

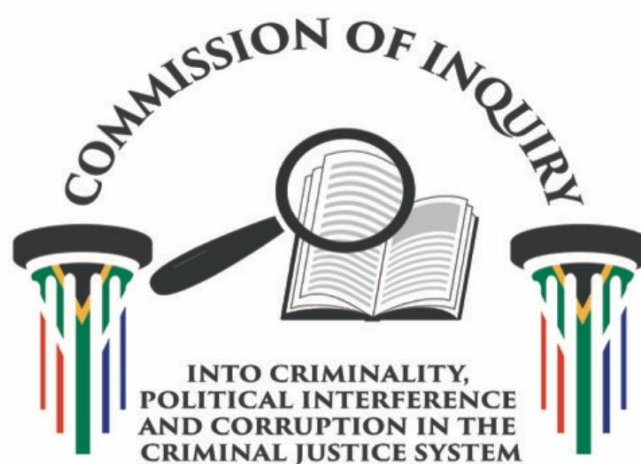
JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

1 DECEMBER 2025

DAY 41



PROCEEDINGS ON 1 DECEMBER 2025

CHAIRPERSON: Good morning to everybody present here and everybody watching remotely. We are starting 3 minutes late, because we were waiting for Doctor Mashazi. Apologies for the late start. Yes, Ms Sello?

ADV SELLO SC: Good morning, Chair, and good morning, Commissioners. Commissioners, today we continue with the EMPD stream and we have testifying before us this morning, Dr Imogen Mashazi. Chairman, I request that she
10 be sworn in. I have checked with Dr Mashazi, she will prefer an affirmation.

CHAIRPERSON: Good morning, Doctor.

DR MASHAZI: Good morning.

CHAIRPERSON: And perhaps please use both mics ...[intervenes].

DR MASHAZI: Okay.

CHAIRPERSON: And turn both of them towards you like that.

DR MASHAZI: Okay.

20 **CHAIRPERSON:** Thank you. Doctor, do you affirm - please place your full names on record, Doctor? Your full names on record, please?

DR MASHAZI: Okay, my full names are Maboikanyo Imogen Mashazi.

CHAIRPERSON: Do you affirm that the evidence you are

going to give is the truth, the whole truth, nothing but the truth?

DR MASHAZI: Yes, I do.

CHAIRPERSON: Thank you.

MABOIKANYO IMOGEN MASHAZI (affirm)

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Before you start, Ms Sello, I will address this both to you, Doctor, and to your legal representatives. Going through your statement, we noticed that you referred
10 to prejudice as a result of having received material necessary for your response late. You say that an extension of time given by Ms Sello ameliorated the situation. Well, ameliorate does not mean eliminate. So that means the prejudice and yours and indeed, later in your statement or a few, am I speaking softly? I see you ...[intervenes].

DR MASHAZI: [Indistinct]... [cross-talking].

CHAIRPERSON: I see you straining yourself.

DR MASHAZI: I am settling to hear you.

20 **CHAIRPERSON**: Oh, gosh. But you have heard everything thus far, have you?

DR MASHAZI: Ja, so far.

CHAIRPERSON: All right.

DR MASHAZI: Ja.

CHAIRPERSON: Am I better now?

DR MASHAZI: Ja, you are.

CHAIRPERSON: Oh, thank you. Thank you. So later in your statement, you do say in so many words that there is still prejudice. I have a suggestion, in fact, after responses, whether from you or the legal representatives, you may confer, I am addressing myself to the legal representative, you may confer with Dr Mashazi. I am minded to then order as follows.

I think what prejudice may still be remaining, as
10 you say it does, should be cured by affording you an opportunity to supplement the statement that you have already submitted. And I am minded to give you until Monday of next week to submit that supplement. Who is the lead legal representative? Yes, yes. No, no, you may address it at, you know ...[intervenes].

MR MOOSA: It is Mr Moosa, initials ZM.

CHAIRPERSON: Yes.

MR MOOSA: I speak on behalf of Dr Mashazi. With regards to ...[intervenes].

20 **CHAIRPERSON:** Oh, maybe we should have a microphone and I will ask you to please start over.

MR MOOSA: I will start over.

CHAIRPERSON: Thank you.

MR MOOSA: Good morning, Commissioners. For the record, initial ZM, surname Moosa, legal representative of

Dr Mashazi. With regards to the aspect of prejudice, I think, and based on my previous discussions with our client, we would have no objection to the opportunity to supplement should the need arise. Under the circumstances, we have obviously done the best that we could in order to compile and go through the evidence already before the Commission, obtain a version.

The difficulty we face is Dr Mashazi is no longer the City Manager, and her access to certain information is
10 limited, restricted, and due to time constraints, we did not have sufficient opportunity to obtain it. However, as the day unfolds, we would obviously be in a better position to see whether there would be a need or not to do a supplementary statement. But we thank you and we are happy with the opportunity to do a supplementary, should it be.

CHAIRPERSON: When will you indicate, at the end of the day when we adjourn?

MR MOOSA: I think towards the end of the day would be
20 appropriate.

CHAIRPERSON: All right. Thank you very much.

MR MOOSA: Thank you.

CHAIRPERSON: Please, indicate at whatever point you consider convenient, whether you will be, ja, taking up that opportunity.

MR MOOSA: Much appreciated.

CHAIRPERSON: Thank you. Thank you very much.

MR MOOSA: [Indistinct]... [cross-talking]

CHAIRPERSON: Thank you very much. Thanks. Yes, Ms Sello?

ADV SELLO SC: Thank you, Chair. And perhaps on that very score, before then I engage the witness on her testimony, I should place on record that during the course of consultation, Dr Mashazi did indicate that she was
10 experiencing some disadvantage in that she is no longer with the City, the Council, and her access to documentation is limited.

So in the course of consultation where she felt that there was further documents belonging to the City, we undertook that to the extent that she can definitively describe them, that the Commission will endeavour to obtain them directly from the City and then they shall be furnished to her. And perhaps that is an exercise then we should be able to complete to enable her to include
20 references to those documents in the supplementary that the Chair says must be filed by Tuesday.

CHAIRPERSON: Thank you very much.

ADV SELLO SC: Thank you.

CHAIRPERSON: That will further assist in making sure that there will be no prejudice. Something I forgot to

emphasize, Doctor, is that the last thing I would want to see is for any person, any witness, to leave this Commission feeling that they were prejudiced. More than once, I have said in so many words that no person will be prejudiced by this Commission's processes. So that is why I am saying to avert any possible prejudice we as a Commission are offering you the opportunity that I referred to earlier. Thank you, Doctor.

EXAMINATION BY ADV SELLO SC: Thank you, Chair. Dr

10 Mashazi, just to confirm, you prepared a statement together with certain documents for this Commission, is that correct?

DR MASHAZI: Correct.

ADV SELLO SC: You have, and ignore for the moment the files to your right, but you have, you must have before you two files. If we look at the spine of both files, your name should appear, Dr Imogen Mashazi, and the one should read “statement”, and the other file should read “annexures”. Do you confirm you have them?

DR MASHAZI: Yes, I do.

20 **ADV SELLO SC:** Now, I would like to refer you to the file marked statement.

DR MASHAZI: Yes.

ADV SELLO SC: So in the course of your testimony, we will be referring to both, but each time I want you to have regard to the one, I will specifically identify it as a

statement file or the annexure file. Your annexures, perhaps let me start here. Referring to the statement file, there is a document in there. The index describes it as a statement of Dr Imogen Mashazi. It is a 27-page document. Please refer to that document and confirm that that is the statement you say you prepared.

DR MASHAZI: Correct.

ADV SELLO SC: Turn your attention please to page 27. On page 27 is a signature above your name, Dr Imogen
10 Mashazi, dated 30th November 2025. Do you confirm that is your signature?

DR MASHAZI: Correct.

ADV SELLO SC: Do you confirm the correctness of the content of the statement?

DR MASHAZI: Yes, I do.

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

DR MASHAZI: Yes, I do.

ADV SELLO SC: Thank you. Let us turn then to the start
20 of your statement, which starts at paragraph 1, under the heading “introduction”. Under introduction, you speak very briefly about yourself, and I would like you to summarize the key aspects of that chapter. I invite you to talk freely, or to the extent that it is necessary, you may read some aspects in the paragraphs between paragraphs 1 and 6.

DR MASHAZI: Thank you very much. Good morning to the Commissioner and good morning to Evidence Leader and the partner and the media out there and communities out there. I will start by saying that I am 65 years of age. I reached my retirement age in July 20, 2025. That is when I left the City.

I worked for the City for the past, in fact, for Local Government for the past 36 years. I started the City of Ekurhuleni, coming from erstwhile, the Springs Town Council, which is now part of Ekurhuleni. I was part of the
10 amalgamation of the City, for the City to be what it is today to be called the City of Peace.

ADV SELLO SC: Before I pose my first question to you, I guess I should apologize in trying to address the issue of potential prejudice you may have suffered. I inadvertently omitted to greet you this morning. I do apologize. And thank you for the greeting and I warmly return it. You indicate then at your paragraph 1 and 4 that you served as a City Manager for the City of Ekurhuleni Metropolitan
20 Municipality until you attained the age of 65 on the 17th of July 2025.

DR MASHAZI: Correct.

ADV SELLO SC: You indicate that you retired. I need to understand whether your retirement is in terms, was that a mandatory retirement, and whether your retirement

necessitated a payout of your contract as it stood at the time?

DR MASHAZI: I was appointed, I need to indicate to the Commission that I was appointed for two terms in the City of Ekurhuleni. I completed the first term in 2021, and in 2021, 2022, I was reappointed again for another five years. Because I was going to reach the retirement age before end of my contract, the then Mayor Tania Campbell applied to the Minister for a waiver for me to work until the age of 65
10 or until the end of the contract.

When, at the point of retirement, when the new Mayor came in, he mentioned that he is not interested in pursuing this. But obviously, because of the relationship I had, it was not a good relationship, I must indicate, because I worked with him in the previous term. While he was the MMC: Finance, we had our own differences, because I do not take political, illegal instructions anyway.

So he decided that I must actually vacate. He called me to a meeting in September, I think it was 18
20 September, that I must take special leave until end of December. And then after December, he will actually, with his own ANC comrade in that meeting, two of them, I must take special leave and then in December they will review the payout for the remaining six months, forgetting that I have a two years until the end of my contract.

In that meeting, I indicated to him that I have a five-year contract which is legal and the process of a waiver from the Minister is not yet complete. The Minister is still waiting for you to respond in terms of the new systems of delegation, so therefore, I am not going to take special leave and no one can force special leave on anyone. I will retire at the age of 65, which is July next year. It was during, it was the 13th of September.

10 hen he said, yes, we want new leadership and whatever. But I agreed that we want new leadership, I am prepared to actually help and train whoever that you want to be appointed as a new City Manager. I went through the process and I also agreed that I will be at the background of assisting the new City Manager, the potential new City Manager, to be appointed so that I assist him to go through the process.

20 To be an Accounting Officer of a big city like Ekurhuleni is quite difficult because you run plus minus 26 departments. You are in charge of 18,000, more than 18,000 employees. You are dealing with 224 Counsellors at a time and there are a lot of programs, litigations, and so forth. So you need to prepare someone. You need to be quite experienced to be an Accounting Officer. And I was prepared to train that person, and I started training that person.

But the issue of the contract, my retirement, when we are supposed, I was left with only one month, obviously, it was in June, when I was supposed to retire end of July. The Mayor took the report to Council, and then in that report, it was about mutual separation, that they must pay me out the remainder of two years of my contract, and that I leave the City. And the attachment into the report, it was a report about the appointment of the new Accounting Officer, which I did not have a problem with.

10 During the meeting, well, the recommendation, everything changed. There was no longer mutual separation. The Mayor proposed that I must be put on special leave just for one month. And I asked myself a question, what is the hurry of getting me out of the system? Then I refused to take that special leave. I remained in my position by still complying and assisting the young man to actually adjust into the new role.

20 End of July, there was a farewell party, which was attended by all the HOD's and In their speeches, all of them, they actually thanked me for actually nurturing them and actually moulding their careers because I have been in the system forever. I worked in different roles as a Director, HOD for two terms, COO, then City Manager for two terms. So they were actually appreciative and all of them, they called me Mam and also in their speeches, they

called me Mama. The media was there.

In May, the Mayor was also present. It was my last day when I announced that I will be retiring end of July, when I was closing my programme for women in uniform. The Mayor was there, he was appreciative, and I was also launching my book about my history and my journey in the City of Ekurhuleni. So the issue of payment, it was never done and that is how I left the City. Thank you very much.

ADV SELLO SC: Thank you for that. So I understand then
10 you retired in the normal course.

DR MASHAZI: Mandatory age.

ADV SELLO SC: Mandatory, when you reached the mandatory retirement age and there was no “payment” in respect of your departure from the City. Thank you for that clarification. I then turn to your second heading, namely “Background: Service History”, which you start from page 2 and ...[intervenes].

ADV BALOYI SC: Maybe before you ...[intervenes].

ADV SELLO SC: Yes.

20 **ADV BALOYI SC:** Maybe before you do that, Ms Sello.

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Yes, good morning, Dr Mashazi. Paragraph 3, in the light of what the Chairperson has said about giving you further opportunity to supplement, I suppose paragraph 3 then must be amended somewhat,

because in there, and maybe for the record, let me say what it says. It says:

“To the extent that I fail to deal with any allegations made against me by previous witnesses who have appeared at this Commission in either their statements or during oral testimony, same is denied.”

And then the next sentence, you explain why you
10 say you have not had the opportunity. Now, in the light of the opportunity that you have been given, I guess you will then deal with matter that you were contemplating in that first part of the paragraph. Is that correct, just to be sure?

DR MASHAZI: Correct.

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

ADV SELLO SC: Thank you, Commissioner Baloyi. From your paragraph 7, page 2, to paragraph 34, you deal with your extensive service history, I will say, in the Local Government sphere. You start in 1999 when you joined the
20 predecessor of the current City of Ekurhuleni Metropolitan, and you take that through to your day of retirement, and you highlight your achievements while you served the City. Without necessarily reading in everything that you have said out in paragraphs 7 to 35, would you like to highlight some of those aspects and speak to these issues?

DR MASHAZI: Well, I need to indicate that I appreciated the fact that I was the first female City Manager to serve in the City of Ekurhuleni, and for me it was a history and a milestone. But be that as it may, as a female, we always face obstacles of male chauvinism, especially in Local Government. Well, I tried my best. I started as an HOD: Health and Social Development. I built the state of the clinics in the City, especially in the previously disadvantaged areas and that model was copied by City of
10 Cape Town, eThekweni and so forth and improved the general well-being of people in the City of Ekurhuleni in terms of the health programs that I introduced.

I further served as a COO and the City received an award in terms of a customer satisfaction survey, where we became number 1 and Cape Town was number 2. And during my tenure as well, the City received three back-to-back clean audits, because it was my intention while I was the COO to ensure that we tighten our internal controls, we improve our governance.

20 Clean audit is not about financial performance. Clean audit is about service delivery. It is about financial performance as well as service delivery performance indicators. Those two are actually matched and that is why we were able to get an award for being the best City in terms of customer satisfaction survey and in terms of

service delivery.

And during my tenure as well, we have built a lot of reservoirs. We have actually electrified informal settlement, which was a new thing. We have done so a lot for the communities during the first term of office of Mayor Mzwandile Masina. To be honest, in this new term of office, I was faced with turmoil of criticism, social media insults. There was a social media open just for me to be insulted. I must indicate that I am the only City Manager who is
10 mostly, who was mostly insulted through social media platforms.

Well, I think I have produced a lot of HOD's. I have trained them. I have worked with them since the inception of the Metro, including the Chief of Police. And I am glad that I have left the City with capable men and women who can take the City forward. I think a lot of awards are in my CV's. The leader in good governance, Africa, it was a recent award that we, I achieved, we achieved, the City achieved before I left the City and it is all over in the media.

20 **ADV SELLO SC:** Your, the CV you refer to is Annexure IM2 ...[intervenes].

DR MASHAZI: Yes.

ADV SELLO SC: To your statement and it appears from page three of your annexures. Is there anything in particular you would like to highlight for the Commissioners

in regard that?

DR MASHAZI: Well, the one that I want to highlight in terms of the annexure is the fact that when I entered the City, women were complaining, especially in the EMPD. For me, it is a milestone. They were complaining that they are not being promoted. For them to be promoted, they must actually sleep with those men. And if we looked at the salary, staff complement of the Department, most of the senior position from your Chief, it was a male, Deputy
10 Chief, all males, Executive Managers, all males.

Females were there at the Chief, Chief, Chief what, Chief Officers and Superintendent and Inspectors. Those were the levels where women were actually kept. So I decided to start that program to ensure that women are empowered, to encourage them to take up bursaries and also ensure that when positions are opened for them, they are able to actually challenge those positions because they are educated enough to take up the challenges and encourage them not to allow these men to actually abuse
20 them sexually.

They can only be appointed when they qualify and they can do the job as well as their male counterparts are doing. So for me, it is a milestone, and this is one of the highlights that I wanted to actually bring forward to the Commission. And for me as a female, I think I did very well

for that. And the program ran for seven years, obviously, during my term.

ADV SELLO SC: Thank you for that highlight, which is an important one, particularly for women in the workplace. I am still on your CV and even in your statement, we refer to you as Dr Mashazi.

DR MASHAZI: Yes, mam.

ADV SELLO SC: Is that Doctor as in a medical doctor or is it an academic ...[intervenes].

10 **DR MASHAZI:** Okay ...[intervenes].

ADV SELLO SC: If we go to page 4 then, still with IM2, your CV, I see that your highest qualification is that, please, I see the highest being Masters in Nursing Science from the Rand Afrikaans University. No, there is one still, more still Bachelor Degree in DLITTET Phil Nursing Science. Where is the doctoral degree ...[intervenes].

DR MASHAZI: Ja, it is the DLIT ...[intervenes].

ADV SELLO SC: Please say that again?

DR MASHAZI: It is the DLIT, Doctor of Literature and
20 Philosophy in ...[indistinct] in Nursing Education.

ADV SELLO SC: And it is rather confusing when you call it a Bachelor's Degree.

DR MASHAZI: No, it is not. I am sure it is a type ...[intervenes].

ADV SELLO SC: Yes, I think so.

DR MASHAZI: Ja.

ADV SELLO SC: Okay. And that you acquired in 2002?

DR MASHAZI: Yes.

ADV SELLO SC: Okay. We clarified. Okay, thank you for that, and thank you for giving such an extensive background to your service in the City. You say you served two terms as a City Manager?

DR MASHAZI: Yes, mam.

ADV SELLO SC: So the contract that would have expired
10 in 2027, that would have been the third term, am I correct?

DR MASHAZI: No, no, it is the second term.

ADV SELLO SC: The second term. So when did your first term start again?

DR MASHAZI: In 2016, November.

ADV SELLO SC: And that would have run to 2021?

DR MASHAZI: 2021.

ADV SELLO SC: So the second would have been 2022 to 2027.

DR MASHAZI: Yes, correct.

20 **ADV SELLO SC:** Except you did not get to serve the full second term because it was interrupted by the mandatory retirement.

DR MASHAZI: Yes.

ADV SELLO SC: Okay. I have got that, thank you. I then am at page 6 of your statement. You can go through the

other pages prior to that just to make sure that you have highlighted everything that you wanted to, this is regarding your service history within the Municipality, because as I get to paragraph, your page 6, paragraph 35, I am turning to a slightly different issue. Are you happy?

DR MASHAZI: Yes, I am happy.

ADV SELLO SC: Okay. At paragraph 35, you start with your, the engagement you have had from the first day with the Commission, following the evidence or testimony of
10 Deputy Chief of Police Revo Spies, Chief Isaac Mapiyeye and Xolani Prince Nciza. So that testimony had been led publicly and you indicate and you attach a letter marked IM3. IM3 appears in your annexure documents, the annexure file dated the 14th of November, 2025.

DR MASHAZI: Page?

ADV SELLO SC: Page 10, under tab IM3.

DR MASHAZI: Yes, yes.

ADV SELLO SC: That is the letter you referenced at paragraph 35.

20 **DR MASHAZI**: Yes, yes.

ADV SELLO SC: Now, in the context of the conversation you had with the Chair earlier regarding potential prejudice, no prejudice you may have suffered even though ameliorated, and the offer made to you to file a supplementary statement should the need arise, I highlight

that the document that you specifically attached, this was addressed to the Madlanga Commission at behonest.co.za.

This is the hotline. Is that correct?

DR MASHAZI: Correct.

ADV SELLO SC: It was only, it is only the subsequent letter, IM5, which was then addressed specifically to the Secretary.

DR MASHAZI: All right.

ADV SELLO SC: So IM4, my mistake, IM4 at page 12 and
10 that one is dated the 20th of November 2025. So the first letter, the only point I seek to make was that it went to a hotline. You used the hotline, your attorneys then used the hotline e-mail address.

DR MASHAZI: Yes.

ADV SELLO SC: And if you check the second letter at page 12, it is directed specifically to the Secretary here in the Commission and two other persons who are attorneys to the Commission. Now, in that context, and again, remember in the conversation you had with the Chair, is
20 there anything you would like to add to your next two topics? The first headed, starting at paragraph 37, “Brief timeline to steps taken since testimony given falsely implicating me”, read together with the next one, starting from paragraph 43, “Prejudice suffered”.

DR MASHAZI: Thank you very much. The first letter, page

10, it was written by my husband, who is an attorney. By then he was frustrated about all the allegations that they made against me. Then he took upon himself to write. But after discussing with him that it will be like a conflict of interest, me protecting myself through him, let me sought the services of neutral attorneys and the neutral attorneys, therefore, were given a mandate, instruction to actually assist me, the Peer Carrim, the attorneys that are here present.

10 In terms of the prejudice, I need to indicate that the time given to me to actually prepare with the attorneys, because we received the statements and the transcripts on the 25th or 26th and we were expected to appear on the 28th, and for us, the time was limited to actually prepare to assist, in order to assist the Commission to come to a conclusion in terms of the matter at hand, hence, we raised those issues.

20 Fortunately, we were given that extension of like two days, which is Saturday and Sunday. And my attorneys, I think, they went to Sun City for their year-end function and they had to come back. And obviously, as a pensioner, I had to wake up at three, read documents and so forth, like my head is now cluttered from the pressures of this thing, but be that as it may, we are here and we are prepared to respond to some of the issues. We will try to

respond to the issues as much as we can, but we also appreciate the time that we are given to actually express our opinion in terms of the responses and the allegations that were made against me.

ADV SELLO SC: Thank you for that, Doctor. I must say that we did not have the opportunity, unfortunately, to have a year-end function in Sun City. And I am sorry you had to be waking up at 3 o'clock in the morning, but I am sure you will appreciate where our whole Sunday, some of us, ended
10 up, which is yesterday.

DR MASHAZI: Thanks.

ADV SELLO SC: Okay, we will try to move as slowly as possible, particularly through the documents that emanate from the Commission when reference is made to them. As I indicated in consultation with you, we attempted to do that exercise with you as much as we could, but admittedly the time pressures perhaps denied us an opportunity to do so thoroughly.

So in this hearing, to the extent that we will call up
20 the annexures to the statement of the witnesses that you reference, that you say falsely accuse you, you shall be given an opportunity to consider the document before you have to answer questions in relation there too. Should it become impossible to do it, you will indicate and the Chair, I am sure, will come to your aid.

Okay, you then have a new chapter from page 8, which you have titled “For the Attention of the Commission” and I am starting at page 8 at paragraph 50. That chapter runs from paragraph 50, in fact, it is one 50 with two sub-paragraphs, 50.1 and 50.2. Would you like to talk to those issues that you raise under that heading?

DR MASHAZI: Thank you. Thank you, mam. In terms of issues that I want to raise with the Commission, is that from my side as an Accounting Officer, as I indicated, that during
10 the meet and greet exercise as the newly appointed female City Manager, I was approached by female officers in the EMPD that are being harassed and are not promoted to senior position. Rather, they should sleep with them for, it is not only attributed to Chief only, it is a practice of everyone.

But for me, because there was no formal complaint from any one of them, I could not take action. Mine was to create a platform for them to be empowered so that they are able to be promoted. And I have actually attached the
20 statistics of my program, almost 7, 8 year program of empowering women in uniform. It is called a City Manager Legacy Project.

It is part of my key performance indicators in terms of my performance contract where I initiated this program because there was no initial complaint. It was just a

hearsay and their frustration. And quietly so, I had to create this program and this program was actually celebrated every year. And the Chief of Police was actually invited in that program, where all these female officers who obtained their junior degrees, national certificate, we even have one who graduated a PhD degree last year, is it early this year, with a PhD degree, one senior, one junior official in the EMPD. She is at the Inspector level with that PhD. We have others with Masters, others with junior degrees, 10 others with National Diplomas. That is how the programme was structured.

And in terms of promotion, I can actually boast and say that we have actually appointed a lot of them or promoted a lot of them into higher positions up to Director level. There was one that we attempted to appoint as a Deputy Chief of Police, but she declined because the contract is a five-year contract and she is a single parent. That is how far I wanted to go. And it is my wish, and it was my wish, and it is still my wish that one day we should 20 have a female Chief of Police so that women are also given an opportunity to occupy senior positions, especially in the previously male-dominated environment. So we have done that exercise, but over and above that ...[intervenes].

CHAIRPERSON: Is it previously or is it not still dominated by men?

DR MASHAZI: I have tried that ...[intervenes].

CHAIRPERSON: No, you are saying it is previously as if now everything is on par.

DR MASHAZI: No, it is not on – it is not. But I have tried my best to actually ...[intervenes].

CHAIRPERSON: All right. I am not criticizing you.

DR MASHAZI: Ja.

CHAIRPERSON: I am just correcting your language in saying it was previously dominated by men. I am not there.

10 I am not at Ekurhuleni, but I would imagine that it must still be dominated by men. That is the probability.

DR MASHAZI: Oh, thank you very much, Commissioner, for that correction. Yes, the profession is still male-dominated, but as the then female Accounting Officer, I tried to actually normalize the situation, but I have not reached where I wanted to be.

It was also reported to me that the Chief of Police, Isaac Mapiyeye, fathered multiple children with subordinates who were vulnerable to his abuse of power, including conduct amounting to sexual harassment, coercion, and rape. I will address this when I deal with question, is it question 10, question 9, where I was requested to submit his suspension letter. Is it ...[intervenes].

20

ADV SELLO SC: I think if you go overleaf at page 9

...[intervenes].

DR MASHAZI: It is page 9, ja.

ADV SELLO SC: The last sentence of that first paragraph, you reference question 13 of the statement, yes.

DR MASHAZI: Ja. All right. The pattern of behaviour described is deeply troubling and reflects a systematic abuse of authority by the Chief of Police and he used to call them “amangilosi”. He calls them “amangilosi”, like angels. Those who are angels, these are the ones who are actually
10 promoted.

And if you look at the promotion of Thepa, who actually testified here, you can see that she was promoted within a short period of time as compared to others who have more qualifications, who were there before her, who were appointed before her as EMPD officials.

So for me, this kind of practice gave me sleepless nights and I feel that with the program that I created, at least it alleviated some pressure from these women. But there are those who are actually part of the whole thing,
20 whom he called angels or “amangilosi”. I also report
...[intervenes].

CHAIRPERSON: Just to make sure I understand the point you are making here, are you saying that he had sexual relations with “amangilosi” or the angels, and that as a result, the angels would then be promoted?

DR MASHAZI: Exactly.

CHAIRPERSON: Oh, okay. Or would be favoured for promotion.

DR MASHAZI: Exactly.

CHAIRPERSON: All right.

ADV KHUMALO SC: Can I ask a follow-up question, Doctor? Good morning.

DR MASHAZI: Good morning, sir.

ADV KHUMALO SC: Are you stating that as a fact or it is
10 a rumour that you heard? I am sure you were watching news in the last few weeks. You would have heard about a term called “mabari-bari”.

DR MASHAZI: Ma?

ADV KHUMALO SC: “Mabari bari”.

DR MASHAZI: It is not a “mabari bari”. I have been in the system. I know about these things.

ADV KHUMALO SC: But I am saying, are you stating it as a fact or as something that you heard?

DR MASHAZI: It is something that I heard, but he will
20 answer and they will come and if they are called, they can come and testify those that have been abused. Classical example is about a witness that Chief has been suspended for sexual harassment as well as rape. If that is a classical example, she will come and confirm, but she requested that she wants to come and be interviewed by the Commission,

but outside camera.

She does not want to be in camera because of her children and so forth. But she has prepared her file, and I think she has also written to be interviewed by the panel to indicate her treatment under the Chief of Police. So I will also talk to it when I address the issue of his suspension, how it happened. The letters from the doctors I have attached them, from her doctors, and the letters from the attorneys that represents her.

10 So it is important to note that some of these things they are not just said in a vacuum or under “mabari bari”. It is confirmed by a case that has been opened against him, the case of rape, and also there is a protection order against him and for him to come here and behave as if he is a victim while he is a perpetrator of women abuse, it is a shame to be honest.

ADV BALOYI SC: Doctor Mashazi, you speak in paragraph 50 and in your explanation of a wide scale problem.

DR MASHAZI: Yes. I want to talk to this one. This one,
20 Chief of Police, being Chief of Police ...[intervenes].

ADV BALOYI SC: Sorry, can I just ask you my question, then you can speak to what you want to speak to. I started to ask you a question, please. My question is, you speak of a pervasive problem and in the plural you say angels and suggesting improper relationships. Is there a particular

reason that you mention only Lieutenant Colonel Thepa who testified in her testimony, spoke about you or your office at least? You are not mentioning anyone else as part of the crowd of people that you say the Chief was, had improper relationships with.

DR MASHAZI: I want to focus my discussions and my evidence in terms of people who have been here and people who actually made allegations. Thepa, she was one of my protectors at some point, introduced by Chief, part of my
10 team of protection. I had eight males, seven, eight males protecting me, and Chief withdrew one and introduced Thepa.

And this other males were saying, but Mama, your office and your safety is actually questionable, why do you allow Chief to bring this one? She is not going to help us. We need to be combat ready to protect you. Then I asked Chief, what is the reason of you? No, she is good, she is one of my angels. That is how he explained, she is one of his angels.

20 And in terms of, if you go to Ekurhuleni they will tell you about “amangilosi”, what “amangilosi means or angels means in terms of Chief's definition. So she is part of the angels here, of Chief’s angels.

ADV BALOYI SC: Yes, I – you have said that. You have said she is one of the angels. My question to you is, she

has testified against you. She is said unflattering things about you. You are not mentioning anyone else by name of those angels and what are we to make of it that you speak specifically to someone who has testified against you? And I think you have just said now that you know, she comes here to pretend she is an angel, when in fact she is part of a network of people that are being abused by the Chief.

It may well be that is so, and I am not saying that is not so, because I do not know any better. It may well be. I
10 am asking the simple question that you mention her specifically, where you speak in the plural about angels. You are not mentioning anyone else. Is there a particular reason that you mention her and she happens to be someone who testified against you?

DR MASHAZI: Thank you for the question. I am not mentioning her because she was part of the people who made allegations about me, but I am speaking about her and confirm because her name is already here and Chief has actually introduced her to me as one of his angels.
20 That is the reason why I am mentioning her alone.

ADV BALOYI SC: Okay. Can I just follow up on that? You also, on my question at least, you say at 50.1, you say:

“It has been widely reported to me that
Chief fathered children with
subordinates.”

And in your oral evidence, you say you came to know that there was a problem in the EMPD where, you are not suggesting Chief is the only one, Chief Mapiyeye was the only one that is guilty of those kind of complaints.

DR MASHAZI: Correct.

ADV BALOYI SC: You are not suggesting that.

DR MASHAZI: Correct.

ADV BALOYI SC: Okay, but you are mentioning only him.

DR MASHAZI: I am mentioning Chief because there is a
10 case, case about him, about sexual harassment and also rape.

ADV BALOYI SC: Yes, you do ...[intervenes].

DR MASHAZI: I cannot mention others because there was never a case that was brought to my attention about rape or sexual harassment. And I cannot, I could not, as I indicated when I started that, I could not charge anyone about the practice in EMPD. Instead, as a female Accounting Officer, I decided to create a program to empower these women.

ADV BALOYI SC: Okay. Maybe lastly, let me ask, you are
20 the Municipal Manager at the time.

DR MASHAZI: Yes.

ADV BALOYI SC: In fact, before that, you were the Chief Operating Officer.

DR MASHAZI: Exactly.

ADV BALOYI SC: And then you become the Municipal

Manager. In one of those two roles, you become aware that there are problems in the EMPD, but you do no investigation. You do not appoint, you have the power to appoint. You do not appoint anyone to look into these serious allegations. You carry on until there is an allegation of the person that you discuss later on, there is a formal complaint. But the rest of the time, you carry on ...[intervenes].

DR MASHAZI: [Indistinct]... [cross-talking].

10 **ADV BALOYI SC:** Without taking any action to look into these serious allegations that you should be addressing. I expect that the Municipal Manager takes it seriously enough that if you get this pervasive or this suggestion, that it is a systemic problem in the EMPD, a responsible Municipal Manager would take action to investigate it further, and you do not seem to have done that.

DR MASHAZI: Thank you very much. As I indicated at the beginning of my statement, when I said it was a general comment from a group of women, and there was no one with
20 a formal complaint. Remember, you cannot just investigate without a formal complaint, without anyone signing an affidavit or writing a grievance to you. You cannot just, you are going to investigate everyone.

What I did, reasonably did as an Accounting Officer, as a City Manager, I had to create a program to

deal with the systemic issue. I cannot, I cannot just investigate people and say, ja, there is this allegation that you guys you are abusing these women, they are not promoted, and so forth. I did a reasonable thing as an Accounting Officer to create that platform for women to be promoted and empowered.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioners. Dr Mashazi, if I may ...[intervenes].

10 **CHAIRPERSON:** Just ...[intervenes].

