

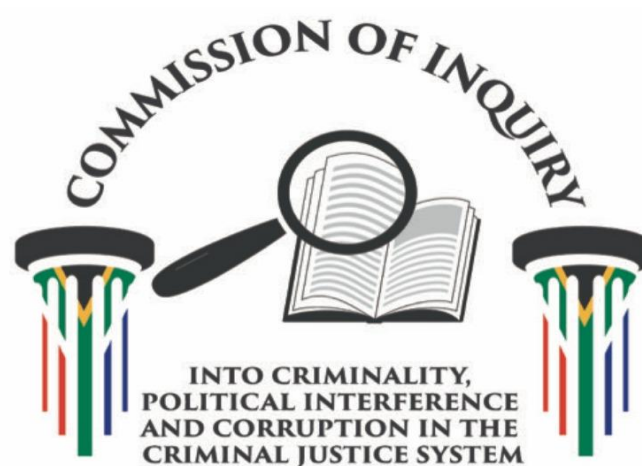
**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,  
POLITICAL INTERFERENCE AND CORRUPTION IN THE  
CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**4 DECEMBER 2025**

**DAY 44**



**PROCEEDINGS ON 4 DECEMBER 2025**

**ADV SELLO SC:** To cover them all today. So we have made an election on how best to progress his evidence appreciating that he is unlikely to finish today. We request therefore to canvass the one issue and thereafter apply that his further testimony be stood down to a date to be determined by the Commission, and as scheduled thereafter, we will then have to turn to the next witness who was scheduled to appear today. On that basis, then I am  
10 ready to proceed, unless there are questions.

**CHAIRPERSON:** Thank you, Ms Sello. Good morning, Commissioner.

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

**CHAIRPERSON:** Thank you. Please proceed, Ms Sello.

**EXAMINATION BY ADV SELLO SC (CONTINUED):** Thank you. Thank you, Chair. Good morning, Commissioner Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Morning, madam.

20 **ADV SELLO SC:** May I ask you to pull out your, no, pull out the Mapiyeye annexure file. And I trust that you have your statement file open by you, your own statement, and once you have located your statement, please turn to page 11. At page 11, I want to draw your attention to paragraph 35. From 35, you deal with the issue of the blue lights and

the registration of vehicles. You did, you were, certain questions were posed to you in this regard and you provided responses. However, I omitted to clarify one matter with you regarding specifically this issue, which the Chair has granted me opportunity to now.

Before I do so, can I check some issues with you, and I speak from a layman's perspective. All our vehicles are registered through or in the e-NATIS system, is that correct?

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

**ADV SELLO SC**: So, on my understanding, that system, and when I, my use of the word system is in the broadest possible terms, the use of that, that system in itself has inbuilt a level of guarantee that I will not wake up tomorrow and find somebody is registered as owner of my car. Is that so?

**COMMISSIONER MKHWANAZI**: It is happening, it is happening a lot. We deal with those complaints, we investigate those complaints.

20 **ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: There are people who are able to get through the system and do that. In fact, it is one of the crimes that is costing, that is, or that has made Government to be flexible in terms of changing registration plates time to time, you see.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Trying to - but it is happening every day, everywhere. That is one of the challenges that we are having within the City of Ekurhuleni.

**ADV SELLO SC:** Okay, now you make me more worried than I was earlier this morning.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But will you accept, or would I be correct to accept that it is not meant to happen that way?

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

**ADV SELLO SC:** So something is broken in the system. The system is not functioning as it was fully, as it was intended to function.

**COMMISSIONER MKHWANAZI:** Yes, and remember it is managed nationally.

**ADV SELLO SC:** Yes, no doubt.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I was just asking to understand how it works so that I can pose my question.

20 **COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** Then you just increased my worries. But nonetheless, let us now, against that background, turn to Mapiyeye annexures, annexure file, and I want you to turn to page 92, and in particular Annexure JM17 of Mapiyeye file.

**COMMISSIONER MKHWANAZI:** Page 75?

**ADV SELLO SC:** Page 92.

**COMMISSIONER MKHWANAZI:** 92.

**ADV SELLO SC:** The flag should read JM17.

**COMMISSIONER MKHWANAZI:** Oh, JM17.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Thank you. This is the letter of intention to commit on the letterhead of CAT VIP Protection and at  
10 page 93, it concludes, kind regards, Mr Vusimusi Matlala, CEO. You confirm?

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

**ADV SELLO SC:** And this is the letter that you had received from Mr Vusimusi regarding the donation of the four vehicles referred to at page 92?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** That letter is unsigned?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And that letter does not provide any  
20 detail that, on the reading of the document, would constitute proof of the fact that the cars listed in item 3, the two BMW's, the one Mercedes Benz and the one VW Golf, are indeed owned by CAT VIP Protection or Mr Vusimusi Matlala, or that Mr Vusimusi Matlala has got lawful authority over those vehicles. Do you accept that?

**COMMISSIONER MKHWANAZI:** Yes, I accept. But I was listening to him at *Ad Hoc*, he has committed and agreed that yes, I donated vehicles.

**ADV SELLO SC:** Yes.

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

**ADV SELLO SC:** Ja, I was, I just confined myself to the document as it stands.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** If I were to receive it, I would wonder  
10 whether he is able to donate the vehicles as he purports to  
at item 3, purely on the basis that this letter does not prove  
that he is the lawful owner of those vehicles. Correct?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, according to this.

**ADV SELLO SC:** Now, when we dealt with the issue, and I think Commissioner Baloyi asked you some questions on the registration of these particular vehicles into the name of the EMPD, you remember that engagement?

**COMMISSIONER MKHWANAZI:** Yes, yes.

20 **ADV SELLO SC:** And my recollection earlier, you had said that after they had been registered in the name of Ekurhuleni Metropolitan Council, or Municipality, you received a call from the City's proxy, Chris Steyn, Mr Chris Steyn, who said to you, and if I quote:

“Hey, Baba, there are problems or

complaints about these registrations.”

Correct?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** But by the time he called you, technically they had been effected, that is why there had to be a re-registration back to Mr Matlala.

**COMMISSIONER MKHWANAZI:** They have been ...[intervenes].

**ADV SELLO SC:** They had been registered as vehicles  
10 belonging to the Municipality by the time this problem  
arose, about which Mr Chris Steyn had that conversation  
with you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes, to say that it must be, that  
registration must be reversed.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes. When you received the letter of  
donation, and this is the letter you gave to Mr Chris Steyn  
together with the instruction to register based on the  
20 donation itself, correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Should the Commission understand that  
this unsigned letter of intention to commit by Mr Vusimusi  
Matlala, that does not even cite his ID number, to which  
formal documentation pertaining to these vehicles is not

attached, and there is no other proof accompanying this letter that either Mr Matlala or CAT VIP Protection Services own these vehicles, that it was possible for you to facilitate the registration of those vehicles. How did you accomplish that?

**COMMISSIONER MKHWANAZI:** Can you repeat, because you said, the Commission find, I was still waiting.

**ADV SELLO SC:** Oh, okay.

**COMMISSIONER MKHWANAZI:** Yes, yes.

10 **ADV SELLO SC:** When you facilitated the registration of the vehicles in the Municipality's name ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** All you had was this letter, the donation. No, it is not even a donation letter because it is of intention to commit. That is all you had.

**COMMISSIONER MKHWANAZI:** Yes. When I was called by Chris, the vehicles were registered.

**ADV SELLO SC:** We are before they are being registered. I am trying to understand how the registration into the  
20 Municipality's name occurred, and ask you whether are you suggesting to the Commission that this letter of intention to commit was sufficient to effect that registration?

**ADV SELLO SC:** Yes, when I went to Chris on that day, I received a face value. Yesterday, I said papers. I forgot the name face value. Face value is the paper that is having

your ID, everything, the name of the owner. It is a bluish, greyish, or greenish document. We call it face value. But I must ...[intervenes].

**ADV SELLO SC:** Sorry, we call it?

**COMMISSIONER MKHWANAZI:** A face value paper.

**ADV SELLO SC:** Face value, okay.

**COMMISSIONER MKHWANAZI:** Ja, that is one of the things that it is having a challenge to. I know that I am increasing the years and what, what.

10 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Because most of the time, they steal them and register. But I received that, which was accompanied by the ID number and everything, with the certified copy of the ID, which is having ID, our card ID's and everything, you see. But all those documents that I received, I submitted them as the original to IPID, because I even told them that I am even having – they did not ask about them.

I even said, I am having this document, original. I  
20 gave it to IPID. You can go and check, you will find them, with the ID's and everything. But I saw in your attachments that they are there, too. But all those documents about those vehicles, I took all of them to IPID with the photos of ID as they were registered, as per required process.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But I am not part of that side. But I know when you register a car, because I have been ...[indistinct] you are supposed to do that.

**ADV SELLO SC:** Now we know that the memorandum of understanding between, concluded by you, between EM – between Ekurhuleni Municipality, EMPD I think it was, and CAT VIP, that was never approved.

**ADV SELLO SC:** Yes.

**ADV SELLO SC:** So it did not exist in reality.

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

**ADV SELLO SC:** And it could not be relied upon to register the vehicles. We accept that, correct? We could not rely on that MOU to transfer the vehicles.

**COMMISSIONER MKHWANAZI:** Ja, we relied on what Chris wanted, I agree.

**ADV SELLO SC:** And the only other document we have, regarding the donation, is this JM17.

**COMMISSIONER MKHWANAZI:** Oh, this one?

**ADV SELLO SC:** Yes.

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

**ADV SELLO SC:** And we know that we did not have an agreement of donation signed by the City Manager as the policy provides.

**COMMISSIONER MKHWANAZI:** As I clarified yesterday, it was on an initiation stage. It was only beginning stage.

**ADV SELLO SC:** Sorry, sorry, your voice dropped.

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

**ADV SELLO SC:** Ja, pull them towards yourself  
...[intervenes].

**COMMISSIONER MKHWANAZI:** No, it is ...[intervenes].

**ADV SELLO SC:** More, thank you. Thank you. Please  
start.

**COMMISSIONER MKHWANAZI:** Ja, humble, I am having  
...[indistinct] I cannot push you see.

10 **ADV SELLO SC:** I know, I know the challenge. Perhaps if  
you lean over.

**COMMISSIONER MKHWANAZI:** Ja, let me try to amplify  
my voice.

**ADV SELLO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes. I am saying it was at  
the beginning stage, you see. That is why I did not even  
the question of, that is why you wanted the letter of  
commitment, because I was still dealing with registration  
and everything as I clarified yesterday. I know  
20 Commissioner Baloyi raised it many times with me, you see,  
but I am still saying it was odd at that stage, you see. That  
is why Chris wanted, to me he said, I only want this, you  
see, and I submitted this.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, so then, looking at this annexure, clearly it does, firstly it is not, it is unsigned by Mr Vusi Matlala.

**COMMISSIONER MKHWANAZI:** I agree.

**ADV SELLO SC:** And I do not, I do not think any credible institution would accept this document for any purpose. It is unsigned. What is your comment to that?

**COMMISSIONER MKHWANAZI:** Ja, let me say it was a blind eye, and because ...[indistinct] CEO, Vusi and the ID's  
10 and everything, they correspond with the name, you see. But I agree with you. Oh, you cannot hear me?

**ADV SELLO SC:** Oh yes, no, I did not want to make you repeat, so I apologize.

**COMMISSIONER MKHWANAZI:** No, no, let me repeat.

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

**COMMISSIONER MKHWANAZI:** May I?

**ADV SELLO SC:** I had missed, you say it was a?

**COMMISSIONER MKHWANAZI:** No, I am saying this, with the documents that were submitted, ID numbers and papers,  
20 but the process, I think maybe he agreed on that, to confirm that the name and the surname and the ID copy, or the certified ID copy, I think maybe it was because of that.

**ADV SELLO SC:** But this document does not speak to attachments. It does not say attached, please find certified copy of ID's. It does not say please find. You call it face

value. It does not say anything.

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

**ADV SELLO SC:** So you obtained those separately from Mr Matlala?

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

**ADV SELLO SC:** With a pure intent to facilitate the transfer of the vehicles into the Municipality's name?

**COMMISSIONER MKHWANAZI:** Not to facilitate *per se*.

10 Remember, when ...[intervenes].

**ADV SELLO SC:** It has to be – apologies.

**COMMISSIONER MKHWANAZI:** Sorry?

**ADV SELLO SC:** I was saying it has to be facilitate, because you had concluded that this document in and of itself will not accomplish that feat.

**COMMISSIONER MKHWANAZI:** Facilitate it means you are part of the other side, you are doing papers and everything, I did not do that. I submitted. I submitted.

**ADV SELLO SC:** You first obtained them from Mr Matlala.

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** In order to submit them.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So that the registration can take place.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And that's what I call facilitation. Will

you accept that?

**COMMISSIONER MKHWANAZI:** I do not want to commit myself to facilitation.

**ADV SELLO SC:** Now, in the time that you were doing all that, as you informed Commissioner Baloyi yesterday, these vehicles were still in Mr Matlala's possession.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And in his use.

**COMMISSIONER MKHWANAZI:** Yes, they were in Mr  
10 Matlala's possession. I cannot ...[indistinct] but yes, they were in Mr Matlala's possession.

**ADV SELLO SC:** Why was there a hurry to facilitate the registration if the Municipality had not even been placed in possession of the vehicles at the time?

**COMMISSIONER MKHWANAZI:** Yes, yesterday I said to the Chair that there was this excitement, this, obviously we are going to get cars, you see, and this happiness, at least I am bringing something to the City, something to the Department, since there were challenges. There was that  
20 excitement and say at least there is something positive that I am doing, you see.

**ADV SELLO SC:** Oh, so this ...[intervenes].

**COMMISSIONER MKHWANAZI:** And I ...[indistinct] said to me ...[intervenes].

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** You know, when you take decisions whilst you are in excitement, I said no, it is a lesson I learned, you see.

**ADV SELLO SC:** So, you then must, because you have not, I do not think you have produced the documents that you say facilitated the registration of these vehicles.

**COMMISSIONER MKHWANAZI:** No, I have said all the original, I submitted to IPID who are doing investigating. I gave it to them as they are.

10 **ADV SELLO SC:** So, I then must put it to you that you say you did not fit the vehicles with the blue lights.

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

**ADV SELLO SC:** That is your contention.

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

**ADV SELLO SC:** But you must accept that you facilitated that process through the registration of those vehicles in the Municipality's name, in circumstances where the Municipality did not have control over those cars. What is your comment to that?

20 **COMMISSIONER MKHWANAZI:** My comment is that the first thing, when this thing, there was noise, I said, but I did not see these vehicles. They did not ...[indistinct] officers, if they see members of public with blue lights, they are supposed to arrest that person, you see, because I did not see them, you see. No one has come to me with the real

photos of saying, please focus, 1, 2, 3, 4 are having blue lights.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** You see, I have never, I have never, and no one has ever come to me. It is just media, media and people that are raising, but physically, and them coming to me with the cars or photos, I have never, I have never, except that thing of blue lights with the wife and what, what, it is only that thing in social media. As  
10 I have said that, that is where I started, that is where I started to begin saying what is happening now. I started to be cautious, but after that, it was Mr Mzolo and Mr Chris Steyn, then I could conclude in my mind. And as I have said, that suspension, after suspension, there is nothing that came to me. It was for the first time, and I appreciated to see documents with this Commission.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** It was, in fact ...[indistinct] I started to see, ja. So that is documentation,  
20 and even the attachments that you gave it to me, I could see photos of Vusi Matlala, registration plates and, the registration and what, those that I submitted to IPID, you see. But there is, honestly, there is, you see, that is what ...[indistinct] oh, that is what pushed me to differ with my attorneys and say no, at least it is transparent, I am going

to that Commission. At least now I can have something.

**ADV SELLO SC:** You say that you are not, you say that your standpoint is any citizen, private citizen, driving a car with blue lights has to be arrested. That is your standpoint.

**COMMISSIONER MKHWANAZI:** [Indistinct]... stop him or her.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Blue lights. They must approve an appointment card and other papers, you see. It  
10 is an arrest or you impound the vehicle.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But thanks to your facilitation, that is not a risk Mr Matlala faced, because if that vehicle were stopped and checked, the records will show it as an EMPD vehicle. So he never ran that risk, and he knew that.

**COMMISSIONER MKHWANAZI:** No, you, the appointment card it must tell you that you are an officer. You want an appointment card. Remember, officers, they do not wear  
20 uniform. You stop them. Once you stop them, in fact, it is happening. I did it many times. It is happening many times, where you stop a police officer, appointed police officer, driving a private vehicle. If you want to confirm, you want the, we call it “aanstelling”, or appointment card in English, let me say so. It is an Afrikaans word, you see.

Then you confirm the appointment card he is an officer and what, what. If you are not even sure, you can, on a radio, we are able to go, we are able to connect to SAPS channel. In fact, the communication that they are using, all Metros, it is linked to SAPS. There's a channel that will confirm the appointment card. Then they will confirm to, yes, this is an officer, you see.

**ADV SELLO SC:** And the system, you are able to check in e-NATIS to see the ownership of that vehicle, can you not?

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

**ADV SELLO SC:** And you actually do.

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

**ADV SELLO SC:** And when that check returns a confirmation that it is owned by EMPD, it offers some level of protection for the occupants of that vehicle. It is an official EMPD vehicle, according to e-NATIS.

**COMMISSIONER MKHWANAZI:** Yes, they were registered.

**ADV SELLO SC:** Yes.

20 **COMMISSIONER MKHWANAZI:** Not EMPD, to the City. Or it does not say, our vehicle, they do not say, if they are not marked, you cannot confirm it is for the department. But our vehicles they are saying, the City of Ekurhuleni. They are registered with the City of Ekurhuleni by one proxy. But yes, I confirm, they were registered to the City.

**ADV SELLO SC:** They were registered and used - so you

say that even the police vehicles of the City of Ekurhuleni it can never be determined that these are under the control of the EMPD directly, used by police officers, and these are general Council, Municipal vehicles used by everybody, including me, who happens to be employed.

**COMMISSIONER MKHWANAZI:** May I clarify something to you?

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

**COMMISSIONER MKHWANAZI:** We use vehicles of the  
10 City as EMPD. For example, like, currently, 50% of the vehicles that we are using, because of challenges of vehicles, they belong to other departments. But they are not registered under those departments, Health ...[indistinct] Department, Parks and what, what, and what, what, but they are registered under the City of Ekurhuleni with one proxy. But if a vehicle is not marked, you cannot determine that it is EMPD, not EMPD. That is why we are pushing that our vehicle must be marked. But with the challenges of finances ...[indistinct] buying than marking,  
20 because marking a vehicle is very costly, because you must brand. Let me say branding. You must brand the whole vehicle. It becomes a challenge. I am saying this because currently, as an Acting Chief, I was dealing with the issue of, with the fleet, the issue of buying vehicles, you see. We pushed them to be branded, but they said, no, no, no. Once

you brand, it means that per that fleet of 40, 50, we must cancel or we must buy 35 and use the money of the other vehicles to brand. I said, no, no, no, we need vehicles. Give us tools of trade. Then in the next coming procurement or what, you will assist us by putting branding. For now, we can put stickers. That is what is marking, just put on stickers. And those stickers, I must say, at any time you can move them. But it is for, so that members of public, when you stop them, they can say, this is EMPD. As

10 I have said to you, now we can drive around Ekurhuleni, we will be stopped by a vehicle which is not even having a blue light, you see, because we do not have a tender for that as the City, you see. If it is not part of the 50 vehicles, those that are borrowed from other departments, you cannot fit them with anything. It is just to take members from, to the place of work. But the challenge that we have is that there must be another tender to put blue lights. It is a process that needs financing. It is a challenge. It is a difficult challenge, but not because it is not doable, because there

20 are no finances to do that.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** That is a challenge. You would prioritize to get tools of trade, so that officers can go and do points, go and attend complaints and what, what, then for patrolling crimes and what, what, you take those

that ...[indistinct] marked vehicles. But once you stop that person with that car, it will be saying City of Ekurhuleni to confirm that it is registered under the City. I agree on that. But the challenge is to confirm that exactly the department it has become, it is not supposed to be that, you see, but because of challenges of finances, it is like that.

**ADV SELLO SC:** Okay. My question is from your answer. I want to test if I am understanding you correctly. EMPD officials have the right to use blue lights, do they not?

10 **COMMISSIONER MKHWANAZI:** Police officers?

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, but currently - or let me explain. I will take one minute. I know Matzala does not want me to talk. Yes, humble apologies, Chair.

**CHAIRPERSON:** Madlanga, not Matzala, please, Madlanga.

**ADV SELLO SC:** [Vernacular]...

**CHAIRPERSON:** Madlanga.

20 **COMMISSIONER MKHWANAZI:** Oh, Madlanga. Humble apologies. I know that you have defended my surname many times. Humble apologies, Chair. We are having security officers that are employed under the City, or under EMPD. Let me specifically talk about department. Then we are having peace officers. Our peace officers are not like the one of the province, you see. Those that are appointed as traffic wardens, let me say traffic wardens. They do

points. They attend to school points in the morning to assist school kids. You will find them driving those vehicles, bakkies, but you give them old cars, you see, but they are still marked or they are branded per se. I do not know, because I invited the Commission to go to the City. I do not know when they go there they said, Mkhwanazi, but you said this is not happening. It is happening because of challenges. Because in a bakkie there can be five, six there, and at least they can attend five or four points. But

10 we are pushing that, there must be an officer ...[intervenes].

**ADV SELLO SC:** Commissioner Mkhwanazi, I apologise, you recall that we are talking about blue lights, not branding.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, I am going there.

**ADV SELLO SC:** And my only question was, EMPD officials, police officers, are entitled to use blue lights.

**COMMISSIONER MKHWANAZI:** Police officials, yes.

**ADV SELLO SC:** Yes.

20 **COMMISSIONER MKHWANAZI:** But I wanted to say we still have security officers and traffic wardens.

**ADV SELLO SC:** As I say, police officers, they are entitled.

**COMMISSIONER MKHWANAZI:** Yes, yes. It is ...[intervenes].

**ADV SELLO SC:** And they have exercised that right by installing blue lights.

**COMMISSIONER MKHWANAZI:** Sorry?

**ADV SELLO SC:** By installing blue lights.

**COMMISSIONER MKHWANAZI:** No, they do not instal blue lights.

**ADV SELLO SC:** Or by having blue lights installed in their vehicles.

**COMMISSIONER MKHWANAZI:** They are issued with cars  
10 that are having blue lights. They do not partake in those processes. All of us, we do not partake in those processes. We are being issued.

**ADV SELLO SC:** Issued by who?

**COMMISSIONER MKHWANAZI:** By the City and the department.

**ADV SELLO SC:** So the City is responsible for the installation of the blue lights?

**COMMISSIONER MKHWANAZI:** Yes, yes, Proxy is responsible for that, not EMPD.

20 **ADV SELLO SC:** When you say Proxy, are you suggesting ...[intervenes].

**COMMISSIONER MKHWANAZI:** Mr Chris Steyn.

**ADV SELLO SC:** Mr Chris Steyn?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Is responsible for installing blue lights in

vehicles.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So how does Mr Chris Steyn know which vehicle to fit with blue lights and which not?

**COMMISSIONER MKHWANAZI:** Remember, he is the one who is procuring vehicles. He is mastering that. He knows that I have bought, procured 40 vehicles in this financial term. Those vehicles, as I explained, in terms of the finances, budget must be like this. He deals with budgeting  
10 and everything with his team, you see, that we are going to instal 40 of them with this amount. After that time, there is nothing that is happening. I think so, but he is the one that has been doing it for years.

**ADV SELLO SC:** Mr Matlala, can I make this comment to you?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** To ...[indistinct] me in the morning for the mistake.

**COMMISSIONER MKHWANAZI:** Thank you for taking it to  
20 that level.

**ADV SELLO SC:** No, not that level. I apologise for the error.

**CHAIRPERSON:** I am sure it is not a fraudulent slip, Commissioner.

**ADV SELLO SC:** I apologise, Commissioner Mkhwanazi.

The letter is open in front of me and my eye fell on the name. I did not mean to do so. My comment to you is, in your testimony this morning, you are desperately trying to place as much distance between the vehicles of the EMPD, between yourself and the vehicles of the EMPD. That is, you are trying very hard to do that and that is why you suggest that all vehicles are registered as owned by the City only. And, of course, no association with the EMPD.

**COMMISSIONER MKHWANAZI**: No, they got association.

10 Once they are – sorry, once the vehicles are registered and bought by the City, once they are issued to the department, it becomes the responsibility of the department.

**ADV SELLO SC**: And that way they get associated with the department.

**COMMISSIONER MKHWANAZI**: Yes, once they are issued.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: Once they are issued to the department, not associated. Your wording is putting me – association and issued are two different things. Once  
20 they are issued, or once they are handed to the department.

**ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: There is handing-over ceremony where we receive all our fleet.

**ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC:** Like the four donated vehicles are issued to EMPD.

**COMMISSIONER MKHWANAZI:** No, they were not issued to EMPD. They were not issued to EMPD. I have said we did not receive those vehicles. They were not physically issued to EMPD.

