at what not what you say today, but what you wrote to Mr Matlala at the time. Let  
20 us go down the page. Still on the 31<sup>st</sup> of December, D-Day. Go down to 19:08. You say:

“We managed to push. We only need  
for those two regions.”

Then you send a bank account of an OD Lekwaba. Who is OD Lekwaba?

**MR MOGOTSI:** Yes, it is the same with my fiancé.

**ADV CHASKALSON SC:** But who is OD Lekwaba?

**MR MOGOTSI:** It is my fiancé.

**ADV CHASKALSON SC:** Okay.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** Okay, so, you send your fiancé's bank account.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** And you say we need 25K only.

10 And then at 19:10, you say:

“We will engage with everything and anything we need, my boss. The problem is we are going to lose voters in the two regions.”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Now how are you going to lose voters? Who are those voters there to vote for?

**MR MOGOTSI:** No, every region. You see it should not be that this is for the presidential forces. Senzo does not  
20 contest in those regions. The assistance was directed to those regions.

**ADV CHASKALSON SC:** So, what is the voter issue?

**MR MOGOTSI:** The voters are members that should be assisted. Those are voters.

**ADV CHASKALSON SC:** Members that should be assisted

to do what?

**MR MOGOTSI**: In their own regional programmes.

**ADV CHASKALSON SC**: You see, Mr Mogotsi, what this looks like to me, and I would submit to anybody else who looks at it sensibly, is that Mr Matlala says I will do anything that you want to support the Minister. I am here to help the Minister. And you then say, well, give me 25 000 to pay for these two regions, because otherwise we are going to lose voters. That is the help the Minister wants.

10 **MR MOGOTSI**: No, unless if I have written, okay, let me stick to the Minister or the Minister saying you must pay 25K. This should not be mixed with that. There is no way the Minister comes in these things. Even if he had, I am saying, should there be any presidential campaign it was going to have, there was going to be a team which, and most of the time the Minister will have his chief of staff as a representative, not only since Mchunu most of Ministers or any political head. That is why they have chief of staff as their political appointees to that.

20 **ADV CHASKALSON SC**: I see. Well, we will have to leave that one there.

**ADV KHUMALO SC**: Before we leave Adv Chaskalson, I would like to ask also, Mr Mogotsi, why would Cat Matlala be discussing with you a contribution towards the Minister on the 31<sup>st</sup> of December 2024? If it has never come up

before, why would he suddenly be talking about a contribution towards the Minister?

**MR MOGOTSI**: It was his wish that you will meet with the Minister, and you will want to contribute to whatever the Minister wants. And like I said, if there is any other thing that from the investigation that I picked up, in the midst of all these things, Matlala initially in December, he told me he wants to meet the Minister. He has a problem with his tender. He wants to meet the Minister. And you know,  
10 once he can meet the Minister, he can help him. He can do whatever businesspeople do say such things. The important thing is, do not put the Minister close to this person. That was the instruction of the handler. And they did not meet. He did not even give the Minister a cent.

**ADV KHUMALO SC**: But when Adv Chaskalson put to you that this is what Cat Matlala thought he was doing, you said, no, that is not the case. Cat thought he was contributing towards the Ministers.

**MR MOGOTSI**: No, it was not for the Minister. Me and him  
20 never agreed that the Minister's programme is starting now. Please contribute to the Minister. He said - we never. And I am not in a position. That is not my capacity to can ever lay or look for money in the name of the Minister. People who can look for money in the name of the Minister are those he appoints to run probably his campaign at the right

time. Here, the campaign has not even started. Look, we are tweaking December last year. We are going to December. Even next year, December, the campaigns will not be there. We still have two years to go to talk presidential campaigns.

**ADV CHASKALSON SC:** Well, can I take issue with that answer? Let us go to page 112. That is the WhatsApp that you fabricated to send to Mr Matlala pretending or masquerading as WhatsApp to the Chief of Staff. You  
10 remember that.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And you created that to look like an authentic exchange between yourself and the Chief of Staff, even though it was fabricated.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So, it was designed to say what Mr Matlala wanted to see you saying to the Chief of Staff. Is that correct?

**MR MOGOTSI:** That is correct.

20 **ADV CHASKALSON SC:** Can we go down to – well, 112, what is forwarded there is the letter of complaint from inside SAPS. And then 113 is the key piece that you want Matlala to see. You want to see that you are fighting his cause. And there, you pretend to be saying to the Chief of Staff:

“This matter may be escalated to you because of non-performance. Our guy needs your intervention. January 08 guy who is about to take over our programme.”

What are you saying there?

**MR MOGOTSI**: The fact that the message is fabricated, I was trying to show him that it is the guy of January 8<sup>th</sup>. It is the guy who wants to take over the programme.

10 **ADV CHASKALSON SC**: And what is that programme?

**MR MOGOTSI**: As you say, remember I was telling you about the charity organisation in KZN. This is the one.

**ADV CHASKALSON SC**: So, it is not a political campaign now. It is the Minister's private charitable foundation.

**MR MOGOTSI**: Yes, this is what I also told.

**ADV CHASKALSON SC**: So, Cat Matlala was a funding guy, but he was not funding a political campaign. He was funding a charitable foundation.

20 **MR MOGOTSI**: Yes, which he has not funded. It is the message designed for him to see, for Matlala to see that I send this message.

**ADV CHASKALSON SC**: I see. Well, let us go back then to page 110 because at least we now have some clarity. On page 110, at the foot of the page, you say:

“The guy of the funding is also in

Joburg from Tuesday. He is the one I said has a 3 billion contract with SAPS.”

We now know that Mr Matlala is a guy of the funding because he is funding the Minister's charitable campaign.

**MR MOGOTSI**: Yes, I told you here it is not even 3 billion. It is 30 million. This is Josias.

**ADV CHASKALSON SC**: I see, yes. Well, let us first clarify how Mr Matlala ticks these boxes and then let us get  
10 to Josias. He is a guy of the funding. He, on your version, has offered to take over the Minister's charitable foundation or the funding of the charitable foundation.

**MR MOGOTSI**: The programme, yes. But in this time, you just tell me the programme.

**ADV CHASKALSON SC**: Okay, but he is certainly offering funding for a project of the Ministers.

**MR MOGOTSI**: Kind of, yes.

**ADV CHASKALSON SC**: And he has a contract with SAPS.

**MR MOGOTSI**: Who Josias?

20 **ADV CHASKALSON SC**: Mr Matlala.

**MR MOGOTSI**: Yes, yes.

**ADV CHASKALSON SC**: It is not 3 billion. How much is it?

**MR MOGOTSI**: The 10 of Matlala.

**ADV CHASKALSON SC**: Yes, the Medicare contract. Do

you know what its value is?

