

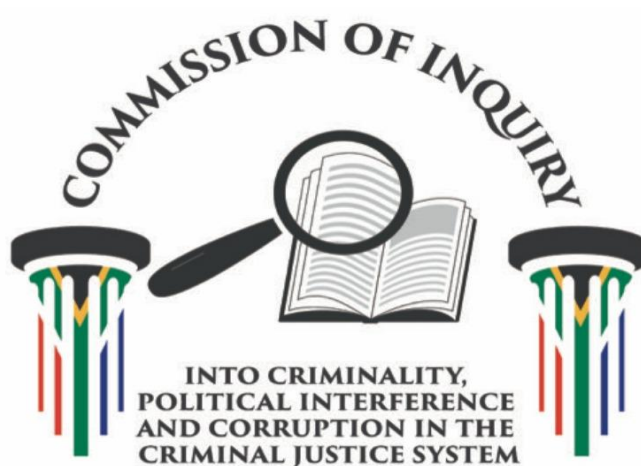
**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**3 DECEMBER 2025**

**DAY 43**



**PROCEEDINGS ON 3 DECEMBER 2025**

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

**ADV SELLO SC:** Good morning, Chair, and thank you. Morning, Commissioners. Chair, today we lead the testimony of Brigadier Julius Mkhwanazi. He will be led by myself and Advocate Ofentse Motlhasedi. You have before you, Commissioners, a file containing the statement of Brigadier Mkhwanazi. I must say the version you have is not his final version, as we will discuss now, but that final  
10 version is in print currently as we speak. So before tea time, you will have the updated statement.

**CHAIRPERSON:** But for now, we go by what we have in front of us now.

**ADV SELLO SC:** Yes, for now, you go with what you have in front of you. The final statement does not amend what you have in front of you. It expands what is already before you. So there are no risks of contradiction. We have satisfied ourselves in that regard. And as I state, the statement is in the process of printing.

20 **CHAIRPERSON:** Thank you.

**ADV SELLO SC:** With those preliminary remarks, Chair, we have the witness, Brigadier Mkhwanazi. He is ready to be sworn in, and he has confirmed that he will take the oath.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you.

**CHAIRPERSON:** Good morning, Brigadier Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Morning, Commissioner.

**CHAIRPERSON:** Please place your full names on record.

**COMMISSIONER MKHWANAZI:** Sorry?

**CHAIRPERSON:** Please place your full names on record.

**COMMISSIONER MKHWANAZI:** I am Julius Doctor Mkhwanazi.

**CHAIRPERSON:** And please switch on the second one.

10 **CHAIRPERSON:** Thank you. And maybe if you can, just try to pull them closer to you. Thank you.

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

**CHAIRPERSON:** Thank you. Do you swear that the evidence you are going to give is the truth, the whole truth ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, Commissioner, I swear that they ...[intervenes].

**CHAIRPERSON:** Just a minute.

**COMMISSIONER MKHWANAZI:** Oh, yes, yes, I swear.

20 **CHAIRPERSON:** Just a minute.

**COMMISSIONER MKHWANAZI:** Yes, I swear that ...[intervenes].

**CHAIRPERSON:** No, no, no. Please, do not rush. Please do not rush. Let me start all over and just listen. Do you swear that the evidence you are going to give is the truth,

the whole truth, nothing but the truth? If so, please raise your right hand and say, "So help me God".

**COMMISSIONER MKHWANAZI**: So help me God.

**JULIUS DOCTOR MKHWANAZI** (d.s.s.)

**CHAIRPERSON**: Thank you. Thank you, Brigadier.

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

Good morning, Brigadier Mkhwanazi.

**COMMISSIONER MKHWANAZI**: Morning, Commissioner ...[indistinct].

10 **ADV SELLO SC**: You should have before you a file. If you look at the spine of that file here, it should bear your name at the top and read Brigadier Mkhwanazi's statement. Is that what you have?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Okay. If we open that file, you heard the remarks I made to the Commissioners when we started. Can I inquire from you, do you confirm that you have prepared a statement for purposes of giving testimony before this Commission?

20 **COMMISSIONER MKHWANAZI**: Yes, I confirm that I prepared.

**ADV SELLO SC**: I want you to look at the statement that is, bears your name from page 1 and through to page 17 currently before another document starts with a flag rule 3. Do you see where I am?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Now, this is currently a 17-page statement and you confirm that it is not the complete statement yet, is that correct?

**COMMISSIONER MKHWANAZI:** Yes, it is correct.

**ADV SELLO SC:** And as a result, it does not have a signature page.

**COMMISSIONER MKHWANAZI:** Yes, yes, I confirm.

**ADV SELLO SC:** So your full statement is yet to be placed  
10 before the Commissioners and that will happen in the course of the morning.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** This version of the statement that we have, are you at least able to confirm the correctness thereof? Is it a correct statement, albeit not the final version, but do you confirm that is the correct statement?

**CHAIRPERSON:** Take your time. Take your time, Brigadier.

**COMMISSIONER MKHWANAZI:** Thank you. Thank you,  
20 Commissioner.

**CHAIRPERSON:** Ms Sello ...[intervenes].

**ADV SELLO SC:** Yes?

**CHAIRPERSON:** Do we have a legal representative for the Brigadier with us here or not?

**ADV SELLO SC:** No, for the record, and thank you for

drawing it to my attention, Brigadier Mkhwanazi is not legally represented.

**CHAIRPERSON**: Oh, all right.

**ADV SELLO SC**: Yes.

**CHAIRPERSON**: I was asking because I see ...[intervenes].

**ADV SELLO SC**: I guess ...[intervenes].

**CHAIRPERSON**: The person closest to the Brigadier in terms of sitting ...[intervenes].

**ADV SELLO SC**: No, no, it is, that is not the legal  
10 representative. For lack of a better term, perhaps I will call her support structure.

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

**ADV SELLO SC**: Thank you.

**CHAIRPERSON**: Thank you. Thank you. If she was, I would have ...[intervenes].

**ADV SELLO SC**: Would have had to place her on record.

**CHAIRPERSON**: Like I have done with all other legal representatives ...[intervenes].

**ADV SELLO SC**: Yes.

20 **CHAIRPERSON**: I would have asked her to place herself on record and ...[intervenes].

**ADV SELLO SC**: Absolutely, Chair.

**CHAIRPERSON**: And greet her ...[intervenes].

**ADV SELLO SC**: Oversight on my part.

**CHAIRPERSON**: Greet her properly. No, there was no

oversight if she is not a legal representative.

**ADV SELLO SC:** No, she is not.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** So he comes alone without any legal representation. Brigadier Mkhwanazi, have you had the opportunity to cast your eye over that statement as you have it in the file and you do confirm that is the statement that you provided to the Commission earlier on, is it correct?

10 **COMMISSIONER MKHWANAZI:** Yes, I confirm.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** It is the preliminary one that I provided earlier on.

**ADV SELLO SC:** Okay. Just then to give you a sense of how we propose we approach your testimony today, we would like to give you an opportunity. No, before I do so, you have as a second document in that file under a tag marked Rule 3, right. That is a Rule 3 notice that was served on you, if you could just once again cast your eye.

20 And do you confirm having received that Rule 3 notice?

**COMMISSIONER MKHWANAZI:** Yes, I confirm.

**ADV SELLO SC:** And does that document concludes at page 6 of that document, bottom right corner, that is where the numbering is, page numbering. It should read 6 of 6. Is that what you have?

**COMMISSIONER MKHWANAZI:** Yes, the one which is having a signature.

**ADV SELLO SC:** Just to confirm, is it followed by another three-page document?

**CHAIRPERSON:** Leave your microphone on. Thank you.

**ADV SELLO SC:** Is it followed by another three-page document headed “Issues to be addressed by Brigadier Julius Mkhwanazi”? Do you have that in your file?

**COMMISSIONER MKHWANAZI:** Yes, I agree.

10 **ADV SELLO SC:** Now I just want to confirm. Do you confirm that you received both the Rule 3 and this list of questions and it is on the basis of these that you prepared your statement. Would that be correct to so assume?

**COMMISSIONER MKHWANAZI:** Yes, it is correct.

**ADV SELLO SC:** Okay. Then, with that understanding, just to give a brief overview of how we will run today. You have structured your statement in a particular format. You have sought to respond to the questions, the specific questions that were put to you. In the course of today, we  
20 will be, I will be engaging you on the contents of the statement and so will the Commissioners as and when the necessity arises, okay.

But for the moment, I would like to give you an opportunity to put your own version across without interrogation, and to the extent possible without

interruption. So I would invite you to look at your statement, and under the respective headings, we deal with the issues that you address in summary form.

When you have concluded that exercise, we will go back to the statement and then engage with the statement almost paragraph by paragraph. But for the moment, you talk and you explain to the Commissioners what your version is on all the issues that were posed to you or you are called upon to answer. Do we understand each other?

10 **COMMISSIONER MKHWANAZI**: Yes, I understand.

**ADV SELLO SC**: Okay. So I will lead you through the document and I indicate where we are in the document and then I ask you then to speak to those issues. And I do not necessarily need you to read what is in the statement, because as I said, once you get to the conclusion, we will then go once again back to the beginning of your statement, and this time we will take what you set out in a systematic version, okay.

20 Now, if you look at your page 1, up to page 3, you talk about yourself and you give your, you give a brief CV and your qualifications and I would like you to take the opportunity to properly introduce yourself, your service history, your qualifications and the CV as set out in pages 1 to 3.

Before we do so, your statement currently reflects

your full ID, now please he is call it out, as well as your telephone number, your cell number. You do not have to read that out. So we do accept that this is the statement of Julius Mkhwanazi, bearing that ID number with that address and cell number, so you can skip that part and start at paragraph 1.1, which is where you state you began your career as a Metropolitan Police Officer in 2002. Then you can address the issues set out in pages 1 to 3. You are welcome to start.

10 **COMMISSIONER MKHWANAZI**: Thank you. Good morning once more, Commissioners. I am Julius Doctor Mkhwanazi, who began his career in 2002 as the new recruit or the cadet.

**ADV SELLO SC**: Brigadier Mkhwanazi, apologies for the interruption, can you pull both microphones closer to yourself? I will try and see if they can also increase the sound on the speakers.

**COMMISSIONER MKHWANAZI**: Yes, please.

20 **ADV SELLO SC**: Just to make sure that you are audible at all times.

**COMMISSIONER MKHWANAZI**: Audible.

**ADV SELLO SC**: Thank you.

**COMMISSIONER MKHWANAZI**: Yes, as I have said that Julius Doctor Mkhwanazi, who started his career in 2002 as a new recruit or cadets, a cadet, trained by Johannesburg

Metro Police. By then, as the City of Ekurhuleni we did not have a training college. They will recruit, then take us to the City of Johannesburg, because the City of Johannesburg had a recognized or registered training academy. We were all trained there.

Then 2003, we passed, pass out parade, then we came back, then we were deployed operationally. Operationally, when you come in, you are deployed in different precincts just to get to know and do your field work  
10 and be trained, in service training, in terms of traffic law enforcement, in terms of crime prevention, in terms of bylaws of the City.

It is when we will be taking to different institutions, or let me say security agencies, just to get to know the institutions that we will be working with, state institutions that we will be working with. Then I worked, then I joined specialized services.

Specialized services, it is the unit that are, it is different from your normal police station. In SAPS, you call  
20 them police station. In the Metro police site, you call them precincts. You see, then we have the units that specializes in different fields. Then I joined, 2005 I was promoted to Inspector.

Then I went to college. I worked at the college for six months. Then I was recalled by the - back to

specialized unit. By then I worked for Public Order Policing Unit, POPS of EMPD. We were doing crowd management. We were doing crowd management to deal with protests, people that have applied for marches, spontaneous gatherings, anything that has to do with management of crowds. Events is part of it. Then I worked, 2009 I request ...[indistinct] Commissioners.

**ADV SELLO SC:** Yes ...[intervenes].

**COMMISSIONER MKHWANAZI:** It was 2009  
10 ...[intervenes].

**ADV SELLO SC:** You are at 1.2, your paragraph 1.2 at page 1.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** No, no, 2009, there were adverts. I applied for a Superintendent position. Then I was appointed as a Superintendent, Superintendent at Public Order Policing Unit. I became a Unit Commander of that unit, a Commander Unit - a Unit Commander, I become  
20 a Superintendent. You manage in terms of your deployment of your personnel, deployment of your resources, be able to attend meetings for events, meetings for special events, and interact with other stakeholders that are dealing with crowds, including internally within the City.

You are interacting, you are engaging with different

departments, but those that specifically deals with crowds and events and everything, because by then as the City, we did not have an events unit, then crowd management was part of all events, were part of the responsibility of public order policing.

Then again, 2014, there were adverts I applied for Superintendent position, you see. It was, but all these positions, not one position, becomes 3, 4, 5, all the candidates, becomes different employees of the City that  
10 apply, and they are called for interviews. I went for interviews, then we were appointed as Chief Superintendent, but I was appointed against Chief Superintendent, responsible for public order policing and other units.

It is your community liaising unit, the unit that goes to community, they engage community, they get grievances, they get challenges, but they come back and inform us, especially when there is a community that is aggrieved. They will tell us this community in this area within the City  
20 of Ekurhuleni is aggrieved, you must expect as crowd management unit that at any time there will be a protest.

But it was easier for me, because I was their Commander. I will get the information and take it and give it to this team, you see. And again, there is a SWAT unit, which is our tactical unit, which is trained to intervene

where a normal precinct or normal officers cannot intervene. It is trained again to make sure that, deals with serious crimes. It may be your CIT's, your armed robberies, business robberies, all the serious crimes that are affecting us. As you know, that Ekurhuleni is an industrial area, you have got a lot of businesses you see, then crimes will be related to those things, you see, but that unit on daily basis it was deployed to attend those challenges.

10 Different from your normal precinct, a normal precinct will do traffic law enforcement, write section 56, issue fines, attend bylaw, even though we have bylaw units, but they will attend bylaw of that restricted, or that precinct. They will attend your social crime challenges, your domestic violence, alcohol, and other things. Metro Police will attend to those things.

20 But these tactical ones will specialises, I have said POPS and crowds, the other one will deal with your serious crimes and intervention, CIT's, cash in transit, armed robberies, business robberies, or even robbing people. We are not concentrating on business robberies, but the crime that is happening amongst our communities. Then I was responsible that reporting to Director Specialised Services. Director Specialised Services at that time it was Director Goodman Mzolo. I was reporting to him with either 12 or 10 Superintendent and Chief Superintendent.

**ADV SELLO SC:** Brigadier, I apologize for interrupting.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You have a paragraph 2 where you have summarized your progression within EMPD for quite an, over an extensive period, 2014. And if you see the end of that paragraph 2, it concludes with a position I continue to hold to date. So it spans 2014 to 2025.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And you have summarized it quite  
10 succinctly, I believe, in paragraph 2.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Perhaps if you read paragraph 2 and 3 into the record, that would give a good sense of your progression within the service. Thank you.

**COMMISSIONER MKHWANAZI:** Thank you. My leadership journey continued in 2014 when I was appointed Chief Superintendent for Specialised Services at EMPD, reporting directly to the, reporting directly to the Director until 2019. That year I was promoted to Director Specialised Services,  
20 overseeing 14 specialised unit and task teams established to address critical challenges.

These included the drug unit, taxi task team, truck hijacking task team, the illegal mining task team, among others. In this role, I reported to the Deputy Chief of Police. As a Director, I reported to the Deputy Chief of

Police. I was subsequently promoted to a Deputy Chief of Police for EMPD Operation and Specialized Services, a position that I continued to date. I was appointed 2023 ...[intervenes].

**ADV SELLO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Till to date.

**ADV KHUMALO SC:** Can I just get clarity on your rank?

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

**ADV KHUMALO SC:** Good morning.

10 **COMMISSIONER MKHWANAZI:** Oh, morning. Good morning, Commissioner.

**ADV KHUMALO SC:** Is it appropriate to still refer to you as Brigadier? Has your rank changed or are you still Brigadier?

**COMMISSIONER MKHWANAZI:** No, it has changed.

**ADV KHUMALO SC:** What is it now?

**COMMISSIONER MKHWANAZI:** It is a Commissioner.

**ADV KHUMALO SC:** So it is appropriate to refer to you as Commissioner?

20 **COMMISSIONER MKHWANAZI:** Commissioner, yes, or Deputy Chief of Police.

**ADV KHUMALO SC:** [Indistinct]... [cross-talking] disrespect you in any way, so from now on, we will call you Commissioner.

**COMMISSIONER MKHWANAZI:** Yes, I thought you are

doing it because of the allegation, because I was a Brigadier.

**ADV KHUMALO SC:** That is why I immediately picked it up when I saw in your statement that you do not call yourself Brigadier. So from now on, we will call you Commissioner Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Thank you, Commissioner, it is correct.

**ADV SELLO SC:** And if I may echo that, Commissioner  
10 Mkhwanazi, because when I introduced you, I claimed that our witness is Brigadier Mkhwanazi and I clearly made the same error for which I apologise. It was not intended to demean you or your position. So it shall be duly corrected and henceforth I shall refer to you with your proper title, Commissioner.

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** Before we leave paragraph 2, you have, you stated there that you, as a Director of Specialized Services, you reported to the Deputy Chief of Police. Just  
20 for the record, is that Commissioner Mzolo?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Thank you. You are then going to deal with paragraph 3.

**COMMISSIONER MKHWANAZI:** Yes, but he has retired.

**ADV SELLO SC:** Yes, I know that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** And on that score then, it is his position you have assumed?

**COMMISSIONER MKHWANAZI:** Yes.

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

10 **COMMISSIONER MKHWANAZI:** Paragraph 3, the functions or three legal mandates of municipal police, which are traffic law enforcement, crime prevention, bylaw enforcement, but also added, as we know that development in the country, the challenges are changing, you see, and you must be able to respond and be responsive to those challenges as a Metro Police department.

Part of those was crowd management, because by then we were doing three functions, VIP protection, there is also other responsibilities. As I have said, we have got  
20 illegal mining, as I have said that we have got illegal mining task team that is addressing the issue of illegal mining in the City of Ekurhuleni. But that is one of the challenges that we are having in the City of Ekurhuleni.

Illegal mining, as you know, that it was a mining area before, but now all these mines are neglected, but

illegal miners are there in full force in different areas. It may be your informal settlement, inside that informal settlement or inside that house, you will find a hole where they are busy with illegal mining. Inside those shacks, you will find the same thing. Inside the parks, industrial areas, you will find those challenges. And they are contributing to crime, they are contributing to illegal occupation or land invasion. Then we are forced to have a land invasion unit to respond on that.

10           As you know, that Gauteng Metro they become the attracting areas in terms of your jobs, people will come in, in terms of the settlement and everything. Those units, again, I did not mention land invasion unit. We are still having those.

          We are responding to the challenges that we are facing. That is what I like with EMPD, they give you, they allow you to be flexible and be able to respond to whatever challenges and create those things that will respond to those challenges. As I have said that your precinct will  
20 concentrate on this one, but you must still have this unit, still focusing on that.

**ADV SELLO SC:** Before you turn to the next sub-chapter, which deals with your qualifications, if I could just ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Deal with your paragraph 3. You spoke earlier, and I think fairly extensively, about crowd management, and I think we understand.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The other function you list there is VIP close protection. Can you just briefly state what that entails?

**COMMISSIONER MKHWANAZI:** In early 2000, or let me say, the City has took a decision that we need to protect  
10 our principals. We need to protect – in fact, it is the responsibility of the Metro Police to protect the citizens of the City, the officials that are employed by the City, the politicians that are within the City.

Then the City took a decision, an EMPD, to establish VIP protection which does close protection, close protection which deals with protecting the principals or those that are identified that are having threats. You may have an ordinary HOD that deals with your Human Resource, that deals with your, with the Finances of City,  
20 like for example, the group CFO that the City has identified that we have got a group CFO and the City is having challenges in terms of payment of finances.

Then we may find that those are the provided services, they are not happy because they provided services, but the City is delaying to pay services and they

will come and want to meet with him and are angry. Then we, the City took a decision that let us identify all those and provide protection. But most importantly, we provide protection to all our MMC's, Members of Mayoral Committee. The Executive Mayor, the Speaker, the Chief Whip, and the ten Members of Mayoral Committee.

It is MMC's of Finance, MMC's of Committee Safety, MMC's of Sport, and all these departments. We are protecting them on a daily basis. As a trained protector,  
10 qualified protector, we call them principals. Our duty is to make sure that they are safe, and even if they go and address, because you have got protests in the City of Ekurhuleni, you have got challenges there and there, but MMC's, the Mayor, give them a mandate to instruct them to go and address, go to members of community and go and address.

Then we are having VIP that is strictly focusing, I do not want to say that, or in that home bode of the Principal. Then you will have your crowd management that  
20 focuses on the public, then closed protection people are not focusing on members of public.

If there is a challenge, they must move with this, rescue their Principal, run away with him. If there are challenges where they need to engage, but we never had that situation where we have to fight and shoot and engage

the criminal or those that want to kill the Principal. But their main responsibility is to do that. But we are not strictly focusing on that, if this, or on them, but if the City says that we have got this witness, we have got this person that must come and testify in terms of whatever crimes or whatever challenges in terms of your disciplinary hearing, the person comes from Mpumalanga, the person comes from the City of Ekurhuleni, and the person comes from the City of Johannesburg, then that team and other members are  
10 tasked to go and face that member, protect him or her towards that, and again do the same thing. And internal again, if there are those that are staying within the City of Ekurhuleni, we provide such services.

**ADV SELLO SC:** Thank you for that clarification. I think we understand the distinction in the various functions and thank you for that. If you turn then to page 2, up until page 3, you deal with your academic qualifications, and they are quite extensive, spanning a period from when you graduated from high school in 1997. Would you like to highlight any in  
20 particular for purposes of the Commissioners, please. You do not have to read, it is quite an extensive CV.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** You do not have to read everything.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** So it is your choice what you would like

to highlight for the moment. Thank you.

**COMMISSIONER MKHWANAZI:** Yes, there is academic one, which I did with recognised institution. I attended courses with Wits, I attended courses with University of Western Cape, but those are short courses. Then I attended a post-graduate in public management with Regenesys Business School. Immediately after that post-graduate, it was from 2014 till 20, no 2012 till 2014 or 15, then immediately after that, I registered for Masters in  
10 Public Management. Those are academic ones.

Then in terms of skills development, I attended different skills development courses with SAPS, with tactical units that are recognised in terms of providing skills development, in terms of the field that they are doing, VIP protection, tactical fire shooting, close-quarter combat, also in terms of your crime prevention management.

I also attended a military with SANDF, S-A-N-D-F. I want to call it correct. Yes, with SANDAF. I attended the leadership skills development course, your intelligence  
20 gathering, your, I do not want to, let me say survival course, in terms of when we are deployed in different fields, how to survive, how to track, how to get information, again, leadership in terms of management, military leadership in terms of giving command and control to your subordinate, in terms of engaging your subordinate, in terms of your

parades, how to address a parade. I think it is that. Then ...[intervenes].

**ADV SELLO SC:** Can I perhaps, and if I come short, you will point out, invite you perhaps to comment on a qualification here. Ja, you say the development, skills development qualification, FBI USA and JMPD Johannesburg in 2005 at the bottom of page 2. Can you speak more to that?

**COMMISSIONER MKHWANAZI:** Yes. Johannesburg Metro  
10 Police had relations with FBI from USA. Then they used to invite them to run courses in the City of Johannesburg. Then as the City of Ekurhuleni we were one of the privileged to be invited to be part of that training, trained by FBI.

We attended that training at the City of Johannesburg. It was about your interview and interrogation of the suspect in terms of reading a body language, in terms of getting the ...[indistinct] when I am interviewing, when I want to get information. You see, it  
20 was a very broad course that took six weeks, if I am not mistaken, but training us in all those skills.

**ADV SELLO SC:** The next one I think might be worthy of you to highlight is at page 3, it is your third entry. You have it listed as AFSA, then you call it a CQC instructor's course. What is that?

**COMMISSIONER MKHWANAZI:** Oh, yes, it is a close quarter combat.

**ADV SELLO SC:** Oh, close quarter combat.

**COMMISSIONER MKHWANAZI:** Where we are trained, you are trained on how to fight without a firearm, how to use knife, how to fight. It is like you, like in simple terms karate. It is very simple when I say that.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** We were trained to be  
10 ...[indistinct] you see, yes. But again, how to fight in an environment where there are people, you cannot use a firearm, or how to, not how to fight there, how to protect yourself and protect members of community, not to injure innocent bystander or innocent people you see, it is about that.

**ADV SELLO SC:** Just to let you know, you provide us a name for the institution as AFSA. Now, in law and in arbitration, we have got an institution called Arbitration Foundation of Southern Africa. So, I was not quite sure  
20 exactly which institution you are referring to. So, what does AFSA stand for there?

**COMMISSIONER MKHWANAZI:** I forgot its name, but it is a private institution.

**ADV SELLO SC:** But it is in relation to policing and crime combating and the like.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** It has got nothing to do with arbitration as we have it in the field of law.

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV SELLO SC:** Now I am clarified.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Then perhaps the last one would be the  
10 Los Angeles and EMPD Academy and there it is supervisory  
leadership management course. So it is your standard  
leadership management course ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But I take it specifically for the police  
environment.

**COMMISSIONER MKHWANAZI:** Yes, yes, you are correct.

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

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** At least that one I understood.

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Thank you so much. Perhaps then this  
might be an opportune time to get into the substance of  
your statement, and you start that at page 3 from your  
paragraph 4, and this you do over a number of paragraphs.  
It starts at page 3, it will take us to page 7, paragraphs 4 to

19. There is quite a lot of detail in there. So we do not have to go into the detail at the moment. I just want you, even with reference to the statement, just to summarize.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But this you do under a heading you have termed “Relations with Vusi Matlala”.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** May I start?

10 **ADV SELLO SC:** Absolutely, please do.

**COMMISSIONER MKHWANAZI:** Yes. My relation with Mr Matala, relation with Mr Matala it started in 2022, 2022, after my team members introduced me to Mr Mike Van Wyk, the Director of Medicare24 in Boksburg. Yes, it was after the first COVID yes, because in the first COVID, towards the end of the year, with Mike Van Wyk when I was from COVID ...[intervenues].

**CHAIRPERSON:** Sorry, sorry to interrupt.

**COMMISSIONER MKHWANAZI:** Yes.

20 **COMMISSIONER MKHWANAZI:** Is it 2022 or 2020? I just need you to be clear.

**COMMISSIONER MKHWANAZI:** Okay, no, it is, let me say 2021.

**CHAIRPERSON:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And on that score, you call it first COVID.

Did we have more than one?

**COMMISSIONER MKHWANAZI:** No, I am saying after – we had three.

**ADV SELLO SC:** Oh, we did?

**COMMISSIONER MKHWANAZI:** Yes, and ...[intervenes].

**ADV SELLO SC:** [Indistinct]... [cross-talking].

**COMMISSIONER MKHWANAZI:** I had three of them, that is why I can remember.

10 **ADV SELLO SC:** Okay, so the first, what you call the first COVID pillar is 2021, thereabouts.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** The first one, it was 2020, that year, you see.

**ADV SELLO SC:** All right.

**COMMISSIONER MKHWANAZI:** But it was after the first COVID.

**ADV SELLO SC:** Okay, noted. Thank you.

20 **COMMISSIONER MKHWANAZI:** Yes, yes, after my members from Community Liaising Unit introduced me to Mike, because they have said they are working with them in terms of your, our members, they normally work with different security companies in terms of the area where they work in and do crime prevention and what, what.

They introduced me to him and say, there is this guy that is a director of Medicare24, you see, ones who have relations with us and the department and assist in terms of resources and other things. After that, I went and met with Mr Mike Van Wyk. Let me call him Mr Mike Van Wyk. He was a director, or he is a director ...[intervenes].

**CHAIRPERSON:** You said he wanted to have a relationship with us, us being the EMPD?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, and assist  
10 us. Yes, then I met with him for the first time. He introduced – I will not remember the specific date, calendar date.

**ADV SELLO SC:** That is fine.

**COMMISSIONER MKHWANAZI:** Yes. Yes, we met, then he engaged that, no, no, no, usually I am working with your members, so my team members are working with your members direct. I think it will be strategic if we can work ...[indistinct] our company it is here, your members are patrolling here. Oh, the company it is in Boksburg. It is  
20 based in Boksburg. It is a clinic, it is a big clinic, a private clinic, you see. Then we can be happy if we can work and I am also interested in terms of establishing, or I am in a process of establishing my security company. I forgot its name, but I think I around the statement it is there. Then we discussed ...[intervenes].

**ADV BALOYI SC:** Sorry, Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Mkhwanazi, sorry, I missed. You said it is your members from? From which part of the Metro that introduced you and that are working with Mr Van Wyk?

**COMMISSIONER MKHWANAZI:** Yes, that time it was Community Liaising Unit.

**ADV BALOYI SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes, it was Community  
10 Liaising Unit. Then I went, that is where he related his  
story. I said, no, it is fine you see. But on our  
engagement, I was able to engage him and tell him that no  
man, in terms of, because his ideas, it was to prove, to  
assist us in terms of first response when our members are  
injured in incidents and accidents. Incidents it may be your  
stabbing, your shooting, or injured whilst they are on duty.

Then he said, no, we will come and assist in terms  
of stabilizing then and be able to assist in terms of the  
clinic or the hospital if he is on medical aid, if he does not  
20 have medical aid we may assist to stabilize. If it can  
stabilize, but in terms of the hospital, they may go to public,  
because in our career, we have got members that have took  
medical aid, some do not have medical aid. It is voluntary.  
There are members who do not have medical aid. They do  
not feel like having a medical aid. But they are

operationally working, you see. Then again, he mentioned in terms of assistance, again, where a person will need to be taken by chopper and everything. He said, no, no, no, can you facilitate or you can speed up those processes, you see.

But out of that, we agreed that we are going to engage. Then I engaged my superior at that time, Goodman Mzolo. Then he said no, Julius, this needs the City because it has to do again with issues of health, issues of  
10 medical aid and everything. Then there was, I omitted it in the statement, there was a time where he went and presented in a senior management of the City. Not, we have got our own management as EMPD. He went and to present in the CSMT of the City where all HOD's are sitting.

**ADV KHUMALO SC:** Are you now talking about Mzolo or ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no, no. No, no, no, when I am saying senior, senior were the Chief and other HOD's, head of departments are sitting.

20 **ADV SELLO SC:** Perhaps let us do this, Commissioner, because I also was a bit confused. Let us take a step back. You say he went to present. Let us start there. Who is the "he" you are referring to here?

**COMMISSIONER MKHWANAZI:** Oh, Mike Van Wyk.

**ADV SELLO SC:** Mike Van Wyk, okay.

**COMMISSIONER MKHWANAZI:** Mike Van Wyk from Medicare24.

**ADV SELLO SC:** Yes, Mike Van Wyk ...[intervenes].

**COMMISSIONER MKHWANAZI:** At Boksburg.

**ADV SELLO SC:** Got opportunity to present.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And you mentioned a structure there. That is the bit I lost.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

10 **ADV SELLO SC:** Can you say it again, please. He presented to who?

**COMMISSIONER MKHWANAZI:** CSMT. No, it is SMT.

**ADV SELLO SC:** What is that?

**COMMISSIONER MKHWANAZI:** S, senior management team.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** City senior management team, yes.

20 **ADV SELLO SC:** So then following on the inquiry from Commissioner Kumalo, you are saying this is not an EMPD structure, it is the City of Ekurhuleni structure.

**COMMISSIONER MKHWANAZI:** Ja, the Deputy Chief and his Directors are not sitting there.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So who sits there?

**COMMISSIONER MKHWANAZI:** Before the ...[indistinct] that happened, it was the Chief of Police, Isaac Mapiyeye.

**ADV SELLO SC:** And he sits there with who?

**COMMISSIONER MKHWANAZI:** All other heads of departments.

**ADV SELLO SC:** Head of, heads of department of the City of Ekurhuleni?

**COMMISSIONER MKHWANAZI:** Ja, different ones.

10 **ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** That time we had 21.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, but now it is 12 years, they reduced it to 14, but that time we had been 1.

**ADV SELLO SC:** Understood.

**COMMISSIONER MKHWANAZI:** Yes, but I was not part of that because I am not allowed to sit there.

**ADV SELLO SC:** Yes, yes, no, I understand that.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** So, we understand now, Mr Van Wyk then got to make that presentation to SMT. You have described what SMT is and who constitutes that body.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay, you can take it from there.

**COMMISSIONER MKHWANAZI:** Yes.

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

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

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Ja, can I just check that in this SMT where the heads of department sit, the City Manager also sits?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV BALOYI SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes. But I was, I am not  
10 part of that meeting. I was not sure, I am not, I cannot tell  
who was part of that meeting, who was not part of that  
meeting. But after that, after he came back, you see, he  
arranged a meeting with me, then we met.

Then, we, he presented whatever that he  
presented, but it was more or less the same thing that he  
told me you see. It is just that it was only a presentation  
for my format. In that presentation format, I know that he  
showed me they were choppers, they were marked response  
vehicles, red, with colour red, that, or their emblem and  
20 colours, Medicare24. Sorry, Commissioners, I am becoming  
thirsty.

**ADV SELLO SC:** No, you do not have to apologize. It is  
there for your consumption. Anytime you want to take a  
drink, please feel free to.

**COMMISSIONER MKHWANAZI:** Yes, he took me through

the presentation that he presented. He took me through the presentation that he presented at SMT.

**CHAIRPERSON**: [Indistinct]...

**COMMISSIONER MKHWANAZI**: Commissioner?

**CHAIRPERSON**: Can you please arrange for more water?

**ADV SELLO SC**: Absolutely.

**CHAIRPERSON**: Thank you. Thank you.

**COMMISSIONER MKHWANAZI**: He took me through that.

Yes, then, then he said I must formalize it now, formalize  
10 the ...[intervenes].

**ADV SELLO SC**: Apologies, Commissioner. You say he took you into that. I think because of the Chair's request that you be provided with more water I must have missed something. He took you, he who, Mr Van Wyk I take it?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Took you into that, the "that" being?

**COMMISSIONER MKHWANAZI**: The presentation that he presented.

**ADV SELLO SC**: Okay, oh so he took you through the  
20 presentation?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: I am with you.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Thank you for the clarification.

**CHAIRPERSON**: The presentation he had made at the

SMT?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Please proceed. Thank you.

**COMMISSIONER MKHWANAZI:** Well, let me mention, I tried to get hold of him. I thought maybe I would be able to have that presentation because I must talk to something that, but I could not win, you see, but I will try to make sure that you also get that.

**ADV SELLO SC:** Yes.

10 **COMMISSIONER MKHWANAZI:** Because I cannot talk something that you will not have. But after that, we had a proposal that can we formalize that thing by writing to the department since start following the processes, you see. That is when there was communication of the proposed letter of MOU, you see, to communication between me, the Project Officer at Chief's office, or at Chief Mapiyeye's office, the person who deals with all the projects, which is Mrs Jarmaine Fortein. Then on that, again ...[intervenes].

**ADV SELLO SC:** Please say the name again?

20 **COMMISSIONER MKHWANAZI:** Jarmaine Fortein.

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

**COMMISSIONER MKHWANAZI:** It is Mrs Jarmaine Fortein. But I communicated. It is not Mike that has communicated with him first. I am the one who communicated. That is we are dealing with projects, you see. There is this person and

it is in the Chief's office, but I also communicated by that time with Deputy Chief Mzolo. Deputy Chief Mzolo advised me, no, no, no, there is a Project Officer that does those things. Communicate with the project officer, she is the one that runs that.

Then that is when I shared her work e-mail and my e-mail with Mike. Mike sent a proposal letter. Then there was a communication. It is just that I had one communicate, but I attached that paper trail or that  
10 communication trail, you see. Then it was sent to Chief's office. It was on the, let me check the dates. But let me take it on high note because we are still going to ...[indistinct] [intervenes].

**ADV SELLO SC:** No, no, no, you do not have to guess.

**COMMISSIONER MKHWANAZI:** Yes ...[intervenes].

**ADV SELLO SC:** With reference to the annexures, you will get the specific date. We just want to have a sense of sequence of events right now.

**COMMISSIONER MKHWANAZI:** Thank you, Madam.

20 **ADV SELLO SC:** So do not be too bothered with the detail of things such as dates.

**COMMISSIONER MKHWANAZI:** Thank you. It was shared, it was communicated to Chief's office, and I had bilateral with the Deputy Chief, and I also had bilateral, when I am saying bilateral, like talking like this. Yes, I had also talk to

...[indistinct] like this with Chief Mapiyeye. You see, he said no ...[indistinct] or he was calling me J. He called me J, no Jay, I will look at it, then I will see what to do, you see. Then it happens. But after that, then my team again said there are guys that are working with Mike Van Wyk, but those guys are good, they are trained.

They are from special task force, SAPS and army. But they are recruited, they are working for a private company that is called CAT VIP Security. You see, it was  
10 after months, if I am not mistaken, 2022 now.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** You see.

**CHAIRPERSON:** Was this people also from the Community Liaison Unit?

**COMMISSIONER MKHWANAZI:** No, no, they are working together. Remember all of them, they were reporting to me, but those ones were from SWAT unit.

**CHAIRPERSON:** Oh.

**COMMISSIONER MKHWANAZI:** Yes.

20 **CHAIRPERSON:** As in S-W-A-T?

**COMMISSIONER MKHWANAZI:** SWAT unit.

**CHAIRPERSON:** It is also S-W-A-T? S-W-A-T?

**COMMISSIONER MKHWANAZI:** S-W-A-T, yes. But we also called it Intervention Unit.

**CHAIRPERSON:** Oh, all right.

**COMMISSIONER MKHWANAZI:** SWAT or Intervention Unit. It is like your ...[intervenes].

**CHAIRPERSON:** Please remind me what SWAT stands for. I know it from the movies.

**COMMISSIONER MKHWANAZI:** No, let me call it Intervention Unit. They intervene where there are serious challenges, but it is one of the skilled unit that will depend on, in terms of your shooting, in terms of fast intervention. Their responsibility is not go to an area and wait for four or  
10 five hours. It is to make sure that they come there, professionals sort the problem, and leave it to your normal precinct or your normal people that are doing normal ...[indistinct] in terms of serious crimes. You see, it is what they, that is why we call them intervention. They intervene and solve the problem and go back and train or go back to do whatever they are doing.

**ADV SELLO SC:** Please he is forget the question from the Chair. You referred to that unit as the SWAT team.

**COMMISSIONER MKHWANAZI:** SWAT, yes I will  
20 remember it yes.

**ADV SELLO SC:** And then he says ...[intervenes].

**COMMISSIONER MKHWANAZI:** I must remind him.

**ADV SELLO SC:** He remember that term from the movies, so could you please assist him ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, I will assist

...[indistinct] [cross-talking].

**ADV SELLO SC:** In understanding what it stands for?

Thank you.

**COMMISSIONER MKHWANAZI:** Yes, I ...[intervenes].

**ADV SELLO SC:** Or you too do not recall off the top of your head what SWAT stands for?

**COMMISSIONER MKHWANAZI:** Ja.

**ADV SELLO SC:** Okay, then ...[intervenes].

**COMMISSIONER MKHWANAZI:** I call it ...[intervenes].

10 **ADV SELLO SC:** The Chair does not have to feel that bad.

**COMMISSIONER MKHWANAZI:** I am like the Commissioner ...[vernacular] movie language. They are Intervention Unit, but I know it, I will tell you now-now, Commissioner.

**ADV SELLO SC:** All right.

**COMMISSIONER MKHWANAZI:** You see.

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

**ADV BALOYI SC:** Ms Sello, can I just check, is Intervention Unit their formal name?

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** That is ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** The name we will find on the records of the City.

**COMMISSIONER MKHWANAZI:** Yes, yes. Yes, but when

you look at the movies, they do the work of SWAT unit.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Your security companies, they like to write SWAT and Americans, they say SWAT unit in other countries.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Thank you.

**COMMISSIONER MKHWANAZI:** And our guys like to be  
10 called that SWAT unit. They are not happy with this  
Intervention, yes.

**ADV BALOYI SC:** I guess SWAT is fancier in the movies.

**COMMISSIONER MKHWANAZI:** Yes. It gives that – but  
after that you see, we were planning for the State of the  
City address. It was 2022. As I have said, it was a month  
before.

**ADV SELLO SC:** Just so I do not get confused. What was  
a month before, the engagement you just spoke of now  
where you are introduced to CAT VIP security?

20 **COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** That is now a month before the State of  
the City.

**COMMISSIONER MKHWANAZI:** It is, no, no, before,  
before the State of the City.

**ADV SELLO SC:** But it is in 2022.

**COMMISSIONER MKHWANAZI:** Let me say early 22 or mid.

**ADV SELLO SC:** That is fine.

**COMMISSIONER MKHWANAZI:** 2022.

**ADV SELLO SC:** [Indistinct]... [cross-talking] timeline. So we are now in 22. Remember the first engagement was from 21 when ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So now we are in 22.

10 **COMMISSIONER MKHWANAZI:** 2022.

**ADV SELLO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But definitely before the State of the City address.

**COMMISSIONER MKHWANAZI:** Yes, before the State of the Address, you see.

**ADV SELLO SC:** You may continue.

20 **COMMISSIONER MKHWANAZI:** Then he communicated that with me, you see. Then in my mind, when, or I met the Chief of Police and he briefed me and Mr Mzolo that the City has took a decision to have the State of the City. The State of the City, it is addressed by Executive Mayor of the City and by then we were after the elections of 2021, around November 2021 elections where, local government elections, where the new political parties after the election

had collusions.

In the City, it was for the first time for us to have a collusion government. Economic Freedom Front and Democratic Alliance formed a collusion immediately after elections.

**ADV KHUMALO SC:** I do not think they will appreciate you calling them Economic Freedom Front.

**COMMISSIONER MKHWANAZI:** EFF.

**ADV KHUMALO SC:** Freedom Fighters.

10 **COMMISSIONER MKHWANAZI:** Oh, sorry. Thank you, Commissioner. Thank you for correcting me. Thank you for correcting me. I usually call the, call EFF. Yes, let me call it correctly, Economic Freedom Fighters, yes, and Democratic Alliance. Thank you. Thank you, Commissioner.

Then they had the collusion. Then the Mayor from DSL, the DA was able to get the Mayor and other parties, they shared a Mayoral Committee position, Speaker's position, and Chief Whip position. Then Chief Mapiyeye presented a document that is attached to the submissions  
20 where the Alderman or Executive Mayor that time raised concerns about the threats, about disruptions that were made by African National Congress in the City.

It is that document, it was presented to me and Mr Mzolo said, and the City has took a decision or a resolution to have the status for the City address around April, yes, or

in April, yes. And that took place, then we, I thought of the engagement with SWAT Unit or Intervention Unit. Then I called them and say, you remember those guys? They said, no, they are good guys. When we do our own private shootings as teams, you know, members, especially police, it becomes a sport in terms of playing with firearms, they attend competition and become shootings, and they get skills. They cheat one another in terms of your tactical movement, your shooting movement, how to be a best  
10 shooter, how, all these things of handling firearms, tactical standing and all these things, but it is about shooting and those guys are good. They are giving us good theories and they are very disciplined.

Then I went to Mike again and said, Mike man, we have got these guys or will have the State of the City, and I am told that there are threats there. And the threats were very clear that are coming from African National Congress when I was briefed or when we were briefed by the Chief of Police, you see. Then it was fine. Then I said, man, can I  
20 communicate with Vusi, you see, because they said he is the owner of the CAT VIP Security. I think I still remember it correctly. I am just summarizing. Yes, he said ...[intervenes].

**CHAIRPERSON:** Just clarify this to me. The Intervention Unit members told you about CAT VIP Protection Services.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** I want to get an understanding of what then led you to Mr Van Wyk.

**COMMISSIONER MKHWANAZI:** Oh.

**CHAIRPERSON:** What was the connection, yes.

**COMMISSIONER MKHWANAZI:** Oh. No, when you, or CAT VIP Security, yes, that was owned by Mr Vusi Matlala. When you enter, that time when you enter ...[intervenes].

**CHAIRPERSON:** It is exactly at that point ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** So this entity is owned by Mr Matlala, but you go to Mr Van Wyk ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** When you want CAT VIP Protection Services to assist. So I want to understand why Mr Van Wyk and not Mr Matlala.

**COMMISSIONER MKHWANAZI:** Yes. When you enter at the Medicare, when you enter Boksburg Medicare24, there are photos of all the Directors, you see. Next to Mr Mike  
20 Van Wyk there is a photo of Mr Vusi Matlala, you see. And there other, I think there are, there were about 10 photos of those Directors, you see.

But my guys had already briefed me, which he works with, Mike, said, Mike, no, no, no, it is fine. Never mind, Commissioner, there is something that I jumped, but

said I am summarizing, you see. But I will talk to that. Let me finish this one so that we will be clear. Then he said to me, no, no, I can arrange a meeting with Vusi.

But I went there trice, Commissioner, né. [Indistinct]... photos, I saw him twice there, but I did not know because there were a lot of them were making up and down, but you could see that, oh, this one is this one, this one is this one, this one is this one, you see. But I was there just to talk to Mike and communicate with Mike, you see.

10

Then we met, he explained that, no, no, he owns that thing. He confirmed again that his guys are from SAPS Task Force, they are from SANDF, you see. They are good, they are well, or he presented them very well to me. I said, you know, man, we have got threats, you see, when I can meet. Then we met at Boksburg Medicare24, you see. He listened ...[indistinct] person does not like to talk too much. He was quiet, listening to me.

**ADV KHUMALO SC:** Commissioner, because you are talking about different people, when you say we met ...[intervenes].

20

**COMMISSIONER MKHWANAZI:** Oh, humble apologies.

**ADV KHUMALO SC:** Is it Van Wyk or is it Matala?

**COMMISSIONER MKHWANAZI:** No ...[intervenes].

**ADV KHUMALO SC:** So just mention the name so that we

know who you are referring to.

**COMMISSIONER MKHWANAZI:** It is Mr Vusi Matalala, yes, with Mike, you see. Then I related my story. I presented my story to him, you see. He said, no, no, no, it is fine. I said, but guys, I want to have a tender of security with me, but that time it was not formal. He was just talking and everything ...[indistinct] VIP ...[indistinct] said, no, no, on our side, VIP is not that thing. VIP is not privatized, something like that, you see.

10 But he said, no, no, no, it is fine, formalize it, you see. Then I said to him, I am told that your offices are not here, you see. Is it a formal institution, it is a formal company? Then he said, yes, yes, yes, we are in Tshwane, what is this mall?

**ADV SELLO SC:** We will get to the mall.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, but I went to his offices. It is formal offices, when you enter, it is a high-  
20 class formal VIP security offices. Then you can see there is administration, everything is there, you see. Then he took me through, we spoke, I said, no, no, no, I see that this company is there, it is formalized, and, and, and it was before the State of the City.

Then towards the state of the City, planning

started. Then I called him and say, Chief, you remember that we, or he likes to talk ...[indistinct] style, he was calling me “ngamla”, then I will call him “ngamla”, too, you see. Now it is ...[indistinct] linguist, you see. He said “ngamla” ...[indistinct] no, it is fine, you see. Then I said “ngamla”, there is going to be that as I told you and we are closer to that and usually when it is that, we have got planning, operational meetings that are City, you see. He said, no, it is fine, I will send a person.

10 I told him that it is at Germiston, times and everything, you see. But on that day, he called, he said, no, I am coming personally, you see. He came personally at Germiston Civic Centre where we were planning with all the Commanders and all the people that are going to take part. It is private security, it is SAPS, it is us as EMPD, because it was the City's event and it was done by us in terms of planning and everything, you see.

**ADV SELLO SC:** Commissioner, sorry to interrupt, you keep making reference to a “he”, “he” came personally.

20 Who is the he in this instance?

**COMMISSIONER MKHWANAZI:** Vusi ...[intervenes].

**ADV SELLO SC:** Oh, Vusi Matala.

**COMMISSIONER MKHWANAZI:** Vusi Matlala, yes.

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

**COMMISSIONER MKHWANAZI:** Yes. I will try to move

away from this “he”, “he”, “he”.

**ADV SELLO SC:** I know.

**COMMISSIONER MKHWANAZI:** Yes. No, he came, and that time we had some members from Mayor's office of Alderman Tania Campbell. Our Executive Mayo was Alderman Tania Campbell. In Council, when you have got long service, they give you the status of Alder, it is Alderwoman or Alderman, it is Alderwoman Tanya, so not Alderman, Alderwoman Tania Kimberly, who was the  
10 Executive Mayor at that time.

Then we met with seniors from her office, you see ...[indistinct] members there, and, but if they, they are going to assist us, they are going to take part in terms of providing the protection of the outer perimeters, you see, because part of the skills that we are having, task force, is the skill of snipers. They are good in terms of the targets, you see. You will not injure anyone, you see.

But again, out of that engagement, we said it will be good in terms of beef-upping the VIP in terms of escorts,  
20 your, whilst they are going, they will do advance, advancing so that the other ones will see that it is clear, it is clear. Then there is a backup that is going to do that.

Then we went back after our meeting. We then went back to the whole meeting where I presented him. I introduced him to that team that no, no, the CAT Security

that we discussed about this is the owner of the CAT Security. It was for the first time for members to see him, you see. This is the owner of the CAT Security, but he confirmed that, no, no, I am not going to be part, I do not sit in this meeting “ngamla”, you see, I will send a representative from ...[indistinct] operational - excuse me. Because we prefer a person that will be operationally in those meetings so that we don't put many things. Then it was like that, then he left us. Then we remain, oh, the next  
10 meeting ...[intervenes].

**ADV KHUMALO SC:** Just so that I do not lose you, the meeting you are referring to is the planning meeting.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Because remember you said earlier there was a pre-meeting where seniors from the Executive Mayor's office were there. So in the pre-meeting you introduced Mr Cat Matlala to the seniors. Then there was another meeting again. Just clarify that.

**COMMISSIONER MKHWANAZI:** Oh, no, no, no. To, oh, to  
20 this one? The other one I was talking about, Mike Van Wyk, but this one, to senior staff of the Aldermen or the Executive Mayor, I introduced Vusi. And even to the operational ones, it was the same day, it is less than 30 minutes or 45 minutes, because there we did not sit for long, you see. It was just introduction, you see, that this

person is going to work with us, or his team is going to work with us.

Then when we went to the operational one, he said, no, I am not going to take part, but I introduced him, you see. He said, no, I am not going to take part, but the people that, the supervisor or senior person in my team is going to be one that sits in those meetings. That happened. Then the next meeting ...[intervenes].

**CHAIRPERSON:** Just, ja, just for more clarity, and because  
10 there are issues around the involvement of Mr Matlala's security company, I just want to make sure who was there and who appeared to buy into the idea of the participation of Mr Matlala's entity. Please give us names as opposed to just broadly saying senior people, the Executive Mayor. So just give us names, please.

**COMMISSIONER MKHWANAZI:** Thank you, Commissioner. There is an attachment which is having names. I may not recall all of them, but it is operational people, some are from my team, some are from SAPS, some are from the  
20 security company that is contracted to do static ...[intervenes].

**CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** To stand and secure the buildings. Yes, but their names, cellphone numbers and everything ...[intervenes].

**CHAIRPERSON**: All right, please ...[intervenes].

**COMMISSIONER MKHWANAZI**: In that attached operational plan.

**CHAIRPERSON**: So you say the Executive Mayor as well?

**COMMISSIONER MKHWANAZI**: No, no, no. No, no.

**CHAIRPERSON**: Oh.

**COMMISSIONER MKHWANAZI**: No, it was after. No, there is a team that was not part of any meetings.

**CHAIRPERSON**: Okay.

10 **COMMISSIONER MKHWANAZI**: The first one, let me clarify it.

**CHAIRPERSON**: All right.

**COMMISSIONER MKHWANAZI**: Okay.

**CHAIRPERSON**: No, thank you. Thank you very much.

**COMMISSIONER MKHWANAZI**: Okay, no, no.

**CHAIRPERSON**: Thank you.

**COMMISSIONER MKHWANAZI**: No, the plan has operational people that are going to do the combat work, your escort, your VIP protection, your crowd management,  
20 your canine unit, all those units, you see. It is those people, but in our attached operational plan that we submitted that day.

Then in that meeting, an operational plan, or I was not part of that again, because it is operational, I am the Director. I was the Director by that time. But in that

meeting ...[intervenes].

**ADV SELLO SC:** Apologies, and it is because I do not want to come back to this issue. I had a follow-up on the Chair's question. You referred to the Mayor's office. There is a word you use, Alder. Please say?

**COMMISSIONER MKHWANAZI:** No, to the Executive Mayor.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** It is Alderwoman Tania  
10 Campbell.

**ADV SELLO SC:** Oh, the Alderwoman. And then you said ...[intervenes].

**COMMISSIONER MKHWANAZI:** In fact, Alderwoman is like Counsellor with long service, Tania Campbell.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But they call them Alderwoman ...[intervenes].

**ADV SELLO SC:** Now I understand.

**COMMISSIONER MKHWANAZI:** Alderman, yes.

20 **ADV SELLO SC:** Because you use that word to say that, I think representatives of the Alderwoman attended this meeting, particular meeting.

**COMMISSIONER MKHWANAZI:** No, no, we went to them in her office, because they wanted to know that they were supposed to be briefed. Remember, the person who briefs

the Executive Mayor is the Chief of Police.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But me at my position, I can communicate with officials.

**ADV SELLO SC:** Now, would you recall who led the team of, can I say, of the Alderman in that meeting, do you recall it all?

**COMMISSIONER MKHWANAZI:** I will try to recall. You know, when there are changes ...[intervenes].

10 **ADV SELLO SC:** Okay, that is fine.

**COMMISSIONER MKHWANAZI:** They left, then when the new coalition came in, you see. But I will try, I will try to remember.

**ADV SELLO SC:** No, I will flag it for now, we can then move on.

**COMMISSIONER MKHWANAZI:** Please, yes.

**ADV SELLO SC:** Perhaps later when we engage, you would have remembered.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Thank you so much. You may proceed.

**COMMISSIONER MKHWANAZI:** Yes, it was two or three officials ...[intervenes].

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** At her office, or ...[intervenes].

**ADV SELLO SC:** At her office.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So this brief, this planning meeting is happening at her office.

**COMMISSIONER MKHWANAZI:** At Germiston Civic Centre.

**ADV SELLO SC:** Ja, at her office?

**COMMISSIONER MKHWANAZI:** Ja. Germiston Civic Centre, it is our legislature where politicians like Chief  
10 Whip, Executive Mayor, and the Speaker, and the Chairperson of different portfolio committees of the City sits.

**ADV SELLO SC:** Understood.

**COMMISSIONER MKHWANAZI:** But they sit in different offices. Yes, and their staff works there. Yes, it was that time.

**ADV SELLO SC:** I interrupted you, apologies. You may continue.

**COMMISSIONER MKHWANAZI:** Yes, then operationally we  
20 left them. That is when an operational plan that was developed by Acting Lieutenant ...[indistinct]. An operational plan, it is a legal document that we develop when we are having a planned operational plan. It may be your crime prevention, it may be your bylaws, it may be traffic law enforcement. In all, or it is maybe your event,

there must be an operational plan.

And the type of operational plan that we are having, it was developed after Marikana. Then we were all taking to training, not all of us, but I was one of those who were privileged who went to that training. I talk about it, the Operational Commanders course, where they teach you from A-Z, you see, how to develop that plan. You must have consultation, you must have a profile, you must understand the dynamics, the challenges in terms of the  
10 threats. And you must plan according to what you are having in terms of making sure that you eliminate the threat, you destabilize the disturbance or somebody want to disrupt and cause chaos.

As per briefing, as per document that we got, that is how I briefed my members. That is how that time I was promoted as a Director. I was no longer a Commander of Public Order Policing, but Public Order Policing was responsible in terms of that. That is when, I called her Madam Ximba, but it was Acting Chief Superintendent, you  
20 see.

You know, there are ranks that we use, our Lieutenant and what, what. Us, in fact, we are not supposed to use those words. There must be a Council resolution that adopts, that we can call ourselves General, Brigadiers, Lieutenant Colonel. If there is no Council

resolution, I cannot wake up and say, hey, I am the Deputy Chief, I am changing the structure, I am changing the ranking and profile. Because there may be, in terms of the ...[indistinct] I am told that it goes with bigger benefits. Even if you go on pension, you go with that. But in terms of Municipality, it must be, there must be Council resolution. But that time, some people are still using the Lieutenant Colonels. Do not be confused. On our side, it is the Chief Superintendent, Acting Chief Superintendent that goes to  
10 Commissioners and Directors and you see.