**ADV SELLO SC:** But they were intended to be issued.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes, to EMPD.

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

**ADV SELLO SC:** So they would be strictly for use by EMPD.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And therefore, they would be able – no, that would assist whoever is able to, to fit in blue lights on the basis that it is for the use by EMPD. I am not saying facilitated by EMPD, but that would enable them to do so.

**COMMISSIONER MKHWANAZI:** Do not be technical.

**ADV SELLO SC:** Oh.

20 **COMMISSIONER MKHWANAZI:** You are.

**ADV SELLO SC:** I thought it is technical issues. So...

**COMMISSIONER MKHWANAZI:** Repeat that statement. I will stop you. May you please? There is where I want to stop you and I want you to change the wording. Today you want me to hang myself to the Commissioners.

**ADV SELLO SC:** Okay. I have no interest in you hanging yourself. In fact, you still have a lot of assistance to render to the Commission. So I would desperately not wish for you to hang yourself.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** What I am saying is you facilitate the transfer of the vehicles. You go out of your way to obtain the documents necessary for that effort. In circumstances where Mr Matlala, in informing you of the intention to  
10 commit through this letter, did not give you the requisite documents because you knew those vehicles would be for the use of EMPD. Now you want to dissociate yourself from that close relation between the vehicles and the EMPD by suggesting that firstly they get registered to the City, and then internally in the City they are distributed to EMPD. That is what you are trying to do.

**COMMISSIONER MKHWANAZI:** I agree with your latter, or with your two or three last words.

**ADV SELLO SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** The facilitation I contested it. Me, I approached, not I facilitated. But I do not distance myself from the relations because it is me who went to Chris. I accepted even yesterday that I went to Mike Van Wyk. I went to Chris, not to Chris, to Mr Matlala, Vusi Matlala. I agreed and accepted.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And confirmed to Commissioners that I, I, I, I did, I did, I did.

**ADV SELLO SC:** So will you then accept a proposition that to the extent that Mr Matlala was able to fit blue lights ...[intervenes].

**COMMISSIONER MKHWANAZI:** I am not sure about that ...[intervenes].

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

10 **COMMISSIONER MKHWANAZI:** I have said that I did not see them ...[intervenes].

**ADV SELLO SC:** I am starting. I have not finished the sentence.

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

**ADV SELLO SC:** And I say to the extent that he was able to do so. Okay? That became possible because you facilitated, yes, I stand by my word. You facilitated the registration of those vehicles into the City's name. Will you accept that?

20 **COMMISSIONER MKHWANAZI:** You said that can be possible. You are not saying he has done that. I agree with that can be possible.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Because even Commissioner Baloyi yesterday when he was pushing,

saying, you are not sure, and I agree to that. You see, what was the car doing? What was happening? You see there, I agree to that because I did not see the cars physically. And I am still saying, no one came to me with the exact proof of those vehicles and said, these are the vehicles. We are charging for one, two, three, four vehicles and we found this vehicle, we arrested or we stopped the person with this ID numbers, and ...[indistinct] numbers and everything. Because officers are having pocketbooks.

10 Anything that you are having a challenge with, you note. Anything that you suspect, you note. So that if, when that person wants to come with dedications, we are able to defend and say, no, but at this time, I stopped this person. It is JD Mkhwanazi with this ID number. Some with this car which is having blue lights, there is nothing like that happened ...[intervenes].

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

**COMMISSIONER MKHWANAZI:** Except media gossips and whatnot. And now this, you see, it has led to us to sit in  
20 this Commission ...[intervenes].

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

**COMMISSIONER MKHWANAZI:** Of which I am saying ...[intervenes].

**ADV SELLO SC:** May I clarify?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You remember I started my statement with the words, to the extent that Mr Matlala may have done so ...[intervenes].

**COMMISSIONER MKHWANAZI:** You said possibly.

**ADV SELLO SC:** Ja, if Mr Matlala ...[intervenes].

**ADV SELLO SC:** Now you are changing words.

**ADV SELLO SC:** I said to the extent he may have done so. It was through your facilitation, through the registration of these vehicles in the City's name. And I am not saying he  
10 did. I am saying if it is found that he did, that was made possible by your action here, of driving this registration of vehicles in the City's name in circumstances where the City was not even in possession of those vehicles. You can at least accept that.

**ADV SELLO SC:** May I say something to the Commission?

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** I, JD Mkhwanazi, I did not facilitate any process of installing, putting and branding those vehicles, installing blue lights or facilitating in terms  
20 of putting blue lights or branding those vehicles. I did not do that. What I did is to approach, so that we can have and add it to our fleet, and that I accept. And I approach Vusi, that I accept. And I have accepted maybe for two hours yesterday. Even now I still say that I do accept that. Not the one of putting blue lights, installing blue lights and

whatnot. That is not within my powers.

**ADV SELLO SC:** Thank you, Mr Matlala. Commissioner Khumalo?

**COMMISSIONER MKHWANAZI:** Mkhwanazi.

**ADV SELLO SC:** Am I back there again?

**ADV KHUMALO SC:** I think you need water too, Ms Sello.

**ADV SELLO SC:** I think so. I should learn a thing or two from Commissioner Mkhwanazi, right?

**ADV KHUMALO SC:** Commissioner Mkhwanazi, there are  
10 many files next to you. Maybe someone should just assist you. Mr Xolani Nciza's annexures. We are still on the topic.

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

**COMMISSIONER MKHWANAZI:** Okay. May I move this one?

**ADV KHUMALO SC:** Just keep it close. We will come back to it. Page 156. 156.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** So, Advocate Sello put to you that  
20 you facilitated the registration of CAT Security Services vehicles into the EMPD's name.

**CHAIRPERSON:** Commissioner Khumalo, once you use facilitate, be sure to get a no from the Commissioner. So, perhaps, sorry to interrupt you.

**ADV KHUMALO SC:** So let us not debate the use of

language. Let us just go through exactly what you did so that you can confirm that this is exactly what I did without focussing on the language used.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Are you on page 156?

**COMMISSIONER MKHWANAZI:** Commissioner, I always forgot your surname.

**ADV KHUMALO SC:** Khumalo.

**COMMISSIONER MKHWANAZI:** Sorry?

10 **ADV KHUMALO SC:** Khumalo.

**COMMISSIONER MKHWANAZI:** [Vernacular]... Thank you.

**ADV KHUMALO SC:** Are you on page 156?

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

**ADV KHUMALO SC:** Yes. You will see that on that page is a letter from Chris Steyn, Regional Fleet Controller for EMPD. Do you have that?

**COMMISSIONER MKHWANAZI:** Yes, yes, I am having it.

**ADV KHUMALO SC:** And he says:

20                    “In December 2022, Director Mkhwanazi from EMPD came to see me about a donation of vehicles to EMPD. I indicated to Director Mkhwanazi that the licencing department are closing for December holidays and that he needs to come back in January 2023.”

Is that correct?

**COMMISSIONER MKHWANAZI:** It is true, it is true.

**ADV KHUMALO SC:** And then the next paragraph he says:

10 “In January 2023, I indicated to Director Mkhwanazi that there must be a letter of donation from the donor to EMPD. In January 2023, Director Mkhwanazi brought me the documents and vehicle registration documents to me at my office in Primrose to be registered in COE as per donation. I gave the documents to my admin representative to register the vehicles as per donation to EMPD.”

Next paragraph:

“Director Mkhwanazi...”

Sorry, before we go to the next paragraph, can you confirm what I have just read is correct?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

20 **ADV KHUMALO SC:** Third paragraph:

“Director Mkhwanazi is a senior EMPD officer who approached me with a donation and did not see anything wrong and requested a formal letter of donation of the vehicles. A donation

will definitely assist EMPD as the department are currently struggling with low enforcement.”

It should be law enforcement, it says low enforcement:

“...vehicles. This is the norm as my understanding as ...[indistinct] programme and Gauteng heavy vehicle donations were donated only on a donation letter.”

10 You agree with that paragraph?

**COMMISSIONER MKHWANAZI:** 100%.

**ADV KHUMALO SC:** Yes. And then:

“In February 2023, Director Mkhwanazi contacted me to inform me that the donation is cancelled and that he will send people to collect the documents to change it back to the donor.”

Is that more or less correct?

**COMMISSIONER MKHWANAZI:** Yes, I collected them, yes.

20 **ADV KHUMALO SC:** Yes. Now ...[intervenes].

**COMMISSIONER MKHWANAZI:** No. Oh ja, I agree, I agree.

**ADV KHUMALO SC:** The documents you gave to Chris Steyn, if you go to page 157, same bundle.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV KHUMALO SC:** Remember we were in 156, you now go to the next page, page 157.

**COMMISSIONER MKHWANAZI:** This letter again.

**ADV KHUMALO SC:** Yes, so it is that letter of intent that you gave him.

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

**ADV KHUMALO SC:** But you did more than that because to prove to him that there was an MOU between Ekurhuleni and CAT, you attached that MOU that you signed on 13  
10 October 2021 as part of the documents for the registration of the vehicles. And that appears on page 159 of the bundle. So all these documents are the documents you gave to Chris Steyn.

**COMMISSIONER MKHWANAZI:** Commissioners, you see there is a challenge now. The attachment of a memorandum that we had, it is having my signature.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** This one does not have a signature.

20 **ADV KHUMALO SC:** That is not what I am asking you. I am saying you gave this to Chris Steyn. That is all I am asking you.

**COMMISSIONER MKHWANAZI:** Let me agree on what you are asking.

**ADV KHUMALO SC:** Yes, because you wanted to show

him that there is a memorandum between EMPD and CAT Services, because otherwise the letter on page 157 would not make sense. For it to make sense, you needed to give him all the documents, and one of the documents you gave him was this document that we see on page 159.

**COMMISSIONER MKHWANAZI**: What I like with this Commission is that you are very strict in terms of signature, you see. Here now I must agree where there is no signature, you see. And here, does it say I attached this?

10 It does not say so.

**ADV KHUMALO SC**: Commissioner Mkhwanazi, these are documents that come from Chris Steyn. He says this is what happened. This is the bundle.

**COMMISSIONER MKHWANAZI**: Let me read it.

**ADV KHUMALO SC**: Yes.

**COMMISSIONER MKHWANAZI**: The last two paragraphs.

**ADV KHUMALO SC**: Yes.

**COMMISSIONER MKHWANAZI**:

20 “In February 2023, Director Mkhwanazi contacted me, informed me that the donation is cancelled.”

Now I wonder why it says this attached:

“...or the donation is cancelled and he will send people to collect documents.”

To change it back, yes. It was supposed to change.

**ADV KHUMALO SC:** I see how you love avoiding questions. Remember we read paragraph 2 and paragraph two says in January 2023, Director Mkhwanazi brought me the documents and vehicle registration documents. So I am putting to you that the documents you brought to Chris Steyn included this document that we see on page 159. I am not saying it is signed. I am simply saying the documents you gave to him included the document that we see on page 159. Yes or no?

10 **COMMISSIONER MKHWANAZI:** Let me say no. This one I commit. I did.

**ADV KHUMALO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And this one, the – or later on part of the document, it was the face values. Not face value. The ID copy and the details.

**ADV KHUMALO SC:** And we are going there because I am not going to take you through all of them.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV KHUMALO SC:** From page 166 of that bundle all the way to page 275. So it was a lot of documents that you gave to Chris Steyn.

**COMMISSIONER MKHWANAZI:** No, no, no, Commissioner. No. I did not have a bundle. I cannot have access.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** It was – no,

Commissioner, it was a lot of documents. This is very thick. I did not carry this. I did not.

**ADV KHUMALO SC:** Let us just do one.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** So you would have given him page 167.

**COMMISSIONER MKHWANAZI:** No, I do not remember the documents.

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

10 **ADV KHUMALO SC:** I gave the – let me confirm to you. I gave the documents or something that has to do with vehicle. Remember, this is done by Chris. It is not done by me. This, we do not have access of this. It is him and the licencing that I have. There is no member. You get it when you register vehicles. You do not carry it with you. We do not allow that because this cause forgery. This is the cause of forgery. It is not allowed to be carried anyway.

**ADV KHUMALO SC:** Okay. Maybe just to move forward.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV KHUMALO SC:** How did they get their cars registered in EMPD's name? Because my understanding of the registration process is that you would need this document that you see on page 167.

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

**ADV KHUMALO SC:** And somebody has to complete this

form, including the previous owner.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Yes. Now, the only way Mr Matlala, and several of these are completed by Mr Matlala, he would have completed them and given them to you. Correct?

**COMMISSIONER MKHWANAZI:** Ja. No, this, I agree when you talk about this. Not the whole big, big, big bundle. This is ...[indistinct] it is not supposed to be carried by anyone.

10 **ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Maybe this is part of the evidence that they are bringing to confirm the vehicles that they were registered. On that, I agree. Yes, that they were registered. But carrying a small bundle, the letter of commitment, and these ones, I agree, I still agree on that, on these ones.

**ADV KHUMALO SC:** And then the IDs you are talking about, we do not have to look at all of them.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV KHUMALO SC:** On page 236, for example.

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

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Copies of certified ID, yes.

**ADV KHUMALO SC:** And then on 228.

**COMMISSIONER MKHWANAZI:** Sorry?

**ADV KHUMALO SC:** Let us go to 228 quickly.

**COMMISSIONER MKHWANAZI:** Two?

**ADV KHUMALO SC:** 228.

**COMMISSIONER MKHWANAZI:** 228.

**ADV KHUMALO SC:** Are you there?

**COMMISSIONER MKHWANAZI:** Yes, I am there.

**ADV KHUMALO SC:** So you can clearly see that the section that deals with the particulars of the seller, Mr  
10 Matlala has completed that section.

**COMMISSIONER MKHWANAZI:** Yes, I said yes. I agree.  
These are the documents.

**ADV KHUMALO SC:** So you would have obtained this from him?

**COMMISSIONER MKHWANAZI:** Yes, I have said so.

**ADV KHUMALO SC:** And taken them to Chris Steyn?

**COMMISSIONER MKHWANAZI:** Yes, yes. No, no, no.  
When we were there. Oh, he said I have obtained from him.  
Yes, yes, yes, yes, yes. So that Chris Steyn can start  
20 registration plates. And I agree on that ...[intervenes].

**ADV KHUMALO SC:** Commissioner Mkhwanazi  
...[intervenes].

**COMMISSIONER MKHWANAZI:** I agree on that.

**ADV KHUMALO SC:** Commissioner, I have owned a vehicle before, and I have transferred a vehicle to

somebody else before.

**COMMISSIONER MKHWANAZI:** No, I am saying on these papers, I agree on that.

**ADV KHUMALO SC:** You need these documents to facilitate the transfer.

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

**ADV KHUMALO SC:** And these documents you would have obtained from Mr Cat Matlala.

**COMMISSIONER MKHWANAZI:** Yes, I said this is so.

10 **ADV KHUMALO SC:** And you would have then given them to Chris Steyn as part of the bundle that he needed to change the ownership of the vehicles from CAT Services to EMPD.

**COMMISSIONER MKHWANAZI:** You are 100% correct.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** So, whatever language that is used, whether it is facilitation or assistance, this is what you did.

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

20 **ADV KHUMALO SC:** We do not need to fight about this.

**COMMISSIONER MKHWANAZI:** Facilitation is having prison. Commissioners, you are there. I cannot agree to leave my kids and go to jail for something that I did not do. I did not put blue lights. I must say I cannot. Nobody. I may want to be honest and impress you, but not with lies.

**CHAIRPERSON:** Nobody has said anything about jail, Commissioner.

**COMMISSIONER MKHWANAZI:** This is a Commission of Inquiry. You will be making the recommendation. I will be sitting somewhere and I will not see you with that. I will see you after 10 years or 50 years.

**ADV KHUMALO SC:** And, Commissioner, to be fair to you, I do not think anybody is suggesting that you physically got the blue lights and fitted them on Mr Matlala's vehicles. I  
10 do not think anybody is suggesting that.

**COMMISSIONER MKHWANAZI:** Commissioners, on your side, yes. But that side, it is different. Even yesterday, you assisted me when I was lost, agreeing about that letter that you submitted, the letter to Chief of Police. I was saying *eish*, I was lost, lost. Up until you said, no, man, this is 20 I said, no. But you said you did not remember. In fact, there, you were so fair to me because I was lost, lost, lost and you were able to assist me. And at night, when I ...[indistinct] I said, but they are fair. They assisted me  
20 where I was lost, lost, lost, lost, lost. Thank you for that.

**ADV KHUMALO SC:** I did not mean to interrupt because we do not have enough time.

**COMMISSIONER MKHWANAZI:** Sorry, sorry, sorry.

**ADV KHUMALO SC:** But because of the debate about facilitation, I thought it is only fair that I take you to the

documents so that you can understand what the allegation is.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** And now that I have done that and we have agreed that this is what you did, I can give the time back to Advocate Sello.

**CHAIRPERSON:** Just one very minor point arising from my colleague's questions. You said that the memorandum, let me call it the CAT VIP memorandum, would have gone out  
10 of the EMPD for approval, final approval within the metro after internal approval within the EMPD. Am I correct?

**COMMISSIONER MKHWANAZI:** Yes. That is the process.

**CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**CHAIRPERSON:** So because the only person that signed within the Metro was you, it never went out of the EMPD. It remained within the EMPD.

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

20 **CHAIRPERSON:** Yes.

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

**CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Now, you are the person within the EMPD

that interacted with Mr Chris Steyn with regard to the registration of these motor vehicles.

**COMMISSIONER MKHWANAZI**: Yes, Commissioner.

**CHAIRPERSON**: So if he had to have a copy of this memorandum, it is only natural that he would have had to come to you to obtain a copy of that memorandum, not so?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes. He was communicating with me.

**CHAIRPERSON**: Yes.

10 **COMMISSIONER MKHWANAZI**: But the attachment, he may not ...[intervenes].

**CHAIRPERSON**: No, no, no, no, no, please. So the answer is yes?

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

**CHAIRPERSON**: Yes. Now, we have these documents that Commissioner Khumalo has referred you to, and this memorandum is within that pack. Is it not only logical that, as Commissioner Khumalo was suggesting to you, you must have given that memorandum to Mr Chris Steyn? Is that not  
20 only logical?

**COMMISSIONER MKHWANAZI**: It is not, because there is a dead person now. This bundle does not come from Chris. It is coming from another person. And in my bundle, I have got two statements ...[intervenes].

**CHAIRPERSON**: And where all of a sudden would Mr Chris

Steyn have obtained this memorandum, if not from you?

**COMMISSIONER MKHWANAZI**: I am not sure that this document ...[intervenes].

**CHAIRPERSON**: I am talking about just the one, please, just the one, just the memorandum.

**COMMISSIONER MKHWANAZI**: No, he...

**CHAIRPERSON**: Where all of a sudden would he have gotten this? You accept that it was an EMPD document, and before approval within the EMPD, it remained within the  
10 EMPD. And you also accept that the only person he interacted with, with regards to the registration, was you. And now we see an EMPD document, and I am saying that in quotation marks, of course, because it was never approved. We see an EMPD document amongst the documents that Mr Chris Steyn says he got from you. So my question is, how can you suggest that he did not get it from you? It is only logical that he must have gotten it from you under these circumstances. Why is that not so?

**COMMISSIONER MKHWANAZI**: May I respond,  
20 Commissioner?

**CHAIRPERSON**: Yes, logically.

**COMMISSIONER MKHWANAZI**: Logically, yes. Logically, this is not coming from Chris Steyn. It is coming from PN10. It is coming from the bundle that says – I am also going to refer you to my bundle where I have got another

letter that comes from Mr Chris Steyn. Yes, yes.

**CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** My argument is that, you see, this does not come – the whole bundle, it is the evidence of those that are alleging me, you see. I am not sure because you said to me it must state, as she was leading the evidence, that the letter must be specific. Even yesterday, you said so many times, Commissioner, you see. But now, this letter does not say – I even got the  
10 memorandum of understanding ...[intervenes].

**CHAIRPERSON:** It does.

**COMMISSIONER MKHWANAZI:** Then it comes from a third person and a fourth person. That is my challenge.

**CHAIRPERSON:** It does, actually. Look at the last sentence.

**COMMISSIONER MKHWANAZI:**

“See the attached donation of your P  
letter.”

Yes, it does.

20 **CHAIRPERSON:** It does.

**COMMISSIONER MKHWANAZI:** No, I was still reading. Then the Commissioner said, let us go up. Because I wanted to confirm what he was saying.

**CHAIRPERSON:** So, now that you see it, you accept it ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no. If it is from Chris, I accept, yes.

**CHAIRPERSON:** Please, please, please, you accept that he got it from you.

**COMMISSIONER MKHWANAZI:** Yes, it is from Chris, I accept, because I am the one who was engaging for him.

**CHAIRPERSON:** Why is it that you only accept it when you see it in black and white? Surely, surely you must know as a matter of fact, Commissioner, that you either gave this  
10 document to Mr Chris Steyn or you did not. Surely, surely you must know.

**COMMISSIONER MKHWANAZI:** No, if I did, I will agree. I will not lie to the Commissioner. It is just that I do not trust some of the allegations that are coming from some of those bundles.

**CHAIRPERSON:** No, no, no, no. Please, please do not conflate issues.

**COMMISSIONER MKHWANAZI:** Okay.

**CHAIRPERSON:** Please do not conflate issues. There is a  
20 difference between knowing that you actually did something and not wanting to admit that you did it because you are suspicious of other people.

**COMMISSIONER MKHWANAZI:** Okay.

**CHAIRPERSON:** There is a difference between the two.

**COMMISSIONER MKHWANAZI:** Thank you.

**CHAIRPERSON**: So, now are you saying that you are denying purely because you were suspicious that other people snuck this letter in here? Is that what you were suggesting earlier?

**COMMISSIONER MKHWANAZI**: Yes, but now you are clarifying it. I get you and I agree on your latest clarification that there is a difference between the two ...[intervenes].

**CHAIRPERSON**: Can you explain why you suddenly accept  
10 that you gave this memorandum to Mr Chris Steyn?

**COMMISSIONER MKHWANAZI**: No, the letter is very clear.

**CHAIRPERSON**: So you must ...[intervenes].

**COMMISSIONER MKHWANAZI**: I trust all the documents that I gave to him.

**CHAIRPERSON**: You must be told by the letter before you accept what you actually did?

**COMMISSIONER MKHWANAZI**: No, Commissioner, this is long ago. I do not even remember. That is why I am saying  
20 you are honest to me. This Commission is showing me the documents that I did not have, that I forgot about. Now I am able to check and see. Even during the week last week when I was in time, I saw many documents that I do not remember about or some that are still new to me. You see, that is why I am saying to you, at least you are fair. I am

able to refer ...[intervenes].

**CHAIRPERSON**: So ...[intervenes].

**COMMISSIONER MKHWANAZI**: Even if I forgot, you still remind me and say, no, no, but there is this letter ...[intervenes].

**CHAIRPERSON**: The last question on this.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: So if I had not shown you this last sentence, you would leave this hearing having categorically  
10 denied that you ever gave Mr Chris Steyn this letter, this memorandum?

**COMMISSIONER MKHWANAZI**: No, even if I agreed, but deep down in my heart, I was going to say, but this is not ...[intervenes].

**CHAIRPERSON**: No, no, no, no, no. Please answer the question. My question is, if I had not shown you this last sentence of Mr Chris Steyn's letter, you would have left this hearing having categorically denied that you ever gave Mr Chris Steyn this memorandum?

20 **COMMISSIONER MKHWANAZI**: Commissioner, I was going to ask you again, can you assist me by confirming, because you are independent. I was going to say that, like yesterday ...[intervenes]

**CHAIRPERSON**: That is not answering my question, please answer my question.

**COMMISSIONER MKHWANAZI:** Let me say yes, let me say, because I was doing that, yes.

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

**ADV BALOYI SC:** Commissioner, maybe let me start on a, it is still on this topic.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Yesterday you remember with the Chair and with Ms Sello, you looked at the Spies annexures, if you could just pull that bundle, so that you have the same  
10 page that I have, and then page 4 of that bundle.

**COMMISSIONER MKHWANAZI:** Let us see. I am confusing these papers. Can you assist me?

**ADV BALOYI SC:** Page 4, it should be RS2(II). You remember that document, you were discussing it with Adv Sello and the chairperson, it is that list, the list of cars, you remember, and you said you do not know the registration numbers.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Now, you still have the Nciza bundle  
20 now, the one that you were discussing with Commissioner Khumalo. Is it still open on your desk? Is that the one? Okay, turn to page 189. So, I need you to have this page open in front of you and then page 189 of Mr Nciza's bundle.

**COMMISSIONER MKHWANAZI:** Sorry.

**ADV BALOYI SC:** So, we should have this open, this is page four of Commissioner Spies's annexures.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** You should have that.