**MR MOGOTSI**: It is 360 million.

**ADV CHASKALSON SC**: 360 million.

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: So, a bit of exaggeration in this text if it is applied to Mr Matlala. You say it does not refer to Mr Matlala.

**MR MOGOTSI**: No, it is Josias.

**ADV CHASKALSON SC**: It refers to Josias.

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

**ADV CHASKALSON SC**: Does Josias have a surname?

**MR MOGOTSI**: Yes, he, yes, I think he is a Venda surname. He actually told me he has a contract at SAPS, and he was willing to do whatever that to be spoken about.

**ADV CHASKALSON SC**: Well, let us get his surname first because we can then track down Josias.

**MR MOGOTSI**: I do not know him - I do know him, Josias including him he never met the Minister. He never met the chief of staff. He was just trying to say he can contribute to  
20 the guy Josias.

**ADV CHASKALSON SC**: So, someone with a Venda surname and a first name called Josias told you he had a contract at SAPS. Or was the contract in the name of a company? Do you know?

**MR MOGOTSI**: Yes, we have not yet met and shared the

details. He just said he has got a contract and he wants to contribute to that charity organisation.

**ADV CHASKALSON SC:** So, he wants to contribute to the Minister's charity, and he has a contract with SAPS, but you do not know what that contract is.

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

**ADV CHASKALSON SC:** Yesterday, or the day before, I think he mentioned that it was a R30 million contract.

**MR MOGOTSI:** That is correct.

10 **ADV CHASKALSON SC:** So, you know the value of the contract, but not the subject matter of the contract?

**MR MOGOTSI:** Commissioners, you know, if you check this thing properly, it is not a first time. Someone will say I am doing cyber security or I am doing this and that. I want to meet the Minister. When in actual fact, you will tell the Minister somebody has interested in it. He had like to meet with you or whatsoever. It is a comrade he will say I tell him to go to my province if he wants to contribute in my province, tell him to speak to Chief of Staff he wants the  
20 meeting. But at least those years when I said Tuesday, that meeting also never happened. We never met and I never made follow-ups because even after that, he did not speak to me much this Josias.

**ADV CHASKALSON SC:** So, it is just another unfortunate coincidence here that your text refers to someone who

seems to tick the boxes of Mr Matlala but that actually relates to somebody else called Josias who has a Venda surname and his other details we seem not to be able to establish.

**MR MOGOTSI**: Yes, but Commissioners, I believe that for Minister Senzo, I could have said this guy has a contract of 360 million is a Medicare company. I should have given the Minister details if it was Cat.

**ADV CHASKALSON SC**: I see, and the fact that you just  
10 referred to the funding guy and a contract with SAPS, he is evidence that it was not Cat.

**MR MOGOTSI**: May you please repeat the question?

**ADV CHASKALSON SC**: The fact that you just referred to the funding guy and the contract with SAPS is evidence that you were not referring to Cat. Is that what you are suggesting to us?

**MR MOGOTSI**: Commissioner, I get confused that, well, I send this message, and I have said it so many times that if it was Cat, perhaps I could have identified him differently as  
20 opposed to this.

**ADV CHASKALSON SC**: If it was not Cat, why did you bother sending this to Cat?

**MR MOGOTSI**: Is to show him that I am working and I am very close to the Minister, and I am doing something every day. That is, you know, he knew that he has the Minister's

name all the time and it did not – that is why sometimes he had even said, I see you are sending me so many things. What is this? What are you talking about?

**ADV CHASKALSON SC:** So, this is just another unfortunate coincidence you send to Cat a text that looks for all the world that it is referring to him, but actually it is not?

**MR MOGOTSI:** I do not know what is - what Commissioner is saying to be a coincident here.

10 **ADV CHASKALSON SC:** You see, Mr Matlala, I am reminded of what the villain says in one of those early James Bond movies, which is once his happenstance, twice his coincidence, three times his enemy action. We are at about eight times, and you want us to believe that they are all just coincidences.

**MR MOGOTSI:** But there is nothing coincidental here.

**ADV CHASKALSON SC:** It is not a coincidence. You send a text to Cat that looks for all the world that it is referring to Cat, but it is just unfortunately a mistaken appearance. It  
20 does not refer to Cat although it looks like it is referring to Cat.

**MR MOGOTSI:** But Commissioner Cat did not have the 33 billion and no one has. I do not know of anyone. I knew this was 30 million.

**ADV CHASKALSON SC:** I see.

**MR MOGOTSI**: You also understand – maybe you want to ask me how does Cat feels when I say there is a guy who is going to meet is also as a contract and is going to be available and she was a maybe if that was the question, because is that the question, Commissioner? Or how does he feel when he sees this?

**ADV CHASKALSON SC**: How does Cat feel when he sees a text from you saying that he is going to be in Joburg on Tuesday and that he is expecting a meeting with the  
10 Minister.

**MR MOGOTSI**: Another person.

**ADV CHASKALSON SC**: Another person.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Let us let us look at what happened with Cat because straight after you send this meeting as you send this this text. If we go staying on page 111 down to 20:37 the very next text. He write ‘Cat they just left to Lekgotla.’

**MR MOGOTSI**: That is correct.

20 **ADV CHASKALSON SC**: Yes, and he says:

“So, what is the plan? Should I make my way there or what?”

He thinks he is coming to a meeting with the Minister. Does he know ...[intervenes]

**MR MOGOTSI**: No, this is the time when I said General

Bheki Cele was in Cat's house. This is the one.

**ADV CHASKALSON SC:** Sorry, this is the time?

**MR MOGOTSI:** And I said after Lekgotla that is when General Cele was in Cat's house.

**ADV CHASKALSON SC:** I see.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So, you send him a text which says that the guy of the funding is also in Joburg from Tuesday. And he is the one with the contract with SAPS.  
10 You then tell him they just left to Lekgotla he says should I come over there and actually he is not meeting the person who was told apparently that he is in Joburg. He is there to meet somebody else entirely General Cele who has not been mentioned in any of these texts previously. Is that what you are saying?

**MR MOGOTSI:** Yes, but this Commission has the meeting here this is now after this is now January. This this is the 26<sup>th</sup> of January on a Sunday.

**ADV CHASKALSON SC:** Let us let us take you through the  
20 sequence.

**MR MOGOTSI:** All right.

**ADV CHASKALSON SC:** The chat with the Minister is on the Sunday. Sunday the 26<sup>th</sup> of January.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Monday was the 27<sup>th</sup>. Tuesday

was the 28<sup>th</sup>. You tell the Minister that the guy of the funding is in Joburg from Tuesday from the 28<sup>th</sup>.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: On Thursday the 30<sup>th</sup> you send that text to Cat.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: And Cat says and then immediately after on the same day as you send that text you say they just left to Lekgotla. And Cat says should I make  
10 my way there or what? What does it look like to you?