But in terms of military one, it is your Brigadier. I am the Major General in terms of those, but here I am the Commissioner because the Council or the Deputy Chief, the council did not take any resolution to say we are changing our ranks now towards that.

Then that time she was a Deputy, the Acting Deputy, no, was Acting Chief Superintendent. She was a Superintendent. Then she developed that plan on the 28th, because they said né, but on the 29<sup>th</sup> she came to my office  
20 with that plan, with all the names that you are going to get, that we are asking for, who were part of the meeting on the 28<sup>th</sup>. A plan that is developed. I know that, and I must mention this, I know that Deputy Directors presented a forged plan and record me, a forged plan that he forged because I am trained in terms of developing that plan you

see, and re, and showed us different faults and what, what but I will talk to that when we are there. The plan was developed ...[intervenes].

**ADV SELLO SC:** Just so we do not get confused. You said Deputy Director presented a forged plan?

**COMMISSIONER MKHWANAZI:** No, Deputy Chief, Revo Spies.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Lied to this Commission  
10 ...[intervenes].

**ADV SELLO SC:** I am with you. I am with you.

**COMMISSIONER MKHWANAZI:** And presented a forged plan.

**ADV SELLO SC:** I am with you. All I wanted was for you to specify the name.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You just gave the title.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So it is, you say Deputy Chief Spies?

20 **COMMISSIONER MKHWANAZI:** Commissioner, let me raise this. I, Julius Doctor Mkhwanazi ...[intervenes].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Deputy Chief of Operation and Specialized Services ...[intervenes].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Say in this Commission and members of public of this country, Deputy Chief of Police, Revo Spies, presented a forged plan that he forged and presented to this Commission. I am going to present the real operational plan that I gave to him when I was instructed. They gave him that plan ...[intervenes].

**ADV SELLO SC:** [Indistinct]... [cross-talking].

**COMMISSIONER MKHWANAZI:** [Indistinct]...

**ADV SELLO SC:** [Indistinct]... [cross-talking] Commissioner  
10 Mkhwanazi, all I sought to do was to obtain from you the name of the person you say forged the document.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That was all.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Humble apologies. But ...[intervenes].

20 **ADV KHUMALO SC:** Yes, before we – have some water, please.

**COMMISSIONER MKHWANAZI:** Yes. Thank you, Commissioner.

**ADV KHUMALO SC:** You are more helpful when you are calm, so take your time, drink your water, and try to relax.

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

**ADV KHUMALO SC:** We are at the stage where we are only clarifying. We are not questioning you or challenging what you are saying.

**COMMISSIONER MKHWANAZI:** Yes, sir.

**ADV KHUMALO SC:** So I just need to understand that it was you who brought in CAT Protection Services. So you introduced them to the Alderwoman's senior team  
10 ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** So that they know who CAT Services is.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** CAT Protection Services. And then because you were at a level of a Director, you do not sit in the operational planning meeting, but you introduced the team from CAT Protection Services and they became part of that meeting that produced the operational plan. Do I have  
20 you correctly?

**COMMISSIONER MKHWANAZI:** Yes, but that does not mean that I do not oversee.

**ADV KHUMALO SC:** No, no, I ...[intervenes].

**COMMISSIONER MKHWANAZI:** They still report to me.

**ADV KHUMALO SC:** All I wanted to understand was that it

was you who introduced ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** CAT Protection Services.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV KHUMALO SC:** And you brought them in.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, and the plan was developed by, as I have said, 18 Chief Superintendent  
10 Ximba. She compiled it. If you see the plan, the first page, she compiled it and on the 29<sup>th</sup> I know she called me and say Nduna, the plan is finalized, can I come so that you can sign it. I want to go to the Deputy Chief, too. I want to go to the office of the Chief of Police.

Then when she came in, I looked at the plan that she developed. It was 500%. All the stakeholders, relevant stakeholders, the execution, the tasking of members before event start, during event, after event, the briefing part and the different part and the resources and the personnel, they  
20 must be part of the plan when everything happens.

And again, in resources, we are talking about Human Resource or ...[indistinct] personnel and in terms of your vehicles and in terms of the tools that you are going to utilize, because it is very important. In crowd management, we are not allowed to use side firearms and life rounds, you

see.

There are different stages that you must do. There is a water cannon, there is a shotgun, which is having a minimum force. You cannot use a maximum force because this is a constitutional right for people to protest, to raise their concern. Then again, you must organize the speaker's corner. You cannot just chase them and say, there is an, or there is a state of the City, they are not allowed here as police. No, no, no, you must organize a certain place for  
10 them.

But that thing must, the plan must talk to all of that. And when you deploy again, your deployment must talk to that. That is what I was checking. It was 100%, then I signed. Then in terms of the dates, she had already dates that she signed. She, no, no, she has not signed. She wrote dates. It was writing the 29<sup>th</sup> of ...[indistinct] was April 2025. I will remember, but for me, for Mister Mzolo and the Chief of Police, after that, she is the one who took it to the Deputy Chief of Police, my boss that time, you see,  
20 as ...[indistinct] Director, you see.

I know that he signed, I was not there. Then, after that, he took it to the Chief of Police, she is the one who took it there, you see, later and she called me, Nduna, thank you. All of you have signed. Now the plan, the Chief, that means now we can execute the plan because it was

signed off by the Chief of Police, because the Chief of Police must sign off the operational plan. Even if we can plan it, better resourcing ...[indistinct] but as long as it is not signed by the Chief of Police or the Acting Chief of Police, you see, it cannot be executed.

So that whatever happens in the court of law, all of you that have signed, you must go and account. If there is an incident, somebody has passed on, or there is a serious accident where people are injured, anything that has to do, 10 that will need you to go to court, all those that have attached, attached their signatures.

Yes, they will call the Commanders and everything, but those that are having a final word are part of that, you see. And it creates accountability. You see, that is why after ...[indistinct] that things. [Indistinct]... the whole country is doing that, you see. Then on the ...[intervenes].

**ADV SELLO SC:** Commissioner, I apologize once again, and I seek clarity only, so please ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct]... [cross- 20 talking].

**ADV SELLO SC:** Do not fight with me.

**ADV KHUMALO SC:** Sorry, Advocate Sello, just one follow-up ...[intervenes].

**ADV SELLO SC:** Yes.

**ADV KHUMALO SC:** Before I hand back to you.

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

**ADV KHUMALO SC:** The operational plan was developed, it was signed by people who are supposed to sign it, and it was finalized. I just want clarity on this. The operational plan, if I understood you correctly, made provision for the deployment of CAT Protection Services.

**COMMISSIONER MKHWANAZI:** Yes, in that operational plan, he was part of it ...[indistinct] fully agree.

**ADV KHUMALO SC:** As far as you know, who was going to  
10 pay for the cost of CAT Protection Services being part of the operational plan?

**COMMISSIONER MKHWANAZI:** Well, I forgot to mention, it is just that I was summarizing. It was at no cost to the City. He said, no, no, no, I will just provide my guys to assist you see, he did not charge us anything. I think for him it was part of a marketing strategy, you see. No, he did not charge us anything. I will be lying, Commissioner.

**ADV KHUMALO SC:** So both the cars ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV KHUMALO SC:** The warm bodies, the people and the weapons ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV KHUMALO SC:** It was at no cost to the City.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV KHUMALO SC:** Because it was part of his marketing.

**COMMISSIONER MKHWANAZI:** Yes. No, I think it was part of his marketing, yes. But the cars are not branded, you see. They are not even writing the CAT Security, Private Security.

**ADV KHUMALO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** I will hand back to Advocate Sello.

**ADV SELLO SC:** Thank you, Commissioner. Commissioner Mkhwanazi, the clarification I sought. You had been  
10 explaining, I think, to Commissioner Khumalo how the operational plan came about and I think, if I understood you correctly, it is created by Chief Superintendent Ximba. That is its start point.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. Just to rush ahead, did I hear you correctly, did you sign that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You, so you signed it?

**COMMISSIONER MKHWANAZI:** Yes, yes.

20 **ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** I read and signed.

**ADV SELLO SC:** That is fine.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I had missed that part. So you signed before and the last person to sign and approve would be

Chief Mapiyeye.

**COMMISSIONER MKHWANAZI:** Yes. In terms of the restructure, it is her as a compiler ...[intervenes].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Director.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Deputy Chief and the Chief of Police.

**ADV SELLO SC:** So then in that sense, it would be Chief  
10 Superintendent Ximba, the creator of the document  
...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Presents to you, you consider, then eventually, if you are satisfied, you sign.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Then the next to sign would be, if I understood you, Deputy Commissioner – what  
...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Mr Mzolo, give me his proper title, please?

**COMMISSIONER MKHWANAZI:** Deputy Chief of Police or Commissioner Mzolo.

**ADV SELLO SC:** Commissioner Mzolo would then be next to sign. And that was the person you reported directly to?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And then lastly, Chief Mapiyeye, as the Chief of Police, would sign.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay, I have got my order of things.

**COMMISSIONER MKHWANAZI:** And I forgot to mention né.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Before they signed, you  
10 must go on back and brief them about the stakeholders or  
about the people that are going to take part in the, you must  
brief them about the whole planning and summarise.

**ADV SELLO SC:** And the briefing is done by you?

**COMMISSIONER MKHWANAZI:** Yes, by me to the Deputy  
Chief and the Chief of Police.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And I did that on the 28<sup>th</sup>,  
it is either the 28<sup>th</sup> or the 27<sup>th</sup>, I do not remember, but I  
know I, bet that, and it was at our headquarters at Kempton  
20 Park, no, Kempton Park, EMPDHQ, you see.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** I did that. I met the two of  
them. I briefed them. Usually when there is a, it is a very  
important event or event that needs bigger personnel, need  
resources and everything, that is what you must do.

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

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I understand.

**COMMISSIONER MKHWANAZI:** Yes, I personally brief them before ...[intervenes].

**ADV SELLO SC:** And I do accept that you did not brief them just specifically for this event. You are saying you brief them as you do in the normal course of things ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** When you prepare for ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** [Indistinct]... [cross-talking].

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** And to say ...[intervenes].

**ADV SELLO SC:** We interrupted you.

**COMMISSIONER MKHWANAZI:** And to make them relax that I am on top of it.

20 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** The event is going to be well protected.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** We are going to execute everything according to the plan as the Director whose

operational ...[indistinct] be sorted.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Because all these special events ...[intervenes].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** I was the one who was coming, or I am the one who is responsible for them, you see, because I am centralized, specialized services. Other Directors are in different regions, northern region, southern  
10 region, eastern region. All my ...[indistinct] centralized, we are able to move around the City, in and out of the City, we are doing that. I did that.

**ADV SELLO SC:** All right. I think you are almost like at your paragraph 12, which is what we are just discussing now, where you speak of Acting Lieutenant Ximba and the plan that was developed, the signature thereof, right.

**COMMISSIONER MKHWANAZI:** You said paragraph 12 né?

**ADV SELLO SC:** At paragraph, I said the discussion we  
20 are having, just have a look at your paragraph 12. That involves that the operational plan developed by Chief Superintendent Ximba, and then you say it was approved and signed by the Chief of Police, the Deputy Chief of Police, and the Director of Specialised Services being yourself.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So I, no, I just want you to - I am not putting words in your mouth.

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** You are not.

**ADV SELLO SC:** You then deal with the operational plan itself for the State of the City address, and you take issue with what Revo Spies submitted.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And you have spoken to that. And from paragraph 14 specifically, and that is where I want you to get to, because you deal with a slightly different issue and this one specifically regards the, you say regarding the blue lights and registration of vehicles. So perhaps if you turn to your page 5, paragraph 14, then you can deal with that aspect of things.

**COMMISSIONER MKHWANAZI:** Yes during - Commissioner, forgive me, between 2021 and 2022, but the attached  
20 documents will talk to those dates, you see. We, members again inform me that, I think it is 2022, that ...[intervenes].

**ADV SELLO SC:** Apologies once again, based on the questions that have previously come, you say members. Please be more specific, what members are these?

**COMMISSIONER MKHWANAZI:** Yes. Oh, my operational

members from SWAT.

**ADV SELLO SC:** SWAT.

**COMMISSIONER MKHWANAZI:** Intervention Unit, yes.

**ADV SELLO SC:** Okay, yes.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Please proceed. Thank you.

**COMMISSIONER MKHWANAZI:** Yes. [Indistinct]... our  
guys are telling us that they are going to, CAT is going to  
change, CAT VIP Protection, VIP Protection, I must call it,  
10 Security Services, he is going to change the vehicles, you  
see. He wants to upper his level with this classy, with  
classic cars or highly performing and quality cars, because  
he is targeting other clients from outside the country, you  
see.

I said, but guys, you know that ...[indistinct]  
suffering, you see. I will go and twist, Mike, you see. But I  
was, by then, I will be able, I was communicating with Vusi,  
you see, Vusi Matlala, yes, you see. But not that close,  
close, close, close. Mike, I am going to your boss again,  
20 you see. Then we, he arranged, we met with Vusi. He said,  
no, “ngamla” ...[indistinct] no, no, I am changing the fleet,  
you see, but these cars are costing me in terms of service.  
I said, no, no, no, we do not have cars in the City of  
Ekurhuleni, you see, they will appreciate, you see.

That time when we are talking, I said, If you can

dump them to us, you see, I wanted to twist his arm, he said, no “ngamla”, it is fine, but after that we did not agree with anything. Then I communicated with my Deputy Chief, I say hey, Deputy Chief, there are these cars, man, they are black and what, what, but they are still performing, you see.

He said, Julius, the person who does those things, he was calling me by the name, sometimes I will come to him and say Mzolo ...[vernacular] you see. He said, no, no, the person who does those things, it is proxy. That time I  
10 did not know because I was operational. It is Mr, who is this, Chris? Chris Steyn, oh, Chris Steyn yes, Mr Chris Steyn, yes, you see, go and get information and everything. I did not waste time, move direct to Mr Chris ...[indistinct] I found him there.

I said to Mr Chris Steyn, as you know ...[indistinct] said no, no, no, I know your cars are always problematic with cars in terms of services, you know when cars are old, you do not have a fleet, you see. He is the one that align budget and give what, what. I know he is not the one that  
20 finalizes in terms of budget, but when the department budget is there, he is the one who says we fix this car, we do not fix this one, it is old [indistinct] engine, all those things ...[indistinct] and he is managing the fleet of the whole City of Ekurhuleni. No department manages its own fleet or does final services and everything. All the cars are

registered under him.

Then he said, you know what, we do not have a process that we follow in terms of donations of these vehicles, you see. The last time your department did this thing before, and what they did it was to get only the letter of intent, you see, or intention to donate, let me say so, you see. But it must come from the owner, not from the friend, the friend of the owner, because you will be charged that you are stealing cars and what, what.

10 I said, no, no, no, I am going to push and make sure. I called Mr Matlala, he said no, no, no, it is fine, Julius, “ngamla”, you see. You can do that, you see. Then we met, he gave me the - I am not sure, I forgot that did he e-mail or, but I got the letter of intention to donate, or intention, the letter of intention. He was writing that. He is not saying letter of intention to donate.

Then I went to Chris, he said, perfect, you see. When I approached him, you see, he said, perfect, then he said no, it is fine then, you see. I will communicate, but I  
20 must get the whole details of these cars and everything, so that we start the process, you see.

Then I left him né, with the contacts and everything, you see. Then he started the process on his side, the other side, you see. Along those processes, when there was excitement in my side that they were getting cars

and everything, you see, Deputy Chief Mzolo said to say hey Julius ...[vernacular] I met with Deputy Chief Revo, he is not happy, you see, but he said I must go brief, or he advised me to brief the Chief of Police too, and the Chief said, J, we need cars, we need cars, see, can we get cars? And with me there was excitement, I do not want to lie, Commissioner, you see. At least I am doing something. I am bringing cars, you see.

**ADV BALOYI SC:** Can I just understand? Are you saying  
10 you told Chief Mapiyeye ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Let me finish my question.

**COMMISSIONER MKHWANAZI:** Oh, sorry, sorry, sorry,  
Commissioner.

**ADV BALOYI SC:** Are you saying you told Chief Mapiyeye that Matlala wants to donate cars and the Chief said yes? Did, I must, I am checking if I understood or I heard you correctly.

**COMMISSIONER MKHWANAZI:** I do not think I mentioned  
20 the name. I said there is a company, a security company, VIP security company, that want to donate cars, you see. Eish, I do not ...[indistinct] but I briefed. No, I always brief, follow line of command, and you see, I briefed. Then, after Mr Mzolo told me that there is a noise, and I have, Chris called me, Mr, or the proxy, Chris, Chris Steyn.

**ADV BALOYI SC:** Steyn.

**COMMISSIONER MKHWANAZI:** Steyn, yes, Chris Steyn called me and say hey ...[indistinct] I was with Mr Revo Spies, he is fighting me, he is fighting me. I do not think the process ...[indistinct] and the process has already started of registering the cars. On the other hand, I was doing the process of finalizing so that the item can go to the processes of the Council, the processes of internal, because that is how he works.

10 He is the one that ...[indistinct] things. By that time, I did not know anything about those processes, you see, but there is a noise. Then I said, no, let me come to you. Then I went to him. He said, that ...[indistinct] you see, and I do not feel good, I think we must cancel this. I said but Chirs, these cars are coming, let us take this cars. He said no, no, no, there is a noise, people are fighting me, you see. Call that guy, we are not doing it, you see.

And he said that ...[indistinct] you see, take those discs, but I do not think it is advisable to take those discs  
20 back because he must, we must still register those cars. They were registered to the City that time when he called me, you see, he did those processes, you see, then I had to sign and take the discs, you see, we agreed that we are not giving him, we called him, I called him and say, “ngamla” ...[vernacular]. There were social media things that were

starting in, you see, of EMPD, all of my name, EMPD, registered vehicles, the CAT Security, Matlala, murder, and what, all those things. That time I was confused, I said hi, these are just fights and I took it very light, these are fights and what, what, you see.

**CHAIRPERSON**: Commissioner.

**COMMISSIONER MKHWANAZI**: Yes, Commissioner.

**CHAIRPERSON**: Please hold your thoughts. Do not forget where you were. We are going to adjourn and come back at  
10 20 past 11. Let us adjourn.

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**EXAMINATION BY ADV SELLO SC (CONTINUES)**: Thank you, Chair. Commissioner Mkhwanazi, before we broke for tea, you were still addressing the issue of the blue lights and your interaction with Chris Steyn, the city's proxy, you recall.

**COMMISSIONER MKHWANAZI**: Yes.

20 **ADV SELLO SC**: I am just trying to orientate you as to where we were so that we can conclude that part of your summary. You recall you said you received a call from Chris Steyn where he told you, hey, Baba, and then he advised you how he did.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC:** Now, on my reading of your statement, you should be around paragraph 16. If you could cast your eye there. So, if you could just very, very briefly, and I guess I urge you to be very brief because if I offered you to be before this Commission for the next three days, you would not take kindly to that offer.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You would want to be done today. That is your preference. So perhaps if we work together, we just  
10 might achieve that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Your statement is pretty long. So, when you cast your eye to, in particular, paragraph 16, 17, up to 19, I need you to summarise as briefly as you can, as I showed you when we started. When the engagement commences, we start at the beginning of your statement once again. So please do not be worried that you might forget to say something at this stage because it shall be addressed. You will still have another opportunity.

20           So, what I want us to do is to, as quickly as we can, without compromising the value and the weight of your testimony, that we highlight the key aspects under these various subparagraphs. Do not feel the urge or the need to go into detail because if you do, then we will not finish today. You will have to come back tomorrow. And at this

rate, I foresee you coming back on Friday as well. And that you say you would not want to do. So let brevity be our guide today so that we can begin to fruitfully engage. You reference annexures that we have not had opportunity to engage with.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So please leave yourself and us sufficient time to engage with your significant number of annexures.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, I am just asking for very brief summaries. With those words, then, I would like to refer you to your paragraph 16 to 19. At 16, you deal with a letter of intention to commit. A comment or two would suffice there. And from 17, you then contrast the issue of, for lack of a better term, I will call it a donation from CAT VIP that you start with at your paragraph 14. You contrast that with a previous incident involving, as you say, Commissioner Mapiyeye and Revo Spies. And that you do  
20 at 17. So, we are not going to deal with the detail of the vehicles that you list therein. You will just highlight the conduct itself.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** As I say, when we deal with your statement in engagement, we will get back there. So, if you

then just may turn your attention to the question of the letter of intention to commit and what you want to highlight about that, then we can move on to, as you call it, Syntell.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes, please do. Thank you.

**COMMISSIONER MKHWANAZI:** In the process, let me mention that – thank you, Commissioner, for once more. In this process, it was an initiation process. I think I must mention that we never received the cars, physically, the  
10 cars, you see, because the process was in initiation and the other side of Mr Chris Steyn was busy with the process. Then we cut it.

Once we cut it, as I have said, that there was this noise now, you see, that Mkhwanazi fitted blue lights, Mkhwanazi took state resources and finance, took state, you know, social media and articles now, newspaper articles, with my photos. He took the state vehicles and donated to Matlala, or he took blue lights. They were raising it differently, you see.

20 Nearly in my neighbourhood, it was – there is a weekly newspaper. It was 2017. I am staying in Alberton, you see. As I mentioned, I am a public servant, you see. In that area, nearly each and every week, when you open a social media, when my kids open a social media at work, but internally at work, I was not approached. There was no

communication up until I was contacted by – who is this?

Chief Hennie Erasmus and say, the chief wants you to write a letter. I said, a letter of what? A letter of a story. I said, the chief is briefed. He is a chief superintendent doing investigations. To be honest, he did not fight with me. He approached me like it is his work, you see. Then, can you do a letter? I said, a letter of what? He said, things are not looking good.

He was calling me, sir, because I am his senior.  
10 He said, what do you mean? I said, no, this thing is all over and now I am starting to feel it, you see. Then, within a day or two, another deputy director in the Office of the Chief of Police - oh, I am called by – it was Monday. I am called by Mzolo. We had our own operations and specialised services management meeting.

All the directors, six or seven directors, are sitting in that meeting, you see. Then, he is chairing it. He said, Mkhwanazi ...[vernacular] the meeting sits at Kempton Park. I am stuck in the traffic. Then, we moved towards that. I  
20 moved to a meeting. When I am in the meeting, I found him sitting with the deputy director at the chief's office, Mr Du Plessis, you see. I could see man the atmosphere.

I know the personality of Mr Mzolo. He has been with me for many years. He said, Mkhwanazi ...[vernacular]. He said it in Zulu, you see. I said, no, it is

fine, Mr Mzolo. But my eyes are first. I read the letter, intention to suspend. I said, intention to suspend for what? No, for the statement that you wrote to Hennie.

**ADV BALOYI SC:** Wrote to? You say, for the statement that you wrote to?

**COMMISSIONER MKHWANAZI:** To Hennie.

**ADV BALOYI SC:** Who is Hennie?

**COMMISSIONER MKHWANAZI:** Oh, Hennie Erasmus. I said, he is our investigating officer in the department.

10 **ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** He deals with investigations, you see. Then, I said, no, it is fine. I am supposed the process says that I am supposed to write a letter. Then I took it, I signed it. But when I signed it, immediately after that, I was told, you are not supposed to be in this building. You are not supposed to be at work. Within 48 hours, you must submit your response for us not to suspend. It is a procedure. Council procedure.

I said Mzolo the meeting, he said, hey Mkhwanazi  
20 ...[indistinct] and then the police powers were gone. Then I had to drive back home and consult with the union. Then we responded. But now, immediately, with the intention to suspend, within an hour, 30 minutes, it was all over newspaper. All over South Africa. I said, hey man, was this thing we did in private?

They said, I am still going to respond. But I could tell with the tone and the language that the Chief of Police is suspending me. You see. No, it is fine. We responded within 48 hours with the representative of the union. Within those 48 hours, what we are submitting, it was the 24<sup>th</sup>. But there are dates in the documents. I saw the dates again when the documents were submitted to me. I saw that.

It is confirmed it is those dates. Then I had to stay at home for three months. Then I stayed at home for three  
10 months, newspapers, articles, photos of my kids, photos of me, photos of everyone, social media, 2016, in fact, any photo that they could get. I had to delete now. Not good. Ask the kids and my daughter. Then I stayed for three months.

No communication, no consultation, nothing, nothing, nothing. Getting and enjoying state money for staying at home. Then, around May, after three months, it was February. After three months, I had to come back. Disciplinary processes. Then I had to come back. I came  
20 back. I was called by the deputy chief. I had to come back because it was after three months.

The Deputy Chief of Police called me at night, the day before. He said, Mkhwanazi, you are coming back. I said, I said, very well, Mzolo, 90 days is gone. So not 80 days, 90 days is gone. Three months. You see. I came

back. When I came back, I was told to report at chief's office. You see. Whilst I was going there, I got a call that I must meet Xolani Nciza from my deputy chief. You see.

I know Xolani Nciza for a long time. He is our labour officer. DH labour. You see. He asked me, hey Mkhwanazi ...[vernacular]. Xolani, you must greet me first. You see. By that time, I, I know that Xolani, he is a friend of Mr Mapiyeye. He is a friend of Mr Revo. They drink together because I was working with them. They all stay in  
10 Benoni when there are parties and what not. You see.

Wait, wait, wait, wait, wait. I have got an operational plan. We are standing outside civic centre. You see. Opposite to it, it is HR office. Opposite to it, it is our legislature. Far, far left when I am looking like this. It is our CM's and other people's office. Other seniors, HOD's office. You see. I said, Xolani, I am making this. You see. He said, no, you wrote a letter. I said what letter is that? But he took my documents.

**ADV BALOYI SC:** Commissioner, in defence of our record,  
20 I think the way you express yourself in IsiZulu, please say it in English again because the record may not necessarily be able to reflect that, the type of record.

**COMMISSIONER MKHWANAZI:** Humble apologies.

**ADV BALOYI SC:** Please repeat it.

**COMMISSIONER MKHWANAZI:** Okay. Let me note it.

Yes, he said, what documents are you having? Then he read the heading. Automatically, he called Mr Revo Spies. You said, Julius does not have documents. Julius is having documents. Where did he get these documents? You see. I said, why are you saying that? He said, where did you get the operational plan?

Who told you about the operational plan? Because I have got two documents. But, whilst we were still communicating, I was called to sign at HR's office. You  
10 see. He gave me the letter that says suspension, upliftment of suspension. Then I had to resume work. From that day, it was quiet, but I know that I have been getting articles every week again.

My neighbour, so I try to understand other social media things, but at Alberton, I even had attached some of the Alberton records. DA has been making noise. You see. But by that time, they did not know that protection of the executive of DA was planned, and it was executed perfectly so. You see. Corrupt. They mentioned many things. Blue  
20 lights. Oh, there was a heading that I was given to. Blue lights. But in short, Commissioners, I did not instal blue lights. I did not brand the cars.

The cars, I did not see them physically. They did not come. They did not come to the city of Ekurhuleni. Even Mr Chris Steyn did not see those vehicles. You see.

It was social media and there was a document with the it is a typed document, but with a writing hand in terms of registration and the article say Vusi Matlala's wife, Vusi what, what. By that time, I did not know Vusi Matlala's wife and everything, you see. But now, I could even understand it now. Oh, oh, oh, then I stayed. But before, I am jumping, but before I started to resume, I was called by IPID. It is the day after. You see.

**ADV BALOYI SC:** The day after what?

10 **COMMISSIONER MKHWANAZI:** I came back to work. We want to see you. Who are you? No, I am from IPID. We must see you. Come to Johannesburg. Well, the first time I went to Johannesburg, in their offices, you see, it is about this blue light thing that you gave permission, you see. Then I said, no, it is fine. I informed my boss that I am not working, I am going to IPID. They directed me.

I drove with my private car. I parked and I went in. When I went in, it was seven of them, you see, sitting. It was Mr ...[indistinct], two advocates, senior investigators.

20 Out of that, there were two females and five males sitting like, you see. I said, oh. He said to me, I must talk to this blue light. But now, he said, yes, it is the allegations. First allegation, it was this one of blue lights. Second allegation, it was a dumped killed body.

Third allegation, it was me giving members

instruction to work outside the city of Ekurhuleni. There was a fourth one. I said, no, no, no, it is fine. I can respond to those allegations. But this one of a dumped body, I did not know it, you see. But these ones, I know. Since I worked since from 2005, we have been working outside the city of Ekurhuleni.

I have got documentation to prove that. Since I started this in 2005, specialised units, since specialised units were formed, we have been working outside till now. 10 Even now, we are still working outside. But it is fine, you see. Then I said, no, no, but I do not need to write those things. I wrote and responded to all these allegations. I think I wrote three or four because, but on this one, they said, are you aware that there are allegations that we instructed people to dump a body.

I said, which body are you talking about? They said, last year, there was an operation, you were not there, but you came in and said, no, man, what operation that? When they mentioned Jaco, I said, yes, I remember, but it is 20 long time, man. I have not been working with Jaco for a long time. I said, yes, we are aware that you have not been working with him.

They were informed. I said, it is fine, let me talk to that then. He gave me, because I was lost, he said it was in Brakpan. I said, yes, I remember that thing. I got a call

in early hours of the morning, around 2-3 from Jaco. In fact, when he called, I saw that I had 15 missed calls from him. He said, you have got a success, come and join us with a success. I said, yes.

I was there for the success of goods that he and his team or the guys that are working with Jaco. But I told the Commissioner, I stayed there for 3 or 2 minutes. I am going to talk to that. But all these allegations, I submitted statements. Then after 3 or 4 months or 5 months, I got a  
10 call from IPID HQ that they want to see you again. Remember, I met with Mr Mchunu, I submitted.

He said, when you come here, come with all the documents that you have for Blue Lights. I said what blue lights? He said for all EMPD operations, from working relations with Mr Matlala, and everything. Luckily, I had a copy of the original plan that I am going to talk to you. And the intent to donate then I had a letter that I submitted to chief's office. No, I did not have a letter.

But there is another third document that I had. Oh,  
20 my statement. He wanted my statement to mention the registration of the cars and everything. And I even said to him, no, I am even having the disc of those vehicles. He said, good, I am coming with them. And I went in, I submitted, I cooperated. I even gave him the disc. He said, it is not in the disc. But the disc is there.

Then I gave them all those documents. Then it was quiet up until I got a noise again about blue lights. IPID is investigating me. IPID has submitted to the office of the executive mayor a document that recommends me to be charged internally. I said, it is fine. I am the employee of the city. I know I did not do that. I am waiting for them to start those processes. But there was noise.

But not directed to me. There was noise everywhere. But I went back to specialised services,  
10 continued with my work. In those processes, you see, members of THU, Track Hijacking Unit – no, let me not jump something. In those processes I do not have the dates. I cannot state it chronologically. But I Mr Mzolo told me they are charging members by IPID.

They said there is a truck that they took somewhere in Benoni. And that truck was not supposed to be pounded. They pounded that truck. I think they arrested or they wanted to arrest the suspect. They charged, suspended. There was no communication with me. There was no  
20 communication with the inspector who was their supervisor. No communication that was done. You see.

Then they came to me, showed me the suspension letters. That they got the suspension letters, you see. But before the suspension letters, we spoke to the Deputy Chief Spies. He said if you do not want to be suspended, we

must implicate you in crimes and say you were there, you did this and that and that and that and that. I said, you know what, I know we do not have, I am having another platform, I do not want to mention that you see.

But we do not see eye to eye, you see. I said, no, it is fine, you see. But because they did not communicate with me, it was intention to suspend, they suspended them, but they continued with their cases, they were told not to communicate with me. They were arrested, Boksburg, it  
10 was two cases, you see. Then after three months they came back, then they told me, no, we won those cases, the other one was withdrawn in Benoni, we won those cases, we are back, you see.

But now they are charging us for, they said, they are going, oh, Mr Revo Spies attended the court every day, there, sitting there, and he pushed that, they do not get the bail, and that is what they related to me, you see. I said, no, but it is his choice, you see. But the case has been withdrawn, the other one, too, they are finalised. Then it  
20 was those stories then, but in that process, you see, there is a private company that is contracted, you see.

Now it is closer, now, that is contracted to the city, you see. And the city was starting to align now, to, not to align, let us say, to start institutional review, you see. That institutional review, court recommended that we, the city

cuts, because that duplicates, we are doing duplicates. We are doing ...[indistinct]. There are departments that are doing what other departments are doing, you see.

Then we were affected. There was a ...[indistinct] that was leaded by Deputy Chief Revo Spies which deals with college training academy which deals with support system logistic in terms of your uniform. They are supposed to assist us in terms of vehicles, bullet vest. Anything that we need operationally. It was his  
10 responsibility to do that.

Again, the municipal court you see which is back office that they deal with all the processes of processing your section 56. If they had issued liaising with the courts, they would make sure that the court roll is able to have those 56. Those processes have been processed. But that is contracted to a private company, you see. They will do back office. They will process – it is a big, big, big a very huge contract. I do not want to call it a tender contract. That has been there since I came to the city.

20 **ADV SELLO SC:** Commissioner Mkhwanazi, apologies for the interjection. I would like you to refer to your statement and just flip through and give an indication which part of your statement you are on now. If you could just look at that.

**COMMISSIONER MKHWANAZI:** Yes, I wanted to talk to,

when I am in that process, when I was supposed to get in the structure, Mr Revo Spies was no longer there. But he did know that he is no longer there. But on the other hand, he was in his 60s. Then I had to start, because the structure said, all those responsibilities belong to me now. You see. Then I had to check.

When I checked, I wanted briefings. So, colleagues, how are you working? How are you working? Remember, we do not talk, me and Mr Spies. I am  
10 supposed to get a briefing, you see. But this one is not going to get any briefing. And I must mention that when I took office as the Deputy Chief of Police, I did not get any debriefing.

I did not get any formal handover from Deputy Chief Goodman Mzolo. You see. I am told that he wiped everything. I was very close to him. He wiped everything, told people that the person was going to take over. He is going to sort himself out. But I approached him and said, Babu Mzolo, and I left it a few days, and we are at the  
20 school, and we are talking, me and him.

You see, but I did not get anything, you see. Even the last day, he just looked at me and said, Mkhwanazi, I will see you. I want Mzolo. From that day, I decided to block him. I said, ah, I took him as my father, you see. But the same thing. But he was still in the institution, you see.

And that time, there was a process of suspension, of allegation of the Chief of Police, of sexual harassment, and other things, you see.

But I did not want to take him there, because he is my boss, you see. And it was done by the other departments that dealt with that. When that happened, you see, I was busy with the process. When I met Spies, Spies told me that, no, four or five cars that were given to us to utilise by the private company that is contracted. The Chief  
10 of Police is aware the cars were given, the cars, by Deputy Chief Revo Spies. He is managing them, you see.

We are even giving petrol cars to drive. I said, no, no, no, guys. Did they go to Chris Steyn? Where is the letter of intention to? They said, no, no, nothing. I asked the superiors. Deputy Director Van Rooyen, she was the reporting director. I asked Deputy Director Bloemhof. They were deputy directors. I asked Director Johnny Van Der Merwe. They said, no, it is a private thing that they have done with Deputy Chief and the Chief of Police. I said, but  
20 I am being, I was suspended for the same process, you see. I called Mr Steyn. He said, no, no, no, no, I know nothing about those cars, you see.

**ADV SELLO SC:** Once again, apologies, Commissioner Mkhwanazi, and I do hate having to interrupt you and interject unnecessarily, but I must say for the record, I am

truly concerned for our time, right? And hence my invitation to you to have regard to your statement and indicate where in your statement we are in. And I want to make an assessment as to how much time you need for purposes of putting your version across.

I have to indicate to the Commissioners when the questioning should start. You recall that I indicated that we shall refrain from asking questions and we will only try and confine ourselves to questions of clarity. And I think the  
10 Commissioners have kept their part of the bargain in that regard and I hope I have too. But we have to complete your free flow at some point.

So perhaps if you look at your statement and I will not hold you strictly to what you say but just give us an indication of where you are at so that we may know. Because if you check your time now, we are headed for 12 o'clock. And I would not want you to place yourself under unnecessary pressure, particularly when you now want to deal with your annexures. So please bear that in mind as  
20 you put your version across, that at some point we have to bring it to a close and allow you to substantiate what you are saying with reference to your annexures, which we have not done thus far.

**COMMISSIONER MKHWANAZI:** Oh, thank you. Yes, it is paragraph seven. I will push for 20 minutes.

**CHAIRPERSON**: Oh, go ahead, please indicate the paragraph.

**COMMISSIONER MKHWANAZI**: It is 17.1, 17.2, 17.3, 17.4, 17.5 for the cars. But I will push for 20 minutes on high level.

**CHAIRPERSON**: Oh, all right. All right, then I also wanted us to ...[intervenes]

**COMMISSIONER MKHWANAZI**: Let me discipline and refer to the relevant parts.

10 **CHAIRPERSON**: I understand. So, if you say 20 minutes, that should take us to – yes, let us go on until quarter past.

**COMMISSIONER MKHWANAZI**: Yes, and ...[intervenes]

**ADV SELLO SC**: And for certainty, you are not saying you intend to deal for the next 20 minutes with paragraph 17, right? Are you asking 20 minutes to wrap up your ...[intervenes]

**COMMISSIONER MKHWANAZI**: To wrap up, yes.

**ADV SELLO SC**: To wrap up what?

**COMMISSIONER MKHWANAZI**: The high level.

20 **ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: The high level.

**ADV SELLO SC**: I just wanted to be sure that I do not misunderstand. Thank you.

**COMMISSIONER MKHWANAZI**: And thank you for keeping on reminding me and calling me. Thank you. You are

assisting me, yes.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, then, Commissioner, I must mention that, you see, the tension between me and Revo Spies, I am talking about paragraph 18, you see, started when we were coming in, our background and our history. I think he checked us when we, before we joined the Metro, we were from different political parties. We were young, participating, and we are not apologetic for that, you  
10 see, against apartheid, you see.

There was a time where the council had a memorandum of understanding with NPA for repatriation of the exiled or again, assisting the families in terms of tracking and tracing. Our city played a key role on that, you see. When we were at those, Kempton Park, with one of the guys that was doing that, you see, well, that was part. We submitted two names from the city, Metro Police officers, you see, and that the person, they liked that, they were working on that, you see.

20 When they went there to him to request for some resources, the Chief of Police signed a memorandum of understanding with the office of the CM and NPA. I was not part of that because I am operational, but when I was there with Mr Ndlovu, or Officer Inspector Ndlovu, who was part of that, Revo approached, or Deputy Commissioner Revo,

approached, we were talking, you see, approached him, said, you want resources for doing communist work, for doing terrorist work?

You are pushing a communist agenda. Said, what? You see, he said, ah, doing that, you see, and wanted to use this data, he said, no, no, no, no. These are not your resources. The city has committed, the department has committed, and we are going to execute that, you see. Then I was very angry and left. I am told that when I left,  
10 they physically fought with that inspector.

The history of that inspector, he is an MK, he was from MK, the one that came in and joined. He was very disciplined. I know I worked with him operationally before he introduced me, many of works, you see, he records everything there, you see, but I am told that they fought, you see. Then we are able to do our research, we discovered, I have got a document again that is attached, you see, that talks to that.

That says he was part of the operatives that were  
20 going around the township. We showed him, you see, we went back and showed, this is Revo Spies, you are going around Thembisa at night shooting at black people and what not, you see, but that created, between me and him, a very, because we were there to show him that as much as we are saying we are terrorists, we are not clean, you see. Then it

was very bad, you see.

But regarding, I am on paragraph 20, 21, 22, you see, I have mentioned that some of the members were arrested and what not. But on the same thing, you see, he came in here and said we, all my members that are reporting a criminal case. I want to put it like that support staff deals with recruitment. Support staff deals with issuing uniform and everything and there are members with criminal records that were recruited, that were appointed,  
10 that worked with the city.

Some of them died in serious cases like rape, you see, and before you come in, you are supposed to do fingerprints. All of us, when, in fact, the city, every employee of the city when it comes to fingerprints and something, you ask yourself how did that happen, you see. But along the way, there is a process where members, oh, he said there was a communique, 2023, it is attached, that says that SAPS lost fingerprints of 775 or they were not collected from SAPS because we are supposed to do  
20 fingerprints or we are doing fingerprints, all of us, you see.

But ours and others, they did not come back because they said they were lost, you see. There is a communique that talks to that. Again, I had a meeting with PASCO[?] meeting, it is a meeting where I, as a deputy chief, Deputy Chief Gcwabe, Chief of Police, him from

stores, Gcwabe is from security and loss control, I am from operations and specialised, him is from the most upset, then licencing is part of community safety.

In that meeting, we talked about vetting. Oh, there is an issue. Usually, our meeting, we are taking 10 minutes, and that 10 minutes, it was a report, reports that operations and specialised services is me. Immediately after I reported, when other people or something, oh, no, no, the chief said, I am in a hurry, I am in a hurry. It  
10 happened for three consecutive times, but in that meeting, we spoke about the vetting.

The chief raised it, that as we are appointed here, all of us, oh, we need to do waiting, Mkhwanazi, you must do it. I said, no, no, no, no, no. We are all appointed here. We are all working for security JNC. Let us all going to do vetting, because I had an email that says, that private company now is the only one that is going to do fingerprints digitally. We are no longer going to use SAPS.

And in that meeting, I raised, why must we pay a  
20 private company? Whereas we can go to SAPS, SAPS is free to do these things. So, no, SAPS, you are paying, and I said, no, no, but we can go and negotiate. But I did not mean that badly. Then, in that meeting, it stopped like that. Then, in terms of the vetting, we agreed that we are going to do vetting, and I have said, I do not want to take, waiting

is different from fingerprints.

Vetting, you disclose yourself, you become naked. You give every detail. If you are having a girlfriend, you must declare that. If you are having this, what you are doing, you must declare, you must give your kids phone numbers, contacts, in fact, you, vetting is about everything that you are doing. You become clean, not even become clean, but you must tell everything.

And it is only done by state security. Then, in that  
10 meeting, I raised that, state security is supposed to do it, you see. And I will only submit it to state security, no, no, I will coordinate it. I said, chief, it is fine. Let state security come here so that we give. I will not give any junior, because I was aware now that there is this clique against this individual, you see.

There was tension, we were not working together, but it is fine. We agreed. In the morning, I got an email that says, Jojo, you must submit a target. You must submit your things to my office. I said, no, chief, that is not an  
20 agreement of our engagement yesterday. Yesterday, you said state security, you see. In that WhatsApp, I am not going to comply to this. I have said it, he said, sure. I did not talk to him, he said, sure.

**ADV KHUMALO SC:** Then, let me try to understand you. So, you do not object to vetting as such, what you are

objecting to is you submitting your documents to a junior person in the chief's office.

**COMMISSIONER MKHWANAZI**: It is two things. It is to do fingerprints with the private service provider that is close to somebody. Why I am saying that, that time I was aware that all those are close to them, or there are people that are close to them that are having criminal records, but in the list that is submitted, they do not appear. You see, the only thing that is appearing, it is me, that I did not do, you see.

10 And there was no communique to me.

And again, in the second one, on the 2003, I was, my name's not even seen, or there is no attachment that says Julius. It was sent to all, it was sent to all other people, not me, you see. We met, then we had a meeting with HR, where I raised my concern that employees of the city are employed by you, you see. I will be happy if all of us, we do it with SAPS, but it must be run by you.

It must move from us, because we are having our own things. They are saying I am leaving my people, and  
20 they are saying, I said, no, it is fine, let it be done like that. Then it was quiet, up until I raised it last year, when, last in May, when, you know, this year, sorry, sorry, I am going to apologise. Up until I raised it this year, when Deputy Revo Spies was no longer there, because he took, or he resigned, or he went, he claimed that he is taking a retirement when

we are starting investigation. The city gave me instruction and said, let us investigate this thing of Syntell. No, no, let me say that private company, because there is something that is not good. The whole ...[intervenes]

**ADV BALOYI SC:** Can I just interrupt you before you move on to speak about Syntell.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** On this vetting issue, when you say you went to the city and told the city that they must do the  
10 vetting, they must manage the vetting, who in the city did you talk to?

**COMMISSIONER MKHWANAZI:** No, it is fingerprints.

**ADV BALOYI SC:** Even that? Who in the city?

**COMMISSIONER MKHWANAZI:** It was a meeting. Okay, it was a meeting between EMPD and HR. There were four officials, we were four from our side.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, we were talking about many issues, but it was part of it. And in fact, it  
20 became the main issue, because I had to raise it in that meeting, because I know that it created tensions.

**ADV BALOYI SC:** So, you say you went to the city, and I am just trying to understand.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** And I am not yet debating. I am just

trying to understand you, to follow your evidence and what you are saying. You say you did not object to fingerprints being taken, yours and your team's. Is that what you are saying?

**COMMISSIONER MKHWANAZI:** Yes, and Commissioner, you must remember, I was appointed in December. I took my fingerprints.

**ADV BALOYI SC:** Okay, work with me, because I am trying to make sure I understand, I follow what you are saying.

10 You, when you were speaking to Commissioner Khumalo now, you were talking about vetting. Now you are talking about fingerprints, and I am confused about which one do you say you took to the city to say we are employed by the city, and the city must deal with this. Is it the vetting, is it the fingerprinting?

**COMMISSIONER MKHWANAZI:** Okay, let me answer. I do not object, I did not object to any of the two. But I said, let us do it with a recognised institution, the institution, a government institution, you see, that the process will not be  
20 manipulated. Then there were articles before we went to HR ...[intervenes]

**ADV BALOYI SC:** Hold your horses, Commissioner.

**COMMISSIONER MKHWANAZI:** Oh, yes, yes, yes.

**ADV BALOYI SC:** When you went to the city, you took it out of the EMPD, and you went to the city because the city

is the employer. That is what I think I heard you say. My question is, in the city, when you went to discuss it with the city as the employer, who in the city did you have that discussion with?

**COMMISSIONER MKHWANAZI:** Yes, I am going to answer that.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, when we went to HR, it is their function to employ, to recruit, to promote. It is not  
10 our function. Us, it is to request from them. But us, I think we did that. Then there were articles, newspaper articles that said 300 and something EMPD officers are having criminal record. Then we were called to say, let us have a meeting with HR. And it was legal and corporate and HR to finalise this thing. Then we went to a meeting in Germiston. It was four officials from HR ...[intervenes]

**ADV BALOYI SC:** Hold on. I need, I am asking you, you say it is HR.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV BALOYI SC:** I am now narrowed it down to you went to HR.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Who in HR did you speak to about that the city must manage your fingerprinting, whether you are fingerprinting or vetting, who in HR?

**COMMISSIONER MKHWANAZI:** Yes, in that meeting, those that I can recall, it is Madam Futi, I forgot the surname name, and Madam Ntombi, and it was advocate, from legal and corporate, it was Advocate Zulu who were part of the meeting. Then from our side, it was the three or four of us, me, the Chief of Police, Deputy Commissioner Revo Spies. I am not sure that Commissioner Gcwabe was part of the meeting, but it was a team of eight or team of seven in that meeting. Yes.

10 **ADV BALOYI SC:** And then you have given names of who in HR you dealt with.

**COMMISSIONER MKHWANAZI:** Yes, we may have others, but those that I can remember. Yes, then we discussed that the process is going to start then from their side because they are supporting staff. They will submit names and what, what and what, what. But till today, it was quiet. That never happened. Up until I asked this email, there was this process because guys, four months ago, we need to do those processes because on our oversight, each and every  
20 month, we sit at oversights, account to councillors.

See, councillors want to know about challenges that we are having, progress that we are having. We must give report about our monthly operations, monthly programme developments that are taking place in the department, you see. And there was noise about this from the press, the

media, you see, but it has disappeared. But in an honest sense, it was 775 fingerprints that were not submitted, or they claim that SAPS lost them or they were not collected.

And there is another report that we submitted that talks to, for the past five years, as the department, we had five, no, no, we had 1 000 and something internal investigations, some are external. Some, they include IPID, I have attached that report. Some are including IPID, some are talking about misconduct, some are talking about those  
10 that are arrested and the court have found them guilty. Some are talking about those that are investigated.

Some are talking about, but all those, the investigating team was requested to submit for the past five years. That is a report that was submitted and it is attached here. You see, but after that, nothing happened, Commissioners. Then, it was the challenge then of us and the investigation of stores or the contracts that are taking stores.

Then there is a communication where we instructed  
20 to run that, I instructed, because that time I was Acting Chief of Police, Mr Mapiyeye was suspended, you see. Then I requested that we appoint a person in a very senior level who will understand with the team of investigators to start those investigations and everything. Then there was a communication between us and the city.

The city, I am talking about other relevant, Office of the CMO, Office of the Group CFO and other relevant about these investigations. But there was no cooperation. The only cooperation we got, it is when we spoke to the director. The director said, no, no, no, I am not managing that contract. The person who is managing, in a formal meeting, and I think they spoke about that formal meeting where they said it was the CM and HODs and directors and IOs was part of that meeting.

10           You see, everyone was griping, taking, you see. It was part of that, you see, that we must start investigation. Oh, no, no, it is a different meeting. That one, there was Mr Mapiyeye. It was before he was suspended. It was about the conflict and the tension that we had. The city manager called all of us before this Syntell and wanted to call order, but it was very tense in that meeting, you see.

          And I am the one who said, Deputy Chief of Police, Revo Spies, is de *facto* police because the Chief of Police did not take any decisions at the EMPD. I am saying the  
20 Chief of Police, for the past 10 years as the Chief of Police, the decision was taken by Director Revo Spies, Deputy Chief of Police. You will talk to the Chief of Police, you will agree, he will understand you, but immediately when they are assembled, he will turn.

          He will agree with you when he is looking at you.

Once you go, and I will give a report that we agree that this is happening with the Chief of Police. The next thing we will hear, no, that will not happen. Tell that person that will not happen, and it will not happen. It will be like that. Whereas it is progressive is taking the institution forward, it is assisting in terms of the change management and other things that must happen, you see.

And bringing a positive attitude in terms of supporting members. Because I must mention this, that for  
10 the past five years, if not 10 years, we do not have bullet vests. We do not have, it is only EMPD that does not have uniform. Now when you go around and see female officers approaching you with their trousers, may I stand up just to show?

With their trousers, they are bashed, bashed. No, it does not give a good reflection of the ambassadors of the city. I call them ambassadors, you see. You send officers to respond in a very challenging situation. You do not have communication radar. And to be honest, the city does  
20 provide. There is somebody sleeping somewhere who does not think of those that are operational, you see. I will talk to the strike, just to summarise.

**ADV SELLO SC:** Before you talk to the strike, I apologise. You referenced a meeting where you said Revo Spies is the *de facto* Chief of Police.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** My only question is, can you give more detail around that meeting? What meeting was that? Who had called the meeting? Where was it?

**COMMISSIONER MKHWANAZI:** Oh yes, in fact, all of us were complaining to the CM. The other side, them, they were complaining.

**ADV SELLO SC:** You are talking about why there was a meeting? I want to know what meeting is it? Let us just  
10 confine ourselves to that. What meeting was this and who had called it?

**COMMISSIONER MKHWANAZI:** The city manager called the meeting after he has tried many times.

**ADV SELLO SC:** So, it was called by the city manager?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** At the city manager's office?

**COMMISSIONER MKHWANAZI:** Boardroom, office, yes.

**ADV SELLO SC:** Do you have a sense of date? Guess what? This year, 2025, 24, 23, 22?

20 **COMMISSIONER MKHWANAZI:** No, it was last year, around August.

**ADV SELLO SC:** Okay, 2024, August.

**COMMISSIONER MKHWANAZI:** August, September. Any September or late August.

**ADV SELLO SC:** Okay, that is very helpful, thank you. I

will not take it any further. I interrupted you, you may get back to your narrative.

**COMMISSIONER MKHWANAZI**: But it was after many concerns and frustrations that we are raising to the city manager, all of us, he decided to call all of us. Call order to all of us. Today he was very specific to all of us that the department is going down the drain. Instead of you, all of you, including I, you see, instead of you focussing in terms of development, in terms of providing community safety in  
10 the city, we are fighting for smaller, I do not even understand what you are fighting for, you see.

But then we moved, then the meeting is, after raising concerns, all of us raised concerns with other directors, you see, I raised my concerns too. Then he sat with the Chief of Police. But after that, the chief went on special leave or he went, yes, it was a special leave, something like that, you see. But it was after the frustration that we raised that we are not going anywhere, you see.

And when you sit at oversight, they will tell you that  
20 you do not spend, see, we do not spend how, you see. All the budget that is allocated to EMPD is going back, you see. There was a time where, when we established a land invasion, we were given 37 million as the city to make sure that we procure resources, we capacitate land invasion, because the city is suffering in terms of land invasion.

And we had land invasion in three regions, and they are all reporting to directors, and the directors that are reporting to me. In one of the meetings, I said, no, it is fine, chief. One of my responsibilities, you see, it is budget, it is to do budgeting, it is to deal with finances. Can I be given a plan to make sure that we plan and make sure we utilise that 37 million? Said, what, 37 million?

He said, hey, there is not 37, the finance took it. I drove to finance, the finance said, no. Do not point a finger  
10 at us. They said we must move that to security and loss control. I said, no, no, no, they cannot move that money without me knowing. But it happened. And secondly, operations are supposed to run this private, this contract that I was talking about, because it has to do with operation.

It is us that are doing traffic law enforcement and everything, but it was decided, no, no, no, we will manage that, but it is fine, because it was having its own thing. The strike that came in 20, last year, March, I am summarising,  
20 you see. The strike that came in last year, February, March, of the frustrations of officers in terms of they demanded salary increase, they demanded transport, they demanded promotions, they demanded, there were five or six demands, but it was the frustrations about the building that were having.

Commissioner, I invite you one day to come and do surprise visit, foot is good, but I am still suspended, you see. And check the buildings where officers, EMPD officers are reporting to. Some things are collapsing. Once there is a budget that has been allocated. You see, secondly, we are able now, you see, able to push when the Deputy Spies retired, no, not retired, he is not retired, he went to the city of Tshwane, and the chief was suspended, to buy more than 100 cars, you see.

10           The cars that we were unable to buy for five, seven years, eight years, you see. Now, the guys that are busy with the issue of uniform and other things, because we discovered that some of the uniform, not to say it is not there, the uniform is hiding somewhere in containers, the containers where we keep cars, stolen cars, not cars, damaged cars, or cars that were impounded.

          You know why they are hiding there? So that we keep on pushing the service providers to provide uniform, but when we go and demand for uniform, there is a photo  
20 that I am going to provide. I, as a Deputy Chief of Police, it is difficult to get uniform. There is a photo that they presented that I was wearing a sword, we are looking down my, we call them gorgets.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, you see, it was like a

joke. Commissioners, our gorgets, or our sword, must look down, then that means everything must follow the same course. But our gorget is the opposite, you see. And when you wear it like this, it is not nice. I have provided photos, we will see in terms of these photos. It leaves something like, it is not supposed to follow your collar, it must be nice. When you look at the SAPS uniform, you may feel jealous, but ours does not, it is not like that, you see. We raised it in the meeting. In that meeting ...[intervenes]

10 **CHAIRPERSON**: Sorry, Commissioner, you have the ones that run down like this, and then you have others, or I do not know the difference between gorgets and all that. But I am just referring to what has the, what do you call them, the sword?

**COMMISSIONER MKHWANAZI**: Eclipse, these, yes.

**CHAIRPERSON**: No, no, no, I am referring to what is on, there was a sword, and then what else?

**COMMISSIONER MKHWANAZI**: Oh, it is a sword and two castles.

20 **CHAIRPERSON**: And two?

**COMMISSIONER MKHWANAZI**: Castles.

**CHAIRPERSON**: Yes.

**COMMISSIONER MKHWANAZI**: Two round castles.

**CHAIRPERSON**: Those, you have them on the shoulder, and you have some right here.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Now, which ones are you talking about, those that run down here?

**COMMISSIONER MKHWANAZI:** Yes, and they must align. If this one is looking down, all of them must.

**CHAIRPERSON:** I am asking you this because I seem to recall that the evidence was that one of the two, that is either the one on the shoulder or this one, that one of the two, you had it correctly positioned, but that it was the  
10 other one that was wrongly positioned.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** That is my understanding of it.

**COMMISSIONER MKHWANAZI:** You are correct, Commissioner.

**CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** It is the one on the shoulder.

**CHAIRPERSON:** Yes, yes. I see you now focussing on the one because you have been indicating, I see you focussing  
20 on the one that sort of runs down like this. Do you want to focus on the one that?

**COMMISSIONER MKHWANAZI:** The one on the shoulder.

**CHAIRPERSON:** It was not because, according to your colleagues, the problem is with the one on the shoulder.

**COMMISSIONER MKHWANAZI:** Yes, you are correct,

Commissioner, yes. I am saying the one at the collar and the shoulder, they must align, you see. You cannot wear this one looking up and this one looking downwards. Then when you wear this one looking downwards, it leaves the gap, you see here. Yes, but for all other ranks, directors, deputy directors, it is fine.