**COMMISSIONER MKHWANAZI:** And what?

**ADV BALOYI SC:** And then the Nciza bundle of annexures that you were discussing with Commissioner Khumalo.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Go to page 189. Are we there?

10 **COMMISSIONER MKHWANAZI:** Yes, 189, yes.

**ADV BALOYI SC:** Yes, you can see that document is a motor vehicle licence and licence disc document, do you see that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, it is familiar, it is a familiar document to you, comes from the Licencing Department, do you see that?

**COMMISSIONER MKHWANAZI:** This one, Commissioner?

**ADV BALOYI SC:** Yes. It should be, at 189?

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** The big 189. Now, look at the registration number of that vehicle, it is DL and then I will not say the rest of the numbers. The vehicle is a BMW 3 series can you see that?

**COMMISSIONER MKHWANAZI:** Yes, it is a BMW 3 series.

**ADV BALOYI SC:** On that licencing document, okay?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Compare that with, on this page, the very first vehicle, can you see it is the same registration number?

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

**ADV BALOYI SC:** And that document at the top, this one here, the licencing one, this one that you are holding, yes, that one?

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

**ADV BALOYI SC:** It says JD Mkhwanazi, where it says EMM Fleet, it has the name JD Mkhwanazi and it has a cell number, you see that?

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

**ADV BALOYI SC:** Okay, so we can agree that the vehicle number one on this memorandum that has a signature is the same one?

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

20 **ADV BALOYI SC:** Okay, and it has your name. And then, if you then do the same, go to page 218 of that big bundle.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** 218.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** You remember, maybe let me remind

you also that you remember yesterday when you were looking at this document with Ms Sello, you said there was a Mercedes Kombi, you accepted that in those cars there was a Mercedes Kombi.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Now, if you look at, on this document, vehicle number two, you see that?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

10 **ADV BALOYI SC:** It starts registration number JP on that list.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay, now go to Nciza 218, that licence department. It is a Mercedes-Benz V-Class, the vehicle.

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

**ADV BALOYI SC:** 218.

**COMMISSIONER MKHWANAZI:** Yes, sorry for a minute.

**ADV BALOYI SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** I tend to lose this document. No, no, I am sorry. I do not want to lose it because I missed it. Thank you. Yes, I am copying thank you.

**ADV BALOYI SC:** Okay, so, you see vehicle number two on your memorandum, on this colourful memorandum, is the vehicle at page 218, Mercedes-Benz V-Class, and its

registration number starts JP.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay, and that document from the licencing department has your name at the top. EMM Fleet, JD Mkhwanazi, and it has what looks like a cell number. You see that?

**COMMISSIONER MKHWANAZI:** And it is my handwriting. I confirm again.

**ADV BALOYI SC:** Okay, so, at least we know two vehicles  
10 on this list, on that memorandum, are the vehicles that were registered by Mr Steyn.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** And these are the vehicles that are also in this letter of confirmation that was written to somebody. We know it is that.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay, and then maybe lastly, I think there is more, but I think the point will have been made. If you go to Nciza page 247, Nciza 247.

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

**ADV BALOYI SC:** And then in that list of vehicles, go to vehicle number five. It is a BMW. Vehicle number five, it starts BZ.

**COMMISSIONER MKHWANAZI:** BZ-99CK, yes.

**ADV BALOYI SC:** Yes, I was hoping you did not mention

the number.

**COMMISSIONER MKHWANAZI:** Humble apologies.

**ADV BALOYI SC:** It is okay.

**COMMISSIONER MKHWANAZI:** Humble apologies.

**ADV BALOYI SC:** It is all right. Anyway, they were registered in the name of the municipality, so their public property, actually. So, we are entitled to mention them. So, you've got that in that colourful list. And then at 247, we have a licence, Motor Vehicle Licence Disc Certificate.

10 **ADV BALOYI SC:** And then you confirm at 247, you confirm the registration number is BZ.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay, and the motor vehicle is BMW 3 Series.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay, and then at the top, again, it has your name and a cell phone number. And you say that is your handwriting.

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

20 **ADV BALOYI SC:** So, we know that, now we know from this, that at least some of the vehicles in this list are the vehicles that you asked Mr Steyn to register.

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

**ADV BALOYI SC:** And this list, what I call the list, it says

to somebody, this document here, it says to somebody just for completeness, it says in the first paragraph, this letter says:

“To confirm that the EMPD, under the command of Acting Deputy Municipal Police Commissioner Brigadier JD Mukwanazi of Specialised Services, has an endless working relationship and memorandum with CAT VIP.”

10 So, you accept this is your letter. You must accept, because these vehicles that I have read for you are here with registration numbers, and they are on the licence certificates, which has your name, and you say it is your registration, it is your handwriting.

**COMMISSIONER MKHWANAZI:** That is, yes. In this document, yes. Hundred percent, yes, Commissioner.

**ADV BALOYI SC:** All right, thank you. You can put Nciza away. But still related to the same topic.

**COMMISSIONER MKHWANAZI:** Still the Nciza file?

20 **ADV BALOYI SC:** You can put away Nciza now. Still on this same ...[intervenes]

**COMMISSIONER MKHWANAZI:** The same document, right?

**ADV BALOYI SC:** No, the same topic. The same related topic. You said earlier, when you were explaining to Ms

Sello how things work with registration, with vehicles, you said Mr Steyn, as the proxy, is the one who is going to register Is he the one that deals with the registration? Do you want me to repeat myself?

**COMMISSIONER MKHWANAZI**: No, no.

**ADV BALOYI SC**: You heard me?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: You were explaining to Ms Sello how it works.

10 **COMMISSIONER MKHWANAZI**: Yes, Commissioner.

**ADV BALOYI SC**: That the proxy, Mr Steyn, he is the one that deals with registration of vehicles. He is the one that hands out vehicles to officers, and by the time he hands them out, they already have blue lights. He sorts that out. I think that is what you said.

**COMMISSIONER MKHWANAZI**: Yes, Commissioner. Let me Blue lights and branding, if there is a branding, yes. I agree with you hundred percent.

**ADV BALOYI SC**: Okay. So, when you ask him to register  
20 a vehicle, and it is an EMPD, it is going to be an EMPD vehicle, and the donation letter, remember the donation letter, you do not have to go to it, I will read it, and the donation letter says:

“That the vehicles will enhance the  
EMPD's efforts in crime prevention and

community safety, and to assist in VIP protection training, tactical and training enhancement.”

When you give him that letter, and then you say, go register these vehicles, as the person who is also responsible for making sure that EMPD vehicles have got blue lights, right? You said he is responsible for that, okay?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** He would therefore – can we accept that  
10 he would have been the one that arranges for blue lights for these cars that are being donated?

**COMMISSIONER MKHWANAZI:** I lost you. You said he could be the one that?

**ADV BALOYI SC:** That arranges the blue lights, because he is the person responsible for that. He would be the one responsible to make sure that these vehicles that are now EMPD vehicles have blue lights.

**COMMISSIONER MKHWANAZI:** Yes, that would be hundred percent correct, yes.

20 **ADV BALOYI SC:** Okay, all right, so, we will hear from him. We should ask him about these blue lights on these vehicles.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner, on my bundle, there is an attachment from Chris Steyn. When he was visited by Mr Mkhwanazi's officers. Can you go to the

bundle?

**ADV BALOYI SC:** Which bundle?

**COMMISSIONER MKHWANAZI:** There is a letter. Which bundle? It is JD ...[intervenes]

**ADV BALOYI SC:** Your bundle.

**COMMISSIONER MKHWANAZI:** I do not know how to do it. Your bundle. It is Brigadier Mkhwanazi's file one. This thick one.

**ADV BALOYI SC:** Okay, page number?

10 **COMMISSIONER MKHWANAZI:** I have not checked which page where Chris Steyn ...[intervenes]

**ADV SELLO SC:** Chris Steyn, there is an index at the front of the file. Just check.

**ADV BALOYI SC:** The index, Ms Sello, does not describe the document. Does not describe.

**ADV SELLO SC:** Okay, we will locate it for you in a second. It is very important.

**CHAIRPERSON:** Sorry, Commissioner. Commissioner, can you please describe the letter you are referring to?

20 **COMMISSIONER MKHWANAZI:** Mr Chris Steyn confirms that after the testimony of General Mkhwanazi. But he does not say so. I am not sure if it is a Hawks or what, what but we had the registration of them. They went to him. They wanted to confirm that did he put any blue lights? Did he put any branding as per the allegation. Then when he

responds – can you keep on checking so that they can have it?

When he responds, he says that when we accepted the donation, we definitely saw that – where he said we do not have money. And in order for us to put blue lights and branding, it is supposed to be a council item that motivates that the city must put blue lights and branding. But it must be done in terms of the finance department. They must allocate budget for that. And in that letter, he confirms that  
10 there was no budget for that. That was not done. He did not do that.

**ADV BALOYI SC:** Then, Commissioner, you do not have to look for that letter. If you say there is a letter like that where he does say that he could not put in blue lights because there was no budget, is that what you are saying about it?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** No, that is fine. Then that answers me. And then lastly from me, yesterday, in your last discussion  
20 with the Chairperson, he asked you a question about when you – the Medicare. We are talking about Medicare 24 now. I have now shifted. And that discussion with the Chair. And he asked you, you are not involved with health. Why do you – why are you the one that goes to – that deals with this? You remember that discussion?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** I understood you accepted – in fact, I think in your evidence you said, yes, you do not have the power to deal with health.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI SC:** I think you were asked who and you said it would be somewhere in the city managers. Maybe the city manager. You said maybe the city manager. You said that.

10 **COMMISSIONER MKHWANAZI:** Yes, maybe. No, I – the Commissioner wanted the specific person. I said, it is a multi-department, it is different departments. There cannot be one person who does that. That is why I was lost. Good word, good. But I said, but the central person who can manage all this person. Maybe someone from city or someone that is delegated by the city manager.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV BALOYI SC:** Now, your testimony yesterday about how you came to deal with Medicare, right? And your past relationship. You said there was a relationship already. Your officers were going to their clinic during COVID. You remember that evidence?

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

**ADV BALOYI SC:** No, I want to talk about the COVID one. Did you make – are you the one that made the arrangement for Medicare to assist your officers with COVID testing and things related to that?

**COMMISSIONER MKHWANAZI:** It was after COVID. Yes, I did not say it was after COVID. Yes, yes, yes.

**ADV BALOYI SC:** So, you are the one that did that?

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

10 **ADV BALOYI SC:** Okay, so, when you entered into the memorandum, that was not the first time then that you had any dealings with Medicare. Because in the sequence of events, the way you related it yesterday, in the timeline, you said, my officers used to go to Medicare clinic. I heard about Medicare from my officers. And then I then went and spoke to Mike. Correct me if I am wrong in my recollection of your evidence.

**COMMISSIONER MKHWANAZI:** It was for the first time for me after to go to Mike. In fact, they assisted us during that  
20 time for the first time. Then the second time, it was cadet. Or they photocopied these two.

**ADV BALOYI SC:** No, no, no.

**COMMISSIONER MKHWANAZI:** But it was for the first time after they informed me. I was not aware. I did not know up until they approached, up until I went there. That one, I

accept. But before that, I never had any - I did not know he did not know me.

**ADV BALOYI SC:** No, let me be clear what you are saying. I am not talking about the cadet thing. So do not worry about that.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV BALOYI SC:** I am not concerned about that. We have a memorandum which says they will assist in drawing blood in drug busts and when your officers are injured on duty.

10 That is the memorandum, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Now, yesterday, I understood you to say that was the first time you dealt with Medicare. Is that correct?

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

**ADV BALOYI SC:** But we also know from your evidence that before this memorandum, someone – let me put it differently. Before this memorandum, your officers were  
20 already attending at the clinic of Medicare for COVID testing.

**COMMISSIONER MKHWANAZI:** No, no, no, Commissioner. It is wrong. It is wrong. I do not know what the relations was, you see, but they were not attending.

**ADV BALOYI SC:** No, but you said ...[intervenes]

**COMMISSIONER MKHWANAZI:** No, I have said after -  
thanks for allowing me. I said after communicating with  
Mike, you see, that is when we started to it was after he  
presented, I said after the COVID, that is when he started  
to raise the issue of testing and everything. That is how it  
started. But it was for the first time, and it was starting  
after I met with him. Before that, I do not know what the  
relations was about.

**ADV BALOYI SC:** Are you the one that introduced Mike to  
10 the city?

**COMMISSIONER MKHWANAZI:** Not to officers, to the city,  
yes. To the senior management, yes. Yes, I agree on that,  
Commissioner.

**ADV BALOYI SC:** You are the one that started the  
relationship. Before you, before you started, before you  
spoke to Mike, are you saying the city did not, the city or  
the EMPD, both of them, did not have any relationship  
whatsoever, any working relationship with Medicare?

**COMMISSIONER MKHWANAZI:** Commissioner, you are  
20 changing it.

**ADV BALOYI SC:** No, I am not. Let me explain myself. I  
am not trying to trick you. I really just want to understand  
what your evidence is, because it is important. So, if I am  
not capturing it correctly, please correct me. Tell me now  
this is what it is.

**COMMISSIONER MKHWANAZI**: Yes, my relationship, it started after the officer said, there is this person who wants to assist EMPD. Then I went there, yes. It started the day I first met him. He told me what he was going to do, what he is suggesting to do. Then after that, I said, go to, please go and present it to senior management, so that they will understand.

Not even EMPD, senior than EMPD. After I spoke to my deputy, my deputy chief of police, he advised me, no, no, no, the best way is to take it to that level. That is when it started. Then after that, after he came back, that is when the process of officers, not even officers per se, EMPD, because even seniors, they went there. You see that process started.

**ADV BALOYI SC**: So, before the MOU, no one in the city was using Medicare clinic?

**COMMISSIONER MKHWANAZI**: Maybe they used private, so. Yes, not for EMPD, no, no, no.

**ADV BALOYI SC**: Okay, all right, thank you. Thank you.

20 **ADV SELLO SC**: Yes, Mr Chair, of course.

**CHAIRPERSON**: May I very ...[intervenes]

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

**CHAIRPERSON**: Hopefully briefly, depending on the answers that I get. Commissioner, now that you have finally admitted that you gave the memorandum of

agreement to Mr Chris Steyn, would you agree that you would have given it to him only if you were of the view that there was in existence a memorandum of agreement between the Metro and CAT VIP protection? Do you agree?

**COMMISSIONER MKHWANAZI**: May I please repeat? That is why I say only if.

**CHAIRPERSON**: Now that you have finally agreed that you did give Mr Chris Steyn the memorandum of agreement, do you accept that you would have done so only if you were of  
10 the view that there was indeed a memorandum of agreement between the Metro and CAT VIP protection? Do you understand me now?

**COMMISSIONER MKHWANAZI**: You are too diplomatic. Commissioner, let me agree that I took it to Chris because there was this process. I am not talking about a process.

**CHAIRPERSON**: I am talking about your understanding or belief that there was in existence a memorandum of agreement between the Metro and CAT VIP protection. So, I am saying it would have made sense for you to give the  
20 memorandum to Mr Chris Steyn if you believed that there was indeed such an agreement.

**COMMISSIONER MKHWANAZI**: If I believed, yes, now I get you.

**CHAIRPERSON**: So, you believed that there was.

**COMMISSIONER MKHWANAZI**: I know that there was a

process.

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

**COMMISSIONER MKHWANAZI**: I was very positive that they were going to sign, but ...[intervenes]

**CHAIRPERSON**: Commissioner, you said, oh, yes. I took that to mean that you were agreeing that in your mind you were of the view that there was in existence a memorandum of agreement. Is that correct?

**COMMISSIONER MKHWANAZI**: Let me say yes.

10 **CHAIRPERSON**: Thank you. It is only logical because if there was no memorandum of agreement and you too believed that there was no such agreement, you would not have given this to Mr Chris Steyn. It just would not have made sense for you to give it to him. You have already agreed. I am just making a note.

**COMMISSIONER MKHWANAZI**: Now I get you.

**CHAIRPERSON**: I am not inviting a response. Now, going to again the letter of intention to commit where you of the view that its content was correct. The letter of intent.

20 Surely you read it.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: And you were happy with its content.

**COMMISSIONER MKHWANAZI**: Yes, at the time but at the time ...[intervenes]

**CHAIRPERSON**: Yes, now that too in paragraph two, Mr

Matlala says that there is a signed memorandum of agreement with Ekurhuleni. So that too is another document that indicates that in your mind you were of the view that there was in existence a memorandum of agreement between the Metro and CAT VIP. It is only logical. After the earlier agreement and your earlier agreement. This agreement must just flow as a matter of course. You agree.

**COMMISSIONER MKHWANAZI:** Yes.

10 **CHAIRPERSON:** Now, I will take you to the document on which you gave me a hard time. That is in the Spies annexure.

**COMMISSIONER MKHWANAZI:** Yes, I remember that.

**CHAIRPERSON:** RS2(II). In that one, you deny, in fact you said it is a forgery, it is not your document.

**COMMISSIONER MKHWANAZI:** And I even said ...[intervenes]

**CHAIRPERSON:** And can I tell you what my suspicion is with regards to your denial or your allegation that it is a  
20 forgery. I think that you are denying it because it says, you said there was in existence a memorandum of agreement. Is that not the main reason for you to disagree?

**COMMISSIONER MKHWANAZI:** Which document that I have said?

**CHAIRPERSON:** RS22 of Spies. That is the document

yesterday that you said is a forgery.

**COMMISSIONER MKHWANAZI**: Now, Commissioner, if I said that, I was not going to deny. As I have said that and as I have said that it is me who went to them.

**CHAIRPERSON**: Remember in your testimony, several times when Ms Sello was questioning you, you said several times with regard to Medicare 24, with regard to CAT VIP protection, no, no, no, no memorandum of agreement ever came into existence because I was the only one that signed  
10 within the Metro.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: So, you knew that you would be in serious difficulties if you were to admit that you penned this document because it says in it that there was a memorandum of agreement and it purports to have been written by you. If after the questioning by Ms Sello and what you had said with regard to the existence or otherwise of a memorandum of agreement and you now suddenly agree that yes, yes, yes I wrote this letter, yes, in this letter  
20 I say there was a memorandum of you would have been in trouble, immediate trouble. So, it makes sense that you would have denied that you ever wrote this letter. Do you agree?

**COMMISSIONER MKHWANAZI**: No, I do not agree. Remember you asked me many times yesterday, you see,

about I lost it now. There is something that I wanted to say, but it was you who was asking. In fact, you were not fighting me, you see. You were trying to get through something else.

**CHAIRPERSON**: Yes, let me hear you ...[intervenes]

**COMMISSIONER MKHWANAZI**: Yes, you were trying to get through then something. I said no, can you verify if at all in the documents it is me, I will accept because I made the relations with the two companies. It is me who made  
10 the relations. I agree on that.

**CHAIRPERSON**: Let me just say, let me just make this observation. You may comment if you want to. I understand why you deny that you wrote this letter. It is because it would be your admission of having written this letter would be at odds with what you had said earlier when Ms Sello took you through the memorandum. So, I understand your denial. I am not saying it is acceptable, but I understand why you deny it. Do you want to comment?

20 **COMMISSIONER MKHWANAZI**: No, I do not have a comment on that.

**CHAIRPERSON**: Now, having said that you gave Mr Chris Steyn the quote unquote memorandum of agreement and having said that you had no problem with the content of the letter of intention to commit insofar as it relates to the

existence of a memorandum of agreement I suggest to you that it would not have been odd at all for you to write in this letter of the 16<sup>th</sup> of October that to whom it may concern later to write in there that there was in existence a memorandum of agreement with Cat Matlala with CAT VIP protection. It would not have been odd at all that three connect together. Your comment?

**COMMISSIONER MKHWANAZI**: No, I do not have a comment. I am leaving it right now.

10 **CHAIRPERSON**: Thank you.

**ADV BALOYI SC**: Sorry, Ms Sello, before, before you take, you take this ...[indistinct] I just want to put something to you.

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

**ADV BALOYI SC**: I just want to put something to Commissioner, ag, in the light of our discussion. I asked you in this last discussion whether you are the one that introduced Medicare to the City and you said yes. I want to read you my note of yesterday ...[intervenues].

20 **COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: What you said about it. You said our members, you said you were looking, you were talking to your members about VIP protection and then you said:

“Our members from Community Liaison Unit said they were working with

Medicare.”

That is my note of your evidence yesterday that you heard about it from your members and it is your members from the Liaison Unit, from the ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, you are ...[intervenes].

**ADV BALOYI SC:** From the Community Liaison ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, from SWAT, the CAT  
10 it is not ...[indistinct], the CAT is your SWAT tactical.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Even yesterday you wanted clarity on that. I clarified. We even talked about intervention and ...[intervenes].

**ADV BALOYI SC:** Ja, no, no ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct]... [cross-  
talking] but it is my members, yes. But from ...[intervenes].

**ADV BALOYI SC:** [Indistinct]... [cross-talking] from the community.

20 **COMMISSIONER MKHWANAZI:** Intervention – no, Intervention Unit.

**ADV BALOYI SC:** No.

**COMMISSIONER MKHWANAZI:** No, we can clarify it, please, Commissioner.

**ADV BALOYI SC:** No, I do not want you to repeat, to

repeat. I am reading you my note. I am reading you my note and then I am going to hand you over to Ms Sello. I am just saying to you here is what I recorded as your evidence yesterday. You are free to tell me, if you are telling me I was wrong, that is fine, you do not have to explain it. We can leave it at that. So I am reading for you, you said yesterday:

10                   “Our members from Community Liaison Unit said they were working with Medicare. They told me about Medicare and said they were working with Medicare.”

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Right?

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

**ADV BALOYI SC:** So your members told you they were working with Medicare.

**COMMISSIONER MKHWANAZI:** Yes.

20                   **ADV BALOYI SC:** Yes, so you are not the one that introduced Medicare to the City. It must mean that. If you heard about Medicare from the Community Liaising members, and they said to you, we are working with Medicare<sup>24</sup>, it means you did not introduce Medicare to the City.

**COMMISSIONER MKHWANAZI:** But I am the one who said

you must go to ...[incomplete].

**ADV BALOYI SC:** To where?

**COMMISSIONER MKHWANAZI:** To the senior management.

**ADV BALOYI SC:** Yes. No, where Mike made a presentation?

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

**ADV BALOYI SC:** No, that is fine. That is fine. That evidence I understand. What I am putting to you is,  
10 according to your evidence yesterday, Medicare was already working with members of your Community Liaison Unit.

**COMMISSIONER MKHWANAZI:** Yes, yes ...[indistinct].

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

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

**ADV BALOYI SC:** And if Community Liaison Unit was already working with Medicare at that point, somebody else entered into that arrangement on behalf of the City or Community Liaison Unit. It is not you, it is somebody else,  
20 right? You do not know who.

**COMMISSIONER MKHWANAZI:** Yes, yes, let me say so.

**ADV BALOYI SC:** Okay. Now, we heard from Commissioner Mapiyeye, but you, from Chief Mapiyeye, but also you repeated it yesterday that the Municipal Manager is the person, or the City Manager is the person who has

the authority to enter into contracts, memorandum of understanding on behalf of the City. You remember that evidence?

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

**ADV BALOYI SC:** And it is correct to say that, right?

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

**ADV BALOYI SC:** So if there was a contract, a lawful and valid contract, if it was done lawfully, if there is a contract between Medicare, or an agreement with Medicare to  
10 provide services to the Community Liaison Unit, if it was done lawfully, it would have been entered into by the City Manager.

**COMMISSIONER MKHWANAZI:** Commissioner, can I, I do not want to take a wrong direction in you. There are memorandum of agreements that you sign as a department. I am saying so, I am going to give an example, and you can go and check. But we liaise with Legal and Corporate. As I have said that we develop a memorandum of agreement within the department. You take it for comments. There  
20 are five or six memorandum of agreement as I signed now as an Acting HOD, but it was a conversation between Legal and Corporate. But maybe they may be delegated, but we did not communicate with them.

**ADV BALOYI SC:** Ja, you ...[intervenes].

**COMMISSIONER MKHWANAZI:** And it was ...[intervenes].

**ADV BALOYI SC:** You do not know anything about this.

**COMMISSIONER MKHWANAZI:** Ja, yes, yes, but I was given ...[intervenes].

**ADV BALOYI SC:** I am not saying you did anything. What I am putting to you, and let me say that Dr Mashazi, when she was testifying, she also said she is the one with the authority to enter into City ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Into contract.

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

**ADV BALOYI SC:** Chief Mapiyeye said the same thing. You have confirmed that yesterday that the authority lies with the City Manager, right? Why are you hesitating?

**COMMISSIONER MKHWANAZI:** There is an attachment that I will attach today. There is a document that I discovered yesterday at night where he signed on behalf of the department with - you see.

**ADV BALOYI SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** But as you said, I think I must agree, because I do not know what has happened before and, before it came there.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** And I do not know the communication between him and the City Manager. I agree. I agree.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** I cannot talk on behalf of ...[intervenes].

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** I agree.