**MR MOGOTSI**: Yes, but you see this this Commission perhaps counsel you imply that this was the meeting I spoke about. It was not Tuesday. This was now on Thursday.

**ADV CHASKALSON SC**: Yes, but what you said to the Minister is the guy with the funding is here in Joburg from Tuesday. Thursday is from Tuesday.

**MR MOGOTSI**: Yes, that is correct. But Cat is staying here in Gauteng. He is staying in Pretoria. For him to have a meeting I would not have to say he is there from Tuesday.  
20 He is staying here. I can tell you that is why I said perhaps the question here is how does Cat feels to show him these meetings? It is for one reason that I showed him these messages especially this one.

One talks about a woman who is doing cyber security. The other one talks about someone who is doing a

business and whatever and whatever is to show Cat that he is not the only businessperson who would want to engage with the Minister. There are so many other businesspeople who can meet with the Minister. Could you show him that the Minister is also that he should not believe he is the only businessman who is there.

You show that no, the Minister is busy also have this one. He also has this one. And you are showing him also in this message is that I am able to tell the Minister to  
10 meet this businessman. I am able to tell him meet this businessman. Meet that one. You are showing Cat to continue believing that himself he will have this chance to meet with the Minister.

It is not that he is mistaken and it is coincidental that this now refers to Cat. No. Now here let me tell you I need and this is very sensitive, but it happened. When I said should I made a plan there? I wish on this particular two things. Commission may I approach counsel on these two things. To approach counsel only two five seconds on  
20 these two things that I need to give clarity about or else I am going to request to make a representation because this is something that is I do not really think I can just say it here. Maybe if we can just ask one minute adjournment.

**ADV CHASKALSON SC**: Chair, there may be a route through this. I had arranged with Mr Matlala's counsel

earlier that I apologise, Mr Mogotsi. Mr Mogotsi's counsel earlier that because we might sit a little later today, we would have a break. Well, I would ask for a break. And why do not if we could take a 5-minute, ten-minute break now just to give Mr Mogotsi a bit of a break so that we can sit a little later.

**CHAIRPERSON:** Let us adjourn and come back at 10 past.

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

**INQUIRY ADJOURNS**

10 **INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Chair, I understand we have to finish within the next 15 minutes and there are some other topics I would like to get through, so I am not going to pursue that last line of questioning any further. Mr Mogotsi, if we just quickly run through a chronology. Your Signal message to the Minister that we have been looking at was sent on 26 January. The meeting with the Colonel who was possibly going to trap Generals Kamala and Mkhwanazi was  
20 on 29 January.

In Parliament yesterday, the Chief of Staff mentioned that the Minister had scheduled a meeting with you for 3 February, which was a week after you sent the morning Minister a letter about the Kamala and General Mkhwanazi matters and the funding guy with the contract

with SAPS. He says that the 3 February meeting apparently could not take place because people were called urgently to Luthuli House. What was the 3 February meeting going to be about?

**MR MOGOTSI:** It was going to be a political meeting.

**ADV CHASKALSON SC:** A political meeting, and what in particular?

**MR MOGOTSI:** We called different people from different regions.

10 **ADV CHASKALSON SC:** Different regions of the North West, or different regions of ...[intervenes].

**MR MOGOTSI:** I think it was the North West, yes.

**ADV CHASKALSON SC:** And why did they have to meet with the Minister?

**MR MOGOTSI:** If it is political, it means they would have raised their political issues with a member of the MEC, National Executive Committee Member of the MEC. They would raise their political issues with him.

20 **ADV CHASKALSON SC:** So it just so happened to be that the member of the MEC that they wanted to raise issues with was the Minister?

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And who were these people who were due to come?

**MR MOGOTSI:** It would be members of the ANC.

**ADV CHASKALSON SC:** No, I understand that, but if they are coming to see the Minister in the capacity as ...[intervenes].

**MR MOGOTSI:** Members of the ANC ...[intervenes].

**ADV CHASKALSON SC:** Members of the ANC, you can happily give their names?

**MR MOGOTSI:** The names of the people who were going to attend the meeting?

**ADV CHASKALSON SC:** Who were going to come to that  
10 meeting. You see, I ask you this question because the Chief of Staff's version yesterday in Parliament was remarkably unparticularised. He could not point to any attendance register. He could not point to any people who were there. He could not point to any access at the gate. He could say nothing other than that he had been asked to set up this meeting and that you were bringing people, but they could not come.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** So what I want to know is who  
20 were the people you were going to bring?

**MR MOGOTSI:** Commissioners, a meeting of that sort ...[intervenes].

**ADV CHASKALSON SC:** Mr Mogotsi, it is a very simple question. Who were the people? They have names. What were their names?

**MR MOGOTSI**: I do not get the point, Mr. That meeting never took place. It is because, let me explain this properly, Commissioners ...[intervenes].

**CHAIRPERSON**: Mr Mogotsi, if you know the names, it does not require an explanation. Do you know the names or not? If you do, please give us the names.

**MR MOGOTSI**: The names were not yet prepared because we are relying on the... When they said people were called to Luthuli, it means whoever that we are planning to bring  
10 being a leader, you cannot bring their followers without a leader. It is leaders like your regional leadership, Regional Chair and Secretaries who are called to Luthuli House. Now, we could not convene any other meeting without the Regional Leadership. At that stage, we could not put up a list and say here are the people who are going to come.

**ADV CHASKALSON SC**: Sorry, I genuinely do not understand that answer. Because if the answer is that the Regional Leadership and Chair would have been there along with other people, then ...[intervenes].

20 **MR MOGOTSI**: No, I am not saying that.

**ADV CHASKALSON SC**: You are not saying that?

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: All right.

**MR MOGOTSI**: There was a meeting which we had with regional secretaries. I have names, but that one did not

materialise. When you call that meeting, you say please bring one rep from your region. And if that meeting does not take place, those reps, you will not be able to see them and therefore you do not have the names.

**ADV CHASKALSON SC:** You see, if I understood the version of the Chief of Staff correctly, it is not consistent with what you are telling me now because the Chief of Staff said that it was already a few minutes past the scheduled start time for the meeting when he was called to say that  
10 people cannot come because they have been called urgently to Luthuli House. So if that was the situation, he would have known who was due to be at the meeting. And the fact that they were subsequently called urgently to Luthuli House would not prevent you from telling me who was supposed to be there but for the Luthuli House call?

**MR MOGOTSI:** You know, Commissioners, there are so many members of the ANC that I know, my friends. I would have just said Thato, Tshepo. To be honest, once a meeting is arranged and that meeting, for him to say it was  
20 the last minute cancellation, it is because the leaders who were not coming here, the leaders were called to Luthuli. So the same leaders did not, could not give us their names, could not give us their representatives who were coming. I am saying to you that because there are even few members now who left the ANC. I could have called their name or

called whoever, but we did not have the list. I was also going to meet them here in Gauteng. So I do not have their names.