But for us as Commissioner, they did not do it correctly and we are issuing it, you see. But there is a photo I will show you. You can see that when I am wearing  
10 the combat, the combat one is correct, but the step out one is not correct. But to summarise it, there is a question that I was asked, that, hey, you are wearing this rank, where did you take this rank?

**CHAIRPERSON:** It is now 19 minutes past. I will allow you until half past. At half past, I will stop you.

**COMMISSIONER MKHWANAZI:** Yes. Who conferred you? Who appointed you? I went to the interviews, I applied. We went to the interviews. On that day, it was me and the deputy director for this position, you see. I started at the  
20 interviews, I attended the interviews, we were informed that, or I was informed that I must go to somewhere in Sandhurst or somewhere in Sandton, it is the second interviews with external, you see.

But whilst I was still waiting that I got an invite, it is attached, you see, that the processes of court says that for

that position, you can only do internal interviews. There is a second process, second phase, where they check in terms of your capability, are you capable to lead, your management style, leadership style, understanding finances, understanding the economics management, are you able to do some problem-solving, it is about all those things. I think it is about ten, you see. I attended, it is like a psychiatrist, there is a best terminology that I want.

**ADV KHUMALO SC:** Psychometric.

10 **COMMISSIONER MKHWANAZI:** No, let us say it is a psychometric test, let me say so, but I wanted a psychometric test. I did that.

**ADV SELLO SC:** Apologies, Commissioner, were you thinking of competency assessment?

**COMMISSIONER MKHWANAZI:** Yes, let us say competency assessment, yes.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** But the same test is part of it, you see. When I attended it, they told me that no, we  
20 are going to send the results to your employer, but we are also going to forward them to you, you see. They were forwarded to my employer, they were forwarded to me, then I was called Mr Mkhwanazi, you are successful in terms of this position.

You may come, it was November, because I was

supposed to start, oh, I started on the 1<sup>st</sup>. I went to HR, as is the foreign Commissioners, with other metros. In Johannesburg, they have got their own HR. The Chief of Police is having powers of all HR, he can hire and fire, he can do all these things. Ours cannot do that. Ours, in terms of HR, there is a department of HR, human resource, that deals with those things, promotion, labour and other things. In terms of ...[intervenes]

**ADV SELLO SC:** And in the interest of time, may I  
10 interject once again, just to provide specificity? You say you were called by HR.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Who called you? Let us just mark that.

**COMMISSIONER MKHWANAZI:** No, it is officials there. It is senior officers, junior officers that deal with that.

**ADV SELLO SC:** That invite you?

**COMMISSIONER MKHWANAZI:** Yes, they invited me. Even on interviews, you are called by those juniors.

**ADV SELLO SC:** So, this is after your assessment, you  
20 said you received your own competency assessment results?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You received them?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And then you said subsequently, thereto,

you were invited by HR?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And now you are saying you were invited by junior officials?

**COMMISSIONER MKHWANAZI:** No, those that called me are those who are doing admin work.

**ADV SELLO SC:** No, that is fine. I will accept that. I am not having an issue.

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** I just want to understand, did the junior official indicate for what purpose you were being invited?

**COMMISSIONER MKHWANAZI:** No, no. They are very clear that you have been successful, that documents and everything that you must come.

**ADV SELLO SC:** Those are the junior officials that do that?

**COMMISSIONER MKHWANAZI:** That is what they do. Every time when there is promotion, it is them that run administrative paperwork and everything.

20 **ADV SELLO SC:** All right, I am satisfied.

**COMMISSIONER MKHWANAZI:** But when I was there, it was, I think it was HR, DH. Yes, it was DH HR, you see, who brought in the forms.

**ADV SELLO SC:** And DH means? What is DH?

**COMMISSIONER MKHWANAZI:** La, la, la, la, la.

**ADV BALOYI SC:** Is it head of department?

**COMMISSIONER MKHWANAZI:** No, no, no. It is Divisional Head. Deputy like your Deputy HOD. Divisional Head. It is at the same rank with our Deputy Chief of Police. Or same rank as I, you see. But he produced a letter that has been signed by the head of the department. And by who? But the letter is there. I have attached it. You see, I have signed.

And when I signed, I was not happy in terms of the  
10 benefits. Remember, now I am becoming a contract. You see, I am supposed to pay hundred percent out of the benefits that I am getting. You see, when I checked the amount, it was far less than that, than what I am getting with all the benefits and everything. You see, I tried to write a motivation because I was told that, no, you can write a motivation. They will adjust and do everything. But till today, you see, deep down, I say it was better where I come from than where I am. Because there is full responsibility in everything.

20 **ADV SELLO SC:** May I make this request to you? Because in our engagement with the former, the retired city manager, I think I have a sense of which letter you are referring to. I think it is the letter appointing you to the position of Deputy Commissioner.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, we have had sight of that letter, and actually, I say we have had sight of that letter. We have seen where, if that is what you are referring to, in handwriting, you made your motivation.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And we assure you that when we dealt with that letter, we did not call out the numbers listed therein so that people do not get a sense of what your offer was, how much you wanted increased by, and the like,  
10 right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** My question is, would you be able to provide at least the Commissioners, even if it is on a written piece of paper, what you were earning before you were promoted on a permanent basis so that they can have an appreciation of the drop in salary you then were to experience by accepting this position?

**COMMISSIONER MKHWANAZI:** Commissioners, one must mention that, you know, when you are from inside getting  
20 promoted from the director to that position, you are losing. That is why it cannot even attract any other people. That is why it was only two of us. It is the person from a deputy director downwards that will see something. But from the director position, you are only taking responsibility in a five-year term. Unlike those that are having, over time,

benefits, housing allowance, and other allowances, and they are not having them permanently.

**ADV SELLO SC:** So, Commissioner, you do not have a challenge, right, providing that at the right time?

**COMMISSIONER MKHWANAZI:** No.

**ADV SELLO SC:** It does not have to be now. And then we can always verify the number that you provide with HR and the city of Ekurhuleni.

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** And really, it is for the benefit of the Commissioners to have an appreciation of whether or not your motivation for an increased salary when you were promoted was justifiable. That is all. But if I may, I am looking at the time, and I remember the Chair said that he is stopping you at 12:30. And I am trying to save you and I your time. So, we have covered this issue, I think, of your salary adjustment and the motivation thereof. Please proceed to the next point because 12:30 is breathing down our necks now.

20 **COMMISSIONER MKHWANAZI:** I wanted to touch that. I even submitted the other one. I will try to ask and check. Which I have done. There, I did not do any calculations correctly. But in that one formally, I did calculate it. It stressed me. But let me confirm to you that I was confirmed by the Chief of Police.

**ADV SELLO SC:** Do you have a date? Do you have a date, probably?

**COMMISSIONER MKHWANAZI:** Confirmed in terms of the ranks.

**ADV SELLO SC:** Yes, date. Do you have a date on where that happened? The process of conferment, and if that is in a ceremony, official ceremony. If you could just talk about that process of conferment, it would be great.

**COMMISSIONER MKHWANAZI:** Yes, I think it was around  
10 January because December we were very busy, you see. It was festive season, what, what, what, what.

**ADV SELLO SC:** So that would be January 2024.

**COMMISSIONER MKHWANAZI:** Yes, let me go and check the correct date, you see. But I was confirmed by him after our PASCO meeting. I said the PASCO is the fourth fast that sits, you see. And there was a Chief Superintendent, Kelebogile Thepa, in that meeting. She took photos, you see, because I cannot do photos when I was confirmed. And we even discussed, we even discussed that these  
20 gadgets, they are wrong, you see.

He even said to me, you see, no, Julius, J, he called me J. These things are not supposed to look, the swords, they are not supposed to look upwards. They must look downwards because we are fighting with these officers. We must be strict against these officers, you see. Then we

erased the issue. But this thing, she said, yes. Then deputy Commissioner Revo agreed that, no, but these things were done wrongly. They were manufactured wrongly, you see. Not that, but I am trying to confirm that I was confirmed by Chief of Police, Isaac Jabulani Mapiyeye.

**ADV SELLO SC:** You were about to describe the ceremony of conferment.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Is that a stock ceremony where these  
10 things happen or is it ad hoc? As he meets you in the passage, he may decide to take opportunity and confer. How exactly does it happen within the EMPD?

**COMMISSIONER MKHWANAZI:** Okay, thank you. It is ad hoc. It is not formal.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Some may come, even if you did not come to that, it is 30 minutes or 10-minute thing.

**ADV SELLO SC:** What happens in those 30 minutes?

20 **COMMISSIONER MKHWANAZI:** I come and tell you that congratulations, you have been appointed for that position, you see. Please work and make sure that you conduct yourself good and what not. But even those that do not come, there is nothing formal. It is not a must, you see. But people like it because there is media, there is

newspapers. But to mine, there was no media. There was only, but usually it is not there. That time, Kelebogile Thepa, as the media officer, she sent these things to media, you see. She took me photos, but there was nothing that was sent.

**ADV SELLO SC:** So, does she get to share the photos with the, I will call it, the celebrant of the day? So, she takes photos, Colonel Thepa.

**COMMISSIONER MKHWANAZI:** Yes, yes.

10 **ADV SELLO SC:** And you say she sends it to the media.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I assume some will go to Ekurhuleni archives, EMPD archives.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Does she share some with you?

**COMMISSIONER MKHWANAZI:** No, mine was not done.

**ADV SELLO SC:** Okay, so, when you say it is that haphazard and informal, at least yours was, did not you feel shortchanged? It is quite an honour to be promoted I would  
20 like to believe. How many levels were you left with to the top of the EMPD structure?

**COMMISSIONER MKHWANAZI:** It is one, okay.

**ADV SELLO SC:** Just one, I mean. I would have insisted on a more formal engagement and conferment, because beyond that point, you become Chief of Police. And that is

got to be a business, that has to be a serious business on any day. So, did not you feel shortchanged?

**COMMISSIONER MKHWANAZI:** I did.

**ADV SELLO SC:** Did you at least raise it with somebody that you are aggrieved?

**COMMISSIONER MKHWANAZI:** No, I did understand the politics and the challenges.

**ADV SELLO SC:** Oh, you did understand?

**COMMISSIONER MKHWANAZI:** Yes, I said, nah, it is fine.

10 It is my duty or my responsibilities to go and serve.

**ADV SELLO SC:** Okay, so, you are going to check the date, I will not hold you to this, but you had said that this happens beginning of 2024.

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

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** No, no, at the end, at the beginning of – yes, yes, you are correct.

**ADV SELLO SC:** Beginning of 2024.

20 **COMMISSIONER MKHWANAZI:** 2023, December, but at the beginning of 2024, January.

**ADV SELLO SC:** That is where you are, yes. I will not ask you for the date, because you do not have the detail.

**COMMISSIONER MKHWANAZI:** But I started to wear the ranks. They are correct on the 1<sup>st</sup>, because I was supposed to come and work. The contract says you are working on

the first, and I was supposed to wear my rank. I wore my ranks. Then we ...[intervenes]

**ADV SELLO SC:** So, you can wear them before they are officially conferred?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** There is nothing formal. There is no police. There is nothing that guides us.

**ADV SELLO SC:** Okay, so how do your colleagues get to  
10 know if there is no formal conferment process? How do your colleagues get to know one day to the next that perhaps they should start saluting you now because they are junior? Will they just see you with different georgettes and the like and they know, oh, things have changed?

**COMMISSIONER MKHWANAZI:** I called our logistics. Yes. Their Deputy Chief Revo was correct and said, guys, I need ranks. I said, I am appointed as the Deputy Chief of Police. But they were aware. The top management was aware, but they did not tell the juniors.

20 **ADV SELLO SC:** So then if you managed to get them before the Chief of Police conferred them onto you, what was the purpose of January 2024? You already had them.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, what was the purpose of that entire exercise?

**COMMISSIONER MKHWANAZI:** I do not know, because December was operational. It was festive season. We were everywhere.

**ADV SELLO SC:** So why did not you ask them, what is this sham all about? Why did you call me here?

**COMMISSIONER MKHWANAZI:** It is the chief. Maybe it is the formalities that you asked.

**ADV SELLO SC:** Now, where did you obtain them from? Do you buy them in a shop?

10 **COMMISSIONER MKHWANAZI:** No, the stores.

**ADV SELLO SC:** The stores.

**COMMISSIONER MKHWANAZI:** Yes, but they do not just give you. They want an appointment letter.

**ADV SELLO SC:** Oh, I see. So, they do not have to be instructed by the senior either confirming your appointment or who shall be conferring the rank. It is enough that you, the beneficiary, if I may call you that, presents yourself waving your letter and you say, I have come to get my georgettes and there is another name of the other thingies.

20 **COMMISSIONER MKHWANAZI:** I was not sure that time with their processes.

**ADV SELLO SC:** So, which one did you adopt?

**COMMISSIONER MKHWANAZI:** To me, they were strict and say, Nduna, they respected, they did not fight with me. Nduna, we need the letter.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** I had to give them a letter. Then that is when they started to give. But in fact, they did not have right to take the one that were left by Mr Mzolo, them. Yes, the old ones.

**ADV SELLO SC:** And where did you get those ones from?

**COMMISSIONER MKHWANAZI:** From the stores.

**ADV SELLO SC:** Oh, okay. Mr Mzolo handed them back into the stores.

10 **COMMISSIONER MKHWANAZI:** Yes, you are supposed to hand them.

**ADV SELLO SC:** Oh, you do not keep them for life.

**COMMISSIONER MKHWANAZI:** No, it is not yours.

**ADV SELLO SC:** Now, we are so way past half past twelve No, it is not yours. that the Chair is about to fight with us. So if, I mean, then you ask that perhaps we use the next twenty-five minutes or so engaging now with the content of your statement hopefully to take us to lunch.

20 **COMMISSIONER MKHWANAZI:** I am requesting for bathroom just for one minute.

**ADV SELLO SC:** Oh, no, it is not for me to say as I apologise.

**COMMISSIONER MKHWANAZI:** Sorry.

**CHAIRPERSON:** You cannot last until 1 o'clock. All right, let us let us adjourn. We will wait. When you see you

walking, we will come.

**COMMISSIONER MKHWANAZI:** It is one minute I will be fast.

**CHAIRPERSON:** Thank you.

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

**CHAIRPERSON:** Thank you, Commissioner.

### **INQUIRY ADJOURNS**

### **INQUIRY RESUMES**

**CHAIRPERSON:** Commissioner, I must apologise, I should  
10 not even have suggested that you should last until 1  
o'clock, but I cannot resist saying this, my colleague  
Commissioner Khumalo is the one to blame, because he  
kept encouraging you to drink lots of water.

**EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank  
you Chair, Commissioner Mkhwanazi, just before the little  
comfort break, we had agreed that we are now dealing with  
the issues in the manner suggested by the Chair, which  
meant that our free time to half past twelve had ended. So,  
I want us to start, at least, I am looking for a topic that we  
20 can possibly cover, either as much of, before the break, or  
we can find a logical point to cut, right? And for this  
purpose, I want us to go to your paragraph 6, at page 4.  
And this is the issue of Mr Van Wyk, starting at 5, and the  
memoranda of understanding, at paragraph 6. Do you see  
where I am? At paragraph 5 you talk about approaching Mr

Van Wyk for assistance of students, do you see?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Paragraph 6, you introduce the concept of the MOUs, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, you have next to you a box of files. And if you look at the spines of those files, you will realise that they each bear a name. So, you will have Mapiyeye, you will have Spies, you will have Nciza, and you will have  
10 Thepa. These are the EMPD witnesses that have testified. So, I would like you to pull out of that box the files for Mapiyeye. Now, there will be - there will be two, I want the annexure file, really, for the moment. One is written statemen -, Mapiyeye statement, the other one is Mapiyeye annexures.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, as soon as we have located our Mapiyeye annexure file, you will notice that the documents in there are all flagged and numbered inside the file.

20 **COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Do you see that?

**COMMISSIONER MKHWANAZI:** JM, JM, yes.

**ADV SELLO SC:** They are all JMs and they start from JM1, and they will run until JM35.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay, so when I refer you to a document from a file like that, the annexures file, I will identify the JM number and I will also direct you to the page number where that annexure is and I will describe the annexure for the record.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Are you happy with that. So, now, let us start at JM12. No, sorry, JM11, I apologise. JM11 starts at page 55 of the Mapiyeye annexure file.

10 **COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Now, if you go a few pages forward to page, we have got, I said JM11 at page 55, correct? I should not confuse you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay, then the next one will be JM12 from page 131. No, what, page 62. Got too many markings here and I read the wrong number. Should be page 62. Have you located the second document? 62, it immediately follows JM11.

20 **COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay, now for the record, please confirm that JM11 at page 55 is titled as follows, agreement entered into between the Ekurhuleni Metropolitan Police Department, duly represented by, it makes provision for a name, but currently that is unfilled, and Medicare

Emergency Medical Services/Anubis Protection Services, and in brackets immediately below that [duly represented by Mike Van Wyk].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That then is followed by the following words in tramlines, ‘memorandum of agreement’. Do you confirm that?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV SELLO SC:** Now, if, let us go to paragraph, to page  
10 62, which is JM12, and insofar as headings are concerned, it is more or less the same, except instead of Medicare as the other contracting party, it cites CAT VIP Protection, in brackets [duly represented by Vusimuzi Matlala].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So now, when we look at your paragraph 6, you reference the MOU, you say, and I read, please follow as I read your paragraph 6 and show that I have, I am not misstating what you say:

20 “As for the MOU, proper communications were done, and there were processes and procedures which were followed between Medicare and Mike Van Wyk, with email address, you give the email address, myself and the Office of Chief of Police. Proof of

communication, communication date and an affidavit from Chiefs PA Liezel Sinovia Tyres, where she confirmed that on the 24<sup>th</sup> of October, she received an email from Superintendent Fortein and submitted to Chief Mapiyeye.”

Then you intend to annex their email. Is my reading correct?

10 **COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Okay, because your file is still being finalised. Can you please have regard to JM 11 and confirm whether or not that is the MOU you referenced at paragraph 6, and that is the one between Ekurhuleni and Medicare 24. Is that the same document?

**COMMISSIONER MKHWANAZI**: Page 65?

**ADV SELLO SC**: 55.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Is that the same document?

20 **COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: I looked through your statement, and I could not find the second memorandum, which Mr Mapiyeye tendered as Annexure JM12, and this is the memorandum between Ekurhuleni Metropolitan Police Department and CAT VIP Protection. I do not see you referenced that

particular one in your statement, do you?

**COMMISSIONER MKHWANAZI:** You are correct.

**ADV SELLO SC:** Okay, now was that oversight on your part, or you omitted it because you have no knowledge of that particular memorandum? You only have knowledge of the Medicare 24 memorandum?

**COMMISSIONER MKHWANAZI:** Okay. Commissioners, to answer you, remember when I was suspended, I had to submit all the documents and my laptop of everything that I  
10 was having to Mr Revo Spies logistics.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** They took everything and the documents that I was having. I submitted all, even the operational plan, even the operational plan that I was talking about. I submitted ...[intervenes]

**ADV SELLO SC:** Sorry, timeline, are we talking, what, February 2023 or 24? 23, 24? And I ask because you said you submitted to Mr Revo Spies and he has since retired.

**COMMISSIONER MKHWANAZI:** Yes, no, no, no, this is  
20 2023.

**ADV SELLO SC:** That is why it was important to highlight ...[intervenes]

**COMMISSIONER MKHWANAZI:** Yes, yes. I submitted everything. I did not have any documents with me.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** The laptop and everything was with him. And all the documents that has to do with all these things, that is why I submitted, yes. The one that I was able to photocopy is the one that I am having now.

**ADV SELLO SC:** What does submitted mean?

**COMMISSIONER MKHWANAZI:** When you are suspended, you are required to leave your firearm, your tools of trade, your computer, laptop, all those things. But he demanded, even before the suspension, he even demanded, before the  
10 suspension, he demanded all the documents. Then Mr Mzolo instructed me, go and submit them to him. Give all the documents that you sent.

But other documents were already managed by a superintendent like this one, you see. That is why we were able to get them through Fortein and submitting to the office of the Chief of Police. But on my side, I was having nothing, but documents were already there.

**ADV SELLO SC:** So, please help me work through this. You are a normal employee in the city, doing whatever job,  
20 and perhaps a job you have been in for about 10 years.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** One day, for some good or wrong, bad reason, you are suspended. Are you required, I can understand handing in your firearm, perhaps your work computer, these are all tools provided by your employer. I

can wrap my mind around submitting those. Why would you have to submit all your documents? Do you clear your entire office, go to Commissioner Spies and say, here are all my files, 204 of them, and every paper I have ever written, because I am on suspension. Is that how it works?

**CHAIRPERSON:** Ms Sello, please do not forget your question. I do not think your earlier question was answered and I would love to get an answer. I am saying I do not think you answered Ms Sello's earlier question, so I would  
10 like to get an answer to that. It was a simple question as to why you do not reference the CAT VIP memorandum.

**COMMISSIONER MKHWANAZI:** Thank you, Commissioner. I referenced those that I have, and those that I remembered. That is all I was able to write.

**CHAIRPERSON:** Surely you do deal with issues relating to CAT VIP in your testimony and also in your statements.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** So, what was so difficult, simply saying there was also an agreement or memorandum that related to  
20 CAT VIP? I think that is the essence of the question. And you have not forgotten that fact, surely, the very fact that you do talk about CAT VIP. So why did you not reference the memorandum in that regard?

**COMMISSIONER MKHWANAZI:** Commissioner, when you check, I do not even talk about the Anubis Protection

Services, you see, because even it is out of me. But I know that I have documents that were submitted to the office of the chief. Other documents were submitted as per the instruction of my Deputy Chief. And I complied and said, no, no, take everything, because I feel that I am clear, there is nothing to hide.

**CHAIRPERSON**: I am not at the stage of the taking, because this happens when? The taking. This happens in 2023, you say.

10 **COMMISSIONER MKHWANAZI**: I said the taking.

**CHAIRPERSON**: Taking or having to give your documents and whatever else to Commissioner Spies. That happens in 2023, correct?

**COMMISSIONER MKHWANAZI**: Can I, may I refer, it is 2022?

**CHAIRPERSON**: 2020.

**COMMISSIONER MKHWANAZI**: 2023 February. Yes, 2023 February, you are correct.

20 **CHAIRPERSON**: Yes, the memorandum, were concluded or purportedly concluded in 2021, not so?

**COMMISSIONER MKHWANAZI**: I may say so, but I do not have specific dates yet.

**CHAIRPERSON**: The dates that appear here, but I am sure Ms Sello is still going to take you there.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON:** The dates appearing here, I think, say 2021. So, the simple point I want to make, Commissioner, is that I do not understand your repeated reference to, no, no, no, my documents have since been taken. Point is, as at 2021, these agreements in terms of the memoranda are concluded or purportedly concluded, and surely you remember both incidents. So, the simple question is, why do you not reference the memorandum relating to CAT VIP? That is the simple question. That has nothing to do with the  
10 later effect of you handing over the devices and whatever else.

**COMMISSIONER MKHWANAZI:** Commissioner, I want to say oversight, but I did not have documents with me, you see. That is my challenge, you see. But I forwarded all the information that I am having.

**CHAIRPERSON:** What I am saying is, it is difficult for me to understand that you had forgotten because you do touch on matters that relate to CAT VIP. So, you had not forgotten about the involvement of CAT VIP in the Metro.  
20 You had not forgotten about that. You go into some detail in your testimony, the state of the city address, the role that CAT VIP was to play and actually played in the protection or the security provided at the state of the city address. So, you remember. So it is on that basis that I say I find it difficult to understand that you would forget that there was

a memorandum that concerned CAT VIP. Do you want to comment on that?

**COMMISSIONER MKHWANAZI**: No, I will not forget. That is why I was able to touch. But then ...[intervenes]

But then if you will not forget, that immediately takes me back to Adv Ms Sello's question. Why did you not reference that memorandum then?

**COMMISSIONER MKHWANAZI**: I think it may be my oversight when I was submitting yesterday.

10 **CHAIRPERSON**: Thank you. That is a simple answer. Thank you.

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

**CHAIRPERSON**: Yes.

**ADV SELLO SC**: Thank you. So, you referenced the Mike Van Wyk memorandum of agreement, Medicare 24. Now, in trying to explain to me why it is you decided to reference one and not the other, you spoke about your suspension in 23 and handing over your tools of trade to Commissioners Spies. But then you said all your documents you also hand  
20 over to Commissioners Spies.

And you were about to explain whether that is how it happens at Ekurhuleni that you hand over all your files and every scrap of paper you have ever produced in that position. Once you are suspended, you are not dismissed. You are just purely suspended. Firstly, is that how it

happens in Ekurhuleni or EMPD, if there is a difference? And secondly, when the suspension is uplifted, is possession restored to you, or what happens, they disappear into the deep black hole? How does it work?

**COMMISSIONER MKHWANAZI:** Commissioner, remember I told you that immediately when you get the letter, you are told that intention first, not suspension. You are told that you must automatically leave the building.

**ADV SELLO SC:** Yes.

10 **COMMISSIONER MKHWANAZI:** Do not be anywhere next to the building.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Then within 48 hours, you are supposed to submit all. Within 48 hours, you must respond in writing. Then within those 48 hours, you are supposed to submit everything, but you are not allowed in any building now, or in any space of the municipality. I can go to the municipality to go and pay services because I am a resident, but they take it from my salary. I do not have to  
20 go there, you see. Then that is how it happens. You are not allowed in any space, remember. And those offices are not your offices. They are municipality offices. They can go when they are doing investigations. They can go at any time, take whatever document, and you are not allowed to communicate with the subordinates.

**ADV SELLO SC:** No, I appreciate that. Right now, I am pursuing the fate of the files.

**COMMISSIONER MKHWANAZI:** Yes, I get you.

**ADV SELLO SC:** So, I understand everything you are saying, and I do accept that once you are on suspension, you are not permitted to set foot at your employer's premises or attempt to go into your office. I accept that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I was just trying to understand, when you  
10 suggested that you gave your files to Commissioners Spies because I want to run ahead and say, I know that your suspension was uplifted on the 24<sup>th</sup> of June 2023.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Correct?

**COMMISSIONER MKHWANAZI:** June, yes. After three months.

**ADV SELLO SC:** Yes. When you went back to the office, how did you locate your files? Did you ever locate them? Were they gone for good? What is the position there?

**COMMISSIONER MKHWANAZI:** There are two things that I  
20 did. I did not want my firearm back.

**ADV SELLO SC:** You did not want it back?

**COMMISSIONER MKHWANAZI:** Yes, because it was used. They took it to the ballistics, or they used it.

**ADV SELLO SC:** Okay, let us park.

**COMMISSIONER MKHWANAZI:** No, I want to come and see.

**ADV SELLO SC:** I want us to park that and come and deal with it because that is an interesting aspect you introduced. Let us finish the files.

**COMMISSIONER MKHWANAZI:** Yes, even the laptop. I demanded for a new laptop because they tampered with my laptop.

**ADV SELLO SC:** Okay, I will put it to the list of what we  
10 are coming back to now.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, when we come back after lunch, we are going to talk about this tampering with the computer, your laptop, and the ballistics issues. But for now, we are still trying to track down your files, remember? Where are they? You are back in office on the 24<sup>th</sup> of June 2023. Where are your files at that point?

**COMMISSIONER MKHWANAZI:** Now, it is my laptop, you see. Files that we submitted, they are with the  
20 Commissioner Revo, and the other ones, especially these documents, were with Madam Fortein because they were submitted. She was facilitating the process.

**ADV SELLO SC:** If you are back at work after your suspension is lifted, I take it that you are expected to do the job you were performing before you were suspended.

Now, when you are confronted with the situation that your files are taken, how are you expected to do your job?

**COMMISSIONER MKHWANAZI**: So, throughout the communication I continued because I knew operational work.

**ADV SELLO SC**: So, you just did it off the top of your memory?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: You rejected the computer, the laptop, I  
10 am hearing it for the first time, so you did not rely on stored information in the computer. Spies made off with your files, or Commissioner Spies made off with your files, how do you continue with your work? That is an exceptional memory, if you rely on memory.

**COMMISSIONER MKHWANAZI**: No, no, when you come back, remember, they restore the new computer, they programme it. You are able to retract some, able to get some, you see.

**ADV SELLO SC**: Okay.

20 **COMMISSIONER MKHWANAZI**: But remember, every time I am back, there is nothing that is happening, I am continuing, oh, I had to respond to IPID, then I wrote that thing, then I continued with other things, and some document that I was able to submit, I submitted them.

**ADV SELLO SC**: Now, this JM11, we just, the Van Wyk, I

will call it the Van Wyk MOU, just purely so we do not confuse it with the other MOU, which is not part of your statement, the Matlala MOU.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Where did you get this MOU for purposes of this Commission?

**COMMISSIONER MKHWANAZI:** No, I did not submit it, I do not have.

**ADV SELLO SC:** You do not, have it?

10 **COMMISSIONER MKHWANAZI:** Yes, no, let me be honest, I was able to get information from you Commissioners, from this Commission. Anything that has to do with me and the documents, and I was so surprised, I even told the person that I consulted yesterday, he said, you know what, it is like I got information from you of what was happening, about what is taking place, and, and, and, and, and, and. There was nothing, it was quiet, except the newspaper and everything.

20 **ADV SELLO SC:** So, technically, therefore, this MOU you received from the Commission when it served you with the notice that they would like you to present yourself, and the Commission referenced in that document, you remember we called Rule 3?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The witnesses that have testified and

have implicated you. If you go to that document with the flag, Rule 3, on the first, second page, it lists the witnesses, Mapiyeye, Spies, Nciza, Thepa, and Witness D.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, you are told that by the Commission.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The Commission has assisted you to get full copies of their statements. Am I correct? They were provided to you, their statements with annexures.

10 **COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV SELLO SC:** And transcripts of their testimony.

**COMMISSIONER MKHWANAZI:** Yes, but it was very huge, I read, I read some of them.

**ADV SELLO SC:** No, no, no, I do not have, you are not going to write an exam on that, I am not going to test you on that. I just want to test that.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So, are you suggesting then that you got, for instance, the Van Wyk MOU from what the Commission  
20 provided to you?

**COMMISSIONER MKHWANAZI:** No, I submitted the documents that I am having to you, because I was told I am going to get a file from you that is having all the documents.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes, so then that takes us back to the Chair's point. How do you remember the Van Wyk MOU in your statement? And you do not remember at all the Matlala MOU, which in the documents made available to you by the Commission follows immediately the Van Wyk's MOU. Please help me understand that.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner, so I may have said, maybe it is my oversight, but I spoke to those that I am having, there is a letter that I am having  
10 that spoke, I did not get it from you, that Giselle wrote, I am having the communication of the 21<sup>st</sup> of October. I spoke to those that I am having. Then I was able to check Madam Thepa's testimony, Revo Spies testimony, but not all of them, because I was prescient with my time, I wanted to respond.

**ADV SELLO SC:** So then in closing, the break.

**CHAIRPERSON:** Ms Sello.

**ADV SELLO SC:** The break?

**CHAIRPERSON:** Yes.

20 **ADV SELLO SC:** Can I just close this topic? Just a comment, in fact, it is not even a question. So, based on this engagement we have had, would you agree with me that our recommendation to the Commissioners is that they should not form a conclusion that you deliberately omitted their Matlala MOU?

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV SELLO SC:** It just fell through the cracks?

**COMMISSIONER MKHWANAZI:** Matlala and the name Anubis Protection Services, no, no, no.

**ADV SELLO SC:** So, when we come back after lunch and we talk about these documents, you will be able to guide them?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, I will talk to them.

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

**CHAIRPERSON:** Let us adjourn and come back at 2 pm.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**MALE SPEAKER:** Good afternoon everyone, we are just about ready to resume. Again, a reminder, please switch off your cell phones. Thank you.

**CHAIRPERSON:** Yes, Ms Sello.

**ADV SELLO SC:** Thank you, Chair. Chair, before we proceed, by way of update, the Commissioners should have  
20 before them now Mr Mkhwanazi's formal statement, together with two bundles of annexures. And Mr Mkhwanazi should have before him as well the same. So, Mr Mkhwanazi, please ...[intervenes].

**COMMISSIONER MKHWANAZI:** Commissioner.

**ADV SELLO SC:** Commissioner Mkhwanazi, my apologies.

Commissioner Mkhwanazi, please confirm that you have – there has been an update to your statement file with another statement. Has it been updated?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Can we go to that statement, the updated one? On the front page where the table of contents is listed, it states that it is a witness statement of Julius Doctor Mkhwanazi. You see that?

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** And it is a 36-page document.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** There is a – your name appears midway, page 36, and right above yours, your name is a signature. Did you append that signature? Is that yours?

**COMMISSIONER MKHWANAZI:** Yes, the last page.

**ADV SELLO SC:** Have you satisfied yourself that this is your statement, as you intend to submit to the Commission?

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Okay. Do you confirm the correctness of the contents of the statement?

**COMMISSIONER MKHWANAZI:** If I am?

**ADV SELLO SC:** Are the contents of this statement true and correct?

**COMMISSIONER MKHWANAZI:** If I am even challenged, it is something that I would raise it, but for now, I think I am

clear.

**ADV SELLO SC:** Absolutely. I fully agree with that approach.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And please do not hesitate to, in the event that we discover an error, it is human error.

**COMMISSIONER MKHWANAZI:** Not at all.

**ADV SELLO SC:** Yes. But otherwise, do you stand by the contents of the statement?

10 **COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Okay. Now, you should also have two files given to you and they have got your name, Brigadier Mkhwanazi Annexures. You should have File 1 and File 2. Do you have that?

**COMMISSIONER MKHWANAZI:** File 1. This one is not marked.

**ADV SELLO SC:** Sorry. If it is not marked, that would be File 2. So, each time that I refer to File 2, it is the smaller of the two files. Okay. So, now your statement to the  
20 Commission is complete. And henceforth, when we deal with your statement, we will reference what I call the updated statement, not the one we were working on from morning. Okay?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes. But to the extent, perhaps, that the

morning one might assist you because that is where we started, you are welcome to cast an eye and have regard thereto.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** If it helps you, okay? So, before we broke for lunch, you recall I had referred you to what I call Mapiyeye File, Mapiyeye Annexures. Do you still have that file in front of you?

**COMMISSIONER MKHWANAZI:** Yes, I do have.

10 **ADV SELLO SC:** And in particular, I had referred you to Annexure JM11 and JM12, and that would be the MOU with Medicare 24 and the MOU with CAT VIP, respectively. You recall that conversation we had. Do you remember that?

**COMMISSIONER MKHWANAZI:** Yes. As you referred the MOU to me, it is a...

**ADV SELLO SC:** Memorandum of Understanding. Okay. I just wanted to remind us where we stopped, then we start, okay?

**COMMISSIONER MKHWANAZI:** But on my side, I want to  
20 refer it as a proposed.

**ADV SELLO SC:** What is proposed?

**COMMISSIONER MKHWANAZI:** Yes, MOU.

**ADV SELLO SC:** Okay. Can I suggest that we refer to it as a Memorandum of Agreement? And I say so because that is what the document has on the face of it. It does not

have the word proposed. But if you want us to bear in mind that it is a proposed MOU, we shall do so, but we cannot call it what it does not state itself to be. So I suggest that we reference it the way it is currently written, which is Memorandum of Agreement. There is nothing on the face of that document that suggests proposed. There is nothing.

**COMMISSIONER MKHWANAZI:** May I add something?

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

**COMMISSIONER MKHWANAZI:** Yes. In an MOU, you do  
10 not have three signatures of ...[intervenes].

**ADV SELLO SC:** No, no, no. You are talking about signatures. I say there is nothing on the face of this document that suggests it is proposed. Can you live with that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You are talking about the status of the document, and I just want a way to describe the document.

**COMMISSIONER MKHWANAZI:** No, no. It is fine.

**ADV SELLO SC:** Then I am saying let us describe it as a  
20 Memorandum of Agreement. When we get to the issue of the status of the agreement, then we will have the discussion around proposed.

**COMMISSIONER MKHWANAZI:** I agree. I agree.

**ADV SELLO SC:** Thank you. So then let us just take a moment. The Commissioners are conferring, and we will

start. You recall we started that conversation with reference to your – in the old statement, it was paragraph 6. Remember? This MOU that we are talking about with Van Wyk.

**COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV SELLO SC**: All right. Now, just so you locate yourself, in your new statement, it is paragraph 27.

**COMMISSIONER MKHWANAZI**: Okay.

**ADV SELLO SC**: Okay. Clearly, you made some additions  
10 before the old paragraph 6, because it has thrown that paragraph 6 to paragraph 27. I want then us to go to Annexure JM12, which starts at 55. That is the MOU with Van Wyk that you say you recall. I would like to invite you to page 60 of that annexure. Page 60 starts at the top of it, with the wording Ekurhuleni Police Department. Then it says:

“By signing this MOA this time,  
Ekurhuleni Police Department agrees  
to...”

20 And then it lists what the department ostensibly agreed to. Do you see where I am reading from?

**COMMISSIONER MKHWANAZI**: Yes, page 60. Then it is 129, same page.

**ADV SELLO SC**: Yes. Forget that 100 is a mistake. Let us refer to the other number, which is 60. Unfortunately,

that is what happens when the same document is used for different purposes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So we will work with the top number, which is 60. Now, before that list of five bullet points, there is an entry there, effective date. In parenthesis, a date, the actual date was supposed to be inserted presumably by hand. Then it reads, /10/2021, and it was intended to have an end date because it has got a dash between it, and then  
10 space to fit in another date. So that would have been the effective date of this MOU. You see that? Do you see where I am reading? Do you see the words effective date?

**COMMISSIONER MKHWANAZI:** Yes, and then effective date approved as form. Oh, yes.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** So this effective date just has an entry of the month of October 10/2021. The actual date of October has not been inserted. Do you see that?

20 **COMMISSIONER MKHWANAZI:** Oh, yes. Yes, yes, yes.

**ADV SELLO SC:** Yes. Now, below that is a box that, for approval purposes, I take it, that requires indication of whether or not this document enjoys support, because it has got a box for support, and not supported.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Am I reading it correctly that the support box is the one that is ticked?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** And immediately after that support box, it has got the following, JD Mkhwanazi, Director of Specialised Services, and it has got a signature. That is your signature, is it not?

**COMMISSIONER MKHWANAZI:** No, it is. It is. It is.

**ADV SELLO SC:** Your signature?

10 **COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Okay. It is an extensive document, and if you go to page 58 at Item 3, it provides as follows, and I quote:

20 “The purpose of this memorandum of understanding, in parentheses, MOU, used interchangeably with MOA, is to outline the commitment of promoting and protection of the Medicare Emergency Services, combining that with the health care and safety of officers of the Ekurhuleni Police Department, when a situation arises warranting medical attention on varying degrees, particularly in traumatic events/incidents.”

You see where I am reading?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** So, do I understand this document correctly, that that was the purpose of this MOU?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Okay. Now, who is the author of this document?

**COMMISSIONER MKHWANAZI:** It was between Mike and Project Officer Fortein, but I happened to have access of it  
10 and read it, that is why I signed it as a supporting towards the Deputy Chief and the Chief of Police.

**ADV SELLO SC:** So, if I recall from what you said this morning, Superintendent Fortein was the Project Officer in Chief Mapiyeye's office.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** So, to my question now, you suggest that this document was authored by two people, one of whom is Van Wyk, that we were talking about earlier, correct?

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** And Superintendent Fortein.

**COMMISSIONER MKHWANAZI:** And me, I must be included.

**ADV SELLO SC:** Oh, so you are the third author.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay, let us start with Van Wyk. What

role did he play in drafting this document?

**COMMISSIONER MKHWANAZI:** He raised whatever that he is having, and draft, you see, and sent for us to peruse and check where we are having challenges and everything.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And sent to whoever who will comment and draft whatever that is challenging.

**ADV SELLO SC:** So, the original draft emanates from Van Wyk?

10 **COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** What role did Superintendent Fortein play?

**COMMISSIONER MKHWANAZI:** ,It was to facilitate and check where, and take it to the Chief of Police again. So, take it to the seniors, Deputy Chief and Chief of Police, so that they can check and comment and say, no, no, we are going ahead or we are not going ahead with it. You see, but after it has come to me ...[intervenes].

**ADV SELLO SC:** Oh, so it gets to you first.

20 **COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes, yes, yes. Because I was communicating with her.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** I am the one who was communicating with her.

**ADV SELLO SC:** No, no, I appreciate that. We will get

there.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** So, if you say her responsibility was to refer the document to Chief Mapiyeye, when I ask about authors, why do you call her one of the co-authors of this document? If her job was just to deliver it to Chief Mapiyeye as a project officer in Chief Mapiyeye's office, why do you call her an author? Why do you make her part of the creation of this document?

10 **COMMISSIONER MKHWANAZI:** No. No, that is why when you said who is the creator, I agreed that it is Mike. Then he sent to us. That is why I am saying it is Mike. You see?

**ADV SELLO SC:** Oh, so you do ...[intervenes].

**COMMISSIONER MKHWANAZI:** Ours was just to comment there and there and change where it is and take it to another place and take it there. Remember, it was still going to take long processes before approved, but now we are still taking it internally.

**ADV SELLO SC:** No, I am more interested about who  
20 created it. You gave us the impression that it was Van Wyk and Superintendent Fortein. Those are the people who created the document.

**COMMISSIONER MKHWANAZI:** No, no. Let me correct it. It was Van Wyk.

**ADV SELLO SC:** Okay, it was Van Wyk.

**COMMISSIONER MKHWANAZI:** To take it to us, yes.

**ADV SELLO SC:** When you received it, did you make any contribution to the document?

**COMMISSIONER MKHWANAZI:** No, I just read because it was what we discussed in terms of their contribution and in terms of helping us as the department. And I felt it is going to benefit us as EMPD or as the department, you see. And I know that in terms of comments and everything, it is supposed to – there is a process in the municipality that  
10 ...[intervenes].

**ADV SELLO SC:** Sorry, I apologise. We will get to the processes followed. I am more interested in the content of the document at this juncture.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes, yes.

**ADV SELLO SC:** So, I want to know what is your addition, if any, to what Van Wyk had drafted?

**COMMISSIONER MKHWANAZI:** I may not remember. It is a long time ago, you know.

**ADV SELLO SC:** What are you most likely to have  
20 contributed then?

**COMMISSIONER MKHWANAZI:** But it was towards the benefit of EMPD because I raised it many times that officers must benefit, the department must benefit. That is what I was raising many times in terms of their health and in terms of engagement, in terms of the emergencies, in terms of the

one that I mentioned earlier on, incident and accidents, you see. It was benefiting. And the issue that I raised that it must not be something that is going to cost officers or is going to cost the department. That is what even I raised when I discussed personally with my seniors.

**ADV SELLO SC:** And that is captured in Item 3 under purpose. So, you satisfied yourself that at least the objective had been met based on what you just said.

**COMMISSIONER MKHWANAZI:** Please remind me which  
10 page is that?

**ADV SELLO SC:** Page 58. Do you remember the purpose I just read into the record?

**COMMISSIONER MKHWANAZI:** The one that you were reading, yes.

**ADV SELLO SC:** So, you satisfied yourself that the purpose, at least, is achieved. Now ...[intervenes].

**COMMISSIONER MKHWANAZI:** Individually, but maybe when it goes, other people will raise other issues.

**ADV SELLO SC:** I understand. Before we get to page 59,  
20 which lists various understandings, considering what is set out under Item 3, purpose, and the services intended to be provided by Medicare 24, I think I understood you a short while ago to say the members were not intended to bear the costs of the service. Did I understand you correctly?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Would the service have come at a specified cost?

**COMMISSIONER MKHWANAZI:** No, because I know that whatever that it has been – but you said I must not talk to another department. Because I know the processes – you will stop me when...

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes. In terms of the processes, when you introduce the document, the legal  
10 incorporated always check another department and finance to check that in terms of these agreements, you see, are they not bearing any cost to the City, or is it the benefactor, or is it what you are contributing towards that.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** They are looking at the main objective that we – because they know that in these things, along the way when you go, some wording within these documents, they change, but they are able to check on that. Then finance comes in again and do thoroughly  
20 check in terms of the cost and everything, what we are not expert on, you see. In terms of municipality, in such document, before it is finalised, we may agree all of us. Let us say if all of us were to attach the signatures, it was not going to be finalised up until all other departments have commented and checked in terms of this document.

**ADV SELLO SC:** Indeed. Indeed. And I have no difficulty with that process. I am still at the level of intention before it is even approved.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV SELLO SC:** At the time, you and Mr Van Wyk were agreeing about the contents of this document. You have said that it was not intended for members to bear the cost of that service provided by Mr Van Wyk, correct?

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** Who was to bear the cost?

**COMMISSIONER MKHWANAZI:** No, no. It was the contribution that they were contributing towards that.

**ADV SELLO SC:** So neither the members, nor EMPD, nor the City were expected to bear cost?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So it was a donation? It was a gift, a grant. It was, what can I call it?

**COMMISSIONER MKHWANAZI:** Service.

20 **ADV SELLO SC:** Ja, but you are deriving a benefit for which you bear no cost. And I understand perhaps it was out of the kindness of Mr Van Wyk's heart. I do not have a difficulty with that.

**COMMISSIONER MKHWANAZI:** And that of the engagement.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So he was so nice as to offer members of EMPD this service for free both for the members and for EMPD?

**COMMISSIONER MKHWANAZI:** Yes. Remember I have said again, when I was talking, it was the issue of them gaining publicity, gaining recognition.

**ADV SELLO SC:** Okay. Now how many members did EMPD have at the time? Rough estimate?

10 **COMMISSIONER MKHWANAZI:** It was before 500, it was two point something.

**ADV SELLO SC:** What is two point?

**COMMISSIONER MKHWANAZI:** 2 000. And EMPD, let us say EMPD officers, and currently we are, I think we are 3.6, including security and loss control. I do not count the back office staff. Then when you take those plus minus 2,900, and there is this 500 that joined, the one that we communicated with.

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

20 **COMMISSIONER MKHWANAZI:** Minus that it was, let us say 2.3.

**ADV SELLO SC:** 2.3.

**COMMISSIONER MKHWANAZI:** 2 000, so not two point, 2 300, 2 400, yes.

**ADV SELLO SC:** I will work to figure out about 2 000, 2

300.

**COMMISSIONER MKHWANAZI:** Yes, but remember I have said some of them, they have got their own medical aids, benefits and other things, you see.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** You cannot guarantee that all of them are going to be that because some of them are having better benefits than what we can get from anyone.

**ADV SELLO SC:** I am trying to calculate in my head, what  
10 is the average cost of the service as described here that EMPD would have to pay for its members? What would that cost on average per member?

**COMMISSIONER MKHWANAZI:** No, it is not done by EMPD, it is done by ...[intervenes].

**ADV SELLO SC:** If it were to be done by EMPD, what would it cost the EMPD per member?

**COMMISSIONER MKHWANAZI:** I have not done those calculations. For example, per member it depends on a medical aid. Remember, it is you and the medical aid that  
20 you have signed or the benefits that you are getting from your different medical aids. It depends on the medical aid that you are taking, you see. But in terms of emergency, there is still another benefit that the City is saving in terms of our insurances, you see.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** There is this insurance. And secondly, there is this other benefit that we are getting.

**ADV SELLO SC:** No, it is okay. I do not want to perhaps think too deep. I was trying to get a sense of cost for myself.

**COMMISSIONER MKHWANAZI:** Yes, I understand you correctly.

**ADV SELLO SC:** Because the question that is in my mind is why Mr Van Wyk would bear that significant cost on  
10 behalf of EMPD members? Why would he do that?

**COMMISSIONER MKHWANAZI:** I cannot answer on behalf of him, but we ...[intervenes].

**ADV SELLO SC:** No, I am sure you can answer.

**COMMISSIONER MKHWANAZI:** Indicate ...[intervenes].

**ADV SELLO SC:** No, no, Commissioner, I am sorry. You can answer because I expect logical people in conversation that you said you have had with Mr Van Wyk before this whole thing was transferred to paper, these are the issues you spoke of. Did you ask yourself when the offer was  
20 made, why? Why are you offering us this?

**COMMISSIONER MKHWANAZI:** I think the publicity that we get when we are operational, on the road, helping an officer, the media publicity, the marketing, it was going to take them on the other level. Remember, I think, that is what I am thinking that in their spaces where they operate,

Medicare is starting to be popular now because of all these things. But we know that there are Netcares 911, those are popular, I think, in terms of their space and the competition they were going to get that recognition and competition. That is what came in my mind.

**ADV SELLO SC:** So, effectively, you agreed for Medicare 24 to use EMPD for publicity purposes.

**COMMISSIONER MKHWANAZI:** That was because we were going to benefit for health purposes and in terms of  
10 the services that our members ...[intervenes].

**ADV SELLO SC:** Is it appropriate to do so with public systems and structures and infrastructure? That you go give private sector entity opportunity for branding. Is that appropriate?

**COMMISSIONER MKHWANAZI:** No, there is no branding from our side ...[intervenes].

**ADV SELLO SC:** How else do you ...[intervenes].

**COMMISSIONER MKHWANAZI:** Please repeat the comment.

20 **ADV SELLO SC:** Did you consider it appropriate to allow Medicare to use EMPD for advertising purposes? Because that is exactly what you just said. Because they will be seen on the street associated with EMPD. Their name will be up in lights. Perfect branding. And I am testing the appropriateness of all that. Did you, at the time, consider it

appropriate?

**COMMISSIONER MKHWANAZI**: But life is more important than branding. We are going to benefit in terms of life. When you look at the number of officers that have died because of poor responses that we get when they are hit by cars, when they have got incident and accidents, I think it was going to be better in terms of the life that we are going to save.

**ADV SELLO SC**: Yes.

10 **COMMISSIONER MKHWANAZI**: Or the, not even life per se, the response, the fast response that we are going to save. I think we are going to benefit better than them.

**ADV SELLO SC**: Okay, I accept that. Did you ever bring to anybody's attention, be it Chief Mapiyeye, be it City Manager, be it the Mayor of City of Ekurhuleni, this gap that your members of EMPD who are out serving the public are exposed to these dangers, and it would only be appropriate that they be provided with emergency services? Did you ever have that conversation?

20 **COMMISSIONER MKHWANAZI**: Remember, I said earlier on Mike went and presented the same idea in that meeting that they had.

**ADV SELLO SC**: Then, yes?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes. I think he still did not raise that ...[intervenes].

**ADV SELLO SC:** Okay. Now, what communication ...[intervenes].

**COMMISSIONER MKHWANAZI:** Departmentally, yes. But departmentally, I raised it, you see.

**ADV SELLO SC:** What was the outcome of that?

**COMMISSIONER MKHWANAZI:** They said let us craft something, let us develop something. That is why it was crafted and developed, but I did not get any signatures, any support.

10 **ADV SELLO SC:** No, before we turn to Mike Van Wyk, you have got a problem. I expect that you would raise it internally, that we have got men and women who put their lives on the line. And especially in these days when South African streets are so dangerous, it is wholly inappropriate that they are not catered for in cases of emergency. Is that the right conversation?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So I want to understand, did you raise it within the systems? And where did you hit a block, if you  
20 did, before you had to turn to Van Wyk?

**COMMISSIONER MKHWANAZI:** I raised it, I am still raising it, and I have raised it in front of the Commission earlier on when I talked about bullet vests, when I talked about the vehicle, I said the life of the officers comes first.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** It must be taken before you go and serve the community.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Because you cannot serve the community with people. And I am still raising it, that whatever offer that can come, I am wishing and praying that can assist in terms of taking us forward in terms of all other resources and benefits like this that are going to make sure that our lives, the officers' lives are taken care of.

10 **ADV SELLO SC:** Okay. You said Mr Van Wyk made a first presentation to the, to who again?

**COMMISSIONER MKHWANAZI:** It is the City's senior management team.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Now, what was the communication to you from your City management team on this aspect, on these issues?

20 **COMMISSIONER MKHWANAZI:** I remember it is on a higher level. I cannot go and ask and say, what did you say? What happened?

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But I have said, he briefed me that, no, no, it is positive. You see, they gave me – sorry, they gave him an opportunity, then they were able to

engage and talk to him in something positive. Remember, it was before this ...[intervenes].

**ADV SELLO SC:** Okay, but I will ask it differently. The senior management, that team.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Did it okay the relationship after Mr Van Wyk presented to them?

**COMMISSIONER MKHWANAZI:** Did it occur?

**ADV SELLO SC:** Did it confirm support, that presentation  
10 and the proposed solution?

**COMMISSIONER MKHWANAZI:** No, internally it was not signed.

**COMMISSIONER MKHWANAZI:** No, you are talking about the document. I say, after presentation, did they say, oh, we support this?

**COMMISSIONER MKHWANAZI:** No, I engaged Mike and Mr Mzolo confirmed that, no, he did present. He got the response from the Chief of Police.

**ADV SELLO SC:** I am looking for the – I am waiting for the  
20 confirmation. Was it ever confirmed by the audience to which Mr Van Wyk presented? Was it ever confirmed to your knowledge?

**COMMISSIONER MKHWANAZI:** To say that it is very positive?

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

**COMMISSIONER MKHWANAZI:** Yes, Mr Mzolo said it is very positive, because I engaged the Deputy Chief of Police.

**ADV SELLO SC:** Okay, I see you are avoiding the question. I will pass. And I am asking you this question ...[intervenes].

**COMMISSIONER MKHWANAZI:** Can you repeat it, madam? Maybe ...[intervenes].

**ADV BALOYI-MERE SC:** Ja, maybe let me try and ask it  
10 differently.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI-MERE SC:** You said that Mr Van Wyk made this presentation.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** And then he came back to you, to report to you, to tell you he had a good presentation.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** They gave him the opportunity to speak. Did he say to you that the senior management has  
20 approved this project that he was presenting about?

**COMMISSIONER MKHWANAZI:** No, the answer that he gave is that it is something positive. They were very positive about it. In terms of approving, no, he did not use those words.

**ADV BALOYI-MERE SC:** Did anyone ever say to you,

anyone, whether Deputy Commissioner Mzolo, or is it Commissioner Mzolo, whether Commissioner Mzolo or anyone, did they ever say to you they approved the proposal that Van Wyk made to the senior management meeting?

**COMMISSIONER MKHWANAZI:** No.

**ADV BALOYI-MERE SC:** Were you ever told that?

**COMMISSIONER MKHWANAZI:** No, he said he went in, just presented it, the Chief heard it, all of them, they heard  
10 it, you see.

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

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** Ms Sello?

**ADV SELLO SC:** Thank you. Thank you, Commissioner. And I was testing all this with you because on the reading of the document, I draw my own conclusions as to why Mr Van Wyk wanted this type of partnership. And that, in my reading, and you will correct me if I am wrong because you know about the contents of this document and the purpose  
20 for its creation. I will refer you to page 60 of the same document, 6-0. And are we at 6-0?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** That section starts with Ekurhuleni Police Department:

“By signing this MOA, Ekurhuleni

Police Department agrees to...”

There are five bullet points underneath that, and I would like to draw your attention to the last bullet point. And my interpretation is this is why Mr Van Wyk wanted to conclude this. And it reads, I quote:

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

So the benefit to Medicare was the right and the permission to use blue and red light. Do you have a comment to that?

**COMMISSIONER MKHWANAZI:** Medicare is using red lights as a registered institution.

**ADV SELLO SC:** It could be using purple lights for all I care. I am reading here.

**COMMISSIONER MKHWANAZI:** No, no, yes, yes, yes.

20 **ADV SELLO SC:** Yes. So that was the benefit to Mr Van Wyk?

**COMMISSIONER MKHWANAZI:** It is business people, they may. I agree with you. I agree with you.

**ADV SELLO SC:** So they may use blue and red lights?

**COMMISSIONER MKHWANAZI:** But after approval,

remember, you know I do not have powers. The City does not have powers. After approval, you have to request to the Minister.

**ADV SELLO SC:** Which minister?

**COMMISSIONER MKHWANAZI:** Minister of Police.

**ADV SELLO SC:** And what exactly do you say to the Minister of Police?

**COMMISSIONER MKHWANAZI:** No, no, you motivate after these things have went to all the processes.

10 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** And say why do you recommend that this institution or this security or this person may have or may use.

**ADV SELLO SC:** The blue lights?

**COMMISSIONER MKHWANAZI:** Like I am talking about the whole package, you see.

**ADV SELLO SC:** What is that?

**COMMISSIONER MKHWANAZI:** Well, let us say blue lights is fine.

20 **ADV SELLO SC:** Blue lights. We are talking about blue and red lights here.