**ADV BALOYI SC:** But it is possible.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** I guess what I am putting is now that we know where the authority lies, it lies with the City Manager.

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

**ADV BALOYI SC:** And we know now from your evidence that your Community Liaison people were using Medicare before you started talking to Mike, right? They are the ones that told you about Medicare.

**COMMISSIONER MKHWANAZI:** Commissioner, can I take that blame? Can I take that ownership, because I do not know what was the relations, you see.

**ADV BALOYI SC:** No, I ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** But the one that introduced, can I take that, because I do not want to shift the blame to other people, you see. Can I take it? I am the one who took, I said, Mike, go and present to the senior authority, maybe they may have other, maybe it was a consultation, they spoke or what, what. Maybe it may be those relations.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** But these ones may I take ownership. I do not want in this Commission, because I see you want to distance from what I did, you see.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** I want to be honest in this Commission. The one that we are talking about, I am the one who did it, not them, yes.

**ADV BALOYI SC:** So were you not being truthful yesterday  
10 when you said, from what you're saying now, were you not being truthful yesterday when you said our members from Community Liaison said they were working with Medicare, because that is what you said yesterday?

**COMMISSIONER MKHWANAZI:** Yes, I am truthful, Commissioner.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** But I am saying this one of taking it to that level, it is me, you see. It is not them, it is me.

20 **ADV BALOYI SC:** No, I am not saying they did anything wrong.

**COMMISSIONER MKHWANAZI:** Oh, I get you, Commissioner.

**ADV BALOYI SC:** And I am not saying you did anything wrong either.

**COMMISSIONER MKHWANAZI:** Okay.

**ADV BALOYI SC:** I am not saying anyone did wrong.

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

Commissioner.

**ADV BALOYI SC:** I am just putting things so that they make sense.

**COMMISSIONER MKHWANAZI:** Oh, okay.

**ADV BALOYI SC:** Putting things together. The one is the authority to contract lies with the City Manager.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** We are all agreed on that, right?

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

**ADV BALOYI SC:** Two, your evidence is that your Community Liaison people told you they were already using Medicare, right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** When they told you, go talk to Mike, right?

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

**ADV BALOYI SC:** They told you that they are working with Medicare.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** All I am putting to you is if there is a lawful agreement that allowed the Community Liaison

people to use Medicare, if it is lawful, it would have been concluded by the City Manager or someone that she delegated. You accept that as a proposition?

**COMMISSIONER MKHWANAZI:** I get ...[indistinct] yes, yes.

**ADV BALOYI SC:** All right, thank you. That is all I wanted to establish. Thank you very much. Ms Sello?

**COMMISSIONER MKHWANAZI:** You know, when you are a leader, you must take, when you are a leader, you must  
10 take responsibility for the decisions that you have taken, you see. I do not want to shift the blame and say ...[indistinct] no, no. But I understand what you said, correctly, 100%.

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

**CHAIRPERSON:** Just one last thing, at least on this aspect.

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

**CHAIRPERSON:** Ms Sello and Commissioner. When I  
20 engaged you this last time, I said you believed that there was in existence a memorandum and then I took you all the way through and when I engaged you this last time, you, in fact, my question suggested that you believed that there was in existence a memorandum of agreement. I want to temper that language, because you know for a fact that there was no memorandum of agreement in existence, not

so?

**COMMISSIONER MKHWANAZI:** There was a process that I started.

**CHAIRPERSON:** No, no, no, please answer, otherwise you will take forever. There was no memorandum of agreement and you knew it, correct?

**COMMISSIONER MKHWANAZI:** Correct ...[indistinct] Madlanga.

**CHAIRPERSON:** And you knew that from the very first  
10 time, you were the only signatory to that document, the intended memorandum of agreement.

**COMMISSIONER MKHWANAZI:** For the CAT?

**CHAIRPERSON:** Ja, CAT ...[indistinct].

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

**CHAIRPERSON:** Yes.

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

**CHAIRPERSON:** Yes. So when you gave this memorandum  
to Mr Chris Steyn it was more a case of you making out as  
though there was in existence a memorandum of agreement,  
20 correct?

**COMMISSIONER MKHWANAZI:** No, it is not correct  
...[indistinct] Madlanga. You know, when you look at this  
document, there are two different documents. The other  
one it is having my only signature.

**CHAIRPERSON:** But is the content different?

**COMMISSIONER MKHWANAZI:** No, it is not the same.  
The other one it is ...[intervenes].

**CHAIRPERSON:** Is the content different?

**COMMISSIONER MKHWANAZI:** Yes, can you go to both documents? The other one is having, and you even raise it, my signature and Vusi Matlala and ...[intervenes].

**CHAIRPERSON:** It is only, only his name, but not his signature.

**COMMISSIONER MKHWANAZI:** Yes.

10 **CHAIRPERSON:** But is the content different?

**COMMISSIONER MKHWANAZI:** No, I wanted to say that ...[intervenes].

**CHAIRPERSON:** Sorry, sorry, sorry.

**COMMISSIONER MKHWANAZI:** The content is not the same.

**CHAIRPERSON:** The contract, or the content differs.

**COMMISSIONER MKHWANAZI:** Yes. Yes, the other one it is having three ...[intervenes].

**CHAIRPERSON:** It does not matter. None of that matters,  
20 Mr, Commissioner. Commissioner, none of that matters.  
You have admitted that you gave that document to Mr Chris Steyn. That is what matters.

**COMMISSIONER MKHWANAZI:** Oh ja.

**CHAIRPERSON:** And that document purports that there is in existence a memorandum of agreement between Mr, I am

sorry, between CAT VIP Protection and the Metro. That is what matters. And you have agreed that you gave that document to Mr Chris Steyn. So let us not go back there.

**COMMISSIONER MKHWANAZI**: Okay.

**CHAIRPERSON**: Now, my question is, you, having given that document to Mr Chris Steyn, you were making out as though there was in existence a memorandum of agreement, correct?

**COMMISSIONER MKHWANAZI**: That is not correct  
10 ...[indistinct] Madlanga.

**CHAIRPERSON**: Why not? Purely because this one does not bear a signature?

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

**CHAIRPERSON**: Why should that matter, because you have accepted that you gave that document, signature or no signature?

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

**CHAIRPERSON**: You have accepted that you gave that document to Mr Chris Steyn, so why does it, why should it  
20 matter?

**COMMISSIONER MKHWANAZI**: After that, your sentence says, I, when I went to Chris created as if there is. Or in fact, I lied to Chris. Let me say so.

**CHAIRPERSON**: Was there a memorandum of agreement in existence? There was not. There was not, not so?

There was not. There was not.

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

**CHAIRPERSON:** No, no, no, please, let us not speak at the  
same time. There was no memorandum of agreement.  
There was not, correct?

**COMMISSIONER MKHWANAZI:** You are correct there  
...[indistinct] Madlanga.

**CHAIRPERSON:** You have accepted that you gave that  
10 document to Mr Chris Steyn, correct?

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** And that document purports to be a  
memorandum of agreement, correct?

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** So why would you deny that you were  
making out as though there was in existence a memorandum  
of agreement?

**COMMISSIONER MKHWANAZI:** No, I did ...[intervenes].

**CHAIRPERSON:** A yes, a yes just must follow as a matter  
20 of course, correct?

**COMMISSIONER MKHWANAZI:** You are cornering me  
...[indistinct] Madlanga.

**CHAIRPERSON:** Correct?

**COMMISSIONER MKHWANAZI:** Ai.

**CHAIRPERSON:** All right, I will leave it at that, no answer.

**ADV SELLO SC:** Thank you, Chair, Commissioners. Commissioner Mkhwanazi, following on your engagement with the Commissioners ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** I would have wanted to ask you another question, hopefully a final one on the topic for clarification, but unfortunately it requires me to use the verb facilitate, and I know that you consider that a declaration of war. So I have not found a better verb to substitute, so I will not pose  
10 my question.

**COMMISSIONER MKHWANAZI:** I cannot fight with the Commissioner. I will stay in prison for life.

**ADV SELLO SC:** I will ask you a different one, and just in passing. Very briefly, have you ever received any money from Mr Vusi Matlala, Vusimusi Matlala, or him personally, directly, or any of his companies?

**COMMISSIONER MKHWANAZI:** No, but the ...[intervenes].

**ADV SELLO SC:** It is a yes or no.

**CHAIRPERSON:** The “but” just might be interesting.

20 **COMMISSIONER MKHWANAZI:** Let me say ...[intervenes].

**CHAIRPERSON:** Okay, I will allow you the “but”.

**COMMISSIONER MKHWANAZI:** Let me relate the relations. Yes, we had lunch, suppers. In fact, we are talking now, you see. Sometimes he will give me money for petrol, or sometimes he borrow money from me, saying

“ngamla” [vernacular] it is those monies. But we use, as I have said to you, we were beginning to be that close now, talking every day and meeting and discussing. Even after these failed things, it was never negative to me, you see. He was very positive, and you see, the only thing that stopped the communications, this news that, hey, now there was this shock and fear, you see. But ...[indistinct] Madlanga, Commissioners we were very, very close, you see, communicating. The only thing that he did not like, to

10 discuss politics and, but we discussed many things, even some frustrations that I was having at work. In fact, I treated him as a brother like, you see. That is why I was so shocked when there was this thing of ...[indistinct] but I say why did you not talk to me, or why did not he talk to me, is he having such challenges. But we were very, very, very close, like a brother, you see.

**CHAIRPERSON**: The short answer is ...[intervenes].

**COMMISSIONER MKHWANAZI**: Yes, yes.

**CHAIRPERSON**: That you did get money ...[intervenes].

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

**CHAIRPERSON**: From him for things like petrol, R500.00 here, R300.00 here ...[intervenes].

**COMMISSIONER MKHWANAZI**: Food.

**CHAIRPERSON**: For food.

**COMMISSIONER MKHWANAZI**: Yes, yes. There was a

time where there was serious frustration on suspension, coming – remember, I was getting overtime and some benefits, then it was difficult for me to buy food and feed the kids and you see. Then I will say “ngamla” 200 nyana, thousand nyana, and he will then say no “ngamla” [vernacular] I will give you some, you see. Yes, yes, yes, yes. Let me think of something else. Some I will not even remember, but there was, there was, I will not lie to you, as I have said that we began when, yesterday morning, and  
10 even in the WhatsApp, you could see that we were calling each other “ngamla”. In fact, it was not even “ngamla” man, there is a word that ...[indistinct] “black brother” to those. I had a funeral where I lost three siblings, my, you see. He was there. He was there. I remember. I remember, Commissioner.

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

**COMMISSIONER MKHWANAZI:** Yes, let me say yes. When I ...[intervenes].

**ADV SELLO SC:** Commissioner Mkhwanazi, I apologize.  
20 My question, I had insisted, was a yes or no answer.

**COMMISSIONER MKHWANAZI:** Oh, let me say yes.

**ADV SELLO SC:** And the Chair ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The one who got us into this trouble ...[intervenes].

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** By saying that the “but” might be important ...[intervenes].

**CHAIRPERSON:** The “but” ...[intervenes].

**ADV SELLO SC:** But it is a never-ending but.

**CHAIRPERSON:** The but, it actually gave you the answer.

**COMMISSIONER MKHWANAZI:** No, I wanted to be 100% transparent.

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

10 **COMMISSIONER MKHWANAZI:** Because there was, I lost three siblings, né. I am the one who is working. They were not working. That was where he came and assisted with money to buy meat for that funeral and he assisted, and he even attended the funeral, supported me, was there.

**ADV SELLO SC:** Thank you. I take it when you say money for petrol, you gave examples of R500.00, around R1,000.00, there. Did I hear you correctly?

**COMMISSIONER MKHWANAZI:** Yes, there is a, I spoke about the funeral living now. He assisted ...[intervenes].

20 **ADV SELLO SC:** Okay, now the ...[intervenes].

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

**ADV SELLO SC:** Ja, and the assistance for the funeral, what levels have we reached then, how much? Guesswork. I will not hold you strictly to it.

**COMMISSIONER MKHWANAZI:** No, in terms of levels, I do

not understand how much.

**ADV SELLO SC:** From 500 to 1000 for petrol  
...[intervenes].

**COMMISSIONER MKHWANAZI:** No, it was ...[intervenes].

**ADV SELLO SC:** For the funeral ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no, no, it was, no, it  
was thousands.

**ADV SELLO SC:** How many?

**COMMISSIONER MKHWANAZI:** Eish, I am not sure,  
10 Commissioners, no.

**ADV SELLO SC:** When was ...[intervenes].

**COMMISSIONER MKHWANAZI:** But around 2020, I was  
suspended 2023, around, it is 2023, 2023, 2022 there.

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

**COMMISSIONER MKHWANAZI:** I do not remember, but I  
lost, it was a period of, but it was within a year, six months,  
I lost siblings like this, yes.

**ADV SELLO SC:** So it was following your suspension or  
before your suspension? I am trying to find a time slot.

20 **COMMISSIONER MKHWANAZI:** Before and after.

**ADV SELLO SC:** Before and after.

**COMMISSIONER MKHWANAZI:** Yes, I lost siblings there.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And if I suggested to you that there are

now, in 2022, you received varying amounts, at times 20,000 at one go, 30,000 at one go, would you have a challenge?

**COMMISSIONER MKHWANAZI:** No, not varying amounts. I think it was once. The other ones, it was food and not money, no, no, no, no.

**ADV SELLO SC:** I am going to ...[intervenes].

**COMMISSIONER MKHWANAZI:** Let us say it may be 20 or 50, there, there, there, ja. He assisted me there. I do not  
10 want to lie. I was able to bury one of my siblings.

**ADV SELLO SC:** Now, and Mr Van Wyk, has he ever lent you money, given you money?

**COMMISSIONER MKHWANAZI:** Ai, no. No, with Van Wyk we were, I raised the frustrations of kids.

**ADV SELLO SC:** No, has he or has he not?

**COMMISSIONER MKHWANAZI:** Ja, no, no, he has never. No, no, Mike has never given me money.

**ADV SELLO SC:** Has he ever assisted you financially in any manner whatsoever?

20 **COMMISSIONER MKHWANAZI:** No, no, with Mike, we were talking about, he was having a friend, he said, no, I was talking about, we were discussing about frustrations of me paying school fees and what, what, he said, no man, I have got a guy that can assist you, if I remember. I have got the guy that, he does sponsors. He does

...[incomplete].

**ADV SELLO SC:** Sorry, sorry.

**COMMISSIONER MKHWANAZI:** Yes, let me wait.

**ADV SELLO SC:** We were, you ...[indistinct] continue.  
You were saying?

**COMMISSIONER MKHWANAZI:** No, he said he was having  
a friend from Witbank or Mpumalanga.

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** He does give sponsors  
10 and assist kids and everything.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Then he requested me to  
identify kids and identify school kids and send him bank  
accounts, but we will negotiate, but that did not materialize.

**ADV SELLO SC:** So this ...[intervenes].

**COMMISSIONER MKHWANAZI:** But there was no relations  
anymore, that did not materialize.

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

**COMMISSIONER MKHWANAZI:** Or that guy did not do  
20 that.

**ADV SELLO SC:** Was this for underprivileged kids, for  
instance?

**COMMISSIONER MKHWANAZI:** No, no.

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

**COMMISSIONER MKHWANAZI:** No, no, we were

discussing me, I was discussing with him that I am having these challenges we discussed.

**ADV SELLO SC:** Oh, I heard you say, you must identify kids, so I thought ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, my kids.

**ADV SELLO SC:** Oh, your kids.

**COMMISSIONER MKHWANAZI:** Oh, yes, that are at school, yes.

**ADV SELLO SC:** Okay, a pack of three pages have just  
10 been put before you. They are a continuation of the EMPD exhibit bundle, CJC56A.

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

**ADV SELLO SC:** So it will go to the bottom of that pile.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You confirm that that is an e-mail from you dated the 5th of June 2024, the first document?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Addressed to Mr Van Wyk.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** And you say, “Good afternoon, Mike”, and it describes the attachments as statement, as a PDF document. You confirm that?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And attached to that is a high school, I will not say the name, statement for a stated student

bearing the same name as you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** For 66,000, you confirm. That is what you sent to Mr Van Wyk.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So that is where you solicited the financial assistance.

**COMMISSIONER MKHWANAZI:** Soliciting? That is where we, after engaging with him, he promised that he is going to  
10 talk to that guy to assist, yes.

**ADV SELLO SC:** But you say nothing came of it?

**COMMISSIONER MKHWANAZI:** No, nothing, nothing. From that thing, nothing. Nothing, nothing.

**ADV SELLO SC:** So if the Commission were to investigate as to how this bill was settled eventually ...[intervenes].

**COMMISSIONER MKHWANAZI:** Please. No, it was not settled. You can go. Please, you can go.

**ADV SELLO SC:** Okay. So it was not ...[intervenes].

**COMMISSIONER MKHWANAZI:** I am still having  
20 challenges, yes. It was not settled.

**ADV SELLO SC:** You say you are doing what?

**COMMISSIONER MKHWANAZI:** I am saying you can ...[indistinct] you can investigate.

**ADV SELLO SC:** Oh, I thought I had the word challenge.

**COMMISSIONER MKHWANAZI:** No.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** You can investigate, there are nothing, nothing, nothing, nothing.

**ADV SELLO SC:** Okay. All right, now, if you turn to the third page, the last one, is that a correct reflection what is on that page?

**COMMISSIONER MKHWANAZI:** The school fees?

**ADV SELLO SC:** And the other one?

**COMMISSIONER MKHWANAZI:** This one?

10 **ADV SELLO SC:** Yes.

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

**ADV SELLO SC:** So I am saying that table, does it correctly reflect the payments made to you on the dates specified there and in the amounts reflected?

**COMMISSIONER MKHWANAZI:** No.

**ADV SELLO SC:** Do you accept or deny?

**COMMISSIONER MKHWANAZI:** No, the first one, Vusi assisted, I agreed for the funeral, yes.

**ADV SELLO SC:** The one of 20,000?

20 **COMMISSIONER MKHWANAZI:** Yes. This one, Medicare, Mike did not assist me with anything, Madam.

**ADV SELLO SC:** No, no, all I want is there are two other payments. I want your comment on them.

**COMMISSIONER MKHWANAZI:** Eish this one ...[intervenes].

**ADV SELLO SC:** Do you confirm that the account number reflected there is yours under the column 2, account number.

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

**ADV SELLO SC:** It is the same account throughout.

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

**ADV SELLO SC:** So that is your account.

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

**ADV SELLO SC:** The last column reflects the various  
10 amounts, three in total.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You have admitted the first.

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

**ADV SELLO SC:** You deny the second?

**COMMISSIONER MKHWANAZI:** No, no, I have never. I do  
not remember.

**ADV SELLO SC:** Okay, no, I just – it is a yes or no.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Do you deny the second?

20 **COMMISSIONER MKHWANAZI:** Yes, yes, I do not  
remember Mike giving ...[intervenes].

**ADV SELLO SC:** Do you deny the third?

**COMMISSIONER MKHWANAZI:** Black AK, what? What is  
Black AK?

**ADV BALOYI SC:** From the evidence that we have had so

far, it is one of Mr Matlala's companies, if that helps.

**COMMISSIONER MKHWANAZI:** Ja, but if it is from Matlala, I know Matala assisted me a lot during those times, if it is from Matala, I accept, you see. Mike, Mike never assisted me with anything.

**ADV SELLO SC:** No, all of them are from Mr Matlala. All those entities listed there are associated with Mr Matlala. So they are not from Mike.

**COMMISSIONER MKHWANAZI:** Oh, oh.

10 **ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** No, no, Vusi used to assist me ...[intervenes].

**ADV SELLO SC:** From Mr Matlala, okay.

**COMMISSIONER MKHWANAZI:** Ja, in bad times he assisted me.

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

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So you do admit receiving these payments from Mr Matlala in these periods, or entities  
20 associated?

**COMMISSIONER MKHWANAZI:** Ja, no, no, Vusi used to assist me, yes.

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

**COMMISSIONER MKHWANAZI:** No, that one I agree.

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

transcript, you mentioned the amounts, but not the dates.

**ADV SELLO SC:** Okay, maybe for completeness.

**COMMISSIONER MKHWANAZI:** The dates, yes, I agree, the dates, yes.

**ADV SELLO SC:** Yes, the 5th of May 2022, 20,000, for purposes of the record. The second, in fact, let me, I will start again. The first is paid by Cat Protection and Security Services (Pty) Limited into the stated account. The date paid is 5th May 2022, an amount of 20,000. The second is  
10 by Medicare24 Tshwane District (Pty) Limited, and I thought that is Mr Van Wyk's entity, but nonetheless ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no.

**ADV SELLO SC:** Same account, and the date is 18 June 2022 for 20,000. The last is Black AK Trading and Suppliers (Pty) Limited. Once again, the account details are the same and that was on the 10th of December 2022 for 30,000.

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

**ADV SELLO SC:** That was for the record. Thanks,  
20 Commissioner.

**COMMISSIONER MKHWANAZI:** Yes, and on top of ...[intervenes].

**ADV SELLO SC:** No, no, apologies, apologies. All I am asking is that you do confirm for the record that those were effected ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, in fact, even on top of that, he had this thing with “ngamla”, when this thing, SAPS ...[indistinct] I will make ...[vernacular] you see. We had that, no, I do not want to lie, we had that, and I prayed for him, you see, the day that thing, even when there were bad news, I said, ah, ah. No, I must be honest, we were like, we were like ...[indistinct].

**ADV SELLO SC:** Commissioner Mkhwanazi, I do appreciate the closeness of your relationship. You  
10 explained away one payment because you said you had a death in the family.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And the other payments, what were they for?

**COMMISSIONER MKHWANAZI:** Eish, Commissioners, I had many challenges, you see.

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** We discussed, he used to assist, not even these ones né, as, okay maybe on top of  
20 these ones, it may be these 500 when we discuss and get and, you see. We discussed many things with Vusi, and he was assisting like a brother, brother, brother, brother.

**ADV SELLO SC:** I see that they were over a period 5th of May to the 10th of December. I note that. And I note that the letter of intention to commit issued by Mr Matlala, you

remember, Annexure JM17 by Mapiyeye is dated the 15th of June 2022.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The letter that gave rise to the registration of vehicles.

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

**ADV SELLO SC:** I will argue, before the Commissioners, that those payments were made in gratification for your efforts in facilitating the registration of the vehicles to enable Mr Matlala to fit them with blue lights.

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

**ADV SELLO SC:** Let me finish first, because I am going to invite you for a comment.

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

**ADV SELLO SC:** And that is what I am going to argue to the Commissioners based on the evidence and these amounts and the times, particularly because when you started, I asked you whether you have received monies, you were telling me about “ngamla” 500, 1,000.

20 **COMMISSIONER MKHWANAZI:** I agree.

**ADV SELLO SC:** And then you stuck with that story until you just increased it slightly.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I asked you to give me a number that he would have contributed for the funeral, seeing as for petrol

and the like, it is 500,000, then you, technically you refused to. It is when I produced these amounts to you that then you allocated one of them potentially to a funeral. You refused to state when was this death. It stretched from before or after your suspension and here there are specific dates.

So on the basis of all that, I am going to seek to persuade the Commissioners that this is in part gratification. I am not even suggesting it is the totality. But  
10 at least we know that at the moment of that letter of intention to commit, Mr Matlala had started making significant payments to you.

**COMMISSIONER MKHWANAZI:** No.

**ADV SELLO SC:** Do you have a comment?

**ADV SELLO SC:** No, it is not that. As I am saying that, he even promised me far more than that, even now when we are not having, there was nothing that was happening, you see. He said, when I get this thing “ngamla”, you will retire, I am going today, you will find another thing, business and  
20 everything. And I was very happy, and far, far, far more than that, you see, even though he did not specify, you see, and then he said I was praying that you get those things. I was praying that to get that tender, you see, so that I can start my own and relax as, you see. This is, in fact, to him, this is, it was just nothing. It was like, it has nothing to do

with that, you see. There was something which is bigger than this, you see. When there was nothing that is happening ...[indistinct] and other things, he said, no, no, I want you to start your own thing and retire. I said hey ...[intervenes].

**ADV SELLO SC:** May I be fair to you and ask you not to commit yourself too early? I did not say that that is the totality of the evidence of payments made to you.

**COMMISSIONER MKHWANAZI:** Oh, yes.

10 **ADV SELLO SC:** I am just discussing the payments in that period of 2012.

**COMMISSIONER MKHWANAZI:** Okay, okay.

**ADV SELLO SC:** So I would advise that you do not commit yourself any further, you know, than you have on this score. Commissioners, that would bring me to the conclusion of my part with Commissioner Mkhwanazi, and I thank you for the opportunity. As I said, we move to the next chapter. That will be led by Advocate Motlhasedi and we require about 5 minutes just to ...[intervenes].

20 **CHAIRPERSON:** Please.

**ADV SELLO SC:** Change of guard, and I think Commissioner Mkhwanazi would also appreciate a comfort break.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** We will hear from you. Let us adjourn.

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Ms Sello?