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: Just before that, it is a follow-up to the questions by my co-Commissioner, Commissioner Baloyi. You say it has been widely reported to you. When exactly did you get the reports?

DR MASHAZI: It was, as I indicated, that it was a verbal - when I started as an Accounting Officer these things were reported to me by this group of female officers that the Chief is fathering ...[intervenes].

20 **CHAIRPERSON:** Please remind me, when did you become the City Manager? I know it is here, but ...[intervenes].

DR MASHAZI: Ja.

CHAIRPERSON: 2016, 2016.

DR MASHAZI: Yes.

CHAIRPERSON: So, in 2016, you hear that Chief Mapiyeye

is not only having improper sexual relationships with the women police officers, but is even raping some of them and harassing others sexually, even using coercion on them. I assume that is coercion for purposes of having sex with them. This is, you get to hear this in 2016 and all you do, unless I misunderstand you, so all you do is to create a platform for women to be promoted. That is all you do.

DR MASHAZI: To be empowered, number one, and to be promoted as well. Remember, if there is no formal
10 complaint, how do you start investigating people? That is why I am referring to the paragraph where I deal with specific sexual harassment, where there is a formal complaint.

CHAIRPERSON: Are you suggesting that as a leader you get reports of such horrendous acts by the Chief of Police, you sit back and fold your arms instead of being proactive? You fold your arms and say, there are no complaints to me. Why can you not be proactive and do the best you can to get to the bottom of the reports that you have received
20 reports of such horrendous acts by the Chief of Police?

DR MASHAZI: Maybe it is a foresight from my side, but as an Accounting Officer, if there is no formal complaint, how do I – remember, in terms of our processes in Council, I must have a formal complaint like I received that there is this thing happening.

CHAIRPERSON: But what was your sense? Was your sense not that this was something systemic, it is ...[intervenes].

DR MASHAZI: Yes, it was something systemic.

CHAIRPERSON: It is ongoing. It is ongoing, there are children out of improper sexual relations. There is coercion, meaning those that are not willing to have, even willing perhaps is not a good word in this context. So there is even coercion to have sexual relations with those that
10 will not have sexual relations with him. There are rapes. You just fold your arms, sit and wait for complaints. Is that the way an Accounting Officer, a Chief Executive Officer should act?

DR MASHAZI: Commissioner, as I indicated that I cannot just from a hearsay that there are this thing. I had to wait because there are processes in Council. You cannot just say there is this general view about an individual, therefore, I am investigating this individual. I must have something in writing that this person has complained about one, two,
20 three. Then I must write a report to Council and ask Council to give me permission to investigate, to suspend and investigate an individual. I could not unilaterally hearing from them as a group saying there is this thing happening and I ...[intervenes].

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

DR MASHAZI: And I know that as an Accounting Officer ...[intervenes].

CHAIRPERSON: Who did you get the reports from?

DR MASHAZI: It was female officers.

CHAIRPERSON: Was it was it the affected women officers?

DR MASHAZI: Affected women officers in the department.

CHAIRPERSON: So that is not hearsay. It is people who are affected and you ...[intervenes].

DR MASHAZI: But they must do it in writing.

10 **CHAIRPERSON:** Sorry, sorry Doctor. It is the affected women telling you that this is happening to us. There is nothing hearsay about that. There is nothing hearsay about that.

DR MASHAZI: I take your point.

CHAIRPERSON: So basically you did nothing. Having received information about such horrendous acts by the Chief of Police you just sat and did nothing.

DR MASHAZI: I take your point that doing that program It is not enough from the point of an Accounting Officer. I
20 take your point.

CHAIRPERSON: Thank you. Thank you, Doctor.

ADV KHUMALO SC: I think, Doctor, it is more than the program is not enough. I think it is as specific as you receive word from women who speak to you, because you raise it to a formal level. They tell you, we have a problem.

And it is not just the Chief, according to your evidence. They say the men in EMPD this is what they do. What in fact it is, you did nothing about that. Your explanation for doing nothing about it is you say, well, I did not have any formal written complaints or allegations, but you did have verbal complaints and allegations, and then you did nothing about it. You did not address those allegations.

DR MASHAZI: I take your point, Commissioner.

ADV KHUMALO SC: Thank you.

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

CHAIRPERSON: Perhaps lastly, lastly. This is 2016. Did the reports not continue throughout your tenure?

DR MASHAZI: The?

CHAIRPERSON: The reports, the reports of this, what I have referred to as horrendous conduct. Did those reports not continue? I would imagine if, as you have accepted, this is something that was systemic, it could not only have been in 2016 when you were appointed a Municipal Manager. The reports must have continued, not so?

20 **DR MASHAZI**: Yes, if you look at the evidence of the victim ...[intervenes].

CHAIRPERSON: Yes.

DR MASHAZI: The harassment, coercion started in 2012 before I even became the Accounting Officer.

CHAIRPERSON: And did these reports continue throughout

your tenure as Municipal Manager?

DR MASHAZI: Obviously they continued.

CHAIRPERSON: Throughout.

DR MASHAZI: Obviously they continued.

CHAIRPERSON: So meaning from 2016 all the way to 2025.

DR MASHAZI: Ja, but ...[intervenes].

CHAIRPERSON: You were receiving these reports continuously and you did nothing about them, save to
10 create, what did you refer to it, save to create the platform for them to be promoted, which does not of course address the issue they are raising.

DR MASHAZI: Ja.

CHAIRPERSON: So throughout from 2016 to 2025, you are continuously receiving these reports, which tell you that there is a systemic problem and you do nothing throughout your tenure as Municipal Manager.

DR MASHAZI: What I did, and I explained, Commissioner ...[intervenes].

20 **CHAIRPERSON:** Leave it out please ...[intervenes].

DR MASHAZI: We have processes in Council. And like even now I struggled to save the report of Chief of Police in terms of his misconduct. I struggled. I received the complaint.

CHAIRPERSON: I am specific. I am specific to the

systemic problem of the horrendous conduct of the Chief of Police and other senior men within the EMPD who were sexually harassing, raping, coercing with a view to having sexual relations, junior women officers. That is my focus, not other issues which may have arisen and which you may have addressed.

That is my focus and my question is, there is this systemic problem of which you are aware because as you have admitted, there are continuous reports on it and you
10 basically do nothing with that issue, that issue, that horrendous conduct from 2016 all the way up to the end of July 2025 throughout that period.

DR MASHAZI: Commissioner, I take your point that just doing a program was not enough as an Accounting Officer, while these things were systemic and I take your point.

CHAIRPERSON: A more direct answer. So from 2016 to 2025 ...[intervenes].

DR MASHAZI: Yes, I take your point.

CHAIRPERSON: You did nothing.

20 **DR MASHAZI**: Yes, I take your point.

CHAIRPERSON: All right.

DR MASHAZI: Except to create a platform for them.

CHAIRPERSON: All right. Thank you.

DR MASHAZI: Maybe, Commissioner, we need to understand the processes of Council in terms of senior

Managers. We need to understand that you cannot just take a report because for you to deal with this thing, I must report to Council that this is happening around a senior Manager and that report must be supported with a complaint. I know that from my side as an Accounting Officer, my hands are tied in terms of dealing with some of the issues. That is why I took a soft route of actually creating that program.

I must write the report to Council and say, Chief did
10 one, two, three coercing, abusing, sexually harassing people, and so forth and so forth, because Chief accounts to me. Junior Managers is Chief that must deal with that in the department of EMPD. But in terms of him as a Section 56 employee, he reports directly to me. He is the only person that I can deal with in the department. So for me to write a report about him that he is doing 123, 123, 123, I must go to Council, the very same politicians who are protecting him. I must go there.

I am trying to illustrate that as an Accounting
20 Officer, your hands are tied, especially when you are a female, are tied in dealing with male chauvinism in Local Government.

CHAIRPERSON: I would understand that if you had done something and had been rebuffed, but for you to sit, fold your arms from 2016 to end of July 2025, I do not

understand that at all. If you had done something, I mean, these are very serious allegations, Dr Mashazi, very serious allegations. And please do not misunderstand us, do not think that we are defending Chief Mapiyeye and the other senior men that you are making allegations against. No, we are not. But it is more about what did you do about it on the assumption that the allegations are true, what did you do about it? That is where we are.

ADV SELLO SC: Thank you, Commissioners.

10 **DR MASHAZI:** Thank you.

ADV SELLO SC: Perhaps just to close out on that line of questioning, Dr Mashazi, accepting the extent to which your hands were tied as you have testified, is it fair then to accept that the pattern of abuse of women persists? There was nothing to stop it. So it persists and probably has gotten worse. Is that what you would be telling this Commission? No, no, you need to say, express yourself orally so that the machine can record your answer.

DR MASHAZI: Yes, mam.

20 **ADV SELLO SC:** So it persists and it has worsened since.

DR MASHAZI: I cannot say it has worsened. I can say there is improvement immediately after I introduced and empowered them and made them understand that they are not sex object.

ADV SELLO SC: Yes.

DR MASHAZI: They are equally qualified to compete with these males.

ADV SELLO SC: Yes.

DR MASHAZI: For positions and HR processes are pure.

ADV SELLO SC: Okay, now I think it is incumbent upon me to tease out some aspects of your paragraph 50.1. As the Chair pointed out, these are very serious allegations. The conversation that we have had so far relates to the pattern within the City, but paragraph 50.1 specifically
10 points to Chief Mapiyeye. It is personal, as against him personally.

Now for the record, this Commission is not out to impugn anyone's name or to judge anyone's sense of morality and I would like to believe that neither do you approach this Commission with that kind of thinking. Accepting that you do not intend to unnecessarily impugn his name, I then want to unpack 50.1. You say:

20 “It has been widely reported to me that Chief Mapiyeye fathered multiple children with subordinates who were vulnerable to his abuse of power.”

Firstly, you, in response to a question by Commissioner Khumalo, you said it is not “mabari bari” but it is, can be substantiated, it is factual. My question to you is, do you know the identities of those juniors with whom Mr

Mapiyeye fathered children? Do you know that as a fact or do you accept because it was communicated to you?

DR MASHAZI: Unfortunately, I cannot mention the names of people here, but I know few of them, two of them.

ADV SELLO SC: Oh so you can establish that fact?

DR MASHAZI: Yes, yes.

ADV SELLO SC: And you may do so through your statement, if so required, your supplementary statement, if so required.

10 **DR MASHAZI**: Exactly. Exactly.

ADV SELLO SC: And how many children are we talking about?

DR MASHAZI: I am not sure about the number.

ADV SELLO SC: No, no, no.

DR MASHAZI: The number here, it says, let us just read my statement.

ADV SELLO SC: I am at 50.1, your page 8.

DR MASHAZI: Ja. It said ...[intervenes].

ADV SELLO SC: You said father's multiple children
20 ...[intervenes].

DR MASHAZI: Multiple children.

ADV SELLO SC: Yes.

DR MASHAZI: I never indicated the number. I am not sure about the number.

ADV SELLO SC: As at that time it was communicated to

you, how many women specifically confirmed this situation?
How many to your recollection?

DR MASHAZI: I do not recall the number.

ADV SELLO SC: Was it 2 or 10 or 20?

DR MASHAZI: I do not recall the number.

ADV SELLO SC: That bad, Doctor?

DR MASHAZI: Thank you.

ADV SELLO SC: I am asking, it is a question, is it that bad that you cannot recall whether it is 2 or 10 or 20?

10 **DR MASHAZI**: Remember, mam, I am running 26 departments and each and every department we have, in Police only, we have more than 3,005 officials.

ADV SELLO SC: I accept that.

DR MASHAZI: How do I remember all these things? I do not remember. I do not recall. And obviously, I cannot be forced to say a number that I do not know.

ADV SELLO SC: I appreciate that.

DR MASHAZI: And I do not want to lie to the Commission, to be honest.

20 **ADV SELLO SC**: Indeed. I pressed for that because you are not talking about a particular pattern where seniors father children with subordinates. You are speaking of specifically one person and you have just indicated to the Commission that you can give detail regarding those cases in your supplementary. That would mean you refer to

specific people who confirmed to you as a matter of fact that it happened to them. But you say you do not remember whether it was 2, 10 or 20. I am more concerned about the second part of that allegation, where this fathering of multiple children is through conduct amounting to sexual harassment, coercion, and rape. So do I understand you correctly that some of those children were fathered following a rape by Chief Mapiyeye, is that your statement to the Commission?

10 **DR MASHAZI**: Can you repeat the statement?

ADV SELLO SC: You cannot – we cannot, because you are looking at your phone and you are reading something on your phone. So naturally you will miss many of the things that I say. So we are going to have to make a decision how we run this. You are either with the Commission and you are testifying before the Commission or you would like some time to attend to your phone. Which is it going to be?

DR MASHAZI: I am trying to get information from my phone.

20 **ADV SELLO SC**: No, if you need time to get information, kindly address yourself to the Commission and request the time and the time shall be given to you ...[intervenes].

DR MASHAZI: [Indistinct]... [cross-talking].

ADV SELLO SC: But when a question is posed to you and you distract yourself by attending to your phone, I am sure

you will accept that it will not particularly work.

DR MASHAZI: Ja, it is incorrect and I apologize for that.

ADV SELLO SC: What is incorrect?

DR MASHAZI: For me to be attending to my phone while the session is on.

ADV SELLO SC: Okay, apology accepted. The question was, the last part of that particular paragraph suggests that Chief Mapiyeye fathered some, I take it, of these multiple children with subordinates through the act of rape. Is that

10 what you are communicating?

DR MASHAZI: Ja, there is a rape case opened against him.

ADV SELLO SC: From which a child was born?

DR MASHAZI: I beg your pardon?

ADV SELLO SC: From which a child was born?

DR MASHAZI: There was no child born ...[intervenes].

ADV SELLO SC: Okay.

DR MASHAZI: But there is a rape case in terms of the testimony that is part of my bundle.

20 **ADV SELLO SC:** That is the that is the clarification I sought.

DR MASHAZI: Ja.

ADV SELLO SC: So I should not read sexual harassment, coercion, and rape to relate to the fathering of children. These are two separate allegations you are making.

DR MASHAZI: Exactly.

ADV SELLO SC: Okay. And before we get there, because we will get there, that is your, what you call your question 13, the example you give in your statement is a complaint by one subordinate. Dare I ask you whether there are more, if you know for a fact that there are more, and how many, or you do not recall?

DR MASHAZI: I can confirm that this one who came through.

10 **ADV SELLO SC**: Okay.

DR MASHAZI: As I indicated that a group of them came and complained, but because there was no written statement and there was nothing, I was unable to act upon it as I indicated that there are processes and my hands are tied in terms of reporting such behaviours.

ADV SELLO SC: Okay, I will accept that. Now I want to turn to the allegation at 50.2. And once again, it is directed specifically at Chief Mapiyeye. and does not, or the Chief of Police, and I take it is still Chief Mapiyeye, right, the
20 Chief at the time?

DR MASHAZI: Ja, it is still.

ADV SELLO SC: And once again, it is not an allegation to senior Managers within the EMPD, it is specifically to Chief Mapiyeye. My question here is, you say, you accuse him of:

“Defeating the ends of justice arising

from repeated instances in which complaints of misconduct reports were not acted upon, were actively suppressed.”

You see where I am reading 50.2?

DR MASHAZI: Yes.

ADV SELLO SC: So you have complaints and misconduct reports that are not acted upon or were actively suppressed, I take it by Chief Mapiyeye. As the City
10 Manager, what did you do about that, or were your hands tied again?

DR MASHAZI: No, this time around, Chief Mapiyeye was involved in an accident in 2014 where he broke his arm and In terms of what happened, he was, he stays in Brakpan, I had to go and see him. He was driving under the influence of alcohol, and the scene was cleared, and IPID never investigated this. And I think Advocate Kemi will talk more about the cases.

Secondly, there was another accident. We will get
20 the case numbers we will send in terms of our statement, where Chief Mapiyeye was also involved in an accident under the influence of alcohol and I am told that a child died out of that accident and those were never – second, the third one, Chief Mapiyeye, there was a woman whom he pushed, assaulted, and that woman opened the case. And

subsequently, IPID took the case from the City and that woman was forced to withdraw the case and she made a statement.

The fourth one is about the rape case of the victim, the victim who requested to be interviewed by this Commission. The rape case was opened in June and Chief received a protection order. I think, I have forgotten the month, will indicate in our, protection order against, because he was continuously going to the vicinity or to the
10 area or to the place of this particular victim. She ended up ...[intervenes].

ADV SELLO SC: Sorry to interject. You said June, June, what year please?

DR MASHAZI: I am not sure. We will get the dates.

ADV SELLO SC: Okay.

DR MASHAZI: But the victim will talk to the store herself. She continuously went to the area. But what is important in terms of defeating the ends of justice and Chief working closely with some law enforcement agency that nothing
20 happens to him. It is actually concerning that the rape case is opened and nothing happens to him. The poor victim is suffering and nothing has been said. Instead, Council is actually interested in ensuring that Chief is cleaned up.

ADV SELLO SC: Chief is?

DR MASHAZI: The Chief is actually cleared from this thing

...[intervenes].

ADV SELLO SC: Okay, yes.

DR MASHAZI: Because it was a battle for him to be suspended anyway. So my issue here is that if we have support from law enforcement agencies and from politicians, it means you are lucky. And lonely voices like ours we do not get any support from anything.

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

ADV KHUMALO SC: Just a moment. Dr Mashazi, just so
10 that I do not understand you, what is the purpose of this section of your statement?

DR MASHAZI: The purpose is ...[intervenes].

ADV KHUMALO SC: I am trying to make sense of it because you have been invited to this Commission to respond to allegations made against the Ekurhuleni Metro and EMPD and the extent to which you played a role in all those things. And then there is this section in your statement, and I am not criticizing you, it is your statement.

For my benefit, I am just trying to understand, is
20 the purpose of this section to say that we must not believe the people who gave evidence here because they are also bad people, they have done the things you have mentioned in the statement? I am trying to understand what the purpose of this section of the affidavit is and what we as the Commission should do with it.

So if you can just assist me there, and it is not a criticism, it is just so that I understand why we are dealing with the things that are mentioned in this specific section.

DR MASHAZI: The purpose obviously is to highlight the behaviour of the Chief of Police. He came here as a victim and I do not know whether he disclosed, because I was not listening to the Commission, he disclosed that he was suspended for sexual harassment. I do not know if he disclosed that. So it is to bring to the attention of the
10 Commission that in as much as he is suspended or he appeared here and he made allegation, for me, he is an aggrieved person. He is an aggrieved person and that is why I am making this statement that an aggrieved person would say anything to tarnish one's reputation ...[indistinct]. That is the purpose of the paragraph.

ADV KHUMALO SC: Thank you, now I understand.

ADV BALOYI SC: Can you – sorry, sorry ...[intervenes].

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Yes, I mean, in the back of that answer
20 where you say you are telling us that all of this to show us he is an aggrieved person, but your evidence is nothing was done to him from these things that you list. He got away with it. He used your words, he used law enforcement and he is got counsel protecting him. So according to your evidence or your testimony, nothing, he suffered no

consequence for the list of things that you are giving except the suspension in 2024 and we will come to that. But you have listed a number of things where you say there was no consequence.

So how are you, how are these evidence or proof of grievance, these things that you are listing in paragraph 50, how can they serve that purpose if there was no consequence to him?

DR MASHAZI: I think we discussed the issue of
10 consequences, consequence management from my side, and I have explained that my hands are tied, or were tied, because I have been blocked through and through to deal with him. The process of dealing with senior Managers, it is in the Systems Act, Senior Manager Systems Act. I think it is Section 56 of the Municipal Systems Act, where you are required to get an investigation report or an allegation first.

And I write the report to the Municipal Council with all the attachment to Council, for Council to take a decision because he is appointed by Council through Section 56. So
20 my duty was to write the report to Council with all the attachment, but by then I did not have attachment, hence it is viewed, which I accept, that I did nothing. But here I am trying to, as I answered, Commissioner, that the purpose of this is to bring to the attention of the Commission that Chief came here to actually air his grievance more than anything.

ADV BALOYI SC: Okay.

DR MASHAZI: But he has a lot to answer. But it is not for this Commission to run a grievance process or to run a DC for individuals.

ADV BALOYI SC: Yes. No, you are correct. It is not our place to run a DC, but you have put this stuff before us. So I think we, in fairness to you, we give you the opportunity to explain it where we do not understand, but also I think in fairness to the people that you are naming, they need to
10 know what it is you are saying about them, which brings me to this.

You say about 50.2, you say in 2014 he was involved in a motor vehicle collision where he drove drunk. At the time you were the COO. Was this matter as a Section 56, 56 employee or appointment, the Chief, was this brought to the attention of the Council and is there a record of it?

DR MASHAZI: It was never brought to the attention of Council.

20 **ADV BALOYI SC:** Okay. And then you say there was another incident, again, drunken driving. What year was that, the second one?

DR MASHAZI: I am not sure. We will get the information. As we said, we are going to substitute our statement.

ADV BALOYI SC: I can still ask my question. Did you

bring this second incident to the attention of the Council as the City Manager?

DR MASHAZI: Of the Council?

ADV BALOYI SC: Yes.

DR MASHAZI: Because I do not have the date, I do not want to respond much to that. We will actually amend our statement, is then that we can talk to that.

ADV BALOYI SC: But you will remember surely sitting there whether you submitted a report to Council or not. You
10 may not remember a date, but you would remember what you did about the first incident, *viz-a-viz* Council, what you did about the second incident. Surely that you must be able to remember.

DR MASHAZI: Remember, accidents they are reported, they are actually accident of Police officers and brutality of Police officers, it is the area of operation of IPID. IPID was supposed to do the investigation. And after the investigation, then, because he reports to me directly, they should give me a report and I should have done something
20 about that. So if the report is not forthcoming from IPID, I cannot go to Council with empty hands and say, Chief did one, two, three. That is why I am saying to you and pleading with you that let me get the full report and then we amend our statement.

ADV BALOYI SC: Okay, I accept that, but can we at least

agree that driving under the influence of alcohol and damaging Council property is disciplinary, disciplinable conduct which falls within the Municipality's remit? You accept that?

DR MASHAZI: 2014, I was not the Accounting Officer.

ADV BALOYI SC: Yes, the next incident ...[intervenes].

DR MASHAZI: And I agree with you that rest with the Council.

ADV BALOYI SC: Okay. And the next one is the incident
10 where you say he pushed a woman who broke her arm or something and ended up laying a complaint, I think you said, about her. Did you report, did you do anything about that?

DR MASHAZI: That was ...[intervenes].

ADV BALOYI SC: It sounds again like disciplinary, disciplinable conduct. As his Manager, did you do anything about it?

DR MASHAZI: Yes, it was reported to Council and IPID quickly took the report that they are investigating the case.
20 Same as the second one for rape, to date, we do not have a report from IPID.

ADV BALOYI SC: Okay. So is it the position or is it your testimony that even conduct that on the face of it is disciplinable, is a misconduct in terms of the code of discipline and employment contracts. Even that kind of

conduct, you do not act on it until IPID tells you, must discipline, you wait for IPID.

DR MASHAZI: No. Remember, the sexual harassment and pushing of that pregnant woman, it was part of my report to Council for Chief to be to be disciplined. Those two were part of my report. I did my job as an Accounting Officer.

ADV BALOYI SC: Okay, and we should be able to get a copy of your report to Council?

DR MASHAZI: Of my report to Council, yes. One of the
10 report is here for his suspension. So I think it is also important to get, I wanted to get my original item to the mayoral committee.

ADV BALOYI SC: Yes.

DR MASHAZI: To show the difference in terms of that decision and what I proposed. Unfortunately, I cannot get access to those documents.

ADV BALOYI SC: All right. Thank you.

ADV SELLO SC: Thank you, Commissioner. Just on that score before we break for tea, you referenced four cases. I
20 am correct that you say all of them were reported to IPID? No, the mic does not know when you are nodding your head, Doctor Mashazi.

DR MASHAZI: Yes, mam.

ADV SELLO SC: Yes. So, my question simply is, perhaps to invite you in the supplementary affidavit to a statement to

provide further detail regarding specifically these four cases and my interest in them lies in the fact that the IPID failed to act thereupon. So it assists if we have the detail, then we can follow up with IPID to determine why it is these matters were not acted upon, although they were formally brought to IPID's attention. Would you be able to do that for us in the supplementary statement?

DR MASHAZI: We will try, if we get information from Council.

10 **ADV SELLO SC:** And on that score, I do not know sitting here whether you are able to, or perhaps in a day or two after you have conferred with your attorneys, in regards to the request I have made, whether you are able to identify documentation that you would potentially need to address that request and if your attorneys could finish that to us ASAP and we see if we can obtain the documents on your behalf from the City.

DR MASHAZI: We will try.

20 **ADV SELLO SC:** You will try, okay. And please add on them to that list, if I understood correctly, following the engagement you just had with Commissioner Baloyi regarding the assault and the pushing of the pregnant lady. that you say you specifically reported to Council. So if you could try and recall the period, time in which that happened to narrow our search within the Ekurhuleni Council to try

and locate the report that you made to Council.

DR MASHAZI: Ja, I will try ...[intervenes].

ADV SELLO SC: You will try.

DR MASHAZI: And get the information.

ADV SELLO SC: Thank you. And perhaps if you could indicate to us by Wednesday the nature of the documents that you require so that we try and locate them, because your agreement with the Chair is that your supplementary will come in by Monday next week, okay. Chair, might this

10 be an appropriate time for a tea adjournment?

ADV BALOYI SC: Ms Sello ...[intervenes].

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Before we break for tea, Doctor Mashazi, just to close off this paragraph. In paragraph 50.1, you mention, and I think I would like to be clear what it is you are saying in your evidence, you mention Lieutenant Colonel Thepa as one of the people that Chief Mapiyeye referred to as his angels. You have also, in your explanation, said at some point she was put in to be one of
20 your protectors by him.

But it is in a paragraph where you speak about her. It is in a paragraph where you say he has had, Chief Mapiyeye had children with subordinates who are vulnerable to his abuse of power, including conduct amounting to sexual harassment, coercion, and rape. Just to be clear

from your evidence, are you saying that Colonel Thepa is one of the people that you referred to as subordinates that have had children with the Chief, that have been the victims of his abuse of power, coercion, sexual harassment and rape? Are you saying that about her?

DR MASHAZI: I have explained that. If you are called an angel, It means you are playing along. If you are not an angel, obviously you will not be, you will not, if you are not called an angel, you will not play along with Chief and
10 agree to be abused, sexually abused.

ADV BALOYI SC: I think we have to go past innuendo. This is very damaging if it is not backed up by facts. I am happy for you to say it is fact what you are saying about her and you will give us evidence that backs it up. We will not stop you doing that. But if you are relying on innuendo because she is called one of my angels and you say, therefore, she must have had an improper relationship with him, that is not permissible.

So I am asking you a direct question. Do you say it
20 as a fact that Colonel Thepa ...[intervenes].

DR MASHAZI: It is a fact.

ADV BALOYI SC: Had an improper relationship with Chief Mapiyeye and in particular, and maybe let me put it specific as what I think you are suggesting, she had a sexual relationship with Chief Mapiyeye. Is that what you are

saying?

DR MASHAZI: Exactly.

ADV BALOYI SC: And you have evidence of that, that you will include in your supplementary statement?

DR MASHAZI: Evidence of them having an affairs? Did you ask for evidence from Xolani ...[intervenes].

ADV BALOYI SC: No, no ...[intervenes].

DR MASHAZI: Nciza. No, huh-huh.

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

10 **DR MASHAZI:** Mam, did you ask evidence from Nciza when he said, I have extramural activities with Mkhwanazi?

ADV BALOYI SC: I am asking you the question. You do not ask me questions. I ask you questions ...[intervenes].

DR MASHAZI: So I cannot comment?

ADV BALOYI SC: May I please speak? You are a witness. You have to allow me to speak and we will give you the chance to answer. You make a very serious statement about Colonel Thepa. I am not speaking about anybody else at this point. I am speaking about Colonel Thepa. You
20 make a very serious allegation about her and what I am asking of you is, if you know as a fact, can we have it in your statement if it is a fact, because Colonel Thepa will have to deal with this.

DR MASHAZI: Thank you very much, mam. Colonel Thepa herself also, she said I have a close relationship with

Mkhwanazi and I never, in the statement you asking, or the Commission asking them that do you have evidence that I have a close relationship with Mkhwanazi. So it is the same answer, mam.

ADV BALOYI SC: All right. Thank you for that answer.

ADV SELLO SC: Chair, before we stand down for tea, may I just ask one question to the witness? Doctor Mashazi, I understand, particularly in reference to your last answer, that it was suggested by one of the witnesses that you had
10 a close relationship with Mr Mkhwanazi. Do you equate that to a claim by you that a female member subordinate had a sexual relationship with their senior at work. Do you place those on par, those two claims?

DR MASHAZI: I cannot comment on that.

ADV SELLO SC: No, no, you are the one making the statement, so I want to know whether are they the same.

DR MASHAZI: But I do not want to comment on that, Commissioner. Thank you.

ADV SELLO SC: Okay.

20 **CHAIRPERSON:** For the record, Doctor, it was actually Commissioner Baloyi ...[intervenes].

DR MASHAZI: Commissioner Baloyi.

CHAIRPERSON: Who engaged Mr Nciza on the nature of the relationship. So, I am just saying, for the record, it should become clear that the statement did not just pass

without engagement. Commissioner Baloyi engaged Mr Nciza to get an idea of what exactly the proximity, I think that is the word Mr Nciza used, what exactly he meant by proximity. So, Mr Nciza was engaged on that issue, for the record.

And also, a video was played in which Brigadier Mkhwanazi went so far as to say that he would die for you, he would take a bullet for you. So some evidence was led with regard to the nature of the “proximity” or the
10 “relationship”, not suggesting a sexual relationship, improper relationship or anything. So some objective evidence was led. As to what in the end we will make of it. we will decide at the appropriate stage.

So I am just putting that on the record to make sure that you do not leave this Commission saying that, as you were suggesting to Commissioner Baloyi, that there was no engagement at all with regard to the relationship that Mr Nciza was suggesting.

DR MASHAZI: Ja, thank you.

20 **CHAIRPERSON:** May we may we take the adjournment at this stage and resume at 11:25. Let us adjourn.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Sello.

ADV SELLO SC: Thank you. Dr Mashazi, you may have a seat. Thank you, Chair, I am about to turn to a new chapter. The previous one is exhausted. Dr Mashazi, we are now at page 9 of your statement, and we start with the heading structure of the statement. Have you located that?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: And just to as you state in your paragraph 52, you say one of the documents furnished to your attorneys, which you attach as IM6, and IM6 is to be
10 found at page 18, and you say this is a document you received or your attorneys received on your behalf from the Commission. I confirm for the record that the evidence leaders generated that document and served it upon you.

Attached to that document, you indicate that attached to that document was a specific list of issues to be addressed by yourself in your statement, and there is a total of 13 issues raised with you. Insofar as the structure of your statement is concerned, you confirm that it follows the questions as listed, so you answer each question in
20 turn, is that correct?

DR MASHAZI: Correct.

ADV SELLO SC: I just wanted to explain that to the extent that the Commissioners might believe you are addressing yourself to an issue that they may for some reason deem irrelevant, that you are answering your question specifically

posed to you by the evidence leaders.

DR MASHAZI: Okay.

ADV SELLO SC: If you agree with me or disagree with me, you do not nod or shake your head because the microphone will not pick up the answer, so just to remind you each time to verbalise your answer. Against that understanding, then, we turn to what you call point one, following paragraph 54. Are we there?

DR MASHAZI: Yes, Ma'am.

10 **ADV SELLO SC**: At point one, you were invited to comment on the provisions of section 64(C)(2) of the South African Police Service Act 68 of 1995, and to provide your own interpretation as city manager of the powers set out therein, insofar as they relate to the Chief of Police. You confirm that. Your answer to that specific question then starts at paragraph 55, if you could take the Commissioners through your response.

DR MASHAZI: Thank you very much, Commissioner. I understand that 64(C)(2) of 1995 is that the municipal
20 council will appoint a municipal police service and the executive head of that will be the Chief of Police, and the accounting officer will be the chief executive officer. Therefore, the powers of the Chief of Police are subject to the directive of the chief executive officer, which is the accounting office.

ADV SELLO SC: Apologies. You proceed then from paragraph 56 to reference the systems of delegations, and you have attached an excerpt from the Municipal Systems Act number 32 of 2000. That accepts you have annexed as IM8 if you go to the annexures bundle.

DR MASHAZI: 8?

ADV SELLO SC: IM8 at page 29.

DR MASHAZI: Yes, Ma'am, I found it.

ADV SELLO SC: Have you located it?

10 **DR MASHAZI:** Yes.

ADV SELLO SC: Earlier, I referenced a series of files to your right, and at the time I suggested that you not concern yourself with. Those, for the record, are the complete bundles of the four witnesses who testified from EMPD, to which Chief Mapiyeye, Commissioner Spies, Ms Myeza, and Ms Thepa, those are the files to your right, together with their respective annexures. I indicated that I would refer to them from time to time, and they are marked on the spine with their respective names. Can you then pull out the
20 statement of chief Mapiyeye? It will be a file of statement and annexures. And in particular, I would like to refer you to page 7.

DR MASHAZI: Of the statement?

ADV SELLO SC: Of the statement of Mr Mapiyeye. And I refer to page 7, paragraph 21, for convenience purely,

because Chief Mapiyeye quoted section 64(C)(2) in full, which is the section that you are engaging with, under this heading.

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: And you will see, from that quotation, that it provides that the executive head, and you confirm that the executive reference to the executive here is the Chief of Police.

DR MASHAZI: Yes, Ma'am.

10 **ADV SELLO SC**: Subject to this act, this act being the SAPS Act, and a few other prescripts, exercise control over the municipal service, and shall, amongst other things, and then it lists, let us say, his powers and duties. Do you confirm that?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: Thank you. Do you confirm that section 64(C) provides that the Chief of Police is appointed by council and reports to council through the city manager?