**COMMISSIONER MKHWANAZI:** Because red lights, they are using them.

**ADV SELLO SC:** So you approach then, as I understand you, the Minister of Police to motivate for Medicare 24, Mr

Van Wyk's ...[indistinct] vehicles, to use blue and red lights.

Have I summarised it correctly?

**COMMISSIONER MKHWANAZI**: You are not summarising correctly.

**ADV SELLO SC**: Oh, okay. Please correct me. I will take your correction later.

**COMMISSIONER MKHWANAZI**: No, no. Let me read it. Let me read it so that.

**ADV SELLO SC**: Absolutely.

10 **COMMISSIONER MKHWANAZI**: Yes:

“EMPD will assist registration of vehicles under EMPD. Official vehicles will be permitted to use blue and red to respond on behalf of EMPD.”

Let us leave the cost.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: But I am saying currently, the institution is using these lights ...[intervenes].

**ADV SELLO SC**: Which institution?

20 **COMMISSIONER MKHWANAZI**: They may not be blue. All medical services, all registered ...[intervenes].

**ADV SELLO SC**: You have just read it again.

**COMMISSIONER MKHWANAZI**: Yes, I agree.

**ADV SELLO SC**: And it specifically references blue lights. So when you tell me about institutions using lights, why do

you exclude blue lights specifically?

**COMMISSIONER MKHWANAZI:** No, I am saying a health department cannot use blue lights. It is something different.

**ADV SELLO SC:** But you offered that to Mr Van Wyk.

**COMMISSIONER MKHWANAZI:** No, that is what he wanted. You see, now I understand what you are saying. I am getting you. I understand. I understand very clearly, you see.

10 **ADV SELLO SC:** And you said he was the author. You read it. You satisfied yourself that it is proper.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And it is the propriety of that I want us to speak about now ...[intervenes].

**COMMISSIONER MKHWANAZI:** And it is going to follow the processes.

**ADV SELLO SC:** So you were trying to offer Mr Van Wyk blue lights ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** But remember, let me speak to the Commissioner so that I can respond.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Apologies, apologies.

**COMMISSIONER MKHWANAZI:** Yes. I have said, remember, it was still going to undergo other processes

within the department, within the City. You see, this was my support on my side. But it was going to get different people, different department, and with experts of different legal experts, your finance, your other people that have knowledge in terms of these things and raise other issues. This is as I have said to you earlier on that to me, it was a proposed.

It was not a final. That is why in here it does not say it is a final one, but it was still going to undergo other  
10 processes and everything. But I do not deny your comment on what you are saying, that the objective of the creator, of the initiator, may be different for what I am thinking. Because business people, they will think about their life. They do not think like what I am thinking, you see. And the objective may not be the same. On that level, I fully agree with you.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Ja.

**ADV SELLO SC:** Except that earlier you said you received  
20 it, you considered it, you satisfied yourself, and in fact you signed it and you forwarded it to Superintendent Fortein in Chief Mapiyeye's office. So you were happy at that stage.

**COMMISSIONER MKHWANAZI:** Yes, I forwarded it to them, to Deputy Chief Mzolo. Yes, that is the way you are saying it, yes.

**ADV SELLO SC:** So you had approved the provision of blue lights. Now tell me ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, I did not approve, Madam. Here it does not say approve. You said I must stick to the words you are using. Here it does not say approve. It says support, then it must go to – the person who must approve, it is the Deputy Chief of Police, it is the Chief of Police. But even them all approving it, it must still move out of the department.

10 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** But here you said it and you read it to me, it says support, you see. Not approved.

**CHAIRPERSON:** Where does it say it was still to go outside of the Metro?

**COMMISSIONER MKHWANAZI:** Sorry, outside?

**CHAIRPERSON:** Where? Where does it say that it was to go outside of the Metro, that final approval on blue lights was to be outside of the Metro? Where does it say so?

**COMMISSIONER MKHWANAZI:** Remember, legally,  
20 Commissioner, we do not have powers to finalise as the City.

**CHAIRPERSON:** No, I accept that.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** For argument's sake, I do not know what the legal position with regard to blue lights is. But for

purposes of the point I am raising with you, let us accept that you are correct on the law. Now my question is, where does this MOU say that final approval on blue lights was to be outside?

**COMMISSIONER MKHWANAZI**: As I am saying, legally we do not have powers. Even if ...[intervenes].

**CHAIRPERSON**: I hear that, I hear that. Please let us not move in circles.

**COMMISSIONER MKHWANAZI**: Yes, yes.

10 **CHAIRPERSON**: Let us not move in circles. Where does the MOU say final approval with regard to the use of blue lights by Medicare 24 was to be done by or given by an outside entity? Where does the MOU say that?

**COMMISSIONER MKHWANAZI**: Commissioner, you are cornering me. You are not fair to me. Because legally you cannot just finalise ...[intervenes].

**CHAIRPERSON**: If it does not say so, if it does not say so, simply say nowhere.

**COMMISSIONER MKHWANAZI**: Sorry, Commissioner?

20 **CHAIRPERSON**: If it does not say so, simply say it does not say so or nowhere does it say so. It is as simple as all of this.

**COMMISSIONER MKHWANAZI**: Okay, yes, I agree.

**CHAIRPERSON**: There is no cornering.

**COMMISSIONER MKHWANAZI**: Yes, I agree.

**CHAIRPERSON:** It does not say so?

**COMMISSIONER MKHWANAZI:** Yes, if it says so, I agree.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Commissioner Baloyi, you wanted to say something?

**ADV BALOYI-MERE SC:** Thank you. Commissioner Mkhwanazi, still in that paragraph, or above that paragraph, you confirmed to Ms Sello that that is your signature there supporting that the City must enter, should enter into this memorandum, right? That is what you are supporting.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** Okay. Now that paragraph there which says the Medicare will be permitted to use blue lights. Remember that paragraph?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV BALOYI-MERE SC:** Now, when you support this, this proposal, what you say is a proposal, when you show that you support this, is it because you consider that it is permissible for private vehicles to have blue lights on them? That is why you have no difficulty supporting this?

**COMMISSIONER MKHWANAZI:** No, no, no, no. I do not say so. That is why - that is why here we put a signature, so that it must be taken to different levels of the department, you see. They will reject it, they will say it is not approved, like now it was not signed, that is why it

disappeared.

**ADV BALOYI-MERE SC:** No, I hear that. You signed this as Director of Specialised Services.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** So I am asking the Director of Specialised Services now that when he supports that blue lights should be fitted in private vehicles, is it because he sees nothing wrong with that? The law permits blue lights to be in private vehicles, and the Director of Specialised  
10 Services says there is nothing wrong with that. That is why he is prepared to support this. That is what I am asking, because you saw nothing wrong with it.

**COMMISSIONER MKHWANAZI:** No, Commissioner, I think on my side there may be an oversight because the main objective that I was looking at is now I understand the approach that you are coming with. On my side it was the question of making sure that there is an emergency response to the lives of those that we are leading, you see. I look at it in that perspective, but now I understand on the  
20 angle because you are saying that there is blue lights, there is emergencies, emergencies ...[indistinct], but this blue light, I agree with you. The way I look at it, it was not the way you...

**ADV BALOYI-MERE SC:** In fairness to you, Commissioner, I accept that with hindsight we are all wiser.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI-MERE SC:** I am not asking you about hindsight.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** You negotiated. You spoke to Mr Van Wyk. That is what you told us earlier, right?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV BALOYI-MERE SC:** You went and spoke to him and agreed with him what services they will provide for free to  
10 the Metro.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI-MERE SC:** And in this page 60, it sets out what is agreed. And one of the things that is agreed is you are saying, when you speak to Mr Van Wyk, you say on behalf of the Metro that the Metro will agree that his vehicles will have blue lights fitted in them. It can be something that you see now and that you can apply benefit of hindsight. It is a very critical part of this agreement. So you were aware of it at the time, that that is what it says  
20 there.

So I am asking the question simply this. When you agree here in this document and in your discussion with Mr Van Wyk that private vehicles will be fitted with blue lights, you must have agreed to that because you thought there is nothing wrong with it, and I want to check that with you.

Did you consider that is lawful? That is not a problem?  
That private cars should have blue lights on them?

**COMMISSIONER** **MKHWANAZI**: Remember, Commissioner, it was still within EMPD. It never went back and approved, or Mr Mike did not get this document back. It was still within EMPD, you see. I thought that will engage and come up. I know there are people who are wiser than me. We are raising it now. We are going to raise it. So no, no, no. In our engagement, because it was still going to  
10 rotate in comments and everything, you see. That is why the blindness or maybe the oversight on my side, it was going to be corrected going forward.

**ADV BALOYI-MERE SC**: Let me try get an answer from you to this question in a different way. If this had gone on to Mzolo, the Deputy, because he is the next signatory, and he supported it, and it had gone to Mapiyeye, and if it had gone to Mzolo and it had gone to Mapiyeye and they both supported it, right? So it would have three signatures approving. My question remains. You, as Director of  
20 Specialised Services, you would see nothing wrong. If there are those three signatures, you would have seen nothing wrong with private cars being fitted with blue lights. So the question remains. You, they have approved, you have approved. You would see nothing wrong. You say it is okay for private vehicles to have blue lights because we

have all signed. Is that your position about this?

**COMMISSIONER MKHWANAZI:** No, Commissioner. Now it has been discussed, it means that now I would have seen it wrong. Let me agree.

**ADV BALOYI-MERE SC:** You would see it as wrong?

**COMMISSIONER MKHWANAZI:** Yes, because of what public have raised, what we are raising now, and the way we are raising it, you see, it was going to be something wrong. Yes, I was going to be happy because there is this  
10 first response ...[intervenes].

**ADV BALOYI-MERE SC:** No, no.

**COMMISSIONER MKHWANAZI:** But the question of powers, it was going to be wrong.

**ADV BALOYI-MERE SC:** I am not talking about – we are still going to be discussing the first response and what this contract says.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI-MERE SC:** I have things that I would like to discuss with you. I just wanted to check that your position  
20 and you have accepted that something is wrong with private vehicles being fitted with blue lights.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI-MERE SC:** Thank you.

**COMMISSIONER MKHWANAZI:** The law does not allow that.

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

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Okay. I take note that you say after you signed and to be expected then that Commissioner Mzolo would consider and sign, and then Chief Mapiyeye would consider and sign, and then it goes through a process. You spoke about issues of finance and legal, so I take it then that the document is vetted in the system. Is that the correct understanding?

**COMMISSIONER MKHWANAZI:** Including other  
10 departments, or?

**ADV SELLO SC:** Yes, within the City, ja? Or maybe I misunderstood you completely.

**COMMISSIONER MKHWANAZI:** Commissioners, you know, this document, it was not supported ...[intervenes].

**ADV SELLO SC:** No, I am ...[intervenes].

**COMMISSIONER MKHWANAZI:** Now we are taking it to another level ...[intervenes].

**ADV SELLO SC:** Let me explain myself ...[intervenes].

**COMMISSIONER MKHWANAZI:** As if it is supported.

20 **ADV SELLO SC:** Let me explain myself. For my own understanding, to give life to this document, can you explain the process it would have had to go through to bring it to life?

**COMMISSIONER MKHWANAZI:** Yes. Internally, we are supposed to, within the department, we are supposed to

invite comments.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes. Comments from not only the two, Deputy Chief and the Chief. There are comments from other senior people within, those that are having access of computers and everything, you see, and we engage. People are raising comments. That is how we do. In fact, in Cities, anything that happens to a department, these comments, they spread it in all the  
10 departments. Then after that, it will go to other departments. Before they approve, police, or before they approved, they need proper consultation with each and every one.

**ADV SELLO SC:** Okay. Thank you for that ...[intervenes].

**COMMISSIONER MKHWANAZI:** I was still explaining.

**ADV SELLO SC:** Oh. You were giving them time to confirm?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Thank you.

20 **COMMISSIONER MKHWANAZI:** Then it remains with the relevant department, but your finance, your legal and corporate and HR, because here in HR, I think even health, because they were relevant, health department, they were relevant here, you see, to comment, especially with the mandates that we are having now, you see. Health

department belongs to province. Ours is to do, in fact, we are just managing the primary health care, but the last final one when processes are going, it must go to provinces.

I think it is still going to require many, many, many processes, you see, because now I happen to know, when I was acting, that no, no, no, no, no, no. That mandate does not belong to. That is all I was able to tell. Remember I said I told you, in my comments also, I was able to tell you, no, man, that mandate does not belong to us. I thought  
10 because local government is providing this primary health care, but now it is no longer the mandate of the municipality, you see.

In other municipalities, it has moved, but with us, with Metro, it is moving slower, slower, but it is no longer our mandate ...[intervenes].

**CHAIRPERSON:** All of this was to take place after you had signed.

**COMMISSIONER MKHWANAZI:** No, no, no. No, I am saying after the consultation, but I am making an example  
20 now.

**CHAIRPERSON:** No, I am taking you back to the document that you signed. So I am saying ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, after the Chief of Police, Commissioner.

**CHAIRPERSON:** So at that stage, it would then go to all

the departments and even to whomever outside of the Metro for approval on the blue lights.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes, yes.

**CHAIRPERSON**: All of this, the other departments, the outside entity, body, organ of state, all of that would take place after you had signed, after Commissioner Mzolo had signed, after Chief Mapiyeye had signed. Is that what you are saying?

**COMMISSIONER MKHWANAZI**: Then it goes to the  
10 departments, department comments, maybe ...[intervenes].

**CHAIRPERSON**: Can you please answer my question? You are going to confuse me. I am saying this document would go to Health, all other departments, the outside entity that would approve on the blue lamps, it would go there after signature by you, by Commissioner Mzolo, by Chief Mapiyeye. Can you please answer my question?

**COMMISSIONER MKHWANAZI**: No, Commissioner, after Chief Mapiyeye, it still goes to internal, the City. It has not yet gone outside ...[intervenes].

20 **CHAIRPERSON**: But it is ...[intervenes].

**COMMISSIONER MKHWANAZI**: [Indistinct] ...[intervenes].

**CHAIRPERSON**: Sorry, sorry. But it is already signed by the three people that I have referred to.

**COMMISSIONER MKHWANAZI**: Ja, within the City, yes, but any document that goes out of the City ...[intervenes].

**CHAIRPERSON**: Just a minute. And it is still going to be signed by the person or entity or organ of state that is going to approve the use of the blue lights.

**COMMISSIONER MKHWANAZI**: Yes, Commissioner.

**CHAIRPERSON**: So it is already signed by the three people and then it goes to the rest of the City and then to the entity that is going to approve the blue lamps.

**COMMISSIONER MKHWANAZI**: Commissioner, let us not move yet outside the City. It goes to the City, the City  
10 comments, the City ...[indistinct]. Then the authorised officer ...[intervenes].

**CHAIRPERSON**: When it does that, when it goes to the rest of the City, it is already signed by the three people, correct?

**COMMISSIONER MKHWANAZI**: Out of the department to the City.

**CHAIRPERSON**: Correct. It is signed by the people?

**COMMISSIONER MKHWANAZI**: Yes, but not out of the City, out of the department. Yes, out of the department  
20 ...[intervenes].

**CHAIRPERSON**: The three people are within the department, not so?

**COMMISSIONER MKHWANAZI**: Yes, I agree on that.

**CHAIRPERSON**: Yes, so why do you keep ...[intervenes].

**COMMISSIONER MKHWANAZI**: No, I ...[intervenes].

**CHAIRPERSON**: What is so difficult with simply saying yes?

**COMMISSIONER MKHWANAZI**: No, you do not even get me. You do not understand.

**CHAIRPERSON**: Let me get to you then.

**COMMISSIONER MKHWANAZI**: Yes, I am saying the mandate of the Chief of Police, the mandate of the Deputy Chief, it is limited within the department. Immediately when you sign, then you recommend to other departments within  
10 the City, you recommend to the City Manager's office. That is when they check, and if they agree, then they will take it outside. The authorised City Manager.

**CHAIRPERSON**: Who was the ultimate person that was to approve within the City?

**COMMISSIONER MKHWANAZI**: Maybe it is the City Manager or legal and corporate, because they are the one that deals with finalisation of all these documents. Now I get you, yes.

**CHAIRPERSON**: And what would the point be for all of  
20 these people, that is those within the EMPD and the final approval within the Metro, what would the point be for all of them to sign if this is still to go outside, when the person outside might say no to the whole thing? What would the point of it be?

**COMMISSIONER MKHWANAZI**: No, it ...[intervenes].

**CHAIRPERSON:** Should it not have been the other way around? You first get approval from outside. This is what we propose to conclude, this is the agreement we propose to conclude. That is, you are saying to the outside person or entity or organ of state, we seek your approval.

**COMMISSIONER MKHWANAZI:** You know, currently it is happening like that, Commissioner. Within different departments, we propose that development policy, developing something, then they take it to upper level.  
10 Take it from local government up until nationally. Sometimes it may not even go there. Around the ...[indistinct], they turn it back. Then you have to think about data strategies. It is happening like that, you see. That is why I find that sometimes some of the policies, they take five years, six years, or 10 years. If there are changes of political, it is ended up not even implemented.

**CHAIRPERSON:** Okay, all right. All right.

**COMMISSIONER MKHWANAZI:** That is what happens.

**CHAIRPERSON:** All right, thank you. Thank you, Ms  
20 Sello.

**ADV SELLO SC:** Thank you, Chair. But I think as you state, or maybe just to check, it is not my assumption from reading the document, besides you signing the document, nobody else signed it. Did you mention that?

**COMMISSIONER MKHWANAZI:** This one?

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, no, no, no, nobody.

**ADV SELLO SC:** So effectively it was never approved?

**COMMISSIONER MKHWANAZI:** Yes, it was never approved. I even remember on this one, there is something that I forgot, Commissioner, that I am not sure is it this one or the other one. There is a document like this that I submitted even to IPID. They wanted to check that there is no one in the City. They took it. They said, no, no, I want  
10 to check, you see. They said those that I was having, all the documents, those that I was saving, they wanted to check that there is no one, you see. But I do not think there is anyone, Commissioner, because nothing came, you see.

**ADV SELLO SC:** Nothing came?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. I am now at your paragraph 27, and at 27 you are dealing with some of the issues you have raised already ...[intervenes].

20 **ADV BALOYI-MERE SC:** So, Ms Sello, are you moving away from this document?

**ADV SELLO SC:** No, the physical document, yes. But I am going to talk about documents relating to the same document, but I will not be going back to the document itself.

**ADV BALOYI-MERE SC:** You will not be going back?

**ADV SELLO SC:** No.

**ADV BALOYI-MERE SC:** Okay, so I can ask my question.

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

**ADV BALOYI-MERE SC:** All right. Commissioner, I might have missed it when you explained, but I am confused about what you say was the purpose of entering into an MOU or what you say was a proposed MOU, this document. What do you say was the purpose of this relationship that was  
10 sought to be created?

**COMMISSIONER MKHWANAZI:** It was to assist in terms of emergency response when our officers are involved in accidents and incidents so that they can get an effective or a very fast and efficient response, you see.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** Because they even said it is just a call away because they are around Boksburg and it is central, it was going to assist us and our officers.

**ADV BALOYI-MERE SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** Now, let me say not officers per se, because I am operational too.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** It was going to assist us operationally.

**ADV BALOYI-MERE SC:** But it would assist employees, let

us say.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** Let us use that general term, employees.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes, yes.

**ADV BALOYI-MERE SC:** All right. Now, can you just look at paragraph 3 at page 58?

**COMMISSIONER MKHWANAZI:** 58?

**ADV BALOYI-MERE SC:** Yes. Is that what you refer to  
10 where it says purpose of the document or this agreement?  
Paragraph 3 under the heading purpose.

**COMMISSIONER MKHWANAZI:** Oh, yes. Yes, I see.

**ADV BALOYI-MERE SC:** Is that what you are referring to?

**COMMISSIONER MKHWANAZI:** May I read it?

**ADV BALOYI-MERE SC:** Yes, you can.

**COMMISSIONER MKHWANAZI:** Because it is long. I do not even remember ...[intervenes].

**ADV BALOYI-MERE SC:** No, please read it.

**COMMISSIONER MKHWANAZI:** Yes. Yes, yes. I think it  
20 is talking to that.

**ADV BALOYI-MERE SC:** That is what you refer to?

**COMMISSIONER MKHWANAZI:** Yes, I think it is talking to that.

**ADV BALOYI-MERE SC:** Okay, and then go to the next page, page 59. At paragraph 1, and I will try and read it. It

says:

“First project will be a trial run to see how many vehicles we need to put on the road to assist EMPD only in a shooting or car accident or emergency on duty.”

What was contemplated there? What were you agreeing to do?

**COMMISSIONER MKHWANAZI**: Yes. I think that he was  
10 mentioning one of the things that they were going to do.

**ADV BALOYI-MERE SC**: For who?

**COMMISSIONER MKHWANAZI**: Not only that, say, one of the things that we are saying is that we are going to assist us on. So that is why I was talking about incident and accident. Incident is part of the shooting, is part of an accident.

**ADV BALOYI-MERE SC**: So if a member is shot, if an EMPD member is shot, they would come and help?

**COMMISSIONER MKHWANAZI**: Yes.

20 **ADV BALOYI-MERE SC**: Is that what that paragraph means?

**COMMISSIONER MKHWANAZI**: Yes, to stabilise. And we had, Commissioner, we had many incidents of that where we lost members because of poor response and ...[intervenes].

**ADV BALOYI-MERE SC:** Okay. Okay, I understand.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** Then go to paragraph 2.

**COMMISSIONER MKHWANAZI:** Paragraph 2, the same?

**ADV BALOYI-MERE SC:** The same page.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:**

“We can assist on drug testing and  
drug busts.”

10 **COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV BALOYI-MERE SC:** Were they going to conduct drug  
busts of employees of EMPD?

**COMMISSIONER MKHWANAZI:** No, no, we do drug busts,  
but the challenge is that we are not trained in terms of  
testing and checking that is it the correct stuff. You know  
what happened operationally? You arrest, you get drugs,  
which is a powder. Along the way, when you take it for  
SAPD and whatnot, when you go there and testify, it is  
Grandpa now.

20 It is ...[indistinct]. But then they will assist in terms  
of making sure that before you even take there, once that  
goes and everything, it is the real thing that you know.  
Because we cannot test it, we do not have those tools. And  
private sector, especially like now, if you want to, we are  
taking them to different, we are doing that per se. Members

are doing that. They go to different private hospitals and request that, can you check this?

Even if those processes take a time, but it is done. But at least in the court of law, you are able to present something that you are sure. But now, if you take it and leave it SAP13, even the storage part of it, we do not have that professional storage. You must take and put it. Then in the court of law, the day when the proceedings are starting, we are not able to because they will ask, how did  
10 you test? How are you sure that it is Grandpa or what, what? When you test it, it is Grandpa.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** They are going to assist us because ...[intervenes].

**ADV BALOYI-MERE SC:** Let me get on with my questions. These private people, private business who are not police, would be allowed in terms of this agreement to handle crime exhibits. So a drug bust is conducted, there is drugs on the scene. You are agreeing to have a private company test  
20 this. These are not the police. These are not crime scene unit of the police. It is a private body. It was going to be handling material that is the product of crime on the scene.

**COMMISSIONER MKHWANAZI:** Commissioner, it is happening. A simple example ...[intervenes].

**ADV BALOYI-MERE SC:** No, no ...[intervenes].

**COMMISSIONER MKHWANAZI:** I am answering you.

**ADV BALOYI-MERE SC:** No, no ...[intervenes].

**COMMISSIONER MKHWANAZI:** I am saying ...[intervenes].

**ADV BALOYI-MERE SC:** Commissioner, please allow me. We have to finish. When I ask you a direct question, please do your best to answer. It does not help me understand your answer if you say it is happening now. Maybe it is happening and maybe it is bad that it is happening. Maybe  
10 it is against the law. I do not know. I am asking you. You agreed to this in this document. You were agreeing to this. I am asking you the simple fact question. You were prepared to agree that at the scene of a drug bust, you would have a private company, which is not accredited and is not part of the unit of the SAPS, to handle what would ultimately end up being evidence in court. You were prepared to agree to that.

**COMMISSIONER MKHWANAZI:** Commissioner, allow me to talk. You will correct me if I say no. I am saying for  
20 example, we arrest a person for drinking and driving. We go to an institution. We use private hospitals. You get a registered person who is allowed in terms of the law to do that. Even now, we go to those hospitals for testing. You get a registered doctor. A person is assigned. They check in. If they are not registered, it is difficult to do. Currently,

you go and get registered. And they have assisted and we have success out of that, but I understand in terms of your question when you say coming to the scene, tampering with the scene when you are not registered and everything. It is a different story.

**ADV BALOYI-MERE SC:** Do you agree that paragraph 2 means that Medicare 24 and Abeon [?] something Security will be part of your drug busts and they will do the testing of drugs? Do you agree that is what paragraph 2 says?

10 **COMMISSIONER MKHWANAZI:** Yes, that is why it is not a must. It can assist.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** If it is not registered, it is a different story.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** And then paragraph 3, it says they can assist when technical units are in operation. So they do more than provide support ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** I lost you, Commissioner. Can you ...[intervenes].

**ADV BALOYI-MERE SC:** Let me finish. Page 59. We are still on the same page.

**COMMISSIONER MKHWANAZI:** 59? Yes.

**ADV BALOYI-MERE SC:** Paragraph 3. We are looking at 2

now, so I am asking you to look at 3. Can you read it? I will follow you. I will tell you that.

**ADV BALOYI-MERE SC**: If you are not there, please let me know. 3 says:

“Few members are trained.”

This is what Medicare is telling you:

“Few members are trained in tactical medical emergency management and therefore can assist when tactical units are on operations.”

10

What were you agreeing to there?

**COMMISSIONER MKHWANAZI**: There are those security companies that are even tactical trained officers that are patrolling within the areas in terms of response, in terms of crime. We usually work with them and they assist in terms of arresting. They also put statements, they also assist in terms of arresting, in terms of providing information and everything. That is what is happening, yes, they are going to assist in terms of that, yes.

20 **ADV BALOYI-MERE SC**: And in paragraph 6, they will take blood, they will draw blood at roadblocks. So this is not support to employees. Remember you said the purpose of the agreement is so that when members are involved in shootings and accidents, then Medicare will help. But paragraph 6 is to draw blood from members of the public.

**COMMISSIONER MKHWANAZI:** Commissioner, as I have said that currently we use institutions that have registered nurses. This is happening. If they were having registered nurses, maybe if they are having registered nurses, even currently members are going to them. Because the challenge that we are having, I cannot say that in public, but the challenge that we are having is that you do not have registered nurses as EMPD. Even now we do not have registered nurses.

10 **ADV BALOYI-MERE SC:** And you are prepared to have Medicare, because you do not have registered nurses in the City, in paragraph 6 you are prepared or you are giving Medicare the ability to draw blood from members of the public. Because that is what paragraph 6 says.

**COMMISSIONER MKHWANAZI:** No, we are doing that even now. We go to different institutions, different private clinics and get registered, or public clinics. But public clinics are always busy. At least in private clinics, at least we have got these registered nurses that always assist and  
20 they are able to present in terms of, in court, the evidence.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** But with private hospital, they do not want, because they say we cannot allow our registered nurses to go and spend a whole week or two days in court instead of assisting, but privately they go and

present. Or there is a format of a form that we are using, you see, where you fill in and you put in details, registered nurse, I did this and this and this. You present it in court. Then your Magistrate will decide that am I calling him or am I calling the registered nurse or no.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** I think the simple point I am making, I am trying to establish with you, is that this  
10 agreement, this MOU, does more than provide services to EMPD employees. It is not just about helping them out when they have been shot or there have been accidents. It includes Medicare handling members of the public when they draw blood. That is the only point I am making, that it is not correct to say all this was just about supporting.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV BALOYI-MERE SC:** You understand what I am saying?

**COMMISSIONER MKHWANAZI:** With the service that we  
20 rendered.

**ADV BALOYI-MERE SC:** And you see that from the service.

**COMMISSIONER MKHWANAZI:** I agree, yes.

**ADV BALOYI-MERE SC:** Okay. And maybe lastly, just to confirm that point, if you look at under seven and you read

the second bullet point from the bottom, the one that reads regional plan, from the bottom?

**COMMISSIONER MKHWANAZI:** Oh, starting from the bottom, yes. Yes.

**ADV BALOYI-MERE SC:** You see where it says regional plan? It says, and I will read it. Well, firstly, the heading up there it says:

10                    “All the above will be done for you as  
                         we really believe in the cause and that  
                         we want to assist the Ekurhuleni  
                         Metro.”

And then if you read that bullet point which says regional plan, second from the bottom, you see where I am reading?

**COMMISSIONER MKHWANAZI:** We started from all.

**ADV BALOYI-MERE SC:** Okay. So if you ...[intervenes].

**COMMISSIONER MKHWANAZI:** I see the second from the bottom as well.

**ADV BALOYI-MERE SC:** Let us just focus on that.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV BALOYI-MERE SC:** I am happy to read that. So that says regional plan:

                         “Participate in the recent developed  
                         public-private partnership with a  
                         continuous understanding of promoting  
                         and protecting the officers and public

alike.”

So we have just agreed, you and I, that this document does not only confine itself to officers. It also means handling members of the public. And then it says:

“By implementing and developmental assessments of regional plans that address natural disasters, mass fatality, or other mass casualty hazards.”

10 This is further proof that this company, what you are contracting here, or you are agreeing to do more than just provide health services to officers, but in fact to deal with the public as well, matters that concern the public.

**COMMISSIONER MKHWANAZI:** Commissioner, you want me to limit to this or I can give – are you allowing me to give an example? Because when I am trying to say no, man, you must ...[intervenes].

**ADV BALOYI-MERE SC:** All I wanted to say was, am I correct to say when you read that paragraph that I have just  
20 read ...[intervenes].

**COMMISSIONER MKHWANAZI:** Oh, you are correct.

**ADV BALOYI-MERE SC:** It means they would do more than.

**COMMISSIONER MKHWANAZI:** Yes. I wanted to give an example that happened in Boksburg, where disaster

happened, where a truck...

**ADV BALOYI-MERE SC:** Exploded.

**COMMISSIONER MKHWANAZI:** Exploded.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** And it killed many people.

The same company ...[intervenes].

**ADV BALOYI-MERE SC:** Was Medicare 24 there?

**COMMISSIONER MKHWANAZI:** No, the same company, yes. The same company, it is in Boksburg next to there, but  
10 the same company's hospital, they played the very crucial  
role, security companies, you see, to manage the scene and  
assist us in terms of doing all these things ...[intervenes].

**ADV BALOYI-MERE SC:** No, I ...[intervenes].

**COMMISSIONER MKHWANAZI:** But I agree with you, ja.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** Ja, I agree with you.

**ADV BALOYI-MERE SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** Thank you, Mr Sello, for taking  
20 your time.

**ADV SELLO SC:** No, it is quite in order. Thank you.  
Thank you. Thank you, Commissioner. Mr Mkhwanazi,  
Commissioner Mkhwanazi, my apologies. If you go to page  
9 of your statement.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** That is the end of paragraph 27, and the manner you have dealt with your annexures requires me to do some clarifications. At page 9, you conclude that paragraph which starts in the preceding page at 27, right? And you say:

“She received an email from Superintendent Fortein and submitted to Chief Mapiyeye, Jabulani Mapiyeye.”

You see where I am reading?

10 **COMMISSIONER MKHWANAZI:** Page?

**ADV SELLO SC:** 9.

**COMMISSIONER MKHWANAZI:** Yes, last paragraph. Paragraph 29?

**ADV SELLO SC:** Paragraph 27. The top of your page 9 should be the tail end of paragraph 27.

**COMMISSIONER MKHWANAZI:** It starts from page 8, then continues towards page 9, yes.

**ADV SELLO SC:** Yes.

20 **COMMISSIONER MKHWANAZI:** It is the top first paragraph.

**ADV SELLO SC:** That is correct.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** I just want to draw your attention to the last line of that paragraph where it says, you know, submitted to Chief Isaac Jabulani Mapiyeye. See where I

am reading?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Now you say attached as one of the annexures. I understand that when you say so, you mean that you have annexed a document to your statement. Is that correct? I understand that when you say in your statement, as you have at paragraph 27, you say, let me read the whole sentence:

10                   “Proof           of           communication,  
                      communication dates, and an affidavit  
                      from Chief’s PA, Liezel Tyers, where  
                      she confirmed that on the 24<sup>th</sup> of  
                      October, 2021 she received an email  
                      from Superintendent Fortein and  
                      submitted to Chief Jabulani Mapiyeye.”

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Then you state:

                      “...attached as one of the annexures.”

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** I understand that when you use that phrase, attached as one of the annexures, you actually mean that there is a document you have attached to your statement in this regard.

**COMMISSIONER MKHWANAZI:** Yes. It is in our ...[indistinct] communicated and said there is a paper trail

...[intervenes].

**ADV BALOYI-MERE SC:** Yes. I am not taking issue with that. I am just trying to help the Commissioners go through your statement.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Because normally we would say we attach it as annexure and we give it a number, but you do not give numbers to annexures, and I just need us to quickly help them navigate the annexures file.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, if you go to the annexures file, the big file with your annexures, that would have flags marked JD1, which is your range, to JD13. You see that file?

**COMMISSIONER MKHWANAZI:** JD? Yes, yes, yes. One, two, three, four, five.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** The whole file, yes, the whole file.

20 **ADV SELLO SC:** Now, would I be correct to ask the Commissioners, at the end of paragraph 27 where you say attached is one of the annexures, to help them identify that as JD1, is that the document you want them to refer to when they consider what you have stated in that paragraph? Because otherwise it makes it difficult for them to read your document, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** When they do not know which annexure you are referring them to.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, may I propose that at the end of the annexure you referenced there is JD1?

**COMMISSIONER MKHWANAZI:** It is JD1 and it is page 1 and 2.

**ADV SELLO SC:** Yes.

10 **COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay. No, it is 1 and 2 and 3. It is three pages.

**ADV SELLO SC:** Yes, yes, but they are all under the flag JD1.

**COMMISSIONER MKHWANAZI:** No, I am wrong. It is four pages. It is one, two, three, four. It is four pages. It is taking ...[indistinct] and me and it is taking the statement from Lieze. You are correct.

**ADV SELLO SC:** Indeed.

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But those four pages are all under the flag marked JD1.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Thank you. So, Commissioners, at the end of paragraph 27, can we kindly add Annexure JD1?

And because of your approach to annexures, we will do that periodically so that we assist the Commissioners.

**COMMISSIONER MKHWANAZI**: Thank you. And you assisted us a lot in terms of doing this. Thank you.

**ADV SELLO SC**: So, then we go to your paragraph 28, still on page 9, and I will just quickly read that part of that. You say:

10                   “The formal instruction from my superior, Goodman Mzolo, which were issued to me on the 15<sup>th</sup> of October 2021, clearly outlined the task and the due date for the “to-do list” concerning the SOP for Operational Security Division other responsibilities. This plan or SOP was necessary as the department had not yet established one since its inception and officers are working with private security companies without formalities. The  
20                   instructions were to be completed by the 20<sup>th</sup> of October.”

And you state a time:

“The attached email trail serves as evidence of these formal instructions and it was also followed by a meeting

between my superior and myself.”

Are you with me?

**COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV SELLO SC**: Okay. Now, my first question is, what formal instructions are these? I cannot make out from paragraph 27 what you suggest your superior, Commissioner Mzolo, instructed you to do on the 15<sup>th</sup> of October 2021.

**COMMISSIONER MKHWANAZI**: Yes. May I answer?

10 **ADV SELLO SC**: Yes, please. Please answer. Thank you.

**COMMISSIONER MKHWANAZI**: Commissioners, in the three PASCO or four PASCO meetings, there was some engagement. It is not part of this, but I will explain. Yes, that everyone works with the security company and then ...[intervenes].

**ADV SELLO SC**: Commissioner, I do apologise. I do apologise. May I seek your help first? Because if you answer this question, it might resolve my challenge.

**COMMISSIONER MKHWANAZI**: Yes.

20 **ADV SELLO SC**: Is that okay?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Thank you. Please stay with your Annexure JD2. Now, I want you to turn your attention to JD2, which will start at page 5 of your annexure file. Do you see? Have you located it?

**COMMISSIONER MKHWANAZI:** Are you saying I must start with JD2?

**ADV SELLO SC:** Let us go to JD2.

**COMMISSIONER MKHWANAZI:** Leave this one or look at both of them?

**ADV SELLO SC:** No, we will come back to your...

**COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** Ja. I was thinking that perhaps a consideration of Annexure JD2 might help clear the  
10 confusion in my head. I just needed to confirm that that is the case. If we go to JD2, I see a document there that is a two-page annexure. The first page is an email from Goodman Mzolo dated Wednesday, October 23<sup>rd</sup>, 2021. It is addressed to you, Julius Mkhwanazi, and the subject line is to-do list 15 October 2021. Correct?

**COMMISSIONER MKHWANAZI:** It is not page 2. It is JD2? The one that I was having, Commissioner?

**ADV SELLO SC:** Page 5.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Page 5.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I am sorry if I saw confusion. I wanted to draw your attention to Annexure JD2.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** It starts at page 5. It has got two pages.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The first page, which is 5, is what I have just read, that it is an email from Commissioner Mzolo addressed to you dated the 13<sup>th</sup> of October 2021, and it has as a subject list to-do list 15 October 2021.

**COMMISSIONER MKHWANAZI:** Yes. In my statement ...[intervenes].

**ADV SELLO SC:** We are coming. That is why I brought you here. And you confirmed that there is an attachment.

10 **COMMISSIONER MKHWANAZI:** Yes. In my statement, there is something that I wanted to check. I have been requested that may the Commissioner request for the minutes that leads to this before this. As I was trying to explain that, when you can request for minutes in three or four meetings before this document, in our minutes, the issue of working with private security companies, the issue of me directed or given a mandate to facilitate that. The meeting was shared by Chief Mapiyeye, Chief Mapiyeye. The last one, it was shared by Mr Makhafula. It is a  
20 meeting of our own PASCO meeting, you see. It is just that I cannot get those minutes, but I think you may have access of those minutes. It leads to this. Yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But now you want me to talk to this?

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes. This is what ...[intervenes].

**ADV SELLO SC:** No, no. I wanted to draw your attention first to that, then we are going to go to the second page, then I am going to pose my question.

**COMMISSIONER MKHWANAZI:** Oh, okay.

**ADV SELLO SC:** Is that approach acceptable to you?

**COMMISSIONER MKHWANAZI:** The second page, it is 6  
10 there, number 5.

**ADV SELLO SC:** Ja, exactly.

**COMMISSIONER MKHWANAZI:** Page 6.

**ADV SELLO SC:** So page 5 is the email.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The email indicates there is an attachment.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And the attachment in terms of the subject line is “to-do list” 15 October 2021. We are  
20 together on this one?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Then at 6 is a document that is headed to-do list 15 October 2021. It has got a number of items listed there. The first is elections name list from other divisions and so forth. Now, when I look further down, you

have got three items highlighted in green. The first reads:

“Due date of SOP from security division  
and all 20 October 2021.”

Then followed by a requirement, daily reports, email complaints. At the end, the last one, resolve complaints internal public. Do you see what I am reading?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Now, I am interested in the first highlighted. You say it lists the due date of SOP from  
10 security division and all 20 October 2021.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Okay. Now, when we go to your statement, these are the documents you are talking about when you say you received a formal instruction from Commissioner Mzolo.

**COMMISSIONER MKHWANAZI**: I am with you. I am with you.

**ADV SELLO SC**: So, this is the document you are talking about.

20 **COMMISSIONER MKHWANAZI**: Yes. That is why I even said I will request that again. You check ...[intervenes].

**ADV SELLO SC**: Okay, we will get to that ...[intervenes].

**COMMISSIONER MKHWANAZI**: Yes. We will get to the minute.

**ADV SELLO SC**: Yes. Now, it is time to tell the

Commissioners to please scribble against paragraph 28 that the formal instruction is what Commissioner Mkhwanazi has submitted as JD2.

**COMMISSIONER MKHWANAZI:** Can I say something again? In terms of highlights, I did not highlight it for this. I highlighted one out of the engagement that I had with IPID then.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** You see, they wanted  
10 clarity, then I had to highlight them.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Because I spoke to them about this. I said, no, no, no, which of these ones did I highlight? It is not for you. It was a document that was submitted as an annexure then.

**ADV SELLO SC:** And I can confirm, even just looking at it, it is a photocopy of a highlighted document.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, ja, I accept that. So, we have sorted  
20 out your to-do list.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You then, you say ...[intervenes].

**CHAIRPERSON:** Just a simple matter. I assume you wanted us to note that this is JD2.

**ADV SELLO SC:** Indeed, yes. That is JD2.

**CHAIRPERSON:** Against where it says formal instructions.

**ADV SELLO SC:** Against, yes.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** But further on it says, clearly outline the task and due date for the to-do list. Now, the to-do list, now we have located it as JD2, together with the email that forwarded the to-do list to Commissioner Mkhwanazi.

**CHAIRPERSON:** Thank you. Just a matter of clarification in the hope that I am not misreading this, Commissioner. In  
10 the second line of paragraph 28, you refer to 15 October, 1-5. The email appears to have been sent on 13 October. Look at page 5. It is just a matter of the dates, that is all. Nothing complicated. Which is which?

**COMMISSIONER MKHWANAZI:** No, Commissioner ...[intervenes].

**CHAIRPERSON:** Or am I misreading?

**COMMISSIONER MKHWANAZI:** No, Commissioner. Remember, I have said that is when I made it. It is a document that is, these dates. May I request, let us  
20 concentrate on this. It is a document that I had to send so that I can submit to IPID. That is why it is in two different dates, you see.

**CHAIRPERSON:** No, I am looking at the bottom.

**COMMISSIONER MKHWANAZI:** Here?

**CHAIRPERSON:** Sent.

**COMMISSIONER MKHWANAZI**: No, it says, sent Wednesday. Oh, okay, yes. It is sent Wednesday, October for the 15<sup>th</sup> of...

**CHAIRPERSON**: By Commissioner Mzolo to you, and the date given is 13 October. And you say you got the instruction from Commissioner Mzolo on 15 October.

**COMMISSIONER MKHWANAZI**: Yes. On the 15<sup>th</sup> of October, we had a formal meeting. We sat, the two of us. That is when we formally, he sent this before. But he said,  
10 let us meet before I go. He went on the 16<sup>th</sup> on leave. But let us meet on the 15th.

**CHAIRPERSON**: So there was the email on the 13<sup>th</sup> and then an oral instruction on the 15<sup>th</sup>?

**COMMISSIONER MKHWANAZI**: Yes. Maybe I may have done. Yes, I get you now.

**CHAIRPERSON**: All right.

**COMMISSIONER MKHWANAZI**: Yes, I get you now.

**ADV BALOYI-MERE SC**: Ms Sello, it is a simple, it is another simple matter. Commissioner, you said PASCO, in  
20 our PASCO meeting or something. What is that? What is the full name and what is it?

**COMMISSIONER MKHWANAZI**: Yes, yes. I do not know why they are calling it PASCO, but it is the Chief's meeting where he meet with his immediate subordinates, which is Deputy Chief Operations, Deputy Chief ...[indistinct],

Deputy Chief Security Control. Before there was a Deputy Chief Compliance, but it is not there. Then it is your head of licencing. The head of licencing is not a police officer. Yes. It is that meeting. I found them calling it PASCO.

**ADV BALOYI-MERE SC:** You do not know why they call it PASCO?

**COMMISSIONER MKHWANAZI:** Yes, yes. Maybe they are...

**ADV BALOYI-MERE SC:** That is okay. Thank you.

10 **COMMISSIONER MKHWANAZI:** The academy or the learned friends, they will understand it better than me.

**ADV BALOYI-MERE SC:** No, that is okay.

**COMMISSIONER MKHWANAZI:** But I take it as the senior management meeting of the department.

**ADV BALOYI-MERE SC:** Okay. Thank you. Thank you. Thank you, Ms Sello.

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

**COMMISSIONER MKHWANAZI:** Sorry, you know why I am saying PASCO. It will be simple if one does not – when you  
20 say PASCO, they will take it very fast because you know it is PASCO. But it is going to be easier for me to say I want PASCO meeting. They will assist in terms of getting.

**ADV SELLO SC:** Thank you, Commissioner Mkhwanazi. So, still staying on paragraph 28, you conclude that paragraph with the following:

“Also, CSMT September/October minutes.”

Firstly, what is CSMT?

**COMMISSIONER MKHWANAZI**: It is the same explanation that I was giving. Departmental senior management meeting. But it is SMT, not CSMT. It says CSMT?

**ADV SELLO SC**: It says CSMT.

**COMMISSIONER MKHWANAZI**: No, no. It is SMT.

**ADV SELLO SC**: So, we cancel this. All right. And what would the minutes tell? You do not annex them. What  
10 would they tell us if we locate them?

**COMMISSIONER MKHWANAZI**: No, I was tasked to develop and work with the operational and security companies to develop an SOP and a plan. I still feel that they did not execute it very well because of elections, but I was tasked to sit down, call all of them, develop something, and make sure that we have an agreement between us and the City and operational. We are not an MOU, but just an operational so that we can know, in this area, is there security companies? In this area, is there security  
20 companies? Registered security companies in this area? Then they can work.

Because the challenge is that we are having, they arrest, like, arrest big people. Our officers come and take the person. Because one success, they go to SAP14, want to detain the suspect. When we are there, the suspect is

injured. When they check, it is EMPD who detained the suspect. Then litigations are coming to us as the department.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But it was to develop something like that and formalise it and say, we know that we are working on one, two, three, four, five.

**ADV SELLO SC:** So, if I understand you correctly, SMT, that meeting authorised you, Commissioner Mkhwanazi, to  
10 go form relationships with private security companies. Is that what we will find in that minute?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Are you absolutely certain of that?

**COMMISSIONER MKHWANAZI:** Yes, I was tasked.

**ADV SELLO SC:** On what basis, on what authority did this authorise you?

**COMMISSIONER MKHWANAZI:** Remember, SMT, we all sit there. I was raising that the litigations that we are getting, or the challenges that we are getting, we are  
20 working with security companies that we do not know. Security companies that we work, there is no formal relations between us and the stakeholders or in the security agencies with those that we are working with. And it is a good idea that we want ...[indistinct] from SAPS. You know, SAPS knows all the security agencies that they are working

with. They know who this is, the person. They know the owners and everything. With us, somebody can come and say, I am the owner. Then we say, yes, he is the owner, and continue with that. And it puts us in a ...[intervenes].

**ADV SELLO SC:** Commissioner Mkhwanazi, I want to come back to this issue ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, I am talking to you.

**ADV SELLO SC:** In trying to answer this issue, you raised more concerning issues. You stated that the concern was  
10 that you as EMPD were working with security companies that you do not know. So, it was already happening.

**COMMISSIONER MKHWANAZI:** No, our members are working on the ground. Not even ...[intervenes].

**ADV SELLO SC:** With security companies that EMPD does not know.

**COMMISSIONER MKHWANAZI:** Yes, I ...[intervenes].

**ADV SELLO SC:** Was that the correct position? Factually, was that what was happening?

**COMMISSIONER MKHWANAZI:** I am saying even now it is  
20 happening.

**ADV SELLO SC:** So, your members, as they are executing their duties along the streets of EMPD, they could be doing so in conjunction with private security companies in circumstances where there is no formal relationship by EMPD?

**COMMISSIONER MKHWANAZI**: Yes. There is an attachment. I had to take photos of a photo with the security company for illegal mining, you see. You see that? I can see it is a branded security company, the guys, but there is no formal. They will say, no, we work with illegal mining and our officers. It is a multiple force. We are executing these duties, we will have an arrest. But at the end of the day when we are in court, they will ask you, who are those people? You cannot even identify them. It is  
10 happening, it is giving us challenges.

**CHAIRPERSON**: Sorry to interrupt you and I am probably going to interrupt your flow.

**ADV SELLO SC**: No, no, not at all.

**CHAIRPERSON**: I just want to get an idea of the timing. So, this is around the 15<sup>th</sup> of October 2021, and that is when you then get the mandate, which I assume was intended to result in the formalisation of this situation.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: Where members are working with security  
20 companies with no formal arrangement that existed.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: So, are you saying, at that stage there was no formal arrangement with any security company whatsoever, at that stage?

**COMMISSIONER MKHWANAZI**: No, there was

operationally, members are working, there is no formally.

**CHAIRPERSON**: Even on the 16<sup>th</sup> of October 2021, no such formal arrangement?

**COMMISSIONER MKHWANAZI**: No, I started to engage, but I did not ...[intervenes].

**CHAIRPERSON**: No, no, please answer the question directly, Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI**: No, wait ...[intervenes].

**CHAIRPERSON**: Even your 28 refers to 15 October, but I  
10 just want to take you to the following day, and you have already said, as at the 15<sup>th</sup> of October 2021 there was no formal arrangement with any of the security companies. Now, I want to take you to the very following day, the 16<sup>th</sup> of October 2021. That was still the position, there was no development as at 16 October 2021.

**COMMISSIONER MKHWANAZI**: Commissioner, as I have said ...[intervenes].

**CHAIRPERSON**: There is still no formal arrangement with any security company.

20 **COMMISSIONER MKHWANAZI**: No, there was, but I did not execute it the way we wanted it to be executed. I think elections disturbed me, because when I was preparing for election, I was supposed to ...[intervenes].

**CHAIRPERSON**: Commissioner, it is either there was or there was not ...[intervenes].

**COMMISSIONER MKHWANAZI:** But ...[intervenes].

**CHAIRPERSON:** You can say there was, but I have not ...[intervenes].

**COMMISSIONER MKHWANAZI:** But by that time ...[intervenes].

**CHAIRPERSON:** Sorry, sorry, it is either there was or there was not. Was there, as at 16 October 2021, a formal arrangement with one or more security companies?

**COMMISSIONER MKHWANAZI:** No, there was a  
10 communique.

**CHAIRPERSON:** There was a what?

**COMMISSIONER MKHWANAZI:** A communique.

**CHAIRPERSON:** There was a communique?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**CHAIRPERSON:** But what communique? What was the nature of this communique?

**COMMISSIONER MKHWANAZI:** That we are working with the security companies, those that I have met, you see. There was a communique.

20 **CHAIRPERSON:** But written by whom?

**COMMISSIONER MKHWANAZI:** Sorry?

**CHAIRPERSON:** Written by whom?

**COMMISSIONER MKHWANAZI:** No, those that I work with. I met with different security companies as I was working with ...[intervenes].

**CHAIRPERSON**: No, no, no. You referred to a  
communiqué. I am trying to establish who the author of that  
communiqué was.

**COMMISSIONER MKHWANAZI**: I wrote to some of the  
security companies requesting to meet them and engaging  
them and formalise the meetings with them to check in  
different areas. In other areas, they met with different  
directors of the regions. Like when you are in eastern  
region, you know the security companies that, because I  
10 may not know all of them, you see.

**CHAIRPERSON**: I am totally confused. I will go back to  
my question. You said in so many words, as at 16 October  
2021, there was no formal arrangement with any security  
company for it to assist the Metro in the provision of  
security services ...[intervenes].

**COMMISSIONER MKHWANAZI**: Yes, but ...[intervenes].

**CHAIRPERSON**: You have said so in so many words  
during this engagement between you and me. Correct?

**COMMISSIONER MKHWANAZI**: You are correct in that  
20 manner.

**CHAIRPERSON**: The very following day, 16 October 2021,  
had there been a change or was the situation still as it was  
on 15 October 2021, the day before? I would be surprised  
if just 24 hours, poof, suddenly there is a change. Was the  
situation still the same on 16 October 2021?

**COMMISSIONER MKHWANAZI:** Commissioner, that is what I am saying to you, three weeks back, that is what I am saying to you, refer to the minutes. Because even though I met with Mr Mzola, but there was a tasking ...[intervenes].

**CHAIRPERSON:** Commissioner Mkhwanazi, you say that on 15 October 2021 there was no formal arrangement with any security company to assist the Metro with the provision of security services. Am I correct that you have said so?

10 **COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Yes. Now, please listen to my question. Please listen to my next question. My next question is, had anything changed by the 16<sup>th</sup> of October 2021 or was the situation still the same as it was on 15 October 2021? Simple question. Had it changed? Yes or no? Had it changed?

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Overnight?

**COMMISSIONER MKHWANAZI:** Not overnight.

20 **CHAIRPERSON:** 15 October 2021, 16 October, that would be overnight. Had anything changed?

**COMMISSIONER MKHWANAZI:** Can I explain? Commissioner will tell me ...[intervenes].

**CHAIRPERSON:** No, no, we are losing it. What had changed? What had changed?

**COMMISSIONER MKHWANAZI**: You see, remember I said there was a communique. We were communicating.

**CHAIRPERSON**: What had changed?

**COMMISSIONER MKHWANAZI**: But it was not ...[intervenes].

**CHAIRPERSON**: Commissioner, you have spoken about the communique, and I asked you questions around it, and I did not follow what you were trying to say. I am saying, what had changed? It is a simple question. What had  
10 changed from the 15<sup>th</sup> of October 2021 to the 16<sup>th</sup> of October 2021, the very following day? What had changed? It is a simple question.

**COMMISSIONER MKHWANAZI**: I say in terms of the numbers.

**CHAIRPERSON**: In terms of the answer that you gave when I first engaged you, I asked you if there was in existence any formal arrangement with any security company for it to provide security services to the Metro. I am talking 15 October 2021, and you said there was not  
20 ...[intervenes].

**COMMISSIONER MKHWANAZI**: Commissioner, can I correct you on something ...[intervenes].

**CHAIRPERSON**: I am asking you this for the third time now.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON:** Is it correct that you said, no, there was not? As at 15 October 2021, am I correct that you said so? Yes or no?

**COMMISSIONER MKHWANAZI:** No, I think we are losing it. Can I clarify something?

**CHAIRPERSON:** No, no, no, no, no, no, no. I am losing nothing. I want to know whether you said so or not. There is nothing I am losing.

**COMMISSIONER MKHWANAZI:** Can I clarify something?

10 You will get me.

**CHAIRPERSON:** No, no, no. Please answer the question. Did you or did you not say so? Remember, you have already said more than once. You have already said more than once that there was not. But I am repeating the question now because when I go to the 16<sup>th</sup> of October 2021, you confuse me. That is why I keep going back to the 15<sup>th</sup> of October 2021. Do you confirm that you said that as at 15 October 2021, there was no formal relationship or ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Now I get you.

**CHAIRPERSON:** In terms of which it cannot be that just because of my use of relationship, suddenly you understand me.

**COMMISSIONER MKHWANAZI:** No, you said providing services to EMPD. They are not providing services to

EMPD.

**CHAIRPERSON**: Okay.

**COMMISSIONER MKHWANAZI**: It is relations when they are working with communities because you have got different companies that are contracted that are providing services to us. I do not want to go out here having another ...[intervenes].

**CHAIRPERSON**: Okay. Okay. Maybe then ...[intervenes].

**COMMISSIONER MKHWANAZI**: [Indistinct] ...[intervenes].

10 **CHAIRPERSON**: Maybe then please clarify what the issue about 28 was. It was what exactly? Paragraph 28. Your paragraph 28. What was it? What was it?

**COMMISSIONER MKHWANAZI**: It was about working relations with them when they are operating on the ground. Not providing services to the City, but working ...[intervenes].

**CHAIRPERSON**: Working with them.

**COMMISSIONER MKHWANAZI**: Ja, when they are executing ...[intervenes].

20 **CHAIRPERSON**: Having cooperation between the EMPD and the security companies.

**COMMISSIONER MKHWANAZI**: Yes, Commissioner.

**CHAIRPERSON**: So as of the 15<sup>th</sup> of October 2021, you say there was not.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: Okay. Just a minute then. So the operative words are open quote working relationship, close quote. Those are the operative words.

**COMMISSIONER MKHWANAZI**: Yes, Commissioner.

**CHAIRPERSON**: All right. And I will again move to the 16<sup>th</sup>.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: So you say you have not said so thus far, but I want to find out if you do not say so. That on 16  
10 October 2021, nothing had changed. The situation was still the same. The working relationship was still the same.

**COMMISSIONER MKHWANAZI**: I can say so because we did not reach the number. In fact, it was even ...[indistinct]. That is why I said I feel that I failed. I did not execute it the way that I was ...[indistinct].

**CHAIRPERSON**: So basically nothing has changed from the 15<sup>th</sup>?

**COMMISSIONER MKHWANAZI**: I will say so.

**CHAIRPERSON**: Which you refer to in paragraph 28.  
20 Nothing has changed.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: On 16 October. All right. Now let me refer you to the annexure file of Commissioner Spies. Please assist.