**ADV CHASKALSON SC:** So this meeting was about ordinary ANC business in the North West?

**MR MOGOTSI:** Not business.

**ADV CHASKALSON SC:** What was it?

**MR MOGOTSI:** Like concerned members. If you say one rep per region, it means North West has four regions, you  
10 will bring four people. But those leaders you are talking to, you will never know who are they bringing. So that meeting, therefore ...[intervenes].

**ADV CHASKALSON SC:** And what was the purpose of the meeting? What were you going to raise with the MEC, sorry, with the Minister in his capacity as an MEC member?

**MR MOGOTSI:** I do not know what they were going to raise. It is them who had to come and give their political overview, their feeling in the province, and so forth.

**ADV CHASKALSON SC:** But the Chief of Staff said it was  
20 your meeting, that you were bringing people, that the Minister had scheduled a meeting with you and some people you were going to bring.

**MR MOGOTSI:** Ja. You know, Commissioners, I was watching the same thing that you are talking about. I could have had answers of those people. I am saying only the

leaders who were called to Luthuli, the leaders who were called to Luthuli did not give me those that had to attend. So I cannot have their names, even if it was my meeting. And those people that were coming to attend for that meeting, it is a normal thing for maybe comrades from KZN or Free State to meet with the Minister. It is to raise their general concerns from where they come from. Not me, where I come from, where they come from, to raise their issues with a member of the National Executive Committee.

10 **ADV CHASKALSON SC**: And have you been involved in any meetings of the MEC, or not MEC, meetings with the Minister in his capacity as MEC member, other than that meeting that did not happen?

**MR MOGOTSI**: Ja, there was a meeting of regional secretaries, and only two of them came with their drivers, and the meeting could not necessarily be fruitful, but it took place, I was present in that meeting.

**ADV CHASKALSON SC**: Where was that? Where and when was that meeting?

20 **MR MOGOTSI**: NSFAS State House.

**ADV CHASKALSON SC**: And when?

**MR MOGOTSI**: I am not good with dates, and this is a disadvantage, but it was last year, I cannot remember.

**ADV CHASKALSON SC**: 2024, not 2025?

**MR MOGOTSI**: Not 2025.

**ADV CHASKALSON SC:** I am going to move on to another topic which has been touched on in part, it is the apparent advance notice that you got of the disbandment order. I am not sure if there are any issues that the Commission wants to traverse before we go on.

**CHAIRPERSON:** We will ask our questions when we resume, so we will let you go on that.

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

**CHAIRPERSON:** Thank you.

10 **ADV CHASKALSON SC:** We know that the PKTT disbandment letter was sent from the Chief of Staff to the National Commissioner's Office at 17:20, that is 05:20pm on New Year's Eve, 31 December 2024. That is when the letter went out. If we go to your chats, and this is a point that Commissioner Khumalo raised with you, at 11:32 on that morning, which is a good almost six hours before the letter went out, you were telling Mr Matlala that today is D-Day on the other side and he must stand back for his safety and business, and he said:

20                    “This will not change my contribution towards the Minister, although I made a conscious decision and I am not backing down. Whatever help the Minister needs from my side, I will be happy to assist. Just do not want to

fight losing battles.”

He says. And you have had an exchange with the Commissioner who put to you that the most obvious interpretation of your text to Mr Matlala is anticipation of the disbandment letter. You deny that.

**MR MOGOTSI**: I deny that.

**ADV CHASKALSON SC**: And you have suggested that what you were really speaking to Mr Matlala about was he had to pay today because it was the deadline for the  
10 January 8<sup>th</sup> contributions.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: How does that explanation square with his response, which is:

“This will not change my contribution towards the Minister, though. I made a conscious decision and I am not backing down. Whatever help the Minister needs from my side, I will be happy to assist. I just do not want to  
20 fight losing battles.”

Why did he say that if what you were telling him was, you have to pay today, otherwise it is too late?

**MR MOGOTSI**: Ja. On that point, he was talking about his safety and his business. Remember I told you there are possibilities that the PKTT could come to your house. Now,

as I am repeating the statement again, Commissioner, I said the D-Day had to do with the celebration. Now that I am saying we will fight all the way for him, and he is also trying to please me, and myself also, my boss, I will not change my decision. I am going to help the Minister and whatsoever. But the point is, the reason he said that, I believe, he was trying to please me.

**ADV CHASKALSON SC:** Well, we have traversed this, and you have traversed it with Commissioner Khumalo. I am not  
10 going to take it forward. I do want to put to you that what you were referring to was not deadlines for payment, but was anticipation of the disbandment letter.

**MR MOGOTSI:** So far, it is vividly clear that Matlala, I was speaking to him openly. If there was a letter coming, I would have given him that letter. It is the first time that I hear even that the letter came from the Chief of Staff. And because I am talking to him, probably I would have received the letter the same day, and showed it to Cat the same day. So I only got the letter from social media, I believe it was  
20 the second day.

**ADV CHASKALSON SC:** Well, let us wait till we get there, because before we get there, on the 1<sup>st</sup> of January at 13:41.

**MR MOGOTSI:** Page?

**ADV CHASKALSON SC:** Page 62, at the bottom of the page, there is a text which you have denied, or a chat which

you have denied. At 13:51 the text reads, good day. It is from you to Cat:

“Good day, I have arranged a meeting for Sibiya and the Minister, must have a solution.”

You say you never sent that.

**MR MOGOTSI**: Page 62?

**ADV CHASKALSON SC**: Sorry?

**MR MOGOTSI**: Yes, I did not send this message.

10 **ADV CHASKALSON SC**: You deny sending that?

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: I have to put to you that your denial is unsustainable, but we will in due course bring the technical evidence to show that this text could not have been planted in that body of WhatsApp messages. But it is a technical question, I do not want to take it further with you now, but I have to put it to you.

**MR MOGOTSI**: I hear that there will be a technical person for this. No, it is my wish, Commissioners, that this cell  
20 phone for Cat, when we are having those experts, perhaps I should be allowed to bring the same machine.

**ADV CHASKALSON SC**: Sorry, the same machine?

**MR MOGOTSI**: Yes, we know they are using the Cellebrite machine. And I have said yesterday, this Cellebrite machine, South African Police Service has, it has that

machine. No one operates it. They are utilising these other companies that I cannot mention. That machine, you choose the message that you want to extract. And I wish they bring it here on that day, they extract, once they are done, they must allow us to also extract, me, with my person to extract.

**ADV CHASKALSON SC:** If you want to appoint an expert to be present at the mirror imaging of the phone from the original sealed evidence bag in which it is kept, and to  
10 make your own image, we will make the necessary arrangements if that is necessary.