**ADV SELLO SC:** Chair?

**CHAIRPERSON:** I just want to talk to you about some of the last things you said.

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

**CHAIRPERSON:** You said that you will be submitting to us  
10 or arguing, presenting argument to us on the last issues that you raised with the Commissioner.

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

**CHAIRPERSON:** It lies with me, not even with my Co-Commissioners, to regulate our process.

**ADV SELLO SC:** Indeed.

**CHAIRPERSON:** So making submissions to us is not something that you would do as of right. So if I do not allow you to make submissions, you will not. So it is not ...[intervenes].

20 **ADV SELLO SC:** Fully accepted, Chair. It was not stated in an attempt to undermine your authority or the process as determined by you. It was in a bid to explain to Mr Mkhwanazi the seriousness of the point and the conviction I would, based on the evidence led, desire for the Commissioners to have. I do accept that whether or not, at

the end of the day, I get to argue before the Commissioners is a decision for the Chair to make. Thank you, Chair.

**CHAIRPERSON**: Thank you, Ms Sello. Thank you.

**ADV SELLO SC**: Thank you.

**CHAIRPERSON**: As I walked out, and also for your benefit, Commissioner, probably some of you gathered here saw me give papers to Ms Motlhasedi. I do not want you to think I was told, that is you, you were told that Ms Motlhasedi is the one that is going to be questioning you  
10 now.

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

**CHAIRPERSON**: So I do not want you to suspect that, oh gosh, maybe the Chair was giving Ms Motlhasedi some ammunition on the basis of which she must question me. No, I was giving her the last documents that we were all given for Ms Motlhasedi to put them where they should be in our files. It seems, Ms Motlhasedi, that I am not the only one that does not know where these should go. So just help all three of us, please, please.

20 **ADV MOTLHASEDI**: Thank you, Chair. The document you are holding is labelled 10A, I believe. If you go ...[intervenes].

**CHAIRPERSON**: Do not worry, you will just assist us and just take them where they should go. Thank you, thank you.

**ADV SELLO SC**: At the same time, Chair, I think the

comment that Ms Motlhasedi wanted to give is important for the record, lest I did not properly describe where the document fits in. It is part of our exhibits and it is a continuation of the exhibit file, just for the record, lest it gets misplaced or on the reading of the transcript it is not apparent where this document fits in.

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

**ADV SELLO SC**: Thank you.

**CHAIRPERSON**: Thank you very much. And on the topic  
10 that you are going to start with now, do you think we have taken forever with all the others? So I doubt that we will finish this, because we do not want to go beyond the end of teatime.

**ADV MOTLHASEDI**: Chair, I will make every attempt to be brief, of course, but the issue we are about to address is an important one, I think we can appreciate. And Commissioner Mkhwanazi is facing serious allegations and I think we should put them to him and allow him to respond in detail.

20 **CHAIRPERSON**: All right, but is it in order if come, maybe we can sit until 11:15?

**ADV MOTLHASEDI**: Indeed, and then make an assessment, yes.

**CHAIRPERSON**: Yes, but whether you are done or not, we stop at that point.

**ADV MOTLHASEDI:** I am comfortable with that, Chair.

**CHAIRPERSON:** Thank you.

**EXAMINATION BY ADV MOTLHASEDI:** Good morning, Commissioner.

**COMMISSIONER MKHWANAZI:** Morning, Madam. Is it correct when I call you Madam, or must I say ...[indistinct]?

**CHAIRPERSON:** You address us even if you are responding to a question by Ms Motlhasedi, so we just keep saying Commissioners, Commissioners.

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

**ADV MOTLHASEDI:** Thank you. Commissioner Mkhwanazi, just so that you can order yourself, for the next line of questions, I would ask you to have your witness statement nearby, your witness statement.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Okay. And then earlier this morning you were provided with a very narrow file labelled Witness D Statement.

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

**ADV MOTLHASEDI:** I would ask you to keep those files close to you and let me know when you have got – can I ask you to open your witness statement, please, and go to paragraph 68?

**ADV BALOYI-MERE SC:** Ms Motlhasedi, the desk is very

cluttered. Should we put away Mr Mkhwanazi's other documents?

**ADV MOTLHASEDI**: Yes. Commissioner, can I suggest at this stage that we perhaps, the Commissioners move everything to the back, and right now we focus on the statement and Witness D, and then I will call for further documents as we go through Commissioner Mkhwanazi's evidence.

**ADV BALOYI-MERE SC**: Thank you.

10 **ADV MOTLHASEDI**: Thank you, Commissioner Mkhwanazi. Do you have your witness statement nearby, please?

**COMMISSIONER MKHWANAZI**: Yes, page 22.

**ADV MOTLHASEDI**: Yes, could I ask you to go to page 22, please?

**COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV MOTLHASEDI**: Yes. There is a big, bold heading on that page that should say, out of jurisdiction operations.

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

**ADV MOTLHASEDI**: Do you see that?

20 **COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: If I could draw your attention to paragraph 68, do you see that?

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

**ADV MOTLHASEDI**: Okay. Just to place us in context, Commissioner, under that heading of out of jurisdiction

operations, you make several assertions. You set out some information over there.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: And then in paragraph 68, you detail something there about Witness D. Have a look at paragraph 68, please.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: There is a reference there to a Witness D.

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

**ADV MOTLHASEDI**: So you therefore are aware that there was an individual who testified before the Commission under the pseudonym identity of Witness D. Is that correct?

**COMMISSIONER MKHWANAZI**: It is correct. I started to be aware in 2023 when IPID approached me. Yes.

**ADV MOTLHASEDI**: So you are aware that evidence was given by an individual under the name Witness D in front of the Commission?

**COMMISSIONER MKHWANAZI**: Yes.

20 **ADV MOTLHASEDI**: And amongst others, several allegations were made in respect of you.

**ADV KHUMALO SC**: Sorry, I must do something. It is very important. If you know the identity of Witness D, please do not mention it. It may be that during your engagements with IPID, they mentioned the name to you. Please do not

mention it.

**COMMISSIONER MKHWANAZI:** No, I do not know him.

**ADV MOTLHASEDI:** Thank you, Commissioner. And further to that, Commissioner Mkhwanazi also confirmed that the statement of Witness D, as provided to you, is in fact redacted, and there is no reference to the identity of Witness D. Is that correct?

**COMMISSIONER MKHWANAZI:** This one that you provided now?

10 **ADV MOTLHASEDI:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** It has got a black line. It is redacted. Please confirm that. It has got a black line. You cannot see the name of who is Witness D.

**CHAIRPERSON:** There is something I want to check.

**ADV MOTLHASEDI:** Yes, thank you. Commissioner, in paragraph 68, you make a reference to Witness D. You have confirmed now that you are aware that Witness D gave evidence, amongst others, concerning you before the  
20 Commission.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Correct. In order to locate that there is a statement of Witness D in front of you, I will ask you to turn to page 1. You will see there on the front page it reads witness statement of, and it is redacted. It is a black line, a

solid black line.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Indeed. Paragraph 1 is an introductory paragraph. You see that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Thank you. And paragraph 2 begins with the words, on the evening of the 15<sup>th</sup> of April 2022. Do you see that?

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV MOTLHASEDI:** Indeed. Commissioner Mkhwanazi, before I take you through the evidence of Witness D in detail, you have already confirmed to the Commission that you have some knowledge of his testimony and I therefore invite you to speak. You indicate in your statement that you disagree with the version provided. So I would encourage you to share with the Commissioners anything you have to say concerning the events of the 15<sup>th</sup> of April 2022 as presented by Witness D.

**COMMISSIONER MKHWANAZI:** Yes, ...[indistinct]. Even  
20 though now I know it is the 15<sup>th</sup>, you see, April. At that night ...[intervenes].

**CHAIRPERSON:** Perhaps for context, why do you not very briefly state what those events are, very briefly, so that the Commissioner may then state his version.

**ADV MOTLHASEDI:** Thank you. Thank you, Chair.

**CHAIRPERSON:** Thank you.

**ADV MOTLHASEDI:** Thank you, Chair. Commissioner, if we start there at paragraph 2, Witness D gives the Commission a particular date of the 15<sup>th</sup> of April 2022. I will not go into everything in detail right now because I will take you through the statement in detail in due course. But when you work through the statement, Witness D indicates that he was invited to an operation in Brakpan in April of 2022. He was invited to a law enforcement operation on a  
10 plot in Brakpan.

Witness D then also sets out the individuals who were part of that operation. You would find that at paragraph 5 of Witness D's statement. In the course of giving evidence before the testimony, before the Commission, some of the allegations made by Witness D was that the primary purpose of that operation was to recover stolen goods from a warehouse.

And that in the course of that operation, several members from different law enforcement agencies were  
20 involved And that the suspect, the individual who was suspected of taking part in that warehouse robbery, was tortured in order to obtain information about the location of the stolen goods, and later on about an amount of money, and ultimately died at that location in Brakpan.

If you go further in the statement, and I will take

you to the direct paragraphs, the allegations, particularly as they relate to you, is that upon the death of this suspect who was involved in this warehouse robbery, upon the death of this suspect, several members of that operation who were in law enforcement telephoned you and sought your assistance in covering up the events that occurred at that property in Brakpan in April of 2022.

And at the latter part of the statement, Witness D indicates that you, in fact, attended at the property, 10 meaning you arrived at the property. Witness D describes what you were wearing, who you spoke to, and says that you looked at him and indicated that somebody needs to dump the body, this body of the suspected thief, into either a dam or a mining shaft, and Witness D admits that he did so. So, Commissioner, having given you that background, will you understand with some measure of detail the allegations made by Witness D that is the content of his statement?

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV MOTLHASEDI:** Yes. I invite you, with reference to your paragraph 68, to share with the Commission if indeed you were there at this property on the night in question. And if you were there, what brought you there? You indicate in paragraph 68 that you have views about the version presented by Witness D. So, I encourage you to

inform the Commission, give the Commission your account of those events, and to the extent that you disagree, where you disagree. Thank you.

**COMMISSIONER MKHWANAZI:** I am not sure if it is the early hours of the 15<sup>th</sup>. I am not sure that it is the 15<sup>th</sup>, the day when they started an operation, or the 15<sup>th</sup>, the next day, you see? But I would say, let me say my version of the story. In terms of the dates, we will correct it.

In the early hours of that day, I cannot specify a  
10 date because I do not know. Around 3 to 3 am, I received a call from Jaco. Jaco, I forgot the surname, but Jaco, Kobus. No, no, no, Jaco, it is not a Kobus. No, I received a call saying, Nduna, Nduna, where are you? Jaco is not an officer, he is one of the informers. So, he is very accurate in terms of information.

I know that when we got information from Jaco, there is something tangible that we are going to get. Nduna, Nduna, we have got ...[intervenes].

**ADV BALOYI-MERE SC:** Commissioner, is that Hanekom?

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

**ADV BALOYI-MERE SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, I received, you see. We have got success, success. Nduna, Nduna, stolen goods is correct when you talk about goods, you see. Say,

Jaco, Jaco, where are you? No, come, Nduna, come, Nduna, Brakpan, you see. It was around 2, 3 am, you see. Then I woke up, you see. But I was sceptical because it was – I had 15 missed calls, you see.

But I said, but Jaco, I know when he gives information, it is accurate. Then I went there. When I went there, we communicated, say, Jaco, I do not know the place because he spoke about the plots in Brakpan, you see. Then I off-ramped at M17. There is an informal settlement,  
10 I forgot its name, but then immediately off-ramp before the plots, you see. Then in that area, I saw he was driving a red car. It is a small car, but his private car. I know it, you see.

Then he escorted me. When we entered towards the plot, it was dark. It is the plots. It is not gravel. There it is gravel roads. It is not tar, you see. But when I entered, there were many cars. There were cars, cars, cars, marked cars, security cars, you see. You could see that it is a big operation, you see. Then I entered, you see.  
20 But that time I was driving, he was driving in front. Then he stopped next to the gate. Made a stop.

After that, he jumped to me. He said, Nduna, are you alone? I said, Jaco, yes, but what is happening here? This is an operation, you see. No, no, no, no, do not worry, do not worry. Then I moved towards the gate. He waited

next to me. Jaco, you said there are successes. This is a success. The area is dark, but there was a light that is lighting direct to the truck, and the truck was empty. I think the truck, it is the truck that was having blue plastics, but all of them, they were opened.

The truck was facing direction north. I was in direction south, and I stand like this, like when I am looking at the Commissioner, when I am looking at the madam, you see. I said, and it was, people, people were moving. Some  
10 with uniform, marked cars. What is happening, Jaco? No, Nduna, Nduna – and to put it, there were some moving, some standing in groups.

Then in the – on that gate, Jaco, where is the stock, you see? Started talking, Jaco, where is the stock, you see? No, Nduna, Nduna, bring me. I said must bring me there, where is the stock? No, he was not clear, you see. It was a discussion of three to five minutes, you see. I said, okay, you are wasting my time, because I suspected. In that time, he was putting information, but I started to  
20 hear stories of extortion, stories of coming there, he would go with officers. After officers left, he would go and collect money, just to put terror to people, that hey, I am going to arrest you with my people, and what, what, what, what.

But his information is accurate, you see. But on top of that, he did, because he was not working, he did his

own thing, using officers. He would work with all officers in Ekurhuleni. He was having many teams, you see. Then I moved towards the car. I said, you are playing with me, you see, but I suspected something. I moved, I drove, then it was maybe four or five houses. When you enter, it is like – can I put it, for example, it is the corner, it is four or five houses. We came to this direction, it is correct. Then we turned right, it is four or five houses there, you see. He came with the car. Said Nduna ...[intervenes].

10 **CHAIRPERSON**: Sorry, sorry, Commissioner, I do not know if that is captured.

**COMMISSIONER MKHWANAZI**: Sorry, sorry. But let me repeat it, because I just made the example.

**CHAIRPERSON**: I see.

**COMMISSIONER MKHWANAZI**: Yes. In that corner, I moved towards that corner. When you go back, you turn towards the left. It is the same area of plots again. The ...[indistinct] is too far. When you turn right, it is the same area, but those plots, one, two, it was four houses, not a  
20 long distance, you see. Then I parked there. He came in, saying Nduna, but we are talking inside the cars now. I said, Jaco, you are playing with me, you know, you see. No, Nduna, Nduna. No, Nduna, Nduna, Nduna, you see. He said, Nduna, you are not going. I said, Jaco, I am going. Then I drove.

When I was driving, Commissioner, I was talking to him, you see. He kept on calling me. Are you safe, Nduna? I said, it is fine, man, I am safe. Then I went at home, you see. Then a day or two, because he was not working with us. He would jump, you see. Jaco, where is the stock? Where are the goods, you see? No, Nduna, no, Nduna, there is nothing. Then it was like that up until I was called by IPID.

No members of EMPD, no members of SAPS or the  
10 security company has ever came and concluded they will kill the person or there was an incident where a person died, you see. And I did not even confirm with the members that were there because from EMPD, there were no more cars, you see. The only cars that I could see is these four or three cars from SAPS cars, you see, because I did not count.

There were just many cars. I cannot say it is the exact number, but there were many other cars from different and marked cars. And when I came in again, I must  
20 mention that, Commissioner, some of the cars were starting to move. That could tell you that this operation started a long time ago. Or part of the question that I ask him is that, when did this operation start? No, last night, last night. But that is what made me angry, I remember.

We started the operation last night, but they are

calling me in the early hours and there is no success. In all of these hours, what were you doing? But you could not be specific, but I suspected that they got the success. If they got it, they decided to do something with the success. Now they call me, you see, just to call me.

Because there was nothing, nothing, nothing. And the impression that I got when I did, there is a success. In the morning, I would be making noise, you see. Then I went home. Then after one or two days, that is when we started  
10 communicating again ...[intervenes].

**ADV MOTLHASEDI**: Thank you.

**COMMISSIONER MKHWANAZI**: But there was nothing formally or ...[intervenes].

**ADV MOTLHASEDI**: Thank you. Please complete your sentence.

**COMMISSIONER MKHWANAZI**: No, I think I ...[intervenes].

**ADV MOTLHASEDI**: Thank you, Commissioner Mkhwanazi. You have indicated then the circumstances that brought you  
20 to the property in Brakpan. You have shared that with the Commission.

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

**ADV MOTLHASEDI**: And you have also described now the reason why you were there. My question to you is, apart from your discussions with Jaco, the informant that you

have identified now, did you speak to anyone else that you found at the property? Was there anyone else at the property that you would have recognised or recognised?

**COMMISSIONER MKHWANAZI:** No, no, no, no. They were moving around. But Jaco stopped me, you see, at the gate. According ...[indistinct], but I was not going to go outside because I suspected that they stole something. I was very angry per se, you see. You know when members call you, anyone calls there is a success, you become excited. But  
10 when you go there, it is the opposite, you see. I was there for only less than five minutes or five minutes. I did not even stay there.

**ADV MOTLHASEDI:** Thank you. Thank you, Commissioner Mkhwanazi. I have requested my colleagues to assist in printing a document. Could you please? One for the witness, thank you. Thank you, Commissioner Mkhwanazi. In the course of sharing the events of that night with the Commission, you mentioned that at some point in time there was an investigation.

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Indeed. So I have handed you a piece of paper right now. Before we work through the contents of that document, Commissioners, the document has a tab labelled 11. Could I request that it goes, it is filed under the EMPD Exhibit Bundle CJC56. So it should

follow the document Advocate Sello just presented you with.  
Thank you.

**CHAIRPERSON:** Again, you will assist us with where it should actually go.

**ADV MOTLHASEDI:** Indeed, indeed, Chairperson. Commissioner Mkhwanazi, are you – please identify the document in front of you. Are you familiar with this document?

**COMMISSIONER MKHWANAZI:** I think it is the statement  
10 that I submitted to IPID.

**ADV MOTLHASEDI:** Thank you. Do you see ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, because I know that same day they said, I said, no, no, no, I know nothing. I can write it now. I do not have to consult lawyers.

**ADV MOTLHASEDI:** Thank you. Do you see paragraph 1 of that statement?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** You indicate – what is indicated  
20 there?

**COMMISSIONER MKHWANAZI:** My ID number and everything else.

**ADV MOTLHASEDI:** As well as your name, I, Julius Doctor Mkhwanazi, is that correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI**: Thank you. Do you see the top right corner of that document? It says there Brakpan. Correct?

**COMMISSIONER MKHWANAZI**: Brakpan, yes.

**ADV MOTLHASEDI**: Yes, and that is a reference, the reference to Brakpan is a reference to what exactly?

**COMMISSIONER MKHWANAZI**: No, they said when IPID was investigating, they said it is a Brakpan, you see, that is when I wrote Brakpan.

**ADV MOTLHASEDI**: Brakpan.

10 **COMMISSIONER MKHWANAZI**: In fact, it was three things that they asked me to write, you see ...[intervenes].

**ADV MOTLHASEDI**: My apologies, Commissioner. Let me phrase the question differently. The reference to Brakpan in the top right corner is a reference to the location, the police station?

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

**ADV MOTLHASEDI**: Yes, the location.

**COMMISSIONER MKHWANAZI**: It is a reference to the case that you were asking me about.

20 **ADV MOTLHASEDI**: Thank you.

**COMMISSIONER MKHWANAZI**: It is a Brakpan thing, yes.

**ADV MOTLHASEDI**: Thank you. And under the word Brakpan on the top right corner, you will see a reference to a page 1, is that right?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: Thank you. And if you flip it over, there is on the top right corner a reference to a page 2, is that right? Top right corner?

**COMMISSIONER MKHWANAZI**: The second page?

**ADV MOTLHASEDI**: Yes, please.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: Thank you so much. So we have identified that this is the statement you provided to IPID in the context of an investigation. It is a two-page statement, and at the bottom of page 2, can you identify that signature there?

**COMMISSIONER MKHWANAZI**: Yes, I signed it.

**ADV MOTLHASEDI**: That is yours.

**COMMISSIONER MKHWANAZI**: And that is my force number too, or police number.

**ADV MOTLHASEDI**: Thank you. When you were approached by IPID to prepare this statement, around about what time was this?

**COMMISSIONER MKHWANAZI**: It was the day I have said they called me for blue lights. You remember?

**ADV MOTLHASEDI**: Okay.

**COMMISSIONER MKHWANAZI**: They called me for blue lights. Once we were talking about blue lights, they said, hey, there is this thing, you see ...[intervenes].

**ADV MOTLHASEDI**: Do you have a ...[intervenes].

**COMMISSIONER MKHWANAZI:** Sorry.

**ADV MOTLHASEDI:** Please continue.

**COMMISSIONER MKHWANAZI:** It was the same day. It is either the 30<sup>th</sup> or after that, but I do not remember exactly. But when I came back to work, it is either the next day they called me to come to IPID.

**ADV MOTLHASEDI:** So roughly, is 2023?

**COMMISSIONER MKHWANAZI:** Yes, 2020. No, 2023.

**ADV MOTLHASEDI:** 23.

10 **COMMISSIONER MKHWANAZI:** Yes, 2023.

**ADV MOTLHASEDI:** Thank you. And do you recall the name of the official that approached you in the context of...

**COMMISSIONER MKHWANAZI:** It was five officials. They called him Advocate Xulu [?]. He is National IPID. He was with two people from National. It is Mr Dlamini and Ms Dlamini. They said they are not married. They are just colleagues. Then it was people from the IPID province. That is what they introduced. It was Mr Magagula. I know Mr Magagula because he is doing investigation in there.

20 And I know her by name, Nomsa. I know her because they are doing any investigation in Ekurhuleni. It is them. There was this advocate.

I could not take his name, but he is their boss here in the province. Those other three were from National. It was another – I think there were seven, if I am not

mistaken, but I could remember a lady and two from province. In fact, there were two ladies and all others, maybe six or seven, it was males on that day. And it was not only this one ...[intervenes].

**ADV MOTLHASEDI**: But my question relates to this one. When you were approached.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: Yes.

**COMMISSIONER MKHWANAZI**: And when I was  
10 approached, I was not approached. They approached me about blue lights. That is when I went there. When I was there, then they said, no, no, not of that. There is this again.

**ADV MOTLHASEDI**: There we go.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: So tell the Commission when they say, no, no, no, there is this again. What is that a reference to?

**COMMISSIONER MKHWANAZI**: No, they started by  
20 saying, there is a case in Brakpan. I said, what case in Brakpan? It is about the murder. I said, what murder? You see? They said, do you know Jaco? I said, yes, yes, I know Jaco. I worked with Jaco, you see. But the same thing they said, they said, no, no, no. It was the last time. On that day, maybe I was saving a year or months, months

without even seeing, without even communicating with Jaco. But they agreed that, ja, we know that we are no longer working together. We have decided not to work. Because they know, I even explained the reasons.

**ADV MOTLHASEDI**: Nevertheless, they requested you to make the statement.

**COMMISSIONER MKHWANAZI**: Yes, yes, I did it immediately.

**ADV MOTLHASEDI**: So you confirmed then, Commissioner  
10 Mkhwanazi, that you were approached by officials, or at least an official. You have identified Mr Xulu from IPID.

**COMMISSIONER MKHWANAZI**: Yes, I did immediately.

**ADV MOTLHASEDI**: So, you confirmed then, Commissioner Mkhwanazi, that you were approached by officials, or at least an official, you have identified Mr Xulu from IPID, and they identified to you that ...[intervenes].

**COMMISSIONER MKHWANAZI**: Mr Xulu.

**ADV MOTLHASEDI**: Xulu, you said Xulu.

**COMMISSIONER MKHWANAZI**: Xulu, yes.

20 **ADV MOTLHASEDI**: Yes, thank you.

**COMMISSIONER MKHWANAZI**: No, no, I was not approached by Xulu. Xulu introduced himself there.

**ADV MOTLHASEDI**: Indeed. So ...[intervenes].

**COMMISSIONER MKHWANAZI**: But I was approached by province.

**ADV MOTLHASEDI:** Is Xulu a representative of IPID?

**COMMISSIONER MKHWANAZI:** National, yes.

**ADV MOTLHASEDI:** Thank you. Did Xulu discuss with you the ongoing matter concerning a murder at Brakpan?

**COMMISSIONER MKHWANAZI:** No, all of them, they were ...[intervenes].

**ADV MOTLHASEDI:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Correct. Xulu, in addition  
10 ...[intervenes].

**COMMISSIONER MKHWANAZI:** In fact, they told me ...[intervenes].

**ADV MOTLHASEDI:** I apologise. Let me rephrase the question. Xulu, in addition with several other individuals, approached you in the context of an ongoing investigation of a murder that occurred at Brakpan. Is that correct?

**COMMISSIONER MKHWANAZI:** Ja, but they were – you know, the way you are putting it, they were so clear that you gave instruction. You were not part of the operation,  
20 but you came in in the morning and gave instruction. They were so clear ...[intervenes].

**ADV MOTLHASEDI:** Thank you, Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI:** And when I said early hours, they said, yes, we are confirming that.

**ADV MOTLHASEDI**: Thank you, Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI**: From there, it was the issue of the statement ...[intervenes].