**ADV SELLO SC**: Please assist the Commissioner. They

are in the box.

**CHAIRPERSON**: Okay. And go to RS ...[intervenes].

**COMMISSIONER MKHWANAZI**: Commissioner?

**CHAIRPERSON**: Yes?

**COMMISSIONER MKHWANAZI**: I am even afraid of one asking for one minute.

**CHAIRPERSON**: Asking for?

**COMMISSIONER MKHWANAZI**: For another one minute.

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

10 **COMMISSIONER MKHWANAZI**: I will jump.

**CHAIRPERSON**: Always feel free. Thank you.

**ADV SELLO SC**: Chair, if I may? It completely escaped my mind when we came back from lunch to point out that we are not finishing Commissioner Mkhwanazi by 16:00 today. So we are going to have to sit longer. I was going to propose a break around four.

**CHAIRPERSON**: Please ask us and do not dictate to us.

**ADV SELLO SC**: Did I not say I was going to request?

20 **CHAIRPERSON**: Oh, hey. Sometimes. I am very sorry, Ms Sello.

**ADV SELLO SC**: I could never dictate, Chair. So I was saying, should it be a comfort break? Because it is 15:35 now.

**CHAIRPERSON**: The one we would otherwise have taken at 16:00?

**ADV SELLO SC:** Yes. That is what the question is.

**CHAIRPERSON:** Commissioner, by all means, we cannot make it 10 to.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Commissioner, just a recap before I move on. So on 15 October 2021, there is no “working relationship”, formal working relationship between the Metro and security companies that provide security, which are  
10 working in conjunction with or in cooperation with the Metro on certain issues or certain areas. There is no formal relationship. 15 October 2021 and 16 October 2021, there is still no such formal relationship. I am not saying providing security to the Metro. You made a point of making that clear. So I am not talking about providing security to the Metro.

**COMMISSIONER MKHWANAZI:** I would prefer the word that you used nothing has changed.

**CHAIRPERSON:** Okay.

20 **COMMISSIONER MKHWANAZI:** Because there was something, but it did not make any impact. I feel that it did not execute to my best because of elections.

**CHAIRPERSON:** So nothing formal, nothing formal. And what you were asked to do was to formalise the situation as I understand it. Correct?

**COMMISSIONER MKHWANAZI:** Commissioner, you are changing it now.

**CHAIRPERSON:** All right, okay, let me move on. You answered me earlier and it is clear what your answer was. Now, let me take you to - or rather before I do that, let me find this out and just be clear in my mind, what exactly would the arrangements that you were being asked by your superiors to put in place, what form exactly would it have taken?

10 **COMMISSIONER MKHWANAZI:** Is to formalise a standard operational procedures with all those security companies that we feel, or all those security companies that are there, that we are executing different duties and providing it to our citizens, to our communities, to our area, or to those that we are servicing, you see. Not the one of those that to contact, that only doing static, they are paid by this, it is a different thing. But those that are providing services to different business people, communities, whoever, that approach, just to work with ...[intervenes].

20 **CHAIRPERSON:** Would I be wrong to say it was to formalise the working relationship that was in existence, but which was not formal?

**COMMISSIONER MKHWANAZI:** Oh, yes, yes.

**CHAIRPERSON:** I am correct to say that?

**COMMISSIONER MKHWANAZI:** I understand you, yes,

yes, yes.

**CHAIRPERSON**: Thank you. Thank you very much.

**COMMISSIONER MKHWANAZI**: Thank you for being patient and putting me along.

**CHAIRPERSON**: Thank you. I am happy. Now, I will take you to the file that I referred you to, the annexures of Commissioner Revo Spies. And I am referring you particularly to RS2(ii), which is at page 4. Page 4 of the annexures.

10 **COMMISSIONER MKHWANAZI**: Page 4, RS2.

**CHAIRPERSON**: RS2(ii). Page 4. Page 4.

**COMMISSIONER MKHWANAZI**: Oh, yes.

**CHAIRPERSON**: Page 4.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: Now, let us look at the signature at the bottom there. It does look like all the other signatures of yours that we have seen. Is that not your signature?

**COMMISSIONER MKHWANAZI**: I am contesting it. I have said it is not. You see, last week, I was in an internal audit.  
20 I contested. I said, no, no, no, no. This is not my signature. It is like a big head. You see, it is JD. You see, this one, no. And I got this on social media too. There is the one that I have signed. It is not. It is just that I do not have access of it, but I think IPID do have this. And anything that comes from Commissioner Revo Spies, I am

now sceptical to take it.

**CHAIRPERSON**: So, when did you first see this document?

**COMMISSIONER MKHWANAZI**: In social media.

**CHAIRPERSON**: When?

**COMMISSIONER MKHWANAZI**: When I was attacked. 2023. I think 2022, 2023. Yes. It was on social media. Let me take this.

**CHAIRPERSON**: Yes, yes.

**COMMISSIONER MKHWANAZI**: There is a document that I  
10 submitted to IPID, you see. I do not think – it is not this  
one, you see. I think you can have bundles of IPID.

**CHAIRPERSON**: What was the nature of that document?

**COMMISSIONER MKHWANAZI**: No, they said I must  
submit document. I think I submitted document with  
registration plates and everything of the vehicles.

**CHAIRPERSON**: In the context of me engaging you on this  
one, you are saying there is a document that you sent. I am  
asking you what was the nature of that document, the one  
you sent.

20 **COMMISSIONER MKHWANAZI**: It was talking about the  
vehicle that I signed and I handed over to them. These are  
the vehicles. Not this big list that you are showing me that  
is on social media. Because they came with this. They  
said they got this from Revo Spies. I said, guys, it was  
2022, by 2023, 2020. When I came from, as I told you,

when I came from suspension, when they met me, you see, they showed me this. They said, you got document. I said, not that one. Not that one. Even last week, I met with auditors, Commissioners, you see. They said, I have been contesting, I have been saying not this document, you see. But last week, when he presented of ...[indistinct] I said it so. That this man is forging my documents.

**CHAIRPERSON:** I will take you through it in case down the line the question of the authenticity of the document is  
10 addressed. So I will still take you through the document. I will read into the record the first part just under the heading, letter of confirmation. And maybe before doing that, let me say, at the top it says to whom it may concern, which does not have a specific addressee. So the top part of the heading says:

20 “This letter serves to confirm that the Ekurhuleni Metropolitan Police Department, under the command of Acting Deputy Municipal Police Commissioner Brigadier JD Mkhwanazi of Specialised Services, “has an endless working relationship and memorandum of understanding with CAT VIP to assist EMPD officers in any VIP protection and security services in

and out of the City of Ekurhuleni”.”

I emphasise that last bit because it refers to the existence of a working relationship. And what I should also emphasise here is that the letter is dated 16 October 2021. Now you will understand why I asked you a good few questions around 15 October 2021 and 16 October 2021. Now, so you accept that if this letter is proved to be authentic, there would have been a working relationship which would describe or which the writer describes as  
10 endless as at 16 October 2021.

[Cross talking]

**CHAIRPERSON**: I am just saying, do you accept that if this letter is proved to be authentic, it tells us that as at 16 October 2021 there was an endless working relationship brought about by a memorandum between CAT VIP Protection and the Metro. Do you accept? I am not saying it is written ...[intervenes].

**COMMISSIONER MKHWANAZI**: No, I understand, Commissioner.

20 **CHAIRPERSON**: I am saying you have proved ...[intervenes].

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: Do you accept that?

**COMMISSIONER MKHWANAZI**: Commissioner, remember, that is what it tells us. Remember Commissioner, the to-do

list, it was about standard operational procedure. That means developing the way we are going to work operationally or the relations. I think you summarised it correctly when you talk about the relationship. It was not about SOP.

**CHAIRPERSON**: So this one you are saying would have been a different relationship altogether.

**COMMISSIONER MKHWANAZI**: Ja, it would be different.

**CHAIRPERSON**: It is not what you are talking about in  
10 paragraphs 15, rather paragraph 28.

**COMMISSIONER MKHWANAZI**: Yes, yes.

**CHAIRPERSON**: Something different or whatever.

**COMMISSIONER MKHWANAZI**: Yes, yes. Standard operational procedure where we sit and develop something that will assist us in terms of your ...[indistinct], in terms of arresting procedure, all those things.

**CHAIRPERSON**: Okay. All right. That notwithstanding, the simple point would still be that there was not in existence, as at 16 October 2021, a memorandum of  
20 understanding between CAT VIP and the Metro. There was no such memorandum.

**COMMISSIONER MKHWANAZI**: There was a letter of intent.

**CHAIRPERSON**: But no memorandum.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: There was a document, which is RS12. No, no, JM12 in the annexures of Commissioner Mapiyeye, starting at page 62. So all there was at that stage was a document signed, again, only by you. And it is headed Memorandum of Agreement. Annexures ...[intervenes].

**COMMISSIONER MKHWANAZI**: No, I got it.

**CHAIRPERSON**: JM, Mapiyeye.

**COMMISSIONER MKHWANAZI**: I got it.

**CHAIRPERSON**: Starting page 62. And it is a document  
10 ...[intervenes].

**COMMISSIONER MKHWANAZI**: Page 62.

**CHAIRPERSON**: It starts at page 62, and it appears to be, I will not say that it is signed by you this time, it appears to be signed by you, the signature is at page 64.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: Is that your signature?

**COMMISSIONER MKHWANAZI**: And it is not the same signature. This one is mine.

**CHAIRPERSON**: That one is yours?

20 **COMMISSIONER MKHWANAZI**: Yes, this one is mine.

**CHAIRPERSON**: And again, the only signature there is yours, no other signature.

**COMMISSIONER MKHWANAZI**: In this document?

**CHAIRPERSON**: Yes.

**COMMISSIONER MKHWANAZI**: JM?

**CHAIRPERSON:** JM12.

**COMMISSIONER MKHWANAZI:** Page 64?

**CHAIRPERSON:** Yes, page 64.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** There is your signature. And then when you page through to the end, there is no other signature. It is just your signature only.

**COMMISSIONER MKHWANAZI:** I agree, yes.

**CHAIRPERSON:** Yes. So my question was, do you accept  
10 then that as at 16 October 2021, the date of the disputed  
letter, the date of the disputed letter, that to-whom-it-may-  
concern letter.

**COMMISSIONER MKHWANAZI:** These are two different  
documents.

**CHAIRPERSON:** Please, can you listen to me,  
Commissioner? Can you please listen to me?

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** I am saying as a date of this disputed  
letter, and I am using disputed advisedly.

20 **COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** As of the date of this disputed letter,  
which is 16 October 2021, there was no memorandum of  
understanding with CAT VIP as at 16 October 2021. Do you  
accept?

**COMMISSIONER MKHWANAZI:** I accept it, yes. Yes, I

accept it.

**CHAIRPERSON**: It is that simple, simple question. So that if this letter is proved to be authentic, its contents are therefore a lie. Do you accept that? If proved to be authentic. I am not saying it has been. I am saying if proved to be, its contents would be a lie.

**COMMISSIONER MKHWANAZI**: I agree, Commissioner.

**CHAIRPERSON**: Both in terms of the existence of the memorandum of agreement, and also in terms of the many  
10 listed motor vehicles that are said to be used by CAT VIP in assisting the Metro with their protection services. All of that would be a lie.

**COMMISSIONER MKHWANAZI**: No, no, no, Commissioner. In the letter of intent, there are registration plates ...[intervenes].

**CHAIRPERSON**: I am not talking about the letter of intent ...[intervenes].

**COMMISSIONER MKHWANAZI**: No, I am talking about registration plates, the cars ...[intervenes].

20 **CHAIRPERSON**: I am not talking about, let me look at this. I am not talking about a letter of intent. I am talking about this letter, which you dispute, Commissioner. So I am saying its contents would therefore be a lie if this letter is proved to be authentic. It will be a lie that there is in existence an endless working relationship with CAT VIP.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes, yes.

**CHAIRPERSON:** It will also be a lie that the CAT VIP motor vehicles that the Metro works with are the seven vehicles listed in this disputed letter. Do you accept that as well?

**COMMISSIONER MKHWANAZI:** Yes, because in the letter of intent, it was four vehicles.

**CHAIRPERSON:** No, no, no, this one is not about the donation. This one here, the letter, let me take you through  
10 what I read in full. The next part, please also have a look at the disputed letter. The very next part says:

“These are the following vehicles that we work with.”

That has nothing to do with the donation, with the four vehicles that you say were to be donated. So this has nothing to do with it. These are totally different vehicles, and there are seven in number. And this letter says that those are the vehicles belonging to CAT VIP, which I used to work with the Metro. Do you get me now?

20 **COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**CHAIRPERSON:** Do you get that?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**CHAIRPERSON:** And you get that this has nothing to do with the four vehicles that were to be donated? Do you follow that?

**COMMISSIONER MKHWANAZI:** But they are part of this vehicles.

**CHAIRPERSON:** Sorry?

**COMMISSIONER MKHWANAZI:** But some are part of this vehicles.

**CHAIRPERSON:** But the point though, the point in here is not about the donation. Do you see that?

**COMMISSIONER MKHWANAZI:** I agree on that.

**CHAIRPERSON:** The point here is that these vehicles are  
10 used by CAT VIP when it works with the Metro. That is what this says. Do you see that?

**COMMISSIONER MKHWANAZI:** Yes, yes. I see that.

**CHAIRPERSON:** So I will go back to my point, which was, so if this letter is proved to be true, even this part of the content of the letter will be a lie. That is my second point. Do you accept that?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner, because there is a letter that is circulated. It is just that I do not have this video. I think you are having it. You play  
20 it with blue lights, and there is a registration plate that is appearing there. So I said I do not understand ...[intervenes].

**CHAIRPERSON:** Maybe we do not even need to go there. We do not even need to go there. I am saying to the extent that this disputed letter says that these vehicles work with

the Metro or are used in working with the Metro, if this letter is proven to be true, that too will be a lie.

**COMMISSIONER MKHWANAZI**: Yes, I agree. I understand. I agree.

**CHAIRPERSON**: Thank you. Now, assuming that – I am not stating it as a fact. I am just saying what I am saying now, I am not stating it as a fact.

**COMMISSIONER MKHWANAZI**: Oh, yes, Commissioner.

**CHAIRPERSON**: But I just want us to assume for a  
10 moment, or for purposes of engagement. I hope you will understand that approach. Assuming that the contents of this letter were true, and now, in something that would not be the sort of loose relationship that you earlier referred to, but a relationship where CAT VIP would actually be assisting with a provision, assisting the Metro with a provision of security services, assuming that they were, that was indeed what was intended in accordance with this letter, would these seven vehicles be used in conjunction with Metro vehicles, or would they do security, the provision  
20 of security, all on their own, or would they be used in conjunction with Metro vehicles? And bear in mind, this is not just security services. It actually refers even to VIP protection.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**CHAIRPERSON**: Would these CAT VIP motor vehicles be

used in conjunction with Metro vehicles, yes or no?

**COMMISSIONER MKHWANAZI:** In conjunction, I agree with you.

**CHAIRPERSON:** In conjunction?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**CHAIRPERSON:** Now, let us single out in the broad idea of the provision of security. Let us zoom in. Let us zoom in on VIP protection. Now, if these vehicles were to be used in conjunction with Metro vehicles that provide VIP  
10 protection, would it make practical sense for them not to have blue lights, or would they also have to have blue lights? We are still proceeding from an assumption.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Would they also have to have blue lights?

**COMMISSIONER MKHWANAZI:** No, they are using, security companies are using amber lights. White, white lights. They are using amber lights. All security companies are providing amber lights.

**CHAIRPERSON:** Whilst providing, whilst providing VIP  
20 protection?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**CHAIRPERSON:** In conjunction with Metro vehicles?

**COMMISSIONER MKHWANAZI:** Yes, they are using amber lights. Amber lights, yes. Everywhere when you see a security company, there are those naughty ones, but the

law allows them to use ember lights. But, Commissioner, I want to raise something. I am not diverting. You get an ember light at the flea market for 150. It is a practical thing.

**CHAIRPERSON**: Just like you can buy blue lights as well.

**COMMISSIONER MKHWANAZI**: No, it is simply ...[intervenes].

**CHAIRPERSON**: From ordinary shops, but of course the legal installation is something ...[intervenes].

10 **COMMISSIONER MKHWANAZI**: In fact, I was going there. It is 150. You just put the – what is that you put when you do a vehicle? You put the blue one, it becomes blue lights. It is very simple. It is everywhere. But I am not diverting. I want to say, but they are using ember lights.

**CHAIRPERSON**: Okay, maybe let me ask my question differently. For someone who wanted to involve a private entity in the provision of VIP protection, one cannot discount the possibility, and I am putting it no higher. One cannot discount the possibility that they, that is the person,  
20 they might be tempted to instal blue lamps, even in the private motor vehicles.

**COMMISSIONER MKHWANAZI**: You know, Commissioner, in these ones, because of the highly trained, technical former SAPS discipline members, I do not think they will be attempted to do that. In fact, that discipline, even if you

see them, you see, they are, they are. You can tell. Even though there is this noise ...[intervenes].

**CHAIRPERSON**: I am actually thinking more about someone within the municipality than someone outside of the municipality. Would they not be tempted to use blue lights?

**COMMISSIONER MKHWANAZI**: It is human being, I cannot confirm them. But those ones, I still have the trust because I happen to engage, see them, you see. I even  
10 feel that, I feel that I can be, work like them. You could see that they are from a task force, you see.

**CHAIRPERSON**: It is a pity we are working on the basis of assumptions, because the letter is disputed, but we will see whether or not it is possible to get to the bottom of who might have authored the letter.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**CHAIRPERSON**: I also ...[intervenes].

**COMMISSIONER MKHWANAZI**: But on that one, it is human beings. Human beings, they will be tempted. You  
20 know, when you want to get money, SAPS will do everything to make sure that, you see, you attract. They believe and trust in you. You see, you may sit with me, but behind my back, you may do something different, you see. That one, I cannot contest it. I agree with you 100%, Commissioner.

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

**ADV BALOYI-MERE SC:** Commissioner, just to make sure that I heard you properly, and if it becomes the subject of discussion later, did you just say to the Chair that you know and you interacted with the Matlala CAT VIP people, and so you know that they will not do what the Chair is suggesting? Did you just say you interact with them, you know them and you interact with them?

**COMMISSIONER MKHWANAZI:** Yes, remember I said we work with them in the State of the City, and I was able to  
10 talk to them.

**ADV BALOYI-MERE SC:** Okay, so when you ...[intervenes].

**COMMISSIONER MKHWANAZI:** In the chambers and outside perimeters, yes.

**ADV BALOYI-MERE SC:** So when you say you know them, it is from that one engagement?

**COMMISSIONER MKHWANAZI:** Yes, I do not know all of them, but those that I talked to, two or three of them, especially that supervisor and the two of them, you see, I  
20 know. And the way they raise issues, you can see that they come from the police service. They understand the police service.

**ADV BALOYI-MERE SC:** Okay, but you say you know only that three? That three, and you know them just from that day, you interacted with them just on that day?

**COMMISSIONER MKHWANAZI:** Even the day when I went there in the offices, I saw the same supervisor and one, but the three of them. The other one I saw twice, then the other one I saw once.

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

**COMMISSIONER MKHWANAZI:** Yes.

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

**ADV KHUMALO SC:** Commissioner, afternoon.

**COMMISSIONER MKHWANAZI:** Afternoon, Commissioner.

10 **ADV KHUMALO SC:** You are on page 64, I think, so I do not want to have to come back. That is why I want to deal with this now. You were on 64 of Chief Mapiyeye's annexures. That is where the Chair started with you. Remember we were talking about your signature?

**COMMISSIONER MKHWANAZI:** Yes, sir.

**ADV KHUMALO SC:** And you confirmed that this is your signature.

**COMMISSIONER MKHWANAZI:** Yes, I am confirming again.

20 **ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Now, the document starts on page 62, and it is a memorandum of agreement. You have already said it is proposed. I do not have any issue with that. Now, are you authorised in your position, or were you authorised

then in your position as Director of Specialised Services to sign a memorandum of agreement on behalf of the Ekurhuleni Municipality?

**COMMISSIONER MKHWANAZI:** As I have said, this is a proposed signing. That is why I even said it again. I am repeating again, Commissioner ...[intervenes].

**ADV KHUMALO SC:** Commissioner, I said I do not take issue with that. I accept that it is proposed.

**COMMISSIONER MKHWANAZI:** Oh, yes.

10 **ADV KHUMALO SC:** My question is, were you authorised to sign a memorandum on behalf of the Ekurhuleni Metropolitan Police Department? Were you authorised, yes or no?

**COMMISSIONER MKHWANAZI:** No, at that time, no. As a Director, no.

**ADV KHUMALO SC:** You were not authorised?

**COMMISSIONER MKHWANAZI:** Yes, as a Director, no. That is why I was supporting raising it. If I was authorised, it was going to be my one and only signature. That is why it  
20 is not my one and only signature. That is why I say support, then say approved by Mr Mzolo, approved by the Chief of Police ...[intervenes].

**ADV KHUMALO SC:** You know, I ...[intervenes].

**COMMISSIONER MKHWANAZI:** That means my powers are limited.

**ADV KHUMALO SC:** I am not asking you that ...[intervenes].

**COMMISSIONER MKHWANAZI:** Oh, no. Let me say no ...[intervenes].

**ADV KHUMALO SC:** I am asking you whether you were authorised, and your answer is no.

**COMMISSIONER MKHWANAZI:** Let me say no.

**ADV KHUMALO SC:** Yes. And then on page 64 of this document, there is your signature there.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Now, this document only contemplates the signing by two people, which is yourself and Vusimuzi Matlala. And you see that on page 65. Do you see that on 65? There is space there for signature by Vusimuzi Cat Matlala.

**COMMISSIONER MKHWANAZI:** It is supposed to give three names.

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

20 **COMMISSIONER MKHWANAZI:** I see. Yes, yes, yes, I see.

**ADV KHUMALO SC:** That is not what I am asking you ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, I see.

**ADV KHUMALO SC:** I am saying on page 65, there is space for signature by Vusimuzi Cat Matlala.

**COMMISSIONER MKHWANAZI:** No, I see, I see, Commissioner.

**ADV KHUMALO SC:** And this memorandum only contemplates signature by you and Vusimuzi Cat Matlala. Do you see that?

**COMMISSIONER MKHWANAZI:** Yes, yes, I see.

**ADV KHUMALO SC:** It does not make provision for signature by Chief Mapiyeye. Do you see that?

**COMMISSIONER MKHWANAZI:** Yes, and it was wrong. I  
10 agree.

**ADV KHUMALO SC:** No, but you signed it, even though it does not make provision for signature by Chief Mapiyeye.

**COMMISSIONER MKHWANAZI:** Yes. No, in my mind, it only said, I support, it must be approved and approved. It cannot be a document that is taking powers within my – that time as a director, or even as a deputy director. It cannot be.

**ADV KHUMALO SC:** So you did something wrong by signing a document that does not make provision for  
20 approval by Chief Mapiyeye.

**COMMISSIONER MKHWANAZI:** Yes, I accept 100%.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** I accept.

**ADV KHUMALO SC:** That is all I wanted to say.

**COMMISSIONER MKHWANAZI:** Yes, I accept 100%. Yes.

**ADV KHUMALO SC:** And then, let us go to page 88, same bundle.

**COMMISSIONER MKHWANAZI:** Mr Mapiyeye again?

**ADV KHUMALO SC:** Yes, same bundle.

**COMMISSIONER MKHWANAZI:** Oh yes, yes.

**ADV KHUMALO SC:** Page 88.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV KHUMALO SC:** And because we are now fighting over whether signatures are authentic, on page 9-0, 9-0, is  
10 that your signature?

**COMMISSIONER MKHWANAZI:** Yes, this one is mine.

**ADV KHUMALO SC:** So you do not have a problem with that ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no, I do not, I do not.

**ADV KHUMALO SC:** Now, let us go back to 88.

**COMMISSIONER MKHWANAZI:** But, Chair, I do not remember me getting this document, you know?

**ADV KHUMALO SC:** Now, come on, Commissioner.

**COMMISSIONER MKHWANAZI:** No, I want to be honest to  
20 you.

**ADV KHUMALO SC:** Come on, Commissioner.

**COMMISSIONER MKHWANAZI:** No, no, I must be honest to you. Yes, I do not want to buy your face. I do not remember getting a communication around, as I have said, that we never communicated formally about Vusimuzi

Matlala.

**ADV KHUMALO SC:** No, no, but on page 90, that is your signature. So you signed the document. You have confirmed that already.

**COMMISSIONER MKHWANAZI:** No. No. There was nothing that came from the Chief of Police to me.

**ADV KHUMALO SC:** It is not from Chief of Police. It is you to Chief of Police.

**COMMISSIONER MKHWANAZI:** Let me read it. Oh yes,  
10 yes, yes. Now I get it. I thought, I think I am getting tired.  
I will apologise.

**ADV KHUMALO SC:** I will accept the apology for now.

**COMMISSIONER MKHWANAZI:** I will apologise.

**ADV KHUMALO SC:** So this is your document, you signed it.

**COMMISSIONER MKHWANAZI:** Can I read it?

**ADV KHUMALO SC:** Yes. Take some time.

**COMMISSIONER MKHWANAZI:** The first paragraph.

**ADV KHUMALO SC:** No, I am not asking you ...[indistinct].

20 **COMMISSIONER MKHWANAZI:** Yes, the first paragraph.  
Yes, yes, yes.

**ADV KHUMALO SC:** The second paragraph, heading background, and it says:

“I would like to confirm that we have a  
working relationship with CAT Security

Services and its subsidiaries, Medicare  
24 Emergency Medical Services.”

Now, if there was no memorandum of understanding concluded between EMPD and CAT or Medicare Emergency Medical Services, what is the document that governed that relationship that you described in the first sentence of that paragraph?

**COMMISSIONER MKHWANAZI**: There is no document. It was just me communicating and relating that we are working  
10 with them and everything. I think this was when I responded when I was about to be suspended, was suspended. I wrote documents in order to inform him. That is why I told Chief ...[indistinct] Erasmus, that no, but I communicated with the Chief. I responded to the Chief of Police, you see, but he never sent something formal back to me.

**ADV KHUMALO SC**: Listen to the question. My question is not whether you communicated with other people. My question is, what document governed that relationship that  
20 you described in the first sentence?

**COMMISSIONER MKHWANAZI**: From the City. There is no document.

**ADV KHUMALO SC**: So there was no document?

**COMMISSIONER MKHWANAZI**: Yes, there was no document.

**ADV KHUMALO SC:** So there was the working relationship with CAT Security Services and its subsidiary, Medicare 24 Emergency Medical Services, without a written document.

**COMMISSIONER MKHWANAZI:** Yes, from 2020, yes, I agree.

**ADV KHUMALO SC:** And who represented the City of Ekurhuleni or EMPD in entering into that working relationship?

**COMMISSIONER MKHWANAZI:** It is different. With 2020,  
10 2021, 2022, in terms of college, it was another director. But in terms of VIP and everything, as I have said earlier on, I said it is me who communicated this.

**ADV KHUMALO SC:** Because I suspect Advocate Sello might come back to this document, I will not deal with all of this.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Let us go to 89. I am going skip to the next two pages. Do you see paragraph 3 on page 89?

**COMMISSIONER MKHWANAZI:** Submissions?

20 **ADV KHUMALO SC:** No, no, where it says crime combating operations.

**COMMISSIONER MKHWANAZI:** Oh, yes, yes, yes.

**ADV KHUMALO SC:** Yes. It says:

“We are also involved in crime combating operations with CAT

Security Services, together with other security services that are committed in crime fighting around the City.”

Now, what document governed that relationship, which allowed you to be involved in crime combating operations with CAT Services?

**COMMISSIONER MKHWANAZI**: There is no document, but I have said, Commissioner, operational on the ground members are working with these members and everything,  
10 but there is no formal document.

**ADV KHUMALO SC**: There is no formal document?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes, yes.

**ADV KHUMALO SC**: Okay. And then on the next page, you continue. You say:

“CAT Security Services is assisting  
EMPD...”

**COMMISSIONER MKHWANAZI**: It is page 90?

**ADV KHUMALO SC**: Yes.

**COMMISSIONER MKHWANAZI**: Oh, yes.

20 **ADV KHUMALO SC**:

“...by providing additional technology.”

What is that technology that CAT Protection Services was providing to EMPD?

**COMMISSIONER MKHWANAZI**: It was not yet implemented, you see, but we were promised that they will

assist us in terms of tracking and tracing the wanted suspects. In fact, we are working with other companies. Like, for example, the digital, where you are parking a car, we are able to detect cars that are moving. And it tells you, no, this is a stolen ...[intervenes].

**ADV KHUMALO SC:** Commissioner, my question was ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct] ...[intervenes].

**ADV KHUMALO SC:** What document? Either there is a  
10 document or there is no document. So what document governed that relationship?

**COMMISSIONER MKHWANAZI:** I have said there is no document.

**ADV KHUMALO SC:** There is no document?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** And then my next question was, what is the technology that was being provided? And you can say there was no technology.

**COMMISSIONER MKHWANAZI:** There was no technology  
20 yet, yes.

**ADV KHUMALO SC:** So why do you say that CAT Security is providing technology? Why do you not say in the future they might do so?

**COMMISSIONER MKHWANAZI:** I think it is my English.

**ADV KHUMALO SC:** It bothers me. It bothers me because

you were asked to give reasons why you should not be suspended in 2023 and you were asked to explain EMPD's relationship with CAT Services, CAT Security Services, which means in this document you were describing the relationship that was existing.

You were not talking about things that were to happen or might happen in the future. And what you are describing here is quite serious because it suggests that although there was no written document between EMPD and  
10 CAT Security Services, CAT was in fact doing crime fighting together with EMPD. And the only way they could have done that is because you gave them permission to do so because you are the one who brought them to EMPD.

**COMMISSIONER MKHWANAZI:** Oh, on that I agree. I agree.

**ADV KHUMALO SC:** Now, that worries me.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** That worries me. Because forget all the other things that we have been debating whether MOUs  
20 were entered into or not. Here you are confirming and you have signed this document, and I will read to you:

“They are assisting EMPD by providing additional technology of monitoring the actions and movements of criminals, tracking suspects.”

They have no business tracking suspects:

“...and other resources we use.”

So you are not saying resources that we may need in the future. You are saying the resources you are using at the time.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:**

10 “...when engaging, chasing and  
arresting of these highly trained,  
skilled and repeat offenders that are  
not afraid to fight back with the police  
when cornered.”

**COMMISSIONER MKHWANAZI:** I agree.

**ADV KHUMALO SC:** So these are the things that EMPD was doing with CAT Security Services ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, we have not yet worked with them on this. We have not yet.

**ADV KHUMALO SC:** But this is what your letter says.

20 **COMMISSIONER MKHWANAZI:** Yes, yes. In fact, it was supposed to say, intending in future. You are correct when you say, I was supposed to say.

**ADV KHUMALO SC:** Now, where is that intent recorded?

**COMMISSIONER MKHWANAZI:** Yes, that is what I am saying. You are correct when you say it was supposed to say, but now it is saying we are working. I am saying you

are correct, Commissioner.

**ADV KHUMALO SC:** But was CAT doing those things?

**COMMISSIONER MKHWANAZI:** No, no. Not yet. No, no, no. He never did that with us.

**ADV BALOYI-MERE SC:** Sorry, I just want to ask a question now that there has been this discussion about VIP CAT. I know that is not what you were on. But just so that I do not forget this question.

**ADV SELLO SC:** Yes.

10 **ADV BALOYI-MERE SC:** Commissioner, can you hear me?

**COMMISSIONER MKHWANAZI:** Yes, now, yes.

**ADV BALOYI-MERE SC:** You said to us that you went to CAT VIP offices. This is in Pretoria?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV BALOYI-MERE SC:** That is the one in Pretoria?

**COMMISSIONER MKHWANAZI:** Yes. Next to ...[indistinct], yes.

20 **ADV BALOYI-MERE SC:** Why would you use the services of a company that is based in Pretoria when you are a completely different metropolitan and you have your own security companies in Ekurhuleni? Why would you go out there?

**COMMISSIONER MKHWANAZI:** Commissioner, you remember I said that they motivated the guys, the guys that are coming from task force. You see, we wanted the

service of the guys that they are able to, in shooting range they are working with them, that is very good. The guys that are employed, you see. We wanted that service of those guys. In fact, not the company per se, but the experience and the skills and everything.

**ADV BALOYI-MERE SC:** Is that why you went to ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** You did not check other  
10 companies in Ekurhuleni, other security companies? You did not ask your guys, what about the other companies, do they not have Special Task Force people, if that is what you were interested in?

**COMMISSIONER MKHWANAZI:** No, no, no, my guys motivated those guys because they know them.

**ADV BALOYI-MERE SC:** And you had no problem procuring a service for the metropolitan of Ekurhuleni from a Pretoria company? You did not see any problem with that?

20 **COMMISSIONER MKHWANAZI:** Yes, Commissioner, some are residing within the area, that is why they know them.

**ADV BALOYI-MERE SC:** No, the company, no, no.

**COMMISSIONER MKHWANAZI:** Oh, the company, oh yes.

**ADV BALOYI-MERE SC:** The company is in Pretoria.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV BALOYI-MERE SC:** It is out of your metropolitan area. Maybe I may put this to you, it is of curiosity at the very least that you would go out to a company that you tell us you knew nothing about, your members told you about it, but it is not in Ekurhuleni, you go to Pretoria and you employ, you agree to enter into an agreement with them, an agreement that is deeply problematic, and that later on we know is quite controversial, as it is the point of curiosity that you would have gone to Pretoria.

10 **COMMISSIONER MKHWANAZI:** Yes, Commissioner, I think, again, to be close to Mike and motivating my members, I did not even think that they are far, but to be close to Mike and say, no, no, no, these guys are my guys, you see. I took it that, but I did not think the way that they are too far, and you see.

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

**ADV SELLO SC:** Thank you, Commissioners. We were at your paragraph 28 of the statement, we will get back there. Yes, of your statement. We will get back there eventually  
20 because we have to close that loop, but before we do so, please do not remove the files before you. I just want to deal with some of the issues that arose from your engagement with the Commissioners.

**COMMISSIONER MKHWANAZI:** Oh, sorry, Commissioner.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** The big file?

**ADV SELLO SC:** No, no, let us leave the files for now, and if you could try and stay with me for a second, Commissioner. Okay, let us leave the files. We will get to the files, right? I will direct you. I want to go back to the letter the Chair pulled out. The to-whom-it-may-concern letter, yes. And you said that is not your signature, it has been forged. Did I hear you correctly?

**COMMISSIONER MKHWANAZI:** That is not mine.

10 **ADV SELLO SC:** Okay. You said the vehicles donated are part of what is listed there, although that is not your signature.

**COMMISSIONER MKHWANAZI:** Yes, they are part, they are four of them.

**ADV SELLO SC:** Okay, now can you help us identify them? They are numbered, which ones are they? I understand that there is a challenge in that. Do you – you put it up. You have this document, do you not?

**COMMISSIONER MKHWANAZI:** Yes, yes, I may need to  
20 know them by heart. That is the challenge that I may have, yes.

**ADV SELLO SC:** Okay. Now, so in this document, could you help us identify the four vehicles that you say were donated, are the ones that were donated? You can do so with reference to, say number one, number five. Okay, that

is all, because they are numbered.

**COMMISSIONER MKHWANAZI**: The Mercedes Kombi, because it is different, I can.

**ADV SELLO SC**: Please say that again.

**COMMISSIONER MKHWANAZI**: Mercedes, Mercedes-Benz.

**ADV SELLO SC**: Yes?

**COMMISSIONER MKHWANAZI**: Kombi.

**ADV SELLO SC**: So number two?

10 **COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Okay, the next?

**COMMISSIONER MKHWANAZI**: Commissioner, it will be difficult because I do not know the registration plates by heart.

**ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: Yes, but the Kombi, the VR and the Kombi.

**ADV SELLO SC**: Then there is a BMW ...[intervenes].

20 **COMMISSIONER MKHWANAZI**: Maybe, even if it is not, but that I was going to confirm.

**ADV SELLO SC**: Okay, no, no. You do not have to guess. Perhaps we can do it slightly differently. When the Chair was engaging you on this letter, you kept insisting about the letter of intention to commit, you remember?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC:** So maybe if we consider the question from that perspective. If you – you still have Mapiyeye file, right?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Let us try and locate JM17, 1-7.

**COMMISSIONER MKHWANAZI:** Page?

**ADV SELLO SC:** 92, 92.

**COMMISSIONER MKHWANAZI:** It is 91?

**ADV SELLO SC:** It starts at 91, yes, the mark is at 91, but  
10 the actual document starts at 92, right?

**COMMISSIONER MKHWANAZI:** No. JM17?

**ADV SELLO SC:** 17.

**COMMISSIONER MKHWANAZI:** No, it is only one, it is this  
one.

**ADV SELLO SC:** No.

**CHAIRPERSON:** Please assist. You should not wait for us  
to indicate that you should please assist.

**ADV SELLO SC:** Please. Are you looking at Mapiyeye  
annexures?

20 **COMMISSIONER MKHWANAZI:** Annexures, yes. Chief  
Mapiyeye Annexures, JRJ ...[indistinct] File 2 of 2.

**ADV SELLO SC:** We are looking for JM17.

**CHAIRPERSON:** Page 92.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Oh, yes, it is 92, yes.

**ADV SELLO SC:** Yes. So that is the letter of intent you kept referring to and you wanted to refer the Chair to, correct?

**COMMISSIONER MKHWANAZI:** Yes, please assist me.

**ADV SELLO SC:** So I want us to then, Item 3 of that letter, to the bottom it lists some vehicles. Would that help you determine whether it is these two BMWs, one Mercedes-Benz, one Golf, and then we check to see which of these are ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** It will not because it must ...[indistinct] registration plate. I thought it said registration plate, it does not. It is not going to assist me. Because I will end up pointing wrong cars, then I must dance for that.

**ADV SELLO SC:** It is because you kept insisting to the Chair that you go to this letter. We are in this letter now, now it does not work.

**COMMISSIONER MKHWANAZI:** Yes, I thought I am maybe ...[indistinct] the registration plate.

**ADV SELLO SC:** Okay, let us stay with this letter. Two  
20 BMWs, one Mercedes-Benz, one VW Golf.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I look at the letter on which you say your signature was forged.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I see a BMW, Mercedes-Benz Kombi, that

one you have recognised immediately, you have marked it. BMW station waggon, VW, another BMW, a BMW, and a VW. So they sort of correspond in a sense that none of the two lists speak of, I do not know, a Suzuki or something. So they may potentially be in that list, but you cannot confirm.

**COMMISSIONER MKHWANAZI**: I may get this letter and say that should be done and add a registration plate.

**ADV SELLO SC**: Hence I am saying ...[intervenes].

10 **COMMISSIONER MKHWANAZI**: It does not assist me.

**ADV SELLO SC**: Because it does not have registration numbers, you cannot confirm.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Okay, we will accept that.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: In the morning, to a question ...[intervenes].

**ADV BALOYI-MERE SC**: Sorry, Ms Sello, can I just check something about this letter?

20 **ADV SELLO SC**: Yes.

**ADV BALOYI-MERE SC**: I think when you were referring to a letter of intention to commit, this is the letter you were referring to?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV BALOYI-MERE SC**: Okay, so this letter did get to the

municipality, whether to you or somebody?

**COMMISSIONER MKHWANAZI:** Well, yes, this one that went to Chris Steyn.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** Okay, so you know this letter?

**COMMISSIONER MKHWANAZI:** Yes, I know this letter, yes.

**ADV BALOYI-MERE SC:** Okay, and those cars, they are  
10 listed and this is what went to Chris Steyn?

**COMMISSIONER MKHWANAZI:** No, not cars, the letter, but we did not physically.

**ADV BALOYI-MERE SC:** Yes, I understand that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** All I am checking with you is that this is a letter that you took to Chris Steyn and it relates to those vehicles that are listed.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

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

20 **ADV SELLO SC:** Thank you. Okay, we tried. Clearly we cannot identify these vehicles. In the morning, at the time we were dealing with what was your paragraph 8, and you do not have to go there ...[intervenues].

**COMMISSIONER MKHWANAZI:** Sorry, Commissioner, just for one second.

**ADV SELLO SC:** Oh, no, absolutely.

**COMMISSIONER MKHWANAZI:** Because now they are now scattered and I am going to move them.

**ADV SELLO SC:** You recall in the morning when we were dealing with the Medicare 24 MOU, in the morning, you remember that?

**COMMISSIONER MKHWANAZI:** Yes, when I was talking.

**ADV SELLO SC:** Yes, yes. And then you mentioned that your members introduced you to Medicare 24.

10 **COMMISSIONER MKHWANAZI:** To Mike, yes.

**ADV SELLO SC:** Yes, to Mike and Medicare 24. Subsequently, with reference to the CAT VIP company, you stated that after months SWAT unit members, which you also called the intervention unit, introduced you to CAT VIP.

**COMMISSIONER MKHWANAZI:** Yes, to the guys of CAT VIP, the protectors, yes.

**ADV SELLO SC:** So you did not know them at the time?

**COMMISSIONER MKHWANAZI:** No, no, no. I know the company but not the VIP protectors and everything. As I  
20 have said that every time when I go there, I could see the management, Cat Matlala, and they are having names and everything.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And you said this was in 2022?

**COMMISSIONER MKHWANAZI:** I did not specify. I said to you I would have problems chronologically because I do not have the annexures. And I said that twice or thrice, leading evidence.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** I said that twice or thrice. You said, no, it is fine. You can just talk.

**ADV SELLO SC:** So you are saying you could have been wrong. It may not have been in 2022, correct?

10 **COMMISSIONER MKHWANAZI:** 2021, 2022, yes, yes, yes, yes.

**ADV SELLO SC:** Okay. And we know the MOU that you signed in respect of CAT VIP is dated October 2021. So perhaps they introduced you in 2021.

**COMMISSIONER MKHWANAZI:** Ja, let us say so because of the dates, yes.

**ADV SELLO SC:** October.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Okay, now when you go back to your statement, your latest statement.

**COMMISSIONER MKHWANAZI:** I think it may not be October. But it is fine, let us go to statement. It will assist me.

**ADV SELLO SC:** Okay. I hope it can. I was referring to it for a different purpose.

**COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** You will recall we were still at paragraph 28 ...[intervenes].

**COMMISSIONER MKHWANAZI:** Oh, sorry.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Oh, yes. Formal instructions.

**ADV SELLO SC:** Please say that again.

**COMMISSIONER MKHWANAZI:** Page 9.

10 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes, you are at the right place.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The question really was, you also referred us to SMT, September/October minutes. I take it, it is 2021, where you say you were formally authorised to go develop relationships with these security companies, I think for provision of security services within Ekurhuleni. I am paraphrasing.

20 **COMMISSIONER MKHWANAZI:** No, let us put it. That is why I was having a problem. Commissioner was saying that for working relations, not providing services.

**ADV SELLO SC:** Okay. What does that phrase mean? When they authorise you to form working relations, what does that mean? What are you being asked to do?

**COMMISSIONER MKHWANAZI**: No, to formalise an SOP in terms of working relations. How do you work with these different companies in terms of securing our communities, like I explained, in terms of working them when you respond to different things. Not different things, different crimes. It may be securities, it may be illegal mining. So I mean to say illegal mining or car hijacking, because they have got best technology ...[intervenes].

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

10 **COMMISSIONER MKHWANAZI**: And they support that ...[intervenes].

**ADV SELLO SC**: I just want to – in that relationship, who does what between EMPD and these companies? In this SOP, who does what?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: My question is, between EMPD and these private security companies, what is the role of each?

**COMMISSIONER MKHWANAZI**: Remember, as EMPD, we are regulated. We cannot change the regulation that we are  
20 appointed to do.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: But some of them, they work, they are contracted to do, they are working in illegal mining. Some of them, they are contracted to patrol within the houses. Some of them, they are doing escort,

protecting companies' cars, companies' products. It differs. With them, they have got different and specific tasking or the way they form companies, you see, in terms of the job that they want to provide to their customers.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Ours is to do traffic law enforcement, crime prevention and bylaws. We cannot change that. It is regulated.

**ADV SELLO SC:** Now, informed by precisely what you  
10 have just said, in this relationship that the SMT minutes authorised you to establish, what did the SMT expect the role of EMPD to be and the private security firms? What was supposed to be their role?

**COMMISSIONER MKHWANAZI:** To come up with a standard operational procedure that will talk the working relations with what they are providing in that specific area or in that specific field. No, let me not say area. In that specific field that they are doing. For example, I like to put illegal mining, you see. We have got companies that are  
20 doing illegal mining ...[intervenes].

**ADV SELLO SC:** Let me propose this. You have suggested illegal mining. Let us stay in illegal mining.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** You are now instructed to go conclude an SOP, to establish a relationship, you keep saying. You

have been authorised to go ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Now, what did EMPD expect the force of EMPD, what role did they expect them to play and what role did they anticipate the security forces would be playing in this illegal mining activity?

**COMMISSIONER MKHWANAZI:** Yes. Currently what is happening, you respond. There are guys that are doing static, that are contracted to company. There are guys that  
10 are responding during the day and at night. But when there are shootings and everything, we respond as EMPD. You find them there. Some are wearing uniforms, some are not wearing uniforms.

Number one, it is difficult to identify who is the suspect, who is not the suspect. You see, then your relation must start there and say, first of all, let us start there. How do we identify each other when we are waking so that they cannot be or they will not be shooting amongst each other? Secondly, it is a question of our arresting  
20 procedure. It is regulated. This is what – but then they come. You cannot go there and *moer* – sorry, and hit and do everything, you see, because we have to take the suspect inside the cell. Then inside the cell, you must take the suspect to court. In court, the suspect may bring litigations, as I told you earlier on that.

No, I was hit by these people, you see. But once we are able to control and tell them, no, no, this is how we do things, you see. When we find a firearm, this is the procedure that we must do. We do not touch, we do not do anything to secure the area. It was understanding in terms of those areas.

Do not just take your firearm and say, no, this is the suspect, and book it, because we have already tampered with the scene. It was part of those things, you  
10 see. But it will differ per operation and per, but we know that at least we have got these processes that we have, or procedure that we must follow.

**ADV SELLO SC:** So you, at the time, were authorised to determine the nature of the relationship. It was all up to you, Commissioner Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Tasked.

**ADV SELLO SC:** You were tasked to do so?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And you did not have to engage with  
20 senior management of EMPD to determine whether or not the relationship you have established is appropriate. There was no such requirement. It was left all to you.

**COMMISSIONER MKHWANAZI:** No, no. I was supposed to engage. Because once you do such a thing, you must come back ...[intervenes].

**ADV SELLO SC:** Engage. You were supposed to engage who?

**COMMISSIONER MKHWANAZI:** You must come back and say, this is what we did, this is what we developed, and come back to the City in this area with these people and these people. You are supposed to come back.

**ADV SELLO SC:** So you come back for approval, or just to engage and let them know? I am trying to understand the purpose of engagement. After you have gone out there and  
10 identified these security companies and developed a relationship. How was it anticipated it would work in real life?

**COMMISSIONER MKHWANAZI:** I did not think on that level. But when you come back, you must report, then they will tell you, no, no, this is how we do things, this is what must we do things. I think it was on that level.

**ADV SELLO SC:** Now, if we cannot establish these SMT September/October minutes that you so heavily rely on, what do you say the Commissioners should do with your  
20 evidence in this regard?

**COMMISSIONER MKHWANAZI:** I know, Commissioners, I even wrote it. You will get them. You will get them.

**ADV SELLO SC:** But you say SMT September/October minutes, that is not particularly helpful. You cannot specifically say what they tasked you to do. You cannot

specifically say the process you were to follow and whether or not they would, the SMT, it is a grouping, what measures were to be put in place to ensure appropriate levels of accountability. You cannot even say what we can expect to find in those minutes, but you want to send us in search of minutes.

**COMMISSIONER MKHWANAZI**: No, you will get, I think you will get, you will come up with something out of that. Definitely, you will get.

10 **ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: Our minutes are recorded.

**ADV SELLO SC**: So then, it is possible, going back to Mapiyeye Annexure JM15 at page 88, what Commissioner Khumalo read out to you. It is possible, therefore, that you develop that relationship described there under crime combating operations.

**COMMISSIONER MKHWANAZI**: No.

**ADV SELLO SC**: So it is possible that is the relationship you developed with CAT Security. You wrote this. You  
20 were authorised, according to you, by SMT to go conclude relationships.

**COMMISSIONER MKHWANAZI**: No, I agreed that this is written by me.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: There I agreed that it is

...[intervenes].

**ADV SELLO SC:** And you highlighted it in the defence of why you should not be suspended in 2023. This document you produced there and you were describing this particular relationship with CAT VIP.

**COMMISSIONER MKHWANAZI:** Yes, when the Chief asked that what are you doing there, I wrote this.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

10 **ADV SELLO SC:** So in fact you did establish that kind of relationship with CAT VIP at the time. And you were, as you said, tasked by the SMT in September/October 2021 to do.

**COMMISSIONER MKHWANAZI:** Commissioners, I have even said to Commissioner, it may be the English part of it, I even accepted, you see, that we are not yet operational. That is why I explained it and accepted to him.

**ADV SELLO SC:** There is one thing, there is one thing. Establishing a relationship and being operational.

20 **COMMISSIONER MKHWANAZI:** Ja, I agree.

**ADV SELLO SC:** I am distinguishing between the two. Can we accept that the relationship was in place? The only issue you highlight is that you did not operationalise it if ever you could. Is that the distinction you seek to draw?

**COMMISSIONER MKHWANAZI:** No, there was no

relationship.

**ADV SELLO SC:** Oh, there was no relationship?

**COMMISSIONER MKHWANAZI:** Yes, it was not yet in place. It was not yet in place.

**ADV SELLO SC:** Same document, please go to page 88.

Under background, you state as follows and I quote:

10                    “I would like to confirm that we have a  
                         working relationship with CAT Security  
                         services and its subsidiaries, CAT 24  
                         Emergency Medical Services. This  
                         relationship started in 2020 during  
                         Covid-19. The aforementioned entities  
                         were entitled to assist our members  
                         with free testing at the time.”

And then you say these services were offered at no cost.  
So you say this relationship actually started in 2020.

20                    **COMMISSIONER MKHWANAZI:** The relationship with  
                         Medicare, as I have said earlier on, you see, I have said  
                         immediately after Covid, you see, first Covid. That is what I  
                         said earlier on to you ...[intervenes].

**ADV SELLO SC:** Please read your ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, I agree ...[intervenes].

**ADV SELLO SC:** No, read the first slide.

**COMMISSIONER MKHWANAZI:** Yes, I read it. The  
Commissioner read it and I have said, yes, I accept. But

the relationship that we had, it was with Medicare 24 immediately after Covid, as I articulated or as I have said earlier on, Commissioner, and even my statement when you said talk, I said that.

**ADV SELLO SC:** You are right and I really am getting confused now and I want to finish this topic. I would like to confirm that we have a working relationship with CAT Security Services. Full stop. Let us stop it right there. That is what you tell Chief Mapiyeye. And you said it is that  
10 entity and its subsidiaries, Medicare 24 Emergency Medical Services. So it is with two. Then you continue and say this relationship with these entities started in 2020.

**COMMISSIONER MKHWANAZI:** Yes, 2020. We worked with Medicare 24 ...[intervenes].

**ADV SELLO SC:** You misled Chief Mapiyeye in that document.

**COMMISSIONER MKHWANAZI:** No, I think it was me including them here, you see. But with Medicare 24, we worked and I can even, the results ...[intervenes].

20 **ADV SELLO SC:** No, no, I do not want to ...[intervenes].

**COMMISSIONER MKHWANAZI:** Of what ...[intervenes].

**ADV SELLO SC:** We are off Medicare. It is CAT that we are talking about.

**COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** So CAT Services, Security Services,

does not offer Covid-related services, does it?

**COMMISSIONER MKHWANAZI:** Matlala was part of the - as I have said, when you come in, in that Medicare 24, you will see the faces of the directors. There were many directors.

**ADV SELLO SC:** Okay, I got that. So then that relationship, this Covid relationship started in 2020?

**COMMISSIONER MKHWANAZI:** Yes, after Covid. Immediately after the serious Covid. Because Covid, I was  
10 not around. I came back after Covid.

**ADV BALOYI-MERE SC:** When you say after Covid, I mean, you do say in 2020. We had the first, I think it was called the first wave and shut down in 2020.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI-MERE SC:** You are talking about that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** In 2020 still?

**COMMISSIONER MKHWANAZI:** Yes, I got sick. I stayed for seven weeks or eight weeks. I was bad.

20 **ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** Then when I came back, it took two weeks to come back. But immediately after that, that is where I was operationally.

**ADV BALOYI-MERE SC:** Okay. No, I think what I am trying to clear, which I think Ms Sello is seeking to clear

with you, is in 2020, in that period of 2020, you already had a working relationship with Medicare.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI-MERE SC**: 2020.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

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

**ADV SELLO SC**: And so with CAT Security Services, or do you want me to delete that from your report? You never meant to reference CAT.

10 **COMMISSIONER MKHWANAZI**: Please, please. I will appreciate it.

**ADV SELLO SC**: How did this error come about? How do you explain the reference to CAT Security ...[intervenes].

**COMMISSIONER MKHWANAZI**: I think I ...[intervenes].

**ADV SELLO SC**: So let me just finish. Particularly when you, when Commissioner Khumalo took you to Item 3 of the same document regarding crime combating operations with CAT Security Services, you were insistent that there was – how do those issues creep into this document if that  
20 relationship did not exist at the time?

**COMMISSIONER MKHWANAZI**: In fact, the whole document, not even two paragraphs, the whole document.

**ADV SELLO SC**: What?

**COMMISSIONER MKHWANAZI**: No, I am agreeing with you. I am saying ...[intervenes].

**ADV SELLO SC:** What do you mean the whole document?

**COMMISSIONER MKHWANAZI:** No, I am saying, I am agreeing with you. I am not – I am saying, I am even saying, it is not even one paragraph or two paragraphs. In other sentences, in other paragraphs, I keep on repeating it.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, I am agreeing with 100%.

10 **ADV SELLO SC:** Okay. So then can you, let us help the Commissioners understand how that “mistake” could happen.

**COMMISSIONER MKHWANAZI:** I did not say engagement. As I have said that I worked with Mike, you see. When I responded, it was just to respond because I am having relations with Medicare, and I included them by – and I included them many times, and I agreed to that. And I cannot give another reason which is better than what I have said. Mine is to accept and say, yes, I accept I made a  
20 mistake, you see. I am here at the Commission. When I am wrong, as I said, there I was wrong.

**ADV SELLO SC:** Okay. We are staying with the same document at page 90, the last paragraph. Before your signature, you state:

“I hope and believe the Chief will

understand the initiative we are taking as his subordinates in advancing private partnership towards fighting crime and protecting the City while also scaling our own, as mentioned in this report.”

Do you see what I am reading?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes, yes.

**ADV SELLO SC**: Why does that not read, I hope and  
10 believe the Chief will remember the task that was, I was entrusted with during September/October 2021 by the SMT to establish this public-private relationship? Why do you call it an initiative of his subordinates to establish that relationship?

**COMMISSIONER MKHWANAZI**: As I have said, it may be English.

**ADV SELLO SC**: Is that English again?

**COMMISSIONER MKHWANAZI**: Yes, yes. In this document, I have accepted.

20 **ADV SELLO SC**: What was happening with the English when it came to writing this document?

**COMMISSIONER MKHWANAZI**: I cannot even tell, you know. I cannot. I must accept, you see. When you are wrong, you must accept. You cannot even defend the wrong thing, you know.

**ADV SELLO SC:** And this is the document you hoped would persuade Chief Mapiyeye and your seniors not to suspend you?

**COMMISSIONER MKHWANAZI:** No, I was suspended.

**ADV SELLO SC:** When you submitted it, you were hoping it will stop the suspension.

**COMMISSIONER MKHWANAZI:** No, this was the first one, yes. Then they continued with the pre-suspension because he engaged before pre-suspension. Then I submitted this,  
10 said, no, write the intention with the unions, wrote the other one, but ...[intervenes].

**ADV SELLO SC:** And I am saying you submitted it because you were hoping they would not suspend you once they read it.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So you are suggesting then this is why you said the English that you did. I am just checking. I do not want to misunderstand you.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Okay. Lastly, let us ...[intervenes].

**COMMISSIONER MKHWANAZI:** You are, I am dead. You are continuing to kill me once I am dead.

**ADV SELLO SC:** I have no such intention, I promise you. I do not. Okay, let us go to page 89, same document, just for clarity. You list specifically three projects undertaken

with CAT.