DR MASHAZI: That is correct.

20 **ADV SELLO SC**: With that understanding, therefore, kindly explain whether the section 56 of the Municipal Systems Act that you annex, alters that position in any way? It does not.

DR MASHAZI: No.

ADV SELLO SC: So, the powers bestowed upon the Chief of Police as set out in Chief Mapiyeye's paragraph 21

remain unaffected by the provisions of section 56 of the Municipal Systems Act. You either confirm or you do not, that is what I am trying to test.

DR MASHAZI: I do not.

ADV SELLO SC: You do not what?

DR MASHAZI: I do not confirm.

ADV SELLO SC: Okay, what is the position, what is the impact in your understanding of section 56 on the powers of the Chief of Police?

10 **DR MASHAZI**: In fact, let me start by saying, in as much as there is a SAPS Act which deals with the powers of the Chief of Police, but the Chief of Police is appointed under the Municipal Systems Act section 56. Therefore, the powers that have been given by the SAPS Act must be read with the powers of the Municipal Systems Act as a senior manager.

ADV SELLO SC: Yes.

DR MASHAZI: As a senior manager. And also, in terms of some of the, I know that there will be a system of
20 delegations that cannot supersede the legislation, that I understand, but this is how the council works. Council is a third sphere of government, which is obviously autonomous from other spheres. All the spheres of government are actually autonomous to each other.

For instance, in council, we have our own

legislation, like the Municipal Systems Act, the Structures Act, the Municipal Finance Management Act, but we do take cognisance of certain acts that affect different portfolios within council, like your Health Act, which affects the social health and social development, and the SAPS Act which actually affects the operations of police.

Hence, I am saying that the two acts must be read together. In terms of the statement here, that I accept his powers, it cannot be true, because I operate under the
10 Municipal Systems Act, and the council has approved delegations, and also, section 56 is clear in terms of the powers of the senior managers or the powers of the accounting officer. If it is his notion that I accept his powers, unfortunately, I cannot confirm that and agree to that.

ADV SELLO SC: Thank you for that. You do not have it immediately before you, but I am going to read out some sections from the SAPS Act itself, and in particular, it is section 64(B) B, and it reads as follows. I quote:

20 “The chief executive officer of a municipality shall be responsible to the municipal council for the functioning of municipal services.”

You heard that.

DR MASHAZI: Yes.

ADV SELLO SC: So, he is responsible and accountable to the council.

DR MASHAZI: Yes.

ADV SELLO SC: Section 64(C)(1), provides that:

“Subject to section 64(D), a municipal council shall appoint a member of the municipal police service as the executive head thereof.”

You heard that.

10 **DR MASHAZI:** Yes, Ma'am.

ADV SELLO SC: Based on that, do we at least accept that insofar as the SAPS Act is concerned, the Chief of Police is appointed by a council and is accountable to the municipal council?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: Then I want to refer you to your Annexure IM8, at page 29, to point out whether the difference between the two sections, section 64(C) read with 64(B) of the SAPS Act and section 56 of the Municipal
20 Systems Act is as follows. If you could turn to your page 29 of the bundle.

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: The section you invoked is section 56, appointment of managers directly accountable to municipal managers. 56(1)(A) provides:

“A municipal council after consultation with the municipal manager must appoint:

[I] A manager directly accountable to the municipal manager.”

In the context of what section 64(B) and (C) provide of the SAPS Act, that is not the Chief of Police because the Chief of Police we know from that act is accountable to council.

10 Would you have a challenge with that proposition?

DR MASHAZI: The Municipal Systems Act, as I understand it, and the SAPS Act as I understand it, it says the executive head will be the Chief of Police, but in terms of his powers are subject to the chief executive officer, which is the accounting officer. And then in terms of this section 56(1), the manager accountable to the municipal manager, chief in terms of his employment or contract, which we will send the team, he is appointed as a senior manager under the Municipal Systems Act.

20 **ADV SELLO SC**: If I am testing my understanding now of what you say. So therefore, because you say he is appointed in terms of section 56 of the Municipal Systems Act, he therefore becomes accountable to the city manager.

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: And you suggest that we overlook the

provisions of the SAPS Act, which makes him accountable to council.

DR MASHAZI: Can you repeat the question.

ADV SELLO SC: My question is, based on what you have just said, and I am checking whether I understand you correctly, that section 56, and you say he is appointed in terms of that section of the Municipal Systems Act, makes him accountable to the city manager, section 56.

DR MASHAZI: Yes.

10 **ADV SELLO SC**: And you say that should be the prevailing section, and we overlook the fact that the SAPS Act prescribes that the Chief of Police is accountable to council. Do we overlook the provisions of the SAPS Act?

DR MASHAZI: I am not overlooking that particular SAPS Act. Remember the SAPS Act is about the Chief of Police being the head, and it refers to me as the chief executive officer, and that his powers are subject to my directive as the chief executive officer. Then when you go to section 56, it is clear that even his employment contract, he reports
20 to me directly, he does not report to council, he is the head of the department of the EMPD.

To an extent that the current structure, organisational structure, that was done now by council, the Chief of Police position has been downgraded, there will be a head of community services, the list of positions, the list

of departments that I referred to in my statement. We no longer have a department of EMPD, or Ekurhuleni Metro Police. It is under the head of community services.

We may not even be a police officer. He may be a firefighter. So, these are two departments that have been matched. I do not know how we are going to deal with these two legislations, because at some point, because of this confusion between the two legislations, I suggested to the chief, in one of my statements, that chief, because there
10 is this grey area, about the SAPS Act in terms of your powers, and the Municipal Systems Act, please create a policy for me.

Create a policy for me, I do not know which, maybe at some point we will go through it. Create a policy so that we avoid these grey areas in dealing with issues in the EMPD, because they are very peculiar. I am not a police officer, and I do not deal with the SAPS Act on a daily basis, and I do not deal only with the Metro Police. You can imagine that I have 26 departments, and they are all
20 scattered within the city.

Metro Police itself is in Kempton Park, like 50 kilometres away from the head office where my office was based. So, it is important that we, these two acts, obviously, they are creating a grey area, hence I tried to address it by requesting him to create the police, because

for me it was a confusion.

ADV SELLO SC: Is it possible, and I put no higher than that, that perhaps the error arose in his appointment by invoking section 56? Is it possible that in appointing him, the council relied on section 56, when it ought to have relied on section 64? Is that possible?

DR MASHAZI: Yes, it is possible.

ADV SELLO SC: Now, you say you recognise the conflict between the two, because they deal with an important
10 issue, which is the final repository of the power. You have a legal department within the city, I accept. Is that correct?

DR MASHAZI: Yes.

ADV SELLO SC: Did you enquire from the legal department, or did you request an opinion to address specifically that conflict? Because I do not see how the Chief of Police, who is not a lawyer, to my understanding, would have assisted you. Did you direct, perhaps, a request to the legal department?

DR MASHAZI: Well, the issue of conflict in terms of this
20 thing, the SAPS Act, as well as the Municipal Assistance Act, will remain a grey area for council. It is council that is supposed to actually take into cognisance the existence of this Act, and one may argue to say that this has been our general argument that the chief was appointed under section 56 of the Municipal Assistance Act, not under the

SAPS Act. He draws his salary from the Municipal Systems Act, or from council, that has created systems of delegations that is governed through the Systems Act. So, it is something that needs to be addressed by council, to be honest.

ADV SELLO SC: I appreciate that and thank you for that answer. My question was whether or not you had turned at any point to the city's legal department to seek guidance as to the correct interpretation of the approach you had.

10 **DR MASHAZI:** Not yet. I only requested the policy from the chief to assist me in dealing with the challenges that we face between the Systems Act and the SAPS Act in terms of its powers.

ADV SELLO SC: Noted and I raised this issue specifically, and I do accept that it is a technical legal interpretation, and I do appreciate any challenges you may have in that regard, but I raise it particularly because it informs a number of decisions that you subsequently took that we will be dealing with, and it was necessary that the steps you
20 took, the responses you gave, be placed in their proper context, as to your understanding of what your powers were, and what his as the Chief of Police were. You state, then, at your paragraph 58, that the Chief of Police's powers are subject to your directives, and that, if I go back to Chief Mapiyeye's quotation of section 64(C), you derive

from what is quoted there, because it specifically provides:

“The executive head shall, subject to this Act, national standards, and the directives of the chief executive office of the municipality, exercise control over the municipal police service, and shall, and then enumerates the powers granted him.”

Now you say, those powers enumerated there, the Chief of
10 Police must exercise subject to your directives. My question is, what impact did you understand any directives that you issued, to have on those powers set out in 64? Does it strip the Chief of Police of the powers, because you are so direct, or what is the impact of the directives? Because you say, these powers are subject to my directives.

DR MASHAZI: Well, as I indicated, that I work, I function, or I exercise my powers, using the Systems Act. I am employed under the Systems Act, section 54, and he is
20 employed under the systems Act, section 56. So, in terms of the powers, those powers are actually interpreted as and when there are challenges. For instance, there was misunderstanding about the appointment, and I relied on the systems of delegations, as well as the Systems Act. That well, chief, in as much as you are saying you are

responsible for appointing from deputy Chief of Police up to a cleaner in your department, it is not possible.

Hence council has created systems of delegation. When is he going to do his work? When he must sit in the interviews of junior officials. So, the systems of delegations, as approved by council, is meant to assist senior managers to concentrate on the general performance of the department, on governance issues, and on strategic issues, then on operational issues. So that is why I relied
10 on the systems of delegations, because I am actually subject to adhere to them, as well as him, because he is appointed under the Systems Act, the Municipal System Act. Okay, let me stop there.

ADV SELLO SC: Okay, thank you for that. I am interested in your understanding of the effect of your directives on the powers of the Chief of Police as listed, and I will give you an example. Sub (B) of that section 64(C)(2), stipulates that:

20 “Subject, of course, to the act, to national standards, and directives of the chief executive officer of the municipality, the Chief of Police shall be responsible for the recruitment, appointment, promotion and transfer of members of the municipal police

service, police.”

And am I correct to understand that is a reference to men and women in uniform who are the police? So, if the act says he is responsible for that function, I want to get your understanding as to the effect of any directives you may issue as city manager on that power. Can you strip him of that power? As you understood things.

DR MASHAZI: As I understand, I used the systems of delegations that actually explains the powers of the chief, which level can he appoint. He is, in terms of the systems of delegations approved by counsel, he is only responsible to appoint his deputies, and his deputies are delegated to deal with the lower levels, and the executive managers, *et cetera, et cetera*.

In terms of, I relied on the systems of delegations. Inasmuch as there is this notion that I accept his powers, but I worked with documents that council uses. Remember, we are both appointed by council. Inasmuch as he has this SAPS Act that gave him powers, hence I said there is a great area between the two legislations, which, at some point, council needs to actually acknowledge and correct some of these things. Remember, as an accounting officer, you are appointed in terms of the legislation, and you must abide by that legislation, which is the Municipal Systems Act, and also the systems of delegations, which are

approved by council. I cannot go outside that in terms of my directive.

ADV SELLO SC: I understood. Thank you for that. Just to close on that topic, at paragraph 58, at page 11, you state his powers are subject to my directives. That is a reference to his powers in terms of the SAPS Act, not the Municipal Systems Act. Correct?

DR MASHAZI: Both.

ADV SELLO SC: Okay, I will accept both. Can I try again, 10 then, to say what does your directive do to his powers? Can you change his powers? Can you strip him of his powers?

DR MASHAZI: I cannot.

ADV SELLO SC: Okay, so your directives would never have that effect, whether the powers derive from the Systems Act or the SAPS Act.

DR MASHAZI: Exactly.

ADV SELLO SC: Thank you.

ADV KHUMALO SC: Can I just clarify this?

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

ADV KHUMALO SC: Dr Mashazi, it requires a yes answer, and you can elaborate if you so wish. My understanding of your evidence is that, to the extent that you participated in recruitment appointment transfers within the municipal police, you believe that you were acting in terms of the

powers conferred upon you by the Municipal Systems Act and the systems of delegation. Whether you are right or wrong, that is a separate issue, but you believe that these two instruments permitted you to do that.

DR MASHAZI: Thank you very much, Commissioner. I never participated in the employment of junior officials. I only participate in the appointment of HODs. That is a legislated powers in terms of the Systems Act, that the accounting officers shall be the chairperson of the panel to
10 appoint senior managers, including Chief of Police. Then when you go to the delegations, the delegations are clear. Then such powers from the municipal accounting officer are further sub-delegated to the HODs, which is now Chief of Police.

Chief of Police powers are delegated to appoint divisional heads, which are his deputies. Then further to that, I have attached the copy, deputies are responsible to appoint the next level. So, meaning at the inspector level, the lowest level, it will be your superintendent who are
20 going to be delegated, who are delegated to appoint those junior officials. I do not sit in the interviews of junior officials, including the divisional heads. The divisional heads, chief sits there as the chairperson of those panels, including the appointment of General Mkhwanazi, he sits there.

ADV KHUMALO SC: So, you say you did not take any powers away from him?

DR MASHAZI: No.

ADV KHUMALO SC: You simply followed the Municipal Systems Act and the systems of delegation?

DR MASHAZI: Correct.

ADV KHUMALO SC: So, it was not you taking powers away from him?

DR MASHAZI: Correct.

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

ADV SELLO SC: Thank you, Commissioner. Yes, Commissioner Baloyi.

ADV BALOYI SC: Dr Mashazi, just to make sure that I understand, I am looking at this delegation document at page 27 of the bundle. It is IM7. I just want to make sure that I understand, I am reading it correctly.

DR MASHAZI: I am not hearing your voice.

ADV BALOYI SC: Page 27 of the bundle, it is IM7. And I just want to make sure that I understand it correctly. So,
20 what you have got there is you have got in that shaded part, it says:

“The HOD – the EMPD has the following assigned to him in terms of the applicable legislation.”

You see where I am reading?

DR MASHAZI: Yes.

ADV BALOYI SC: And then if you go to item two thereof, it says:

“Responsible for maintaining an impartial, accountable, transparent appointment, promotion and transfer of members of the Metro Police Service.”

If you go to the column with delegation, where the heading is delegation, you see what I am reading?

10 **DR MASHAZI:** Yes.

ADV BALOYI SC: Am I reading it correctly to say that that power in two, he exercises it in respect of divisional heads? Is that the way to read it?

DR MASHAZI: Yes, Ma'am.

ADV BALOYI SC: Okay, and then when you go to three, item three, which says:

“Responsible for recruitment, appointment, promotion and transfer of members subject to applicable law, that applies to divisional heads and executive managers.”

20

DR MASHAZI: Correct.

ADV BALOYI SC: And then lastly, responsible for the discipline of the Municipal Police Service, that applies to divisional head, executive managers and managers. So he

is got the power over those people.

DR MASHAZI: Yes.

ADV BALOYI SC: Okay, thank you. I understand.

Thanks, Ms Sello.

ADV SELLO SC: Thank you, Commissioner. Thank you, Dr Mashazi. That then brings us to the end of question one. And I would then like to invite us to consider question two. For that purpose, I think you can close the file containing Chief Mapiyeye's statement. You can put it aside to make
10 some space for yourself. You deal, question two, enquired from you as to your knowledge of and a role, if any, in the conclusion of two memoranda of agreement by Brigadier Mkhwanazi on behalf of the City of Ekurhuleni and invited you to give comments. Do you see that? I am at page 11 of your statement. Verbal. Do you see where I am in your statement?

DR MASHAZI: Yes, I see.

ADV SELLO SC: I am following paragraph 58. And you deal cumulatively with the question two, one and 22,
20 because the one question was specific to the memorandum of agreement with Medicare 24 during or about October 2021 and the other one being item 22 dealt with memorandum of agreement concluded with CAT VIP Protection during or about October 2021. You then provide your answer from paragraph 59 at page 11 through to 66.

Would you like to take the Commissioners through your response as regards any knowledge you had regarding the conclusion of these two documents and any role you played, if any, in the conclusion of the two documents?

DR MASHAZI: Thank you, SC. The document, the memoranda, the two memoranda that were signed by Brigadier Mkwkwanazi, to my knowledge, it did not come to the attention of my office, and I did not know the origin and I did not even know that they were implemented. For me, it is irregular. For the department or a junior official to enter into a memorandum or memoranda without the accounting officer. The memoranda obviously contained the issue of the donation and so forth, but for me, it was illegal. It was not within his powers to actually enter into those memoranda.

ADV SELLO SC: You reference Annexure IM9 and IM 10, which appear in your annexure bundle, page 9 and page 31, my apologies, and page 32, respectively. Your bundle file. It should have your name on the spine and read annexure's. It should have your name and a file with your name on the spine headed annexure's. I am referring you to Annexure's IM9 and IM10, which appear at page 31 and 32, respectively.

DR MASHAZI: Page, apologies.

ADV SELLO SC: It is quite okay. Page 31.

DR MASHAZI: Page 31, yes, Ma'am.

ADV SELLO SC: Please confirm that that is marked IM9 and it is an email with a name at the top, Liezel Tyres. Is that where we are at?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: Okay, we are going to have regards to that document and the following one, which is IM10, and then you annex the two memoranda as IM11 and IM12, respectively. Okay, now you indicate in your statement,
10 and I think you have confirmed now in oral testimony, that you had no knowledge of the conclusion of these documents, these memoranda. You played no role in their conclusion. You state at paragraph 63, the first time I saw, and at page 12:

“The first time I saw signed versions of the memoranda was on 26 November 2025.”

Is that correct? No, Dr Mashazi?

DR MASHAZI: I beg your pardon?

20 **ADV SELLO SC**: You have to be verbal in your responses.

DR MASHAZI: Correct.

ADV SELLO SC: Thank you. Now, you specifically call them signed versions. Does that suggest you have seen unsigned versions?

DR MASHAZI: Yes, I have.

ADV SELLO SC: Where have you seen them?

DR MASHAZI: It was through communication between, it was in the, I think it was in the IPID report, I do not recall, but we will check and verify.

ADV SELLO SC: Because you have annexed IM9 and IM10 at paragraph 65, and we said IM9 starts at page 31. That is an email. And this, as I read it, is an email from Jermaine Fortuin. It is dated the 24th of October 2021. Do you see where I am reading? And it reads:

10 “Good day, Liezel, for attention, if the
 chief, that is off. Draft proposal
 accepted by Medicare 24. Yet to do
 some amendments.”

You see where I am reading? Am I reading this correctly, that this particular email had attached to it the two memoranda? Sound. Yes, Ma'am. Is it the two memoranda that were attached to this email?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: Okay, now you are suggesting that that
20 email forwarded the unsigned memoranda. Is that what you are saying? Am I misunderstanding you?

DR MASHAZI: Yes, Ma'am. And as we indicated about the time constraint and the volume of evidence and statements as well as transcripts from the witnesses, well, our statement needs to be amended in terms of that, in terms of

this particular sentence, and we would amend that.

ADV SELLO SC: Okay, for the record, just indicate the extent to which you would like to amend that sentence, just to place it on record.

DR MASHAZI: That we first saw the signed one, but to be honest, the question that you posed to me was, was I aware of the memoranda?

ADV SELLO SC: Yes.

DR MASHAZI: And my answer was that I was not aware,
10 and also, it was irregular for the department to enter into that. But in terms of how and when, which one was signed, in terms of IPID report, whether it was signed or not, I cannot give you a definite answer. That is why I am saying we will go back and re-correct.

ADV SELLO SC: Okay, because you attach at paragraph 64 the two signed memoranda, marked next to IM11 and 12.

DR MASHAZI: Yes.

ADV SELLO SC: Am I understanding you correctly that
20 IM11 and 12 are the signed versions that you first came to learn of on the 26th of November 2025?

DR MASHAZI: Exactly.

ADV SELLO SC: When they were presented to your attendees?

DR MASHAZI: Yes.

ADV SELLO SC: Okay, then does that suggest that you

were aware of unsigned versions?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: Are you able - firstly, where did you obtain the unsigned versions, if I may enquire?

DR MASHAZI: I do not remember. As I am saying that, because of the time constraint, it was difficult for us to get information anyway. And as I indicated during our session, that when you request document, you are requested to go through the POPI Act, and so forth, and so forth. So, the
10 time given to us was difficult. Because at some point, you requested some document, and we were told that you must apply. My attorney must apply. And I am expected to appear and give proper evidence in terms of my testimony.

ADV SELLO SC: Okay, then the Annexure IM11 and IM12, which you say you obtained from the Commission attached, and are both signed and date by, above the name, JD Mkhwanazi, Director of Specialised Services. And I am looking specifically at page 42, 35 and 42 of the two annexures. You see that?

20 **DR MASHAZI:** Yes, Ma'am.

ADV SELLO SC: And page 35 is the conclusion of the first memorandum. There is a signature there that has been redacted. It is JD Mkhwanazi, Director of Specialised Services. The second memorandum, JM11, starts at page 37. And page 42, once again, has got a redacted signature.

And above the name, JD Mkhwanazi, Director of Specialised Services. And these are the documents that you say you obtained from the Commission. Both of them are dated, partly dated. No, they are not dated. They reference, however, an effective date of 10-2021. Do you accept that, just from the document itself?

DR MASHAZI: Yes, I do.

ADV SELLO SC: So, we can accept that these would have come to your attention at the earliest, in October 2021. At
10 the very earliest. Not before. Do you accept my logic?

DR MASHAZI: I do not ...[intervenes]

ADV SELLO SC: They are dated October 2021. They would suggest that they would not have been in existence prior to that date.

DR MASHAZI: Yes, they were never brought to my attention, as I indicated. Whether they were dated 2021, he signed them in 2021, or – all I am saying is, I do not want to get into details of when was it signed, the draft, and so forth. All I want to respond to, according to my knowledge
20 and according to my understanding, is that the two documents were never brought to my attention. This is the practise from the Department of Metro Police, not the city itself, because if I was aware of such memoranda, I was going to take action, to be honest, because it is irregular for a department to enter into any relationship with an external

service provider without the knowledge of their accounting office.

ADV SELLO SC: And my question was informed by your statement that you had seen the unsigned version of these memoranda, and I was trying to determine, and for that we will have to rely on your memory, as to when that could possibly have been, that you saw unsigned memoranda.

DR MASHAZI: Can you repeat the question?

ADV SELLO SC: I say my question regarding these two is
10 informed by what you stated, paragraph 63. You said the first time I saw signed versions was when you obtained them from the Commission. I had asked you a question, whether it is correct to understand. That means you have seen unsigned versions, and you confirmed that. So, I wanted to determine when that could possibly have been, that you saw unsigned versions of these two memoranda.

DR MASHAZI: I think it was during the IPID report. I am not sure hence, Ma'am, I am saying, can we be given an opportunity to go and confirm?

20 **ADV SELLO SC:** I am happy to do that. I do not have a challenge, but I just want to know what opportunity we are giving you.

DR MASHAZI: Yes.

ADV SELLO SC: Yes, are we giving you an opportunity to go test whether or not you saw the unsigned memoranda in

the IPID report?

DR MASHAZI: Yes.

ADV SELLO SC: Or whether you saw them elsewhere?

DR MASHAZI: Yes.

ADV SELLO SC: Okay, but to your, as a guesstimate, you would say it is most probably the IPID report, although I will not hold you to that answer until you have cross-checked.

DR MASHAZI: Okay.

ADV SELLO SC: Okay. And you conclude that section by
10 saying you had no knowledge of these memoranda, or either
one of them. You do not even know, I am now at paragraph
65, whether they were ever implemented. And you confirm
that you did not play any role whatsoever in their
conclusion.

DR MASHAZI: That is correct.

ADV SELLO SC: And you then invite the Commission to
turn to Chief Mapiyeye and Brigadier Mkhwanazi to explain
how these memoranda came into existence and how they
were signed. Correct?

20 **DR MASHAZI**: Correct.

ADV SELLO SC: Thank you. That then concludes your
response to the second question as regarded.

ADV KHUMALO SC: Before we leave this section.

ADV SELLO SC: Yes, Commissioner.

ADV KHUMALO SC: Dr Mashazi, around February 2023,

there was a media enquiry from a News24 journalist, where that journalist was asking about the very memoranda we are discussing under this section. Did you at that stage become aware of that enquiry?

DR MASHAZI: It is true that I had that interview with that journalist. His enquiry was about the investigation, the internal investigation, not actually the memoranda, the two memoranda. It was about the investigation from IPID. What was my understanding? What have we done with the
10 IPID report? That was the basis of the interview with the journalist.

ADV KHUMALO SC: I am not asking about the media interview you had. I am asking about the enquiry from a journalist called Jeff Wiggs on February 2, 2023, which was addressed to EMPD or Ekurhuleni, where the subject of the enquiry was these very memoranda that we are discussing now.

DR MASHAZI: Unfortunately, I did not deal with that particular enquiry. Even the investigation, it was between
20 the HR and Chief of Police, as well as HOD Legal. I think he is going to speak more about it, the HOD Legal, because he is the one who went through the process with the Chief of Police, and he is the one who went through that, and he further complained about the leakage of information. So, I cannot comment on that.

ADV KHUMALO SC: And then the IPID report, because you say in 61.1 of your statement that it was presented to you by officials of IPID on or about September 2023.

DR MASHAZI: Yes.

ADV KHUMALO SC: So, it was presented to you.

DR MASHAZI: The IPID report, yes, was presented to me.

ADV KHUMALO SC: And am I correct that the IPID report recommended that the city of Ekurhuleni must charge Julius Mkhwanazi?

10 **DR MASHAZI:** Agreed.

ADV KHUMALO SC: And the subject of those charges was these very memoranda that we are discussing that he had entered into these memoranda with CAT Security Services. That was the recommendation from IPID.

DR MASHAZI: Yes, sir.

ADV KHUMALO SC: And you did not act on that recommendation. In fact, you either disregarded it, or you chose not to comply with it. I do not know which is which.

20 **DR MASHAZI:** In terms of the IPID report, the IPID report was presented, number one, it was sent to Chief of Police to action, because Julius, by then, he was a director. So, I did something, because the allegations contained in the IPID report were very gross. I acted by referring the report to corporate leader and Chief of Police, because Chief of Police is mandated, in terms of the SAPS Act, to actually

discipline members.

And Julius, being one of his subordinates, he was supposed to do that. Even when you look at the IPID report, I do not know, I have it somewhere, where they write to him to implement or to discipline Julius. So from my point, I did something as an accounting officer by referring it, because it is a legal document, I referred the document to HOD legal, who later informed me that the document is incomplete, and he has advised chief or whatever that they
10 cannot take action on this document, rather let them do the internal investigation.

But from my part, I did not participate in the discipline of junior officials. My part was for me to accept the report and refer it to the relevant officials who are responsible to discipline Brigadier Mkhwanazi, in terms of his relationship and also the memoranda that he entered into, the blue light story, the registration of vehicles, those things were dealt with at the departmental level.

ADV KHUMALO SC: So as city manager, when you
20 become aware that at departmental level, in the face of such serious allegations, they have not taken any action against Brigadier Julius Mkhwanazi, did you just wash your hands? Once you became aware that they have not done anything in the face of such serious allegations, what was your part then?

DR MASHAZI: When I became aware, can you repeat the question?

ADV KHUMALO SC: You say you referred them to the department, so there was an IPID report, it recommended that Julius Mkhwanazi be charged. You referred it to the department for Mapiyeye to do something about it. You also referred it to legal to have a look at it.

DR MASHAZI: Yes.

ADV KHUMALO SC: And we know nothing came of either
10 the Mapiyeye process or the legal process. Now you, as city manager, in the face of such serious allegations that impact the city of Ekurhuleni, its credibility, its processes, because you have just said to us, if they entered into those memoranda, that is irregular and you would have done something about it.

Now, I am saying to you, when they did not do anything about it, what did you, as city manager, do? These are serious allegations, Dr Mashazi. You can have a situation where a security company that has no relationship
20 with the city of Ekurhuleni brings cars to Ekurhuleni, and they are registered in the name of Ekurhuleni and then they are given back, or they are never handed over to the city of Ekurhuleni.

And then that very security company uses blue lights. And they use those blue lights because there is

supposedly a memoranda concluded between Ekurhuleni and that security company authorising them to make use of blue lights. I mean, those are serious allegations. And to me, it is not good enough to say I referred it to Mapiyeye, I referred it to the head of legal, when they did not do anything, I also did not do anything. I find that very difficult to accept.

DR MASHAZI: Okay, I take your point.

ADV KHUMALO SC: Do you have a comment?

10 **DR MASHAZI**: No comment. We will have a discussion with my attorneys around it.

ADV BALOYI SC: Dr Mashazi, maybe on this particular discussion, I know it is ahead in your statement somewhere, but maybe when you want to consider, reconsider and discuss with your attorneys, you may want to look at your paragraph 91 in the statement. Because in that paragraph ...[intervenes]

DR MASHAZI: Paragraph?

20 **ADV BALOYI SC**: Paragraph 91 of your statement, in that paragraph you tell us who you referred the IPID report to. And now you are saying something different. And maybe take that into account and see what you want to do with it. When you consult with your lawyers, you tell us that you referred it to Kemi Behari, and now you mention Mapiyeye. And you have not mentioned him in respect of this report.

DR MASHAZI: Okay, thank you very much, Ma'am. Isaac Mapiyeye, in terms of the IPID report and in terms of his responsibility, he was supposed to discipline Julius. He was supposed to discipline him. Two, I referred the item to the report to Kemi because he is a lawyer. And I think it is our processes that any legal document must be sent to the head of legal to actually peruse and give the accounting officer an opinion on how to move forward. But the responsibility still lies with the Chief of Police to discipline
10 Julius.

ADV BALOYI SC: Yes, so did I mishear you then? Because I thought you said you referred the report to Mapiyeye and Behari. Did I mishear that much?

DR MASHAZI: You misunderstood. Thank you so much. The report was directly sent to Mapiyeye from the IPID. They wrote to him as the Chief of Police to discipline Julius.

ADV BALOYI SC: Yes.

DR MASHAZI: And later the report was presented to me, and I found the report to be problematic in the sense that
20 there were serious allegations. That is why I sent the report to Kemi and for Kemi to actually advise me in terms of moving forward the report.

ADV BALOYI SC: Okay, like I said, it is a topic later on, so I would like to explore it further.

DR MASHAZI: Okay, sure.

ADV BALOYI SC: So, I will pause there for now. But maybe before you leave the topic you were discussing with Ms Sello, I just wanted to make a correction factually. At the bundle now, not the statement, the other bundle, at page 31, those emails, I think you and Ms Sello have said that the attachments to that email are the two memoranda. And maybe let us look at the memoranda, and then I will make the correction that I think needs to be made, and then you can say if I am correct or not.

10 So, in that bundle, the two memoranda start at page 33. The first one is the Ekurhuleni Metropolitan and CAT VIP protection. That is at page 33, you see that. And then the next one is at page 32, I think. 32, yes. And it is Ekurhuleni Metropolitan Police Department and Medicare 24, emergency medical services/ slash Anubis Protection Services. You see that.

ADV SELLO SC: Commissioner Baloyi, for the record, may I correct? The second one is at page 37, not page 32.

ADV BALOYI SC: Indeed, I do apologise. Indeed, page
20 37. I am sorry. So, you can see the one at page 37. It is different parties, except for the Metropolitan. The other party is different. At 37?

DR MASHAZI: Yes.

ADV BALOYI SC: It is Medicare and Anubis Protection Services. So, it is a different protection services company.

You see that. Okay, the correction I thought needs to be made is if you now go back to page 31, keeping in mind what I have pointed out now, if you go back to 31, that email there, the attachment is described as pre-final EMS and EMPD MOU. You see that?

DR MASHAZI: Yes.

ADV BALOYI SC: In fact, the subject ahead of that is pre-final EMS and EMPD MOU draft one, and then the next one says EMS and EMPD MOU. None of these headings refer to
10 CAT Protection Services or Anubis Protection Services. You see the point I am making?

DR MASHAZI: Yes.

ADV BALOYI SC: Okay, so it seems that we are talking about one memorandum that was attached and not two. And then, the second point I just wanted to make sure we establish for the record is when you say the memorandum, you saw a memorandum that was signed, and you are referring to this, these two, the only signature that appears there is of Brigadier Mkhwanazi and no one else.

20 **DR MASHAZI**: Yes.

ADV BALOYI SC: Okay, thank you so much.

ADV SELLO SC: Thank you, Commissioner. Perhaps we take a slight step back, and I want us to address specifically the correction that Commissioner Baloyi suggests being affected. And for that purpose, I would like

to refer you to Annexure IM10. At your statement, paragraph 62, you state that these, plural, memoranda, were sent to the Chief of, Office of the Chief of - Office of Chief Mapiyeye in October 2021 but were not brought to my attention. Do you see where I am reading?

DR MASHAZI: Yes.

ADV SELLO SC: Then you say, I attach here to an extra IM9 and IM10. An affidavit confirming that the memoranda, in the plural, were sent to the chief on or about October 10 21st. Now if we turn our attention then to IM10, IM9 is the email, IM10 is the affidavit that you reference, correct?

DR MASHAZI: Correct.

ADV SELLO SC: On my reading of IM10, that is a statement on a City of Ekurhuleni letterhead, written in the form of an affidavit and signed by, it states, Liezel Tyres, Personal Assistant, Office of the Chief of Police, Ekurhuleni Metropolitan Police Department, City of Ekurhuleni, and it is dated the 17th of August 2023 at the bottom. You see where I am reading?

20 **DR MASHAZI**: Yes, Ma'am.

ADV SELLO SC: Now I want us to go to paragraph two of that document, that affidavit. The first paragraph of that paragraph two, there are two sub-paragraphs there, the first reads:

“I can confirm that I received the

mentioned document via email from Superintendent Jermaine Fortuin, dated Sunday 24th October 2021, and calls it a pre-final EMS and EMPD MOU draft one, see attached Annexure B.”

Then the second paragraph reads:

“I can confirm that I have received a second email with attachment MOU memorandum of understanding from
10 Superintendent Jermaine Fortuin.”