**MR MOGOTSI:** Ja. Not mirroring, not to mirror. To do what they did, the download. To show you from the phone, the day it was bought, till today. Whatever that was taken out, we will be able to take out. Whatever that was deleted, we will put it back. Things that General Mkhwanazi said there in Parliament, that they can do. Like I said, Commissioners, with us to run this ...[intervenes].

**ADV CHASKALSON SC:** Mr Mogotsi, I do not want to have  
20 this debate with you, I am tendering our cooperation if you want an expert appointed to perform these exercises.

**MR MOGOTSI:** Thank you.

**ADV CHASKALSON SC:** When we get to it, your legal team can be in touch with us.

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

**ADV CHASKALSON SC:** Let us then get to the 1<sup>st</sup> of January. And at 10:38 on the 1<sup>st</sup> of January, you send a message to Mr Matlala, which we see at page 63, 10:38pm, 22:38. The message says:

“The task team that came to your house and harassed you has been dissolved/disbanded.”

You see it?

**MR MOGOTSI:** Correct, correct.

10 **ADV CHASKALSON SC:** And your evidence was that you sent this message after finding the disbandment letter on social media.

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

**ADV CHASKALSON SC:** And I asked you whether it was public social media or private social media, had someone sent it to you privately, you said no, it was publicly accessible.

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

20 **ADV CHASKALSON SC:** You see, I want to put it to you that that evidence is false because we have done a comprehensive search of public social media, and the earliest that any public source announced the disbandment decision was when the journalist who scooped the story posted about the disbandment decision on X at 21:32 on the 2<sup>nd</sup>, not on the 1<sup>st</sup>, on the 2<sup>nd</sup>. So you had in your

possession information of the disbandment 23 hours before it went public.

**MR MOGOTSI**: It is not true. Whoever did that study, I do not know how he is going to prove that that journalist was the first one to get, that was the first to run the story, or when did the journalist get the story. I got the letter from the social media, and it was all over social media. And everyone, including General Mkhwanazi, General Masemola, no one mends up and say, including the recipient, no one  
10 accepts to have received the letter. All of them say they got it from the social media. My contention ...[intervenes].

**ADV CHASKALSON SC**: Indeed, everyone did get it from social media.

**MR MOGOTSI**: My contention, Commissioner, is that the recipient of that letter is the one who leaked it, because it was against their wish.

**ADV CHASKALSON SC**: I am not accusing you of leaking it.

**MR MOGOTSI**: No.

20 **ADV CHASKALSON SC**: I am just putting to you that you were aware of the information before it was publicly available on social media.

**MR MOGOTSI**: I was not aware. There was no way I could be aware.

**ADV CHASKALSON SC**: Well, if you can track the source

from which you found that letter, I would be very interested in knowing that source, because we see no evidence whatsoever of any publicly available source speaking to that letter before 21:32 on the 2<sup>nd</sup>.

**MR MOGOTSI**: I do not know if I will be able to find it, Commissioners. My only wish is that maybe this PKTT now, if it still exists, should maybe be given to Limpopo to run it or Gauteng because this PKTT, for it to be based in KZN, it is a problem. Maybe it should be given to General  
10 ...[indistinct] in the North West or someone just to see what will happen if it is administered or managed by different people. Thank you, Commissioner.

**ADV BALOYI SC**: Can I just check this? Mr Mogotsi, you say the recipient is responsible for leaking the letter. That is what you said.

**MR MOGOTSI**: That is in my view. I am not speaking ...[intervenes].

**ADV BALOYI SC**: You are not stating it as a fact?

**MR MOGOTSI**: No, no, no.

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

**MR MOGOTSI**: Thank you.

**ADV CHASKALSON SC**: Can we go down, still on page 63, to the 2<sup>nd</sup> of January at 08:58? There you send a message to Mr Matlala saying:

“They got the letter on Monday. As we

speak, they are bringing all the dockets  
    to Sibiya.”

That is correct, Commissioner.

**ADV CHASKALSON SC**: Yes, and there was ultimately a decision to bring the dockets to General Sibiya's office, but that was only taken officially in March of 2025.

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

**ADV CHASKALSON SC**: But you seem to have advance notice that this decision was going to be taken.

10 **MR MOGOTSI**: Ja, this has been coming so many times, and I am trying to think perhaps we should check who actually gave the directive that the dockets must go to General Sibiya. I think that is where now even the Commission should establish whether it is Brown Mogotsi who said take those dockets to Sibiya, because now I have mentioned it and I gave example to say I was with someone, there was issue of the dockets, it was somehow I was made aware that the dockets belonged to the Deputy National Commissioner, and I then thought indeed they are going to  
20 go to him.

    Now the story that, because I knew beforehand, maybe we now have to check, especially with the SAPS management, the Brigadier, the Major, the General who was here must check who said the dockets must go to General Sibiya, so that we can see if it is the Minister because it is

somehow purported that it is the Minister or the Chief of Staff, someone I am ...[intervenes].

**ADV CHASKALSON SC:** Mr Mogotsi, I am not interested in who said it. I am interested in when it was first said and why you assumed, or you said that was happening on the 2<sup>nd</sup> of January at 08:58 in the morning.

**MR MOGOTSI:** Ja.

**ADV CHASKALSON SC:** When it happened, we know it was several months later. What we are interested in is why  
10 you said that on 2 January at 08:58.

**MR MOGOTSI:** The dockets belong, all the dockets are reporting to the Deputy National Commissioner.

**ADV CHASKALSON SC:** So you considered it simple common sense that if the task team is going to be dissolved, the dockets would all go back to General Sibiya's office as the Deputy National Commissioner?

**MR MOGOTSI:** Ja. It can be common, because it is not common for everyone at that time, for me, because I knew that the dockets, as a matter of principle, I heard from  
20 someone telling me that the Deputy National Commissioner is responsible for all the dockets in the country, therefore I presumed that they would go back to him.

**ADV CHASKALSON SC:** You see, we have had evidence in this Commission relating to whether it was common sense or common practice, and the unanimous evidence is that it

was not. Can I take you to General Mkhwanazi's evidence in the exhibit bundle at 187? Do you have 187?

**MR MOGOTSI**: I have.

**ADV CHASKALSON SC**: There, the Evidence Leader, Advocate Sello SC, in line 11 asks this question:

10                    “If a task team in KwaZulu-Natal is disbanded, and I will assume for purposes of this question that it is correctly disbanded, what automatically happens to those dockets that the task team handled?”