**COMMISSIONER MKHWANAZI**: The same document?

**ADV SELLO SC**: Yes, at page 89.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: You say projects undertaken with CAT, you list them there. I am interested in the first, you call it cartels examination at the college. What is that?

**COMMISSIONER MKHWANAZI**: No, it is supposed to say cadets, not cartels, cadets, students.

10 **ADV SELLO SC**: Why did cartels cross your mind incidentally?

**COMMISSIONER MKHWANAZI**: No, Commissioner.

**ADV SELLO SC**: I am sure you would not remember.

**COMMISSIONER MKHWANAZI**: Ja, but I am taking the responsibility.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: When I typed, I was having my PA and said, no, man, just do this. I am taking that responsibility.

20 **ADV KHUMALO SC**: You were not being prophetic, were you?

**COMMISSIONER MKHWANAZI**: I was weak, I was not that yet energetic, and you see. Oh, Commissioner, no, no, no, no, no, no, no, no, I was not ...[vernacular]. I was not saying, I was not, Commissioner.

**ADV SELLO SC:** No, you are not as tired as he thought you are. Okay, let us get back to your statement then just to complete on this point.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Advocate Sello?

**ADV SELLO SC:** Yes?

**ADV KHUMALO SC:** I want to deal with page 92. I wonder if you are going to be coming back to it. Just the relationship, nothing else. The relationship between CAT  
10 and EMPD.

**ADV SELLO SC:** No, no, I was going to come back to it, but we might as well because we are dealing with those MOUs at this juncture.

**ADV KHUMALO SC:** Yes.

**ADV SELLO SC:** The Chair made sure that we do so. So, to be appropriate, thank you.

**ADV KHUMALO SC:** And Chair and I had left our page 92 open in the hope that we would ask a few questions.

**ADV SELLO SC:** Okay.

20 **ADV KHUMALO SC:** Commissioner, please go to page 92 of that same bundle.

**COMMISSIONER MKHWANAZI:** The letter intent?

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The Mapiyeye one, yes.

**ADV KHUMALO SC:** And you say this is the document you gave to Chris Steyn because he wanted to know whether he can register the four vehicles.

**COMMISSIONER MKHWANAZI:** No, no, I gave this document because he said previously, when the processes was happening, they gave the same letter to EMPD. This is the same document that they gave him ...[intervenes].

**ADV KHUMALO SC:** Who did you give it to?

**COMMISSIONER MKHWANAZI:** This is what he wanted  
10 ...[intervenes].

**ADV KHUMALO SC:** Who did you give ...[intervenes].

**COMMISSIONER MKHWANAZI:** Sorry?

**ADV KHUMALO SC:** Who did you give this document to?

**COMMISSIONER MKHWANAZI:** To Chris Steyn.

**ADV KHUMALO SC:** And where did you get it from?

**COMMISSIONER MKHWANAZI:** No, from Vusi Matlala.

**ADV KHUMALO SC:** You got it from Cat Matlala?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV KHUMALO SC:** And before you gave it to Chris, you  
20 read the document?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Yes. Now, in paragraph 2 of that document, Vusi Matlala says:

“CAT VIP Protection under his  
leadership has signed a memorandum

of agreement with EMPD.”

Do you see that?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV KHUMALO SC**: Now, which memorandum of agreement is Cat Matlala referring to in paragraph 2 of that letter?

**COMMISSIONER MKHWANAZI**: He was confused by that memorandum. The one that raised, the one that said, I do not have powers to do that. It is ...[intervenes].

10 **ADV KHUMALO SC**: But as far as he was concerned ...[intervenes].

**COMMISSIONER MKHWANAZI**: He did not sign it.

**ADV KHUMALO SC**: Yes. As far as he was concerned, according to this letter, he had signed that memorandum. That is what the letter says.

**COMMISSIONER MKHWANAZI**: No, it is not signed. It is that one. It is that one. It was not signed.

**ADV KHUMALO SC**: If you had read the letter, why did you not correct him? Why did you not say, no, no, no, Mr  
20 Matala, there is no signed memorandum of agreement between CAT and EMPD?

**COMMISSIONER MKHWANAZI**: No. Here, there was this excitement that we are getting vehicles. There is a lot of commitment, or that are intent to commit. You see, it was for me to take that letter and say, Chris, at least what you

wanted is here.

**ADV KHUMALO SC:** Commissioner, do you see the things you do when you are excited?

**COMMISSIONER MKHWANAZI:** Yes. No, I agree.

**ADV KHUMALO SC:** It gets you into trouble.

**COMMISSIONER MKHWANAZI:** [Indistinct].

**ADV KHUMALO SC:** No, because you were relying on this document to persuade Chris Steyn to register vehicles.

**COMMISSIONER MKHWANAZI:** Yes, yes.

10 **ADV KHUMALO SC:** And what Chris Steyn would have read looking at this letter is that there is a signed memorandum of agreement between EMPD and CAT, because that is what the letter says.

**COMMISSIONER MKHWANAZI:** Yes, that is why he even came and said, no, no, no, there are problems now. We are not continuing.

**ADV KHUMALO SC:** And I am assuming that when you were making representations to Chief Mapiyeye and Erasmus, and who were the other people who were  
20 investigating you? IPID. So it was Erasmus, it was Mapiyeye, it was IPID. Did you give them this letter?

**COMMISSIONER MKHWANAZI:** Yes, I gave them everything. No, I am not sure about the letter, but whatever documents that I am having, I submitted. It is just that some were not with me. I did not have access. That is why

I said ...[indistinct] and I am not sure about the document that I am having ...[intervenes].

**ADV KHUMALO SC:** Why have you not corrected this impression created by Cat Mathala? Why have you not corrected this impression?

**COMMISSIONER MKHWANAZI:** It is the same. That is why I agreed to you that it was this excitement of making sure that they were going to get those vehicles. You see, we have, you see ...[intervenes].

10 **ADV KHUMALO SC:** But you said ...[intervenes].

**COMMISSIONER MKHWANAZI:** But now I detect something, that the objectives are not the same. It is out of this I am learning something. Out of the engagement that we had earlier on from the Chairperson and the question, this takes me somewhere now. This takes me somewhere now. You see, and the persistence. No, now I am opening another eye. No, now I am, I do not know what to say, but it is opened my mind, it has opened my eyes now, you see. With objective of business and objective of, they are not the  
20 same.

**ADV KHUMALO SC:** Can I leave it there? I know you...

**ADV SELLO SC:** You can either leave it or you deal with it because we are under pressure of time. So if we do not have to go back to issues, it would be – it would assist a great deal. We are back to paragraph 28. Okay, now I

think we have exhausted that paragraph.

**COMMISSIONER MKHWANAZI**: Okay.

**ADV SELLO SC**: But I want you to read ...[intervenes].

**ADV BALOYI-MERE SC**: Before you do that, before you say you have exhausted this paragraph.

**ADV SELLO SC**: The actual paragraph, indeed, Commissioner.

**ADV BALOYI-MERE SC**: I just wanted to check this. Because I was, I have struggled to understand whether you  
10 are making a connection between paragraph 27 and the instruction you described in paragraph 28. Is there any relationship between the two?

**COMMISSIONER MKHWANAZI**: Page 27 of my statement?

**ADV BALOYI-MERE SC**: Paragraph, paragraph 27. You remember in paragraph 27, you are telling us about the MOU, Mike Van Wyk, you remember that? And that MOU was sent to Jermaine Fortein. That is what you do in paragraph 27. And then in 28, you are now talking about a formal instruction to develop an SOP. And what I was not  
20 sure about is, are you saying that that relationship, that draft memorandum that you are discussing in paragraph 27, right? The Medicare one. Did it come about because you were executing that instruction to develop an SOP? Is that what you are doing?

**COMMISSIONER MKHWANAZI**: Oh, no, no, no, no, no, no,

no, no.

**ADV BALOYI-MERE SC:** It has nothing to do with it?

**COMMISSIONER MKHWANAZI:** Ja, no, no, no.

**ADV BALOYI-MERE SC:** Okay, so 28 has absolutely nothing to do with 27?

**COMMISSIONER MKHWANAZI:** [Indistinct – cross talking] ...[intervenes].

**ADV BALOYI-MERE SC:** All right. Thank you. Thank you, Ms Sello.

10 **ADV SELLO SC:** Thank you, Commissioner. My question was actually going to lead to 29 and very similar to that. At your 29, you say:

“It is surprising, therefore, to receive an email from the Commissioner accusing me of an improper use of my position, especially when I was acting in line with my official directives.”

You see that?

**COMMISSIONER MKHWANAZI:** Oh, yes, yes, yes, yes.

20 **ADV SELLO SC:** Now, that sentence, does it relate to the conclusion of the MOU in 27 and with CAT VIP in terms of the SOP in 28? Or does it extend only to one of them? And if so, which?

**COMMISSIONER MKHWANAZI:** No, IPID that time raised the issue of when I met with them. That is why I highlighted

the three, what is this, the three items in the letter, in the to-do list, you see?

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: Yes. Because when they were engaged in raising, they raised those issues, you see? That is why when they raised it, because it was that time, it was a ...[indistinct] of those things, you see. As I have said that some of the documents, now I am getting them here, you see, I did not have access to it, but now I understand.

10 **ADV SELLO SC**: Okay. Also, is JD, Annexure JD2 we referenced earlier, right? It is the three items at page 6 that are highlighted, and that is a due date of SOP from security division, and all 20 October 2011, daily reports, emails, complaints, and the last third item, resolve complaints internal public. That is what you highlighted.

**COMMISSIONER MKHWANAZI**: Oh, yes. Let me see.

**ADV SELLO SC**: So, and you say your paragraph 29 is in respect of those issues?

20 **COMMISSIONER MKHWANAZI**: Yes, with me, it is always in respect of those issues.

**ADV SELLO SC**: But the issues I have read out, what was there for you to execute? Because you are saying that you are being accused of improper use of your position when you were acting in line with official directives. But the things you have highlighted do not call on you to execute

anything.

**COMMISSIONER MKHWANAZI**: Sorry, sorry, sorry, sorry, sorry. I was trying to get.

**ADV SELLO SC**: Okay. What were you trying to locate?

**COMMISSIONER MKHWANAZI**: No, no, no. It was accusation against this, and Mr Mzolo did not ...[intervenes].

**ADV SELLO SC**: What is this?

**COMMISSIONER MKHWANAZI**: No, no. That to-do list.

10 **ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: It was that to-do list.

**ADV SELLO SC**: I do not think that is so, because on your own version, if we read the paragraph further:

“Furthermore, Mr Mzolo has never submitted a statement to either support or refute the content of my statement.”

**COMMISSIONER MKHWANAZI**: No, Commissioner, let me correct it. It was about the commitment, you see, because you spoke about ...[intervenes].

20 **ADV SELLO SC**: Remind us again what commitment?

**COMMISSIONER MKHWANAZI**: Yes, the commitment, the letter to commit and to do. Yes, the statement talks about that.

**ADV SELLO SC**: Let us finish and see whether we are correct still.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Because I think we ...[indistinct] once again.

**COMMISSIONER MKHWANAZI:** And has never submitted a statement to support or refute of my statement. Additionally, there is a document from Corporate and Legal to IPID challenging the letter intention to commit. This is two of them.

**ADV SELLO SC:** Okay. We are summarising. Let us read  
10 it verbatim:

“Additionally, there is documentation from the Corporate Legal Services Department of the City to IPID challenging the recommendations made by the Chief who claimed to have no knowledge of the situation or any working relationship with Medicare and the CAT VIP security company.”

So the statement that it was alleged that your conduct  
20 constituted improper use of your position is wrong and you contend that you were acting in line with official directives, and that is in regard or in relation to the working relationships with Medicare and CAT VIP security company.

**COMMISSIONER MKHWANAZI:** Yes, you are correct. Remember, when I was suspended now, it was after we had

State of the City, it was after I got this. Then the Chief said there is no working relations and there was instead of the State of the City, 2022 April. And I was suspended 2023 February. Before that, there was no, but after the 30<sup>th</sup> of April, we worked with them in terms of the operational plan.

**ADV SELLO SC:** But not with Medicare 24. Medicare 24 did not play any role in the State of the City.

**COMMISSIONER MKHWANAZI:** No, no. Medicare 24, we worked with them before the State of the City, you see, in  
10 terms of the cadets. In fact, I am confusing you now, I see.

**ADV SELLO SC:** You are confusing me.

**COMMISSIONER MKHWANAZI:** Yes, I see. That is what I am saying. That is what I am saying. Medicare 24, we worked with in terms of the cadet, in terms of 2023, it is out. Then 2022, the 30<sup>th</sup> of April, we worked with the CAT VIP Security.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Then suspension, I got the coming year, February.

20 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** After we worked with the two. Now I can recall now, you see, now I can recall.

**ADV SELLO SC:** All right, I think I have caught the order of things from your perspective, which then leads us, I guess, naturally to your paragraph 30.

**ADV BALOYI-MERE SC:** Sorry, before you do that, before you do that, I think what we cleared in my last question was that paragraph 28 has nothing to do with the Medicare in paragraph 27, right? That MOU.

**COMMISSIONER MKHWANAZI:** Or 28, not 29.

**ADV BALOYI-MERE SC:** 28 is about SOP, that instruction. And then you agreed that 28, that instruction has nothing to do with Medicare. Now, in your paragraph 20 ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Can I finish doing like this?

**ADV BALOYI-MERE SC:** You are on the page?

**COMMISSIONER MKHWANAZI:** Please repeat again, yes.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** You said 27?

**ADV BALOYI-MERE SC:** Ja, I started off by saying you have said to us that paragraph 28, the instruction in paragraph 28 to go and develop an SOP for operational security division has nothing to do with the Medicare MOU.

20 You remember that, that discussion between us?

**COMMISSIONER MKHWANAZI:** Well, Medicare, yes.

**ADV BALOYI-MERE SC:** Has nothing to do with the Medicare.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI-MERE SC:** I am talking about Medicare, not

VIP.

**COMMISSIONER MKHWANAZI**: Oh, yes, yes, Medicare.

**ADV BALOYI-MERE SC**: So we have agreed it has nothing to do with that.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI-MERE SC**: And then you, but then in 28, in that paragraph 28, you talk about the SOP instruction. And then at 29 you say you are surprised when Chief claimed to have no knowledge of the situation or any working  
10 relationship with Medicare. Let us just say that.

**COMMISSIONER MKHWANAZI**: Yes, you are correct.

**ADV BALOYI-MERE SC**: Why do you say he had knowledge of the working relationship with Medicare?

**COMMISSIONER MKHWANAZI**: Yes, madam. Sorry, Commissioner. Remember, Commissioner, when there were cadets that were registered or that were assisted with photocopying and everything, you see, he had a briefing on that, that the student that assisted with photocopying. I briefed and I think he briefed that. Medicare assisted us  
20 with photocopying and, what is this thing, and writing of documents and everything. He even mentioned that. I even said, I spoke about 300 000 because Mike said we spent, they spent in terms of photocopying and other things, cost them something like 300 000. He did know about that. I even mentioned that I said so.

**ADV BALOYI-MERE SC:** So that is the only relationship that you say the Chief knew? The relationship between, your working relationship with Medicare. It is that printing.

**COMMISSIONER MKHWANAZI:** No, even the one of officers testing and doing everything. I briefed him about that.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** So you say ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** [Indistinct]... I briefed, yes.

**ADV BALOYI-MERE SC:** You mean the 2020 Covid?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** And it was not only the 20, it was 2020, I think even after the, up until, because Covid was there up until 2022 there, I think it was there. It is just that I will not go to officers and say, did you go there when it was private?

20 **ADV BALOYI-MERE SC:** No, that is fine.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI-MERE SC:** You have listed two things. You are not including the MOU, the Medicare MOU in that. So if Chief said to us, to the Commission, I knew nothing about the Medicare MOU, right? The Medicare MOU that we

discussed earlier. If he said to us, I knew nothing about it, he therefore would not have been misrepresenting the position.

**COMMISSIONER MKHWANAZI:** [Indistinct]... my weight to him.

**ADV BALOYI-MERE SC:** Sorry, say that?

**COMMISSIONER MKHWANAZI:** You do not trust my word to him.

**ADV BALOYI-MERE SC:** No, no, no. I am trying to  
10 understand your evidence because I asked you, remember, whether the paragraph 28 and 27 have nothing, anything to do with each other. You said they have nothing to do with each other. They are standalone paragraphs. But then in 29, in paragraph 29, you say Chief knew, in fact, maybe let us read it. It says:

20 “It is surprising therefore to receive an email from the Commissioner accusing me of improper use of my position, especially when I was acting in line with official directive.”

You see where I am reading? Your paragraph 29.

**COMMISSIONER MKHWANAZI:** Yes, I am following you.

**ADV BALOYI-MERE SC:** And then you say:

“Furthermore, Mr Mzolo never submitted a statement to support or

refute the content of my statement. Additionally, there is documentation from Corporate Legal Services Department of the City to IPID, challenging the recommendations made by the Chief, who claimed to have no knowledge of the situation or any working relationship with Medicare.”

Now, I stop there, right?

10 **COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV BALOYI-MERE SC**: I stop there and I say to you, are you saying to us Chief knew about the memorandum with Medicare that you wanted to be entered into with Medicare? Are you saying he knew about that?

**COMMISSIONER MKHWANAZI**: This memorandum was submitted to, this proposal was submitted to his office, you see.

**ADV BALOYI-MERE SC**: Yes.

**COMMISSIONER MKHWANAZI**: But in his testimony, he  
20 even said that Julius said that company spent R300 000 to me, you see.

**ADV BALOYI-MERE SC**: Okay.

**COMMISSIONER MKHWANAZI**: I did that.

**ADV BALOYI-MERE SC**: Okay.

**COMMISSIONER MKHWANAZI**: Yes, that is what I am

saying.

**ADV BALOYI-MERE SC:** So you are saying he was not being truthful if he said he did not know about the memorandum of understanding with Medicare?

**COMMISSIONER MKHWANAZI:** Yes, because even his PA, or the PA and Fortein, they said they submitted to his office.

**ADV BALOYI-MERE SC:** You are saying Chief was not being truthful if he said he did not know anything about the  
10 memorandum with Medicare?

**COMMISSIONER MKHWANAZI:** That is what I am saying, yes.

**ADV BALOYI-MERE SC:** Okay.

**COMMISSIONER MKHWANAZI:** Because it was submitted to his office.

**ADV BALOYI-MERE SC:** So you say he knew because it was submitted to his PA. Is that your basis for saying he knew about the MOU?

**COMMISSIONER MKHWANAZI:** Yes, because it was  
20 submitted, and there is an affidavit that confirms that it was submitted.

**ADV BALOYI-MERE SC:** Okay, I am sure Ms Sello will discuss the affidavit with you ...[intervenes].

**COMMISSIONER MKHWANAZI:** But...

**ADV BALOYI-MERE SC:** No, carry on. Carry on.

**COMMISSIONER MKHWANAZI:** But I also informed, as I have said, and he has confirmed that no, the working relation, oh, it is not the memorandum, but the working relations.

**ADV BALOYI-MERE SC:** I was just checking about the memorandum.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

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

**ADV SELLO SC:** Thank you, Commissioner. As I said, this  
10 then leads us into your paragraph 30, and we are now in April 2022, and we are dealing with the State of the City Address, correct? You see where I am? In your statement ...[intervenes].

**COMMISSIONER MKHWANAZI:** Page?

**ADV SELLO SC:** Page 10, paragraph 30.

**COMMISSIONER MKHWANAZI:** Oh, yes, yes, yes.

**ADV SELLO SC:** It says there:

EMPD engaged the CAP VIP Protection  
Security with company...”

20 Whatever:

“...as additional support to ensure the  
safety of the State of the City Address  
which took place on the 30<sup>th</sup> of April  
2022 in Ekurhuleni.”

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Now, so you had established a relationship by 2022 then with CAP VIP in line with the task given you by SMT in September/October 2021. Here is our relationship.

**COMMISSIONER MKHWANAZI:** Can you repeat again? I think you are going back to that statement, that letter. May you please repeat again?

**ADV SELLO SC:** Okay. I have just read what you write in your statement.

10 **COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** That EMPD engaged CAP, it is supposed to be CAT, it is a typo, VIP Protection Security as additional support to ensure the safety of the State of the City Address which took place on the 30<sup>th</sup> of April 2022 in the City of Ekurhuleni.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So I am reading. So I am saying now, by now, there is that formal relationship.

20 **COMMISSIONER MKHWANAZI:** Yes, and I, as I have said to you that I went there before we start and communicated with ...[indistinct] ...[intervenes].

**ADV SELLO SC:** I just, now I see that relationship being formed, am I correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** By the 30<sup>th</sup> of April 2022, the relationship

is there.

**COMMISSIONER MKHWANAZI:** But remember that time I know him and I know that there is a CAP VIP Security.

**ADV SELLO SC:** I know, ja. So you have satisfied yourself.

**COMMISSIONER MKHWANAZI:** Yes, to formalise for that operation, yes.

**ADV SELLO SC:** Okay. So when Commissioner Khumalo took you to the motivation you wrote to Chief Mapiyeye as  
10 to why you should not be suspended and you said you made a mistake, why did you say at that time there was no relationship? Because that motivation is dated February 2023, and here we have a relationship arising in 30 April 2022. Why did you deny it ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes ...[intervenes].

**ADV SELLO SC:** To Commissioner Khumalo ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, it came to my mind that she even raised it that, no, we are suspended  
20 2022/2023. Now when you said 2022, that something came, no man, it was after we had this 2023. That is a suspension, you see.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** I forgot because we even came, or we were not talking about this operation of 2022.

**COMMISSIONER MKHWANAZI:** So your English in the motivation letter to Chief Mapiyeye as to why you should not be suspended of February 2023 is not so bad.

**COMMISSIONER MKHWANAZI:** Ja, no, but there are other things ...[intervenes].

**ADV SELLO SC:** At least so far as this relationship is concerned, the English is sorted out.

**COMMISSIONER MKHWANAZI:** No, it is bad because there are other operations that we did not do. I must put it,  
10 we did not have crime prevention, we did not do all those things.

**ADV SELLO SC:** Oh, okay.

**COMMISSIONER MKHWANAZI:** Yes, yes, I must accept that ...[intervenes].

**ADV SELLO SC:** The relationship was there, but not for crime prevention, although that is what you wrote.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But there was another relationship that you did not inform Chief Mapiyeye of, that was actually in  
20 existence.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes. There I agree 100%.

**ADV SELLO SC:** How did you cross your wires so terribly? You see, I am trying to understand where you are coming from and therefore to see what explains some of what could

be errors. Is there a way to understand? If there is not, I will accept and move on.

**COMMISSIONER MKHWANAZI**: I think you need to put it in a chronological because you are asking, and then I get confused, but he assisted me. Then I tend to remember, no man, there was an operation around April with the CAT, but there was no operation of crime prevention, I must be honest.

**ADV SELLO SC**: Okay.

10 **COMMISSIONER MKHWANAZI**: We did not do that, but VIP was there.

**ADV KHUMALO SC**: Can I just? So in paragraph 30, you say EMPD engaged CAT Protection Services as additional support to ensure safety of the State of the City.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV KHUMALO SC**: Who on behalf of EMPD entered into that agreement with CAT?

**COMMISSIONER MKHWANAZI**: No, I have said, I went and engaged ...[intervenes].

20 **ADV KHUMALO SC**: I just want to know the name of the person who represented EMPD in entering into this arrangement that you are describing.

**COMMISSIONER MKHWANAZI**: Operational plan.

**ADV KHUMALO SC**: I am not talking about the operational plan. You are saying here, EMPD engaged CAT VIP

Protection Services as additional support to ensure safety.

**COMMISSIONER MKHWANAZI:** No, I have said I went there and I have engaged him.

**ADV KHUMALO SC:** So it was you?

**COMMISSIONER MKHWANAZI:** Yes, I have said it twice or thrice so many times.

**ADV KHUMALO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And I even said, I even invited him to the Office of the Mayor again ...[intervenes].

10 **ADV KHUMALO SC:** Commissioner, I am only asking for the name.

**COMMISSIONER MKHWANAZI:** Oh, it is me. Julius Doctor Mkhwanazi.

**ADV KHUMALO SC:** Are you authorised to enter into such agreements on behalf of EMPD? Do you have authority?

**COMMISSIONER MKHWANAZI:** Yes, on this one, because it is an operational plan.

**ADV KHUMALO SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** You see, you can invite all the stakeholders as you want them to participate. It is an operational of that day. You can, sometimes we are in these plans, we are having different stakeholders in all our operational plans. On this one, it is for executing for that day. After that day, it is finalised.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI**: Yes, in an operational plan to formalise, as I have said that you need to include them so that if anything happens, all those that you utilise, you see, when there is incident or accident in the court of law, there must be. That is why I made sure that it follows all the law. That is why I made sure that the compiler, make sure that all those other ...[indistinct] must sign that document.

**ADV SELLO SC**: Sorry?

10 **COMMISSIONER MKHWANAZI**: Let me thank you again. You assisted. I was committing myself and I was becoming confused. Now, you rescued me when you came to 2022, April. The Chairperson was dealing with left and right, but now I am rescued now. Thank you.

**ADV SELLO SC**: I am sure Commissioner Khumalo is happy he could be of assistance. This now leads us to 31. And 31 really ...[intervenes].

**ADV BALOYI-MERE SC**: Sorry, before you go to 31.

**ADV SELLO SC**: Yes.

20 **ADV BALOYI-MERE SC**: Sorry, Ms Sello. So, Commissioner, when you work with – when you now engage CAT VIP for the State of the City, we know there is no memorandum at that point, right? Because the memorandum that we have looked at was never signed.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes, yes.

**ADV BALOYI-MERE SC:** On what basis did you engage them?

**COMMISSIONER MKHWANAZI:** As I have said that members identified those skilled guys, those highly trained. When we went in, we spoke about that. Having said that, when I approached him, I even said that members identified those highly skilled and trained that will assist. Because of the letter that I got of the threats, you see, that was submitted to the Chief and then it was submitted to me. I  
10 had to make sure that we provide proper security. We execute the plan very well. It is well protected. The event is not disturbed. I have not talked about disturbed or destabilise us and everything, all those threats.

**ADV BALOYI-MERE SC:** Okay. So, and the reason I ask on what basis did you approach them is because I expect that when you brought them onto the State of the City event, they have tasks.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** It must be written down  
20 somewhere between you and CAT VIP. You know the MOU that we looked at?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** It assigns who is responsible for what.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** And you both would have signed off, you in that MOU.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI-MERE SC:** The City and CAT would have signed. Now we know you do not have an MOU with them at the time of the City, State of the City event. Where do you agree? What is the agreement you had with them and where is it recorded?

**COMMISSIONER MKHWANAZI:** Thank you. In an  
10 operational plan, there is tasking, as I have said.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** You task all the - page 2, it is having all the role players. The first one talks to internal, but it talks to internal, but separate again, talks to external. That is where the two security companies are coming in.

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** You see, in your tasking, then you mention it. With this one, because it is having  
20 contract, I want to concentrate on them. Because when you do tasking, task everyone, but I want to concentrate on them. This one, because they are contracted, they will do static. I think it is wise if we can check the operational plan. It is one of the annexures. It comes to ...[intervenes].

**ADV SELLO SC:** Commissioner Mkhwanazi, perhaps if I may assist ...[intervenes].

**ADV BALOYI-MERE SC:** If it is a topic you are going to go to, I am happy to leave it.

**ADV SELLO SC:** Just to assist Commissioner Mkhwanazi, because I think he wants to go to a document. But before I do so, permit me to go to paragraph 31, at least for the record, and identify what I think is the annexure that he wants. You will see that at 31, Commissioner Mkhwanazi,  
10 you are with me, right:

“During that meeting, the Council informed us credible threats to individual safety...”

And you go on. You see that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. Then, and I think you then, you say:

“A formal document where the executive Mayor talked about  
20 disruptions was handed to me by the Chief.”

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Then you say attached.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. Now, I want you to have regards

to JD3 starting at page 7, so that we locate whether that is the document that you say is attached.

**COMMISSIONER MKHWANAZI**: Oh, my JD3.

**ADV SELLO SC**: Yes, your own annexures now.

**COMMISSIONER MKHWANAZI**: I am becoming happy when you are going to my annexures now.

**ADV SELLO SC**: So, JD3 at page 7. Okay.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Is that the document?

10 **COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV SELLO SC**: So, can I then advise the Commissioners to write against the word attached, just to mark it JD3, as Annexure JD3, correct?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Now, that Annexure JD3 is actually made up of two documents, if I interpret it correctly. At page 7 is the statement by Tania Campbell, Executive Mayor of the City of Ekurhuleni, dated the 31<sup>st</sup> of March 2022, correct?

**COMMISSIONER MKHWANAZI**: Yes, yes.

20 **ADV SELLO SC**: When I flip over, there is an operational-related document, name of operation, Kurula [?] State of the City Address Specialised Services, correct?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: All right. Now, both of these documents make up JD3.

**COMMISSIONER MKHWANAZI:** They talk to each other, yes.

**ADV SELLO SC:** Okay. Now, getting back, now that I have ...[intervenes].

**COMMISSIONER MKHWANAZI:** You put it in JD4.

**ADV SELLO SC:** Please say that again.

**COMMISSIONER MKHWANAZI:** There is JD4 and JD3. Operational plan is in ...[intervenes].

**ADV SELLO SC:** It is supposed to be JD4?

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** I am not sure. Yes, but here it is like that. They are not in the same ...[intervenes].

**ADV SELLO SC:** Chances are that you are correct, because there is nothing under the flag of JD4. So, perhaps this operational plan is in the wrong place. I will accept that.

**COMMISSIONER MKHWANAZI:** Okay.

20 **ADV SELLO SC:** So It makes better sense. So, JD3 is the statement by Alderman Tania Campbell of the 31<sup>st</sup> of March 2022.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay. Then it would mean we have to go to JD4, which starts at page 8. In your engagement with Commissioner Baloyi, you referenced a plan and you say

the two security companies were listed in that plan. Do you recall seeing that?

**COMMISSIONER MKHWANAZI**: No, all the stakeholders of all those that were participating.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: But I am saying there were two security. I want to be specific in terms of the two security companies.

**ADV SELLO SC**: Okay.

10 **COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: And it is in response to precisely that, that I draw your attention to JD4 to consider then whether that is the document you are looking for, where you say the two security companies were listed.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Because your statement does not say. Is that the document you want to refer to? Go to JD4.

**COMMISSIONER MKHWANAZI**: Yes, it is the same document, I guess.

20 **ADV SELLO SC**: Then, we are in JD4, page 8.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: You said, I think, page 2, it was a rough estimate, I guess. I am flipping through.

**COMMISSIONER MKHWANAZI**: Page 2?

**ADV SELLO SC**: If you go to page 11.

**COMMISSIONER MKHWANAZI:** No, no, it is not a rough. No, I am saying I did not refer to other stakeholders. Not rough, you see. All the participants, page 9, no, which is page 2 of page 14.

**ADV SELLO SC:** Okay, I am with you.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** All right.

**COMMISSIONER MKHWANAZI:** It is just that I only spoke to this. But when you look, it is even specialised  
10 intervention equestrian ...[indistinct].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes. It is not rough, it is a part of this document.

**ADV SELLO SC:** So then ...[intervenes].

**COMMISSIONER MKHWANAZI:** That is where you commit your personnel, you commit stakeholders, but when you go to different pages ...[intervenes].

**ADV SELLO SC:** You keep saying rough, what is rough?

**COMMISSIONER MKHWANAZI:** No, you do not hear me  
20 correct. No, I do not talk about rough.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, I am talking about stakeholders.

**ADV SELLO SC:** I misheard.

**COMMISSIONER MKHWANAZI:** Let me put this thing. I

think my voice is getting tired.

**ADV SELLO SC:** I misheard, I guess.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That is fine. But anyway, I was just saying you can then go back to your engagement with Commissioner Baloyi. You were talking about the plan.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That has listed the two security companies.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Amongst others.

**COMMISSIONER MKHWANAZI:** Yes, you are correct, yes, yes.

**ADV SELLO SC:** Are we agreeing that that document you were referencing is JD4? That is that at page 8. Is that the document you are saying ...[intervenes].

**COMMISSIONER MKHWANAZI:** Oh, yes, operational plan, yes.

**ADV SELLO SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So we have located the operational plan?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Then at page 9, which is the second page of the actual document.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Then you can look at that page and indicate where the two security companies are listed.

**COMMISSIONER MKHWANAZI:** Yes. External forces.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes. It is having SAPS, POP.

**ADV SELLO SC:** Yes.

**ADV SELLO SC:** Then you have got to CAT VIP Security. Then the last one is Khayalami Security Services. Those  
10 are two security companies.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes. The other one is contracted to the City doing static in terms of your normal security of buildings and everything.

**ADV SELLO SC:** You say the other one, which one?

**COMMISSIONER MKHWANAZI:** This one, Khayalami.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Khayalami, yes.

**CHAIRPERSON:** I am sorry, Ms Sello. In the statement,  
20 where do we say JD4?

**ADV SELLO SC:** I will have to find – I think at paragraph 34. Please have regard to your paragraph 34. At 34, Commissioner, you see attached is the copy of the operational plan for the State of the City Address. Do you see that?

**COMMISSIONER MKHWANAZI:** In my statement?

**ADV SELLO SC:** Paragraph 34, the first line.

**COMMISSIONER MKHWANAZI:** Trained Special Task Force officers will now – okay, yes. All procedures requirement through – it is the first paragraph?

**ADV SELLO SC:** 3-4.

**COMMISSIONER MKHWANAZI:** Oh, oh, yes.

**ADV SELLO SC:** So you say attached is the copy of the operational plan for the State of the City Address.

10 **COMMISSIONER MKHWANAZI:** Yes, yes, it is the same.

**ADV SELLO SC:** It is this document.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, Chair, that is where JD4 comes in.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Okay. Before then we get to JD4, let us step back to 32. You dealt with the Mayor's press statement. And at 32, you say:

20 “Given the seriousness of the situation, I consulted with my operational team regarding the identified risks for the State of the City Address. One of their recommendations was to utilise former SAPS members (Lt-Gen Mkhwanazi) former task force team, highly specialised, highly trained Special Task Force officers who were now employed by CAT VIP security company.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. Now, these are former task force members.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Why do you insist on calling them Lt-Gen Mkhwanazi former task force team?

**COMMISSIONER MKHWANAZI:** Thank you, Commissioner. I have known General Mkhwanazi a long time. My former Deputy Chief of Police before, Deputy Chief Mzolo, she is former Deputy Chief, I do not know, must I mention her  
10 name? But now she is back to SAPS, she is Commissioner Zulu.

She was working with General Mkhwanazi task force. Then she came and worked with us as the Deputy Chief of Police, you see. She used to make sure that we have this relationship with that team, you see. Because her blood was the task force blood. In fact, she is the one that encouraged us to do your crowd management, your tactical training, you see.

I did know, but again, there was a press statement  
20 again where, I think before this noise, where General Mkhwanazi was complaining that, hey, these private people, we are training people, spending money, that is recruiting them, taking them to different units. But I did know that his people, even if there is a noise, his people are good. Now, when SAPS is doing good, we need to say so.

In terms of that task force and in terms of the team that he was making in that task force, it is good. That is why I am mentioning it, but I did know a long time ago that he is heading task force and Deputy Chief that joined us before Mr Mzolo, she came from SAPS, from the same team. I think to – I do not want her to say, hey, that Commissioner used my name, why?

But when you want to know, when there was arrest, when these two ...[indistinct] that they have to – that they  
10 ran away from prison. Doctor, the doctor and the boyfriend, she is the one that executed that. When you see Nandipha, she is the one that goes with Nandipha. She is the one that jumps, gets inside the car with Nandipha. She was our Deputy Chief of Police. She was my boss. And when Mr Mzolo was a Director, she was the Deputy Chief of Police by then. That is where I started to know about General Mkhwanazi. And these people are good. I must accept, you see. SAPS has got quality there.

**ADV SELLO SC:** No, it is just a matter of interest because  
20 it is a formal unit within SAPS called Special Task Force. So why you just do not call them Special Task Force, but you say General Mkhwanazi as if he owns them?

**COMMISSIONER MKHWANAZI:** No, no ...[intervenes].

**ADV SELLO SC:** I was explaining why I highlighted. I am not asking you a question, okay?

**COMMISSIONER MKHWANAZI:** It is not – I explained in that manner.

**ADV SELLO SC:** You continue then at the same paragraph 32 and you say:

“All procedural requirements were duly followed through an operational plan as we are using it as a formal legal document in planned operations.”

Correct?

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Now, and that plan we know we have identified as JD4.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That is the formal plan that you say was signed and that is the other one on the basis of which you say procedural requirements were duly followed.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV SELLO SC:** Let us go look at JD4. And at JD4, I want to refer you to page 21. JD4 is your annexure. That  
20 is this Mkhwanazi annexures, that file.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Yes. Please locate the file.

**COMMISSIONER MKHWANAZI:** 21.

**ADV SELLO SC:** Get to page 21, and you will see page 21, we have just settled JD4. It is under tab JD4 starting at

page 8.

**COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** Page 21 is the last page of JD4 and it is a signature page.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So I see, as I think in the morning you testified that it is prepared by Colonel Ximba, correct?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And then you signed as part of  
10 recommendation. Then it is supported by Commissioner Mzolo, who was your direct boss.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And eventually approved by Chief of Police, Chief Mapiyeye.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So you say this is the actual plan that was considered, assigned and approved by everybody.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** And when you even look at the pages, the font and everything is one and the same.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** The photo could see the way it was photocopied, it is one and the same. And this is the one that was submitted initially by me to IPID and they

also communicated when I was suspended with Lt-Col Ximba and say bring that plan that you said, both plans are talking one and the same thing, you see. But this one of a person who took it from us, the font and everything said it is a forged plan, that it forged to make sure that they see if there is this forgery and this what-what.

**ADV KHUMALO SC:** Can I just ask a question?

**ADV SELLO SC:** Yes.

**ADV KHUMALO SC:** Is it possible to get the original copy,  
10 the original signed?

**COMMISSIONER MKHWANAZI:** Yes, I spoke to Colonel Ximba because this copy I got it from her, she submitted the original to IPID.

**ADV SELLO SC:** So it is with IPID?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. And I do know that you say Commissioner Spies spoke of different fonts and a whole range of other issues to suggest that the document you provided to him was forged. And this in the morning you  
20 said that, I think you accused him directly of the forgery.

**COMMISSIONER MKHWANAZI:** I still do that.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And I accept that, it is on record. And I hear about the different fonts. Please go to page 20 of

JD4. And I see at JD20, the last entry on that page is item 18, administration and logistics, it is headed, proper record of all incidents to be safely kept. You see where I am reading?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** I go over leaf at page 21, it continues. Operational Commander, Then it has got the next item, item 18, administration and logistics, proper record of all incidents to be safely kept. So effectively on your  
10 programmes, item 18 repeats itself.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And that is one of the issues he highlighted as proof of forgery. How do you explain the fact that item 18 repeats on two separate pages? If this is the original, the true copy of the true original.

**COMMISSIONER MKHWANAZI:** Yes. Page 13 and 14, it says page 13 of page 14, it is a separate one. I think it was an oversight to repeat one in the same thing. You see, I saw that. I saw that even on the first day, that this is one in  
20 the same, but it does not say something different. And he also mentioned that page 11 font, I think it is 11 font, when he was presenting, it was not the same as the other pages. He even mentioned he put something that is different. The words were bigger.

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

**COMMISSIONER MKHWANAZI:** Yes, the words were bigger and the shape was not one and the same, you see. That is what he was emphasising too much, you see, but this one, the ...[indistinct] is that the pages are not different. That is why I am telling you, if you go to IPID, you will get the same that she submitted, the original that she submitted and this one, I got it from him, from her too. And it is one in the same thing with those ones, you see.

**ADV SELLO SC:** Can I ...[intervenes].

10 **ADV KHUMALO SC:** The other unusual thing with the two pages, if you start at page 20.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** All pages are numbered from 1 to 14. So it will say page 1 of 14, page 2 of 14. Page 20 is page 13 of 14. You see at the bottom of the page?

**COMMISSIONER MKHWANAZI:** Page?

**ADV KHUMALO SC:** Page 20.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV KHUMALO SC:** At the bottom of that page, it says page 13 of 14 of the operational plan.

**COMMISSIONER MKHWANAZI:** Yes, and page 19 says – yes, yes, yes.

**ADV KHUMALO SC:** But when you go to page 21, the next page, the page numbering of the operational plan is up, not down.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Now that is unusual in a normal Word document because that should be consistent.

**COMMISSIONER MKHWANAZI:** Consistent down there, yes.

**ADV KHUMALO SC:** The other thing is if you go back to page 20, you will see on page ...[intervenes].

**COMMISSIONER MKHWANAZI:** That is page?

**ADV KHUMALO SC:** 21. On page 21, the page numbering,  
10 page 14 of 14, that is Times Roman, the font. But on page 20, it is something else. So this suggests that these are two different documents. It is not one continuous document.

**COMMISSIONER MKHWANAZI:** Commissioner, let me see. Are you saying on top, it is not the same one? I see in terms of the bottom one where they talk about figures. It is very small because they talk about figures.

**ADV KHUMALO SC:** No, forget about that for a moment. The operational plan is a 14-page document.

20 **COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV KHUMALO SC:** And from page 1 to page 14, the page numbering of the operational plan, not of the bundle.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Every page, it will say page 1 of 14, page 2 of 14.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** It will be at the bottom of the page.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV KHUMALO SC:** But when you get to page 14 of the operational plan, which is page 21 of the bundle, suddenly the page numbering of the operational plan is in a different place.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Now that is unusual in a single  
10 document.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV KHUMALO SC:** So this suggests that these are two different documents. And then the other thing, as I said, the font used on page 21, you see that it is Times Roman. And then the one that is used throughout the document is totally different.

**COMMISSIONER MKHWANAZI:** Yes. Commissioner, when you go to page 1, the committed personnel – or in page 2, the committed personnel of EMPD, it talks to the same  
20 number of the figures in terms of the number of committed personnel. Then it also talks about the money, in terms of the money, it talks about different salaries ...[intervenes].

**ADV KHUMALO SC:** Commissioner Mkhwanazi, I am not talking about the personnel. I do not take issue with the personnel. I am talking about the page numbering of the

operational plan.

**COMMISSIONER MKHWANAZI:** No, I agree with you.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** But I am saying if it was forged, the number that is at page 2 was not going to correspond with the number of deployed personnel at page 21.

**ADV KHUMALO SC:** I am not saying it is forged. That is not what I am saying. All I am pointing out is that from  
10 page 1 to page 13 of the operational plan, the numbering at the bottom of the page and the font used is consistent.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV KHUMALO SC:** But when you get to page 14 of the operational plan, which is page 21 of the bundle, then it changes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** So it is not just paragraph 18 that changes. It is various things that change. Now, there are many possibilities. It is possible that the signature page  
20 was inserted much later, or some other thing happened. I am not suggesting that it is a forgery the inconsistencies.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** I mean it often happens even with statements that you have a document that comes in but some change needs to happen at the last page, only the

last page is changed for that purpose, and it is finalised. So, I am not suggesting that it is a forgery, I am simply pointing out those differences.

**COMMISSIONER MKHWANAZI:** I agree with you, and I am the person who is very harsh in terms of the cut and paste and everything because when we are taught this plan, which was not part, you see, they will say develop a plan, you see, as commanders will say we want to make shortcuts and use the old ones, but I expect those instructors, they know  
10 that we are going to do that because we want to sleep early because they want us to present around 2 am. Then when we start presenting, they say no, no, no, no, this is the document, this is the cut and paste and what, not, you see, that is what I am only saying.

**ADV KHUMALO SC:** That is why, Commissioner, I always advise people to initial every page to avoid these types of problems, but I will leave it there.

**ADV SELLO SC:** Thank you, thank you, Commissioner. Just very quickly, I want to test something with you.  
20 Looking at the page numbering, where it appears as page 1 of 14, 2 of 14, in my experience, and I do accept that it just might not be enough to get me through life, the computer itself automatically paginates, so as long as you keep adding pages, it will say page 5 of 50, is that your experience as well?

**COMMISSIONER MKHWANAZI:** No, I am not expecting that. I am learning something from you now.

**ADV SELLO SC:** Okay, then that is, and I guess the tech boffins out there will correct me. So, it is not necessary to type by hand page 2 of 14. Once you have selected the page numbering format, the computer will do it automatically.

**COMMISSIONER MKHWANAZI:** I have learned that.

**ADV SELLO SC:** I am not a tech boffin, but I think I can  
10 say that confidently.

**COMMISSIONER MKHWANAZI:** I can check that too.

**ADV SELLO SC:** And then having said that.

**COMMISSIONER MKHWANAZI:** Tech boffin is a programme that checks and ...[intervenes]

**ADV SELLO SC:** Well, it numbers the pages. So, if you have a three-page document, it will say 1 of 3. If the document grows, it will then change and automatically say 1 of 10 or 1 of 50. It happens automatically. That is what I am saying to you.

20 **COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** Now, at the point of selection, you can say, type, number my pages 1, 2, 5, and 50. It is that simple. Or you say, you choose a format that says, number them in the manner they appear here, page 1 of 14, page 2 of 14. Okay?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You can go further and in formatting, decide where you want the page numbering to be on the page. So, you click and you choose that on the computer. And the computer will consistently obey your instruction. You accept that?

**COMMISSIONER MKHWANAZI:** In terms – no, I am learning from you ...[intervenes]

**ADV SELLO SC:** That is what I am saying.

10 **COMMISSIONER MKHWANAZI:** No, I am saying you accept.

**ADV SELLO SC:** I am telling you.

**COMMISSIONER MKHWANAZI:** Yes, yes, that is why I am saying I am learning.

**ADV SELLO SC:** And then it will require you to indicate whether you want the numbering at the top of the page or at the bottom of the page.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** And perhaps we will put it out there, the tech boffins will tell us. Never, ever have I seen a computer that goes schizophrenic on you when it gets to a certain page number. It says page 13 of 14 at the top, as with all that came before it, at the bottom right corner. When it gets to the next page, it throws that numbering to the top. I have never seen that happen. Have you ever?

**COMMISSIONER MKHWANAZI:** I am saying I am learning.

I am not ...[intervenes]

**ADV SELLO SC:** No, no, no, I say have you ever seen that oddity? I have never.

**COMMISSIONER MKHWANAZI:** No, I am having people that are doing these things. I am having secretary that are doing these documentations for me and ...[intervenes]

**ADV SELLO SC:** I did not say have you ever created that. I say have you ever seen that with your two eyes what we  
10 are experiencing on this ...[intervenes]

**COMMISSIONER MKHWANAZI:** No, I am learning from you now. I have never noticed that.

**ADV SELLO SC:** You cannot learn from me, what you have seen, Mr Mkhwanazi.

**COMMISSIONER MKHWANAZI:** No, I have seen now, as the Commissioner is saying.

**ADV SELLO SC:** I maintain, have you ever seen what we are looking at here? This kind of numbering?

**COMMISSIONER MKHWANAZI:** No, I have not noticed  
20 that.

**ADV SELLO SC:** You have not noticed.

**COMMISSIONER MKHWANAZI:** Yes, I have never noticed that.

**ADV SELLO SC:** That is why I say it is highly, highly unlikely that a computer would do that.

**COMMISSIONER MKHWANAZI:** Yes, but I would recommend that ...[intervenes]

**ADV SELLO SC:** Because I want to put a proposition to you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The document, this very document that you have put before this Commission, is itself highly suspect. Page 14 of 14, as currently appears here, was not created at the same time as pages 1 to 13 of that very  
10 document. These are two separate documents, and that is what you call a true copy of the original.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And in fact, it is exactly the same document, the same oddity that appears in the operational plan that Commissioner Spies said he received from you.

**COMMISSIONER MKHWANAZI:** No, no, no, I saw when he was presenting, there was something about page 11. It is far different.

**ADV SELLO SC:** No, no, I am just saying on these two, 13  
20 and 14.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Now, you will accept that while your computer, or whoever created this, while the computer is going weird on them and changing the position of the numbering, and when Commissioner Spies, as you suggest,

is busy with his forgery.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That one thing they have in common is this oddity. The likelihood of that happening, I am sure you will agree.

**COMMISSIONER MKHWANAZI:** The oddity.

**ADV SELLO SC:** The oddity, the strange thing.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Because both are happening separately.

10 You are not suggesting that the two were conferring to make the same mistake in two separate documents, the one being the original yours, the other being Spies's document, which is the forged document. But the oddity is exactly the same. Both have got paragraph 18 that repeats on two separate pages. And on the very two pages where item 18 appears, the numbering once again, I do not know what happens. I cannot even give it a term.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** It is highly, highly improbable that it  
20 would happen on two different systems.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, what I am putting to you is that the document that Commissioner Spies submitted and said he received from you, accords with the one you have put before the Commission, marked JD4.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And so therefore he is not wrong.

**COMMISSIONER MKHWANAZI:** No, page 11 that he presented is not the same one.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But I would request that, as you said, get the original from IPID, get the compiler, then I would be happy if you say, no, we have checked. You are wrong. I will accept that. But for now, I am still  
10 saying no, no, no, no, no. You see, even when I was suspended, I did not even communicate with them. I was not allowed to communicate. And IPID met them, met them, once I was not there. You said, where can everything be the same? When they said, they said, no, no, no, there is something. But I would request you to do that. I will be happy in my heart if you can confirm that, Commissioners.

**ADV SELLO SC:** Okay.

**ADV BALOYI SC:** Can I ask a different question still with this document?

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

**ADV BALOYI SC:** Yes, if you go to page 9 of that operational plan, in fact, maybe before I ask you my question about page 9, my earlier question about the basis on which VIP rendered came and provided this service.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** You said it is this plan.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, so, there was no separate agreement between the city and VIP where it was agreed that they would come onto the premises on the day.

**COMMISSIONER MKHWANAZI:** No, it was this document.

**ADV BALOYI SC:** This is an operational plan.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** It just sets out what their role is going  
10 to be.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** My question is about how do they even come to this point? What was the agreement before they became part of this? Is there a contract, a written or verbal contract with them which sets out who is going to do what other than this plan?

**COMMISSIONER MKHWANAZI:** No, there is one. It is this operational plan, Commissioner.

**ADV BALOYI SC:** All right, thank you. Now, if you look at  
20 page 9 of that document, and under the heading operational command structure, and from the bottom of that heading, I do not know how else to direct you, but if you look right to the end of that heading operational command structure, you see where it is written EMPD Security?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, and then you have got FRU and then you have got VIP. You see that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Who is that VIP there?

**COMMISSIONER MKHWANAZI:** It is our own VIP.

**ADV BALOYI SC:** Okay, so, you do have your own VIP.

**COMMISSIONER MKHWANAZI:** Yes, that drives the police. I have said so. That drives the mayors and the politicians and everything.

10 **ADV BALOYI SC:** If you have your own VIP, why do you employ CAT VIP? In this operation, you do have your VIP. In this operation, why do you have CAT, what are they called?

**COMMISSIONER MKHWANAZI:** CAT VIP.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, remember I said in the previous years, we used to do that. It was an ANC. They were not right side. They never said that the people are going to destabilise or are going to cause havoc. But  
20 we did know that when the protesters, like people are coming in the informal settlement, when the mayor is addressing, they want the mayor to see and hear their grievances. We always planned for that. But of saying that, there is a serious plan from another political party, and they were very serious.

And there is a document that talks to that. You see, I said, you know what let me come up with something that is more than that. And I know that when it was said, you must run because it is those that were in political power and everything. I must come up with different strategies, you see. Because part of the people that we were having, they had to change principles from nowhere. For the past 20, 15 years, we used the same principles. We only changed one mayoral committee, two mayoral committees.

10 But it is the ANC.

**ADV BALOYI SC:** So, you did not trust? Are you saying you did not?

**COMMISSIONER MKHWANAZI:** It was different.

**ADV BALOYI SC:** No, let me ask. I am just trying to shorten the discussion between you and me. Are you saying you did not trust your VIP because there had been a change of principles?

**COMMISSIONER MKHWANAZI:** No, I trusted them. I trusted them.

20 **ADV BALOYI SC:** So why did you not deploy them?

**COMMISSIONER MKHWANAZI:** No, no, they went.

**ADV BALOYI SC:** Now, why did you not deploy them to protect the mayor or to provide the service to the mayor?

**COMMISSIONER MKHWANAZI:** No, they were deployed to protect the mayor and other principals.

**ADV BALOYI SC:** So, what was VIP doing?

**COMMISSIONER MKHWANAZI:** Yes, they were just giving, wanted to back up in terms of the rules and advancing and everything. You see, that is what we did. And in terms of deploying them, in terms of the order deployment, security deployment. But the deployment, let me say, I will just summarise. I will not disclose. It was on the upper part of the building, identifying spotters and checking those that are caught in terms of, spotters are caught in terms of shooting. I do not want to put it in the way to kill people.

10

**ADV BALOYI SC:** No, you do not need to tell us the details. I just want to understand why could you not - you had enough VIP people in the EMPD, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Who have always been providing protection to the political principals.

**COMMISSIONER MKHWANAZI:** Remember, Commissioner, VIP, as I have said, they are deployed to a certain individual.

20 **ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Not to do a general, well, not to be everywhere. You see, each and every principal is saving his or her own VIP.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** You cannot have VIPs that

are floating and doing nothing.

**ADV BALOYI SC:** All right, thank you for that. So, on the day that you deploy CAT VIP to provide protection to the mayor, did she not have her own EMPD protectors?

**COMMISSIONER MKHWANAZI:** Those that were driving with her, they were there, you see. But we had to add one or two cars and others were deployed to the same CAT Security. Others, I think it was, I mean, eight others were deployed to, as I have said, others were deployed to upper  
10 buildings and everything. Not all of them, they were escorting the executive mayor. We separated the two.

**ADV BALOYI SC:** I am trying to understand your reason for using CAT VIP to protect the mayor. That is why I am asking, were you short of people? Is that why you brought them in? Did you not trust your VIP people? That is why you brought them in. And I am asking because so far, I have not understood why you brought this outside company to provide protection to the mayor.

**COMMISSIONER MKHWANAZI:** The threats were different.

20 **ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, the threats were different.

**ADV BALOYI SC:** Different in what way?

**COMMISSIONER MKHWANAZI:** Yes, we, I have never got a letter like this and be told to make sure that manpower is

there, this place is well secured, the event went. But this was about that, you see. It was for the first time. I used to do it, and it was quiet, relaxed, because we did not know what to do, you see. But now it was different and there is a letter that says, hey, make sure that, and it is informal and you can see that the mayor, she was worried too. You see, all those that were injured were worried too. You see, that is why I decided to.

**ADV BALOYI SC:** And did you satisfy yourself about the  
10 CAT VIP people that were there? Did you satisfy yourself about who in fact is there? How did you know who these people are?

**COMMISSIONER MKHWANAZI:** Remember, I have said the members know them, those that are working with them. They know that, yes, they know each other.

**ADV BALOYI SC:** Yes, so if any one of them, of your CAT  
VIP people, if any one of them were criminals, you would not have known because you relied on your members. You acted on what your members told you. You did not satisfy  
20 yourself who are these people. Are they safe enough to be around the mayor? You just went on what your members told you. We know them. They are good people.

**COMMISSIONER MKHWANAZI:** Now remember, even those of Khyalami, they were not screened.

**ADV BALOYI SC:** I beg your pardon?

**COMMISSIONER MKHWANAZI**: All security companies, even those of Khyalami, they were not screened.

**ADV BALOYI SC**: No, I am not talking about Khyalami. You have told us Khyalami was static.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: So, we are not talking about Khyalami. I am very specific to you brought CAT VIP to provide security to Mayor Campbell. You do have VIP, and they are part of the deployment on the day, right?

10 **COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: Now, I am asking you, why do you assign these people you do not verify, you do not know them? You say your members knew them. That is what you have said. You do not know them. You bring them to be protectors of the first citizen of the city. You do not know them. And yet you have got your people. I would like to understand how you thought that is right to do.

**COMMISSIONER MKHWANAZI**: But I said to you, I know the three of them, and I know the team leader, not Matlala,  
20 the team leader. And I confirmed that, you know, I know that is coming from task. The three of them that are coming to us, but especially the two that I know, I did confirm that, as I told you that I know them. I was meeting them for the third time. And I engaged them then on that day.

**ADV BALOYI SC**: Yes, you had eight people. So, you did

not, I think you say you had eight people?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Yes, and you are talking about three.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** You knew three.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** You did not know the other five.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, now I see when you look under  
10 the heading external forces, you have in the first line - so  
these are forces from outside.