On the same date, about a few minutes later, the first email is supposed to have gone through at 16:09, the second one at 16:13, and the subject once again is pre-final EMS and EMPD, and it is Annexure C. You are not the author of this affidavit.

DR MASHAZI: I beg your pardon?

ADV SELLO SC: You are not the author of this affidavit. I am going to give my interpretation of what is written here, and I would like to invite yours. I understood the affidavit
20 to speak to two distinct documents. Was that your impression as well, on its reading?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: And now, if you accept that these are two documents, both of which are memoranda of understanding, do you still intend to affect the correction that

Commissioner Baloyi suggests? Because your statement speaks to two distinct memoranda, and you say the signed versions of those memoranda that are referenced in this document are what we now call IM11 and 12, which you received from the Commissioner. So, if I can take you back, are we talking about one memorandum here, insofar as both this email that you have attached, and the affidavit that you have attached, or are we speaking about two documents?

10 **DR MASHAZI**: Yes, the memoranda that we are talking about, they are two.

ADV SELLO SC: Yes.

DR MASHAZI: One is for the Medicare, and one is for the CAT VIP Security Services.

ADV SELLO SC: And you maintain those are the two documents that you say are referred to in this affidavit. Can I enquire, even just on the reading of it, this affidavit was not communicated via the email that is attached as IM9, because that communicates the memoranda. Where
20 did you obtain this particular affidavit from?

DR MASHAZI: Ma'am, I am not sure.

ADV SELLO SC: You do not recall.

DR MASHAZI: And I do not recall, and hence I said we are struggling to get good information from this one, this one, this one.

ADV SELLO SC: Okay.

DR MASHAZI: So, it is difficult for me to actually indicate the source of the document, but the document obviously is from the EMPD department.

ADV SELLO SC: Yes. No, I accept that response. Thank you. Yes, yes, Commissioner.

ADV BALOYI SC: Can I, Dr Mashazi, I am not suggesting that in the final analysis it is any, it is going to be of any big moment. I just wanted the factual correction. If you look at
10 that same affidavit that Ms Sello is pointing you to, the first paragraph she read refers to an email at 16:09, which contains one memorandum, and then another one at 16:13. It contains a different MOU.

Now, the email from Ms Fortuin at page 31 is at 16:09, so we know from the affidavit that it contained one memorandum. That is all I wanted to correct, because I had understood the exchange between you and Ms Sello to be that Ms Fortuin had attached to this email at page 31 two memorandum. So, I was just making that correction. You
20 see the correction I was making?

DR MASHAZI: Yes.

ADV BALOYI SC: That what she has attached at 31 is in fact the one memorandum at 16:09.

DR MASHAZI: Yes, Ma'am.

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

ADV SELLO SC: Thank you. Thank you, Commissioner. And I think the correction is correctly pointed out, because in terms of the affidavit, there are two distinct emails. The times reference there speaks to two different emails. Because you had already started this topic with Commissioner Khumalo, perhaps it is appropriate that we then jump ahead on in your statement to close this IPID investigation issue regarding the use of the blue lights and the conclusion of these two memorandums.

10 You understand? So, I am going to jump ahead. Rather than leave pocket, drift into yonder somewhere only to come back to the same issue, may I suggest that we run ahead and look at page 21. At page 21, you answer question 10. And specifically, the failure to implement the directives by IPID to initiate disciplinary action against Brigadier Mkhwanazi. You see what I am reading?

DR MASHAZI: Yes.

ADV SELLO SC: To help you, or to help us all, to understand exactly what we are talking about, please try
20 and locate Chief Mapiyeye's annexure bundle. And that is where we will locate the actual IPID report. Chief Mapiyeye's bundle. And I would like to refer us to JM19, starting at page 101. Have you located it? When we keep saying the IPID report, that is the document we are talking about, right? Is it?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: And you recall that Commissioner Khumalo said IPID specifically recommended that disciplinary steps be taken against Mr Mkhwanazi. And that recommendation appears at page 103, under the heading IPID recommendations.

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: And that is the report you received. And Commissioner Khumalo wanted to understand the failure to
10 act on that recommendation. Correct? Your failure, specifically, as a city manager. That is the question that Commissioner Khumalo had posed to you.

DR MASHAZI: I do not agree that I did not act. I indicated that receiving this document, I acted. And the person responsible to discipline Mkhwanazi is the Chief of Police.

ADV SELLO SC: Okay.

DR MASHAZI: I wish the Commission could understand how council works and how the systems of delegation's work. And in terms of the SAPS Act, the Commission is
20 aware that the discipline of members in the EMPD relies solely on the Chief of Police. And if the accounting officer had to actually sit in all the DCs of junior officials in this department, how would the accounting officer discharge her duties, especially her strategic duties, governance, service delivery, and performance of the city in general?

ADV SELLO SC: Okay, now Commissioner Khumalo also referenced, I think, an interview you had where you spoke about this issue, specifically that there was an IPID report regarding these matters that was not acted upon. You recall that interview?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: And I would like us to play that clip and then to appreciate the response you gave to the journalist at the time. Come up shortly:

10 **AUDIO CLIP PLAYED BACK**

“The IPID report for us was very big and I was unable to discipline anyone. We had to take that IPID report to our investigation. We appointed an independent investigator through the internal audit, and the report was out. We will share the report with you so that you can start disciplining people. So, from that report, the acting Chief of Police has done nothing wrong. He is cleared. So IPID they can go ahead if they want to arrest him if they think he is wrong, because they are police officers. But from our side, in terms of the DC and investigation, there is

20

nothing wrong that the acting Chief of Police has done. He has been cleared by our report and for as long as there is nothing that they are doing from their side, if they believe that he is wrong, there is nothing I can do as an accounting officer. He reports to me, even the Chief of Police who is on suspension, he reports to me. If there is any wrongdoing from his side, I must do my own investigation and I must also subject that person to a DC. I cannot subject my officers to a DC based on a report that I myself do not understand because I had to take it to legal and legal analysed the report and referred the report to internal audits.”

Thank you. I will not even summarise my key takeout, but I will ask questions based on what I understood your responses to have been. My first is that you indicate in that interview that Brigadier Mkhwanazi did nothing wrong. You say he was cleared by the report and you reference an internal audit report that cleared him. Did I understand you correctly? Dr Mashazi?

DR MASHAZI: Exactly, I am listening.

ADV SELLO SC: Did I understand you correctly?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: What internal audit report is this?

DR MASHAZI: The internal report, remember I said I referred the report to HOD legal and HOD legal confirmed, and I think there was some annexure from Mr Myeza's testimony and I do not want to dwell into that because the HOD legal will talk about it, about their response and about going through the report and about their own opinion
10 advising the accounting officer.

Remember, I am not a lawyer. Any legal document that comes to me, I must refer it to corporate and legal, hence we have that department. So, whatever advice sitting here, I think the opinion, it was their opinion then at that point. But looking at the serious allegation now, I feel the HOD should come and talk to the opinion. If I was misled, I will accept.

ADV SELLO SC: Okay, we will take the offer, and we will invite the head of legal accordingly. My particular interest
20 is particularly as an accounting officer, you very specifically reference a document, and you call it internal audit report. That is a very specific term, and I am sure you understand what that means. And you said that specific report cleared Mr Mkhwanazi. My question is where and how, when did you see that report? Who did you receive it from? And how

can the Commission obtain a copy thereof?

DR MASHAZI: It was from the chief audit executive.

ADV SELLO SC: Sorry, please say that again.

DR MASHAZI: Chief audit executive.

ADV SELLO SC: And who was the chief audit executive?

DR MASHAZI: It was, it was Philip Rakgwale.

ADV SELLO SC: Phillip Rakwale.

DR MASHAZI: Yes.

ADV SELLO SC: And when was that, considering that the
10 IP report I referenced to you at page 101 of Mapiyeye
Annexures is dated the 1st of September 2023. So, I take it
that the internal audit report would be dated after that date.

DR MASHAZI: Exactly.

ADV SELLO SC: How, would you recall how much later
after that date to assist our search?

DR MASHAZI: I would not. I do not, I do not recall,
Ma'am.

ADV SELLO SC: You do not recall. Now you said in no
uncertain terms in that interview that it cleared Mr
20 Mkhwanazi and that he did nothing wrong. What in the
report, what wording appeared in the report that gave you
such a definitive and conclusive understanding of the
outcome of the internal audit exercise? Did it say, this
report clears Mr Mkhwanazi? Did it say, following extensive
investigations, no wrongdoing could be established on the

part of Mr Mkhwanazi? I am trying to understand, what was the wording, as you recall, of the report that led you to conclude, as you did, and you communicated to the journalist accordingly?

DR MASHAZI: I cannot recall. I will still have to go back and check.

ADV SELLO SC: Sorry, sorry, I missed that.

DR MASHAZI: I will go back and check.

ADV SELLO SC: You will go back and check.

10 **DR MASHAZI:** Yes.

ADV SELLO SC: Now, getting back to the IPID report, in the interview with the journalist, you said the report was vague. That is the explanation you provided. And you said, and as a result, you were unable to discipline anyone. Do you recall that bit?

DR MASHAZI: Yes.

ADV SELLO SC: Now, I want to invite you to Annexure JM19 of Mapiyeye's annexure bundle, which I said is the actual IP report, and if you could just highlight what, in particular, about that report you consider vague, with
20 reference to the report itself.

DR MASHAZI: Can you repeat the question?

ADV SELLO SC: We are looking at the IPID report. Have you located it in Mapiyeye's bundle? It is Mapiyeye's 19. It starts at page 101.

DR MASHAZI: Yes.

ADV SELLO SC: Now, you said to the journalist in that interview that no one was disciplined because the IPID report is vague, and therefore, you were unable to discipline anyone, and you do not understand the content of the report. My question is, which part of this report do you consider vague? Just by flipping through now, so we can understand your challenges at the time.

DR MASHAZI: The report was fully analysed by corporate
10 and legal. Hence, I said, can we allow Adv Kemi to come and talk to the report and also talk to his opinion about the report? And I indicated at the beginning of my response that if I was ill-advised or given an opinion that is not sustainable from the department, can we allow, therefore, allow Adv Kemi to come and speak to the report? That is all I am asking.

ADV SELLO SC: But as I indicated, we are happy to do so, except your own words seem to suggest that you consider the report vague. Are you saying that Adv Behari
20 advised you that the report is vague, or did you form the opinion that the report is vague, the IPID report?

DR MASHAZI: That is my understanding from his opinion, from what he said. That is my understanding. Hence, I am saying I do not want to waste Commissioners' time by saying stories I do not know, legal stories that I do not

know and understand. I will ask the Commission, Adv Kemi Behari is coming on the 4th to pose this question to him about the opinion he rendered to the accounting officer. Remember, I am not an expert in all the fields. We have engineering department, legal, HR, and so forth. I am not an expert in those areas. I rely on HODs to advise me in terms of some of these reports or programmes within the city.

ADV SELLO SC: My question was prompted by your
10 choice of words in that interview. You said the report is vague, but based on what you have just said now, please correct me if I am wrong, you were not suggesting that you reached the conclusion that the report is vague, but you are saying that Adv Behari advised you that the report is vague. Is that what you were trying to communicate?

DR MASHAZI: Yes, Ma'am.

ADV SELLO SC: So, you are not in a position to look through the report now as we sit here to try and understand which aspects of the report are vague?

20 **DR MASHAZI:** No.

ADV SELLO SC: And you operated purely on the basis of what Adv Behari informed you and advised you in his capacity as a lawyer?

DR MASHAZI: Yes.

ADV SELLO SC: If we go back to your statement, then,

Commissioner?

ADV BALOYI SC: Dr Mashazi, did you read this report from IPID at all?

DR MASHAZI: Yes, I went through it, and because I must interpret it properly before I take any action. Remember, IPID, inasmuch as we have a moment of understanding between ourselves and IPID, when we discipline an official in terms of the labour relations and our processes, the collective bargaining, you need to be able to, in case you
10 are taking on legal, when you go to the labour court, because I will be the one who will be facing the labour court, I should be able to talk to the report.

But if the report is not generated from my system, we have to subject it and confirm some of the things, because as you see in the report, there were no annexures attached. So, I know in terms of the report, there are gross allegations that need to be attended to. Hence, I am saying I do not want to waste your time, the Commission's time, by saying yes, no, yes, no. I am requesting that we pack this,
20 Adv Kemi will talk to it, because I was solely relying on the opinion given to me at that time. But looking at the report, obviously, I would accept that the opinion is not a system.

ADV BALOYI SC: The reason I ask whether you read this report, when it was given to you, is because I am worried if an impression is created or is drawn from how you are

testifying, that you received this report and simply passed it on, you did not look at it, you did not engage with its contents, you just passed it on to Adv Behari, and then he came back to you with his advice that ignore it, it is vague, and as city manager you were content to deal with things at that superficial level. I am concerned that your evidence may be misunderstood to convey that. Hence my question, did you read this report?

DR MASHAZI: Yes, I perused the report.

10 **ADV BALOYI SC**: Yes, you did read it.

DR MASHAZI: I perused the report.

ADV BALOYI SC: Now, having read it, and you have explained that you have to defend, you would have to defend your position about, the position you take about it, having read the report, and I am going to assume that you reread it to come and testify here, what in the report in front of you did you consider to be vague, unsubstantiated conclusions about what Brigadier Mkhwanazi is being accused of?

20 **DR MASHAZI**: Yes, post the Commission and the evidence that we received, the report is full of gross misconduct, and it needed an action from the city, but initially because I just perused through the document and there was no attachment to it to confirm, that is the decision that I took after I was advised that the report is vague.

ADV BALOYI SC: Okay, a different question still relating to this, in the, in that, well, in your evidence earlier, you say that Chief Mapiyeye was responsible to discipline Brigadier Mkhwanazi, and so, and you do not get involved with that, and indeed this report from IPID, you are correct, is addressed to Chief Mapiyeye, but we know from your evidence that it does come to your attention, but in that interview you speak about you being responsible to discipline Brigadier Mkhwanazi, that is what you say in your
10 words, and I am really confused about what you are saying about your involvement with disciplinary action relating to Brigadier Mkhwanazi.

DR MASHAZI: Thank you very much, if you listen to the interview, I said I have a right to discipline Mkhwanazi, as an acting Chief of Police, and including Chief of Police, that is my statement. Acting Chief of Police, you assume the responsibility of being the Chief of Police, and the responsibility of disciplining lies with the city manager.

ADV BALOYI SC: So, where criticism is that the city failed
20 to discipline Brigadier Mkhwanazi arising from this report, according to this interview, that includes you, you say you relied on Adv Behari's advice, and he will come and speak for himself, but to the extent that you own up in the interview, that you have the authority to discipline your acting police chief, and you have decided not to discipline

him because the report is vague, and you have conducted an investigation, that is on you, it is your decision at that point not to discipline him.

DR MASHAZI: Thank you, Ma'am, let me give clarity to your question. At the point of the report and the memorandum, signing of the memorandum, Mkhwanazi was a director, was a director, that is why the responsibility of disciplining him was resting in the authority of the Chief of Police, not the authority of the accounting officer, hence in
10 my interview I said, him as an acting Chief of Police, then, and he acted just for a short period, and the Chief of Police himself, they report to me, acting in the capacity of Chief of Police, but at the time of this incident, he was a director, and the only person that could discipline him was the Chief of Police.

ADV BALOYI SC: But from the interview, we know that you made the decision, for reasons that you have given, you made the decision that there is nothing to discipline him for because an investigation has cleared him, so you made a
20 decision when, in that short time that he was acting, you made the decision arising from this IPID report, there is nothing to discipline him for because your investigation has cleared him.

DR MASHAZI: I think I have answered that, that I was advised at that point, whether the advice is admissible or

the advice is helping the process, the head of legal will explain.

ADV BALOYI SC: Okay, and then, can you just explain, if the IPID report, as it is, is directed to the Chief of Police, and you say he had the authority to discipline, when you receive the same report, so we know where the authority to discipline lies, according to you, it lies with the chief. When you receive the report, why do you take it to Behari when the authority lies with the chief?

10 Why do you say to Behari, look at this, and then you rely on him now saying to you, do not discipline? It sounds like you were doing something that, on your evidence, did not belong in your remit because the authority lies with the chief according to your evidence. Thank you, Ma'am. Remember, the Chief of Police received this from IPID, I think, when was it, the day ...[intervenes]

ADV BALOYI SC: The report is dated September.

DR MASHAZI: September, yes, he received this, and from his part, he did not want to act. I do not know why. Then
20 he referred the IPID officials to my office, and they presented the report. There was Adv Behari in the office. So, as there were continuous enquiries about the report, Adv Behari requested an official called Osborne Kanyi from IPID to come and explain to us how do we move, because there were no attachments in terms of the report.

That is why I wanted advocate to come and talk to it. And Mr Kanyi said, because in the report, they were suggesting that there were some fraud and corruption, and advocate wanted to understand that. I was part of that meeting, and Kanyi, in that meeting, he indicated that they are still busy with the investigation. That is what he said, and this will be confirmed by Adv Behari.

That Kanyi was still trying to conclude the investigation and also create criminal charges against
10 Mkhwanazi, and he will take those charges to DPP. And advocate, I think he did the follow-up again when this thing was ongoing, when I asked him what is happening now, because Mkhwanazi, as far as the report is concerned now, he is being accused of fraud and corruption, which must be dealt with.

Then he wrote an email, he will present the email here to Osborne Kanyi in IPID to check how far is he with DPP, so that Mkhwanazi can be arrested for doing this. That is why in the statement I said IPID should have
20 concluded, and they must arrest Mkhwanazi. Because they are police officers.

ADV BALOYI SC: Did you never become aware that employee relations commenced a disciplinary process against Brigadier Mkhwanazi? Are you telling us you never became aware of that when you say Chief Mapiyeye never

acted on this?

DR MASHAZI: This, I do not know about the internal DC. I started knowing about this through the IPID report. Remember in terms of the departmental functioning and the systems of delegation, Chief of Police would discipline any member, and I would not be aware, junior officials, I would not be aware of that. And I did not get involved in that.

ADV BALOYI SC: Yes, I am asking more specifically, Brigadier Mkhwanazi.

10 **DR MASHAZI**: I was not aware about the internal, and the report was never even shared with me.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Doctor, you conceded that you perused the report, the IPID report.

DR MASHAZI: Yes.

CHAIRPERSON: And your reason for taking it to Adv Behari is that he has legal. But when you perused the report, you must have seen that they were factual, not legal contentions, but factual allegations. I am sure you noticed
20 that when you perused, did you not? I am talking fact, not law. Must have seen that there were factual allegations. Is that correct?

DR MASHAZI: Factual allegations?

CHAIRPERSON: Yes.

DR MASHAZI: Is that your question?

CHAIRPERSON: Sorry? I am saying, yes, it is. Sorry. I am told that somebody cannot hear what you are saying, Doctor. Maybe if, can you pull them, if that is possible? Pull them towards you, much closer, if the cabling will permit. Just closer to you. And please speak up as well. Do not be too soft.

DR MASHAZI: Okay.

CHAIRPERSON: Thank you. So, I was saying, when you perused the IPID report, you must have seen that it made
10 factual allegations. Did you not?

DR MASHAZI: Yes.

CHAIRPERSON: You did. Please speak up.

DR MASHAZI: Yes, sir.

CHAIRPERSON: Yes, and serious allegations at that, because I think somewhere even the word fraud or fraudulent is used. So those are serious allegations. Correct?

DR MASHAZI: Correct.

CHAIRPERSON: One of the allegations being that
20 Brigadier Mkhwanazi facilitated, through a Mr Chris Steyn, the registration of CAT VIP motor vehicles in the name of the Metro. Correct?

DR MASHAZI: Correct.

CHAIRPERSON: You must have seen that when you did your perusal.

DR MASHAZI: Yes.

CHAIRPERSON: And also, that although there was reference to, that is by Brigadier Mkhwanazi again, to the existence of memoranda, those memoranda in fact did not exist. You must have seen those factual allegations as well. Correct?

DR MASHAZI: Correct.

CHAIRPERSON: Now, Captain Behari comes back to you and says, there is no case here. Was it not a matter of
10 relative ease for you to say, but the allegations of fraud, which add to the fact that Brigadier Mkhwanazi, through Mr Chris Steyn, registered CAT VIP vehicles in the name of the Metro, what do you say about that, Adv Behari? Did you at least ask that? You cannot just come back to you and say, there is no case here. And then you just accept that without question. What did you say? And why did you not demand of him to explain, for example, those simple factual allegations?

DR MASHAZI: My further engagement with Adv Behari is
20 that because there are fraud and corruption issues here, can we conclude the process with IPID so that he is charged? In terms of internal processes, I am told that there was internal investigation and Chief was dealing with that internal investigation in terms of labour relations.

CHAIRPERSON: But in the video, you say, there is no

case here. The two cannot stand together. There being no case and the Chief dealing with a case. I am talking internal case. The two just cannot stand together.

DR MASHAZI: I am referring to the IPID report.

CHAIRPERSON: Yes.

DR MASHAZI: The question is about the IP report in terms of what I have done as an accounting officer.

CHAIRPERSON: Yes.

DR MASHAZI: And you are making a point to say that I
10 should have made a follow-up with Behari, that with this, after perusal of the report with these allegations, do you not think that we should not persuade the matter further? But my discussion with him, he relies solely on waiting for IPID to conclude. Because according to him, his understanding. That is why I am saying I do not want to sort of throw him under the bus. But he was dealing directly with IPID and indicating that the IPID has promised that they have taken the report.

CHAIRPERSON: Okay, let us focus on you then. When
20 you say in the video, in the clip there, that there is no case, are you not basing that on what Adv Behari said?

DR MASHAZI: Yes, I am.

CHAIRPERSON: So that takes me back to my question, which is, did you just take what he told you at face value without even questioning it?

DR MASHAZI: Yes.

CHAIRPERSON: And I am asking this question in the context of you being the accounting officer. The most senior administrative/executive official within the municipality. Someone comes with a report. You have perused and seen very serious allegations which make reference to fraud. So, someone comes and just says there is no case here. And you do not engage on the specific allegations that you have read. You yourself have read.

10 How can an executive, most senior executive or top, top administrator act in that manner?

DR MASHAZI: As I indicated, I deal with a lot of issues. But maybe this one in particular. I did not pay too much attention on it. But I must indicate that I am not protecting anyone. And I am not here to throw anyone under the bus. But the issue of not doing follow up, I concede that I did not follow up as an accounting officer.

CHAIRPERSON: You said, I have forgotten the actual words now. You said maybe you did not take it too seriously. What did you say?

DR MASHAZI: I did not pay too much attention.

CHAIRPERSON: You did not pay too much attention on something so serious. Or did you not consider this to be serious?

DR MASHAZI: I consider it serious.

CHAIRPERSON: Something that says a private entity's motor vehicles, the private entity being CAT VIP protection services. A private entity's vehicles were registered in the name of the municipality of which you are the top, top administrator. And you do not pay too much attention to something like that. I just want to understand you. To understand your thinking, both now and then.

DR MASHAZI: Then, to be honest, I did not peruse the document thoroughly. As I think in my statement, there is
10 somewhere where I indicated that I did not peruse the document. The document immediately, the advocate was part of the meeting with IPID. The document immediately was taken by him to go and review it.

CHAIRPERSON: When you say you did not peruse it thoroughly.

DR MASHAZI: I perused the document after.

CHAIRPERSON: After what?

DR MASHAZI: After the opinion and after the interview.

CHAIRPERSON: Adv Behari's opinion?

20 **DR MASHAZI**: Yes, after the opinion.

CHAIRPERSON: Before you concluded that there was indeed no case?

DR MASHAZI: After I concluded, after he gave me the opinion.

CHAIRPERSON: No, the thorough perusal now.

DR MASHAZI: Is post.

CHAIRPERSON: Is post you receiving the opinion.

DR MASHAZI: Yes.

CHAIRPERSON: But before you come to a definitive view that there is no case here. Not so.

DR MASHAZI: Yes.

CHAIRPERSON: Now, that still takes us back to my question. Once now, once now you have perused thoroughly, as you say. And you have this opinion. And
10 when you peruse thoroughly, you see that there are serious allegations. One of which is about fraud. How do you then come to this conclusion? And as I see it quite easily, that there is no case here. Why do not you say to Behari, Behari, but this says these cars were registered in the municipality's name. Is that correct factually? Why do not you say that to Behari? Or why do not you ask that of Behari?

DR MASHAZI: Asking that is it factually.

CHAIRPERSON: Is it correct that indeed CAT VIPs motor
20 vehicles, that is motor vehicles belonging to a private entity were indeed registered as the Metro's vehicles. Why do not you ask Adv Behari that? This is a factual allegation. That is why I would not be engaging you if we were talking questions of law. Which indeed you would have had to rely on him. But now this is factual.

It said cars belonging to CAT VIP were registered as though they belonged to the municipality. That is factual. And Adv Behari comes back to you and says to you there is no case here. We now know that you actually accepted that. You say so in the video clip. My question is, having perused the IPID report thoroughly after receipt of Adv Behari's report, why did you not engage him on the facts, not law, facts?

Is it correct, Adv Behari, that these cars were
10 indeed registered as if they were the municipality's vehicles? Why do not you ask him that? Also, why do not you ask him is it correct that an impression was created out there that there are memoranda between the municipality and I will focus just on CAT VIP here because I seem to read this to refer to CAT VIP.

Did that happen? Is there a memorandum between the municipality and CAT VIP? We know there is not. But did you engage Adv Behari on that? What did he say? Those are very easy questions. Both questions. The one
20 regarding to the registration and the one regarding the memorandum.

DR MASHAZI: Yes, thank you, Chairperson.

CHAIRPERSON: Why did you not raise those questions? How could you, in the face of these allegations, reach the conclusion that you did?

DR MASHAZI: I reached the conclusion before I perused the document and before we received all this documentation that supports the IPID report. That supports the IPID report. I read that. I read that. I properly read this. Post my comment.

CHAIRPERSON: I am getting confused now. If you say you reached your conclusion before, do you mean you reached your conclusion before you sought Adv Behari's view? I want to understand the before.

10 **DR MASHAZI:** No, I indicated in my interview that I received an opinion from Adv Behari that the report is weak. I indicated that in my interview. That the report is weak, therefore we are not going to take any action. Julius was cleared. Brigadier Mkhwanazi was cleared.

CHAIRPERSON: When did your perusal take place? I just want to get an idea of the timeline. Because you say you reached your conclusion before, but at some stage you perused. So, I want the timeline, a clearer timeline.

20 **DR MASHAZI:** Sorry, Chair, if you misunderstood. I said post.

CHAIRPERSON: Post.

DR MASHAZI: Post the advice.

CHAIRPERSON: Post the advice.

DR MASHAZI: Yes.

CHAIRPERSON: But before your final view on the matter.

DR MASHAZI: Yes, and the matter went further to say that my response goes further to say that after receiving the supporting document, I feel that the opinion given then is not assisting me.

CHAIRPERSON: Also, effectively, you did not accept Adv Behari's advice.

DR MASHAZI: Initially, I did.

CHAIRPERSON: Because it was not, eventually.

DR MASHAZI: Initially, I did.

10 **CHAIRPERSON**: But eventually, yes.

DR MASHAZI: But post, eventually, post evidence and everything and reading the document properly, I do not think the opinion is assisting me.

CHAIRPERSON: You refer to evidence, which evidence? What evidence?

DR MASHAZI: The attachment and the illegal memoranda that were signed by Mkhwanazi and the issue of registering vehicles and so forth. After getting that evidence, I felt that the opinion did not help me much.

20 **CHAIRPERSON**: And then once you reached that conclusion, that is that the opinion was not assisting you, what did you then do as the accounting officer?

DR MASHAZI: I had a discussion with Adv Behari about this and I want him to come and state what really happened afterwards. Because I gave him the responsibility to peruse

all the legal document and advise me. But looking at the evidence and the complexity of the matter, I feel as I indicated that he needs to review and talk to these issues.

CHAIRPERSON: Here at the Commission?

DR MASHAZI: Yes.

CHAIRPERSON: No, no, no. I am asking you about what you did at the time. Once you became aware that what Adv Behari had given you by way of an opinion did not assist you, what did you do at the time?

10 **DR MASHAZI**: At the time ...[intervenes]

CHAIRPERSON: You are the accounting officer.

DR MASHAZI: Yes.

CHAIRPERSON: You have been given an opinion on an issue or rather on a report that makes very serious allegations. You are the accounting officer. At some point you are satisfied with the opinion, but at a later point you no longer are. Now, once you are no longer satisfied with the opinion, what do you as the accounting officer, top administrator do at the time? At the time.

20 **DR MASHAZI**: At the time?

CHAIRPERSON: Yes.

DR MASHAZI: And at the time, when is the timeline? I cannot recall the timeline, but I engaged him and he said he has responses to that. He was working with IPID. That is the response I got. Hence, I am saying it is important that

for you to get the full truth of what really transpired with this report. I know I do take responsibility as an accounting officer, but I relied on him. Hence, I am requesting that he come and testify on the opinion that he initially gave. As I said, after looking at the evidence that was now provided in terms of the registration of vehicles and supporting documents for this IPID report, I feel that that opinion did not assist him.

CHAIRPERSON: He gave you a written opinion. When you
10 indicated to him that you were not happy with the opinion, did you write to him? Did you send an email?

DR MASHAZI: No.

CHAIRPERSON: Or you communicated orally?

DR MASHAZI: Yes, it was orally. Even the initial response from him, it was oral and he said that we can get more information from IPID so that they are able to deal with the matter.

CHAIRPERSON: Probably this is the last question from me, at least on this aspect. I want to understand, because
20 you quickly jump to the need for Adv Behari to come to this Commission to testify and clarify his thought processes. But I am interested to know, there is a point, you are not happy with what he told you. You are the accounting officer. There are serious allegations. And this is when, what was the timeline? This is September 2023, and you

retired at the end of July 2025. What did you do, you as the accounting officer, what did you do about these serious allegations that you say you actually saw for yourself when you did the thorough perusal?

DR MASHAZI: There is an internal process where Mkhwanazi is being investigated, reinvestigated by the city and there is also suspension from the IPID report and from the Commission, obviously. There is an internal process that is going on.

10 **CHAIRPERSON:** Thank you, Doctor. Let us adjourn and resume at 14:15.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV KHUMALO SC: I think my colleague, Commissioner Baloyi, has some questions.

ADV BALOYI SC: Chair, I am happy for Ms Sello to start, then I will do whatever follow-ups I need to do on the basis of her ...[indistinct].

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

20 **CHAIRPERSON:** Thank you.

ADV SELLO SC: Doctor Mashazi, when we broke for lunch, we were discussing the issue of the IPID report and how the City, and I will speak as a City, dealt with that report. You recall the advice, as you say, you received from Advocate Kemi Behari, who was the head of legal, or

who is, I apologise, is the head of legal at the City of Ekurhuleni. You, in response to a question by Commissioner Baloyi, in particular as to why you did not act, you specified that you could not, only the Chief of Police could act against Mr Mkhwanazi, and you would only be able to act against him if you were acting as the Acting Chief of Police. Do you recall that? And you indicated that either before, I think before the interview, oh, I apologise, the witness' files have disappeared. The witness does not
10 seem to have files. I do not know. I know, I do apologise. Joy, what is the story there? Thank you. There were basic assumptions made that the witness' files will still be here, but for some reason or other they were removed, all of them, and I note even the extra files.

CHAIRPERSON: Should we wait outside?

ADV SELLO SC: Two minutes, two minutes while we track them down, apologies.

CHAIRPERSON: Just to see if Doctor Mashazi has the files in any particular order there. Do you want to sort them
20 out, or are you fine as they are, Doctor?

DR MASHAZI: I must indicate that this is one of the disadvantages.

CHAIRPERSON: We will just take an adjournment and you will indicate to us ...[intervenes].

DR MASHAZI: But I am fine ...[intervenes].

CHAIRPERSON: Sorry, Doctor ...[intervenes].

DR MASHAZI: I will arrange, I am fine.

CHAIRPERSON: You are fine. You had begun to, I thought, complain. Maybe let me hear you out, Doctor.

DR MASHAZI: That my file, and we are now starting the Commission and questions, and I do not have any file in front of me. I must point out that I get a bit disorganised in terms of my thinking.

CHAIRPERSON: No, apologies for that, Doctor.

10 **DR MASHAZI**: Thank you, Chair.

CHAIRPERSON: Thank you.

DR MASHAZI: Apology accepted.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair. And I must apologise, Doctor Mashazi, because just before we started I was interacting with you, and I did not see that your files were not before you. And I guess being your Evidence Leader, I somehow left you in a ledge there. We do not have to rush. The key files you should have before you are your
20 statement and your annexures. You confirm you have those?

DR MASHAZI: Yes, I do.

ADV SELLO SC: If you need a moment to get your bearings, the Commissioners are happy to accommodate. That was a tad destabilising, and I do apologise for that.

DR MASHAZI: I am okay.

ADV SELLO SC: You are okay? Okay, thank you. Let us turn then to your statement file, and in particular page 21. You remember at page 21, from paragraph 120 to 123, you are dealing with this very failure to implement the directives of IPID. I want in particular to refer you to paragraph 123, and if you could read that into the record, please.

DR MASHAZI: Paragraph 123?

ADV SELLO SC: 123.

10 **DR MASHAZI:** Ja:

“Advocate Behari advised me that the report was insufficient, and that the matter should not be persuaded here.”

ADV SELLO SC: Now, in the context of the conversation you had earlier with Commissioner Baloyi, and to some extent as well with the Chair, you indicated that you had received this advice from Advocate Behari and you subsequently satisfied yourself that the advice or the opinion was not entirely correct, and I think you said it is
20 when you received the evidence. You suggested that this was before the interview, if I – did I hear you correctly?

DR MASHAZI: No, ma'am.

ADV SELLO SC: When was it? Relative to the interview.

DR MASHAZI: It was post to the interview.

ADV SELLO SC: Post the interview that we played?

DR MASHAZI: Ja, that was what was played. And it is obviously recently when we received evidence that these things really happened.