And General Mkhwanazi responds:

20                    “The case dockets, Commissioners, belong to a police station. The cases opened at a police station get registered. It is going to have a case number of a particular police station. The docket might be investigated by a specialised unit, a task team, or whatever that is established, but in conclusion thereof, it goes back to the police station where it was registered. So if there was a decision to stop the work of this task team, on dockets that are already finalised will need to be

returned back to the stations, and dockets that are still under investigation will also need to be returned back to the very same stations, so that those dockets will be allocated to different investigators at the station so the work or investigation work can continue.”

So the Provincial Commissioner said, well, in the ordinary  
10 course of events you would expect dockets to go back to the police stations. But his was not the only evidence, because then we heard the evidence of Maj-Gen Motsepe. She is actually in General Sibiya's office, and she is the General in the office of General Sibiya who is ultimately tasked with responsibility for these very dockets. And she made clear in testimony before this Commission a few days before you testified that it was not common sense for the dockets to be brought back to General Sibiya's office. And I can just read what she said at page 10 of the transcript of  
20 her evidence. She says:

“What I am trying to say from the onset, there was no proper explanation to me why the dockets were taken here.”

So the very person in General Sibiya's office, who was

given responsibility for the office, said she had no explanation as to why they would come to her office. So the Generals in SAPS would not have predicted that the dockets would go to General Sibiya, but you managed to predict that several months before it happened. How was that?

**MR MOGOTSI**: It happened just like that.

**ADV CHASKALSON SC**: Just like that? Another one of these marvellous coincidences.

10 **MR MOGOTSI**: No, no. Now check the same Provincial Commissioner, who knows that the dockets must go to the police stations, who has the authority to disperse them to the police stations. Why did he not do that?

**ADV CHASKALSON SC**: That is a question that we can put to General Mkhwanazi if we choose to.

**MR MOGOTSI**: Okay.

**ADV CHASKALSON SC**: But I am asking you, how did you know that the dockets would be brought back up to General Sibiya when all of the Generals in the police force that we  
20 have spoken to about this question thought that that was not standard practice?

**MR MOGOTSI**: But Abraham Mogotsi knew. Unless there was a directive from either the person who suspected to have given me the letter, like now I speak to Chief of Staff, here is the Chief of Staff ...[intervenes].

**ADV CHASKALSON SC:** I am not interested in the letter anymore. I am interested in the knowledge that the dockets were going to go to the office of General Sibiya.

**MR MOGOTSI:** Then the Commission, probably the Commission should establish who said the dockets must go. Because during some sessions here, Chairperson of the Commission did ask the same General that there was something like General Mkhwanazi said they must come to Gauteng for audit or to be checked and the Chairperson did  
10 not necessarily think that it was futile. Why would not they be audited in the province? Now, I am scared to get into that terrain that General Mkhwanazi, it is him who brought the docket to Gauteng and he ...[intervenes].

**ADV CHASKALSON SC:** I am not asking how the dockets got to General Sibiya's office. I am asking how you knew on the 1<sup>st</sup> of January, sorry, on the 2<sup>nd</sup> of January, that the dockets would be taken to General Sibiya's office.

**MR MOGOTSI:** I would say, Commissioners, common sense that I had then is still not common to everyone.  
20 Because unless if there was or there is something that probably I am getting linked, there is a directive maybe from the Minister or the Chief of Staff, or General Sibiya himself said bring those dockets, then you would say he told me. So I am saying it was my thinking because the Deputy National Commissioner, all the dockets in the country,

reports to the Deputy National Commissioner.

**ADV BALOYI SC:** Mr Mogotsi, someone told you about this letter. You say it was on social media. Why do you not just admit that somebody told you the dockets are going to General Sibiya? What is being put to you is the Generals of the SAPS who have testified here have said it did not make sense for the dockets to come to Pretoria. That is their evidence, all of them.

You are the only one so far before the Commission  
10 who knew that these dockets are going to go to General Sibiya. And you say it is common sense for you, an informer, who is not an employee of the SAPS other than a contact agent, you say common sense they would go to Sibiya. It is very difficult to, sitting here, it is very difficult to believe your answer, that that is the best answer you are able to give.

**MR MOGOTSI:** I can make reference again. Commissioner, I remember something. Yesterday, when I was speaking about Maj-Gen Lushaba's case, Docket 38,  
20 now I remember again. This was the second time. That docket could not be found. And my handler, I remember again, he had to talk to his commander that they should go to the office of the Deputy National Commissioner so that the DNC, Deputy National Commissioner, could give instructions that he wanted the docket. So again from

there, and I should apologise to use the word common sense because I relied on the first incident after the VIP Protection from the Deputy President when they were arrested. I thought that matter is investigated in SAPS. And I heard no, it is done by the Presidency. But they are surprised why it is done by the Presidency because all the dockets belonged to the DNC at that time. And the second incident is when, with the Docket 38, it could not be found, I think, until today. So I knew also ...[intervenes].

10 **ADV BALOYI SC**: Okay.

**MR MOGOTSI**: Thank you.

**ADV BALOYI SC**: So because of the Lushaba docket, what you came to know, you knew from that that the dockets, the PKTT dockets will go to General Sibiya. I am trying to understand your answer.

**MR MOGOTSI**: No, I am trying to say because even the handler and his commander, he had to find a way to get General Sibiya to give instructions that the docket should come to him. So I also learned there that the DNC is  
20 responsible for all the dockets in the country. This is the little knowledge I have.

**ADV BALOYI SC**: So you are saying you knew from experience. It is no longer common sense now. You are saying you knew from your experience in the Lushaba matter that the dockets, the PKTT dockets will come to

General Sibiya. Is that what you are saying now?

**MR MOGOTSI**: Not the PKTT. If the DNC is responsible for all the dockets, irrespective of whether it is PKTT or it is crime or stock theft, I just thought the common sense came on the basis of that experience that, oh, because the DNC is responsible for the dockets, therefore. Hence, I request the Commission to establish who said this docket must go to DNC.

**ADV BALOYI SC**: No, the question really that Mr  
10 Chaskalson is asking you is how did you know, not a general enquiry. Thank you.

**ADV CHASKALSON SC**: The next stage in this process is when you actually send the letter itself to Mr Matlala, and you do that on the 2<sup>nd</sup> of January at 10:00 in the morning, 10.05. That is at the foot of the page of 63. Now, 10:05 is 11 hours before we can find any public trace of this letter, but we have been through that already. What I want to ask you now is why is it that you sent the message to Mr Matlala informing him of the disbandment of the task team  
20 on the night of the 1<sup>st</sup> of January, but then chose to send the letter on the morning of the 2<sup>nd</sup> of January at 10 o'clock? Did you have the letter in your hands when you sent that message on the night?

**MR MOGOTSI**: Yes, I did.

**ADV CHASKALSON SC**: You had the letter already on the

1<sup>st</sup> of January at 10:38?