**ADV MOTLHASEDI**: Thank you, Commissioner. On the point of the statement, then, perhaps let us turn to the statement itself.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: You have helpfully taken the  
10 Commission through the contents of paragraph 1. At the end of paragraph 1, you say there, and I will read it to you, you say:

“I am an adult male employed by Ekurhuleni Metropolitan Municipality as the Metro Police Director.”

Do you see that?

**COMMISSIONER MKHWANAZI**: Yes.

**ADV MOTLHASEDI**: End of paragraph 1. And am I correct to say at that point in 2023, you were responsible for  
20 Specialised Services and Operations? Is that right?

**COMMISSIONER MKHWANAZI**: Yes, yes, at that time.

**ADV MOTLHASEDI**: Thank you, all right, okay. We then look at paragraph 2, where you indicate that early last year – so if you are making the statement in 2023, as you have testified, a reference to early last year means you are

referring to an incident that likely took place in 2022  
...[intervenes].

**COMMISSIONER MKHWANAZI:** Ja, remember, they told me that it was around that time, but I could not see. Then I wrote, yes, you are correct.

**ADV MOTLHASEDI:** You said early last year.

**COMMISSIONER MKHWANAZI:** You are correct.

**ADV MOTLHASEDI:** And in the context there of paragraph 2, you indicate that you were woken up by Mr Jaco at  
10 around 2 am in the morning, telling me to come and see the success of the truck that was recovered in Brakpan, in the Brakpan Springs area. Is that right?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Can I ask you, when you say the phone call woke you up, you were, I assume, then sleeping. Where were you located at the time that you received the call?

**COMMISSIONER MKHWANAZI:** No, at Alberton  
...[intervenes].

20 **ADV MOTLHASEDI:** You were ...[intervenes].

**COMMISSIONER MKHWANAZI:** My house.

**ADV MOTLHASEDI:** You were at your home.

**COMMISSIONER MKHWANAZI:** Ja.

**ADV MOTLHASEDI:** And so you then say in paragraph 2 that you woke up and drove to Brakpan.

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

**ADV MOTLHASEDI:** After receiving this call.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** Please assist the Commission. How far is Brakpan from Alberton? If you are driving home at 2 am, how long is that distance?

**COMMISSIONER MKHWANAZI:** 10 to 12 kilometres. I am not accurate, but it is simple for me from the freeway N17.

**ADV MOTLHASEDI:** Okay.

10 **COMMISSIONER MKHWANAZI:** It is easier, yes.

**ADV MOTLHASEDI:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, it is one freeway, straight to Brakpan.

**ADV MOTLHASEDI:** How many kilometres did you say?

**COMMISSIONER MKHWANAZI:** It is 10, maybe 10, 14 or 15.

**ADV MOTLHASEDI:** 10 to 15.

**COMMISSIONER MKHWANAZI:** Yes, I am not accurate in terms of ...[intervenes].

20 **ADV MOTLHASEDI:** Okay. And you then indicate in paragraph 3 what occurred upon your arrival at the property. Do you see that?

**COMMISSIONER MKHWANAZI:** Yes, Madam.

**ADV MOTLHASEDI:** Indeed. Let me ...[intervenes].

**COMMISSIONER MKHWANAZI:** Or Commissioner.

**ADV MOTLHASEDI:** You, in that first sentence you say:

“On my arrival, I found many vehicles marked and unmarked, including those of private individuals like his, which was red, parked next to the house.”

Can I stop there? Can you confirm what I have read is correct? Please take your time.

**COMMISSIONER MKHWANAZI:** It is paragraph?

**ADV MOTLHASEDI:** It is paragraph 3 from the top.

10 **COMMISSIONER MKHWANAZI:** Can I read?

**ADV MOTLHASEDI:** It starts, on my arrival.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes. I can read it, yes.

**ADV MOTLHASEDI:** Thank you. Thank you. That reference in paragraph 3, you say:

“On my arrival, I found many vehicles marked and unmarked.”

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV MOTLHASEDI:** What is a marked vehicle versus an unmarked vehicle?

**COMMISSIONER MKHWANAZI:** It is police vehicle that are branded.

**ADV MOTLHASEDI:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV MOTLHASEDI:** And when you say ...[intervenes].

**COMMISSIONER MKHWANAZI:** Unmarked, there were many vehicles that were not branded.

**ADV MOTLHASEDI:** Indeed. So ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, like private vehicles, white, different colours, and they were branded vehicles of different security companies.

**ADV MOTLHASEDI:** And when you say police vehicles, what is that a reference to specifically?

**COMMISSIONER MKHWANAZI:** It was police vehicles,  
10 marked police, SAPS.

**ADV MOTLHASEDI:** SAPS.

**COMMISSIONER MKHWANAZI:** SAPS vehicles, yes.

**ADV MOTLHASEDI:** As well as, you say, unmarked vehicles, which I then understand to sort of be private vehicles.

**COMMISSIONER MKHWANAZI:** Yes. And the way they were parked, some were in front. No, there were many. That street was nearly closed, but you could drive. But at the sides, there were many vehicles that were parked there.

20 **ADV MOTLHASEDI:** And you continue then on in paragraph 3, there is a reference there to a truck. Do you see that?

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

**ADV MOTLHASEDI:** Yes. What colour do you say the truck is?

**COMMISSIONER MKHWANAZI:** In terms of the colour – no, man. That truck, you know these open trucks, it was opened. You see, I could see it from the backside, you see, because it was facing direction north, you see. The gate is this side ...[intervenes].

**ADV MOTLHASEDI:** Let me ...[intervenes].

**COMMISSIONER MKHWANAZI:** It may be white, but I do not know, or off-white or yellow. But what I saw that day, it was open.

10 **ADV MOTLHASEDI:** Thank you, Commissioner. I will assist you then with reference to your paragraph 3. You indicate there in the fourth sentence at the end:

“He collected me from the vehicle near the house next to the gate...”

I assume, you correct me if that is wrong:

“...where he showed me the white truck with canopy, which was opened on one side, but it was dark inside. I could not see what was inside the truck as he was pointing at it. He told me everything was sorted and managed.”

20

Can you confirm that I read that correctly?

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

**ADV MOTLHASEDI:** So what does Jaco mean when he says to you there at the end of paragraph 3, everything was

sorted and managed?

**COMMISSIONER MKHWANAZI:** We were talking about the goods. He said do not worry. That is what made me angry. You see, he wakes me up. He said, there is a success here, you see, and there is no success. I did not see anything there, you see. He said, no, do not worry. He said, no, no, Jaco, you must not lie here. You see, that is when, again, I got angry and moved, you see. But he was talking about successes and the goods.

10 **ADV MOTLHASEDI:** And the reference by Mr Jaco to success, you understood that to be a reference to the recovery of ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, it was about the goods.

**ADV MOTLHASEDI:** The goods.

**COMMISSIONER MKHWANAZI:** Yes, it was about the goods. Even in ...[indistinct] it was about the goods.

**ADV MOTLHASEDI:** And please assist the Commission. Why would Jaco phone you in order to inform you about a  
20 successful or potential successful recovery of goods at 2 am in the morning?

**COMMISSIONER MKHWANAZI:** No, he used to do that. Jaco, Jaco Hanekom, he was not a person who likes to sleep. He is very good in terms of gathering information. There are many operations that we did, successful

operations, where he will call at night, he will call at 3 am, different times. But, you know, 99 or let me say 70% of what he is calling, it is good information.

He may then, sometimes he may not work with you, work with others and tell you, Nduna, there is a success work, but I know that. When he says there is this information, he has worked. You see, even if he said members, you know that, you are going to brand with that, or you are going to, what? You are going to – you will get  
10 good publicity on that success. He was that type of a person.

**ADV MOTLHASEDI**: In light of the kind of information ...[intervenes].

**CHAIRPERSON**: Ms Motlhasedi, may I perhaps give you two minutes to wrap up? As I said at the beginning, it was not likely that we would finish this part of it. The Commissioner will have to come back in the new year.

**COMMISSIONER MKHWANAZI**: Okay.

**ADV MOTLHASEDI**: Thank you. Chairperson, then let me  
20 just ask a question or two regarding the statement.

**CHAIRPERSON**: Perhaps just one.

**ADV MOTLHASEDI**: Just one.

**CHAIRPERSON**: Please.

**ADV MOTLHASEDI**: Thank you. Commissioner, in light of what you have shared with the Commission thus far about

the content of the statement, in particular the identification on your part of SAPS motor vehicles, what was your understanding about the kind of operation that was taking place there when you arrived?

**COMMISSIONER MKHWANAZI**: No, I have said that I could see that it was a big operation. You see, there was an operation there. And when you say goods, that means what he was saying when I was approaching, it is something that one can say, this is a success.

10 **ADV MOTLHASEDI**: And your reference to big operation is a reference to law enforcement operation, or what type of operation are you referencing?

**COMMISSIONER MKHWANAZI**: No, they are officers. It is a law enforcement operation.

**ADV MOTLHASEDI**: They are officers?

**COMMISSIONER MKHWANAZI**: They were officers. It is a law enforcement agency's operation. For the mere fact that they are police, it is a law enforcement operation. When you see, you can see, when there are police that are  
20 standing there, that means there is an operation of police.

**ADV MOTLHASEDI**: Here is my ...[intervenes].

**COMMISSIONER MKHWANAZI**: And Jaco worked with private companies and police.

**ADV MOTLHASEDI**: Where in your statement do you identify the presence of police there?

**COMMISSIONER MKHWANAZI:** No, I said marked cars.

Marked cars is police.

**ADV MOTLHASEDI:** Thank you, Commissioner.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Yes. Thank you, Ms Motlhasedi.

**ADV MOTLHASEDI:** Thank you, Chair.

**CHAIRPERSON:** Ja. Commissioner, thank you very, very much. But, as I said earlier, you will have to come back in the new year.

10 **COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** You will be notified accordingly. Let us adjourn and resume at 11:35.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Ms Sello.

**ADV SELLO SC:** Thank you, Chair. Good afternoon, Minister.

**MINISTER MCHUNU:** Good afternoon to the Commission and Commissioners.

20 **CHAIRPERSON:** I do not like the idea of having to look at the time before I greet somebody. In my language it does not happen. Good morning, I am sorry. Yes, Ms Sello.

**ADV SELLO SC:** Thank you, Chair. For purposes of the record, just to state, we continue with the testimony of Minister Senzo Mchunu, which started on Tuesday

afternoon, the 2<sup>nd</sup> of December. And because of our programming challenges, Mr Mchunu was gracious enough to permit us to continue with the witness who was under subpoena for Wednesday, yesterday.

And he is back today to complete his testimony. Once again, for the record, when we started with the testimony of Mr Mchunu, Ms Lee Segeels-Ncube was leading her, working with me. There is a slight change in the team today, and it is still myself, but this time I am Ms  
10 Thabang Pooe, Adv Thabang Pooe. But that should not impact anything at all.

It will have no impact on the process. Chair, with your leave, there is something I would like to address. If anything, to correct the public perception that appears to have taken root out there. On Tuesday, when Minister Mchunu presented himself before the Commission, he was wearing a hearing aid. And unfortunately, the public has interpreted that in different ways.

Most of the ways exceptionally incorrect. I would  
20 like to place on record that Mr Mchunu brought to our attention that, as with anyone, he has hearing challenges sometimes. And in order to facilitate engagement between himself and us, on the one hand, and the Commissioners on the other, the Commission provided him with a hearing aid that is connected to the Commission system to enable

audibility or to improve audibility.

So that hearing aid that the public may see is not one brought by Minister Mchunu. It has not been provided to him by his legal team or anyone. And it is for no other purpose except to facilitate better hearing by him. So, I thought it is necessary to put that on record and clear any misconceptions that may be there publicly.

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

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

10 **CHAIRPERSON:** I was about to ask where it is today. I see Mr Michaels taking it across.

**ADV SELLO SC:** You want me to say something? To test? Okay. Are you comfortable? Are we ready to proceed, Minister Mchunu?

**MINISTER MCHUNU:** Very comfortable. Thank you very much.

**EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank you. Mr Mchunu, as the situation was on Tuesday, you should have before you a file containing your statement that  
20 you had begun to testify on, on Tuesday afternoon. And then you have a series of files that are marked, four of which were tended on your behalf together with your statement, and that contains your annexures.

And there are three other files, and these are marked exhibits. And those are the documents that have

been tended by the Commission or by the evidence leaders. As it is practise, as and when we need to refer you to any particular document during the course of your testimony, we will do our best to be as precise as we can and direct you to the correct file and the correct page.

So, for the moment, you do not have to worry about the fact that you are surrounded by eight files. We will find a way to manipulate our way through all that morass. Turning then to your statement, when you left the  
10 Commission on Tuesday, you had gone as far as page 21. And as per agreement on Tuesday, you will be given an opportunity to put across your version, but once again, as regards strictly the issues of the PKTT, and as stated on record, there shall be no engagement with you during that time until you have completed your version.

And when I say engagement, it basically is to limit myself. I will not speak on behalf of the Commissioners. The Commissioners may, as it happened on Tuesday, ask clarification questions as and when it becomes necessary.  
20 Considering the time and on my estimation, you should comfortably conclude that process in the next one hour, 30 minutes or so. And I just wanted to check with you whether that is comfortable. I am not rushing you through the process, am I?

**MINISTER MCHUNU**: I hope you are not.

**ADV SELLO SC:** Okay. I trust we shall and will attempt to do so. With those few words, then, I invite you to address the next topic of your statement starting at page 22.

**MINISTER MCHUNU:** Thank you.

**ADV SELLO SC:** Oh, sorry. Please go ahead.

**MINISTER MCHUNU:** Thank you very much, Commissioners. Just before I proceed to page 22, I just want to go back a little bit to the comments that were made by Commissioner Khumalo, but very briefly, and the  
10 comments that were made by Commissioner Baloyi. Just to say that when Commissioner Khumalo asked me to cast my eye on paragraph 8.10 of the Murry[?] Committee report, I did so. In my reading of the paragraph, that 8.10 says task teams, I quote directly:

“Should be subjected to an impact analysis by organisational development and strategic management in the province to ensure the feasibility of existing teams.”

20 This was now 2024. They were worried about the state of the teams, or some teams in some provinces, and then putting a mechanism for that. So, my reading is that it is with reference to the provincial teams, the specialised task teams, and it is common cause that the National Political Killing Task Team is a national task team and therefore

does not apply to it.

Commissioner Baloyi spoke about the existence of murder and robbery at the time, or up to the end of the year, 2024, when I wrote the directives in relation to the structure, the new structure that had been developed after we came. To say whether that murder and robbery was in existence, or it was still to exist in terms of the new structure.

And I do want to confirm that, beyond any doubt,  
10 even as we negotiated the new structure, or discussed the new structure, during our orientation and up to the end of the year, the murder and robbery was in full existence, depending on a province here and there, but it was in full existence. And the point is to that, as evidence, even on the 12<sup>th</sup> of July, during the orientation, the presentation that was made clearly indicated that it does exist, murder and robbery was already in existence.

Apart from all other evidence, evidential documentation that I have given to you. And of course,  
20 even at that meeting, there were comments like the latter was issued at the time when there were discussions in relation to the establishment of murder and robbery. And in the past, there was a unit called Brixton murder and robbery unit, which was dealing with the issues of murder and robbery, and it was doing very well.

These were part of the discussions that ensued as we were holding our discussions. But this is an extract from the evidence given by Deputy Minister Mathale at the Ad Hoc Committee. It is on paragraph 58. But I do also have this document at my disposal, which is a 2020 structure. At the beginning of the previous administration, I do not know whether Commissioners have.

It clearly, like the one that I was putting, it clearly indicates that the structure, the murder and robbery that we  
10 are talking about did exist in column three in this document. As a section, as I was explaining, murder and robbery, and then there are other sections below that. So, these are part of the material evidence that showed that there was, and it meant to be, murder and robbery.

And the department was making efforts throughout at official's level to build murder and robbery. That is why even in 2019, as in fact 2018, just two months or three months after the establishment of the PKTT in September, they then Commissioned a study because there was this  
20 intention all the time to ensure that you built murder and robbery. Now, the last matter ...[intervenes]

**CHAIRPERSON:** Just a second, Minister. Yes, we have just been given.

**ADV SELLO SC:** I was about to address that. We have also been given documents. Documents relating to

organisational structure and another one also addressing organisational structure, but that one is dated 2025. To place on record, during the course of lunch, I take it that with the submission of these documents, the Minister would like to have them included in the record.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** We will work with the attendees to determine whether they are part of an existing annexure or how best to mark them for purposes of the record. And then  
10 we shall update the Commissioner's files as necessary over the lunch period.

**CHAIRPERSON:** Just a suggestion, perhaps they should go to the Minister's annexure's file.

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** And then you can just give a letter if they relate to, for example, annexure 22.

**ADV SELLO SC:** Indeed.

**CHAIRPERSON:** Then you have a 22A and whatever else.

**ADV SELLO SC:** We shall do so. But I guess we will have  
20 to satisfy ourselves that they are relevant to that particular annexure.

**CHAIRPERSON:** Only if they are.

**ADV SELLO SC:** We definitely will do so.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you.

**CHAIRPERSON:** Minister, I interrupted you.

**MINISTER MCHUNU:** Thank you very much. The last preliminary issue, just before I get to page 22, is just to bring in yet another document on inter-ministerial committees as of February this year. But reflecting the position as we started the new administration that confirms that the inter-ministerial task team or Ministerial committee on political killings does not form part of the list that we have on political killings. There are all others but except  
10 that one. And it was on the basis of that understanding when I issued the letter of directives as of 31 December last year that that was the existing position at the time. I now want to proceed therefore to page 22.

**ADV KHUMALO SC:** Before you do so, you have accepted my invitation and responded to it. It is the first preliminary point you addressed. Because our proceedings are transcribed, you are responding to a document that appears in file 205. Your annexure is on page 201, and it is paragraph 8.10 of the Murry report. Thank you.

20 **ADV SELLO SC:** Thank you, Commissioner. Minister, the document you just referenced, just to confirm, is it one of the two that has been submitted or is that yet another?

**MINISTER MCHUNU:** It is yet another.

**ADV SELLO SC:** It is yet another. We trust that will be provided with copies thereof and we shall treat it in the

same fashion as we do these two. Thank you.

**MINISTER MCHUNU:** Now, page 22 addresses, which is the next topic, the role of the Minister vis-à-vis the role of the National Commissioner. In discharging my Ministerial responsibilities as Police Minister, I have at all times understood the constitutional and strategic framework governing policy including my authority to determine national policy and to issue directives to the National Commissioner within the framework.

10           And in this regard, I have also made my own personal efforts to intensify my understanding of the environment as appointed to the Police Department. And I want to point out right at the beginning that we dispel the notion that the Minister of Police has no operational, although I put it inside italics, has no operational role whatsoever insofar as police are concerned.

          It will be remembered, it is solely for that reason that I make that statement, that our constitution comes from an era where the police had significant powers and there  
20           was no civilian and Ministerial control over the functions, which resulted in grave abuses of human rights. Our constitution departs from that particular history and places the police firmly under the public control and the police reside under a political head for a good reason.

          That was one of the significant changes from the

old era, the apartheid era, to the new era of a democracy. And it was meant to, among other things, mitigate against what we had experienced as a nation throughout the apartheid era. Section 206 of the constitution addresses the political responsibilities for the police service. Subsection (1) therefore states that:

10                   “A member of cabinet must be responsible for policing and must determine national policing policy after consulting the provinces or provincial governments and taking into account the policing needs and priorities of the provinces as determined by the provincial executives.”

And then section 207 deals with the control of the police service, with subsection (1) and subsection (2) providing as follows:

20                   “The President as head of the national executive must appoint a woman or a man as the national Commissioner of police service to control and manage police service.       The National Commissioner must exercise control over and manage police service in accordance with the national policing

policy and the directions of the cabinet member responsible for policing.”

So those two sections are very clear in my understanding, and I worked on the basis of what I understood them to mean. Then there is section 207 which establishes a civilian secretariat and provides for a civilian secretariat for the police service which must be established by national legislation to function under the direction of cabinet member responsible for policing.

10           So according to the constitution, Minister has three distinct powers. Firstly, it is to determine national policing policy. Second one, it is the power to direct the National Commissioner when exercising his or her powers in terms of section 207 of managing and controlling the police service. And then thirdly, the power to direct the civilian secretariat for police which must be established by national legislation.

          The constitution does not prescribe the content of the national policing policy, and this is left to the Minister to determine the content. The policy must, however, take into  
20 account the policing needs and priorities of the province and clearly the constitution contemplates the all-encompassing policing that sets the framework for the operations of the police.

          Now, I just want to indicate that we developed the policing policy in the course of last year, completed it,

signed it off, so it is in place. There are other sections that are relevant and are important and I propose that I do not necessarily go through them one by one. Section 2 and 3 of SAPS Act and then the constitution and the SAPS Act which indeed envisage that the policy and directions of the Minister will be enforceable by, in the main, the secretariat.

And also, in paragraph 67, I make reference to the nature of the directions that the Minister may issue to the national Commissioner. Now, which I am saying are not  
10 necessarily specified in terms of the content. And, of course, other issues that arise in the exercise of power by the Minister. Now, I want to proceed to paragraph 68:

“Therefore, the National Commissioner's operational powers must be exercised in accordance with the directions and policy issued by the Minister.”

This is not surprising, a surprising feature of the constitution. At the heart of chapter 11 of the constitution  
20 is the need to place the police service under the public control by imposing political oversight, as it has happened over time during the advent of our democracy. This is apparent from various provisions dealing with the police and providing extensive powers to the Minister responsible for policing, like section 206(1), section 206(3)(E), 206(8),

207(2) and 207(3) and 208, all those subsections.

The National Commissioner has the powers contained in 11(2)(D), and this is an important paragraph in my statement. He has sections, he has powers contained in section 11(2)(D) of the SAPS Act to organise and reorganise the service into various components or units or even groups. But that power contained in 11(2)(D) does not, is not relevant to the issue of the national police, National Political Killing Task Team.

10           Because this was not, this team was not established by the Commissioner in terms of those powers at 11(2)(D). I have indicated above that this was solely established through the intervention of the President and via, and then who established the inter-Ministerial committee Chaired by the police minister. And then, who then decided that there should be a structure or a mechanism called a Political Killing Task Team.

20           Now, in the light of this framework, my oversight of high-level structural and governance issues, including a 2019 work study, proliferation of unmonitored task teams, budget effects of temporal structures, and proper location of specialised functions within SAPS fell squarely within my constitutional responsibility. My directive of 31<sup>st</sup> December 2024 must be assessed with this constitutional and statutory framework.

The allegation of overreach is rejected. Now, paragraph 71, during the latter half of 2024, so before I go to that, not only did I believe that as I wrote that directive, I was within the constitution and the legislative framework, but I did consult a special advisor, Adv Vusi Pikoli, who then indicated comfort in terms of the exercise of that responsibility based on what is indicated by the constitution and by the legislative framework.

**ADV KHUMALO SC:** Sorry, can I just clarify this? The  
10 consultation with Adv Pikoli, was it on the day or prior to the decision?

**MINISTER MCHUNU:** It was on the day, but on the day it was merely a culmination of what we had been discussing over time, where we were discussing the actual role of the Minister in terms of powers provided by the constitution, something that we were doing on a regular basis in our meetings, and I did hold a number of meetings with Adv Pikoli, not only on this subject but on other relevant matters, especially taking advantage that I have a special  
20 advisor who happens to be an advocate, which was a coincidence that does not necessarily obtain with all other special advisors.

**ADV SELLO SC:** Minister, if I may interject, I am not sure whether you touched on the issue of Adv Pikoli in passing only, or whether that is where you intend to be in your

statement, because I would like to refer you to your next chapter, which you have headed human rights concerns emanating from the public. I think the issues that you deal with under that heading are important in considering your eventual decision to disband. So, I think we should take some time and do highlights aspects of that. For the record Commissioners, the extensive engagement with the issue of consultation with advocate Pikoli starts much later in your statement, and when we get there, you will say more about  
10 it. Thank you.

**MINISTER MCHUNU:** Thank you very much, Commissioners. During the latter half of 2024, this is just after we got appointed to the Ministry of Police, we began receiving a series of complaints and reports from civil society as one group, from whistleblowers, from SAPS members, from members of parliament, and from members of Parliament and from members of the public. These reports raise concerns about human rights abuses by members of the National Political Killings Task Team,  
20 among others. They raise concerns also around issues of governance, failures affecting various temporary and ad-hoc task teams, and those included but not limited to the NPKTT.

They were raising issues across SAPS, especially on task teams. They formed part of broader pattern of

structural issues within SAPS that required Ministerial attention. The complaints from various complainants varied or varied in content and in emphasis, but they shared common themes, namely unmonitored task team operations resulting in grave human rights abuses as they alleged, unclear reporting lines in terms of to who do these task teams report, and allocations of overreach, duplication functions, and significant strain on SAPS resources. It was clear to me that most of these complaints arose from people  
10 who knew one or two things about police or who felt a concern of one kind or the other around issues of policing in the country.