ADV SELLO SC: So, the receipt of evidence you are suggesting is with the Commission's intervention? Is that what you are saying?

DR MASHAZI: Can you repeat the question?

ADV SELLO SC: You say you received evidence that then led you to question the correctness of the opinion
10 expressed by Advocate Behari, as you have read at paragraph 123.

DR MASHAZI: Yes.

ADV SELLO SC: Now, I am testing to see you say you formed the opinion that his opinion – you formed the view that his opinion could not have been entirely correct when you received the actual evidence. When and from who did you receive that evidence?

DR MASHAZI: The correctness of the report and the evidence, we received it from the evidence bundle that was
20 presented to us.

ADV SELLO SC: So, up until your date of retirement of the 31st of July, you were not aware that the opinion was flawed?

DR MASHAZI: No, ma'am.

ADV SELLO SC: Okay. The interview was held on the 3rd

of February 2025. You confirm?

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: Thank you. And at the time, Brigadier Mkhwanazi was Acting Chief of Police.

DR MASHAZI: Exactly.

ADV SELLO SC: And had you formed the view that the opinion you received from Advocate Behari at the time was incorrect, and this is before you retired, you then would have had the power to act against Brigadier Mkhwanazi in
10 his capacity as the Acting Chief of Police.

DR MASHAZI: Correct.

ADV SELLO SC: But unfortunately, you were not the wiser until you retired.

DR MASHAZI: Remember the evidence, we are receiving the evidence now from the bundle that we actually got through the Commission from the statements and the evidence that we presented, that there is indeed some truth in the report, and there is also evidence supporting the report. Hence, I am saying, if at that point we had
20 evidence, I would have acted differently.

ADV SELLO SC: And that is what I am confirming.

DR MASHAZI: Yes.

ADV SELLO SC: So, basically, what you are saying is if you knew then what you have since come to learn through the Commission, you would have acted. That is your

testimony.

DR MASHAZI: Correct.

ADV SELLO SC: You referenced receiving an opinion from Advocate Behari. If I could just start here, was that a written or a verbal opinion?

DR MASHAZI: It is a verbal opinion.

ADV SELLO SC: Just a verbal opinion. And am I correct to say that the totality of that opinion is encapsulated in your paragraph 123 that you just read? Effectively, that the
10 report was insufficient and that the matter should not be pursued further. Is that the advice you received?

DR MASHAZI: Correct.

ADV SELLO SC: Did you have an engagement with Advocate Behari following that opinion to satisfy yourself that, indeed, the report was insufficient and that not pursuing the matter further is the correct course to take? Did you have that deeper discussion with him?

DR MASHAZI: We had discussions as and when with Advocate Behari. Hence, I indicated that he should actually
20 expand in terms of his understanding about the opinion because I based my decision on the opinion that was given. And, as I indicated also, that in terms of the processes, when you receive reports of this nature, a lawyer or the legal department must actually interpret and give advice to the accounting officer as to what needs to happen.

ADV SELLO SC: Yes. So, your decision was based largely, if not solely, in fact, on the legal advice you received from your legal advisor, Advocate Behari.

DR MASHAZI: Correct.

ADV SELLO SC: Commissioner Baloyi, you had indicated, I think, there are questions and perhaps this might be the appropriate junction.

ADV BALOYI SC: Yes. The report, as you correctly say, Doctor Mashazi, the report is directed at the Chief of
10 Police. It is not directed at you. And then you say in paragraph 122 of your statement, you say:

“Notwithstanding this, I received the presentation of the report.”

So, it was presented to you by IPID.

DR MASHAZI: Correct.

ADV BALOYI SC: How does that square up with earlier evidence that IPID presented it to Mapiyeye as well?

DR MASHAZI: They have written the report to Mapiyeye.

ADV BALOYI SC: Yes.

20 **DR MASHAZI:** It is part of the evidence. They presented the report. They wrote the report to him that he must take action against Julius.

ADV BALOYI SC: Yes.

DR MASHAZI: It is documented.

ADV BALOYI SC: Okay.

DR MASHAZI: Signed by Mchunu that he must take action. He must actually discipline Mapiyeye. And for me, it was fair enough because the discipline of his junior officials lies squarely on him as the accounting officer of the department.

ADV BALOYI SC: So, when you say IPID presented the report to Mapiyeye, you meant it is addressed to him in writing. Because on the face of it, indeed, you are correct, it is addressed to him, but it was presented to you.

DR MASHAZI: Also, yes.

10 **ADV BALOYI SC:** And you received it. Now, the report, and if Ms Sello could remind me what page the report is in the bundle.

ADV SELLO SC: The IPID report?

ADV BALOYI SC: Yes.

ADV SELLO SC: That is Mapiyeye JM19, Commissioner.

ADV BALOYI SC: Yes. So, the report discusses the complaint, the allegation in paragraph 1. It is quite a short report of three pages. And then it concludes in page 103 of the bundle. It gives you the recommendation, and then it
20 recommends disciplinary action, disciplinary steps be taken in terms of the disciplinary procedure collective agreement. And it says for honesty and integrity, for failure to conduct himself with honesty and integrity. Now, on the face of it, it looks to me an employee relations matter. That is what it looks like. Why would you refer this recommendation to

Advocate Behari and not your head of HR, Ms Gxasheka?

DR MASHAZI: For me, at face value, I looked at the report, and it contained like memorandum of agreement. And for me, I took it that it needs a legal opinion to advise.

ADV BALOYI SC: I thought you received the memorandum of agreement later, the evidence. You did not receive it with the report.

DR MASHAZI: It was part of the report.

ADV BALOYI SC: So, when you received the report in
10 September 2023, before you gave it to Advocate Behari, it already had the memoranda, the true memoranda.

DR MASHAZI: No, no. This one is a memorandum of agreement concluded between IPID and South African Police Service as well as EMPD. I am referring to this memorandum. And it was part of the report that was sent to Chief of Police to take action against Mkhwanazi.

ADV BALOYI SC: So, you say the reason you gave it to Advocate Behari, it is because it contained a memorandum between the IPID and the EMPD.

20 **DR MASHAZI**: Correct.

ADV BALOYI SC: And you were asking him to do what? Because you have got a report which recommends disciplinary action. That is an action that is required from the City, from the municipality, and you have a head of HR. What are you saying Advocate Behari should do with that

recommendation? Because he is not Mr Mkhwanazi's superior.

DR MASHAZI: I did not look at the recommendation only. The report itself, the content of the report, it must be interpreted legally and must be advised legally. Obviously, the HOD HR will come and testify about labour relations issues that are related to the report.

ADV BALOYI SC: Okay. Now, I am not concerned about the HOD. We will speak to her when she does, because she
10 will come and testify. So, we will speak to her. I want to understand why it is you receive – there is a complaint, and you are told in page 1, in one short paragraph, what the allegations are. And in page 2 there is an analysis of what that investigation has revealed. And then you, in fact, the only reference to a memorandum is at page – it says in the second page, it says:

20 “It has been ascertained that the suspect was acting and further discovered that the Chief of Police and deputies do not have powers to enter into a memorandum.”

The IPID memorandum with EMPD may be missing it. I do not see any reference to it, so I do not understand when you say the reason you took this to advocate Behari is because there was a memorandum between the EMPD,

which had accompanied this report, between the EMPD and IPID. I do not see a reference to it in the report.

DR MASHAZI: In terms of my evidence, when I started responding to this question, I indicated that anything that has a memorandum or any document that comes from an external service provider or external institution, we always take them to Legal to assist me in understanding the documents. Remember, I am running 26 departments, and I am not, like, legally trained or HR or engineering and so
10 forth.

ADV BALOYI SC: Yes.

DR MASHAZI: For me to take a safe route, I need an advocate or the legal department to interpret some of these things before I take action.

ADV BALOYI SC: Okay. Let me ask you, let me try lastly. You have told us you have now had the opportunity to read this report from beginning to end, and you say you now realise that whatever advice Mr Behari gave you was not helpful to you. Do you accept, now that you have had the
20 chance to re-read it, do you accept that given the recommendation in this report, the proper directing of this report would have been to employee relations or to HR to deal with what it recommends?

DR MASHAZI: I agree.

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

ADV SELLO SC: Thank you, Commissioner. I think it is only appropriate to conclude with these matters regarding the memoranda, the blue lights and IPID, and I know they appear under different questions in your statement, so I will jump then about. Please pull out the annexures, the annexure file for Nciza. You can close the Mapiyeye file for now.

DR MASHAZI: Yes.

ADV SELLO SC: Are you winning?

10 **DR MASHAZI:** Yes, I am winning.

ADV SELLO SC: I want to ask somebody to help you. You are okay? I am winning.

ADV SELLO SC: Okay. Okay, if you look ...[intervenes].

DR MASHAZI: Annexures, *neh*?

ADV SELLO SC: Yes, annexures file.

DR MASHAZI: Yes, thank you.

ADV SELLO SC: I want you to draw attention particularly to Annexure PN19, 1-9.

DR MASHAZI: Annexure?

20 **ADV SELLO SC:** PN19, that would start at page 344. Now, this, to place things in their proper context, this is a letter addressed to Mr TA Kefalakai, the Director of Investigations and Information Management, as well as Acting National Head Investigations, IPID, and copied to Mr WM Chulu, Senior Investigator, IPID. Mr Chulu is the

investigator in the IPID report that we have just been working through. It is dated the 6th of December, 2023, and if you go to the last page of that at 348, you will see that it is signed by Advocate Njabulo Zulu, Legal Advisor, and Thabo Makhwiting, Acting HOD Corporate Legal Services, both with the City of Ekurhuleni. You confirm you know them, and they held at the time those positions.

DR MASHAZI: Correct.

ADV SELLO SC: Have you ever seen this letter, and have
10 you ever had the opportunity to consider its contents?

DR MASHAZI: This letter, as I was made to understand, was an internal letter from the department, and according to Advocate Kemi, this letter was leaked illegally. It was never sent to IPID. That is my understanding according to the letter, but I have not seen the letter.

ADV SELLO SC: You have never seen this letter?

DR MASHAZI: I have never, I have seen the letter now in terms of the bundle that we received.

ADV SELLO SC: Would you be able to express a view on
20 some of its contents in your capacity as accounting manager, strictly accounting authority? Would you be in a position to engage effectively with this document?

DR MASHAZI: Ja, it is really not helping the process of dealing with the matter at hand.

ADV SELLO SC: We will try and take it slow, and to the

extent that you have to read specific paragraphs that I reference you, I will give you the opportunity to do so. I am starting at page 345. And this letter at paragraph 5, records the following:

“The registration of vehicles was not done by the suspect, the suspect in this case being Mr Mkhwanazi, but by the authorised personnel fleet.”

The letter, and I jump four lines below:

10 “This letter has been authenticated by the author security company, and is therefore not fraudulent.”

I understand the authors of this document to suggest that the registration of vehicles by EMPD was in fact defective. Is that the same understanding you have? And that registration was duly authorised.

DR MASHAZI: Ja, that is why I am saying, perusing the letter, looking at the letter to be honest, it is not assisting the process to deal with the actual misconduct.

20 **ADV SELLO SC**: In what way is it not?

DR MASHAZI: Because if they are saying the registration of the vehicle, there are no challenges. There are challenges in terms of the registration of the vehicle. For me, without those vehicles being presented as donations to the accounting officer, because I am the only – the

accounting officer is the only person who can authorise donations.

ADV SELLO SC: Okay.

DR MASHAZI: So, if you look at our donation policy, I was supposed to have had sight of this.

ADV SELLO SC: I understand you, and just to test my understanding therefore, then you are saying to the extent that there was such a registration, you cannot support it.

DR MASHAZI: I cannot.

10 **ADV SELLO SC**: Because it is based on, it would be based on a donation that you as a City Manager did not authorise. So, however they express themselves and they think that it was authorised, you disagree with the position assumed in this letter in that regard.

DR MASHAZI: I disagree.

ADV SELLO SC: Thank you. I want us then to go to page 346 of the same document. In fact, I will start at 345 at the penultimate sentence of 345. It records, and I read:

20 “Steyn furthermore states that this is the norm, as my understanding, as seat programme, Caesar's programme, and Gauteng heavy vehicle donations were donated only on a letter.”

Do you see what I am reading?

DR MASHAZI: No.

ADV SELLO SC: From the bottom of 345, the penultimate sentence?

DR MASHAZI: Yes.

ADV SELLO SC: That says, Steyn further states, and this is a reference to IO Steyn, who submitted a statement regarding the registration of these vehicles. And it quotes him as having said:

“This is the norm, as my understanding, as seat programme...”

10 Seat, S-E-A-T, programme:

“...Caesar's programme, and Gauteng heavy vehicle donations were donated only on a letter.”

Do you follow what I am reading?

DR MASHAZI: [No audible answer].

ADV SELLO SC: Do you follow?

DR MASHAZI: Yes, I follow.

ADV SELLO SC: Okay. Now, I want to test the correctness of this understanding. What is seat
20 programme, Caesar's programme, and Gauteng heavy vehicle donations? You approve donations for the City. What donations are being referenced here?

DR MASHAZI: I do not know. I do not have an idea because it never came to my attention, to be honest.

ADV SELLO SC: Did you ever authorise any donations as

described in the document here, to your recollection?

DR MASHAZI: No. No, in terms of my recollection during my tenure, even the first term of office, I never approved such donations.

ADV SELLO SC: You never approved such donations?

DR MASHAZI: Nothing.

ADV SELLO SC: So, to the extent that Steyn were to argue, as it is suggested perhaps he is, that there were similar previous donations as he describes them, you would
10 disagree that those donations, if they were found to have, in fact, taken place, would be lawful.

DR MASHAZI: Correct.

ADV SELLO SC: You said correct.

DR MASHAZI: I am saying if those donations happened before, like Tristan is saying, it has been the practice of accepting donations at that level as a department. For me, it is incorrect, because the policy is very clear.

ADV SELLO SC: Okay. I note your answer. On page 346
20 still, after the quotation we just read which is in bold, there is a question posed to IPID:

“Did you then consider that all other donations in the EMPD were also non-compliant with the process that you described, and surely Chief of Police and other senior management,

including Deputy Chief Spies, who had lodged this complaint, cannot be ignorant of such donations? Furthermore, according to Steyn, the EMPD was under-resourced at the time. Did Chief of Police Mapiyeye and Deputy Chief Spies address this to effectively and efficiently protect the residents of Ekurhuleni?”

10 You see what I have just read. As a City Manager, I am inviting your comment on how your members expressed queries to IPID. Do you consider what I have just read into the record appropriate as authored by both Mr Zulu and Mr Makhwiting addressed to IPID?

DR MASHAZI: It is inappropriate.

ADV SELLO SC: If this had come to your attention at the time before you retired, what steps would you have taken?

DR MASHAZI: I would have subjected this to disciplinary action, but through the relevant responsible authority.

20 **ADV SELLO SC**: And in this instance, that would be Advocate Kemi Behari?

DR MASHAZI: Yes.

ADV SELLO SC: I see, because they are legal persons. It is within his department.

DR MASHAZI: Correct.

ADV SELLO SC: At 347, top of the page, the first line is an ending to a statement starting on the previous page. I am interested in the next sentence, and I quote:

10 “The City is the one that stood to benefit from the registration of vehicles, particularly considering that the EMPD had a shortage of vehicles, and there seemed to be no effort from the Chief of Police and senior management to address this.”

So, the authors contend that that donation of vehicles and their registration in the manner that eventually was investigated by IPID was appropriate because EMPD had a shortage of vehicles at the time, and there was no effort on the part of Chief of Police and senior management to address this shortage. I bring this to your attention to invite your comment.

20 **DR MASHAZI:** My comment is, it is incorrect. Even though they were to receive donations, they were supposed to follow the process.

ADV SELLO SC: Yes. And lastly then on the same page, on item 10, page 347, towards the bottom of that page, starting at the fifth line from the end of that paragraph.

DR MASHAZI: Yes.

ADV SELLO SC: It reads, and it is a question posed to

IPID:

“Why did you not conduct a thorough and detailed investigation into the donations process and verify the evidence of staying that this was a norm in the EMPD department? Why were the senior management not requested for explanations on the delay in reporting a crime, if indeed the actions of Mkhwanazi did amount to the same?”

You see what I read? Now, I will start with the latter part of that. Did the actions, knowing what you know now, I will preface that, did the actions of Mr Mkhwanazi, because I am looking at you, did the actions of Mr Mkhwanazi constitute a crime, and I say it simply because it is referred to as a crime here, in your view today as you sit here?

DR MASHAZI: Correct.

ADV SELLO SC: You consider that constituted a crime. To your knowledge, is it correct that receiving these kind of donations and registrations of vehicles from private sector and fitting them with blue lights, that this was the norm within the City of Ekurhuleni? Do you agree with that view?

DR MASHAZI: That it was a norm, I am not aware that the receiving donations and even the registration of those cars

and the blue lights, as I indicated that the department is in Kempton Park and I do not get involved in the operations.

ADV SELLO SC: But considering that now this trumps your authority because only you can authorise donations ...[intervenes].

DR MASHAZI: Yes, this ...[intervenes].

ADV SELLO SC: Now that entry there suggests that it is quite the norm. Does that concern you ...[intervenes].

DR MASHAZI: [Indistinct] ...[intervenes].

10 **ADV SELLO SC:** Because it suggests that there are more vehicles that are treated in this manner by the EMPD.

DR MASHAZI: It is concerning for me and I think action should be taken by the relevant authority for them to make a statement that is a norm, which I am not aware of, which is incorrect and irregular. So the authority responsible must definitely take action for such utterances and the decision that they are challenging an investigation that was done.

20 **ADV SELLO SC:** You indicated that this letter was brought to your attention by Advocate Behari, who indicated that it was never sent. That is what you stated.

DR MASHAZI: Yes, but I am saying we saw it in the evidence bundle.

ADV SELLO SC: Yes, and you said Advocate Behari confirmed to you that it was never sent.

DR MASHAZI: Yes.

ADV SELLO SC: In that conversation with him, did you discuss its contents and specifically what I have just drawn your attention to?

DR MASHAZI: I did not. We were preparing for the Commission. I asked him that I saw this kind of letter here and it was never brought to my attention. Then he said, no, it was an internal letter between themselves and they never submitted the report to IPID. That is what he said.

10 **ADV SELLO SC:** So you did not get insight into Advocate Behari's thinking as to the appropriateness of the content of this document?

DR MASHAZI: No, ma'am.

ADV SELLO SC: That is an issue you suggest perhaps we take up with him?

DR MASHAZI: Yes.

ADV SELLO SC: Okay. We shall do so. Jumping about, as I have suggested that we do in your statement, I then want to deal with the question of the upliftment of Brigadier
20 Mkhwanazi's suspension, and I specify, as the question did say, by human resources, Ms Linda Gxasheka, on 24 May 2023, and the directive to the Chief of Police that he be redeployed to his substantive post as director of specialised services. Do you see where I am?

DR MASHAZI: Yes, I see.

ADV SELLO SC: Your response to that question is reflected in paragraphs 85 and 86. You may summarise for the record what your response is.

DR MASHAZI: My response is that I did not get involved in this, because Julius, at that point, was a junior official. I have no knowledge of this, and therefore, I cannot make further comments, because it was done at the departmental level, at the level of Julius being a director in the department, and being a level, like, a lower level that
10 reports to the accounting office. So, the redeployment and the withdrawal and so forth, I was not part of the process.

ADV SELLO SC: I appreciate you are not part of the process, but you were aware of the process as it unfolded, is that not so?

DR MASHAZI: I was not aware.

ADV SELLO SC: I need us to pull up my Mapiyeye's file again, my Mapiyeye annexures. You can close the current one, Nciza, and put it away.

DR MASHAZI: Yes, I have it.

20 **ADV SELLO SC:** I will just give the Commissioners a moment to locate the file. And I would like to refer you specifically, starting at page 177 of that file, JM29.

DR MASHAZI: 177.

ADV SELLO SC: At JM29, this is a letter headed Upliftment of Suspension. It is signed at the bottom by

Linda Gxasheka as HOD Human Resources. Oh, sorry, you have not located it yet.

DR MASHAZI: Yes, I have.

ADV SELLO SC: You have. It is dated the 24th of May, it is called Upliftment of Suspension, and signed at the bottom by Linda Gxasheka, HOD Human Resources.

DR MASHAZI: Correct.

ADV SELLO SC: Basically, the content of this letter is to advise Mr Mkhwanazi, as it is directed to him, the
10 employee, that his suspension has been uplifted. Now, I see below Ms Gxasheka's signature, it suggests that this document was cc'd to you, so it was copied to you. You received it.

DR MASHAZI: Yes, it was copied to my office, yes. Correct.

ADV SELLO SC: You draw a distinction between you and your office. Would you like to elaborate on that?

DR MASHAZI: I do not. It was cc'd to me. That will be correct.

20 **ADV SELLO SC**: If you then go over leaf at page 178, and that is Annexure JM3030. This is a letter from Ms Linda Gxasheka once again. It is dated the 15th of June 2023. And it reads, I will quickly read through it:

“Mr Mkhwanazi's suspension was
uplifted on the 24th of May 2023. The

upliftment of his suspension did not have any condition attached to it. It has come to my attention that Mr Mkhwanazi has been moved to a different position, as director by law enforcement position, which is not what was approved.”

Do you see what I have just read?

DR MASHAZI: Yes, ma'am.

10 **ADV SELLO SC**: Once again, you are copied in this document, in this.

DR MASHAZI: Correct.

ADV SELLO SC: I want us to go back to the conversation we had earlier about the powers of the Chief of Police. You recall when we were considering the terms of section 64C, it said that the Chief of Police has got the power to transfer, appoint, and move members of police.

DR MASHAZI: Correct.

ADV SELLO SC: As a City Manager, is what Ms Gxasheka
20 reflects here correct in the context of section 64C?

DR MASHAZI: Here, Ms Gxasheka, she is actually advising. She is not instructing the Chief of Police in terms of the labour relations.

ADV SELLO SC: Why do you say she is advising?

DR MASHAZI: As if she was instructing, because it was

emails back and forth between the two HODs. If she was instructive in nature, I was going to actually intervene. But now it was between the two of them, and subsequent to the emails between the two of them, the Chief himself uplifted the suspension and redeployed Mkhwanazi to how he was advised by the HOD, by HOD Gxasheka.

ADV SELLO SC: But why do you call it advice?

DR MASHAZI: [Indistinct].

ADV SELLO SC: Why do you call the content of this
10 document an advice?

DR MASHAZI: Can I read the last paragraph? She says:

“I would like to advise that you should
avoid processes that may lead to
unnecessary disputes for the City.”

ADV SELLO SC: Indeed. But she is not advising on the redeployment. She is advising against unnecessary disputes.

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: So the section we are reading does not
20 relate to challenging the redeployment by Chief Mapiyeye. The section that deals with the redeployment is in the first paragraph and she concludes that statement by saying:

“By challenging that he has been
moved to a different position as
director by law enforcement position,

which is not what was approved.”

Approved by who? Considering that this is communication to the Chief of Police.

DR MASHAZI: I explained earlier on that the Chief of Police has powers in terms of the SAPS Act. Also, he is governed by the Systems Act, section 56, in conjunction with the Systems of Delegation. So, Ms Gxasheka, I am sure she will talk more about it, because an HR matter is a labour relation matter. She will talk more about it. I am
10 sure she based, I assume that she based her decision on the Systems of Delegation.

ADV SELLO SC: And that was your understanding on receipt of this letter as well?

DR MASHAZI: Yes.

ADV SELLO SC: Okay. Now, in this instance, whose approval was necessary to obtain by Chief Mapiyeye before he effected that transfer?

DR MASHAZI: Approval? Remember the approval, the transfers and recruitment processes, these are HR matters.
20 He was supposed to have a discussion with Linda Gxasheka. But here, I can see they have their own interaction and communication. And the approval of actually transferring Julius or moving from this position to the other, he was supposed to do it because he is the head of the department, and Julius reports to him.

ADV SELLO SC: So, what approval did you understand that Ms Gxasheka specifically indicated needed to be sought? From who? From you as the City Manager? Or from her as the head of department? I am trying to get your understanding on seeing this ...[intervenes].

DR MASHAZI: Linda Gxasheka will answer for herself.

ADV SELLO SC: I am trying to get your understanding. That is why I am ...[intervenes].

DR MASHAZI: My understanding ...[intervenes].

10 **ADV SELLO SC:** Not asking you why she said. I said, what did you understand?

DR MASHAZI: My understanding is that the letter is like advising. That is my understanding then. That she was advising the Chief of Police. If the Chief of Police was sort of uncomfortable with this advice of uplifting the suspension, he was supposed to actually escalate the matter. That he is forced by Linda or another HOD, because they are at the same level, that he was instructed to uplift the suspension.

20 **ADV SELLO SC:** Hence my question to you. They are on the same level. You are the City Manager.

DR MASHAZI: Yes.

ADV SELLO SC: Ms Gxasheka says it cannot happen without approval. Whose approval was she referencing? Is it your approval because both of them report to you?

DR MASHAZI: It is obvious.

ADV SELLO SC: Okay. If it is that obvious, what approval was this that had to be sought from you? And where does your power to approve that derive from?

DR MASHAZI: Remember, I referred you to the two pieces of legislation that the Chief had those powers. So, Ms Gxasheka, in her response, that is why I said I assume she used the Systems of Delegations and she ignored the SAPS Act in terms of the powers of the Chief of Police.

10 **ADV SELLO SC:** So, do you conclude that she was correct?

DR MASHAZI: I am saying she was not correct to say approval. Approval by whom?

ADV SELLO SC: Yes.

DR MASHAZI: Remember, I referred and I said I assume that she relied on the Systems of Delegations and ignored the SAPS Act.

ADV SELLO SC: Okay.

20 **DR MASHAZI:** In terms of the powers that are assigned or delegated to or assigned to the Chief of Police, not even delegated.

ADV SELLO SC: Yes.

DR MASHAZI: Assigned.

ADV SELLO SC: That is a correct term. I agree with you. Commissioner?

ADV BALOYI SC: If you continue on the theme, carry on.

ADV SELLO SC: I am moving to the next document.

ADV BALOYI SC: No. Please, let me ask. Doctor Mashazi, in that annexure bundle of Mapiyeye still, and it is about this discussion about the authority of Ms Gxasheka. If you go to page 177, it is an upliftment of suspension and it is addressed to Brigadier Mkhwanazi, it is Gxasheka and you are copied as you have agreed that it is not your office, it is you copied. Now, that last paragraph there, it is not
10 advice. It is telling. This comes from the head of HR, to whom Brigadier Mkhwanazi does not report, as you have told us. He reports to Chief Mapiyeye, who has the power to discipline, which you have conceded. But in that last paragraph Ms Gxasheka tells Brigadier Mkhwanazi that his suspension is uplifted and he must come back to work. From your evidence, it seems Ms Gxasheka did not have the authority to uplift the suspension of Brigadier Mkhwanazi and that authority lies with Chief Mapiyeye. Is that correct?

DR MASHAZI: Correct.

20 **ADV BALOYI SC:** Okay. Do you know why she would have copied you? You do not get involved, you have told us, with disciplining of junior employees. And here you are, there is quite a number of correspondence where you are not copied, but when we now look at the suspension issue, you are copied. And you see that at page 177, at 178, you are

copied again. This is the document you have just been discussing now with Ms Sello. And then again at page 179, it is Chief Mapiyeye writing to Ms Gxasheka and he copies you. Why would they have copied you about a junior employee that you have absolutely no interest or authority to discipline?

DR MASHAZI: I would not understand and I cannot answer that name. Why would they copy me? Because Mkhwanazi is way far too low for me to be copied in terms of departmental processes. Page 177, the letter that is signed
10 by Gxasheka, I was not copied.

ADV BALOYI SC: You are copied, if you look at the bottom.

DR MASHAZI: The top one, the 24 May?

ADV BALOYI SC: Yes. If you look right at the bottom, I thought you agreed with Ms Sello. Just below Ms Gxasheka's email signature.

DR MASHAZI: And the next one, 178, I was copied. But I am saying that they should explain the reasons why they
20 copied me on junior official letters.

ADV BALOYI SC: And you did not ask why are they copying you?

DR MASHAZI: I deal with so many things, ma'am. And so many correspondents are coming into my office. So my email is like – in fact, I get queries from the public, number

one. I get queries from this 26 department. Some of the CC documents, they get lost in the process because I deal with many issues.

ADV BALOYI SC: Maybe let me put to you why it is of interest why they have copied you, why that question is of interest and would require an answer. It is because the evidence that we have heard or the testimony that we have heard so far is that you had a hand in the decision not to discipline Brigadier Mkhwanazi eventually, which we have
10 seen part of on the interview where you say you made a decision not to discipline him. There is also testimony that you were involved in the discussion or in the decision ultimately of Ms Gxasheka to uplift his suspension and have him return to work. That is why the interest in my questions, at least, that you are copied on an HR matter that involves a junior employee. And there are these allegations that we have had that you had a direct involvement in how the disciplinary process against him eventually was aborted and scuppered.

20 **DR MASHAZI:** I want to state categorically that I did not participate in the suspension, nor the upliftment of the suspension. I deny all the facts that they indicated, that I participated, I called them, I did everything. I deny those facts.

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

ADV SELLO SC: Thank you, Commissioner Baloyi. I want to refer you then to the next document in the same file, and that is Annexure JM31 that starts at page 179. If you have located the document, this is a letter from Chief Mapiyeye, dated the 20th of June 2023. And it is addressed to Ms Gxasheka and copied to yourself. You see at the top of that?

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: Now, in this particular letter, Chief
10 Mapiyeye states, and I quote:

“In my capacity as Chief of Police,
Head of Department EMPD, I am
directly responsible for discipline and
managing of all EMPD members and
staff.”

You see what I have just read?

DR MASHAZI: Yes.

ADV SELLO SC: I will then jump to the next paragraph
and go to the third, where he invokes the provisions of
20 section 64(c)(2)(b). And he quotes:

“What it provides subject to the
applicable laws, he, Mr Mapiyeye, as
Chief, will be responsible for the
recruitment, appointment, promotion
and transfer of members of the

Municipal Police Service.”

You see in italics that quotation? Then he continues to state:

“I redeployed Brigadier Mkhwanazi to perform the functions of the director by-laws operation and specialised division with effect from 24 May 2023 till the disciplinary matters have been concluded.”

10 Next paragraph:

“I ensured that Brigadier Mkhwanazi was treated fairly and in the best interest of council and the EMPD department. It is important to note that no legal rights and or benefits or salary of Brigadier Mkhwanazi are being infringed upon.”

And I will stop there. My question is, you are copied once again in this communication. Do you have a difficulty with
20 the correctness of what Chief Mapiyeye states in that letter?

DR MASHAZI: Can you repeat the question?

ADV SELLO SC: Do you have a difficulty with the correctness of the content of that letter?

DR MASHAZI: I do not have.

ADV SELLO SC: As a City Manager, why did you not advise Ms Gxasheka accordingly that on this score, Chief Mapiyeye is correct? You cannot direct that he redeploy. After he has deployed Mr Mkhwanazi to this one unit, you cannot direct him to redeploy because section 64(c)(2)(b) as quoted actually gives him the exclusive power. Why did you not do so to correct Ms Gxasheka's error?

DR MASHAZI: In my package over there, there is a letter where Chief of Police wrote to me and complained about
10 Gxasheka and the process and so forth, where I addressed Gxasheka and also General Mkhwanazi that ...[intervenes].

ADV SELLO SC: We will deal with that. I think that was in relation to the ...[intervenes].

DR MASHAZI: I am responding to say I did something about this and there is a letter to that effect.

ADV SELLO SC: What I am pointing out to you, Doctor, is that letter and we will get to it, it is in relation to the appointment of the 55 people to various posts by Mr Mkhwanazi. We will get to that later. This particular
20 correspondence we are dealing with relates purely and solely to the redeployment by Chief Mapiyeye of Mr Mkhwanazi. As he says, pending the conclusion of the disciplinary processes. My question to you is, if you accept that he is correct here, as a City Manager and copied on this communication, why did you not correct Ms Gxasheka

to say you are going down the wrong lane?

DR MASHAZI: As I indicated that Ms Gxasheka, maybe she is not aware of the SAPS Act because everything is based on the SAPS Act in terms of the powers that are assigned to the Chief of Police. Her understanding, I assume, that it was through the Systems of Delegations and Municipal Systems Act. So that is why it is important that the author of the letter explains her position in terms of this. In terms of the misunderstanding, there is always
10 misunderstanding between the HOD HR, and other departmental heads in terms of her role, her role as an enabler.

Remember, she is playing a supporting role towards all the department in terms of recruitment, discipline, and so forth, because labour relations, it is one of her functions. Chief of Police is one of the HODs that would have challenges with how she did things. But at some point in this letter, in this document, I addressed the issues about the other overstepping her powers.

20 **ADV SELLO SC**: Perhaps let us – let me assure you, the author of these documents will definitely come to the Commission to explain. I am not, and I cannot expect you to speak on her behalf. She will speak for herself. My question to you was slightly different. You said you accepted the correctness of what Chief Mapiyeye states.

And I am asking you, why did you not intervene at that stage to draw Ms Gxasheka's attention to the fact that on this score, Chief Mapiyeye is correct?

DR MASHAZI: In terms of my recollection, I do not want to say I did or I did not. Remember, these things happened in 2023 and I am actually dealing with a lot of issues, to be honest, and I cannot be expected to remember each and every letter that was cc'd to me. As I indicated, I am running a big metro with 25 departments, over 18 000
10 employees with different challenges. So it is important to know that at some point, some of the things will actually not be dealt with accordingly in terms of my responsibilities as an accounting officer.

ADV SELLO SC: But surely, in this regard, there are a handful of HODs who report directly to you. It is not about the thousands of employees within EMPD or within the City. Surely that you can deal with in your daily life at work.

DR MASHAZI: As an accounting officer ...[intervenes].

ADV SELLO SC: Do you not give guidance to your direct
20 reportees?