**MR MOGOTSI**: That is correct. I was also trying to establish whether the letter was authentic or not. I kept it. And when I saw the letter now on full swing media platforms, that is when I sent him the following day.

**ADV CHASKALSON SC**: Well, I am not going to go back to you in relation to full swing because, in fact, it was nowhere to be seen until 9 o'clock on that evening. But why did you think it was okay to tell Mr Matlala that the task team had  
10 been dissolved, but not to give him the letter?

**MR MOGOTSI**: As I said, what if the letter was fake?

**ADV CHASKALSON SC**: Well, then he would be very, very disappointed that you told him that the task team that harassed him had been dissolved and it turned out that it had not been dissolved.

**MR MOGOTSI**: Ja, I had to verify the letter was authentic also.

**ADV CHASKALSON SC**: But on your version, you broke the news to him.

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

**ADV CHASKALSON SC**: Before you did any verification.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Why did you think it was all right to break the news, but not to send the letter?

**MR MOGOTSI**: No, that letter was not my letter. I could

even take it to Zambia or anywhere. All I need is that Cat Matlala, this PKTT went to harass him. It would be great news for him. I just said, let me check if this is not fake.

And in the morning, I saw it somewhere. Then I sent, and I gave him a proof.

**ADV CHASKALSON SC**: But in the evening, before, on your version, you knew that it was for real. You broke the news to him. You said it has been disbanded. It has been dissolved.

10 **MR MOGOTSI**: Yes, that is correct. It would not be a good move to send it if I had not authenticated it.

**ADV CHASKALSON SC**: But it was all right to tell the news, which is the crucial news you wanted to hear, even though you had not authenticated.

**MR MOGOTSI**: Very much. It was so much relevant just to inform him and to bolster that I am having information beforehand. Like now, just like SC has said this is a man who is a professional liar. Like now, it is presumed. I can feel it. I got the letter from either someone or the Minister  
20 gave me the letter. That is what is possibly in people's mind. Whereas if I had the letter from the Minister or from the Chief of Staff, and we never exchanged those things, he would say do not share that letter. I would not have shared it, but I got it from the social media. I did not even have a chance, because I do not talk with the Minister these things,

to say, hey, did you issue this letter? No.

**ADV CHASKALSON SC:** Well, Mr Mogotsi, I am going to move on from this topic, but before I do that, I just do need to put to you that your evidence that you had the letter in your possession from a public source, and I emphasise public, on the evening of the 1<sup>st</sup> of January is not plausible. It was not available from public sources on the evening of the 1<sup>st</sup> of January.

**MR MOGOTSI:** I got it from there. I got it from there, and  
10 that is it. There is no way I found it except the social media. I am saying even the owners of that letter, none of them says he got an email. From General Mkhwanazi and Masemola, they all say they saw it from the social media. All of them. No one owns up that I received the letter.

**ADV CHASKALSON SC:** Yes, there are, I think, five names, addressees of the letter on the email.

**MR MOGOTSI:** Ja.

**ADV CHASKALSON SC:** Can I move to the last topic of  
20 the day, which hopefully will not take too long, and I want to address your two Crime Intelligence operations. You say that there were two operations, one to investigate Cat Matlala, who you suspected of corruption in securing the SAPS contract, and the second one was to infiltrate Crime Intelligence to expose corruption there.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** And you were handled by the late Warrant Officer Mabizela and your second handler, whose name you have given to the Commission, and you were briefed by General Sibiya on both of these investigations at a certain point.

**MR MOGOTSI:** I briefed him.

**ADV CHASKALSON SC:** You briefed him?

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** And if I understood your evidence  
10 correctly, the understanding was that your handlers would keep General Sibiya appraised of what was going on with your investigations.

**MR MOGOTSI:** To keep General Sibiya?

**ADV CHASKALSON SC:** Yes, to keep filling him in. General Sibiya knew, would need to know what you were doing.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** Yes. Now these were two separate operations, were they not?

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

**ADV CHASKALSON SC:** And it would be important, given the nature of the different targets, to keep those operations separate.

**MR MOGOTSI:** No, not necessarily. You cannot keep them separate.

**ADV CHASKALSON SC:** Well, let me put this to you. Cat Matlala was a suspected criminal, is that not right? You suspected him of criminally securing the SAPS contract through corrupt means.

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** So it would be important to keep Crime Intelligence investigation material away from Mr Matlala so that the suspected criminal was not given access to classified information from Crime Intelligence.

10 **MR MOGOTSI:** Mr Matlala is not this amateur criminal. He belongs to this league of, like you say, he is close to Generals. So me giving or not giving him information, he will still have access to information.

**ADV CHASKALSON SC:** Yes, but you would not want to give him Crime Intelligence classified information.

**MR MOGOTSI:** That is correct. Except for if he has powerful media control, unless if I want to publish something, I can give to him.

20 **ADV CHASKALSON SC:** So if you want to leak something out into the press, you can get it that way through Mr Matlala?

**MR MOGOTSI:** I could, not only him, but he is one of the people I could use.

**ADV CHASKALSON SC:** Let me give you – let me put something to you. Page 10 of your statement, paragraph

39. You say there that you got Mr Matlala to pay for your handler to travel to Cape Town for the January 8<sup>th</sup> celebrations.

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

**ADV CHASKALSON SC**: He was one of the passengers who Mr Matlala paid for.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Why? Was there not a risk that you would expose your handler's details to Mr Matlala, who  
10 was the criminal you were investigating? I mean, you had to give him a copy of your handler's ID book to book the air ticket.

**MR MOGOTSI**: That was not in the mind. What was in the mind was to make sure that the co-handler and the partner are both in Cape Town.

**ADV CHASKALSON SC**: Well, you did have to give details, including an ID number of your co-handler and in fact an ID book to get the air tickets booked and paid for by Mr Matlala.

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

**ADV CHASKALSON SC**: So Mr Matlala ended up with details of the identity of your handler, even if he did not know that it was your handler.

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: You say it was important for your

co-handler to come down to Cape Town.

**MR MOGOTSI**: True.

**ADV CHASKALSON SC**: Why?

**MR MOGOTSI**: There was an operation to take place in Cape Town. Again, there were so many people involved. And lastly, if Cat could ever come to Cape Town, because the plan was to inform him in the last minute, if ever he could come to Cape Town, my co-handler should also be there.

10 **ADV CHASKALSON SC**: You said earlier that it was clear that Matlala was never going to meet the Minister who was not even in Cape Town or Sibiya, who you were going to offer him as a consolation prize. It was clear that that was not going to happen.

**MR MOGOTSI**: Yes.

**ADV CHASKALSON SC**: So why did you need your handler there?

**MR MOGOTSI**: No, instruction of the handler, I cannot say I do not need the handler. If they say you are going to  
20 Cape Town, no problem, but make sure you are with whoever and whoever, that is what must happen.