**COMMISSIONER MKHWANAZI:** Yes, not EMPD.

**ADV BALOYI SC:** By the name of that heading. They are  
not EMPD.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** They come from outside. And you have  
got, in the first line, you have got SAPS POP.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, how do you get them involved?  
20 How do they get involved? Were they approached in writing  
or in a meeting for them to be part of this operation?

**COMMISSIONER MKHWANAZI:** No, we work with them  
nearly on every day. It is just a communication. It is just a  
phone call. And when there are events like this, they are  
always there. They work with our public order policy.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** But all our own public policy, but they become a multi, sorry, I forgot.

**ADV BALOYI SC:** They become a force multiplier. I have learned that word in this Commission.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV BALOYI SC:** All right, so, you have got SAPS POP, which means SAPS does participate in your operation.

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV BALOYI SC:** Why, if you thought you needed STF, why did not you ask the SAPS to give you vetted people that are contracted to the SAPS? And if they did anything wrong, the SAPS would be liable for them. Why did you not ask the SAPS to give you Mkhwanazi's STF?

**COMMISSIONER MKHWANAZI:** No, remember, the initial, they do not just come. I will not get them.

**ADV BALOYI SC:** Did you ask?

**COMMISSIONER MKHWANAZI:** They - no, we know them. They are deployed by the National Commissioner or with the  
20 President, not any other.

**ADV BALOYI SC:** There is the TRT. Why did you not ask if you are looking for trained people, why did you not ask the SAPS? But please do not miss the point of what I am asking you. You have got a statutorily authorised body, entity, that has employees who are well trained. And you

have one of their units. You have SAPS POP. You ask them and they come into the operation. Why did you not ask and be told no? Why did you not ask for support from the other highly trained units of the SAPS?

**COMMISSIONER MKHWANAZI:** No, TRT work them in crime prevention. They do not do static work, because if it is about you taking the manpower, they must be static. TRT work them, but in terms of crime prevention, the outside and everything. Remember, we have got a local police station.

10 They have got TRT in terms of patrolling around, driving in the streets and everything. They do that, even though they are not included there. But they become aware that we inform the station commander. We inform the District Commission that we are going to have this.

**ADV BALOYI SC:** You did not?

**COMMISSIONER MKHWANAZI:** They deploy in terms of your outer perimeters. They are on deployment. We do not interfere.

**ADV BALOYI SC:** All right, no, that is fine. You have  
20 answered. I do not need to know how they work. You did not ask. What I wanted to establish with you is there is nothing that prevented you asking the SAPS to provide you with STF members, even if you thought they would say no. There was nothing that prevented you, if you were so worried about getting highly trained people and to do it

lawfully. Because you did not have an agreement with CAT VIP. The municipality did not. You do not have authority to enter into contracts.

Your municipal manager told us that yesterday. City manager told us that yesterday. You do not have authority to enter into contracts with external parties. You went and contracted with CAT VIP to come and be part of this operation. So, you do something that, in terms of the law, you are not allowed to do. But there is a force which, 10 in terms of the law, is responsible for certain things. You do not ask them.

**COMMISSIONER MKHWANAZI:** Commissioner, I have said to you, in this operational plan, we work with different security agencies. Our security plans, they include different security. Just ask this time, because there is this name they get. That is why it is a big problem, you see. We work operationally with these operational plans in different areas, different things.

We work with different security, and we include 20 them in this one. So, to me, it was normally something that we are doing. But now, the difference is that we are going to be static at the Civic Centre and do a different task. We are doing that on our operational side, and everything's approved.

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

**ADV KHUMALO SC:** Commissioner, I am just going to correct you. It is not normal to bring in an outside security company to provide services to the city when there is no contract between the city and that security company. That is not normal.

**COMMISSIONER MKHWANAZI:** No, the city's only having – no, I hear you, but the city's having contracted for static protection. In terms of other things, it is not that. That is why I am in your operation, you see. But static, it is your  
10 security contractors that are contracted to do only static, not anything else.

**ADV KHUMALO SC:** Let me ask you this. Who told CAT Protection Services that you need two cars from them and eight warm bodies?

**COMMISSIONER MKHWANAZI:** We need?

**ADV KHUMALO SC:** That you need two cars, two vehicles from them and eight warm bodies. Who told CAT?

**COMMISSIONER MKHWANAZI:** Okay, no, they committed when they were planning operationally.

20 **ADV KHUMALO SC:** And then, who on behalf of EMPD agreed that that is sufficient?

**COMMISSIONER MKHWANAZI:** No, all of us signed and said it is sufficient because we are even - we signed all of us. As you see, all of us signed. Thank you.

**ADV SELLO SC:** Thank you, Commissioners. Just to

follow up on a question posed by Commissioner Baloyi.

**CHAIRPERSON**: Ms Sello, may I ask you to again hold your thought?

**ADV SELLO SC**: Yes, I shall.

**CHAIRPERSON**: May we take a brief adjournment? We just want to – no, no, just to get an idea of where we are and how far we are still to go.

**ADV SELLO SC**: Indeed, Chair.

**CHAIRPERSON**: That will help us decide whether to  
10 continue, and if so, for how long. May we adjourn?

**ADV SELLO SC**: Yes.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: All right, we are ready to resume. Thank you.

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

**CHAIRPERSON**: Yes, Ms Sello.

**ADV SELLO SC**: Thank you. Commissioner Mkhwanazi, I want us to turn to Mapiyeye annexure file. Please locate it.  
20 It is the one with the JM range.

**COMMISSIONER MKHWANAZI**: Annexure 5, né, Mapiyeye.

**ADV SELLO SC**: Have you located the file now?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Okay, I invite you to go, to turn to Annexure JM13, one three. And we are going to consider

JM13 together with JM14, okay. Now, just to tell you what JM13 is, at page 66 ...[intervenes].

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** It was tendered by Chief Mapiyeye and he says these are the ten security companies that were selected following a public tender issued by Ekurhuleni for services, for security services, for all of the City of Ekurhuleni facilities and other associated security needs, from the date of award, which is in this instance the 12<sup>th</sup> of  
10 August 2020 until the 30<sup>th</sup> of June 2023. Do you accept that? Let us do this. Look at Annexure JM13. You see it is a list of entities there?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Ja, turn overleaf to JM14 starting at page 67. And Chief Mapiyeye in his statement, witness statement at paragraph 44.2 states as follows. You do not have to go there. I will just quickly read it out for you so that we understand. Do you have your statement close to you, Chief Mapiyeye?

20 **COMMISSIONER MKHWANAZI:** Chief?

**ADV SELLO SC:** If it is not close, I will just read. I just need to help you understand these documents ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And then we will deal with them. Chief

Mapiyeye states:

“During 2020, the City of Ekurhuleni had issued a public tender for the appointment of service providers for the provision of security services for all of the City of Ekurhuleni's facilities and other associated security services. On 12<sup>th</sup> of August 2020, ten service providers were awarded contracts to provide these services at various City of Ekurhuleni facilities.”

That is what he says. So that is the list that you are looking at, at page 66. You see that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And if you go to JM14 then, he says:

“I also ...[indistinct] collectively annexures JM14(I) to JM14(X).”

The respective appointment letters of these service providers that are listed at page 66. You have got no challenge with that, correct?

**COMMISSIONER MKHWANAZI:** Are you saying I have got no challenge?

**ADV SELLO SC:** Yes, you do not have a difficulty with it?

**COMMISSIONER MKHWANAZI:** No, I was reading them. It says guard duties. Guard means that you are doing static,

not any other.

**ADV SELLO SC:** Well ...[intervenes].

**COMMISSIONER MKHWANAZI:** It says area, type, all of them. I was looking at this contract now. I am reading all of them, their responsibilities. It says guard duties, guard duties, guard duties. Can you go to page 84?

**ADV SELLO SC:** Why are you highlighting that as a matter of interest?

**COMMISSIONER MKHWANAZI:** No, you said Chief of  
10 Police said they are doing other responsibilities.

**ADV SELLO SC:** I said Chief of Police said, following a public tender ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** 10 service providers were awarded contracts ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** To render security services for all of the City of Ekurhuleni facilities and other associated security needs from the date of award being the 12th of August 2020  
20 until 30th June 2023. Why are you telling me about guard duties?

**COMMISSIONER MKHWANAZI:** I am saying it is not true, madam.

**ADV SELLO SC:** So what I am reading in that letter of award is not true?

**COMMISSIONER MKHWANAZI:** I am saying I have been in this matter, all these companies are doing ...[intervenes].

**ADV SELLO SC:** I am reading the letter of award.

**COMMISSIONER MKHWANAZI:** Oh, okay, okay, you can do that.

**ADV SELLO SC:** Is the letter of award not true? You can say that if that is how you say it.

**COMMISSIONER MKHWANAZI:** All of them, all the security companies are doing guard duties and in terms of  
10 other responsibilities, in terms of your cable theft, infrastructure ...[intervenes].

**ADV SELLO SC:** It is late in the day. We are both tired, Commissioner Mkhwanazi. Let us be fair to one another and to ourselves, right? So let us cut through this. You are addressing a question I never posed.

**COMMISSIONER MKHWANAZI:** Oh.

**ADV SELLO SC:** And I do not understand why.

**COMMISSIONER MKHWANAZI:** Oh.

**ADV SELLO SC:** Perhaps let us start here. Please turn to  
20 page 67. That is an award letter issued by the City of Ekurhuleni. It is dated the 12<sup>th</sup> of August 2020. It has got all formalities, our reference, enquiries, telephone number. You see that in the top left corner?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Okay. Under the salutation, sir, it reads:

“Ekurhuleni Metropolitan Police Department. The award of bid for contract AEMPD 03/2020. The appointment of service providers on and as and when required basis for the rendering of security services for all of the City of Ekurhuleni facilities and other associated security needs from date of award, 12<sup>th</sup> August 2020 until  
10 30<sup>th</sup> June 2020.”

Now, you are saying that is wrong.

**COMMISSIONER MKHWANAZI:** No, no, you may continue.

I will comment after.

**ADV SELLO SC:** No, no, I invite you now to comment.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You say that part is wrong, what I have just read for you?

**COMMISSIONER MKHWANAZI:** No, I am saying I have been in the City when they appointed, for example, your  
20 contract says 50 ...[intervenes].

**ADV SELLO SC:** I apologise. I interject. I have an official City of Ekurhuleni document. That tells me about a specific tender and that defines the scope of the tender for me. And now I must leave what Ekurhuleni City tells me and I must come listen to you based on the years you have been in

Ekurhuleni. Why are we having this conversation?

**COMMISSIONER MKHWANAZI:** Please listen to me and relax.

**ADV SELLO SC:** No, no, no. No, I am tired.

**COMMISSIONER MKHWANAZI:** I am talking to ...[intervenes].

**ADV SELLO SC:** [Indistinct]... [cross-talking].

**COMMISSIONER MKHWANAZI:** I am talking to what you are reading. I am talking to ...[intervenes].

10 **ADV SELLO SC:** Please address yourself to what is written.

**COMMISSIONER MKHWANAZI:** Yes, I am talking to what you are reading.

**CHAIRPERSON:** Ms Sello, please ...[intervenes].

**COMMISSIONER MKHWANAZI:** Commissioner, I am ...[intervenes].

**CHAIRPERSON:** Please do not speak when the Commissioner is speaking.

**ADV SELLO SC:** I do apologise.

20 **CHAIRPERSON:** You know we will have transcription problems.

**ADV SELLO SC:** I do apologise. I apologise, Chair. I apologise, Mr Mkhwanazi. I will, may I try again to explain myself.

**COMMISSIONER MKHWANAZI:** Can I read B, just to

summarise?

**ADV SELLO SC:** What is B?

**COMMISSIONER MKHWANAZI:** You will understand me.

Page 67, né?

**ADV SELLO SC:** Say that again?

**COMMISSIONER MKHWANAZI:** It is page 67 that you are reading.

**ADV SELLO SC:** Yes, on 67.

**COMMISSIONER MKHWANAZI:** Yes. The bid number 113,  
10 Calvin and Family Security, 226 Nogachi Street, Telephone  
number, yes and a cellphone number. Scoring the highest  
points ...[indistinct]. Contract, I do not want to talk about  
that. But appointment on and when required for rendering  
security for Brakpan, you see. The contract says for  
Brakpan. You cannot take them and utilise, because it is  
not part of the contract, for other work at Germiston or for  
other work at Kempton Park. That means you have changed  
the contract.

**ADV SELLO SC:** Okay, I ...[intervenues].

20 **COMMISSIONER MKHWANAZI:** That is why I am saying  
today, I have been in this contract. When they are saying  
20 for these duties in this area, they stick to that. And you  
cannot come, us operational, they do not work with us.  
They work with those of ...[indistinct] another division that  
is not part of officers and EMPD. It is only security guards

and which are part of that.

**ADV SELLO SC:** Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI:** And we do not utilise, you cannot utilise them for any other duties. I wanted to make you even an example that ...[intervenes].

**ADV SELLO SC:** Commissioner Mkhwanazi, I beg, I beg to interject. You are answering a question I have never posed. I referred you to this letter and I am still to pose my question.

10 **COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** And you are explaining, I do not know what it is you are explaining.

**COMMISSIONER MKHWANAZI:** Humble apologies. Humble apologies.

**ADV SELLO SC:** You do not take issue with the suggestion that in 2020, a public tender was issued for the provision of the services as described? You do not take issue with that, do you?

**COMMISSIONER MKHWANAZI:** No, no, I do not.

20 **ADV SELLO SC:** Okay. You do not take issue ...[intervenes].

**COMMISSIONER MKHWANAZI:** These are two contracts, yes.

**ADV SELLO SC:** You do not take issue with the fact that JM13 lists the ten successful entities in that tender page.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I take it that once awarded, as you correctly point out, is for specific facilities and based on the decision of Ekurhuleni.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Earlier, when Commissioner Baloyi asked you about the two security companies, CAT VIP Security and Khayalami Security Services, and the risk of exposing a person such as the Mayor of Ekurhuleni to persons that have not been vetted by Ekurhuleni, and in circumstances, therefore, where you cannot guarantee that you are not exposing the Mayor to risk. You said both were not vetted. Do you recall that?

**COMMISSIONER MKHWANAZI:** I did not use vetted. It is terminology. Vetting it is too dubious.

**ADV SELLO SC:** Okay, perhaps I - wrong word. You used a word to say when she posed a question to you, but you did not satisfy yourself whether the people in CAT VIP were appropriate people to expose to the person of the Mayor. And then you said neither was the other entity, which is Khayalami Security Services.

**COMMISSIONER MKHWANAZI:** I am listening to you, Commissioner.

**ADV SELLO SC:** Ja, that is what you stated, correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And I am summarizing. I do not want to put words in your mouth. Now, to accept what you say, we must accept that the companies listed at page 66, of which Khayalami Security Services is one, are not vetted, or I will not say vetted, are not checked, or EMPD does not satisfy itself, that they do not pose a risk, both to the facilities and the people of the City of Ekurhuleni Council, and perhaps  
10 people living in the surroundings. Do you want us to accept that, that you select these 10 companies following a public tender, you allocate facilities to them, and EMPD, or the City of Ekurhuleni, does not check that they are appropriate people, they satisfy all the requirements, insofar as they could potentially pose, themselves, pose a danger to others. You do not undertake such an exercise.

**COMMISSIONER MKHWANAZI:** You want me to respond?

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

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** I would appreciate it.

**COMMISSIONER MKHWANAZI:** Understand me from the perspective where I was coming from. We were talking about VIP protection and the escort of the Mayor. Then that is when the question came that, do you trust those people, what if one of them was a criminal, or they are linked to

criminal activities?

**ADV SELLO SC:** Indeed.

**COMMISSIONER MKHWANAZI:** That is where I started to respond, but no, no, no, those ones, I was not saying, I did not say no, no, Commissioner, sorry. I have said those ones, we know they are coming from SAPS, they are highly trained in skills, I have been saying that. And in terms of those responsibility to add, you cannot take a security guard that is trained to do guarding and deploy him to do  
10 other responsibilities. I am not saying in terms of the area, let us put the area. Like I am trained as a security guard to do static, and I will not take you to utilize you to go and do other duties, like when there is crowd management, but what if somebody ...[indistinct] it is the same question that she was asking, what if somebody panics, a security guard hit a person or use a life round to kill? That is what I am saying, that is what I am raising again here in terms of that security.

Again, the other argument that I am saying, it is  
20 those ones that, in terms of contracts, they are located in different sites, you see. And they are working with other divisions, not with us as Police, not with us operational. Even if they are there, they take instruction from a division that is called Security and Loss Control, not from Police.

You see, it is two different, the Chief of Police is

correct that these companies are appointed by the City, it is true, but appointed the City to do its responsibilities to the City. I have said to you, the Commissioner asked me that, he was talking about crowd management, I said I like it, you see. When it is time for, when it is crowd management, you see, we take people that are trained and we want SAPS, POPS Unit, to work with EMPD for those responsibilities.

You cannot take, because you have got contracts, you have got 3,000 private security, that I then say, I am  
10 going to take 50 to assist because they are contracted. But they are contracted for a different job and they are trained for different responsibilities. I think I have tried. Thank you, madam.

**ADV SELLO SC:** Thank you. So, Khayalami Security Services, CC, that is listed at page 60, 66, apologies, 66, I must accept that Ekurhuleni has never satisfied itself that they do not pose a danger to the City of Ekurhuleni, so they have not gone through an assessment process, I must accept that.

20 **COMMISSIONER MKHWANAZI:** No, my perspective which was not saying ...[indistinct] I was saying in terms of the other duties, you see.

**ADV SELLO SC:** I was ask, I have asked you a specific question. Do I understand you correctly or am I misunderstanding you?

**COMMISSIONER MKHWANAZI:** Ja, you are misunderstanding me.

**ADV SELLO SC:** Okay. Now, give me a correct understanding of the status of the entities on page 66. Once awarded the contract for these purposes, that Ekurhuleni satisfies itself that these service providers themselves do not pose a risk to Ekurhuleni, would that be a fair assumption on my part, or is it being unfair on Ekurhuleni ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** No, they do not ...[intervenes].

**ADV SELLO SC:** [Indistinct]... [cross-talking] undertake such an assessment?

**COMMISSIONER MKHWANAZI:** Yes, I agree, They do not pose any risk. We never had an incident where they killed or shot a municipal what, what, but they are good in what they are training for and they are good in what they are doing and in the contract that they have signed.

20 **ADV SELLO SC:** Did you satisfy yourself when you are looking for the services for the State of the City address on the 30th of April 2022 that none of these could provide those services, none of these entities appointed could provide those services as additional services?

**COMMISSIONER MKHWANAZI:** You shouted at me when I was saying [vernacular] guard duties. It does not say VIP.

You did not want to listen to me ...[intervenes].

**ADV SELLO SC:** I asked you whether did you satisfy yourself when you went in search for VIP services?

**COMMISSIONER MKHWANAZI:** The contract is talking to that.

**ADV SELLO SC:** Did you satisfy yourself when you went searching for VIP services that none of these 10 listed here have got that capability to provide to Ekurhuleni? Not that it is part of the tender, it is not, but that they do not have  
10 capability to provide the VIP services. Did you satisfy yourself?

**COMMISSIONER MKHWANAZI:** I have been, that is why I have said to you I have been working for the City for more than 20 years. They have never been part of other services. There are services that are doing ...[indistinct]. It is those that are contracted they stick to that. Any other responsibility once you move them to, for example, sometimes we are having challenges of the shortage of the guards, you see. We request security and there are break-  
20 ins and find out they deployed two men.

When our investigators officers come in and say no, no, no, you cannot deploy two men. They said no, no, in terms of the contract it is two people. Once you move them and add other people it is the cost to the Municipality. They charge the Municipality because we have moved from the

contract, you see.

And as I have said that we went in there because they were, it was no, it was at no cost to the Municipality. These people are contracted. Once you move one from this site to another site, you see, you must know that you have affected the deployment of that site because the contract says that it must be four people there, you see.

Or else if they bring people from outside they charge the cost and everything, you see, and it is a  
10 different contract signed with the City, you see, not with specialised operations, you see, and any movement it is the cost to the City.

That is one of the challenges that you cannot even move them unless it is them in the company that is playing in terms of shortage if certain individuals say no, but it is the other division. I only get that through ...[indistinct] humble apologies to say but they are saying officers responded, there was a break-in there, there was a complaint and they are saying there was one security,  
20 instead of two ...[intervenes].

**CHAIRPERSON:** Commissioner, please try to shorten your responses.

**COMMISSIONER MKHWANAZI:** I have done that. I am ...[indistinct] humble apologies. It is just a rhetoric now.

**ADV SELLO SC:** Is it fair then to interpret your answer as

follows, that you satisfied yourself that none of these entities could provide the services required on the day, VIP securities? You, Commissioner Mkhwanazi, personally satisfied yourself that they lacked the capability. Is that a fair understanding of your long response?

**COMMISSIONER MKHWANAZI:** No, it is not fair because I did not even go to them, because I know in terms of the contract they do what they do.

**ADV SELLO SC:** Oh, you also you did not verify, but you  
10 knew that they are incapable of providing those services. Already you knew, that is what you say.

**COMMISSIONER MKHWANAZI:** No, in terms of the contract, they are contracted to do what they do. No, it is not about capabilities. In terms of the contract with the City. Capabilities it is another thing.

**ADV SELLO SC:** But I was not expecting them to provide in terms of the contract because I understand the contract. Why do you keep saying in terms of the contract as if that is what I suggested?

20 **COMMISSIONER MKHWANAZI:** But we are talking about that you are ...[intervenes].

**ADV SELLO SC:** I am talking about those ...[intervenes].

**COMMISSIONER MKHWANAZI:** You are referring to a contract that the Chief referred to ...[intervenes].

**ADV SELLO SC:** I am referring ...[intervenes].

**COMMISSIONER MKHWANAZI:** And you are linking it with ...[incomplete].

**ADV SELLO SC:** I am referring to the entities listed there, they provide services, security services. I am not referring to the contract.

**COMMISSIONER MKHWANAZI:** What security services?

**ADV SELLO SC:** Then you are saying their ability is restricted to what is reflected in their letter of award?

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** So they know nothing else? Calvin and Family are incapable of providing VIP securities?

**COMMISSIONER MKHWANAZI:** I did not say that. It is you saying that to me. I did not say that.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** You are putting words in my mouth and you are putting ...[intervenes].

**ADV SELLO SC:** Then I apologize.

**COMMISSIONER MKHWANAZI:** [Indistinct]... [cross-talking].

20 **ADV SELLO SC:** I would not want to do so. I would not want to do so. I apologize if I do. Hence my question to you whether none of those listed at page 66 have got the capability, the capability, besides the award, the contract awarded them by Ekurhuleni. Are you saying they cannot provide the VIP protection services?

**COMMISSIONER MKHWANAZI:** The contract does not talk about ...[intervenes].

**CHAIRPERSON:** Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI:** That is what I am saying.

**CHAIRPERSON:** Commissioner, do you know or do not you know if they have the capability to provide other types of security services?

**COMMISSIONER MKHWANAZI:** No, I have never, because I do not ...[intervenes].

10 **CHAIRPERSON:** Do you know or do not you know?

**COMMISSIONER MKHWANAZI:** No, I do not know. I do not know.

**CHAIRPERSON:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes, I do not know, Commissioner.

**ADV SELLO SC:** Thank you, Chair, most appreciated. Let us go back to your JD4, right, and in your JD4 ...[intervenes].

**COMMISSIONER MKHWANAZI:** JD? Oh, mine.

20 **ADV SELLO SC:** Your, it should read Mkhwanazi annexures, JD4. It is that operational plan that we were just discussing shortly.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** At the end of paragraph 32.

**COMMISSIONER MKHWANAZI:** JD4?

**ADV SELLO SC:** JD4. That is the operational plan we have just been discussing a short while ago.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Correct. And at your, at page 11 of your statement, end of paragraph 32, you conclude:

“All procedural requirements were duly followed through an operational plan as we are using it as a formal legal document in planned operations.”

10 Correct? I am reading your statement, page 11.

**COMMISSIONER MKHWANAZI:** When you say I as a compiler or me, I conclude that when I read this?

**ADV SELLO SC:** Please find page 11 of your statement.

**COMMISSIONER MKHWANAZI:** Oh, statement.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, it is page 11 of JD4. I am reading JD4. Humble apologies. Humble apologies.

**ADV SELLO SC:** No, no, it is okay. It is okay.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** And at the top of page 11 is the end, is a conclusion of paragraph 32 that starts from the preceding page.

**COMMISSIONER MKHWANAZI:** Each - paragraph 33, 34, is that one?

**ADV SELLO SC:** No, I am looking at the paragraph above

33.

**COMMISSIONER MKHWANAZI:** Commissioner, it is me now, I am confused. The brain is tired. I am reading Mr Mapiye's one.

**ADV SELLO SC:** Do you have your statement?

**COMMISSIONER MKHWANAZI:** Yes, I do. I was reading Mr Mapiyeye's one.

**ADV SELLO SC:** Oh.

**COMMISSIONER MKHWANAZI:** Sorry, humble apologies.

10 Yes.

**ADV SELLO SC:** You found your statement?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Page 11.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Please go to page 11 of your statement.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And if you go a page back at 10, you will see that paragraph 32 starts at the bottom of page 10 and continues to the top of page 11.

20 **COMMISSIONER MKHWANAZI:** Oh, I start from page 10.  
Okay.

**ADV SELLO SC:** Ja, no, I just wanted to locate that bit. The part I am interested in, in that paragraph is where you say at page 11:

“All procedural requirements were duly

followed through an operational plan as we are using it as a formal legal document in planned operations.”

**COMMISSIONER MKHWANAZI:** I am requesting to start from page 32 because it is the same paragraph.

**ADV SELLO SC:** It is the?

**COMMISSIONER MKHWANAZI:** Same paragraph.

**ADV SELLO SC:** Okay, start from page 32 then.

**COMMISSIONER MKHWANAZI:** Yes.

10 “Given the seriousness of the situation I consulted with my operational team regarding the identified risks. One of their recommendations was to utilize former SAPS members.”

Yes, we talked about that. General – I do not want to mention the names now.

“Trained Special Task Force who were now employed by the CAT VIP Security.”

20 Then again:

“All procedural requirements were duly followed through an operational plan as we are using it as a formal legal document in operation.”

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** I am yours.

**ADV SELLO SC:** Then you say at paragraph 34:

“Attached is the copy of the operational  
plan for the State of the City address.”

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And I am saying that is Annexure JD4  
that we are engaged on.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** That is signed by Superintendent, I  
10 apologize if I get the title wrong, Ximba, yourself,  
Commissioner Mzolo, and Chief Mapiyeye.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Correct?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So that is the plan.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And this plan contains everything about  
the City, the State of the City address, the security  
arrangements, and ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Everything that is included in an  
operational, in operational arrangements.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And it is approved by Chief, including  
others, Chief Mapiyeye himself.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Ja, and I think it is dated, the State of Address was scheduled for the 30th of April.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And the signatures here, all of them, are the 29th of March 2022.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Even yourself, you signed on the same day. Accepting that that is, then, neither you,  
10 Commissioner Mkhwanazi, nor Lieutenant Colonel Ximba, nor Commissioner Mzolo, and definitely not Chief Mapiyeye, could ever ask who authorized the deployment of CAT VIP. They could never, because they did in this document.

**COMMISSIONER MKHWANAZI:** Yes, yes, I hear you.

**ADV SELLO SC:** So, and none could ever ask who gave the instructions for deployment of additional security, none of those four. It would not make sense for them to ask because the documents suggest that they did. Do you agree with me?

20 **COMMISSIONER MKHWANAZI:** Yes. You remember, I have said there was a briefing before the finalization of the briefing.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And equally, none could ask for the name

of the company that provided the additional security services because they approved CAT VIP at page 2 of that document, correct?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And none could require of anyone to provide additional security support approval because that is contained in this document, in JD4.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So you, having signed this operational  
10 plan, you would not expect to have a conversation about these matters because the answer must be production of that plan speaks for itself. Every question that could conceivably arise, who provided the extra security, it is in the plan. Who granted approval? It is in the plan. Who was supposed to do what? It is all contained in the plan. So the questions do not arise at all. Correct?

**COMMISSIONER MKHWANAZI:** I am lost.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Please just summarize it.  
20 Are you saying after the plan there were no questions, there was nothing?

**ADV SELLO SC:** And I said there should not be. Logically, there should not be.

**COMMISSIONER MKHWANAZI:** Oh, yes. No, no, I get you.

**ADV SELLO SC:** At least from the four signatories being Ximba, Mkhwanazi, Mzolo, and Mapiyeye.

**COMMISSIONER MKHWANAZI:** And there was excitement after the event.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** After we secured and we executed.

**ADV SELLO SC:** So those four could never ask about the State of the City Address and the additional, the  
10 deployment of additional security services of CAT VIP.

**COMMISSIONER MKHWANAZI:** Yes, mam.

**ADV SELLO SC:** But I see that if I take you to page 104 of Mapiyeye annexure file, that should read JM20. JM20 starts at 104, Mapiyeye. You located it?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The document starting at 104. Notwithstanding what we have just agreed that Ximba, Mkhwanazi, Mzolo, and Mapiyeye who have formulated the plan and approved it, signed following a comprehensive  
20 briefing, to everyone's shock, on the 31st of March, 2022, as per page 104, IJ Mapiyeye, Municipal Police Commissioner, Chief of Police, addresses a letter to Commissioner Mzolo and the subject matter of that letter is:

“Additional security provided requested  
by EMPD Specialized Services at

SOCA, State of the City Address, 30th  
March 2020.”

To read into the record, paragraph 2 of that letter  
by Chief Mapiyeye states:

“Kindly provide my office with a report  
explaining the following regarding the  
additional security provided.

1. Who gave the instruction for  
additional security?
- 10 2. What is the name of the company  
that provided the security services?
3. Provide a list of all the security  
officers from this private institution that  
were deployed at this Council event.
4. Provide registration numbers of the  
private security vehicles that were  
utilized at this event.
5. Please provide details if the  
additional security support was  
20 included in the SASRIA committee  
event application operational plan for  
approval.

Report due by Monday 4th of April  
2022 at close of business.”

This is a day after the State of City Address. It is

dated the 31st.

**COMMISSIONER MKHWANAZI:** No. The State of the City was when?

**ADV SELLO SC:** 30th of April.

**COMMISSIONER MKHWANAZI:** Oh, it is the day after. Oh, yes.

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** [Indistinct]... 31 March.

**ADV SELLO SC:** Yes.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And the State of City Address was the 30th of March 2022.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** And the operational plan on your version was approved on the 29th of March ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** By the very person who is addressing these inquiries to Brigadier Mzolo.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Does that make sense? What do you think happened with Chief Mapiyeye,, in 48 hours he had clean forgotten the plan he approved.

**COMMISSIONER MKHWANAZI:** Yes, I have said to you earlier on, with due respect, Chief Mapiyeye is this person that when you talk to him, he agrees. But once you get

pressure from anyone, it changes like this. Then you will come back to him about the same matter you explained. He will also agree with you. But once he get pressure from outside, he will also agree. I have said that earlier on before, I have never received this. In fact, this is for the first time for me to see it, you see.

And I appreciate it, you see. And ...[indistinct] but I will talk to that later on ...[intervenes].

**ADV SELLO SC:** Okay. So you ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Because ...[indistinct] having a problem with these instructions at the electrical side. No, I am saying that, let me raise it to the Commission ...[intervenes].

**ADV SELLO SC:** Sorry, I missed that. Please repeat that.

**COMMISSIONER MKHWANAZI:** Yes, let me raise it to the Commission. You will sit with Chief Mapiyeye in a meeting, you discuss issues, you agree in the same meeting. Then you will get an email that is coming to you that talks about the same issue, I say, Chief, but now I am talking  
20 ...[indistinct] what are you talking about? What? Then, to me it says there are people who are taking this and raising issues with the signature of the Chief of Police ...[indistinct] emails of the Chief of Police, electrical side. Every time we had a problem, we are raising issues.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes. You see.

**ADV SELLO SC:** So it was ...[intervenes].

**COMMISSIONER MKHWANAZI:** And SASRIA - can I explain something again?

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** SASRIA do not discuss deep security matters.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Those are civilians' events. We discuss just about the event. Security matters are discussed operationally, you see.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** That is why I was sceptical. I was looking ...[indistinct] Commissioner said, but even ...[indistinct] again, she said, no ...[indistinct] because you do not become deeper because you are still planning. You do not give them the deep, deep, deep, deep. And even this letter ...[indistinct] happens, you must see it 7 days before, 14 days before. It is a different platform of the service providers for food and other, but EMPD ...[indistinct] There is part of it just to listen so that when you plan, you include whatever that SASRIA is doing.

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** Because by law, we need to know and SASRIA it is legislated. It came, as I have

said, but I am talking, you know, this thing after the football, Kaizer Chiefs and what, what. But now all of us must, sorry, must compile, sorry, must comply, comply and make sure that – okay, but you do not discuss deep security. Even that meeting, they tell you, no, no, do not want security matters.

**ADV SELLO SC:** Let me ...[intervenes].

**COMMISSIONER MKHWANAZI:** Just confirm that there will be safety officers will be there. It is only that, you see. But  
10 this one on Chief Mapiyeye, I know that he will change at any time.

**ADV SELLO SC:** Yes, and I think I would like us to confine ourselves to Chief Mapiyeye's conduct.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** On the 29th, he approves a plan recommended by you and Commissioner Mzolo, on the 29th of March.

**COMMISSIONER MKHWANAZI:** And he ...[intervenes].

**ADV SELLO SC:** As per your Annexure JD4. We have  
20 agreed on that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. We have the City, the State of the City Address on the next day, on the 30th of March, 2022. All goes well.

**COMMISSIONER MKHWANAZI:** Chief Mapiyeye is

questioning himself.

**ADV SELLO SC:** All goes well. We are still on the 30th.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Yes. On the 31st, Chief Mapiyeye issues this letter to Commissioner Mzolo and, as you say, questioning himself.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** And that is very strange and you say that he did quite often.

10 **COMMISSIONER MKHWANAZI:** That is him.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** That is why, before we communicated, earlier on, I raised that.

**ADV SELLO SC:** Yes, no, you did.

**COMMISSIONER MKHWANAZI:** I raised that.

**ADV SELLO SC:** You did. I confirm you did earlier in the morning.

**COMMISSIONER MKHWANAZI:** And here I feel pity and I feel sorry.

20 **ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** I think that is why ...[indistinct] Mzolo did not even address it to me and ...[indistinct].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Because he knows.

**ADV SELLO SC:** Ja, he addressed it to Commissioner Mzolo. It says, it just has him at the top of the document.

**COMMISSIONER MKHWANAZI:** And, as a Chief of Police, you are supposed to call all of us, all of us and ...[intervenes].

**ADV SELLO SC:** [Indistinct]... [cross-talking].

**COMMISSIONER MKHWANAZI:** ... I do not believe it is coming from ...[indistinct].

**ADV SELLO SC:** Okay.

10 **COMMISSIONER MKHWANAZI:** You see. I do not believe.

**ADV SELLO SC:** Well, let us accept for now that it is from him. He tendered it into evidence before the Commission. He says, I am the author of that document.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** For the moment, we will accept.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And I do take your scepticism that he actually is the true author. But be that as it may, let us continue.

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Commissioner Mzolo, on receipt of this letter, which actually requires that a report be filed by Monday, the 4th of April, at the close of business, one would expect Commissioner Mzolo to say, oh, Chief, it must have escaped your mind. We have an operational plan.

**COMMISSIONER MKHWANAZI:** Which page?

**ADV SELLO SC:** We were at page 104.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** We were looking at Chief Mapiyeye's letter.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Oh.

**ADV SELLO SC:** So, I am saying he addresses that letter  
10 to Commissioner Mzolo.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And I would expect that Commissioner Mzolo, I do not know, yes, would respond and say, oh, Chief, you have forgotten, as usual, please refer to the operational plan that we had approved the day before the City, the State of the City Address. At least Commissioner Mzolo would remember, correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You do not want to comment?

20 **COMMISSIONER MKHWANAZI:** Yes, yes. No, I am thinking about something, SASRIA and the person who comes from that division.

**ADV SELLO SC:** Let us leave SASRIA for a moment.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes. There you are correct, I am thinking about something else.

**ADV SELLO SC:** But what I do not understand about Chief Mapiyeye, you have emphatically stated that here is a plan. I am one of the people, I being Commissioner Mkhwanazi, who recommends the plan. My direct boss, Commissioner Mzolo, signs and supports that plan. And finally, Chief Mapiyeye approves that very same plan. This is on the 29th of March.

On the 31st of March, 48 hours later, Chief Mapiyeye turns and addresses a letter to Commissioner Mzolo asking who gave the instruction for national, additional security, what is the name of the company that provided all that detail, that, the detail that by right ought to be covered in the operational plan that he approved. We have just dealt with that. And we are wondering what exactly is happening. Now, if we go to page 105, it is an email and I see this one as an email from Commissioner Mzolo. It is dated the 4th of April, 2022 at 11.11 and it is addressed to Ivan Du Plessis. I take, and copied to Isaac Mapiyeye.

And one of the people copied here is Julius Mkhwanazi at [julius.mkhwanazi@ekurhuleni.gov.za](mailto:julius.mkhwanazi@ekurhuleni.gov.za). That is you, is that not so? Is that you, Commissioner Mkhwanazi?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV SELLO SC:** Okay. That email reads:

“Deputy Director Du Plessis ...”

And that is because if we go to 105, I Du Plessis was listed as a person for inquiries. It reads:

10 “Please know that I was not aware of the deployments of the private security company till I was asked by the Chief of Police. I thereafter spoke with Director Mkhwanazi, who confirmed the presence of the private security company at the SOCA. I spoke with Director Mkhwanazi to respond to the attached memo from the Chief of Police before close of business on 4th April, 2022. Kind regards, Goodman Mzolo, Deputy Chief of Police Operations and Specialized Services, Ekurhuleni Metropolitan Police Department.”

It would appear from this document, this email ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** That so too had Commissioner Mzolo forgotten about the operational plan.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So he too had forgotten.

**COMMISSIONER MKHWANAZI:** That is what is appearing now.

**ADV SELLO SC:** Ja. Did he talk to you about this?

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** But you said, you said Chief Mapiyeye's personality is such that he will say this today and say that ...[intervenes].

**COMMISSIONER MKHWANAZI:** Commissioner, I – sorry.

**CHAIRPERSON:** About Chief Mapiyeye, you said that he will say this today and say that tomorrow, and basically suggesting that he does not have a backbone. Correct?

10 **COMMISSIONER MKHWANAZI:** Earlier on?

**CHAIRPERSON:** Yes, not so long ago.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**CHAIRPERSON:** And do you say, and in fact I think you did say so, that Commissioner Mzolo was also aware of the plan for the State of the City Address, security plan that is?

**COMMISSIONER MKHWANAZI:** Commissioner ...  
[intervenes].

**CHAIRPERSON:** He was aware beforehand.

**COMMISSIONER MKHWANAZI:** Yes.

20 **CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** And on ...[intervenes].

**CHAIRPERSON:** Now, all right, all right, thanks. So you explain Chief Mapiyeye's letter demanding a response by the 4th of April, basically on the basis of a flawed personality. Can you explain sensibly why Commissioner

Mzolo would also want a response to Chief Mapiyeye's email? Why would he also do so?

**COMMISSIONER MKHWANAZI:** I think he did not, maybe he does not want to put himself, I think they were getting pressure somewhere, you see, because the document ...[intervenes].

**CHAIRPERSON:** Where could that pressure possibly be coming from?

**COMMISSIONER MKHWANAZI:** It may be politically.  
10 Remember, it is a collusion we are having, many political organisations, or pressure from those that are internally, outside who have monitored and seen people that they do not know and what, what, because I know that thing of people that they do not know, it did come after that. There were people that would, but after the event, you see.

**CHAIRPERSON:** So with regard to Chief Mapiyeye, you are now giving two reasons, a reason that you did not give earlier.

**COMMISSIONER MKHWANAZI:** No, I even said, when he  
20 gets pressure somewhere, he changes.

**CHAIRPERSON:** All right.

**COMMISSIONER MKHWANAZI:** When he gets pressure somewhere, he changes.

**CHAIRPERSON:** All right. Depending on the further questions that Ms Sello asks you, I have another question.

**COMMISSIONER MKHWANAZI:** Oh yes.

**CHAIRPERSON:** Maybe she will cover that. Yes, Ms Sello.

**ADV SELLO SC:** Thank you, Chair. In that document, JM22, at page 105, you are a recipient of that email.

**COMMISSIONER MKHWANAZI:** Yes, agreed.

**ADV SELLO SC:** And in that email, Commissioner Mzolo claims that, the second paragraph of it ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** -:

“I spoke with Director Mkhwanazi to respond to the attached memo from the Chief of Police before close of business on 4th April 2022.”

My first question to you, did he talk to you about this?

**COMMISSIONER MKHWANAZI:** No, no.

**ADV SELLO SC:** He did not?

**COMMISSIONER MKHWANAZI:** No.

20 **ADV SELLO SC:** Notwithstanding what he wrote here.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, no.

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

**COMMISSIONER MKHWANAZI:** May I raise something? I met Mr Mzolo nearly every day, you see.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** [Indistinct]... saying that, he treated me like ...[indistinct] I treated him like my father. He would call me at any time, come, come, maybe twice or thrice per day.

**ADV SELLO SC:** So, you are copied on this email. In one of your daily meetings did you ask, boss, what is with the email where you say you have spoken to me about something that you have not? Why do you write that in an email? Did you take that up with him?

10 **COMMISSIONER MKHWANAZI:** No, I did not pursue anything after this. You know after this the only thing that we had, it was a deeper thing where I went to that office of Alderman, or office of the Mayor. There, they told me, no, no, we are - as I am telling you, there was excitement, we are happy.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** They were happy. And she even told me, Alderman, she even told me, hey, today I was well protected, safety, you see, smiling. And there she  
20 was sitting with the husband and the staff. It was after the State of the City.

**ADV SELLO SC:** So, she could see the improved quality of security being provided?

**COMMISSIONER MKHWANAZI:** Yes, that we provided on that day.

**ADV SELLO SC:** Yes, the Mayor.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The Mayor.

**COMMISSIONER MKHWANAZI:** Sorry?

**ADV SELLO SC:** The Alderman is the Mayor.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** She too was happy with the improved security.

**COMMISSIONER MKHWANAZI:** Yes, yes. Not improved  
10 security, that we provided that day.

**ADV SELLO SC:** That day.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And she expressed herself as such to you.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Oh, okay.

**COMMISSIONER MKHWANAZI:** In front of her  
...[intervenes].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** In front of, sorry, the staff  
20 and ...[intervenes].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** You see. That danger  
...[indistinct] stars and I felt so proud.

**ADV SELLO SC:** Absolutely.

**COMMISSIONER MKHWANAZI:** Yes. Now, two days after, it is different now.

**ADV SELLO SC:** So, in light of that experience and the gratitude as expressed by the Mayor, on the 30th, after a job well done, unfortunately the next day you are confronted by Chief Mapiyeye's, for lack of a better term, strange letter to Commissioner Mzolo and to your surprise, Commissioner Mzolo not only fails to remind Chief Mapiyeye that, no, no, no, we have a plan for this. You remember, Chief, we all  
10 signed it. He actually then claims that he spoke to you and imposed that deadline of the 4th of April.

“I told Commissioner Mkhwanazi that he must file a report in response to that memo before close of business on 4th of April 2022.”

And this he communicates to Chief Mapiyeye on the 4th of April at 11:11 in the morning. So, you have about five hours before the day is up when he tells Chief Mapiyeye this. Firstly, you say he never had that  
20 conversation with you.

**COMMISSIONER MKHWANAZI:** On the 4<sup>th</sup>?

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, the mail says on the 4th.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, you never had that conversation.

**COMMISSIONER MKHWANAZI:** No, no. no.

**ADV SELLO SC:** You say that you never picked it up with him. I say, you said that contrary to what Commissioner Mzolo states here, that I spoke with Director Mkhwanazi to respond to the memo, you say it was a mistake, he did not.

**COMMISSIONER MKHWANAZI:** No, we never communicated.

10 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Maybe he forgot ...[intervenes].

**ADV SELLO SC:** Absolutely.

**COMMISSIONER MKHWANAZI:** Or maybe he wanted to address it formally like this.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** And you say you never had opportunity to raise it with him and say, Commissioner Mzolo, I think something went wrong here. That is not the correct position. You never had that opportunity?

**COMMISSIONER MKHWANAZI:** No, no, after the State of the City, we continued normalizing.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Like, after that weekend,

you see, like we used to do.

**ADV SELLO SC:** So then it ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Should mean, it should mean that you, I apologize. It should mean, therefore, that this is where the matter died. You did not engage Commissioner Mzolo about it. So, the matter died here.

**COMMISSIONER MKHWANAZI:** No, it did not die.

**ADV SELLO SC:** What happened?

10 **COMMISSIONER MKHWANAZI:** Remember, we talk about suspensions and that means it continued.

**ADV SELLO SC:** Oh, okay. All right.

**COMMISSIONER MKHWANAZI:** I said earlier on, you know, some of the things here, now is for the first time to see ...[intervenes].

**ADV SELLO SC:** Apologies, perhaps let me put it in proper context when I say the matter died. There was a memo from Chief Mapiyeye demanding accountability. Commissioner Mzolo says, I have no clue. I only find out  
20 when I read your memo, but I have directed Commissioner Mkhwanazi to respond to this memo by close of business today.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But then you say he did not talk to you about that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And as far as the response to the memo is concerned, that is where the matter died.

**COMMISSIONER MKHWANAZI:** Ja, but in terms of the email, I know he is a very strict person, you see.

**ADV SELLO SC:** Who is that, sorry?

**COMMISSIONER MKHWANAZI:** Mzolo.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** When he send an email,  
10 he want you to respond.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** He does not, he is not a person who just send an email to me. As I am saying to you, he will call me if he is having issues. But when there is an email, you see, that means there was something serious.

**ADV SELLO SC:** But then this was not directed to you, really. You were copied. It was directed to Du Plessis. I do not remember. I apologize, I have forgotten the title. So  
20 you were just copied in an email to Chief Mapiyeye.

**COMMISSIONER MKHWANAZI:** Yes, but this tells me that there was something serious.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** I know how he operates ...[intervenes].

**ADV KHUMALO SC:** I have a note here that Ivan Du Plessis is the Staff Officer running activities in the office of the Chief of Police.

**ADV SELLO SC:** Okay, I accept.

**ADV KHUMALO SC:** Maybe you can put it ...[indistinct].

**ADV SELLO SC:** You heard what Commissioner Khumalo said. He is trying to assist me to identify, yes.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And in fact, I did point out that in Chief  
10 Mapiyeye's own letter, he identifies ID Du Plessis as Staff  
Officer, gives his rank as Colonel. So it is somebody within  
the Chief's office.

**COMMISSIONER MKHWANAZI:** Yes. Earlier on I said  
there was someone, it is just a comment ...[intervenes].

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** Who was working at Sport  
and Recreation for many years and came back to be a Staff.  
I was talking about him. He was working with SASRIA.

**ADV SELLO SC:** Oh, okay.

20 **COMMISSIONER MKHWANAZI:** He is an expert and that is  
why I wanted to comment when I say SASRIA.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** That means it is coming,  
no, I wanted to say that, but it is not relevant to this. But in  
my mind, you say, you even notice that I am thinking now,

you see. I was thinking about that, oh, SASRIA, you see. When you say electronically signed, something came in my mind and say eish.

**ADV SELLO SC:** And now because, at least now we understand why these strange happenings, based on your version, it is because both Chief Mapiyeye and Commissioner Mzolo were experiencing pressure from someone. Correct?

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** But if you say ...[intervenes].

**CHAIRPERSON:** Which of course is pure speculation thus far. I am saying which of course is pure speculation thus far.

**COMMISSIONER MKHWANAZI:** Yes. Sorry, yes, I agree, Commissioner.

**ADV SELLO SC:** Thank you, Chair. And it is with that appreciation in mind, you decided I am not going to engage with this matter further?

20 **COMMISSIONER MKHWANAZI:** No, I decided not to do that.

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** It is just that I am thinking that have I ever responded to Babu Mzolo, because I know that if he writes an email, you see, to him, that means it is something that is disturbing him, you see. He does not

mind to call me three, four times.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But one thing you can say for a fact is you did not provide a response to Chief Mapiyeye's questions as Commissioner Mzolo states that you will at page 105. You never did that one.

**COMMISSIONER MKHWANAZI:** I cannot remember of that.

**ADV SELLO SC:** Okay, let us ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Whether it is verbally or, or, I cannot remember. Yes, we will engage in terms of what and what and what, you see. We will engage in terms of that, the event and ...[intervenes].

**ADV SELLO SC:** This is 2022, it is about three years ago, so yes, memories fade. So let us speculate a bit. If you did respond, F, what would your response to him have been? Would it have been something like, oh, Chief, oversight on your part, here is the operational plan we signed on the 29th of March? Or what do you think your  
20 response would most likely have been?

**COMMISSIONER MKHWANAZI:** To Chief Mapiyeye?

**ADV SELLO SC:** Yes. Or to Commissioner Mzolo, who is your direct boss, to say, please remind Chief Mapiyeye of this. Would you likely have done that?

**COMMISSIONER MKHWANAZI:** I would have been

disturbed by it because I communicated.

**ADV SELLO SC:** Remember now we are in the arena of conjecture.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You do not remember whether or not you responded, and I am asking if, let us say, you did respond, what would have been the content of your response?

**COMMISSIONER MKHWANAZI:** I would not even have responded, because I would be shocked and say, this they  
10 know. They were there. You know, in the State of the City né, the Mayor and the Chief of Police, they work like this. They become twins. It is a parade where the Mayor parade with the Chief of Police. They are standing - in fact, the whole day ...[intervenes].

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** He is with the - the Mayor goes with the Chief of Police, you see. Anything that happens, you see, you are aware about environment and everything.

20 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And, sorry, he is the one that welcomes the Mayor. When the Mayor parks the vehicle and everyone, the Chief goes and welcomes him

and takes him to Mayor's parlour. From Mayor's parlour, the Executive Mayor moves to the chamber. From the chamber ...[intervenes].

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** Sorry, what has that got to do with what your possible response would have been?

**COMMISSIONER MKHWANAZI:** I am saying he is aware about every dynamics, anything that, even the cars and everything.

10 **CHAIRPERSON:** I am asking because you are going on and on and I am not sure at all ...[intervenes].

**COMMISSIONER MKHWANAZI:** Humble apologies, Commissioner.

**CHAIRPERSON:** I am sorry?

**COMMISSIONER MKHWANAZI:** Humble apologies.

**ADV SELLO SC:** Thank you, Chair. Okay, so we have settled that. Likely, you did not respond.

**COMMISSIONER MKHWANAZI:** I think that.

**ADV SELLO SC:** Yes.

20 **COMMISSIONER MKHWANAZI:** Because maybe I responded, but it is out of ...[intervenes].

**ADV SELLO SC:** Okay. Then, to look at the last document, can I invite you to still same file, but page 109. It is two pages, 109 and 110, what is reflected on those pages are actually two emails. The first is, reads from Ivan

Du Plessis. Now, if you go midway the email, there is a second email there. Do you see it? Commissioner, do you see it?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, I am reading it.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Because you are reading it, perhaps just let us do it for everyone. Who is that email from?

10 **COMMISSIONER MKHWANAZI:** From Ivan Du Plessis.

**ADV SELLO SC:** Okay, now let us move to the second email. Below that, there is another email below that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And who is that email from?

**COMMISSIONER MKHWANAZI:** It is from me.

**ADV SELLO SC:** Okay, it says, sent on, please read the date and time into the record.

**COMMISSIONER MKHWANAZI:** It is 2020-04, 16:56 ...[indistinct] 15:56, 16:56.

20 **ADV SELLO SC:** Correct.

**COMMISSIONER MKHWANAZI:** It is 4 minutes to 5.

**ADV SELLO SC:** To 5. Then I ...[intervenes].

**CHAIRPERSON:** And that is Chief Mapiyeye's deadline, the response must not be later than 4 April 2022, correct?

**COMMISSIONER MKHWANAZI:** No, Chief Mzolo is saying

I must respond. He said to me I must respond before ...[intervenes].

**CHAIRPERSON**: The deadline originally came from Chief Mapiyeye, correct?

**COMMISSIONER MKHWANAZI**: It came from Ivan. No, it came from Chief Mapiyeye.

**CHAIRPERSON**: Yes.

**ADV SELLO SC**: Yes, thank you, Chair. And I see it is addressed to Isaac Mapiyeye, Bedfordview, Goodman  
10 Mzolo, Kempton Park and Ivan Du Plessis. You confirm that?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: That is you writing an email to those three. The subject line is:

“Feedback report of security questions  
of SOCA.”

You see that? Do you see that, Mr Mkhwanazi?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Please read that document from where it  
20 states “good evening”. Thank you.

**COMMISSIONER MKHWANAZI**: From where?

**ADV SELLO SC**: Where it states “good evening”, the salutations.

**COMMISSIONER MKHWANAZI**: Good evening.

**ADV SELLO SC**: Yes, please read the rest of it.

**COMMISSIONER MKHWANAZI:** -:

“Kindly receive the response to the question of additional security that assisted State Security Address ...”

Oh:

10 “From State of the City Address held on Wednesday, 30<sup>th</sup>. We requested CAT VIP Unit to assist our team of VIP with eight specialized members after receiving information on the 29th afternoon of collapsing a State of the City ...”

Oh, yes, yes, yes.

“Targeting some of the principals in the City. Director Mkhwanazi called an agent security ...”

Or:

20 “I, Director Mkwanazi, called an agent security meeting of specialized services on the 29th to respond to development threats against the SOCA principals after identifying that threats were not only inner parameters but included outer parameters. We requested CAT VIP Security to assist

us with the team of well-trained protectors after former members of SANDF, Task Force, SAPS Tactical Unit to give backup to our VIP escort to deploy at outer parameters, higher buildings, working with SWAT Unit and our Commander: Specialised Services ...[indistinct] we continue to gather and give information. All other information personnel will continue to secure internally and externally. All other security personnel will continue to secure internally and externally. CAT VIP Security and Assessment Management. Eight VIP protectors were deployed to assist, two vehicles assisted ...[indistinct] one BMW sedan with the following reg BZ 99 CK 99, BW sedan with the following. Our security personnel are not provided or submitted SASRIA ...[indistinct] but a formal security plan was developed and submitted to the Office of the Director: Specialised Services, Deputy Commissioner: Operations and

Specialised Services, EMPD  
Commissioner for the final approval.  
The execution is confidential. It is only  
of the security cluster or EMPD of  
which it was done. Telephone  
communication or telephonically,  
telephone communication was done  
after briefing or after receiving the  
developing threats were informed. The  
10 objective of the plan was protected the  
event against all threats received,  
counteract, or counteract any illegal  
activities they may collapse the City  
Address to protect life against all sorts  
of danger, to maintain law and order.  
Provided by JD Mkhwanazi, EMPD  
Director: Specialised Services.”

**ADV SELLO SC:** Thank you, Commissioner Mkhwanazi.  
That was your response to the query raised by Chief  
20 Mapiyeye on the 31st of March 2022 regarding the  
deployment of CAT VIP to the State of the City Address and  
your response is very detailed.

Now let us just go through your response and what  
you are communicating to Chief Mapiyeye. And I will start  
by saying I would have expected if you did, when you

respond, to give Chief Mapiyeye a copy of the operational plan that Chief Mapiyeye signed, but you do not do that. Instead, you choose to give, to provide an extensive narrative as to how that came about. Yes, you want to say something?

**COMMISSIONER MKHWANAZI:** Yes, I did not know the registration plate. I am not denying this. And why will I even inform the Chief that the formal security plan was developed and submitted ...[intervenes].

10 **CHAIRPERSON:** Please wait for the question. Please wait for the question.

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

**COMMISSIONER MKHWANAZI:** Oh, oh, Commissioner.

**ADV SELLO SC:** So in your response, in the response, you do not furnish Chief Mapiyeye with the operational plan that he signed 48 hours – no, more now, it is more, that he signed on the 29th of March. He approved.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

20 **ADV SELLO SC:** On the 4th of April, you do not say, Chief, I think you missed something, you forgot this little operational plan we approved. You do not do that. Why not?

**COMMISSIONER MKHWANAZI:** When you continue the paragraph, when you continue after registration plate, it says:

“All security operational personnel are not provided or submitted to SASRIA but a formal security plan was developed and submitted to the Office of Director of Specialized Services, Deputy Commissioner: Operations, Specialized Services, and EMPD Commissioner for final approval.”

**ADV SELLO SC:** Yes.

10 **COMMISSIONER MKHWANAZI:** It does remind him that it was submitted.