DR MASHAZI: I do.

ADV SELLO SC: Okay. Your guidance was required here. What happened? You say you do not remember whether or not you gave ...[intervenes].

DR MASHAZI: Yes, I do not. I do not remember, to be

honest, whether I did or I did not. But all I remember, because there is documentation here, I addressed the matter.

ADV SELLO SC: When and how?

DR MASHAZI: I addressed the matter in my letter to them, where I even requested the Chief of Police to draw up a policy and indicated to both Gxasheka and Mkhwanazi that they cannot overstep their mandate and they must respect the authority of the Chief of Police.

10 **ADV SELLO SC:** As I pointed out to you, that was regarding the employment of the 55.

DR MASHAZI: Yes.

ADV SELLO SC: Not regarding Mr Mkhwanazi's redeployment. It was a different issue. And I concede that you did write a letter to that effect. So you are not entirely correct to say you addressed this issue, this particular issue before us.

DR MASHAZI: This one I did not address. I do not remember, I do not recall. Hence, I am saying I do not
20 recall, ma'am.

ADV SELLO SC: I accept that.

DR MASHAZI: As I was not involved, though I was cc'd. And I indicated in my response that I received too many emails.

ADV SELLO SC: Yes.

DR MASHAZI: And the CC ones, obviously, will not take precedence to the ones that are directed to me.

ADV SELLO SC: As a matter of interest, what was the practice within the City? What is the purpose of copying you in some correspondence, as Commissioner Baloyi correctly pointed out, some correspondence you are not copied, in others you are. What is the relevance of that and on what is the decision based as to when to copy you and not to copy you?

10 **DR MASHAZI**: I do not know at what point they decided to copy me, hence I am saying the authors of the letters who copied me must actually talk to those letters why they copied me.

ADV SELLO SC: So are you suggesting that because you do not know why they copied you, at the time you received them you never considered them?

DR MASHAZI: To be honest I never even read this, I see this thing, I now recall this thing because I see them. But as I indicated, these things, they happened in 2023 and you
20 can imagine the amount of work and the emails that one receives on a daily basis, they are too much.

ADV SELLO SC: With wisdom of hindsight, would you agree that these are important matters considering the basis for the suspension and the charges against Mr Mkhwanazi, the blue light saga?

DR MASHAZI: Correct.

ADV SELLO SC: And that, and again I say with benefit of hindsight, you perhaps ought to have paid better attention to the issues and intervened appropriately as City Manager? Would you accept that?

DR MASHAZI: Correct.

ADV SELLO SC: I would like to move on to another question and this time I think we have ...[intervenes].

ADV KHUMALO SC: Sorry.

10 **ADV SELLO SC:** Yes?

ADV KHUMALO SC: Is this a different topic?

ADV SELLO SC: It is a very different topic completely, Commissioner, please go ahead.

ADV KHUMALO SC: Okay. I would like Doctor Mashazi to address the specific allegations by Chief Mapiyeye and Mr Nciza to the effect that he – sorry, perhaps Doctor Mashazi called them on WhatsApp and instructed them to uplift the suspension because that was a specific allegation, and she deals with it in the statement.

20 **ADV SELLO SC:** And, in fact, that is what I was leading to when I say it is a different topic, my different topic is from the IPID and all that.

ADV KHUMALO SC: Okay.

ADV SELLO SC: But that is exactly where we are headed. If you did take note of all what Commissioner Khumalo said,

Commissioner Khumalo referenced allegations by Chief Mapiyeye as well as Mr Nciza that you intervened directly and you directed that the suspension of Mr Mkhwanazi be uplifted, that is what he was referencing. And you deal with that from your page 16, paragraph 87. Start at paragraph 15, ask questions number 7 and 8.

DR MASHAZI: Page?

ADV SELLO SC: You see it start at the bottom of 15, that is questions 7 and 8. And it reads, the question:

10 “The disciplinary proceedings instituted into Brigadier Mkhwanazi's conduct in relation to the vehicles registered under the City's name, the stoppage of the service of a charge sheet, the withdrawal of internal investigation in relation to the above and your role in that regard.”

You then, from paragraph 87 through to paragraph 112, respond to the two questions at the same time. Would you
20 like to provide a summary of your responses to those questions to the Commission?

DR MASHAZI: Firstly, I would like to indicate that I did not stop or interfere in the withdrawal of the investigation or did I stop the department from charging Brigadier Mkhwanazi. And I also deny the fact that I called both the Chief of

Police and Xolani Nciza through WhatsApp. My phone is free for any investigation through the relevant authorities to check if I did make that call or those calls. I deny that I ever called them to stop the investigation, to stop the disciplinary action.

ADV KHUMALO SC: Can I ask a follow-up question, Doctor Mashazi? If you did not instruct either Mapiyeye or Nciza to stop the disciplinary proceedings, then who did? Why did they suddenly stop the disciplinary process of
10 Brigadier Mkhwanazi?

DR MASHAZI: Let me indicate that even the internal report that they are basing the investigation on, I was not even copied. I do not know. I have not seen the report. So I was far from this process. I do not know and I did not stop anyone from disciplining. And I would not tell who told them to stop. They must prove that I have called them or I wrote to them or I messaged them that they must stop. And my phone is here. It can be taken for investigation as to
20 whether I made those calls. They indicated in their reference that somewhere in May 2023, in terms of the evidence, their statements, that on the 23rd of May 2023, somewhere there, I called them. I made a WhatsApp call. Firstly to Xolani and then to Chief Mapiyeye. It is untrue.

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

ADV BALOYI SC: Doctor Mashazi, I think earlier on I asked you a question about whether you became aware of intended disciplinary action against Brigadier Mkhwanazi. Am I correct in my recollection that you said no, you never became aware of that?

DR MASHAZI: Yes, I was not aware that he is being investigated or disciplined. I was not aware. As I reported and indicated that he is a junior official, I did not get involved. It means I must get involved in all these
10 departments with different lower ranks. I cannot.

ADV BALOYI SC: When, to your recollection, did you first become aware of any disciplinary investigation and disciplinary steps against Brigadier Mkhwanazi?

DR MASHAZI: In terms of me being aware about the misconduct of Mr Mkhwanazi, it was during the presentation of the IPID report to me.

ADV BALOYI SC: Okay. All right, so the testimony that we have heard from Mr Nciza is that he and Chief Mapiyeye met with you in February of 2023. That is long before the
20 IPID report. They met with you outside the office. They called, you were not available, and you asked them to meet you at a different location where you were going to be, and they came to meet with you. This is in February 2023, and they informed you about the media enquiry of the blue lights from Jeff Wicks, the investigation, and that steps are to be

taken against Brigadier Mkhwanazi.

And according to both of them, Chief Mapiyeye and Mr Nciza, in their testimony, you were supportive at that point that whatever action needs to be taken against Brigadier Mkhwanazi should be, they should act as they deem appropriate. Is that testimony incorrect?

DR MASHAZI: It is incorrect. I never met with them.

ADV SELLO SC: You did not meet with them at Dada Motor World on the 16th of February 2023?

10 **DR MASHAZI:** Yes, ma'am. If I want to have a meeting with officials, especially a meeting that concerns official matters of the City, I hold my meetings in the office.

ADV BALOYI SC: Yes.

DR MASHAZI: And I do not understand why would they choose to say they met me outside. So their statement is untrue, and I cannot respond to their allegations.

ADV BALOYI SC: Is this place where Mr Nciza claims they met you familiar to you, Dada Motor World? You do not need to give me details. If the answer is yes, it is yes.

20 **DR MASHAZI:** The answer is yes.

ADV BALOYI SC: It is familiar to you?

DR MASHAZI: I know the area.

ADV BALOYI SC: Why do you think they would be dishonest about something so benign? We went and met with the City Manager to report to her what we are planning

to do, which is to discipline, and she was supportive of it. I mean, they are not casting you in the bad light. Why would they speak, would they lie about something like that?

DR MASHAZI: Obviously, the two, Nciza was dismissed from the City, he is disgruntled, and he turned this Commission to come and air his grievances. He was dismissed for dishonestly presenting false qualifications ...[intervenes].

ADV BALOYI SC: Ja. Well, I guess if you may allow me to
10 interrupt you, I know you want to speak to that, but my question in particular, more directly, is ...[intervenes].

DR MASHAZI: Why?

ADV BALOYI SC: This testimony that I have summarised to you, it does not cast you in any negative light at all. And so my question is, why would they lie about something that, in fact, is in your favour?

DR MASHAZI: I do not know. They may answer that.

ADV BALOYI SC: Okay.

DR MASHAZI: Because I do not know. I am not aware of
20 that meeting, and I deny everything they said.

ADV BALOYI SC: All right, thank you.

ADV KHUMALO SC: Can I just ask a follow-up question, Doctor Mashazi? Are you saying that the first time you became aware of the so-called blue light scandal was when you saw the IPID report in September 2023?

DR MASHAZI: Exactly correct.

ADV KHUMALO SC: So something which was in the news and cast the municipality in a bad light, you saying for about six or seven months you were not aware of it and nobody told you about it?

DR MASHAZI: I was not aware. I became aware with the IPID report. Remember, the department is in Kempton Park, and whatever they do that side, I am not aware of what is happening. And in terms of the news, to be honest, because I am being actually bullied by the media, I do not read, and I do not watch television, to be honest.

ADV KHUMALO SC: And because you were copied on all the internal letters dealing with Brigadier Mkhwanazi's suspension, did you never bother to enquire what the suspension was about?

DR MASHAZI: I did not. As I indicated that I received numerous emails, and the CC emails to me, they would not take precedence to emails that are directly sent to me as an account to office.

20 **ADV SELLO SC:** Thank you, Commissioners. So, you deal from paragraph 101 at page 18 and at paragraph 100, you state that:

“Nciza later alleged that he received a WhatsApp call from me.”

And then you dispute that and you attach. And at 101, you

engage with what you call Chief Mapiyeye's allegation to the same effect that he received a WhatsApp from you. And once again, you attach a screenshot of your phone, I take it. I would like to read Mr Nciza's statement, which you were provided with. At paragraph 46 of Mr Nciza, I can read it out unless you want to satisfy yourself that I am not putting words in his mouth. Mr Nciza states:

10 “On the night of the 23rd of May 2023, I received a missed call from Doctor Mashazi. I called her back some 30 minutes after the timestamp of the missed call. She had found out about the request for the extension of Mr Mkhwanazi's suspension period. In that call, Doctor Mashazi was virulent, aggressive, and accused me of being personal, hateful, and that I was targeting Brigadier Mkhwanazi. She yelled at me and told me that Chief
20 Mapiyeye and I hate Julius. We are too personal. During the telephone call, she told me that ...[vernacular]I think it is my municipality, meaning that I think this is my municipality in Setswana.”

He attaches a date to it. He says the 23rd of May. So that is the allegation advanced by Mr Nciza. Let us go to your Annexure IM17, which you invoke to challenge the correctness of Mr Nciza's statement. And that appears as your Annexure IM17, page 55 of your annexure file. Your own annexure file. It will be under tab IM17, page 55.

DR MASHAZI: 55. Yes, ma'am.

ADV SELLO SC: You do recall when I read out the paragraph from Mr Nciza's statement that he put the date of
10 the 23rd of May 2023 as the date on which he received this call from you. Or he missed a call, and then he returned it, and you had that, what seemingly was an unpleasant conversation about Mr Nciza's continued suspension. If that is the date that this is alleged to have happened, what value must the Commissioners attach to your IM17, which, if I read it correctly, is a screen grab of your WhatsApp written communications between yourself and Mr Nciza, and firstly relates to different dates, the 17th of April 2023, and the other one relates to the 4th of August 2023? How is that
20 proof that you never had the conversation as Mr Nciza suggests?

DR MASHAZI: Thank you very much. The last conversation I had with Mr Nciza before May, it was on the 23rd of April, on the 17th, and I do not recall what we were discussing.

ADV SELLO SC: Yes.

DR MASHAZI: And then the next conversation with him was on the 4th of August, where he writes to me, good morning, complaining about his issues.

ADV SELLO SC: Yes.

DR MASHAZI: About his issues with the department, about his qualifications.

ADV SELLO SC: But I am saying this is a screen grab of WhatsApp written communications.

10 **DR MASHAZI:** Yes.

ADV SELLO SC: He said it was a telephone call. Whether or not there was such a telephone call, surely it is not expected to be found in Annexure 17 because that is the content of WhatsApp communication, written communication. That would be on your call log. Hence my question to you, what do you suggest the Commissioners do with IM17 ...[intervenes].

DR MASHAZI: The Commissioners ...[intervenes].

20 **ADV SELLO SC:** With regard to the allegation as advanced and couched by Mr Nciza.

DR MASHAZI: The Commission has a right, as I indicated, that they can take my phone to expert to check if, or check, I do not know which service provider, in terms of calls and whatever, is actually assigned to check calls. I am free to hand over my phone to be checked in terms of this

allegation.

ADV SELLO SC: So, at least for now, then we accept that IM17 does not address the direct allegation by Mr Nciza.

DR MASHAZI: Yes, we accept. I was just, this IM17, I am just showing you the calls that I had with him, WhatsApp calls that I had with him. And there is nothing on the 23rd of May. The whole of May we never communicated with Mr Nciza. This evidence is just to show because that I never had any communication with him during that particular time
10 where he says I had, I communicated with him to stop the investigation.

ADV SELLO SC: But is it not so that at paragraph 100, notwithstanding his paragraph 46, where he says he received a call, he missed a call from you. At your paragraph 100, you are the one who characterises that call as a WhatsApp call. He never called it a WhatsApp call. So why would a WhatsApp record assist in that regard?

DR MASHAZI: When you look at the missed calls or whatever, or communications, you will see that there is no
20 communication between me and Mr Nciza during that particular period.

ADV SELLO SC: Via WhatsApp.

DR MASHAZI: Via WhatsApp or call log.

ADV SELLO SC: Does Annexure IM17 speak to your call log?

DR MASHAZI: Remember, in terms of this, Mr Nciza alleges that he received a WhatsApp call. A WhatsApp call would appear here.

ADV SELLO SC: No, that is what I am correcting you about. What I read out to you, paragraph 46, he says I received a missed call from Doctor Mashazi. His paragraph 46. You are the one who characterises it as a WhatsApp call.

DR MASHAZI: Okay.

10 **ADV SELLO SC**: So perhaps you mischaracterised it, and then you went into your phone on the WhatsApps to try and locate that date. Is that possible?

DR MASHAZI: Ja, even call log, I did check. There is nothing like that.

ADV SELLO SC: Did you check the call log?

DR MASHAZI: There is nothing like that.

ADV SELLO SC: So why did you not share a copy of that call log for the appropriate date, as you did with the WhatsApps?

20 **DR MASHAZI**: The call log, obviously, some calls, they disappear as and when you get calls and so forth. Hence, it is important that if the Commission wants to satisfy itself, they can go to the relevant service provider to check if indeed, I did receive calls from Mr Nciza.

ADV SELLO SC: I can assure you, the Commission would

be quite happy with the call log you checked. Where is that one?

DR MASHAZI: The call log that I checked, I do not have it.

ADV SELLO SC: You said you checked and there was no such call?

DR MASHAZI: Ja, I do not have that info, that call from ...[intervenues].

ADV SELLO SC: So which log did you check, Doctor Mashazi?

10 **DR MASHAZI**: The call log.

ADV SELLO SC: Which call log? Because I was going to invite you to that you share the very log with us. It does not have to be so formal as to be forwarded by a service provider. We are happy to accept yours. Instead of a WhatsApp, we get a normal call log where you checked and you satisfied yourself.

DR MASHAZI: The call logs in terms of my phone and the calls and everything, they end up in 2025-05. That is the report from my phone.

20 **ADV SELLO SC**: I would have expected as such, but you are the one who said, told the Commissioners that you checked the call log and there is no call ...[intervenues].

DR MASHAZI: There is nothing ...[intervenues].

ADV SELLO SC: For the 23rd of May 2023. You offered that and I was asking you to share that call log with us, that

very one, where you satisfied yourself that there was no such a call on that date.

DR MASHAZI: Here is my phone, there is no call from Mr Nciza and I want to reiterate that the Commission is free to go to the service provider and get the information.

ADV SELLO SC: You then, at paragraph 101, deal with Mr Mapiyeye's allegations regarding the withdrawal, as you say, or stoppage of the disciplinary investigative process. This is untrue. And your approach to that is the same. You
10 give a screenshot of the WhatsApp chat, Annexure IM18, between yourself and Chief Mapiyeye. And IM18 would be relevant only if Chief Mapiyeye had claimed that it was a WhatsApp call, which he did not.

DR MASHAZI: The answer is the same, that the Commission can satisfy itself and get the information from the service provider that can assist them in locating those calls.

ADV SELLO SC: Okay, but at least you are satisfied that IM17 and IM18 does not have the Commission insofar to
20 determine whether or not there was such a conversation, unfortunately.

DR MASHAZI: Yes. Maybe I misunderstood whether it was a WhatsApp call, because they normally phone me on WhatsApp, all of them.

ADV SELLO SC: Okay. At 110, at page 19 of your

statement, you make a definitive statement, and you say, and I quote:

“The direct evidence, Annexures IM17 and IM18, confirm the following:

[1] I issued no instruction to withdraw, stop, or interfere.

[2] I made no WhatsApp calls regarding this matter. The allegations are unsupported, uncorroborated, contradictory, and false.”

10

Would you accept the proposition that insofar as they are relevant, IM17 and IM18, they prove only that there was no WhatsApp communication between you and Mr Nciza on the one hand, and you and Mr Mapiyeye on the other hand in that period? That is all they have to establish. Not that you did not issue the instructions in the manner that they claimed. It does not have, they do not have that effect, those two annexures, and that the allegations they make are therefore unsupported. Those two annexures do not help us in respect of the two claims that you advance. Correct?

20

DR MASHAZI: Well, the annexures, as you are indicating that they are not helping the Commission, and I want to assume that the Commission will take further step and check the calls through the reliable institution, but I still

reiterate my statement on paragraph 110, that I issued no instruction to withdraw, stop, or interfere. I made no WhatsApp calls regarding this matter. The allegations are unsupported, uncorroborated, contradictory, and false.

ADV SELLO SC: I know that, and I read it into the record, but I am just saying that is your statement, but IM17 and IM18 do not support that statement. Simply because they are WhatsApp screen grabs. Maybe your claim is broader than what IM17 and what IM18 can do for you. Would you

10 accept that?

DR MASHAZI: Maybe my?

ADV SELLO SC: The WhatsApp, the IM17 and IM18, your claims are broader than what those two annexures can do, because those two annexures only speak to WhatsApp communications.

DR MASHAZI: Well, I think it is also upon the Commission's mandate to actually get supporting documents from them. If they had those calls with me, they should actually give evidence to that. Or if there was a
20 message, WhatsApp message or whatever, they should – they want to send them to prove that I did call them or I did give directive in terms of this process.

ADV SELLO SC: That is a fair comment. We engaged with the two annexures simply because you mischaracterised their allegations. You thought they had alleged they were

WhatsApp communications. That is the only point I sought to make with you. And you and I have agreed and you have offered the Commission to access your call logs to the extent that it is necessary. At the same time, I do take your point that they too must tender evidence before the Commission to prove that such calls as they alleged did take place.

DR MASHAZI: Thank you.

ADV SELLO SC: Note taken.

10 **ADV BALOYI SC**: Just maybe to be sure where we land on this. Can I maybe make the suggestion that it is probably quicker – you have raised a specific defence. You said I have no WhatsApp communication with these people. And then we have seen from these documents and their evidence that, in fact, they did not allege WhatsApp calls. They just said calls. You are saying your call log will show that you did not have those calls. Can I maybe suggest that it may be quicker and more efficient if you provided your call logs because it is information that is easily and
20 efficiently available to you? I know I have itemised billing, for example, and I can do numbers, that you may be quicker to do that, especially considering where we are in the process of hearings and we have to submit our report on the 17th, that it might be something that you want to consider if you consider it important enough to show that.

DR MASHAZI: Okay, we will try and get the call logs from the service provider.

ADV BALOYI SC: Sorry, say that again?

DR MASHAZI: We will try and get the call – but the onus also from their side, they should get the ...[intervenes].

ADV BALOYI SC: Of course, on their phones.

DR MASHAZI: Because they make those allegations.

ADV BALOYI SC: I accept that. Thank you. Thank you, Ms Sello.

10 **ADV SELLO SC**: Thank you, Commissioner. I would like us to move off that topic and that question, Doctor Mashazi. And now we have to retrace our steps and go sequentially now. We went about differently jumping because we were dealing with themes more than the order of the questions ...[intervenes].

DR MASHAZI: How many questions are still left?

ADV SELLO SC: We are at the tail end, I can assure you. And in fact, the next question we deal with, it is a completely uncontroversial question. It is question three at
20 your page 12.

DR MASHAZI: Page 12.

ADV SELLO SC: And this question arose because some witnesses referenced this particular policy and highlighted what you stated in paragraph 71. That there is a policy called Ekurhuleni's Grants, Donations, Sponsorships and

Gifts Policy, and that in terms of that policy, only the City Manager may authorise acceptance of donations. And that you highlight in 71. The question was posed to you to confirm whether their interpretation of the policy is correct.

DR MASHAZI: Correct.

ADV SELLO SC: And my reading of your response to that particular question from paragraph 67 to paragraph 74 is at least that is one point you agree with the witnesses that came before, that only you can authorise those donations.

10 **DR MASHAZI**: Correct.

ADV SELLO SC: So we are done with the one question already. That leads us then to question four.

ADV BALOYI SC: Okay, can I just absolutely close this off? In paragraph 71, it says donations and sponsorships may be accepted only if they do not create expectations of reciprocal benefits. That is a policy position. So, and I just, I think the answer may be obvious, but let me put it to you anyway. If Medic24, I think that is the name of the company, or even VIP CAT Protection, if they made the
20 donation to the City, the alleged donation to the City, if they did that with the expectation that in return they will receive business or favourable consideration from the municipality and the business of the municipality, that would be, that would offend that policy position. Is that correct?

DR MASHAZI: Correct.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: Advocate Sello, maybe it is fair to explain to the witness what the donations relate to. My recollection is that there was the 300 000 for the cadets, and then there was the donation of four vehicles.

ADV SELLO SC: Indeed, I do not have a challenge with that.

ADV KHUMALO SC: Ja.

ADV SELLO SC: As I indicated, the question was posed to
10 her because that is, in terms of policy, her power, just to confirm on record that there is firstly such a policy and what it governs, firstly, and secondly, that only she as City Manager may approve donations. So the inference to be drawn from her confirmation would be that any other donation that does not conform to the terms of the policy is *ipso facto* null and void.

ADV KHUMALO SC: Doctor Mashazi, maybe the donations we are dealing with in this Commission, only two have been mentioned. One was a donation of 300 000 for the training
20 of the cadets, and then the other one was the donation of the four vehicles by CAT Protection Services or Security Services. You can confirm that you did not authorise or accept those donations.

DR MASHAZI: I did not authorise, nor accepted donations.

ADV KHUMALO SC: And if anybody had accepted them on

behalf of the City of Ekurhuleni, that would be contrary to the prescripts that apply.

DR MASHAZI: That is it.

ADV KHUMALO SC: Thank you.

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

Let us move then, Doctor Mashazi, to the next question, which is question four. And this particular question required you to state your role, if any, in the implementation or failure to implement the criminal record vetting process
10 initiated by Chief Mapiyeye on 21 December 2021, in terms of which all EMPD employees were required to be vetted in terms of the National Strategic Intelligence Act 39 of 1994. Do you recall? And then you provide your response to that in four paragraphs, paragraphs 75 to 78. If you could summarise for the Commission your response that if you had a role at all in stopping the implementation of the process to vet members of EMPD?

DR MASHAZI: Thank you, ma'am. The Chief of Police had a right to vet officers on an annual basis. That was his
20 responsibility. As an accounting officer, I do not get involved in the vetting process and I never stopped in the vetting process or called anyone to stop the vetting process as per the evidence that was given here that Mkhwanazi said he called me. He never called me and I never entertained anything that is contrary because my problem is

in the EMPD, it is alleged that more than 500 officers have criminal record and it is the duty of the accounting officer of that department, which is Chief of Police, to ensure that each and every official, whether junior or senior, must go through the vetting process and I cannot, as an accounting officer, stop that process for anyone.

ADV SELLO SC: So you, as you touched on it, the allegation was there had been a failure to comply with Chief Mapiyeye's directive for everyone to be vetted within EMPD,
10 the officers of EMPD. And at that meeting, and one of the Heads of the units that had failed to ensure vetting of his members and himself included, was Brigadier Mkhwanazi. Commissioner Spies testified that at that meeting that Chief Mapiyeye was pursuing the implementation of the directive, Brigadier Mkhwanazi became very angry and he called you to complain that he has been subjected to this process and that the requirement for vetting was not part of his employment contract. And having had that telephonic discussion with Brigadier Mkhwanazi, you directed that
20 Brigadier Mkhwanazi and his team not be subjected to vetting. Are you saying that that conversation never took place at all?

DR MASHAZI: It never took place at all.

ADV SELLO SC: It is not like, it is not the content of the conversation is misquoted, but you are suggesting that that

call taking place at all is a complete fabrication of both Chief Mapiyeye and Mr Spies?

DR MASHAZI: The call, ma'am, never took place and I never instructed Brigadier Mkhwanazi not to be vetted, nor did I instruct the Chief of Police to stop the vetting.

ADV SELLO SC: I am trying to locate the instruction issued by Chief Mapiyeye, but I think the concept you are familiar with of vetting, do you support the view that it is an exercise that every single police officer within EMPD must
10 undertake?

DR MASHAZI: Correct, I do.

ADV SELLO SC: Learning as you did, whenever it is you did, that Brigadier Mkhwanazi failed to comply with that directive, whether it is because he refused or was just a failure on his part and failed to ensure that members of his unit are duly vetted, what is your comment to that?

DR MASHAZI: He was unruly. The Chief of Police was supposed to deal with him.

ADV SELLO SC: You say he was?

20 **DR MASHAZI**: He has been unruly in terms of the processes. If the legislation and the Chief of Police gives directive that each and every member of the EMPD should be vetted, why would he refuse to be vetted? For me, it is unlawful and irregular.

ADV SELLO SC: And for the record, that directive is

annexure RS18 to Revo Spies' statement. So it is Spies Annexures, Annexure RS18 starting at page 47. Have you located it?

DR MASHAZI: Yes.

ADV SELLO SC: This is dated the 21st of December 2021 from IJ Mapiyeye, Commissioner Chief of Police, EMPD and directed to all divisional heads, all EMPD employees, EMPD. Now it starts by stating a requirement according to Chief Mapiyeye as reflected in the four pieces of legislation
10 that he invokes. And he states it is a standing requirement that the criminal record status of all employees of EMPD be verified on an annual basis. Then he lists four pieces of legislation. Do you see that?

DR MASHAZI: Yes, I do.

ADV SELLO SC: Do you agree with him in that regard?

DR MASHAZI: I agree with him. I would like to understand your attitude towards compliance with that requirement as a City Manager. How important do you think the compliance, the issue of compliance is?

20 **DR MASHAZI**: It is important, highly important. The issue of compliance like vetting is important that these people are vetted as there is generally complaints that they are taking bribes and so forth. And some of them are involved in criminal activities. For me, it is important as an accounting officer that they should be subjected to vetting.

ADV SELLO SC: As a City Manager, what steps have you taken to satisfy yourself that at least Chief Mapiyeye as a head of that EMPD department complied with the requirement for vetting?

DR MASHAZI: Remember, when he did this vetting, it was never addressed to me that I am vetting a maternal official ...[intervenes].

ADV SELLO SC: If I may interrupt you? Maybe I put my question inelegantly. My question to you was, if you
10 appreciate the correctness on that statement he makes, that it is a legal requirement, and I accept that it is one you believe in, you confirm, and then you take seriously. Now, speaking to a City Manager, what steps while you were a City Manager did you ever take to ensure that at least police officers within EMPD from Chief Mapiyeye are duly vetted as prescribed by those four pieces of legislation? What steps did you take?

DR MASHAZI: When the vetting process ...[intervenes].

ADV SELLO SC: No, that ...[intervenes].

20 **DR MASHAZI:** This vetting process, the whole vetting process ...[intervenes].

ADV SELLO SC: That there is full compliance with the requirement of vetting. Did you ever seek to satisfy yourself?

DR MASHAZI: Let me explain how the process works,

ma'am.

ADV SELLO SC: Okay.

DR MASHAZI: Chief Mapiyeye is vetted at the point of appointment as a senior manager. Then it is his responsibility in terms of the legislation to vet his junior officials, wherein the accounting officer does not get involved.

ADV SELLO SC: Okay, I accept that. Was the accounting officer satisfied that Chief Mapiyeye discharged his duties
10 in that regard? These are police officers whom we provide with *inter alia* weapons to carry around. I am asking about the steps you took to satisfy yourself that Chief Mapiyeye has discharged his duty. Did you take any in the time that he has been the head of EMPD until your retirement? I ask this question simply because you said the requirement is correct.

The requirement is stipulated by those four acts, and that is one that you take seriously. Now, I want to test the seriousness with which you relate to that requirement.
20 What steps did you take? Because personally, I must say, it concerns me that there are police officers through our tax payments, we provide weapons to, and a significant number of them are not vetted. Their criminal record status is unknown. And I will go so far as to suggest that that would concern you too, as a citizen, that there are such police

officers walking the streets. Correct?

DR MASHAZI: Correct, ma'am.

ADV SELLO SC: Now, as a City Manager, what steps did you ensure that it does not happen in Ekurhuleni?

DR MASHAZI: There is a Chief of Police who, on a monthly basis or weekly basis or fortnight basis, would attend meetings with me. In terms of his operations in the department, to be honest, some of the issues I do not get involved in. If he had brought that to my attention, that the
10 officers, the officers I heard from the Commission from this that he – there are over 500 officers who have criminal record. If he has brought that to my attention, I would take steps against him. The question would be, how did he appoint these people and why these people were not vetted? So that was never brought to my attention that he had difficulties in vetting his officials.

ADV SELLO SC: I appreciate that. And I think let us not conflate issues. There is one issue, which is finding 500 members with either criminal records awaiting trial at
20 various stages. There is that one issue. Then the other issue is concerning those officers who do not subject themselves to vetting. Those are two distinct issues. I am not asking about the 500. If you, as you told the Commission, that requirement must be complied with. And I am not suggesting that you chase Chief Mapiyeye to ensure

that it is complied with. And if you take it as seriously as you had suggested to the Commissioners, I am asking you, how did you satisfy yourself that Chief Mapiyeye complied with that very important requirement? Did you ever take any steps to satisfy yourself?

DR MASHAZI: I trusted him as a police officer that he would do the right thing. Maybe it is an oversight not for me to actually emphasise what he is supposed to do as an accounting officer. Remember when we appoint these
10 people, they are appointed in terms of their skills and their specialities. And they know their responsibilities, all of them. So I cannot be chasing one person that, did you do this, why did you not do this? Unless an issue is brought to my attention that, ma'am, I have tried to comply with one, two, three, and these are the stumbling block. That is where I come in and assist.

ADV SELLO SC: Would it be fair to say that you took no steps to satisfy yourself that all Ekurhuleni police members are at least duly vetted? You did not take, personally, you
20 did not take any steps. Regardless of whatever failings Chief Mapiyeye may have had, it would be fair for me to conclude that and to suggest to the Commissioners that you did not find necessary to take any steps to satisfy yourself as City Manager.

DR MASHAZI: Agreed.

ADV SELLO SC: Okay. Chair, it is 15:59. You had suggested a coffee break at 16:00 if we have not finished. Might this be an opportune time?

CHAIRPERSON: [Indistinct].

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

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. Dr Mashazi, then just to close up on the conversation we are having, I referred
10 you to Annexure RS18, which is the directive by Chief Mapiyeye regarding vetting. If it had come to your attention at the time that there were Heads of units who refused to comply with that important directive, would you have insisted, what view you would have held at the time, let me rather ask?

DR MASHAZI: I would have insisted.

ADV SELLO SC: On what?

DR MASHAZI: On them being vetted and on the Police, of Police doing his job.

20 **ADV SELLO SC:** And what steps would you have suggested be taken against the Divisional Head who refuses to comply with this directive?

DR MASHAZI: For the Chief of Police to discipline his immediate and also discipline those that are below him.

ADV SELLO SC: So in this case the evidence before the

Commission is that Mr Mkhwanazi refused to have himself vetted and members of his unit. Are you suggesting that the appropriate action to take against him is disciplinary action?

DR MASHAZI: Exactly.

ADV SELLO SC: Thank you. I am moving on to another question. Our next question that will be question 5 starting at your ...[intervenes].

CHAIRPERSON: Yes ...[intervenes].

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

CHAIRPERSON: Ms Sello, my colleagues and I have quite a clutter here. Which file should we get rid of? Obviously Dr Mashazi's statement and what else?

ADV SELLO SC: Yes. I am advised that perhaps you get rid of everything except keep close by Mapiyeye annexure and Spies annexures. There is another file we will get to, but much later and by then we would have gotten rid of these two.

CHAIRPERSON: Thank you.

20 **ADV SELLO SC**: Before I close that chapter, for the record you recall we had a conversation and engagement regarding what you said you were, your Annexure IM17 and 18 which were the screen grabs of your WhatsApp, from your WhatsApp's and I suggested to you that you mischaracterised what Mr Nciza had said in his statement.

I read out his statement which implied that it was a normal call, not a WhatsApp call. It has been brought to our attention by your attorneys that during oral testimony on the 12th of November, transcript, page 31, line 19, Mr Nciza stated as follows, and he was specifically drawn to paragraphs 45 and 46 and the one I read out to you, 46, is where he suggested it missed a normal call. In response to that he states from line 12 rather:

10 “Yes, so we did indeed receive the
 extension request from the Chief of
 Police and I discussed it with
 Gxasheka, the HOD: HR and she
 agreed. She agreed that indeed we
 shall effect the extension of the
 suspension and that the request was
 provided to Gxasheka on the 22nd of
 May 2023. On the night of the 23rd of
 May 2023 I saw that on my WhatsApp I
 had missed a call from Dr Mashazi, the
20 City Manager.”