**ADV CHASKALSON SC**: So did General Sibiya know that your handler was in Cape Town? Did he authorise getting Cat Matlala to pay for your handler's flight down to Cape Town, giving your handler's ID to Cat Matlala?

**MR MOGOTSI**: No, no, no. General Sibiya did not know that the handler was in Cape Town, he did not even have to know. An operation carried out in that form, we could not even inform him.

**ADV CHASKALSON SC**: But General Sibiya himself was in Cape Town?

**MR MOGOTSI**: He was in Cape Town.

**ADV CHASKALSON SC**: You told Mr Matlala that, I think the relevant message is at page 85 of the annexure bundle.

10 There at, on the 8<sup>th</sup> of January at 17:53, you texted Mr Matlala and you said:

“I am in Cape Town, Sibiya's in Camps Bay.”

**MR MOGOTSI**: That is correct.

**ADV CHASKALSON SC**: Was General Sibiya in Camps Bay?

**MR MOGOTSI**: I knew he was going to stay in Camps Bay, he was not yet there, he was on duty.

20 **ADV CHASKALSON SC**: Where did you stay in Cape Town?

**MR MOGOTSI**: I stayed in Sea Point, then the second day I moved to another hotel.

**ADV CHASKALSON SC**: Did you ever plan to stay in Camps Bay yourself?

**MR MOGOTSI**: No, I did not have a place to stay in Camps

Bay.

**ADV CHASKALSON SC:** Can you go to page 79 of the bundle, 6<sup>th</sup> of January, 10:55?

**MR MOGOTSI:** 79?

**ADV CHASKALSON SC:** 79, indeed.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** There you text Mr Matlala:

10 “Morning. Is it still fine that we meet tomorrow? I am off to Cape Town on Wednesday for January 8<sup>th</sup>. Also confirming the house in Camps Bay.”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** What were you referring to?

**MR MOGOTSI:** To his house in Camps Bay.

**ADV CHASKALSON SC:** Whose house in Camps Bay?

**MR MOGOTSI:** Cat Matlala's house.

**ADV CHASKALSON SC:** He has a house in Camps Bay?

**MR MOGOTSI:** He said he has a house in Camps Bay.

20 **ADV CHASKALSON SC:** And why did you need to confirm that?

**MR MOGOTSI:** No, that is another thing, it is work. You see, like we know his house in Durban or within Gauteng. It was important to know, as we get closer to a person, I had to know his house in Camps Bay. And now that he did not come, we never bothered. He also had to meet someone

from – if you check on my messages, how I ask him about Camps Bay, it is almost the same way when I ask him about the IPID guy. I kept on reminding him, Camps Bay, Camps Bay. Because he said he was going to show us, there was going to be someone who was going to do all those things in Camps Bay.

**ADV CHASKALSON SC:** Can I take you then to page 92?

**CHAIRPERSON:** How long will that be?

**ADV CHASKALSON SC:** Two, three minutes, and then I  
10 will stop it.

**CHAIRPERSON:** Okay.

**ADV CHASKALSON SC:** 9 January 2025 you text Mr Matlala again, you are now down in Cape Town:

“My brother, thanks for everything.

Two people outstanding. Number two, the contact person and the location of the accommodation in Camps Bay.”

**MR MOGOTSI:** That is correct.

**ADV CHASKALSON SC:** What are you asking for there?

20 **MR MOGOTSI:** The same house. He said he has a house, he has this and that, and we wanted to see that house as part of the investigation.

**ADV CHASKALSON SC:** And why would Mr Matlala think that it was alright to give you the contact person and the location of the accommodation in Camps Bay? What did he

think you were asking for?

**MR MOGOTSI:** Commissioners, maybe this should also be emphasised. If we saw the house, and then we could even get people to sleep there, I could sleep there. What was important is to know the house, to know he has the asset ...[intervenes].

**ADV CHASKALSON SC:** No, I understand, you say you wanted to identify the address and where it was.

**MR MOGOTSI:** Yes.

10 **ADV CHASKALSON SC:** But what did Mr Matlala think you were asking about?

**MR MOGOTSI:** The accommodation in Camps Bay, the house.

**ADV CHASKALSON SC:** You wanted the accommodation for yourself, you said.

**MR MOGOTSI:** No, he says it is a holiday house, Commissioners. It could host up to eight to 10 people. But I could not say, I want to see your house. If the house is available for accommodation, you will say, I need to see  
20 that house. I want accommodation to that house.

**ADV CHASKALSON SC:** So you were sending this text as though you were asking Mr Matlala to use the accommodation in Camps Bay for yourself and guests, or what?

**MR MOGOTSI:** For entertainment. I could ask him the

same, but he said he has a house there. And if you check the chats, he never responded when it comes to that house.

**ADV CHASKALSON SC:** And did you ever establish the address of this house in Camps Bay?

**MR MOGOTSI:** Establish what, Commissioners?

**ADV CHASKALSON SC:** The address of this house in Camps Bay that Mr Matlala had.

**MR MOGOTSI:** No, no, we were expecting to get a location for that house.

10 **ADV CHASKALSON SC:** And it never came?

**MR MOGOTSI:** Never came.

**ADV CHASKALSON SC:** And did you ever establish the address of the house that General Sibiya stayed in, in Camps Bay?

**MR MOGOTSI:** No, I did not because General Sibiya, I think he was – they booked somewhere in Camps Bay.

**ADV CHASKALSON SC:** He booked somewhere in Camps Bay?

20 **MR MOGOTSI:** I believe so. Because there were a lot of Premiers, there were a lot of people booking Camps Bay.

**ADV CHASKALSON SC:** Indeed, they do.

**MR MOGOTSI:** Yes.

**ADV CHASKALSON SC:** They do not usually speak to Cat Matlala about their bookings though. Commissioners, I have no further questions on this topic. I do want to go

further in relation to the broader issue of Crime Intelligence, but that can come another time.

**CHAIRPERSON**: Thank you, Mr Chaskalson. We will adjourn at this stage and the resumption of Mr Mogotsi's testimony will be on a date to be arranged between the Chief Evidence Leader and Mr Mogotsi's legal representatives. We will resume at 09:30 on Tuesday. Tuesday the what? Tuesday next week. Let us adjourn.

10 **MR MOGOTSI**: Chairperson, I thought I am coming back again on Tuesday.

**CHAIRPERSON**: I am sorry, Mr Mogotsi.

**ADV CHASKALSON SC**: Mr Mogotsi thought that he was expected back on Tuesday, but it has been clarified that he is ...[intervenes].

**CHAIRPERSON**: No, your legal representatives will clarify it to you, Mr Mogotsi.

**MR MOGOTSI**: Thank you.

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

**INQUIRY ADJOURNS TO 25 NOVEMBER 2025**

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