Now, I need to add that they also included HR-related matters or complaints alleging some internal abuses within police, including within PKTT, and instances of criminality. Now, for the benefit of the Commission, I provided a list of some of the people, and I indicate, for instance, on 731 that one of the people who lost a complaint was Lt-Gen Samson Shitlabane, whose  
20 complaints arose from his transfer from SAPS to the National Assembly, and there were some HR issues that arose there, and the issue was settled.

We entertained it. I allocated Deputy Minister Mathale to deal with the matter, and it dealt with it, and it got settled, and the National Commissioner was involved in

the discussions throughout, and then there was General Theo, to whom I allocated Deputy Minister Boshielo, and the matter got finalised.

And then there were other people. You will be a bit patient with me as I try to indicate the status of each of the complaints. Maj-Gen D Moodley, who was component head of Crime Intelligence. Now, he made several calls. Ultimately, I met him, just myself, and he then outlined his complaints. And at the end of the session, I asked him,  
10 which was not a long meeting, I asked him, what does he – what do you want me to do with what you are saying? He said I am not expecting anything from you, I am just reporting. My matter is in court, and I want to settle it myself, independent of you, in court, and that is where we left his matters.

And then there was Brigadier Hlongwane, who was in charge of the Secret Account. His argument was that after all processes internally, he was indicating that he is on appeal to the Minister. And then there was also General  
20 Khan, and I must say that that matter is still pending, and then there was an issue of General Khan, whose matter I got through a National Commissioner and Head of Crime Intelligence. That matter ended up in court, with a challenge from General Khan challenging expeditious handling of his matters, and he won the case, and there was

an internal disciplinary hearing, which cleared him as well, and that is how the matter was handled.

And then there was also General Vuma, whose matter is still pending, on suspension for several years now. And Mpumalanga Provincial Commissioner, Lt-Gen Manamela, whose matter is still pending. And then other names to be submitted to the Commissioners for confidentiality. I have here, Commissioners, in this envelope, other people who contacted us. And some of  
10 them, we had a discussion on with the Deputy Ministers somewhere towards the end of November, to say what do we do with all these complaints?

But many of them, or most of them, I met them alone at their request for strict confidentiality, because they emphasised throughout our conversations – so they would call and they will ask for a meeting directly or via other people, and then I would meet them. And they would emphasise that the matters that they are relating to me are highly confidential and highly sensitive, and then they would  
20 relate them to me.

I did that throughout the course to the end of the year, and I put them in the envelope. And I would want to – I intended handing them over personally to the Commissioners, but I trust that you are trusted by the Commission, and I will be looking at you as you do so

because I do not want the names to be exposed by any accident.

I am making a personal appeal to the Commission to afford them an opportunity to meet them. There are eight of them, and it will not take eight days. It will take less than eight days to hear them out, and it is important from where I sit to receive or to afford them the opportunity to do so. So that is part one of the complaints that were received. Then there were also complaints ...[intervenes].

10 **ADV SELLO SC:** Minister, my apologies. If I may interject? From a procedural perspective only, this is important for me to understand, at the stage where now we engage the Minister on his testimony, not having sight, not having had sight of what is contained in the envelope because it is strictly for the Chair's eyes at the moment, I would like to know whether the Minister is tendering the contents of that envelope in support of this particular heading. Because if he is, then I would not have had opportunity to consider its contents, or whether he is just  
20 submitting those names for the Commissioners to consider how to treat the persons whose names are contained in the envelope, and that whatever it is they say is unnecessary for purposes of our engagement as far as this chapter is concerned.

Not having seen them, I do not want to stray way

beyond the Minister's statement as it currently stands, so I would like some guidance on how to treat the information that is in the envelope. And, Minister, I am not suggesting that I have sight of the contents, I just want to know how I deal with the contents of that envelope. Thank you.

**CHAIRPERSON:** We will discuss over lunch and we will decide how to go about how we want to treat this.

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

**MINISTER MCHUNU:** Thank you. Just one more additional  
10 information. I did provide their numbers because I ended up just recording, because sometimes I would phone you in the car and I would take the name and say name and then number. But quite a number of them, if not all of them, would have made submissions to or an application to the Commission to appear. So there may be correspondence with the Commission already from them. Thank you very much.

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

**MINISTER MCHUNU:** The next person who also lost  
20 complaints formally by writing emails to us was Mary de Haas, who is an academic and a long-standing observer of policing oversight in KwaZulu-Natal and elsewhere. And she did send correspondence to me and to Parliament Portfolio Committee on policing from time to time, complaining about various issues.

Among the issues that she raised was systemic governance weaknesses experienced or observed by her in policing, including task team operating in parallel and sometimes outside SAPS formal command oversight and budget structures. Her concerns aligned the issues later identified independently in the Murry report and SAPS internal governance discussions.

Some of these complaints were quite serious when you read them, and at some point I did have a discussion  
10 with the National Commissioner around these matters. I am just indicating that she was one of the people who made submissions. And then there was another person called Patricia Morgan-Mashale, who also sent a number of complaints on an ongoing basis, I think from July, shortly after we got appointed, sending a lot of material to us on a regular basis.

And at some point I requested assistance to understand exactly her standing and what her role is and so on. But even after IGI, that is Inspector General of  
20 Intelligence, had indicated some aspects around her, I continued to receive and I continued to read, but I never actually sat down to deal with the matters that she was raising. I never sat down with her, nor did I have any discussion with her on telephone. I just received and looked and read what she was saying.

And then the third and the last issue of these complaints arises from a Fort Hare case that is alleged to be in violation of human rights. This was reported in media before I arrived, as I perused matters from attorneys from Bradley Conradie Halton Cheadle Law Firm. And some of these articles were carried by Daily Maverick. And we set out and indicated what they were all about and I proposed that I do not go through everything there, but those matters are clearly identified.

10           It is now public knowledge, I am now on page 35, that Ms Burger has since requested to give evidence before the Madlanga Commission about what she alleges is abuse and violation of her rights perpetrated by members of the NPKTT during her arrest. In her statement before the Commission, Ms Burger detailed an extent of the abuse she alleges she endured during her arrest. And Ms Burger explains the abuse she experienced in Part B of her statement, paragraph 31 to 79, which I attached as SM16. So it bears mention that some of these complaints referred  
20 to in this statement were also discussed with the National Commissioner, as I indicated.

Now, the challenge posed by these examples is this. The National Political Killings Task Team has for some time been credibly accused of systematic human rights violations. And I must indicate that it is quite

concerning to hear stories here and there of members of PKTT, or National Political Killings Task Team, wearing balaclavas when they do some of the operations that you would not expect them to do so. Even though I am not specific on the matters, but I am merely indicating what complainants have raised in their complaints, the ones that are listed there, a culture that is not in consonant, in my view, with democracy and what is expected of police, and it is quite concerning.

10           Hence my inclusion of this matter here. So my view is, and still is, it is possible for police, whether in units, whether in teams, to perform their duties successfully without having to violate any human rights. We are a country that has made a choice that we recognise human rights, that is rights of individuals in the country that must be observed as we police South Africa all the time. But I am not suggesting that police should not have freedom to, or liberty to exercise their powers within the Constitution and within acceptable practices in relation to use of force  
20 whenever that is necessary.

Now, I go further to say that I do have an understanding that there are arguments out there that it is preferable to keep the National Political Killings Task Team because of its unique focus and ability to combat organised crime. And I want to state that that is a wrong argument

because the National Political Killings Task Team was not designed to combat organised crime in general, but they were designed, they were established and designed to focus on political killings which, in other words, killings which are politically related.

And they have been doing that strictly just that, political killings or killings or assassinations or murders that are deemed to be politically related, not other murder, not any other murder as it were. And I will indicate later  
10 through figures or some stats that make an effort to make us understand what the Political Killings Task Team was all about.

But I do not think that it is fair to devote substantial resources to one category of killings in the country, which is politically related killings and not any other killing, when the evidence is that there is an urgent need to focus on all murders. Ever since I got or we got appointed to the Ministry, what the concern of Cabinet has been, the concern of the Portfolio Committee has been, the concern of the  
20 public has been, it has been a high, a very high and unacceptable rate of murder in South Africa.

That has been the concern that has been drummed into our heads all the time and we believe in that, that the rate of murders alone, not just crime but murders in particular, is very high, unacceptably so. That is why,

among other things, I took the initiative of calling a meeting together with the Deputy Ministers of the National Commissioner in November and Provincial Commissioners and the Deputy National Commissioners, just to focus on four crimes that we believed by that time we had observed as being a major concern in the country. That is murders, proliferation of firearms, proliferation of, if I could use that word, of drugs in the country and GBVNF. We focused on those only.

10            Now, those kinds of situations or those crimes, as we identified them in November, they rather dictate to your conscience and yourself as a need, pointing to a need, maybe not exclusively but almost exclusively, that you need to attend to those because they are the ones who characterise criminality in South Africa more than any other. When people say there is crime in South Africa, they are pointing to murders. They are pointing to these other three that I have indicated, hence our focus.

20            Much as political killings, as identified in 2018, are important, there is murders of councillors and other officials at the local sphere. Much of it is important and it was important to attend to that. But there is a need to recognise that outside that number or that category of people, there is a lot that is happening and therefore we cannot keep on focussing on just one category, which in my view is small

compared to the other, as statistics will indicate.

I then proceed to try to get deeper into the changes that were necessary and necessitated by the directive that I issued on the 31<sup>st</sup> of December last year.

**ADV KHUMALO SC:** Where are you now, Minister, in your statement?

**MINISTER MCHUNU:** I am on paragraph 99. I am proceeding to paragraph 99. A central consideration that informed my approach was the need to strengthen SAPS' permanent structures rather than continue to rely on a temporal project, and this was based on observations. So by late 2024, it was increasingly clear that concentrating significant resources exclusively on politically motivated murders was no longer efficient or justifiable. Relative to the national burden of violent crime, political killings constitute a small proportion and a broader systemic consideration was required.

Now by saying this, I do not mean that there is no need to focus on political killings, but I am simply making the point that for me the disproportionate spend on the country's resources for political killings while other systemic murders are ignored can never be justified. What I wanted to achieve and still do is a balanced approach to crime fighting, particularly where murders are concerned.

If I could pause and just indicate three things about

the landscape of murders in South Africa. One, it is to that according to the Global Initiative in the report they issued last day in April, they identified four categories of assassinations or murders in the country that is in South Africa. One, it is organised crime that takes the largest portion of lives in the country and they estimated to 35% of murders in the country.

This is followed by assassinations or murders within the taxi or around the taxi industry, which is  
10 estimated around 34%, which is a percent lower than the organised crime. And then this is followed by the third category, which is political killings estimated at 24%. And the last one is personal killings, which is estimated at 7%.

Now, if you put aside the Global Initiative and look at your own stats in South Africa of matters, they definitely fall within those four categories by and large, which means that the highest category of murders in the country are those flowing from organised crime, whether it is extortion, whether it is in any other form, followed by taxi industry  
20 driven or murders associated with the tax industry and political killings in the third category. This is the first point that I want to make in terms of the landscape.

The second point I want to make is that there are four provinces that constitute about 83% of murders in the country. Four provinces. It is Gauteng, where we are. It is

KwaZulu-Natal. It is the Eastern Cape and the Western Cape. Those four provinces combined constitute continuously 83% of murders in the whole country.

Now, so when they say South Africa has a high murder rate, unacceptably high murder rate, in fact, in terms of figures, we are talking about murders that occur in these four provinces. I am not saying that it excludes the other provinces, but I am just saying up to 83%, just in the four provinces all combined.

10            Now, I now want to indicate in figures, I am not sure whether I did ask that these figures, because it is for the benefit of the public to clarify these points as clearly as possible. I do not know whether I did that. If I did, I would request that these statistics be displayed as I go through them.

**ADV SELLO SC:** Minister, I think that the request had not made it through to us, but that should not be a challenge. We will be able to project from your statement as we have it. Just so I understand, you have statistics appearing at  
20 page 38.

**MINISTER MCHUNU:** Yes.

**ADV SELLO SC:** And spilling over into 39. Firstly, under which paragraph, which statistics would you like to have projected?

**MINISTER MCHUNU:** I would just take the ...[intervenes].

**ADV SELLO SC:** 101, paragraph 101?

**MINISTER MCHUNU:** Yes.

**ADV SELLO SC:** 101 or 102?

**MINISTER MCHUNU:** 101 first, and then 102. And then I would request that I also take that graph on page 40.

**ADV SELLO SC:** Okay, we shall do so. If you could just give us a second. In the meantime, you can continue with your testimony as soon as – I think we are up and running.

**MINISTER MCHUNU:** Okay.

10 **ADV SELLO SC:** Just give it a second. Not so soon it turns out.

**MINISTER MCHUNU:** Okay, thank you.

**ADV SELLO SC:** But I believe you may continue as soon as it comes up, then we will turn your attention to the table.

**MINISTER MCHUNU:** Okay.

**ADV SELLO SC:** Thank you.

**MINISTER MCHUNU:** So, at the end of the statistics that we will indicate, which will also take us to some of the figures that we have on PKTT figures, well, as we will be  
20 comparing, the summary of, that comes out of these figures and the graph, it tells you that between the years 2016/17, and 2024/25 SAPS recorded an average of 23,043 murders per year national, 23,000 and 43,000 – no, 23,043 national. And then you go to KZN alone, the average there annually is 5,314.

Now this against the backdrop of the National Political Killing Task Team murders with an average of 18 political murders per year over years 2015 up to 2024, we were just indicating averages to make my earlier point. after the statistics. I may as well because stats are now here to indicate what I wanted to indicate.

So in 1, you will see that from 2011 to 2015, we deliberately went back there to show that in those four years, political murders were 11. This was before the  
10 establishment of a PKTT. And then there are other categories like political, politically related cases and political related cases and so on, the total. But I want to jump to 2018 in the interest of time, the year of establishing, or the year in which PKTT was established. There were 14 murders. And then 2019, 15 murders; 2020, 15 murders; 17, 27, 11 and by 2024, you were talking about 7 murders because the graph went down in 2023 of politically motivated murders down to 11 and then to 7.

Now, 102. Now, 102 indicates just in KZN flowing  
20 from that, from that, from those figures above to indicate that in those years, political, I mean, not political murders, murders in KZN you are talking about between 2011 and 2012, 2011, 20012, and then 2015 to 2016, you are talking about 18,396. Now, you compare, as I say, with the figure above, which indicates politically, which is politically

motivated murders, 11 and 18,000, in other words.

Now, I am not even taking those of the country, which is 85,000 at that time. But let us go to 2018, because that 18,000 is a combination of years, but I am now taking one year. 2018, in KZN there were 4,382 murders. Just to continue referring to the stats, in that year in 2018, you had 14 that were political, that were identified as political, just 14. But these are lives, of course, and I should not even add just. It is 14 lives that were, that were - but outside  
10 political motivated, you had 4,014. It is 2018. Now in 2019/20, it is 4,859 and there were 15 murders in 2019. 2020, there were again 15 murders political, in terms of political motivated, politically motivated. But in the same year, in KZN, you had 4,859.

Now, 2020 to 2021, 4,825, 2021, so the whole figure goes like that. But this side, by then, the combined, in the country, the combined figure is 27,494. Now, let us go to the graph which is on page 40. Now that is the graph that indicates murders over time in the country. So the top  
20 line is murders in the country as a whole. The next line, murders in KZN over time and the red line is politically motivated murders.

So just the same as I have been saying, 2016/17 it is 32 against 14,014, 4,018 against that 19,000. And then you go 20 in 2017/18 against 4,382. And then 14 against

4,395. And then in 2019/20, 15,000 against 4,000. 2020/21, 15,000 against 4,825. And then 2021/2022, 17 against 6,000, which was even rising. And then in 2023, is 27, the highest, and then 2023/24, it started dropping to 11, and then down to 7.

Now, we then say there in summary, the figures demonstrate that politically related murders constitute a very small proportion of the national murder burden and even the provincial murder rate in KZN where PKTT or  
10 NPKTT operates. Now, this supported my view that focusing significant resources exclusively on political killings through *ad hoc* temporal task teams was no longer sustainable and that the expertise developed within the National Political Killings Task Team should be mainstreamed into permanent murder and robbery unit, which has political killings in its approval mandate, as indicated on Tuesday, backed by our structure.

Now, by way of further illustration, it is to be noted that SAPS releases quarterly crime stats, but for the  
20 murder, for murders in particular, there is no breakdown on, or categorization of the motives of the murder. Indeed, it would, I would argue that motive is of secondary significance. What is important to note and in terms of our mandate, is to reduce murders, is to deal with murders, whether of business people or from the religious community

or from whatever category. That is secondary.

What is primary? What you get paid for, where you earn your title as Minister, and in my case as an individual, as Minister, is our performance in relation to the face of criminality in South Africa, the face of crime in South Africa, which is the murder rate, not murder rate of a certain category of people in the country, but murder rate.

And people in South Africa would say, we are making an impact, we are working, not when we reduce just  
10 one category, but across, and this is in line with the Constitution of the Republic, because it does not distinguish which category, whose murder is important than which one.

Now, against this, which we had to really ask the question internally in our consciences, do we continue like that? So it was also my general understanding that in reality, as I indicated before, task teams are created to solve defined problems and not to operate indefinitely and I have repeatedly indicated this matter.

Now, ultimately, I was of the view that NPKTT,  
20 NPKTT's work should be wound down or wind up, and members should then be absorbed into one of the permanent structures, and in this case it is murder and robbery under serious and violent crimes, which flows from the work study, which flows from the understanding of SAPS themselves and the work that they have done over the years

and so on.

Now, when I then indicated in the directive that NPKTT is no longer serving the main concern, in other words, no longer addressing the main concern, and I put it as no longer required, it was based on the disjuncture that I was feeling internally that in reality there is a disjunction and is backed by figures. If you do not interrupt what is happening, you are actually saying this disjunction must continue when you have power to exercise in the form of a  
10 directive to highlight the importance and the urgency to deal with this particular murder, hence the directive.

So it was not out of not recognizing the work done by the PKTT, despite the fact that, as I have indicated, it is a small category of people in reality. But we do recognize the work that they did as individuals and as a team. But time to mainstream, as indicated by the structures of SAPS over time, had come and we had to take a stand to say, let us now change in line with what is actually happening in the country in terms of murder and robbery.

20 So it was in that context that I indicated no longer required. It was based on stats, not based, not meaning to say individual members within PKTT would then be made to retire, it was time to mainstream them and go to murder and robbery and even use some of the experience acquired there to mainstream, especially in the four provinces, as I

have indicated.

And I still believe very strongly that we should persuade one another in the country that we mainstream, because reality is pointing elsewhere, much as we can sense, what is this, it is to sentimentalize and ...[intervenes].

**CHAIRPERSON**: Or sensationalize.

**MINISTER MCHUNU**: Sensationalized. The Chair is very helpful and I am indebted to you, Chair. We should work  
10 beyond the emotions on this murder, try to persuade us beyond emotions, beyond emotions, and sensationalizing the murder. Go beyond that. Now, as I said there, I said to myself, do I play into those emotions, or I face reality. And where is this going to put me personally if I deal with this matter, because I would be seen to be swimming against the general sentiment. There, I am sure I am getting it correctly. I would be seen to be swimming against the sentiment, general sentiment.

But I said to myself, I do not believe that I was  
20 appointed for sentiment. I believe that I was appointed for honesty and for reality as I see it in the portfolio and then lead accordingly. So ultimately then we wrote in the way, in the manner that we wrote. So I have dealt with everything on page 41.

**ADV SELLO SC**: Yes, I confirm.

**ADV KHUMALO SC:** Is it “we” or “I”, Minister, when you say we wrote in the manner that we wrote?

**MINISTER MCHUNU:** I. I am a humble person, Commissioner. I must say I because I was really alone, so that I do not, the word “we” I normally use because I am with Deputy Ministers, but it is important to indicate that I did not consult them in writing, but I have a hangover of way, but I was alone in this.

**ADV SELLO SC:** Minister, before you proceed. Chair, I  
10 see it is about 1 o'clock, however, if we turn the page to 43, just I think a few aspects for the Minister to wrap up this sub-topic and I would request perhaps a minute or two for that purpose and we then may break before he deals with the question of resource and budgetary considerations. Thank you, Chair.

**MINISTER MCHUNU:** Thank you very much. I will deal with paragraph 112 just for its relevance, because it talks about the formal request. It talks about requests. I beg your pardon, let me start with 111. There is a difference  
20 between the request for extensions leading up to 2022 and the request for financial approval in the absence of a concurrent request for an extension post 2022.

For an example, the request for approval and request for funding for the period 2018/7/1 to 2020, December 31, and the period 2019, September to 2020,

March 31 and there is a vast difference between the two, between these requests. The former category, the old ones, the request for extension, they are specific and detailed in their purpose, background, operational approach, composition relating to the task team in question, and estimated expenditure as reflected.

On the other hand, the latter, that is beyond 2022, they were done without a concurrent request for extension submitted in the same function. They were simply requests  
10 for financial authority. There is a difference. You would read pages and pages in the older ones before you come to the finance part or the funding part. But post 2022, almost the second page, it is a request for funding.

So those extensions got reduced to just requests for finance and these differences are discernible. But I am a resident of KZN and I am conversant with matters there, political and otherwise, and even without the benefit of any study of figures, the general conversation in KZN by the end of 2024 was that political killings are done.

20 They were no longer part of the conversation as they were in 2018 and a couple of years after that and general consensus that you would find in the normal course of conversations would tell you so, without any studies and without any figures. So 113 says:

“Mere approvals for funding are to be

distinguished from formal extensions of the National Political Killings Task Team and there is, to date, no work study contemplating that the National Political Killings Task Team should be transformed into a permanent structure intended to operate indefinitely. What there is instead, there is a proposal over years that you now must integrate, you now must allow National Political Killings Task Team to be absorbed by murder and robbery under serious and violent crimes.”

This is what we are saying in those paragraphs. But we are also highlighting sensitivity in terms of allocating resources within policy, that it is a matter of concern and it is very important.

So I go to paragraph 115.

“So following the work study, the intention was always that the NPKTT functions would be reabsorbed into permanent structures.”

Let me make this point. It may have been conveyed and received as disbandment and consumed as such, but the intention is similar to that one of 115,

absorbed into these permanent structures as demonstrated in terms of what SAPS were saying in various memos over time. It was to absorb, it was to integrate, it was to do just that.

But the term “disband” came in, of course, in the conversations right from 2019. It was not introduced by me alone. It was there in 2024 before I arrived and as such, it got to be part of the conversation. Now, so that is why I am saying then in those paragraphs preceding where I am, we  
10 are getting to the belly or this real substance that went into the processing of the letter of disbandment. But I proceed to the resources and budget considerations, and I am not going to be detailed there because it is there. I have spoken about it, except to say that allocation of resources I consider it to be policy making.

**CHAIRPERSON:** Minister, I had understood, Ms Sello to say that you should stop just before starting with resources and budgetary considerations. Let us ...[intervenes].

**ADV SELLO SC:** Before we do so, Commissioner  
20 Khumalo's mic went on. I thought he has got a question for the Minister. All right, otherwise, happy to. Thank you, Chair.

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

**ADV SELLO SC:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Minister, we have considered the question of the brown envelope. We have decided to give it back to you, Minister, and to ask that you seek legal advice from your legal representatives as to what you want to do with it and the people reflected on the list. That is what we suggest, Minister. Thank you very much.

**EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank you, Chair. Minister, just to orientate us, before we broke  
10 for lunch, we were at your page 43. And we had just dealt with paragraph 116, which would then lead us to the next sub item in that chapter. That you have headed resource and budgetary considerations. I would invite you to pick it up from there.

So, we do not run into crisis in respect of time, I would like to remind us that in putting forward your version, you still have a significant chapter to deal with, which you had procedure followed preceding the 31<sup>st</sup> of December 2024 directive. The reasons for the 31<sup>st</sup> of December 2024  
20 directive and the post directive implementation. Those are the three main topics left.

Just to remind ourselves, that is where we intend to stop. Both with you putting forward your version and the engagement we are going to have with you. Because it is those topics that speak specifically to the issues of PKTT.

As previously placed on record, all other issues that you have addressed in your statement shall be for the second session of the Commission in the new year.

The Chair will determine when that takes place. Your statement is extensive, and it will not be possible to deal with everything with appropriate and required depth if we are trying to cram it all in this one and a half days. So, I just want to remind ourselves what awaits us. If you could structure, therefore, your summaries accordingly to fit in  
10 with your and my agreement as to how much time you need for that purpose. Thank you so much. I then invite you to consider from paragraph 117 and deal with that sub item resource and budgetary constraints. Thank you.

**MINISTER MCHUNU:** Thank you very much, Commissioners. 117 taken together with 118, the 62 indicates that the issue of resources is of primary importance in a department like police. Whether NPKTT is funded from the National Operational Centre, would it affect the combat units within SAPS or is taken from any other  
20 source, especially detectives, the principle is one that we should not use the budget for what it is not allocated for and start picking up from different programmes because that is not allowed by Treasury.