 You heard that? So I wanted to correct the record, because my question had implied that it was not a WhatsApp call as he had stated in his statement, but in oral testimony he himself described it as a WhatsApp call he had missed from you.

DR MASHAZI: Ja, thank you very much. Also I do not have missed calls. If there is a missed call from the WhatsApp I could have seen it.

ADV SELLO SC: Thank you.

DR MASHAZI: I accept the corrections from your side.

ADV SELLO SC: Thank you, it is so gracious of you.

ADV KHUMALO SC: Ms Sello, on the issue of the missed call ...[intervenes].

ADV SELLO SC: Yes.

10 **ADV KHUMALO SC:** I thought it was the other way around, Mr Nciza said he had missed the call.

ADV SELLO SC: Yes, Mr Nciza in his paragraph 46 in the statement said he had missed a call from Dr Mashazi and in oral testimony he says on that same night, the date is correct, I saw that on my WhatsApp I had missed a call from Dr Mashazi.

ADV KHUMALO SC: Now Dr Mashazi in her response says she does not have a missed call on her WhatsApp.

20 **ADV SELLO SC:** Yes, that is her evidence and therefore if, just to complete that, Commissioner, I had suggested that the annexures she had provided which are screen grabs of her WhatsApp communication do not have a bearing on the question of whether or not she had called Mr Nciza on the day in question, but based on his testimony that it was a WhatsApp call then that annexure has to be

relevant.

DR MASHAZI: Thank you.

ADV SELLO SC: Thank you. Yes mam, yes Commissioner Baloyi?

ADV BALOYI SC: Doctor Mashazi, just still on the vetting issue, maybe just to complete it. Commissioner Spies, when he testified on the 10th of November, he said that in a meeting, there was a meeting of senior management. You were not in that meeting, but Brigadier Mkhwanazi was in
10 that meeting.

And in that meeting, he, Commissioner Spies, gave a report on the vetting issue and the fingerprinting report. He had a fingerprinting report to give in the context of the vetting issue. And then Brigadier Mkhwanazi was displeased about that process, and I am trying to summarise his evidence. He says that he then, he physically took:

“What I do say is that your section did not provide their fingerprints.”

20 This is Spies. He says this to Mkhwanazi:

“And they refused to provide their fingerprints. I am not saying you have a criminal record. And Spies says, and he just kept on screaming at me in front of all of us in the meeting. He

physically took his phone out and he started phoning and he speak. You can clearly hear he is speaking to the City Manager, Imogen Mashazi. And he puts the phone down and he says, the City Manager says this process will stop immediately. And he turned around, he walked out in an extremely disrespectful manner, closed the door.

10 And then the Chief Mapiyeye then calmed us all down and said, stop, do not discuss further anything here. He will go and speak to the City Manager afterwards and he will calm everything down and we must just carry on our work.”

And then he further lastly says:

“And from that meeting then, the very next day, I received an email from

20 Gxasheka wherein she stated that the process must stop and we must submit everything to them. At that stage, I had already prepared what we call a council item.”

Do you know, firstly, do you know anything about this part

where he says Brigadier Mkhwanazi picked up his phone and he was speaking to you on the phone? Do you know anything about the vetting issue?

DR MASHAZI: I do not know anything and I would say that the statement is untrue and worrisome. I never made that statement.

ADV BALOYI SC: Did Chief Mapiyeye never ever speak to you about the refusal of Brigadier Mkhwanazi that his team should be vetted?

10 **DR MASHAZI:** No, ma'am.

ADV BALOYI SC: Okay. And then do you know anything about Mr Gxasheka's involvement with this vetting issue?

DR MASHAZI: I am not aware unless he cc'd me, but I am not aware.

ADV BALOYI SC: Okay. And did you ever become aware of Commissioner Spies' council item on this issue, an item that he prepared that was to be submitted to Council?

DR MASHAZI: Well, if it is an item that was supposed to be submitted to Council, obviously it had to reach Council.

20 There is no item that I prevented, especially in terms of processes and systems or processes that I get to improve the performance and also enforce compliance and governance. I would not stop such items.

ADV BALOYI SC: And that item would have come through you because I understood you saying EMPD accounts to

council through you.

DR MASHAZI: No. The item would come to me. All the items that go to, or that is saved in the Mayoral Committee, these are the items of the accounting officer emanating from the department.

ADV BALOYI SC: Yes.

DR MASHAZI: Then from the Mayoral Committee, the items become the responsibility of the Mayor or the executive Mayor's item. That is why he is the one who
10 speak on items in Council. I only speak to items in the Mayoral Committee.

ADV BALOYI SC: Okay. I think what I am trying to understand is that if Commissioner Spies is correct, if he is correct that he then prepared a council item, for that item to end up at Council eventually, it would have had to go through your office because it does not have direct access. That is all I am checking.

DR MASHAZI: Exactly.

ADV BALOYI SC: Okay. And you do not remember such
20 an item?

DR MASHAZI: I do not recall if there is an item. Obviously, as an accounting officer, as I indicated that I do support the vetting in terms of the legislation.

ADV BALOYI SC: Yes.

DR MASHAZI: If there was such an item, obviously, it

ended up in Council being in a council item.

ADV BALOYI SC: Ja. I guess I am trying to understand whether do you have knowledge of what Commissioner Spies is talking about when he talks about an item that was going to go to Council.

DR MASHAZI: Yes, ma'am.

ADV BALOYI SC: You know about it. All right, thank you.

ADV SELLO SC: Thank you, Commissioner Baloyi. In all fairness to you, Doctor Mashazi, I think I should bring
10 something to your attention. Can I refer you to Annexure IM17? Your Annexure, your file. The WhatsApp screen grabs.

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: IM17, page 55.

DR MASHAZI: Page 17?

ADV SELLO SC: IM17, page 5-5, 55.

DR MASHAZI: 55. Yes, ma'am.

ADV SELLO SC: Now, that IM17, do you confirm to the Commissioners that it is a true reflection of what appears in
20 your phone?

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: Do you confirm that you have not deleted anything in that WhatsApp communication before you submitted?

DR MASHAZI: I do confirm that I did not delete anything.

ADV SELLO SC: We have been furnished with a WhatsApp screenshot from another phone, Mr Nciza's phone. And I think it is incumbent upon me to inform you that it is similar to your IM17, except after that information Notice 4 of 2023, there is an entry of 23 May 2023, which reflects a missed call at 18:13, followed by the document that appears at the bottom of page 55, which of the 4th of August 2023. And Mr Nciza will be required to file a supplementary statement in this respect.

10 I am asked to wait a second. I am inviting you to comment on a statement that we will obtain from Mr Nciza, that his phone and WhatsApp communication reflects a missed call from you at 18:13 on the 23rd of May 2023, which is omitted from your IM17. What is your comment to that?

DR MASHAZI: My comment is I do not have knowledge of that, and he must prove, or in fact this must be proved by the service provider, the service provider that is responsible for calls and whatever, call logs and so forth. From my
20 screenshot, I do not have information that Mr Nciza called me, be as it may that it was a missed call, but I do not have that information in terms of my screenshot.

ADV SELLO SC: And I am putting it to you that over the same time period, his phone indicates a missed call from you. Do you have a comment?

DR MASHAZI: No comment.

ADV SELLO SC: Okay. Can I then invite a comment to, and this I say on the assumption that he will file a proper supplementary statement with the supporting screenshots, that what you submitted as IM17 has been manipulated? Do you have a comment to that?

DR MASHAZI: I do not have a comment.

ADV SELLO SC: Okay. I then want us to move to the next question, and our next question would be question five, starting at page 14 of your statement. And this concerns the question of the application for leave of absence signed by Chief Mapiyeye, dated 18 March 2023 and approved by the City Manager yourself, that is. You respond to that question from paragraph 79 to 84, and I invite you to summarise your response for the benefit of the Commissioners. Thank you.

DR MASHAZI: Okay. On the 16th of August 2023, I held a meeting with Chief of Police in my office regarding the challenges in the department. And in terms of his response, he said he is tired, mentally exhausted, he is experiencing significant emotional strain, and he required time away. That was on the 16th. And from that meeting, both of us, we agreed that we should actually call his immediate subordinates to inform them, to also get the understanding of the challenges in the department, and also

request a turnaround plan in terms of the department's functionality.

Then on the 27th, we indeed convened that meeting, myself and Chief. In the meeting, there was HOD, HR Linda Gxasheka, where she took minutes. During this meeting, I expressed concerns about the state of affairs in the EMPD because there were a lot of issues that emanating from junior personnel, the new recruits, plus minus 400 to 500, that were appointed and did not have tools of trade, like the
10 firearms, and they were sent out there in the street. There were a lot of media queries, social media queries, that how do you send, and how are you going to protect the citizens without firearms?

Over and above that, there were also a lot of challenges in terms of labour relations matters in the department that were actually not dealt with properly. Then from this meeting, we requested that Chief of Police, as he requested a time off, we requested that he should actually draft a recovery plan, sort of a turnaround plan, to ensure
20 that officers do have uniforms, they have firearms, and he concludes the tender for firearms. Because by then, when we discussed this thing, there was no tender for firearms.

And they kept on coming to me with a deviation. And it has been my practice since the first term of office, that I am not going to approve any deviation. If you look at

the book that I have written, and also at the audio of HODs during my farewell party, one indicated that the City Manager was clear about governance. If you go to her, if you fail to manage your contract, and you go to her with a deviation, you must also go with a resignation. That is how serious we were in terms of governance.

So there was nothing in the department, and hence, we requested this meeting. Emanating from the meeting, obviously, the minutes that were taken by Gxasheka, and
10 the turnaround plan that was requested.

ADV SELLO SC: I would like to refer you to, and you do not have to go there, I will read it for you, it is Chief Mapiyeye is statement, paragraph 104. Chief Mapiyeye states that on the 15th of August he delivered to you a letter of intent to institute proceedings against the City regarding the precious stones theft allegedly committed by members of EMPD who were reporting directly to Brigadier Mkhwanazi:

20 “When I delivered it to her, she challenged me on the fact that the letter does not make any reference to Brigadier Mkhwanazi, and neither does he appear in the attached pictures. She suggested that I was persecuting Brigadier Mkhwanazi and was biased

towards him, and threatened to suspend me with immediate effect. She immediately corrected herself and told me that she was actually suspending me with immediate effect.”

I have just read paragraph 104 of Chief Mapiyeye’s statement. My first question to you is, did you see the letter of demand that Chief Mapiyeye references regarding alleged theft of precious stones by members of EMPD who
10 report to Brigadier Mkhwanazi?

DR MASHAZI: Thanks. I need to correct the fact that he came to me on the 15th. He came to me on the 16th, where I raised the issues I have raised. The report about the precious stones, we found it in the bundle, and also in the bundle from Mapiyeye and them. He himself never discussed this with me, and for me it is fabrication of information that I ask him, where is Julius? I mean, if there is a suit, 45 million litigation against the City, as an accounting officer, I must be worried and do something,
20 rather than looking for a face of some junior official.

ADV SELLO SC: And this letter of demand is Annexure 24 to Chief Mapiyeye is statement. If you could turn to that document, please, Chief Mapiyeye’s annexures, Annexure 24?

DR MASHAZI: 24, page?

ADV SELLO SC: Page 112.

DR MASHAZI: 112.

ADV SELLO SC: And for the record, it should read JM24, should be marked JM24. This is a letter, a notice, in fact, in terms of section 3 of the Institution of Legal Proceedings Against Certain Organisms of State, Act 40 of 2002. The subject line reads, Peter Jakobus Prinsloo versus the Minister of Police, as a first, the Ekurhuleni Metropolitan Municipality and the Ekurhuleni Metropolitan Police
10 Department.

Do you see that? I see on the face of this document that it bears three stamps, the first being the Ministry of Police, against the address of the Ministry of Police, and I read that to be confirmation of receipt of the letter. It is then followed by the Ekurhuleni Metropolitan Municipality, and once again it bears a stamp of the Metropolitan Police. Then there is a stamp of Metropolitan Police, although slightly misplaced, because the third party is the Ekurhuleni Metropolitan Police Department, and there
20 is a City of Ekurhuleni received stamp dated 15-08-2023. This is the claim for 45 million and complaint against certain members of EMPD who acted unlawfully with the result that a citizen in Kilani was robbed of a certain quantity of precious stones.

The first issue is, besides the unlawfulness of the

act, is the fact that these members were acting outside the jurisdiction of Ekurhuleni Municipality, being in Kilani. As a consequence of their actions, the City is now facing a claim, a potential claim of 45 million for damages. You confirm that your office received this demand, letter of demand?

DR MASHAZI: Yes, we received this. My office did receive, maybe I should explain the process. Any summons that the City receives, because some of them are urgent and whatever, they go directly to the HOD legal, to the legal
10 department. Obviously the summons went to the department from my office to the HOD legal to assist us to defend the case because they have panel of attorneys.

ADV SELLO SC: Although we are not talking about the summons yet, I take it you consider the content of this document and in particular noted the importance of the allegations in that members of the City EMPD, which is part of the Ekurhuleni Metropolitan Municipality, not only undertook unlawful acts out in the public, but did so outside the jurisdiction of Ekurhuleni. I will not pose a question, I
20 will make a suggestion to you that that ought to have been an exceptionally disturbing state of affairs. Was it equally disturbing to you?

DR MASHAZI: Agreed.

ADV SELLO SC: And it came to your attention?

DR MASHAZI: It came to my attention, but not through the

way Chief is alleging.

ADV SELLO SC: Did you engage Chief Mapiyeye on the content of this very disturbing notice?

DR MASHAZI: As I indicated, ma'am, that the process when we receive summons, my PA urgently takes the summons to the corporate and legal, she records them and take them directly to corporate and legal to defend.

ADV SELLO SC: But these are not summons? This is not a summons?

10 **DR MASHAZI:** It is a letter of demand.

ADV SELLO SC: Yes. And the contents of which you became aware?

DR MASHAZI: I became aware because it was served in my office and it was sent to corporate and legal.

ADV SELLO SC: And I am asking whether on becoming aware of the contents of this document, did you take up this exceptionally serious issue with the Chief of Police, Chief Mapiyeye?

20 **DR MASHAZI:** Chief Mapiyeye? Remember I indicated that I took the document straight, the document was taken straight to corporate and legal, and we never had a chance of discussing this with Chief Mapiyeye because it already is a letter of demand that needs legal attention. Because if we do not address the letter of demand, we will get summons, litigations and so forth, because in terms of letter

of demand, the litigation is about 26 million, which is concerning for the City and concerning to me as an accounting officer.

ADV SELLO SC: You seem more concerned about the value of the demand and less about the conduct of EMPD officers.

DR MASHAZI: It is incorrect, ma'am. I agree.

ADV SELLO SC: You agree that you are more concerned about the 45 million?

10 **DR MASHAZI:** No.

ADV SELLO SC: Okay. Sorry, the dean coming from next door interfering with my hearing. And hence my question, and my question is premised on the assumption that this is not a daily occurrence. It ought to have come as an absolute shock to you. And I want to understand from you whether it was sufficiently shocking that you demand that Chief Mapiyeye engage you on the contents of this notice. Was it that shocking to you, or you thought it is an issue that could be discussed in the course of time?

20 **DR MASHAZI:** For me, there are two things. It was about the serious misconduct of his officers, two, the issue of the City being dragged into this, and the issue of, in terms of the issue of litigation. So hence I am saying legal documents, and I will reiterate again, that I cannot interpret legal documents. If there is a letter of demand or summons

or whatever, they will go to HOD Behari.

I would not waste time because immediately I want to sit with a report like this in the office, and a lot of reports, and wasting time in terms of letter of demand or summons and whatever. I have been summoned to different courts within Gauteng where issues of this nature have actually happened. The misconduct, the bribery and so forth, and lack of implementation of awards and so forth. So I really do not want to waste time. I did not want to waste time.

10

ADV SELLO SC: I appreciate, but I am more interested in the content, what you did with it. As you can see from page 117, attached to the notice were pictures, colour pictures. Unfortunately, the copies we had have a black and white, so it is difficult to make out who is who in those pictures. But Chief Mapiyeye testified that the original was forwarded to IPID, and that those pictures are in colour, and that in those colour photographs, members of EMPD are easily recognisable. What I want to engage you on is not about how you treat summons. It is about how you treated this issue, vis-à-vis the Chief of Police. It is concerning to me that you did not even bother to have a conversation with him.

20

DR MASHAZI: Thank you, ma'am. Did you ask the same question? Because he is the CEO of the department. Did

you ask him that question, what did he do about this?

ADV SELLO SC: Yes, I asked him ...[intervenes].

DR MASHAZI: Because it has nothing to do with the accounting officer. He has a function and powers from the SAPS Act that he must discipline, he must do one, two, three. He is given those powers, and we discussed those powers at length this morning, that he is empowered to do one, two, three in terms of the SAPS A, to discipline members, to do one, two, three, one, two, three. And I
10 think it is a bit unfair that these questions are now posed to me while he failed to do his duties as an accounting officer of the department, or as an executive director in terms of the SAPS Act.

ADV SELLO SC: Okay, it was, and you recall I read from his statement, where he said according to this document, it has got a date stamp of the 8^t of August 2023, which is the date on which he, the EMPD, received it. Your office received it later, actually, on the 15th. And on the 15th, he came to your office to discuss this document and show you,
20 according to him, the problems being experienced and illegal acts performed by members of EMPD.

And rather than engage with the contents of this document, you took issue with him that he appears biased towards Mkhwanazi, in circumstances where Mkhwanazi is not on any of the pictures. That is his evidence before this

Commission. So yes, we did engage him on that.

DR MASHAZI: I did not engage him on that. I indicated that I had a meeting with the Chief on the 16th, not even on the 15th. And the issues that I raised, it was about the dysfunctionality of the department. Not even this. Not even this. So I will request, ma'am, that the responsibility of dealing with issues lies with Chief of Police. He was supposed to be asked questions, what did you do with the document? Because in terms of the Act, he is the one who
10 is supposed to take action against the misconduct of his officers.

ADV SELLO SC: I agree with you. And yes, that is a conversation we have been having since morning regarding his powers. What we are discussing is slightly different, which is the concern by the Chief of Police and the concern by the City Manager about the contents of that document. And you appear not to have any concerns regarding the contents of that document. So much so, that you confirm you did not initiate a conversation with Chief Mapiyeye
20 about what is stated in there, and you suggest that neither did Chief Mapiyeye.

DR MASHAZI: I reiterate that Chief Mapiyeye was supposed to take action on this particular document. My issue is for summons and ensure that the City is not litigated. But I take your point that he failed to do his duty,

not mine. It is not my responsibility to discipline junior officials.

ADV SELLO SC: And it is not your responsibility then, I take it, is it a proper interpretation as to what members of EMPD do? It is not your responsibility, and neither is it your concern. Do I understand you correctly?

DR MASHAZI: My concern, like I indicated in the reporting lines, the Chief of Police reports to me. The subordinates, whether it is managers, executive managers, in terms of the
10 legislation, they report to him.

ADV SELLO SC: Yes.

DR MASHAZI: And he ought to have taken steps against this misconduct.

ADV SELLO SC: So then I must accept that if this team of people, or even more, all registered with EMPD went around the province killing people at will, it is not a matter that will perturb you. And any failings by the Chief of Police to act, to take action against those people, is a matter to be left at the Chief of Police's doorstep and you should never be
20 engaged on such matters as a City ...[intervenes].

DR MASHAZI: No, I should be engaged. Remember ...[intervenes].

ADV SELLO SC: At what level and when?

DR MASHAZI: Remember, the Chief of Police is like, in terms of the questions from this morning, is like a personal

thing. There are a lot of labour issues in that department, too much ...[intervenes].

ADV SELLO SC: This is crime issues, Doctor, it is not labour issues.

DR MASHAZI: No, let me finish, ma'am. Can I be allowed to talk?

ADV SELLO SC: By all means. By all means. I apologise.

DR MASHAZI: There are a lot of labour issues, there are a lot of misconduct issues, and there are a lot of criminality
10 issues in that department.

ADV SELLO SC: Yes.

DR MASHAZI: And as I indicated that we appoint HODs on the basis of their strength, especially around qualification and experience. And we believe at that point, when we appoint a Chief of Police, that he will turn around the department and show compliance, and deal with all the criminality that is happening in the department. We thought he would do that.

But it cannot, therefore, be my sole responsibility to
20 enforce that. Chief should have, ought to have enforced that all members are actually vetted and all members who are found to be wanting in terms of criminality are actually dealt with, including IPID.

ADV BALOYI SC: Can I?

ADV SELLO SC: Yes, Commissioner.

ADV BALOYI SC: Can I just maybe test this? You, Chief, Mapiyeye reports to you in the same way as Gxasheka reports to you. You receive this notice of intention to institute legal proceedings. There is an amount involved, but more importantly, there is allegations of criminal conduct from members of the EMPD. Surely it is not good enough for you. It cannot be good enough, and please say if you disagree and why.

It cannot be good enough that you say, well, Chief
10 Mapiyeye is the one that was supposed to institute disciplinary proceedings. I took this demand and I sent it to legal, and that is the end of my role. It is your direct report on a serious matter of criminal conduct, such as serious and huge financial exposure, potentially, to the City. I would expect my City Manager to ask Gxasheka, are you aware of this? I want a report.

If Gxasheka is the right person, and from what you are saying, it sounds she is not even the right person, but somehow she gets involved in Mkhwanazia's matters. But I
20 would expect at the very least that the City Manager who receives this notice says to Mapiyeye, I want a report. I want to know what you are doing about these criminal people that are in our system that have gone and robbed someone outside jurisdiction.

And I am concerned that your attitude is, well, he is

the boss. If he did not do it, do not look at me. Surely that he reports to you means something. Do you want to comment?

DR MASHAZI: Yes.

ADV BALOYI SC: Yes?

DR MASHAZI: Can I comment by saying that we, in the morning we discussed his powers that he reports directly to council in terms of the SAPS Act, and his responsibility to discipline members. And there is no way where it says the
10 accounting officer must discipline members, including the Systems of Delegation. It is actually delegated to him. So I did not follow the discussion during his testimony as to whether such question was asked to him, what did he do with this, despite claiming that he had a meeting with me to show me the pictures and whatever.

That for me is still an allegation, and he must confirm it, the onus is on him to confirm that he did have a meeting and he indicated this. This report, it is an official report, it is with Legal to defend the City. The issue of
20 discipline still lies with the Chief of Police.

ADV BALOYI SC: What does it mean? Maybe let us go back to basics. What does it mean when you say he exercises his powers *inter alia* subject to your directives? What does it mean?

DR MASHAZI: Remember we discussed that fact that he,

that the Council has appointed him as the head of police, of policing.

ADV BALOYI SC: Yes.

DR MASHAZI: And I argue that in as much as he is appointed, we need to read the SAPS Act in conjunction with the Systems Act as well as the Systems of Delegation. So if he fails in his duties, obviously, as an accounting officer, I need to deal with it.

ADV BALOYI SC: Yes.

10 **DR MASHAZI:** I need to deal with it ...[intervenes].

ADV BALOYI SC: Yes. And you are saying ...[intervenes].

DR MASHAZI: [Indistinct] ...[intervenes].

ADV BALOYI SC: Sorry, carry on, sorry.

DR MASHAZI: Ja, okay. In this particular matter, he did not discuss this thing with me. He never had a meeting with me on the 15th of, I have forgotten, August? Of? Of August. Of August. Yes. I only had a meeting with Chief of Police on the 16th, where we discussed the dysfunctionality of the department. That such things, some
20 of these things are some of the things that came up from the members that we have this and this and this, we do not have tools of trade, we do not have this. That is why I had to call that meeting and address some of the things.

ADV BALOYI SC: Okay. I am really dealing with this limited issue. You receive a letter, a notice to institute

legal proceedings. It claims about 45 million from the City. It alleges criminal conduct on the part of your employees, the employees of the City. They are not Mapiyeye's ...[indistinct] you have told us.

So they are your employees. They are accused of criminal conduct. Your testimony, as I understand it, is, well, I did my part. I forwarded this to legal, and that is the end of my involvement. What happens discipline-wise with these employees, it is not my issue, it is Mapiyeye matter. I
10 struggle with that when you say he is accountable to you, and you do not seem to hold him accountable for this. And then you come here, you say, well, he did not do anything about it. The question is, well, why did you not hold him accountable for this? And it seems your answer is, well, it had nothing to do with me. I am concerned about that.

DR MASHAZI: Well, maybe it is an oversight from my side that I did not pursue him to actually – I mean, I have so many HODs, I cannot be sitting on one person. And for me, I accept that it is an oversight for not making him to
20 account.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. As a matter of interest, we dealt with one issue earlier, which is the statutory requirement for vetting for EMPD members. And as you say, you subsequently learned that Brigadier

Mkhwanazi refused to subject himself to vetting and equally refused that members of his unit be subjected to that. Now we are discussing issues such as illegal conduct, criminal conduct by members of EMPD. And your response was, is that, if I understood you correctly, that is the responsibility of the Chief of Police. As a matter of interest, when you account to council as regards EMPD, I take it you do so on the basis of an assessment of performance by the Chief. What are his KPIs, his key performance indicators, to your
10 recollection? You have served two terms, you should not have too much difficulty recalling at least some key ones.

DR MASHAZI: The key ones in terms of the core competencies is strategic direction, governance, financial management. I cannot remember others. Remember, I am out of the system and performance, contract of HODs. The last time I assessed them, it was last year, and I cannot recall exactly what is the content of that. But he is responsible for strategic direction, for communication, for a whole lot of things. I do not have a copy. If we can be
20 afforded to give you a copy of that, we will do that.

ADV SELLO SC: Okay. Now you testified earlier that actually the meeting you had with Chief Mapiyeye was on the 16th, not the 15th as he alleges, correct?

DR MASHAZI: The 16th, yes.

ADV SELLO SC: The 16th, and you say the purpose of that

meeting was for him to tell you that I think he is exhausted, and I am paraphrasing here, so if I misquote you, please correct me, and that he would like to take special leave. That was the content of your conversation then, you stated.

DR MASHAZI: I reported that the purpose of the meeting, myself and Chief, we discussed the dysfunctionality of the department.

ADV SELLO SC: Okay.

DR MASHAZI: And out of the discussion, he indicated to
10 me he is exhausted, he will request leave for him to deal with his mental exhaustion, and so forth and so forth. So then we agreed, both agreed, that we should address his subordinates. I am repeating myself in a way. We should call an urgent meeting with his subordinates, which took place on the 17th. where we addressed them, both of us.

ADV SELLO SC: Okay.

ADV KHUMALO SC: Can I ask a question?

ADV SELLO SC: Yes, yes, Commissioner.

ADV KHUMALO SC: Doctor Mashazi, who does the Chief
20 of Police's assessment in terms of performance?

DR MASHAZI: It is myself.

ADV KHUMALO SC: It is you. So, before August 2023, when last had you done the assessment?

DR MASHAZI: I do not recall. I will have to check my records.

ADV KHUMALO SC: Am I correct that he was reappointed as Chief of Police in 2022?

DR MASHAZI: You are correct.

ADV KHUMALO SC: And you would have recommended his appointment?

DR MASHAZI: Yes, I did.

ADV KHUMALO SC: Why would that have been the case if the department was so dysfunctional, and according to you, he was not performing well?

10 **DR MASHAZI:** The meeting was in 2024, where the department was starting to – my meeting with them was in 2023. He was reappointed in 2022.

ADV KHUMALO SC: Yes.

DR MASHAZI: We were both reappointed on the same day, and I was part of the Panel. He performed at the interview. You appoint a person on the basis that his performance. And in 2023, I could see that the department is going down as I was receiving complaints that the officers do not have uniform, do not have firearms, I became concerned and
20 called him. We had a meeting where we discussed these issues, and he later requested that he is exhausted, that he cannot deal with matters.

ADV KHUMALO SC: I am assuming you would have done, I mean, I am just looking at his appointment letter here. It is dated 29 April 2022. I am assuming you would have done

his annual performance assessment in April/May of 2023?

DR MASHAZI: Yes.

ADV KHUMALO SC: And you would have rated his performance good?

DR MASHAZI: Ja, maybe for the benefit of the Commissioners. In terms of the performance, there is a fly here. I do not know. It is a sabotage. In terms of performance indicators, each and every HOD, they draw performance indicators according to the budget allocated.

10 That is why it is linked to the SDBIP, that is Service Delivery Budget Implementation Plan. They draw those from the IDP, which is our five-year contract. So Chief's key performance indicators, he was rated good. But these are small issues that will emerge as and when. When we hear that officers do not have firearms, obviously he does not have a key performance indicator of ensuring that there are firearms or whatever.

So these are the issues that will emerge on a going basis in terms of his operations or operations of any HOD.

20 For instance, you cannot have millions of performance indicators and measure a person on millions of performance indicators. There are certain areas that are grey areas that are not part of the performance indicators. That is why you find that even the HODs who are not managing departments properly, but when they go for performance assessment,

they do well because they have actually crafted the performance indicators according to their strength and according to the budget allocated to them.

ADV KHUMALO SC: All right. Thank you.

ADV SELLO SC: Thank you, Commissioner.

ADV BALOYI SC: Sorry, can I?

ADV SELLO SC: Yes, Commissioner Baloyi.

ADV BALOYI SC: From this discussion, and please forgive me for taking you back, but I am going to ask because it is
10 bothering me. Why would you recommend his appointment in 2022 if you have complaints about his inappropriate criminal conduct of abusing power, abusing employees in the workplace? How do you justify that you have that concern which you share with us today, which was never shared at Council? You never raised this. You never caused an investigation. In 2022, you recommend him to be appointed. How do you square that up?

DR MASHAZI: Remember, in terms of formal complaint, I
20 only received a formal complaint now about his sexual harassment case and so forth. Others, as I indicated, ma'am, it was a group of these EMPD officials who cried out to me that as women or as females, we are not promoted unless one, two, three ...[intervenes].

ADV BALOYI SC: I know what you are saying.

DR MASHAZI: Yes.

ADV BALOYI SC: You said it in the morning.

DR MASHAZI: Yes.

ADV BALOYI SC: But something new comes, something has come up now. You recommended his appointment in 2022. You told us in the morning when you were appointed originally in 2016, I think it is, you received these complaints about him and other men in the department. We know you did nothing about it. And your explanation is I did not have anything in writing, but you mentioned him by
10 name. Among the others, you do not mention him, you mention by name. In 2022, you recommend his appointment, someone that you are making serious allegations about.

Serious, which have consequences for even the Metro. I mean, if the Metro, if employees say, well, we told our City Manager and no measures were put in place to protect us against these pests in the workplace. Not only that. You, in 2022, recommend his appointment. I think that is deeply problematic.

20 **DR MASHAZI:** Thank you, Chair. I remember when I introduced this particular programme, I worked hand in hand with the Chief. He complied with me. Hence, I indicated in the morning that each celebration, and he also assisted me to ensure that these women are actually uplifted. In terms of appointment, he took over. And in terms of promotion or

ensuring that they get bursaries, he took over. He was complying with me. So for me, it was not a problem. The problem became when a formal complaint came. And it was not going to be fair for me to actually disqualify him on generalised allegations.

ADV BALOYI SC: Thank you, Doctor Mashazi.

ADV KHUMALO SC: You see, Doctor Mashazi, the problem is that you want this Commission to consider those issues that you say you became aware of in 2014, 2016, 10 2017. Yet in 2022, you were comfortable to recommend his appointment as Chief of Police. And on an annual basis, you were rating his performance as good. Admittedly, based on the measurements and the criteria that was being used. Not on everything. But it is a concern that you come to this Commission and you mention the things you heard about him 2016, 2014. The drunk driving case, for example, was 2014. You did not see that as an obstacle as far as his appointment and reappointment as Chief of Police. But when you come to this Commission, you want this 20 Commission to take those things into account.

DR MASHAZI: As I indicated that the issue about sexual harassment and also policing on officials and so forth, there was no formal complaint. The issue about the accidents and so forth, this is the information that we get now from the witnesses or people who are concerned about the

statements that we made here in the Commission.

Remember the Commission is watched by officials also of the City, including the unions. And they know in the institution what is happening. Their members are actually affected. And I saw in one of the social media things that there was one union that was here to be heard about the lies that were spoken in the Commission. So it was not going to be fair on my side to actually discredit the Chief of Police based on the allegations that are now coming out.

10 **ADV SELLO SC:** Thank you, Doctor Mashazi. I want us then to turn to the meeting of the 17th of August 2023 and you deal with this at your page 14, paragraphs 81.2 and 81.3. Are you there?

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: And at 81.3, you summarise the purpose of the meeting thus:

20 “During this meeting, I expressed serious concern about the state of EMPD, describing it as dysfunctional. Among the issues raised was the fact that approximately 500 junior officers did not have firearms, an unacceptable operational and safety failure by Chief Mapiyeye.”

You see that?

DR MASHAZI: Yes, I do.

ADV SELLO SC: Why did that meeting of the 17th not include the criminal conduct of members of EMPD? Because you had been duly notified of their conduct in terms of JM24, which is that notice tendered by Chief Mapiyeye. If you are going to call the senior leadership of EMPD to complain or to engage on issues that approximately 500 junior officers did not have firearms, why did you not extend that discussion to the fact that some of
10 the EMPD officers abused the very firearms that they are issued to commit criminal conduct? Because you knew of that conduct by then. Why did you not extend that meeting to cover such issues?

DR MASHAZI: The meeting covered the dysfunctionality of the department. Obviously, all the deputies and the managers in the department, they raised a lot of issues about even that one, that there are officers who are committing crime and whatever. So, that is why I requested the Chief to actually draft a turnaround plan.

20 **ADV SELLO SC:** A turnaround plan for criminal conduct?