**ADV SELLO SC:** But what it does not do is say here is the plan submitted to you that you approved. That he does not do.

**COMMISSIONER MKHWANAZI:** It does on this paragraph, madam.

**ADV SELLO SC:** Where does it say, attached, please find the operational plan that you, Chief Mapiyeye, approved?

**COMMISSIONER MKHWANAZI:** Oh, no ...[intervenes].

20 **ADV SELLO SC:** It does not do that.

**COMMISSIONER MKHWANAZI:** Yes, it does not say attached.

**ADV SELLO SC:** I would have thought it would have been a quicker email because instead you had to write almost seven paragraphs.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Now let us look at what you wrote to Chief Mapiyeye on the day, and I want to refer you to page 109, where that email starts. You say:

“Kindly receive the response to the question of additional security that assisted at the State of the City Address held on Wednesday, 30th of March, 2022.”

10 So it is very specific and it is responding to Chief Mapiyeye's query. You start off by saying:

“We requested CAT VIP Protection Unit to assist our team of VIP with eight specialized members after receiving information on the 29th June of collapsing State of the City, targeting some of the principals within the City like the Executive Mayor, the Speaker of Council, Chief Whip, other seniors, City officials, and the guests of the City.”

20

You see where I am reading?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay. You start by saying, we. Who is the royal we, is it a royal we or is it we, a number of people,

and if so, who?

**COMMISSIONER MKHWANAZI:** The royal be like ...[intervenes].

**ADV SELLO SC:** Who is included in the we?

**COMMISSIONER MKHWANAZI:** Yes, like I am expressing on myself like we.

**ADV SELLO SC:** Oh, the “we” is a reference to yourself?

**COMMISSIONER MKHWANAZI:** Yes, as officers, yes.

**ADV SELLO SC:** Okay. You continue:

10 “I, Director Mkhwanazi, called an urgent security meeting of specialized services on the 29th to respond to the developing threats against SOCA and our principals after identifying that the threats were not only on inner parameters but included outer parameters.”

So you, Director Mkwanzazi, called an urgent security meeting. With who did you call this meeting?

20 **COMMISSIONER MKHWANAZI:** Yes, I have said that I have called all operations, those that, the Commanders that are here.

**ADV SELLO SC:** It is a strange way of expressing yourself. You do not say Chief Mapiyeye. You called Chief Mapiyeye and your boss, Commissioner Mzolo, and

Superintendent Ximba. You ordered them to your security meeting?

**COMMISSIONER MKHWANAZI:** No, no, no. They are seniors. I am saying operational members.

**ADV SELLO SC:** But you say, I, Director Mkhwanazi, for avoidance of any doubt as to who I is, I called an urgent security meeting.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So you called Chief Mapiyeye and  
10 Commissioner Mzolo and everybody else and you like threw them in one room for a meeting?

**COMMISSIONER MKHWANAZI:** No. As I have said that I came with, there were operational Commanders that are dealing, or Unit Commanders, the Head of these units, you see. I have clarified, it is the Head of this unit.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Which ...[indistinct] Mzolo does not sit in those meetings. Mapiyeye does not sit in those meetings.

20 **ADV SELLO SC:** Oh, okay, so ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So then you were not in that security meeting with Chief Mapiyeye, with Commissioner Mzolo?

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV SELLO SC:** You were with other people?

**COMMISSIONER MKHWANAZI:** I met with them, not in the same meeting.

**ADV SELLO SC:** Oh, okay.

**COMMISSIONER MKHWANAZI:** No, no, they were not part of this meeting. No, no, they do not sit in this meeting.

**ADV SELLO SC:** All right.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So you, Director Mkhwanazi, called this security meeting with other key persons, right?

10 **COMMISSIONER MKHWANAZI:** Yes. Yes. Yes.

**ADV SELLO SC:** Yes. You say we requested CAT VIP Protection to assist us with a team of well-trained protectors who are former members of SADF Task Force, and then you list them there. And once again, based on your advice ...[intervenes].

**COMMISSIONER MKHWANAZI:** SANDF. SANDF. Oh, yes.

**ADV SELLO SC:** Based on your advice earlier, I interpret the “we requested CAT VIP” as the royal we, meaning I,  
20 Commissioner Mkhwanazi, requested CAT VIP. Am I still correct?

**COMMISSIONER MKHWANAZI:** Yes, yes, the way you are reading it.

**ADV SELLO SC:** Ja, so each time I see we, I should read that as Commissioner Mkhwanazi, correct?

**COMMISSIONER MKHWANAZI:** No, this document is giving me something now.

**ADV SELLO SC:** I know it is giving me clarity. I hope it will ...[indistinct] you.

**COMMISSIONER MKHWANAZI:** You, but not me.

**ADV SELLO SC:** Okay. Let us continue. You might just get the clarity, necessary clarity that you need. Let us move to page 110. I will skip the first line, CAT VIP Protection, eight VIP protectors, and the detail of the  
10 vehicles. I will skip that for the moment. Okay, and then I will move to the next paragraph after that, and that reads:

“All our security operational personnel are not provided or submitted to SASRIA committee, but a formal security plan was developed and submitted to the Office of the Director: Specialized Services, Deputy Commissioner: Operations and Specialized Services, and EMPD  
20 Commissioner for the final approval before the execution, which is confidential.”

Do you see where I am?

**COMMISSIONER MKHWANAZI:** Commissioner, can I ask something?

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

**COMMISSIONER MKHWANAZI:** Can you check the validity of this email? You know, I am starting to contest and doubt it. I am humbly requesting, you see. I really, really, really, I sign my documents, you see, and I did not even know the registration plate of the cars. You see, something is busy coming, no man. That is why I am busy shaking my hand, you see. There is an expert who is having access of our email, who can check our email and open up my email and  
10 have this paper trail. It is giving me challenges now. And I am looking at the dates, 2 February, 2023, and the way, and the way it came from.

**CHAIRPERSON:** When you say you sign your documents, do you mean you sign even emails and all of them?

**COMMISSIONER MKHWANAZI:** I do not. I print and sign, you see, but this one, I am challenging it.

**CHAIRPERSON:** I am not ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, I do not even have a clue of this document.

20 **CHAIRPERSON:** I am not talking about documents meant to be attachments.

**COMMISSIONER MKHWANAZI:** Oh.

**CHAIRPERSON:** I am talking about emails, emails.

**COMMISSIONER MKHWANAZI:** Ja, I do not ...[indistinct].

**CHAIRPERSON:** Not attachments to emails. Do you sign

emails?

**COMMISSIONER MKHWANAZI**: No, no. But again, I do not have such big emails, like, I am very short on my emails.

**CHAIRPERSON**: No, no, no, no, no, please, let us talk about one and the same thing. I am asking, do you sign emails?

**COMMISSIONER MKHWANAZI**: No, no, no, no.

**CHAIRPERSON**: You do not.

10 **COMMISSIONER MKHWANAZI**: [Indistinct]... electronically sign ...[indistinct].

**CHAIRPERSON**: My understanding, as I am looking at this document, is that it is an email. So you would not have signed it because it is an email.

**COMMISSIONER MKHWANAZI**: Oh, yes, you are correct there.

**CHAIRPERSON**: So please do not talk about signing all your documents right now. Yes, Ms Sello.

20 **ADV SELLO SC**: Thank you, Chair. So, yes, I have noted, you have placed on record ...[intervenes].

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: That you contest the validity of this document. And do you go so far as to suggest that it is a forgery? You did not dispatch an email that we are currently all reading?

**COMMISSIONER MKHWANAZI:** No, I do not remember. I do not remember any engagement about State of the City after the event.

**ADV SELLO SC:** It is not so much about remembering engagement, it is the content. Is this something you said or could have said? I am trying to understand exactly what it is you are taking issue with. Do you deny categorically that you sent this email? Remember our previous conversation, you said you never took up the matter. You did not go back  
10 to Commissioner Mzolo.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** The matter died there until they came back and to retaliate and then you were being suspended.

**COMMISSIONER MKHWANAZI:** Yes, 2023 yes.

**ADV SELLO SC:** Yes. So therefore you are saying because I, Commissioner Mkhwanazi, I did not respond to Commissioner Mzolo's email of the 31st of March 2022, therefore there is no response. I even invited you ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That let us go down the route of conjecture a bit. If, let us assume you did answer, what could possibly have been your response? I suggested that based on your previous evidence, the most logical response would have been Chief Mapiyeye, Commissioner Mzolo, I

guess age is catching up with both of you, here is the operational plan we all filed.

We agreed you never did that. We get to this document which is supposed to be, on its face, appears to be an email from you, addressing curiously the very specific query by Chief Mapiyeye, not annexing the operational plan, but going rather into extensive detail of where this originated from.

We requested CAT VIP Protection to assist, right, right down to the detail as to the assistance provided. We read the paragraph that says, all our security operational personnel are not provided - you agreed with that paragraph. You say but that is precisely ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes. So which part of this document are you suggesting is a forgery? If you agree with some parts of it and not others.

**COMMISSIONER MKHWANAZI:** You know what I am thinking? I am going to check with my PA and ask about this. I think it is very important from my side. Let me not point a finger. Let me go and do my own verification and confirm. But how am I going to track all the emails?

**CHAIRPERSON:** And when will you come back to us on that?

**COMMISSIONER MKHWANAZI:** I am not sure because I

must try ways to talk to the employees. Because I still do want Commissioners. For now, I will take it, but I want to satisfy myself. Because even the type of English, the way it is ...[intervenes]

**CHAIRPERSON**: Suggesting what will not be a conservative estimate. What are the outer limits of when you can possibly come back to us?

**COMMISSIONER MKHWANAZI**: Will you allow me to forward a formal report? If I do not come physically. Just  
10 to forward the report to the Secretary of the Data Committee. Which I confirm is mine.

**CHAIRPERSON**: A supplementary statement, not a report.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: And a supplementary statement that just addresses the issues raised by Ms Sello.

**COMMISSIONER MKHWANAZI**: Please Commissioner, I am humbly requesting for that.

**CHAIRPERSON**: One, was this or is this indeed your email? Two, why did you respond the way that you did?  
20 That is it. That is a one-pager basically.

**COMMISSIONER MKHWANAZI**: I would request even to check the track for communication from Ivana Pantina. But that is right, it is going to be one-pager.

**CHAIRPERSON**: Sorry, by when?

**COMMISSIONER MKHWANAZI**: I am on suspension, but I

will try this week. I will try to this week. I will request them to at least ...[intervenes]

**CHAIRPERSON**: I will be generous and say Monday.

**COMMISSIONER MKHWANAZI**: Thank you, thank you Commissioner. Thank you. Thank you, you are assisting me a lot.

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

**CHAIRPERSON**: To the extent that you can, please help. Will you welcome the assistance, or do you prefer to do it  
10 on your own to make sure that the response you get is not again what you may suspect is possible forgery?

**COMMISSIONER MKHWANAZI**: In fact, thank you, you are assisting me a lot because I am outside. When it comes from her, at least you will be able to communicate within the city.

**CHAIRPERSON**: All right.

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

**ADV SELLO SC**: You will talk and arrange.

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

20 **CHAIRPERSON**: Thank you.

**COMMISSIONER MKHWANAZI**: Absolutely. Thank you. We shall. The English here, I know my English. Sorry, sorry.

**CHAIRPERSON**: And Ms Sello, I was by no means imputing possibly impropriety on your part.

**ADV SELLO SC:** No, no, no.

**CHAIRPERSON:** I was addressing myself more to the Commissioner's suspicions.

**ADV SELLO SC:** No, no, I have no confusion at all on that. Thank you, Chair.

**CHAIRPERSON:** Thank you. Thank you.

**ADV SELLO SC:** Commissioner Khumalo?

**ADV KHUMALO SC:** I am reluctant to put it to Commissioner because I suspect that you are going there.  
10 So, I will wait for you to finish. And then I will, if I need to say something. It is really the consequences if this email is authentic.

**ADV SELLO SC:** Yes, okay, I was going to go there already with my last question, but I will reserve it for Commissioner Khumalo because it would have been accompanied by another. We are now at page 110, and we are going to deal with this letter or this email cautiously. We are going to assume for the moment that it is authentic, particularly in respect of the paragraph that you are  
20 admitted to, which is the one at 110. The one that reads, all our security operational personnel are not provided. So, I will just confine myself to that one because you have already admitted the truthfulness or the correctness of that paragraph. Right?

**COMMISSIONER MKHWANAZI:** You know what makes me

doubt it again? Asset management. Why asset management in that operational? It is page 10.

**ADV SELLO SC:** Oh yes, the first entry on page 110, yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You know, you did note and you did make a note of the detail regarding the vehicles as well. And these are matters that make you seriously question the validity of this document. That is noted. But I just want to confine myself to the paragraph that you did not challenge,  
10 and you seem to be in agreement with. Now it says ...[intervenes]

**COMMISSIONER MKHWANAZI:** I do not call them Commissioners. I call them Chief of Police. This thing of Commissioners is starting now, you see. In those days, we, deputy chief, Chief of Police, Deputy Chief, Chief of Police. The Commissioners were just following the trend now and, you see, it makes me too - I know they call themselves Commissioners. To me, if there is no concept of social ...[intervenes]

20 **CHAIRPERSON:** Sorry, Commissioner. You were still coming to your question.

**ADV SELLO SC:** Yes, I was still getting to the question.

**CHAIRPERSON:** Please, again, Commissioner, again, please, it is very late in the day. Please wait for the question.

**ADV SELLO SC:** Thank you, Chair. I am interested in this part of that paragraph. You say, and I am reading from the end of the first line, a formal security plan was developed and submitted to the Office of the Director of Specialised Services. I have come to understand that is you, yourself, Commissioner Mkhwanazi, correct? Director of Specialised Services is Commissioner Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Yes, I am following you.

**ADV SELLO SC:** Yes. Then, you say, Deputy  
10 Commissioner Operations, that is Commissioner Mzolo, am I correct? Or am I wrong?

**COMMISSIONER MKHWANAZI:** No, you are correct in this paragraph, it says so.

**ADV SELLO SC:** And then you say, okay, it is Operations and Specialised Services, and we have agreed that is Commissioner Mzolo, and EMPD Commissioner for final approval. Before the execution, and that is EMPD Commissioner, I take it to be Chief Mapiyeye, correct?

**COMMISSIONER MKHWANAZI:** I call him Chief Mapiyeye,  
20 you are correct. You are correct.

**ADV SELLO SC:** It would be, thank you.

**COMMISSIONER MKHWANAZI:** Yes, you are correct.

**ADV SELLO SC:** It is the last part of that sentence, where it says, having submitted then for final approval before the execution, it reads, which is confidential? This document is

confidential. In regard to who, between Commissioner Mzolo and Chief Mapiyeye, is this document confidential? So, they cannot see it.

**COMMISSIONER MKHWANAZI:** That is the confusion that I am having.

**ADV SELLO SC:** My confusion is yours.

**COMMISSIONER MKHWANAZI:** I cannot say the document is confidential to the high authority who is commanding EMPD. There is no confidentiality. It may be confidential  
10 to any outside people, not to them. I still say, and I will request again through Commissioner, let us check all the emails that I have sent on this day. You see. They type and you will see the format and what you call this thing, where you are seeing like your address, your contacts and everything. You see. Print it on that day as it is. You see. And compare. You see. You will see something. This is too different from Julius Dr Julius Mkhwanazi or director. Oh, that time it was director.

**ADV SELLO SC:** Continuing on that paragraph then, it  
20 says:

“It is only for the security cluster or  
EMPD of which it was done.”

Now, okay. This suggests that this document that you reference, that was developed and submitted to the Office of Director Specialised Services, which is confidential, is

only for the security cluster or the EMPD of which it was done. So, it was submitted to the security cluster. I do not know if it is a security cluster of EMPD or EMPD, but you are suggesting that it was tabled to that body. Who makes up the security cluster?

**COMMISSIONER MKHWANAZI:** It is EMPD.

**ADV SELLO SC:** No, it cannot be.

**COMMISSIONER MKHWANAZI:** No, it is EMPD. Then you have your security. Let us say in terms of this, it is these  
10 people that are here. It is a security cluster. It is SAPS. It is security. All security companies, we call them security agencies, and us, we form a security cluster.

**ADV SELLO SC:** Apologies, Commissioner, you said all the people who are here. Here, where?

**COMMISSIONER MKHWANAZI:** No, no. I am talking about all.

**ADV SELLO SC:** Yes, I need some clarity.

**COMMISSIONER MKHWANAZI:** JD5, page 9, the operational plan. Let me lift it like this so that you can see.  
20 I am saying these people, all of them, they form a security cluster.

**ADV SELLO SC:** I am at JD9, paginated 16.

**COMMISSIONER MKHWANAZI:** No, it is page 9. Page 2 of the operational plan. It is JD ...[intervenes]

**ADV SELLO SC:** Oh, at paginated 9. I am with you. I

have found myself. So, which people? I see the operational command structure.

**COMMISSIONER MKHWANAZI:** Yes, the security and SAPS, they form a security cluster. All police and security agencies that we are part of they form a security cluster.

**ADV SELLO SC:** So, it is all who are listed here?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Including the external forces and the command structure?

10 **COMMISSIONER MKHWANAZI:** Yes, yes. It is a cluster, yes.

**ADV SELLO SC:** So, CAT VIP security on this logic would be part of the security cluster of EMPD?

**COMMISSIONER MKHWANAZI:** Yes. Not EMPD. I am saying they all form a security cluster. You see, that is why I am having a problem with this.

**ADV SELLO SC:** This security cluster must be located somewhere. It is not in the air. Is it of the city? Is it of the council?

20 **COMMISSIONER MKHWANAZI:** No, let me explain.

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

**COMMISSIONER MKHWANAZI:** When we are having a meeting for a different or another event, let us say it is called by the province, it will be simple. They will call the metros, the small municipalities, they will call the security

service providers, it will be SAPS, then it will be a provincial traffic department. All of us will become a security cluster. Those that sit and plan for that security.

**ADV SELLO SC:** So, is that gathering, can I call it an ad-hoc gathering that comes together for purposes of a specific event? That is what you call a security cluster?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** It is not a formal structure of the council or municipality?

10 **COMMISSIONER MKHWANAZI:** No, it is not a formal structure. You are correct when you say ad-hoc.

**ADV SELLO SC:** Okay, yes, thank you. Then you conclude that by saying:

“Telephonic communication was done after the briefing or after receiving developing threats, seniors were informed.”

Which seniors are you referencing there?

20 **COMMISSIONER MKHWANAZI:** That is why I am saying I am having a challenge with this document. You see, I have talked about the plan. I did not even use some of the language, the asset and other things. I have talked about my statement. You see, this is far different from – we even spoke, asked about the vehicle, said it was not operational. You see, I did not own that day. I did not even see the

vehicles, like, physically. I cannot even remember them. But now, from nowhere, I remember everything.

**ADV SELLO SC:** Can I just share a curious feature about this letter, about this email? And, of course, I point it out, quite appreciating that you seriously challenge the validity.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The record will show. But I would like us to go back to a letter dated the 16<sup>th</sup> of October 2021. The Chair engaged you on this letter previously, and you said  
10 you are absolutely certain, and you said so unequivocally that this is a fabrication. It is a forgery.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** If we could just go to that letter. It is Spies Annexure RS2A. Not A, (II), I think, yes? That would be at page four of Spies's bundle.

**COMMISSIONER MKHWANAZI:** Annexure?

**ADV SELLO SC:** You remember that letter?

**COMMISSIONER MKHWANAZI:** Yes, the same letter.

**ADV SELLO SC:** Let us go to the bottom part of it where it  
20 lists the vehicles. It says these are the following page four of Spies's bundle. It lists, okay, those numbers. Please, the document you have, does it look like the one on the screen? Is it redacted? Or does it have actual registration numbers?

**COMMISSIONER MKHWANAZI:** It said the registration

numbers.

**ADV SELLO SC:** Okay, good. We will not call them out. It is redacted for a purpose not to publicise unnecessarily certain detail, okay. But you and I have the version that has got the actual numbers.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I was going to ask you to read them out, but then I will not. But I want you to compare. Please keep your email open, page 1110. And we look at this Spies  
10 RS2(II).

**COMMISSIONER MKHWANAZI:** JM email, yes?

**ADV SELLO SC:** Say that again, sir. You remember the email?

**COMMISSIONER MKHWANAZI:** Yes. Yes, yes, that email.

**ADV SELLO SC:** Now, you see at the top of that email at page 110, it starts off with CAT VIP Protection and asset management, followed by eight VIP protectors were deployed to assist. And I think that accords with the number appearing at page two of your operational plan.  
20 And that is paginated nine. You remember that table you took Commissioner Baloyi to where you referenced CAT VIP and Khayalami Security?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And I see there it has reflected eight, the number eight of CAT VIP.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, they correlate there.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But let us go further. You say two vehicles assisted for escort. BMW sedan with the following registration number, the first one. Do you see that?

**COMMISSIONER MKHWANAZI:** When you say you said, and I am saying I am contesting this, because I never discussed the number of personnel, the number of vehicles  
10 that CAT is going to deploy. It is a commitment that they make operationally when they are planning, not with me.

**ADV SELLO SC:** Okay, let us just, I do not want to misquote you. So, you never discussed a number?

**COMMISSIONER MKHWANAZI:** No.

**ADV SELLO SC:** So up until the state of the city occasion started, you had no clue how many people CAT VIP was deploying on the day?

**COMMISSIONER MKHWANAZI:** No, I know because of the plan. Because of the plan that I signed. But I am saying I  
20 never discussed. It is like I am the one discussing.

**ADV SELLO SC:** No, it says eight VIP protectors were deployed to assist. There is nothing about discussion.

**COMMISSIONER MKHWANAZI:** No, it is my, here comes my email.

**ADV SELLO SC:** Oh, okay, I see what you mean. So,

come the 30<sup>th</sup> of March 2022, you figured eight VIP protectors, highly skilled former task force members, were suddenly made available. I am trying to understand. You knew on the date of the plan, according, based on your version, that there would be eight. You knew.

**COMMISSIONER MKHWANAZI**: Based on the plan that I got.

**ADV SELLO SC**: Yes, no, no, no, the plan that you supported.

10 **COMMISSIONER MKHWANAZI**: Yes, on the plan that I got. Not to say I am the one who supported.

**ADV SELLO SC**: And look, where in these documents is it suggesting you are one?

**COMMISSIONER MKHWANAZI**: No, this document, yes, according to it, it is me who wrote this. That means I know.

**ADV SELLO SC**: Well, it has got to be you because if you look at page 109, I took you through this. The second paragraph says, we requested CAT VIP protection unit to assist. And I said, who is we? You and who? And you did  
20 not hesitate, and very comfortably, that no, we mean I.

**COMMISSIONER MKHWANAZI**: Yes, but when we are going through, I started to doubt.

**ADV SELLO SC**: It is a detail you did not like. Not so much that you, the royal we, addressed the letter. I am trying to understand.

**COMMISSIONER MKHWANAZI**: No, through your Commission. I even read, I do not write, I even corrected myself. When I say it is Syndell, there I do not make mistake. Okay. I do not answer, I hated Syndell. I know Syndell. I would not have made that mistake. That is why I said Syndell, you see.

**ADV SELLO SC**: Okay, I take the point. So, actually, I am making you now compare two documents, the authenticity of which you challenge.

10 **COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Both of them.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Because I just want you to have regards to item five on that Spies's page four. See item five? It is got a registration number. It is redacted on screen. I do not have to read it out. But you can see it on your document, correct?

**COMMISSIONER MKHWANAZI**: Can see item five as in number five?

20 **ADV SELLO SC**: Yes, as in number five.

**COMMISSIONER MKHWANAZI**: The vehicle one, two, three, four, five?

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: Okay, yes, yes, yes.

**ADV SELLO SC**: That registration number is the same

registration number that appears at page 110, where it says two vehicles assisted for escorts. BMW sedan with the following registration number, and it gives you the number. That is the exact same number that appears at item five, right? Correct?

**COMMISSIONER MKHWANAZI**: Can I ask something? I request to be guided.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: Commissioners, if I say  
10 for now, I dispute this, how do we take it forward?

**ADV SELLO SC**: The record has no ...[intervenes]

**COMMISSIONER MKHWANAZI**: As I have said that hundred percent, I will appreciate your intervention because it will be neutral. I will be happy for that. You see. But now I am questioning and I am busy committing. You are committing myself.

**ADV SELLO SC**: Oh, no, no, no, no.

**COMMISSIONER MKHWANAZI**: And I am disputing the same documents, both of them. And you are correct. You  
20 tried to assist me by referring to both. They are talking one and the same language. And something came in my mind, and I am contesting it. You see. And I am putting it, I am contesting this.

**ADV SELLO SC**: Let me, let me, can I clarify something?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC:** The record will definitively show that Commissioner Mkhwanazi on this particular day, when testifying before the Commission, challenged the authenticity of that document marked RRS2(II), Spies RS2(II), which is the blue document you have before you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You consistently challenged – no, that one you did not challenge. You said it was a forgery. That is not your signature. That is on record. And the record  
10 will show.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** As regards Annexure JM21, the email that we are reading, it is sort of a half-hearted challenge. Could be you, you could be the author, but some aspects of that email are highly questionable, such that you doubt whether you are the, you really are the author, but you do not reject it as vociferously as you do this one that is on the screen. The record will show.

**COMMISSIONER MKHWANAZI:** No, I do. I have said I do.  
20 Yes, that is why I am even requesting the assistance from the Commissioner, because I am going to first ...[intervenes]

**ADV SELLO SC:** Okay, no, no, let me finish, because I wanted to explain something. I said, let us consider both these documents, accepting that you deny their validity. I

just want us to compare certain elements between the two. If it is established that both are a complete and utter fabrication, whatever you have said will not be held against you.

**COMMISSIONER MKHWANAZI**: Yes. And the Commissioner, he even said, he spoke about the consequences, but he said he is going to address that later. That is why I am still firm even now. I cannot challenge the Commissioner's documents and dispute them once I know  
10 that there are consequences. I have said I am here, I want to be honest, I am going to be honest, but even here, I am honest. This document, I am disputing them. No challenging, it is taking some limitation.

**CHAIRPERSON**: But that is not what the last few questions by Ms Sello are about. What Ms Sello is asking you, look at page 110, where two motor vehicles are mentioned. Ms Sello says, look at the first one, number one, look at the registration reflected on there, and then go to number five of RS2(II), the letter that you are disputing.  
20 All that Ms Sello is asking you is whether you do see that the registration reflected there, make of the car reflected there, that is on both documents is the same. It is as simple as that.

**COMMISSIONER MKHWANAZI**: I will get to you, yes, Commissioner.

**CHAIRPERSON:** So, you agree.

**COMMISSIONER MKHWANAZI:** I see, yes.

**ADV SELLO SC:** Thank you so much, Chair. And in the same vein, please then look at the vehicle registration number at item six and compare with the second vehicle at page 110. Once again, it is the same registration number.

**COMMISSIONER MKHWANAZI:** Yes, yes, it is the same registration number, yes.

**CHAIRPERSON:** I said you should try to be very brief. We  
10 would have saved a lot of time.

**COMMISSIONER MKHWANAZI:** At least, Commissioner, you are simplifying it for me. That is why I keep on saying, at least you are. Because I do not want to hang myself about something that I am doubting. But now you have simplified it. Thank you.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** I appreciate, and perhaps the fault is mine. As the day was born, and my exhaustion sets in, I become less articulate. So, I do apologise, Commissioner  
20 Mkhwanazi. Commissioner Khumalo, you had questions. Thank you.

**ADV KHUMALO SC:** This is what I am going to put to you, Commissioner Mkhwanazi. If you did send this email on page 109, if you did.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV KHUMALO SC:** And if the contents of this email are correct, then the operational plan you have presented to us cannot be correct, because it was compiled on the 28<sup>th</sup> of March 2022. So, if, according to the email, you received the threat on the 29<sup>th</sup>, and then you contacted Care Protection Services on the 29<sup>th</sup>, and then you made that emergency arrangement, there is no way this detail would be contained in an operational plan compiled on the 28<sup>th</sup> of March.

10 **COMMISSIONER MKHWANAZI:** Yes. Commissioners, when you go to Germiston Civic Centre, there are cameras there. You see. I think if, I am not at work, if you can check the dates of the planning and everything, you will see CAT, you will see people at the meeting. You see. From outer perimeter, inner perimeter, and they are clearly visible. When I say CAT was there, he was there. You see.

Let me assure you on that. Something that you will be able to see on the video. You see. Let me assure you on that. And I trust the compiler, Lt-Col Themba. She is a  
20 very disciplined somebody. She is not close to me she is not close to anyone. When in task, she does the work. You can even contact her and communicate between her and IPIS to confirm that. Please do that. I do not have influence at IPID and what not, but please do that and confirm that plan. You will see this Commissioner is talking

truth. You see. Because I was not even there when IPID took the plan from her. But please do that.

**ADV KHUMALO SC:** And just one last point. There are consequences when people come to this commission and they do not tell the truth. So, I just want you to be aware of that.

**COMMISSIONER MKHWANAZI:** And we are saying it for the second time, Commissioner. Yes.

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

**ADV BALOYI SC:** Commissioner, I am here. It is me here.

**COMMISSIONER MKHWANAZI:** It is the tightness.  
Humble apologies.

**ADV BALOYI SC:** About this email that you have been discussing, I just want to make sure I understand what your issue in this is. And I am going to put to you items just to check whether you dispute that or not. It is not about whether you wrote the email, but it is the content. So, this email in the second paragraph says, we requested CAT VIP  
20 to assist our team of VIP with eight specialised VIP members. Do you dispute that you did that?

**COMMISSIONER MKHWANAZI:** No, no.

**ADV BALOYI SC:** That you requested CAT VIP and that they assist you with eight VIP members?

**COMMISSIONER MKHWANAZI:** In terms of the numbers,

we did not discuss the numbers. The numbers, when they discuss the commitment, they make the commitment when they are doing the plan.

**ADV BALOYI SC:** Let me say it differently. You knew, because it is in the plan, you knew that CAT VIP brought eight members to the operation?

**COMMISSIONER MKHWANAZI:** Yes, after receiving the plan, yes.

**ADV BALOYI SC:** Well, you were part of the plan. The  
10 plan was given to you, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** So, you knew when the plan, when I think it is Lieutenant Themba brought the plan to you, you knew that there is eight people that are coming from CAT VIP.

**COMMISSIONER MKHWANAZI:** You are correct on that.

**ADV BALOYI SC:** So, there is no dispute about that, which is recorded in the email.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV BALOYI SC:** And you told us that the following day, the mayor, after the state of the city, the mayor congratulated you, right? So, you would have received a report. If you did not see it on the night itself, you did receive a report about this operation or the deployment of CAT VIP.

**COMMISSIONER MKHWANAZI:** I corrected it on the same day after the state of the city, on the 30<sup>th</sup> of April, because I remember when there was a husband, it was the same day.

**ADV BALOYI SC:** So, I just want you to establish, to understand what it is that is a problem in this email, right? Which is, in fact, that which matters. One, we know that you are the one that approached VIP, CAT VIP, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** So, there is no controversy that this  
10 email says that.

**COMMISSIONER MKHWANAZI:** No, no, yes.

**ADV BALOYI SC:** Two, we know that there are eight people from CAT VIP who were deployed that night.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** So, there is no question about that.

**COMMISSIONER MKHWANAZI:** No, no, there is no question.

**ADV BALOYI SC:** It is in your plan.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV BALOYI SC:** We saw it in the plan.

**COMMISSIONER MKHWANAZI:** I saw it in the plan, yes.

**ADV BALOYI SC:** And if you were there that night, you would have seen them. They are protecting your mayor. You asked for them. You would have known there are eight people who are protecting the mayor.

**COMMISSIONER MKHWANAZI:** No, the way we sit and the way they are deployed is different.

**ADV BALOYI SC:** I thought you spoke to them that night.

**COMMISSIONER MKHWANAZI:** No, no, I spoke to the three of them, yes, yes. But in terms of checking the numbers and everything, in the state of the city, from our employee sitting side ...[intervenes]

**ADV BALOYI SC:** Yes, no, do not tell me about the sitting. You knew that eight people were deployed from CAT VIP.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** The email says so. So, there is no controversy there, right? You would have known that there were two vehicles from CAT VIP. Forget the registration number, forget the model of the car. You would have known that there would have been two vehicles.

**COMMISSIONER MKHWANAZI:** According to the plan, yes.

**ADV BALOYI SC:** According to the plan.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV BALOYI SC:** Which you approved, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, so you knew that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** So, you knew that. Now, of what is it here, in this email, that is of significance that relates to this

deployment, which is at issue? It does not seem like there is anything that is serious that is being disputed about this email, relating to the deployment itself. Remember, we are talking about the deployment.

**COMMISSIONER MKHWANAZI**: Yes. In terms of deployment, I do not have a challenge.

**ADV BALOYI SC**: You accept what is in here.

**COMMISSIONER MKHWANAZI**: Yes, I said in terms of the content and in terms of the, for example, I have said.

10 **ADV BALOYI SC**: How they write. You say you do not write that way.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: Okay, that is fine.

**COMMISSIONER MKHWANAZI**: Yes, and such big paragraph.

**ADV BALOYI SC**: That is fine.

**COMMISSIONER MKHWANAZI**: I am a person who can write two paragraphs and include everything.

20 **ADV BALOYI SC**: You have said that. Okay, you have said that.

**COMMISSIONER MKHWANAZI**: I have been speaking about VIP protection since from the morning. I never spoke about asset management.

**ADV BALOYI SC**: Okay, that is fine.

**COMMISSIONER MKHWANAZI**: Something new to me.

**ADV BALOYI SC:** Okay, remember, it is me who is trying to clarify. So, allow me to ask my question and to stop you, because I am trying to clear in my head. So, we have established the things that are not controversial, that will infect what happened on the night. There was that deployment, right? Now, look at page 109 that we are looking at now. There is an email there from Ivan Du Plessis on the 11<sup>th</sup> of April 2022, and this one is addressed to you. It says:

10                   “Brigadier Mkhwanazi, the Municipal Police Commissioner Mapiyeye requested me to convey the following message. Please take the below response and correspond on an EMPD memorandum and sign.”

Did you receive that email? It is addressed to you, and it is addressed on the 11<sup>th</sup> of April.

**COMMISSIONER MKHWANAZI:** I do not remember. I do not remember this.

20   **ADV BALOYI SC:** You do not remember?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, you are not denying it. Maybe you did, but you just do not remember.

**COMMISSIONER MKHWANAZI:** But the good thing, when we check, it is going to be in the same trail, yes. It is going

to assist me with all that.

**ADV BALOYI SC:** Now, we know that you submitted a plan to Commissioner Spies. Commissioner? You are still with me?

**COMMISSIONER MKHWANAZI:** I am not. It is something that is coming between Ivan and me.

**ADV BALOYI SC:** You can park it and then you can discuss it with Ms Sello. I am just trying to clear my questions. We know that you submitted a plan.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** You gave it to Commissioner Spies. That is why we have this discussion about this is a fake plan and it is not a plan. You submitted that.

**COMMISSIONER MKHWANAZI:** Yes, it is correct. When he said, Mr Mzolo said, you must give the plan to Revo Spies. I submitted it. It is correct. That is correct.

**ADV BALOYI SC:** When the investigation was happening. Remember, you were asked. Spies is conducting an investigation, and you were asked to respond to these  
20 issues.

**COMMISSIONER MKHWANAZI:** No. A person was conducting an ...[intervenes]

**ADV BALOYI SC:** Erasmus.

**COMMISSIONER MKHWANAZI:** Erasmus, yes.

**ADV BALOYI SC:** Did you submit a plan to Erasmus?

**COMMISSIONER MKHWANAZI:** No, no, I submitted my – my old Deputy Chief of Police Goodman Mzolo, said I must submit it to Revo Spies. And I physically went there and submitted the plan to him.

**ADV BALOYI SC:** And this was because you were being asked questions about this, right?

**COMMISSIONER MKHWANAZI:** No, there were no ...[intervenes]

**ADV BALOYI SC:** There was an investigation now.

10 **COMMISSIONER MKHWANAZI:** No, at that time, there were no challenges, you see. That is why I submitted willingly. I think there were investigations. As I have said to you that there was this thing of media and whatnot, but in general, at that time, it was quiet and normal, and I did not suspect anything.

**ADV BALOYI SC:** I thought you said Erasmus was conducting an investigation.

**COMMISSIONER MKHWANAZI:** No, Erasmus came to me.

20 **ADV BALOYI SC:** Yes, because he was conducting an investigation.

**COMMISSIONER MKHWANAZI:** Yes, the other day, 2023. Yes, but it was after I submitted everything to Revo Spies.

**ADV BALOYI SC:** So, are you saying you never responded to questions about the deployment on the night? Is there evidence that Mapiyeye said, ask the question, I want

information about this deployment. Remember that email you were discussing with Ms Mzolo?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: So, Chief Mapiyeye says, I want answers. He says to Ms Mzolo, are you saying to us you never responded to that?

**COMMISSIONER MKHWANAZI**: Commissioners, can you assist me by taking through it? You will correct me if I am confused. You want to send an email, or it is the first one,  
10 it is on the second, to Kelebogile Thepa.

**ADV BALOYI SC**: Forget that one. That is in 2023. We have been discussing with you, Chief Mapiyeye's email, of the day after.

**COMMISSIONER MKHWANAZI**: I am going to 2022, Commissioner.

**ADV BALOYI SC**: Yes, no, I am saying do not talk about 2023. It has nothing to do with what we are discussing.

**COMMISSIONER MKHWANAZI**: Yes, yes, I am going to your email, which says 11 April 2022.

20 **ADV BALOYI SC**: Yes.

**COMMISSIONER MKHWANAZI**: Yes, I have said to you, when Mr Mzolo say I am responding, Mr Mzolo does not just say send email. He will call me physically.

**ADV BALOYI SC**: No, no, no.

**COMMISSIONER MKHWANAZI**: I do not get it.

**ADV BALOYI SC:** I have asked you, I have asked you this email from Ivan Du Plessis, on the 11<sup>th</sup> of April 2022. You see it?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** I asked you, and you have answered me. I am not sure why you are going back to it. I asked you, did you receive this email, because it is addressed to you, and you said I do not remember. And I said you cannot, so you are not denying that you received it, you just  
10 do not remember, and you said yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** So, we are done with that. Yes, okay, thank you. Ms Sello, thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Chair, I would be ready to move on to the next topic. I am in the Commission's hands.

**ADV BALOYI SC:** Ms Sello, unless I missed it in earlier discussions, there was the issue of the registration of the vehicles. The Commissioner spoke about it when he was, in  
20 his allocated time. The registration of those vehicles.

**ADV SELLO SC:** By ...[intervenes]

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

**ADV SELLO SC:** The proxy, yes.

**ADV BALOYI SC:** Yes.

**ADV SELLO SC:** Yes, I remember.

**ADV BALOYI SC:** And I thought we would still come back to it, because I had a question that I wanted to ask, to clarify something that he had said.

**ADV SELLO SC:** By all means, Commissioner.

**ADV BALOYI SC:** You are done with it.

**ADV SELLO SC:** I will be done with it.

**ADV BALOYI SC:** Okay, all right. Commissioner, you remember the discussion about the vehicles that you, that letter of donation that you took to Steyn?

10 **COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI SC:** That you should get them registered.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Now, I think I understand. I wanted you to clarify that earlier on. You said the registration of those vehicles happened even though the vehicles were with Matlala.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** They were registered into the EMPD's books, or whatever that means. But they remained with  
20 Matlala.

**COMMISSIONER MKHWANAZI:** No, not EMPD books. They were registered at city's, the proxy.

**ADV BALOYI SC:** Okay, yes, so, those were registered to become, officially, in the eNATIS, they became city of Ekurhuleni motor vehicle, but they were sitting with Matlala.

**COMMISSIONER MKHWANAZI:** We have not yet received them. You are correct.

**ADV BALOYI SC:** You never took them.

**COMMISSIONER MKHWANAZI:** Yes, you are correct.

**ADV BALOYI SC:** So what it means is, for a period, a private entity was sitting with vehicles of the city, because they are registered as the city's vehicles.

**COMMISSIONER MKHWANAZI:** Remember, the process ...[intervenes]

10 **ADV BALOYI SC:** The answer has to be yes. I have to insist. The answer has to be yes.

**COMMISSIONER MKHWANAZI:** For this process, yes, because we did not receive them.

**ADV BALOYI SC:** So, Cat Matlala VIP, CAT VIP, for a period, had in its collection of vehicles, vehicles that were registered in the name of the city. So, if they are stopped on the road, that vehicle, if it is checked, would appear in the eNATIS, would appear as an EMPD vehicle or city vehicle.

20 **COMMISSIONER MKHWANAZI:** Yes, if they are driving, you are correct. You are correct.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** And what was the reason for registering them before they were handed over? What was the

compelling reason? Because I have bought only one car in my life. I know it gets registered and then it gets handed over to me.

**COMMISSIONER MKHWANAZI:** Yes, Chris said he is still busy processing, he is still busy with the process. And I was pushing him, I said, no, no, no, no. The process must be followed, you see. He knows the processes and everything.

**ADV BALOYI SC:** My question is, why were these vehicles  
10 not handed over to the municipality and then when they are under the control of the municipality, when you know what is happening with them, where are they going, what are they being driven for, who is using them, why could not that be done and then registration happens when they are under the control of the municipality?

**COMMISSIONER MKHWANAZI:** I did not think of that, you see. You are correct when you say they were under the private, with the name of an institution, you see. But we wanted them to be donated when everything is finalised.  
20 But what you are raising is true. Driving with the name, but I did not ask, are you driving or are you parking them, you see.

**ADV BALOYI SC:** Do you know what they were used for in the period after they were registered in the name of the city?

**COMMISSIONER MKHWANAZI:** No, I am not aware.

**ADV BALOYI SC:** Have you asked Mr Matlala, what did you do with these vehicles in the time that they were still registered with the city?

**COMMISSIONER MKHWANAZI:** When we communicated, he was asking about the process, but I never asked him, what are you doing with those vehicles, I never asked that.

**ADV BALOYI SC:** So, if those vehicles were involved in criminal activity, sitting there, you have no idea?

10 **COMMISSIONER MKHWANAZI:** I think we will, because any vehicle that is detected to be a crime goes directly to Chris, Chris is able to detect all those vehicles.

**ADV BALOYI SC:** You do not know, as you sit there.

**COMMISSIONER MKHWANAZI:** Or me, I do not know, yes.

**ADV BALOYI SC:** You have no idea.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** And yet you are the official that caused these vehicles to be registered, while sitting with a private security company, and you do not, once you have registered  
20 them, you do not check what is going on with these vehicles.

**COMMISSIONER MKHWANAZI:** No, Commissioner, to be honest, I thought this process was going to be a process of a week, or two, or three weeks. I never thought it was going to have some delays. I thought it was going to be

one, two, because of the excitement, there is a letter, he said he needs the letter, and then he is going to finalise the process. When I said, no, no, there is a process, that is where I saw it was going to.

**ADV BALOYI SC:** Why were these vehicles registered back to Mr Matlala's company, from the city?

**COMMISSIONER MKHWANAZI:** There was noise now.

**ADV BALOYI SC:** Sorry, there was what?

**COMMISSIONER MKHWANAZI:** There was noise, as I  
10 have said, Revo Spies Deputy Chief went to Chris, according to Chris, and told Chris, and asked about the vehicles and all these issues. Then Chris came to, Mr Mzolo informed me, hey, there is a noise about this process of yours. But Chris told me that the Deputy Chief of Police, Revo Spies came to me, complaining about the vehicles and everything. Then there was this disappointment. He said, no, I do not want stories. But from my side, there was this disappointment. I said, no, it is fine.

**ADV BALOYI SC:** Did the deregistration happen after this  
20 story was in the media? The deregistration. You are saying Mzolo and then Spies. So, in the timeline, and evidence that we have received, Spies becomes involved because there is a media enquiry. Right? So, it is in the media. That is why Spies becomes involved. For the first time. And then he makes enquiries. So, my question is,

the deregistration back to Mr Matlala, it happened because now the matter is in the media. And there are now questions about it.

**COMMISSIONER MKHWANAZI**: Yes, it happened because the Deputy Chief Revo Spies went to Chris.

**ADV BALOYI SC**: Somewhere in your evidence, I understood you to say you were finalising an item to go to council at some point. Did I understand you?

**COMMISSIONER MKHWANAZI**: Chris was doing that. It is  
10 his responsibility, not us. EMPD do not do finalising of these things and everything.

**ADV BALOYI SC**: And what was going to be submitted? What were you going to ask from the council?

**COMMISSIONER MKHWANAZI**: I do not know. He was doing that.

**ADV BALOYI SC**: He must have told you these are your vehicles. This is your project. So let us speak frankly. This is your project. He is just the proxy. And that is why you went to him to say you are the proxy. Help with the  
20 registration. So, you remain interested in this. And when he says I have to go to council, firstly, you said to us, he said to you a letter of I think you called it commitment or something?

**COMMISSIONER MKHWANAZI**: Intention to commit.

**ADV BALOYI SC**: He said to you, that is okay. Just give

me that letter of commitment and I will do it. Now he says to you, I am preparing an item to go to council. And remember in your statement, you say they told you this is how it was always done. It was done with a letter of commitment. Now Chris turns on you and says I am preparing an item to council. You did ask him why. If he told you that, you did ask him and what did he say to you?

**COMMISSIONER MKHWANAZI:** Not an item. He said it is a process.

10 **ADV BALOYI SC:** To go to council.

**COMMISSIONER MKHWANAZI:** Yes. Then he came back and told me no, no, now we are cancelling. There is a noise Revo Spies came to me.

**ADV BALOYI SC:** I am asking you this question. When he says to you it must go to council, after first telling you that a letter of commitment is fine. I will do it with a letter of commitment. And we know he did that, because these vehicles were registered to the municipality at some point. When he says to you, I am now preparing an item for  
20 council, you must have asked him why now? Why are we involving Council? What do we want from Council? You must have asked him and my question is what did he say to you he wants from Council, why is this going to Council?

**COMMISSIONER MKHWANAZI:** No, to be honest, Commissioner, I did not ask, because I know that he

specialise, I was told that no, in terms of these processes he knows his processes. I did not even want to put pressure on that, you see. I did not do that, honestly so I did not.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** And you did not take, do any process, formal process to take those cars now out of the name of the EMPD. You had no approvals internally, no reports, 10 nothing, because remember, these cars belong to the Municipality now. They are sitting with somebody, but they belong to the Municipality. Now when you give them back to their owner by deregistering them from the name of the Council, there were no reports to Council or to the Municipality actually, let me say to the City.

**COMMISSIONER MKHWANAZI:** No, remember, they were not yet processed to Council. He was busy with that process. I think that is why he did not, you see. But I was called ...[intervenes].

20 **ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** And asked why did you deregister in that way, because we are told ...[indistinct] he said no, but Revo Spies, or Deputy Commissioner Revo Spies raised the issues of the car and everything. And to be honest, I was starting to be aware that ...[indistinct]

character ...[indistinct] were raising about Vusi Matlala and social media and you see, then I think that is why again I did not push. I did not push. I did not want to resist, you see. Sorry ...[indistinct] no, no, it is fine, you see, because I wanted peace and stability on my side too.

**ADV BALOYI SC:** You probably were listening and you heard Dr Mashazi say that a donation like that, that you arranged and then you got Spies to do, was unlawful, because there is a policy of the City for accepting  
10 donations. You know that that, you now know that it is unlawful in fact what happened.

**COMMISSIONER MKHWANAZI:** No, I did not listen. I was having pressure for documentation ...[intervenes].

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** And everything.

**ADV BALOYI SC:** Yes, I remember that you were consulting. Let me put it to you ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Dr Mashazi said this donation was not  
20 done in accordance, this thing that is called a donation, was not done in accordance with the policy on donations and therefore it is irregular and unlawful. Do you know that it is irregular and unlawful what you did?

**COMMISSIONER MKHWANAZI:** No, I think Chris was going to tell me if, because if there was a legislature or

there was policy that does that ...[intervenes].

**ADV BALOYI SC:** So you disagree ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct]... [cross-talking].

**ADV BALOYI SC:** So you disagree with the City Manager who says the authority lies with her and if you do not do it in accordance with policy, you have acted irregularly and unlawfully, you do not agree with her?

**COMMISSIONER MKHWANAZI:** No, I do not disagree.

10 **ADV BALOYI SC:** You do not disagree?

**COMMISSIONER MKHWANAZI:** Yes, I did not know. I do not disagree. I did not know.

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

**COMMISSIONER MKHWANAZI:** Yes, I did not know.

**ADV BALOYI SC:** Ms Sello, now you can close.

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

**CHAIRPERSON:** Just one very brief point, Commissioner. At the time you were introduced to Mr Van Wyk ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** And Mr Matlala, what was your mandate in terms of your position? What fell within the purview of your functions? I pray that it is not a very long list.

**COMMISSIONER MKHWANAZI:** May you repeat the question for me ...[indistinct] [intervenes].

**CHAIRPERSON:** [Indistinct]... [cross-talking] your mandate, your mandate or what were your functions? What were your functions at the time you were introduced to Mr Van Wyk and Mr Matlala?

**COMMISSIONER MKHWANAZI:** Oh. The Director of Operations, no, no, Specialized Services.

**CHAIRPERSON:** Yes, yes, yes.

**COMMISSIONER MKHWANAZI:** Yes, Director, Operations, Operationally.

10 **CHAIRPERSON:** Yes, that is not ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct]... crime prevention, in terms of, let me say crime prevention *per se*, your crowd management and traffic law enforcement, all those things.

**CHAIRPERSON:** All right, maybe let me be direct. Did Health fall under, was health issues relating to the health of EMPD members, did that fall within your mandate?

**COMMISSIONER MKHWANAZI:** No, health did not, does not fall within the mandate of the EMPD, that is why I said  
20 let him go and present to the seniors and CSMT. It did not fall within my mandate. Let me not talk about EMPD, let me talk about my mandate. It did not fall within my mandate.

**CHAIRPERSON:** All right, thank you. Do you know then why this was brought to your attention by the members that did so? Do you know why they did not go to the people, the

relevant people?

**COMMISSIONER MKHWANAZI:** They were reporting to the ...[indistinct] division. Oh, they were reporting to my division and I usually interacted with members and everything, you see. That is why, that is how they introduced, I say no, go and see and ...[indistinct].

**CHAIRPERSON:** And can you tell me then why you went to meet Mr Van Wyk with regard to this issue? Why, once your members reported it to you, why did you not tell the  
10 relevant people that there is such and such a person who I have been told can provide this service to the Municipality? Why was it you that went to Mr Van Wyk?

**COMMISSIONER MKHWANAZI:** Commissioner ...[intervenes].

**CHAIRPERSON:** In fact, yes, is it in fact, my question actually relates to both. You are the one that goes and meets Mr Matlala. You are the one that goes and meets Mr Van Wyk.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

20 **CHAIRPERSON:** But let us just focus on Mr Van Wyk.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Why did you go there? Why did you not tell, once you are told by your members, why do you not tell the people, the people whose function it was to deal with matters of this nature so that if they saw a need they would

then be the ones that went to meet Mr Van Wyk. Why was it your business to go and meet Mr Van Wyk?

**COMMISSIONER MKHWANAZI:** Why then Commissioner?

**CHAIRPERSON:** Why was it your business to go and meet Mr Van Wyk?

**COMMISSIONER MKHWANAZI:** Yes, first of all, when the members presented it, they presented it as they did not have so much information, but they were specific in terms of, it is going to assist us in terms of operations to go to  
10 assist us when we are involved in shootings in terms of first response and what, what. It was on a perspective of ...[intervenes].

**CHAIRPERSON:** Exactly, exactly my point ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct]... [cross-talking].

**CHAIRPERSON:** Exactly my point. You then go to the relevant people ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Under whom matters of that nature fall,  
20 or under whose mandate matters of that nature fall. You go to them and you say all of what you have just described now, you say that to them. And if they see a need to then meet Mr Van Wyk, it would be up to them to do so. Why did you not simply go to those people ...[intervenes].

**COMMISSIONER MKHWANAZI:** But when ...[intervenes].

**CHAIRPERSON:** And say to them my members say this. It is a simple question.

**COMMISSIONER MKHWANAZI:** Yes, when I went to him, that is when I told him, because he clarified ...[intervenes].

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

**COMMISSIONER MKHWANAZI:** That is when I said go to ...[intervenes].

**CHAIRPERSON:** We are not at the stage when you go to him and meet him. I am saying why did you not simply go  
10 to the people whose mandate it was to deal with matters of this nature? Why did you not do that and why was it your business to go to Mr Van Wyk?

**COMMISSIONER MKHWANAZI:** No, by that time ...[intervenes].

**CHAIRPERSON:** Because it would be them, once you detail all of the things that your members detailed to you, it would be for those whose mandate this was to then consider whether it was worth their while to go meet Mr Van Wyk. Why did you not do that? Why did you not go to these  
20 relevant people?

**COMMISSIONER MKHWANAZI:** Even now, Commissioner, if I can tell, I do not even know the person who will have that mandate within ...[intervenes].

**CHAIRPERSON:** Please repeat that?

**COMMISSIONER MKHWANAZI:** Even if I can tell you now,

I do not even know the specific person who will have done that mandate within the City.

**CHAIRPERSON:** No, no, no, come on, please be serious.

**COMMISSIONER MKHWANAZI:** Because it is something that ...[intervenes].

**CHAIRPERSON:** Commissioner, Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct]... [cross-  
talking] it is something that has to do with operation tactic

10 ...[indistinct].

**CHAIRPERSON:** Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI:** It involves different ...[incomplete].

**CHAIRPERSON:** Commissioner, please, you cannot seriously say you do not know who that people are. You are within the Metro. You work for the Metro and this is a matter that relates to the health, I use health broadly, because even if you have been ...[indistinct] relates to your health. You are within the Metro, surely you would know

20 who the people that handled matters of that nature are within the Metro. You cannot seriously say that you do not know who the people are. Come on, Commissioner.

**COMMISSIONER MKHWANAZI:** Commissioner, please allow me. I have said it earlier on that it involves different departments, EMPD, it is your Human Resource, it is your

Health, but Health, the mandate, it is limited because Health is with primary health care, clinics and everything. That is why I said he must go and present where there is everyone. From that side at least you have ...[indistinct] and clarity.

**CHAIRPERSON:** Are you saying that there was not one central or focal point within the entire Metro, one focal point relating to, or that handled matters relating to health? Are you suggesting that?

10 **COMMISSIONER MKHWANAZI:** Ja, remember, it was not Health. You may ...[intervenes].

**CHAIRPERSON:** No, no, all of the three or so things that you itemize.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** I am talking about those, so let us not waste time and run circles around that issue. So I am saying are you saying that within the Metro there was not one central and senior person under whom all of these various departments fell and to whom you would have  
20 simply referred this? I am trying to understand why it would be you that goes to Mr Van Wyk.

**COMMISSIONER MKHWANAZI:** Yes, I am saying that, Commissioner, except maybe the office of the City ...[indistinct]. That is what I am saying, yes.

**CHAIRPERSON:** [Indistinct]...

**COMMISSIONER MKHWANAZI:** According to my understanding when I look at it.

**CHAIRPERSON:** I will leave it ...[intervenes].

**COMMISSIONER MKHWANAZI:** That is what I am saying, Commissioner.

**CHAIRPERSON:** I will leave it there, thank you.

**ADV SELLO SC:** Thank you, Chair. It is half past 8. I am finished with this topic and ready to start another topic. I seek the Commission's guidance. The next topic is not a  
10 long topic. We should be able to wrap it up fairly quickly in no longer than perhaps an hour, just over an hour. We have a witness scheduled for tomorrow at half past 9. In light of the lateness of the hour is it possible to request the Commission that we reconvene perhaps at half past 8 tomorrow morning to deal with that topic with Mr Mkhwanazi and in a bit to avoid a knock-on effect and delay the next witness. Yes, that is the best I can do. But ja, he is not done. Mr Mkhwanazi, Commissioner Mkhwanazi's own statement is still quite extensive and covers other areas,  
20 but this is as far as we can take it today. But I am suggesting that there is another important aspect we can deal with very quickly tomorrow morning if we say start at half past 8, then we can perhaps consider a plan or the Commission could advise about the plan of how to deal with the rest of his statement after ...[indistinct].

**CHAIRPERSON:** For now perhaps let us just adjourn  
...[intervenes].

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** Until half past 8 tomorrow.

**ADV SELLO SC:** Half past 8, Chair.

**CHAIRPERSON:** We will see when we are close to half  
past 9 what should happen. Let us adjourn.

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

**INQUIRY ADJOURNS TO 4 DECEMBER 2025**

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