DR MASHAZI: To deal with all these issues because there was everything ...[intervenes].

ADV SELLO SC: No, no, I am more interested in a turnaround plan dealing with criminal conduct. Is that what you asked him to do?

DR MASHAZI: Everything included.

ADV SELLO SC: Have you ever seen one such operational, the turnaround plan?

DR MASHAZI: I beg your pardon?

ADV SELLO SC: Have you ever seen, in your experience as City Manager, such a turnaround plan on how to deal with criminal conduct within the City?

DR MASHAZI: Can you repeat your question? Is that a question or a comment?

10 **ADV SELLO SC:** Have you, Doctor Mashazi, in your long experience within the City, ever come across a turnaround plan for criminal conduct by members of the police force?

DR MASHAZI: It included everything.

ADV SELLO SC: I am interested in the criminal conduct specifically. I just wanted to know if you have ever seen one to ask of Chief Mapiyeye to produce one.

DR MASHAZI: Chief Mapiyeye, for starters, he was supposed to discipline those members. But if he failed, obviously, we need to understand from a strategic point of
20 view what are his challenges in implementing some of the things that he is supposed to implement. Like your consequence management in terms of criminality in the department and other financial misconduct that are happening in the department.

ADV SELLO SC: You conclude at 81.3, having summarised

what the purpose of the meeting was, by attaching what you call an operational plan emanating from the meeting, and you attach that as an extra IM14. If we could turn to IM14 of your annexure file? It starts at page 49. Have you found IM14?

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: The actual document starts at IM50. It is a two-page document. No, I lied. It is a four-page document, or three to be precise. It is numbered 2 of 4 to 4
10 of 4. That makes three pages. My first question is, who generated this document? Do you know? Is it yourself?

DR MASHAZI: It is the HOD HR. She was part of the meeting. Linda Gxasheka.

ADV SELLO SC: That is Ms Gxasheka. When did she do so?

DR MASHAZI: I do not specifically recall the date, but she took the minutes during the meeting. The meeting that was held on the 17th.

ADV SELLO SC: 17th of August?

20 **DR MASHAZI**: Yes.

ADV SELLO SC: It does indicate that it is minutes of the meeting held on the 17th of August 2023. My little challenge with this document is it is headed minutes of a meeting held on the 17th of August 2023. You see that?

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: And then it sets out a plan, what you call the turnaround plan, in the same document.

DR MASHAZI: Yes.

ADV SELLO SC: Which actually, by right, would have been developed after that meeting. Why is the plan part of the same meeting, when the decision to produce such a plan was only taken on the 17th of August?

DR MASHAZI: From this, these are the minutes of the meeting, and this was discussed, and this is how we
10 agreed. But the Chief of Police was expected to draft a turnaround plan for the department.

ADV SELLO SC: And that expectation was expressed to him on the 17th of August?

DR MASHAZI: It was expressed to him on the 17th of August.

ADV SELLO SC: And it is because there was no plan at the time?

DR MASHAZI: To date, I do not have a plan.

ADV SELLO SC: So what is this that we are looking at?

20 **DR MASHAZI:** We are looking at – I am waiting, I am still waiting for the turnaround plan. This is an operational plan in terms of what transpired during the meeting. And these are the minutes that were taken by Linda Gxasheka. You can see all the points that we raised. The scope, theme, the dysfunctionality and collapsing of the department, lost

of morale. These are the issues that we raised in the meeting. Revenue, procurement processes, dispute, grievances, integrity and standard functions, employee benefits, building maintenance, tools of trade, uniform. These are the issues.

ADV SELLO SC: My challenge with that, and I understand what you are saying, is that page 50, the author of this document, you say it is Ms Gxasheka. Just before the table with the heading performance index, the last two sentences

10 read:

“The following plan has been put in place in the form of a performance index which management must operationalise.”

So that, as I understand it, unless I am misreading the document, is the outcome of the meeting of the 17th.

DR MASHAZI: Exactly.

ADV SELLO SC: So what is the outcome doing in the minute of the 17th? That is the part I do not understand.

20 Because this plan did not exist as of the 17th of August. It was still to be developed.

DR MASHAZI: Okay.

ADV SELLO SC: Do you have an explanation for that oddity?

DR MASHAZI: Remember, I requested the HOD to take

minutes and I requested the Chief to produce a turnaround plan. During his suspension, he came to my house to request and to get understanding in terms of the framework of how to craft the turnaround plan. He came to my house during his suspension. This one, this document is produced by the HOD, Gxasheka, in relation to the outcome of our meeting. I cannot attach a date exactly because it is not even dated, but she is referring to the meeting that was held on the 17th.

10 **ADV SELLO SC:** And it would be a fair reading if anyone interpreted this to mean that the plan set out in those three pages was part of the meeting of the 17th of August. Then that would be incorrect.

DR MASHAZI: Correct.

ADV SELLO SC: It would be incorrect. So it misrepresents the true position of that meeting as of the date it took place. This document for us misrepresents the true position of that meeting as of the 17th of August.

DR MASHAZI: How so?

20 **ADV SELLO SC:** Because it includes a plan which was not available was yet to be developed after the 17th of August.

DR MASHAZI: As an accounting officer then, I requested the Chief to draft a turnaround plan and for me this is not a turnaround plan. And it must come from the practice owner of EMPD, which is the Chief of Police, to assist him

because the complaint, this one is an HR issue and I do not want to accept it as a turnaround plan from the department. Department, they have their own challenges on how to deal with issues. Hence I requested a turnaround plan from the Chief of Police. Linda Gxasheka is not a practice owner in terms of the operations of the department.

ADV SELLO SC: And you testified that to date you have not received such a turnaround plan. Well, I take it until you retired.

10 **ADV BALOYI SC:** Can I just make sure I understand why what you are saying is consistent with what is in this document? You say in paragraph 81.3:

“During this meeting I expressed a concern...”

And then you say:

20 “among the issues raised were the fact that approximately 500 did not have firearms and unacceptable operational and safety failure by my PA. A copy of the operational plan emanating from this meeting is IM14.”

So you accept that this so-called plan, operational plan, is a product of the meeting of the 17th, because that is what you say.

DR MASHAZI: Yes, from HR.

ADV BALOYI SC: Yes. So Ms Gxasheka did not go to a corner and make it up. She was in the meeting. These things were, according to her and you, these were discussed in the meeting and they resulted in an operational plan.

DR MASHAZI: Exactly.

ADV BALOYI SC: Am I correct in that? And that is what you said in 81.3.

DR MASHAZI: Yes, yes,

10 **ADV BALOYI SC:** So this document is both a minute – it is supposed to be a minute and an operational plan that came out of the meeting that you chaired, you convened.

DR MASHAZI: Agreed.

ADV BALOYI SC: Okay. Now this being a minute, it does not say anywhere that Chief Mapiyeye is going to be preparing a turnaround plan. Where did you have that discussion with him?

DR MASHAZI: I had a discussion in the meeting that I am requesting a turnaround plan and we further had a meeting
20 with him in the office on the 18th that he needs to produce a turnaround plan.

ADV BALOYI SC: Well, in the meeting, you see, if you look at page 52, in the conclusion you say:

“It records the Chief of Police or Acting
Chief of Police will lead the City in

ascertaining that the implementation monitoring and evaluation of this plan is realised. A monthly report will be submitted to you as accounting officer regarding successes and challenges regarding the implementation of this plan. The plan must be reviewed at the end of quarter two to ensure that all strategic objectives are achieved.”

10 If you had in that meeting said you require a turnaround plan when in fact your conclusion says this plan is going to be implemented, I would have expected it to be in the minute. And I do have difficulty with that you say something that is not reflected in the document that you rely upon as evidence of what you discussed in that meeting of the 17th. It is difficult for me to accept the correctness of your evidence.

DR MASHAZI: But Chief is aware and the HOD is aware that we had a meeting, that we need a turnaround plan.

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

DR MASHAZI: But how it was raised, whether it was raised during this meeting or it was raised in the meeting, because post this meeting we went to my office, myself and HOD HR, that we need a turnaround plan. And on the 18th, that is when the leave was actually approved.

ADV BALOYI SC: Yes. I think, Doctor Mashazi, the point, the important point about this is Chief Mapiyeye gave an account, his account of a meeting and what he says transpired at that meeting. Commissioner Spies gave an account of what he says happened at this meeting that you called. And he shared with us what he says are his notes of that meeting. You do not have any notes. You rely on what you say Gxasheka prepared, but it does not speak to what you are saying now.

10 And you say, well, I called a meeting, there were grievances. We do not see grievances here of the other managers. We do not see them. In fact, both Mapiyeye and Spies says only you spoke. When they tried to speak, you were shutting them down. You spoke and Mkhwanazi spoke. This document is not a minute of a meeting. Whatever you chose to call it, it is not a minute, it is a plan. That is what it is.

 And so the difficulty is to believe you, to accept actually, to accept the truthfulness of your evidence. And
20 that is a big thing that I think you need to understand why we are engaging with you as we do, is to give you the opportunity to explain to us in a way that we hopefully can get to, well, Mapiyeye was not correct when he said this. Spies was not. The reason we accept Doctor Mashazi's testimony on this is A, B, C, D. And you cannot achieve

that by saying Gxasheka knows and Mapiyeye knows what happened in that meeting. There is no record from you.

DR MASHAZI: The records are here and I accept these records as the minutes of the meeting. How they are written and how they are crafted, that the Commission is not happy about, but these are the minutes and this is a true reflection of what transpired in that meeting.

ADV BALOYI SC: Okay, thank you. Thanks, Ms Sello.

ADV SELLO SC: Thank you, Commissioner Baloyi. If you
10 have any other file besides your own files open before you,
you can close them because I want to refer you to the Spies
Annexure file now. And in particular ...[intervenes].

DR MASHAZI: Annexure file is page?

ADV SELLO SC: Page 96, 9-6, and that is Annexure RS23.
Page 96, RS23. Spies' Annexure bundle. I think we have
all located the relevant page. Just to give a background to
Annexure 96. These are manuscript notes tendered by
Commissioner Spies. These are dated 17-08-2023. And
according to Commissioner Spies' evidence before this
20 Commission, he indicated that these are notes he took.
These are contemporaneous notes he took at the meeting
we are having a discussion about.

And he was engaged about the original of this minutes and he indicated that he works off notebooks and he will avail the notebook from which RS23 is copied to

demonstrate that entries before and after demonstrate that they are sequential in date numbering. Do you understand that?

DR MASHAZI: Yes.

ADV SELLO SC: He was – I am not going to subject you to Commissioner Spies' handwriting. I am going to suggest to you rather that you turn to page 105 of the same bundle, that is RS23, parenthesis A. That Commissioner Spies tendered as a typed version of that manuscript I just
10 referred you to, and he testified before this Commission that he did this on an evening. So same day that this meeting was held.

I would like to confirm, and I think if perhaps barring one or two people the start of page 105 has got a list of attendees. It has got the date 17 August. It is called CM meeting/EMPD management. It states the time 12:00, second floor CM boardroom EGSC. What is EGSC, if you know?

DR MASHAZI: It is the head of the Eastern Gauteng
20 Services Council.

ADV SELLO SC: CM boardroom is City Manager's boardroom, so that is at your offices?

DR MASHAZI: Yes.

ADV SELLO SC: Okay. Now, it then lists a number of attendees. If you cast your eye on that, would you more or

less accept that those were the persons in attendance? You could compare with your own annexure, which is IM, the minute we are looking at IM14. And when I compare, the order is different, but the names more or less correspond. Do you confirm, Doctor Mashazi?

DR MASHAZI: I confirm.

ADV SELLO SC: The attendees as reflected there?

DR MASHAZI: I do.

ADV SELLO SC: Thank you.

10 **ADV KHUMALO SC**: I do not see Mr ...[indistinct].

ADV SELLO SC: That is why I say, barring a name or two, to a large extent, the attendees correspond. And I think there is, as well, a Ms Gwen who does not appear at 105, but appears in the minute. Hence the comment, but to a large extent I think the attendees are the same. So, in fact, the list of attendees at IM14 would appear to be more complete than what was recorded by Commissioner Spies at this RS23(A).

20 And as Commissioner Spies explained, when he typed up this note, he typed it out verbatim from the handwritten notes he had made, with whatever errors there were in the handwritten notes. And to the extent that some sentences are incomplete, that corresponds to his handwritten notes. So he did not try to correct what he had written during the course of the meeting. That was his

testimony.

So I want to place it on record that I am not calling this document a minute and you should not misconstrue it as a minute or understand it to be placed before you as a minute. I am putting it no higher than to say these are notes made by Commissioner Spies at the meeting. Do you understand?

DR MASHAZI: [No reply].

ADV SELLO SC: I need your confirmation.

10 **DR MASHAZI**: Yes, I do.

ADV SELLO SC: Thank you. Now, according to this document, and therefore Commissioner Spies, at the bottom of 105, and before I get there, every name, after every name in parentheses are initials, such that against your name, CM Doctor I Mashazi in parentheses CM. And everyone's name is given the initials. And that is how he said we should interpret this document. So, where he writes CM and that suggests what the City Manager said at the time.

20 So I go to the bottom of page 105. Against the letters JM, and from this, I understand that to be Julius Mkhwanazi. I want you to have regards to the last line of page 105. In the last sentence, the penultimate sentence on that page. And it reads, and I quote:

“Another CSUP, Captain

Superintendent, Thepa, also have been arrested and not suspended and no steps taken against.”

That is quoting apparently Brigadier Mkhwanazi’s words. It continues:

“Then another *de facto* Chief Spies, I am not even respecting and saluting him anymore.”

Now, I just want to test, if such statements were made in
10 your presence by a junior police officer, that he is no longer supporting, he is no longer respecting or saluting his Chief of Police, what would your attitude be to that and what would you do if it was said in your presence?

DR MASHAZI: I would reprimand him.

ADV SELLO SC: What?

DR MASHAZI: I would reprimand.

ADV SELLO SC: Your voice has dropped significantly.

And I do apologise you are tired, we all are.

DR MASHAZI: No, let us carry on, I am here the whole
20 day.

ADV SELLO SC: By the look of things, it shall be the whole night as well.

DR MASHAZI: I am here the whole day.

CHAIRPERSON: Please speak up.

DR MASHAZI: To finish off today. We must finish off

today.

ADV SELLO SC: Yes.

DR MASHAZI: I really do not want to come back to this area. I would reprimand, ma'am.

ADV SELLO SC: Did you hear these words being uttered in your presence on the day?

DR MASHAZI: I did not.

ADV SELLO SC: Would you take issue? You remember I asked whether you heard them. Would you take issue if it
10 was confirmed by others who were present that indeed those words were?

DR MASHAZI: Exactly, ma'am.

ADV SELLO SC: Say that?

DR MASHAZI: I would.

ADV SELLO SC: You would take issue?

DR MASHAZI: Yes.

ADV SELLO SC: Why?

DR MASHAZI: Because he is being insubordinate to his senior.

20 **ADV SELLO SC:** But would you accept if some of the attendees said they heard them, that probably you just failed to hear them, not that they were not uttered. Would you accept such a proposition?

DR MASHAZI: For instance, whether or not, whatever they are meant to be called, I do not want to respond to them

because how he took them and how they are written, I do not subscribe to this thing. I do not know. I have my own minutes and I really do not want to talk to the issues that I raised. The first time I saw this minutes, it was when the Chief of Police sent this minutes, this information or notes to the Executive Mayor on the eve of his suspension. So remember this meeting took place in September.

ADV SELLO SC: 17 August this one.

DR MASHAZI: 17 August 2023. But he chose, they chose
10 to sit with this. And for me, it looks like it is a fabrication because he was sitting with this and then he takes this to the Mayor on the eve of his suspension a year later. I never had sight of this and it is difficult for me to actually follow this, and I would believe that is a fabrication.

ADV SELLO SC: Are you suggesting the entire note is a fabrication? You spoke of twisting facts. What facts are twisted in this note?

DR MASHAZI: I am saying I only saw this when the Mayor presented them to me, when Chief presented them to the
20 Mayor and the Mayor requested me to respond. And I responded to the Executive Mayor. Do I have that annexure where I responded to the Mayor? I do have the annexure and I will send to the Commission the annexure where I responded to all these things to the Executive Mayor.

ADV SELLO SC: Okay.

DR MASHAZI: And the timing of Chief of Police submitting this to the Mayor on the eve of his suspension.

ADV SELLO SC: Perhaps the best way to do so would be that you make it part of the supplementary statement that we have been discussing.

DR MASHAZI: Exactly.

ADV SELLO SC: So it will deal with various issues.

DR MASHAZI: Yes.

ADV SELLO SC: Now in this meeting then, was any
10 discussion had around Chief Mapiyeye taking special leave?

DR MASHAZI: In the meeting?

ADV SELLO SC: In the meeting.

DR MASHAZI: The answer is no.

ADV SELLO SC: That it was never discussed at all?

DR MASHAZI: Chief Mapiyeye, remember, he came to my office and said ...[intervenes].

ADV SELLO SC: No, I am interested in what happened on the 17th.

DR MASHAZI: On the 17th?

20 **ADV SELLO SC:** Ja.

DR MASHAZI: I think if I recall, I must be corrected because I forget and I do not want to actually accept this as the true reflection of what transpired.

ADV SELLO SC: Yes, that is noted.

DR MASHAZI: But I want to recall and respond accordingly

in terms of my evidence that will be sent to you.

ADV SELLO SC: And my question was whether the meeting, the fact that he is asked for special leave ...[intervenes].

DR MASHAZI: I do not recall that ...[intervenes].

ADV SELLO SC: At all? Nothing at all?

DR MASHAZI: I do not recall that we discussed that in this meeting, but I know for the fact that we had a meeting in my office where Chief requested me.

10 **ADV SELLO SC:** So if at page 108, to the bottom of 108, the note reflects under CM and I interpret that to be City Manager:

“And attributes the following words to her. The airport is important and we shall partake in the BRICS. Very little budget, you shall give uniform and firearms. Give them tools of trade. Chief, I can see you are overwhelmed and therefore you shall take leave. Get debriefed, rest and come back neutral and objective. Director North stated she is depressed and this is wrong. I am normally not harsh, but I am *gatvol*.”

20

And I will jump to almost the end of that paragraph. Third

line from the bottom:

“Mapiyeye, you shall take special leave
and the rest shall report through Mzolo.
If you are afraid/fragile or important,
go to him for solutions.”

And I end, I quote. Are you suggesting that all these words
attributed to you, including the issue of the directive that
they be provided with firearms and tools of trade, all that is
a fabrication? Are some of the words a fabrication and
10 some correct? Where exactly do we land?

DR MASHAZI: Maybe some they are correct, like the
purpose of the meeting, but others I feel that they were
fabricated, but I do not want to accept the authenticity of
this document.

ADV SELLO SC: No, no, we are not testing the
authenticity.

DR MASHAZI: It is not a true reflection and I really do not
want to talk to it. That is why I said, can I be given a
chance to submit my own response to these things?
20 Because I did respond to this ...[intervenes].

ADV SELLO SC: So will you accept an invitation to return
to come deal with your response?

DR MASHAZI: I beg your pardon?

ADV SELLO SC: Will you accept an invitation then to
return to this Commission to deal with your response?

DR MASHAZI: I will submit the response in writing. I will not come to the Committee. No, I cannot. I will get a stroke coming back here.

ADV SELLO SC: If you refer to your Annexure IM14, your IM14 in your annexure file, I want to put a proposition to you. That if IM14 is a true reflection and it is to be believed, then Chief Mapiyeye going on special leave was discussed at that meeting. And I do not know why it is you are blatantly denying it. IM14, remember, that is the
10 Mashazi bundle of annexures.

DR MASHAZI: IM14 page?

ADV SELLO SC: 50.

DR MASHAZI: 50, yes.

ADV SELLO SC: And that is what we call the minute of the 17th of August 2023.

DR MASHAZI: Yes.

ADV SELLO SC: So I say the issue of Mapiyeye going on leave was discussed in that meeting and ought to have been discussed in that meeting, notwithstanding your
20 protestations. Because at 52, there is an entry there on conclusion which says the Chief of Police and or Acting Chief of Police will lead the City in ascertaining that the implementation, monitoring and evaluation of this plan is realised. If there was no – if Chief Mapiyeye going on leave was not even in contemplation and discussed in that

meeting, the fact that the Acting Chief of Police would execute that function would not even arise and would not be part of that conclusion, surely.

DR MASHAZI: Okay, ma'am, can I take you back to page 51?

ADV SELLO SC: Yes.

DR MASHAZI: The last column, integrity and standard function. This is referred to the Chief of Police.

ADV SELLO SC: Sorry, sorry, we are at 51. The first
10 column has got lists of ...[intervenes].

DR MASHAZI: The last one, page 51, the last one.

ADV SELLO SC: Yes.

DR MASHAZI: That the integrity and standard functions, the responsible person is the Chief of Police. So we are using, she is using the words interchangeably so, in terms of her reporting. So the Chief of Police is still there.

ADV SELLO SC: So the head of HR does not know when one is the Chief of Police and one is the Acting Chief of Police and she uses the terms interchangeably?

20 **DR MASHAZI**: Yes.

ADV SELLO SC: Seriously, Doctor Mashazi?

DR MASHAZI: Yes, ma'am.

ADV BALOYI SC: I think, Doctor Mashazi, your explanation cannot be correct. On your version, Chief Mapiyeye on the 15th or 16th asked for leave for 30 days.

So he was going to go and leave. And when you look at page 51, you can do it randomly. That is in addition to what Ms Sello is putting to you, that in page 51, for example, it says Acting Chief of Police is to do that weekly, right at the top, time frames, weekly. In fact, you can start at page 50. Dysfunctional and collapsing of the department, time frames, week one.

So this is immediate effect, but you have given him leave, so it could not be that it is expecting him to be the
10 one that is delivering. It actually says Chief of Police and Acting, and so on and so on. You go to the next page, it says Acting Chief of Police weekly. The next entry, Acting Chief of Police in GCFO, 21 August. On your testimony, he is on leave at this point, on the 21st of August, because your meeting is on the 17th.

So Ms Gxasheka, when she writes here, she knows there is an Acting Chief of Police who will deliver on the 21st of August. Chief of Police, one week of September, right at the bottom. Chief Mapiyeye is on leave because
20 you have given him 30 days. So Ms Gxasheka is making a mistake when she says Chief of Police, in fact, should be Acting Chief of Police because in your testimony, he is on leave in that period.

The same in 52, Acting Chief of Police, 1 September. This is consistent with, in this meeting, or if

you like, you can say a side conversation between you and Ms Gxasheka. But the probability is in this meeting, the issue of Chief Mapiyeye going on leave or suspension, whatever is the correct one that happened, must have come up. Otherwise, Ms Gxasheka made it up that he is going to be the Chief and he will be reporting on the 1st of September when he is on leave. It does not make sense.

DR MASHAZI: Remember, these minutes were not crafted the same day. They were crafted on the 17th, but in terms
10 of the plan, the way it is done, it does not have a date. It might have been that already at this point, Ms Gxasheka or Chief of Police is already on special leave. Remember, it was the 16th we requested, the 17th the meeting, the 18th he left. The 18th of August he left. The gist of the matter was the issue of special leave discussing this meeting, which I say I am not aware of.

ADV BALOYI SC: No ...[intervenes].

DR MASHAZI: And I am saying I do not want to give credence to these notes that I indicated in the meeting, and
20 I would request the Commission that they should wait for my submission, my letter to the Executive Mayor, talking to these issues.

ADV BALOYI SC: I accept, at least for now, that you do not want to discuss the notes from Spies. I am discussing the minute that you accept and that you rely on, that on the

face of this document, if you recall earlier on I said I put to you that the discussion was translated into this plan, what we are told is an operational plan. When Gxasheka allocates tasks, she did not make it up.

At least this document represents that the meeting agreed that the Chief of Police and Acting in week one will do certain things, right? And this is week one after the meeting. And so those dates there are what was agreed in the meeting and she could only say Acting Chief of Police
10 because she knew when this meeting allocated tasks in this document, that meeting knew that there is going to be an Acting Chief of Police. And it could only be because the issue of him being on leave or suspension was mentioned in that meeting. Has to be.

DR MASHAZI: Ma'am, I do not know if you follow my sequence. I said I met with the Chief of Police on the 16th where we discussed these issues and he requested leave, and I agreed to that leave. What was left was for the HOD HR to check if he has enough vacation leave. Because if
20 you check, unfortunately I could not print his leave record. He did not have enough days to take leave. Hence, it was the last option for me, even though I was reluctant to give him a special leave.

If an important person like Chief of Police, being responsible for the safety of all the citizens, including his

own officials within the City, alleges that he is exhausted, he is fatigued, the reasonable thing that an accounting officer would do would agree to a leave so that he can deal with these issues.

ADV BALOYI SC: I accept that ...[intervenes].

DR MASHAZI: By the 16th, ma'am ...[intervenes].

ADV BALOYI SC: What I am discussing with you ...[intervenes].

DR MASHAZI: By the 16th, already we discussed the leave
10 thing and Linda Gxasheka already knew that the Chief has requested leave. What was left on the 16th was for her to check days so that I can approve. But it became apparent that he does not have leave days, hence I gave him a special leave.

ADV BALOYI SC: Yes. Ma'am, all I am trying to clear with you is this document represents that your meeting of the 17th agreed that the Acting Chief of Police will weekly deal with low-staff morale and communication. That is an agreement of that meeting.

20 **DR MASHAZI**: Okay.

ADV BALOYI SC: And it could only be the agreement because the meeting knew, was told, that he is going on leave. I am not sure why you have difficulty with accepting that this is what the document represents.

DR MASHAZI: I accept the document.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner Baloyi. And in fact, Doctor Mashazi, if you turn over leaf in your annexure bundle to page 53, and that is Annexure IM15, this appears to be a letter written by you, dated the 18th of August 2023, addressed to Chief Mapiyeye and copied to Ms Gxasheka. And it is dated the 18th of August 2023. You see that? Do you see that?

DR MASHAZI: Yes, I do.

10 **ADV SELLO SC:** Thank you. And here you reference a meeting of the 16th of August 2023, wherein you requested special leave due to the emotional strain you were experiencing. That is what you write. And then if I skip a paragraph, the next reads:

20 “Having considered your request and
 after implementing mitigation measures
 for the efficient operation of EMPD, it
 has been decided to accede to your
 request for special leave for a period of
 30 days, effective Saturday, the 19th of
 August 2023.”

You see what I am reading? This letter is dated the 18th of August 2023, and it is countersigned upon receipt by Chief Mapiyeye on the 18th of August 2023. Why is it dated so late if you already had reached an agreement on the 16th?

Why was this letter not written and issued on the 16th? Then his special leave could have started immediately after the meeting of the 17th.

DR MASHAZI: He requested the leave on the 16th and because we had to verify in terms of the number of leave days that he had, and that was only confirmed on the 18th that he does not have leave days. Hence, we opted to assist him with a special leave.

10 **ADV SELLO SC**: Is special leave taken on the basis of normal leave days or is it a special leave and a different allocation?

DR MASHAZI: Special leave in terms of authority of the accounting officer. If an officer, a senior manager like himself, does not have enough days when he requests leave, the accounting officer can actually approve such leave, especially because he did not have a vacation. Otherwise, he was going to be subjected to leave without pay, which was not going to be fair on him in terms of financial responsibilities.

20 **ADV SELLO SC**: But what was there to check when at your paragraph 81.1 you state, on 16th August 23, you held a meeting with Chief Mapiyeye during which he requested special leave. So you say special leave is different from normal leave. So on the 16th, already you knew that it is special leave that is required. What was there to check?

DR MASHAZI: Firstly, if a person requests leave, we must first check the days. We must first check whether he has vacation leave before we offer him special leave. At that point, he does not have enough leave days, hence he requested special leave.

ADV SELLO SC: On the 16th of August, you realised?

DR MASHAZI: Yes, yes.

ADV SELLO SC: Hence my question then, if we go to IM15, it is dated two days after he requested special leave, after you checked that. Why is it dated only two days later? Why not on the 16th, on the day he requested special leave?

DR MASHAZI: It is upon his request that he started on Saturday, and it is upon his request that he be on special leave because he did not have enough days, as HR explained.

ADV SELLO SC: So the emotional strain could wait from the 16th to the 19th, according to him?

DR MASHAZI: To him.

ADV SELLO SC: Yes. So his emotional strain was such that he could take another three days at work. He was good for that.

DR MASHAZI: Well, it is up to him to answer.

ADV SELLO SC: Okay, because he suggests that you imposed this special leave on him to the extent that you prepared the special leave and forced him to sign. That is

his testimony before this Commission. Hence the strange start date of the 19th, which is a Saturday. You do not take leave over the weekend. Your leave is for work days.

DR MASHAZI: How do I force a person, a police officer, an ...[indistinct] or senior manager, to take special leave? Why did he not report that to the Executive Mayor?

ADV SELLO SC: Why did he not?

DR MASHAZI: He report me to the Executive Mayor, that I forced him to take leave. He should have done that, rather
10 than him wait until the following year that he was put on a forced special leave. He waited.

ADV SELLO SC: But if his testimony is anything to go by, it is what he was subjected to by the person through whom he directly reports. The intimidation and the harassment and just generally protecting Brigadier Mkhwanazi. And that by this time it was non-negotiable on your part that he is leaving. Regard being heard to his summary of the meeting, as he understood it, of the 15th, according to him, of August, where he brought the precious stones issue to
20 you.

And according to his testimony, you effectively blew a gasket and you said that he is being biased towards Mkhwanazi and he should take leave and go clear his head and come back less biased. And curiously, those are the same words that Spies records in his minute and his note,

RS23 and RS23A. So it is purely coincidental that he would note the same, he would record the same words that Mapiyeye claimed you expressed to him. Or are you suggesting that they are perhaps in cahoots?

DR MASHAZI: Exactly.

ADV SELLO SC: Exactly what? The question.

DR MASHAZI: Cahoots in terms of whatever fabrication they made against me. And the fabrication according to their own notes, when they produced these notes to the
10 Mayor a year later. So they had enough time to actually fabricate and collaborate whatever information they wanted to do. Hence, one of the issues that I am raising is that we were not given enough time. They were given free time to prepare and collaborate and prepare documents so that they collaborate their stories. And it is unfortunate that we were given a week to look at all these allegations within two weeks or a week. In fact, within a week because we received some of these things on the 28th of August. That is why I am saying we will go back and look at some of
20 these issues. But the notes that they made for me is fabrication, and I really do not want to spend time on them.

ADV SELLO SC: So then we must accept. Remember in that RS23(A), it is the typed up version of the manuscript notes taken at the date of the meeting. So we must accept on your logic that the fabrication occurred immediately as

the meeting was panning out. Is that what you are proposing? It is not a post fact concoction by them. Spiess was fabricating them as he is writing in a minute And somehow they were in cahoots with Chief Mapiyeye on that. Is that what you are proposing to the Commissioners?

DR MASHAZI: Yes, ma'am.

ADV SELLO SC: Is that logical to you?

DR MASHAZI: What am I?

ADV SELLO SC: Is that logical to you? What you are
10 proposing, does it sound logical?

DR MASHAZI: For me it is fabrication and hence I said I am not going to talk to those issues because I only saw them a year later when he wanted to mitigate his suspension on sexual harassment on the eve of his, a year later after the meeting happened. That is when I got sight of this. And I am requesting that I stay away from commenting on these minutes.

ADV SELLO SC: And would you be able to venture a guess as to why they would decide to act in such a manner,
20 in cahoots against you? What would be the reason for that?

DR MASHAZI: The reasons, all of them, for me they came for a grievance session here.

ADV SELLO SC: No, no, no, I am talking about the date you say. We know that that note existed already a year ago. Why would they be so acting as of then? It has got

nothing to do with the Commission. Yes.

DR MASHAZI: I do not know, ma'am.

ADV SELLO SC: It just happens?

DR MASHAZI: Just happens.

ADV SELLO SC: When did you become aware that they are in cahoots and ganging up against you, quote unquote?

DR MASHAZI: During the Commission I was actually surprised. And when I see the documentation, sure.

ADV SELLO SC: But the note precedes the Commission by
10 at least two years.

DR MASHAZI: But the notes were actually given to the Mayor a year later. I saw the notes a year later. What is ...[intervenes].

ADV SELLO SC: So this plan is not for purposes of the Commission, therefore, on your version. It was hatched long before the Commission was even conceptualised.

DR MASHAZI: Can you repeat your question?

ADV SELLO SC: I say this plan against you by these members was hatched long before, at least a year, because
20 you say it was tendered to the Mayor a year ago. That plan must have been, therefore, and it is supposed to be in relation to a meeting of the 17th of August 2023. So logic dictates that that plan was hatched at least one year, at the very least, one year before this Commission was even conceptualised. Okay. Chair, I do not know. It would

appear that the witnesses ...[intervenes].

CHAIRPERSON: I wanted to say I think that this point has been exhausted.

ADV SELLO SC: Okay. I think we are all hitting a wall. No, we tried.

CHAIRPERSON: Move on.

ADV SELLO SC: We still have about five questions, I think, to go. And unlikely to finish, even at a push. We tried, Doctor Mashazi. We failed to conclude in a day.

10 **CHAIRPERSON:** Can we take an adjournment? Because if Doctor Mashazi is to continue tomorrow, that is going to impact on tomorrow's programme. Can we take an adjournment? Even though the focus of our discussion is going to be focussing on tomorrow's programme, that has nothing to do with Doctor Mashazi. Please join us so that you do not think we are *skinnering* about Doctor Mashazi.

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

CHAIRPERSON: Yes. We will adjourn for the day and resume at 09:30 tomorrow morning. Doctor Mashazi had
20 said that if she is to come back here, she will have a stroke. I hope you will not, Doctor.

ADV SELLO SC: I will take treatment tonight.

CHAIRPERSON: See you 09:30 tomorrow. Let us adjourn.

ADV SELLO SC: Thank you, Chair.

INQUIRY ADJOURNS TO 1 DECEMBER 2025