Then it affects performance levels of where money is taken from. If it is taken from detectives, for instance, it

causes the standstill that is there in SAPS, things like physical dockets, things like many dockets to a detective, which is very cumbersome, resulting into poor performance and convictions and all of that. Having made that point, to say the whole of SAPS resources are an issue that cannot escape my attention as Minister because it is so important.

I indicate on page 44 that if we continue funding National Political Killings Task Team the way it is happening, we are being insensitive to discuss the  
10 resources that we have for making sure that the whole of SAPS is as effective as it should be. PKTT or NPKTT, there is a budget item there just for 12 months requiring that amount of money, just for S&T and accommodation, 40 million, 883 000, food and beverages, 15 193 000. Incidental costs, 6 million, laundry, 1.2 million, overtime, 30 million, cell phone, 440 000.

Now, this kind of expenditure concentrated in just one tip, which is temporary, is unjustifiable. The budget for SAPS has been reduced by 11 percent over the last few  
20 years, and therefore it is something that should talk to the way resources are allocated. If I come to this year, for instance, I do want to display, I want to come to just one small, one page presentation which I asked for, just to show.

**ADV SELLO SC:** Minister, is that from your statement? Or

is that a separate document you would like projected?

**MINISTER MCHUNU**: It is in the bundle. It is not, it is, it talks to case management.

**ADV SELLO SC**: Is that an annexure to your statement?

**MINISTER MCHUNU**: Yes, case management, and I am not necessarily focussing on that, I am just focussing on the results that we have on, especially convictions and so on. You have this document in the bundle.

**ADV SELLO SC**: I think we will project what we believe is  
10 the document.

**MINISTER MCHUNU**: It is an extract from presentation to the portfolio committee.

**ADV SELLO SC**: It is a two-page document.

**MINISTER MCHUNU**: And I will present one page, the first page.

**ADV SELLO SC**: Okay. It is got section one, case management, docket status, politically related cases. That is the heading of the document you want. Are we in the wrong document? Perhaps, let your attorney direct us if it  
20 is a specific annexure, and we will try and pull it up. SMP26. While we obtain an electronic copy, Commissioners, that is, it appears at page 565 in volume 3 of the Minister's statement.

**MINISTER MCHUNU**: Okay.

**ADV SELLO SC**: Okay, Minister, we think we have located

the correct document. Can you direct us to the correct page now?

**MINISTER MCHUNU**: It is just the first page of the two.

**ADV SELLO SC**: And under the heading 'purpose'?

**MINISTER MCHUNU**: Under the presentation to the portfolio committee. I am just taking one page. Okay, yes.

**ADV SELLO SC**: Yes. Minister, we are going to project and then you will tell us if we are at the right place.

**MINISTER MCHUNU**: Yes. Thank you.

10 **ADV SELLO SC**: Is that the page you wanted to speak to?

**MINISTER MCHUNU**: I am just wanting us to take this as a package. Number one, that is 119, which I have just presented. The expenditure pattern of the NPKTT.

**ADV KHUMALO SC**: Sorry, Ms Sello, we are in the right annexure. Which page is it?

**ADV SELLO SC**: We are trying to locate it. We were provided with this. We provided with this two-pager. Minister Mchunu's attorney told us it is Annexure 26. But what you have on the screen will not appear Annexure 26.

20 It is an extra document that we have been provided with. But the Minister confirms that that is the document he wants to talk to. So perhaps afterwards, once again, we will have a conversation with the attorneys to understand where this particular document fits in in his annexures. I will propose that perhaps in the meantime, he speaks to what is on the

screen.

**MINISTER MCHUNU:** So, Commissioners, I am saying if we take 119, which is the expenditure pattern for 12 months for PKTT, combine it with the point that I have just made of 11 percent reduction of the operational budget of SAPS, and add this slide, you will see what is happening. Or contextualise or use this slide to contextualise what we are saying.

You will see that in a context, what is happening  
10 with the budget of SAPS is that it is nominally increasing. But in real terms, it is getting down as a result of demands of policing and the population. So, if you look at this slide, you will see that when you look at work done, you look at the slide from the perspective of work done. Cases that are finalised under investigation, other.

And then you have 191 that are finalised over. You have 333 documents over the period since 2018. And then 199 finalised, which is 57 percent. But out of 191, there are 56 where the guilt verdict has been given, which is 29  
20 percent of the 191. And then the last line, figure three, if you could push it up a bit, you will see that out of 333 documents, you have 56 guilty versions, verdicts.

And then that constitutes 17 percent of the 33 cases. Now, you can make whatever opinion and so on, but the thing is, when you look at it from the perspective of

value for money in a context of a deteriorating budget, it will tell you that you would rather have to review the way you want to use the resources in the department. That is the purpose of those. And then I am adding ...[intervenes]

**ADV BALOYI SC:** Minister, just to make sure that I do not lose you. Is what you are conveying with this statistic, are you conveying that the PKTT has not been successful? There has never been value for money from the beginning. Is that what you are seeking to show with the statistics?

10 **MINISTER MCHUNU:** Yes. In the directive, there is a sentence or something that says, that talks to the value for money. And if you look at stats, you look at the deteriorating budget, you look at demands which are affecting performance, you look at what we spend in 12 months for one task team. But then you look at the outcomes.

It constitutes a doubt that you are happy with the value for money in that. And from where I sit, I felt I was not happy and satisfied with the value for money. And I  
20 may as well indicate here that when NPKTT was established, it was 2018, it followed an incident in which we were in Musawenkosi Maqatha Mchunu who had just been murdered.

But to date, we are yet to secure or see a conviction arising from that murder. As we speak, my

understanding from the family who are not distant from that family, you are talking about five suspects all in all on that case of 2018. Four of those suspects are suspected of conspiring to murder. And then one is a suspect for murder. So, at the moment, seven years down the line, we are yet to see a conviction that relates directly to the first case, which was almost a test case, when NPKTT was established and is not yet registered.

But let me move on. And I do want to say that is  
10 not necessarily to say personally I blame NPKTT for that, because they are part of SAPS. And it merely indicates expenditure patterns vis-a-vis the actual results and so on. There is then a question of inequities in SAPS between task teams and between units. And I point out that if you continue with the National Political Killings Task Team, focussing on KZN, you definitely are duplicating.

Inasmuch as you may not want to accept that as a fact, but that is in reality what is happening. And it has been the case for some time. We have murder and robbery.  
20 And it is around 45 people or so. And then you have NPKTT dealing with murders at the same time. You would rather rationalise, and you spend once in a sustainable manner.

And that is beneficial to the people. So, you stop duplicating. But at one point, I said to the National

Commissioner, National Commissioner, murder is murder. Let us not create a false hierarchy in murders in South Africa as South African police. Now, I listened to the National Commissioner speaking here at the Commission and to Lt-Gen Khumalo.

And as I listened, I got more and more squeezed internally. When they repeatedly used the word tradition, traditional, that NPKTT does not use traditional methods when investigating. They do not use normal methods. They  
10 are using what has been put into NPKTT to make sure that they are as effective as all of us would be. Now, but they are doing that in a small scale, as I am saying, dealing with small figures.

And then the rest of the people with high figures, you subject them to normal investigation, traditional investigations. Even when you do, you take blood samples. What do you do? They said it is three days for a political murder case, whereas it is 30 days for a normal murder. And look, I am not going to be Minister forever. At one  
20 point, I will go home.

And if I come across a murder, I will be one of those whose investigation will be deemed as normal. As traditional. Because it will not fall within this category. And the point is, are we on the right track? Is that justifiable? Morally and ethically? And from what I

understand, it is not. And not in line with the constitution of the republic.

So, the issue is, when you are in the space, normal space, listening to successes, listening to this, it is nice to consume that. But when you are alone, as Minister, thinking things through, in terms of principles, looking at things in a principled way, you come out empty. In the sense that you are not able to respond ethically and morally to the question, why do you differentiate between murders?

10 What justifies that? And therefore, murder is murder. There is no hierarchy. And SAPS must then subject themselves to that. So not 30 days for the rest of the people. When you do samples. And then three days for political motives.

**ADV KHUMALO SC:** Minister, just so I understand you, are you suggesting that a new method of conducting investigations cannot be piloted on a small scale before it is rolled out nationally? Because surely you must first test a new method of success on a small scale. And then if you  
20 deem it successful, then you roll it out across. Are you suggesting that that is not the correct way of doing things?

**MINISTER MCHUNU:** Not really. I am saying it is a correct way of doing things. But we should and could have done that some time ago. And at some point, we should say, do it. Because you have already created or

established your murder and robbery. And long ago. But you keep on delaying. You must immediately do it. And there is no justification for you to postpone.

There have been implementation letters. Two of them. Two assessments. But still not implemented. So, it has been an experiment gone too long. And not in compliance with the imperatives that we are facing now. So, it is like going out there and building a hospital. And then you put surgeons and all the specialists and so on.

10 And then the hospital all of a sudden does very well in terms of patients coming in and so on.

But then you leave the rest of the population outside. And you subject them to normal. And then you say to the public, I am pleased that we are making progress. And there is no other team or hospital like this one. But you know that all the other hospitals are not like that. I am just making an example. And I am saying that morally and ethically, it cannot stand the test.

And the longer we keep it, the more unjustifiable it is.

20 And the experiment has been there for quite a long time. Now, I then moved to 136. Those were the directives. Three of them. Although we are now running with one, 1363. But there were those others. And they were selected because of their impact on crime in South Africa at the moment.

I am not going to go to each one of them. But I am just highlighting the reason why three were selected. The ministry has a number of priorities. Quite a number. But then from those priorities, I selected those. It was just for one reason. At the beginning of the year, 2025, just take those three, focus, get rid of them. And then go to the rest. Because of their impact on crime in South Africa.

And attend to them. And I am glad that 1361, 1362 were attended as directives. And we worked together and  
10 we moved on. And we made substantial progress on both. The one that remained behind as a result of people changing their mind midway. We then diverted and sidestepped. And we are in that particular situation. But the two moved on very smoothly.

And made a lot of progress. I will deal with them maybe when I come back. Then there were several meetings that took place. 142, 143, just highlighting our focus on matters. On firearms and on drugs. All those matters. Up until follow up meetings. On those dates, as I  
20 indicate, those were various meetings dealing with the same structures, priorities, and making progress.

Still following that report. The Murry report on implementation. Now, I am saying that on paragraph 154, I am just highlighting the very same issue. That as far as I am concerned, there is a problem of compliance with the

Treasury guidelines. We get our budget allocated for this. And then we compel ourselves to use the budget for something else. Which we cannot keep on doing.

It is not a way of running a department. A proper way of department. Because it leads to irregularities consistently. And then decision finalisation and the 31<sup>st</sup>. So, by the 31<sup>st</sup>, by late December, we had gone through the work study. We had done the memorandum related to the PKTT. Asking for money midway and so on. We had done  
10 with what accompanies the Murry report.

I mean, the work study. The Murry report. We had done those meetings on the 1<sup>st</sup>, on the 21<sup>st</sup>, on the 22<sup>nd</sup>. Listening to what PKTT. And even spoke, especially in the meeting on the 1<sup>st</sup> and the 22<sup>nd</sup>. Where I indicated clearly the need to urgently review the status quo in relation to NPKTT. From the macro point of view. And National Commissioner indicating that in any case, that was never a permanent structure.

It was meant to be temporal. And that we should  
20 go that route. And then December 31<sup>st</sup>. The actual directives. And I do want to say that when I indicated with reference to the PKTT, I addressed it immediately. Just to clarify what in my understanding as I was sitting on the desk writing. And I would want to indicate to Commissioners that I wrote this.

Although it is not the subject for today. But I wrote the directives. And I take full responsibility for them. All three of them. I was not influenced by anyone. Anywhere. Not by phone. Not by anything. I just had sat for three days. 29, 30, 31. And asked myself. What changes, what impact have I made on SAPS? This is my fifth month in the department. I am heading for the sixth month.

And I need to see qualitatively the difference that I have made. And then I wrote these directives. Wanting to  
10 select just three issues that would make further impact on the work that we had done. And not come to the department and just stay and not make any difference. And therefore, immediately, I know exactly where it came from. It says ...[intervenes]

**ADV KHUMALO SC:** Minister, maybe here is my suggestion. It is page 476, SM20 in your annexure bundle.

**MINISTER MCHUNU:** In my annexure.

**ADV KHUMALO SC:** So maybe as you are talking, have it in front of you. It will make it easier.

20 **MINISTER MCHUNU:** Okay. It just comes naturally. It says ...[intervenes]

**ADV SELLO SC:** Minister, to assist you. If you could pull out your file two. Do you have your file two close by? It should be marked two or five. It is not with your statement. Your statement is a standalone file. There is help coming.

**MINISTER MCHUNU**: It is fine. They will assist me.

**ADV SELLO SC**: So, when we get to file two. She is going to open page 476 for you. Which is the disbandment letter that you issued. And it is that document that Commissioner Khumalo suggests.

**MINISTER MCHUNU**: Okay.

**ADV SELLO SC**: When you deal with these aspects.

**MINISTER MCHUNU**: I touch on this.

**ADV SELLO SC**: You do so with reference to that  
10 document.

**MINISTER MCHUNU**: Thank you. Thank you for guidance.

**MINISTER MCHUNU**: Yes, thank you. So, I want to go to -  
yes, this is the directives themselves. I see, thank you.  
The meaning in this context of immediately is not as that of  
switching the light, switch off that light immediately, and  
you go to the wall, you do so. That is why, from where I sit,  
immediately cannot be read alone in the directives. It  
needs to be read with what I requested from the National  
Commissioner say, go and prepare the preliminary report,  
20 and then also later, after the preliminary report, there  
should be Minesco. Minesco is where Minister and Deputy  
Minister, that is Minister, sit with top management, so that  
we consider what I have taken a decision on immediately.

So, immediately would then mean, the decision has  
been taken immediately. Then, prepare for those two

things. So, when you read that immediately alone, you remove the preliminary report and you remove the Minesco meeting that was attached to that very directive, immediately loses meaning, as in the directive ...[intervenes].

**CHAIRPERSON**: I am sorry, Minister. I want to understand your use of immediately. What do you say immediately relates to? Does it relate to the disbandment, that is disbandment immediately? If not, what do you say it  
10 relates to? I am not sure I understood you.

**MINISTER MCHUNU**: It relates to a decision having been taken. So, saying to the National Commissioner, take note that the decision has been taken immediately. The decision.

**CHAIRPERSON**: So, it is you that acted immediately?

**MINISTER MCHUNU**: Maybe let me put it like this to explain. It does not say, for instance, with immediate effect. It says immediately, meaning this decision has been taken immediately.

20 **CHAIRPERSON**: So, the way I am sitting, I think the two mean the same.

**MINISTER MCHUNU**: But in the context, especially when you attach the preliminary report, which is not required as of 31, it is required for another date, and then the Minesco, it clearly sends a message that this immediate is not like

switching off, is not like whoever is driving ...[intervenes].

**CHAIRPERSON**: Minister, when I studied or was taught English in my younger days, they would say an adverb, what does it do? It modifies a verb, I think, and an adjective qualifies a noun. That is the grammar I was taught. So, your immediately is an adverb. So, which verb in your sentence does it modify or does it relate to? That is where I want to be sure of what exactly you mean.

Because as the sentence stands, it follows  
10 immediately after the verb disestablished. And ordinarily, I would read that to mean that you want the task team disestablished immediately. So, that immediately relates to disestablished. So, that is what must happen immediately. Now, with those views and a little bit of grammar insofar as I understand it, can you try to explain and make me understand your use of immediately?

**MINISTER MCHUNU**: It says immediately, yes.

**CHAIRPERSON**: Yes.

**MINISTER MCHUNU**: But then, because I understood that  
20 that immediately is a process, it denotes a process, there would definitely be a process which the National Commissioner needs to speak to or respond to. It is immediately, but pointing to two futuristic events. The preliminary report, if you like, you would say, okay, it is immediately, but not before the preliminary report is

presented, or not before the Minesco. Because otherwise, what would be the meaning of writing, asking for a preliminary report, if it was not indicating a timeline? It was indicating a timeline.

Immediately, the decision has been taken immediately. But then, the process itself will be as indicated in the letter. Otherwise, I could have written this and stopped it immediately and it would have given a different meaning. And anyone who says, ja, any other,  
10 what is any other meaning here, except exactly what it says, immediately disband now and everything, everything, everything.

But once you say, it is like saying pending a preliminary report, pending the Minesco meeting. But of course, that is immediately. And in the context of government processes, you use these words, but ...[intervenes].

**CHAIRPERSON**: Yes, it cannot come to a screeching halt, as it were. You would have to...

20 **MINISTER MCHUNU**: Pardon?

**CHAIRPERSON**: I am saying, what you are saying, basically, Minister, is that it could not come to a screeching halt.

**MINISTER MCHUNU**: It would not.

**CHAIRPERSON**: All right.

**MINISTER MCHUNU**: It would not.

**CHAIRPERSON**: All right, Minister, thank you. I was not interrogating you. I just wanted to understand the use of immediately. Thank you.

**MINISTER MCHUNU**: Thank you very much.

**ADV BALOYI-MERE SC**: Minister, can I just follow up on that? I do apologise, Ms Sello.

**ADV SELLO SC**: No, no, it is quite okay.

**ADV BALOYI-MERE SC**: Thank you. Now that the Chair  
10 has started there. You, and it is on the back of this discussion with the Chairperson, how you are explaining what you contemplated with the use of immediately. Now, there are two things that you ask the National Commissioner to do.

You say he must give a preliminary report on the 20<sup>th</sup> of January, and then the last act in execution of your decision is a final and closing report that must be submitted to a late meeting in January 2025. Now, in the interim report, in the light of this discussion with the Chair, what  
20 did you expect to see in the implementation of this instruction? What do you expect to see in the interim report?

**MINISTER MCHUNU**: I was expecting just any kind of response that would give effect to the directive. If not, any other response from the National Commissioner. And I

must say I have done this even in other departments a few times, even in a meeting, to say, DG, we have taken a decision now. We have immediately taken a decision. And I would even ask, how long would it take you? A week? I am the first one normally to say a week. And DG would say, Minister, two weeks, and I would say fine because I have come to understand how officials of government work.

They work very hard, but not without one form or the other of relaxing, sometimes in a situation where you  
10 really feel the pressure yourself. So I was expecting that National Commissioner would respond. That is the way he would respond to the directive. But in particular, indicating how this would be given effect, how it would happen from his perspective.

Simply because even if I left it in earlier, where I was explaining the powers of the Minister versus the powers of the National Commissioner, but they are the two sides of the same coin.

**ADV BALOYI-MERE SC:** Yes. Okay, I note what you say.  
20 I guess we will have a further discussion. And then you have told us what you were expecting to see in the interim, in the preliminary report. And then in the final report, which must come in in January still, it is a close-up report.

**MINISTER MCHUNU:** Yes.

**ADV BALOYI-MERE SC:** But what do you expect to see

there?

**MINISTER MCHUNU:** I was expecting to see, first, get the outcome of the preliminary report. Depending on the preliminary report, then we will move to the final. I knew that this is quite a tight time frame, but it was deliberate just to highlight the urgency, to highlight the importance, to highlight what I wanted to draw the attention of the department to right at the beginning of the year.

I knew that, as usual, there would be flexibilities in  
10 the process. At one point, as an example, I wanted us to hold a workshop, a three-day workshop, in February or so. But as time went on preparing, they then said, management said, no, Minister, let us hold this workshop in March or something like that. Even the summit, police summit. We did not hold it at the time that I had indicated first, or we had indicated first as Minister. We held it much later.

It happens quite, quite, quite frequently, that as  
Minister, you want this period and you pronounce it, but then the officials, when they implement, when they  
20 operationalise, they find that they come back to you, they propose a different time frame. It happens quite frequently, and I hope not just me alone, all of us ...[intervenes].

**CHAIRPERSON:** Yes, and – I am sorry, Minister.

**ADV BALOYI-MERE SC:** Okay. I was going to hand back to Ms Sello. I just wanted clarification of what you were

contemplating, and I note your explanation. I guess we will have further discussion about it, but I think I will hand back to your Evidence Leader.

**CHAIRPERSON:** Ms Sello, just to say, this does not mean that we have started engaging. There is still some clarity. And my colleague, Commissioner Khumalo, says that he too wants something clarified. We will ...[intervenes].

**ADV SELLO SC:** And I just wanted to point out that I think when Commissioner Baloyi indicated she wanted to say  
10 something, and I do appreciate that we have not finished that session where the Minister gives his version. But at the same time, it is necessary that we introduce some logic to how we approach things. So in light of us trying to, or at least the three of you trying to have a better understanding of that paragraph, that last paragraph, I too have some questions. And I wanted to say when I put them to the Minister, it is all clarity-seeking questions, not so much that we have started to engage, but I will do so after Commissioner Khumalo. Thank you.

20 **ADV KHUMALO SC:** Good afternoon again, Minister. Again, still only seeking clarity. I have difficulty with your explanation that immediately refers to you having made a decision immediately. Because I am going to read that sentence. This is what it says:

“I, therefore, direct that the Political

Killings Task Team be disestablished  
immediately.”

So my reading of it is that you were directing that something be done immediately, not that you are saying you have made an immediate decision that something must happen in the future. So if you can just...

**MINISTER MCHUNU**: Definitely, that is part of what immediately, in terms of the decision that has been taken, would mean. It would mean start thinking about the  
10 process. Start preparing the report. Start, you know, aligning yourself with this or any other kind of response. So it indicates that even though we are not stopping now, everything switching off now, but switch on, on the process.

**ADV KHUMALO SC**: Does it also mean if you have different views, then engage me on those views?

**MINISTER MCHUNU**: Obviously. It will mean that exactly, because any decision that the Ministry would take, you open it up for engagement with the management. That is why the second meeting after the preliminary report would entail  
20 Minesco, so that we have engagements on the matter to assess whatever would have come up from the preliminary report.

**ADV KHUMALO SC**: Okay. We will come back to the directive, but for now I will give back to Advocate Sello.

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

way of clarity, still on the same paragraph, my one question has in part been asked by Commissioner Khumalo. My second question, still on that paragraph, and I refer you to the sentence relating to the filing of the preliminary report. That sentence starts with a word, further. You state:

“Further, that a preliminary report in this regard be submitted.”

Now, in the context of trying to understand what immediately means, I would like some clarity as to further to what must a preliminary report be filed. My interpretation of that paragraph is further to the immediate disbandment, a preliminary report must be filed. I want to test my understanding with you. Would that be a correct understanding, or do you think I am completely misreading that?

Precisely because you say further, it does not say to be disestablished immediately and that a preliminary report be filed. It says further, so that has to imply it is further to something. And going back above into the paragraph, I am trying to determine further to what. And the only thing that my logic tells me is further to the immediate disestablishment. So I just want to test my understanding with you.

**MINISTER MCHUNU:** I want to see this sentence.

**ADV SELLO SC:** It starts – let us start ...[intervenes].

**MINISTER MCHUNU**: Observation. Yes, I see. I see the sentence. Further, so I therefore direct that the Political Killings Task Team be disestablished immediately.

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

**MINISTER MCHUNU**: Meaning decision taken and then processes, but further to that, going forward, or no ...[indistinct] in other words, then prepare preliminary report.

**ADV SELLO SC**: So what would precede the filing of a  
10 preliminary report is the immediate disestablishment, which, as you say, means that to start the process of disestablishment.

**MINISTER MCHUNU**: Only.

**ADV SELLO SC**: Only.

**MINISTER MCHUNU**: Other than switching off.

**ADV SELLO SC**: Okay. I am clarified about the meaning you attach, as I guess the Commissioner pointed out, Commissioner Khumalo. Perhaps we shall revert to this paragraph over the course of today and tomorrow. But in  
20 the meantime, I am aware that you have not completed your version, putting forward your version, and I am not laying the blame at your doorstep, Minister. I accept that perhaps an engagement started earlier than you had anticipated to finish that exercise. So would it be fair to grant you perhaps five more minutes to wrap up to enable the process

to move forward? Thank you.

**MINISTER MCHUNU**: Let me try that. On reasons, therefore, on page 56, I think I will leave it as it is, and page 57, I have touched on budgetary matters. To then go to what I consider to be important, paragraph 114.

**ADV SELLO SC**: Yes.

**MINISTER MCHUNU**: To indicate that on paragraph 114:

10 “Since the letter required a report to be prepared by the 20<sup>th</sup> and given that I would be on leave...”

This is a direct quote, because I am now indicating what happened after:

“I would be on leave until 14 January 2025, I instructed Brigadier Lethoko of my office to forward the letter from the Minister to all Deputy National Commissioners, including Lt-Gen Sibiya, to instruct them to prepare the necessary report.”

20 To me, that kind of response from the National Commissioner was flowing, was a response which resonated with the letter and spirit of what I had written in terms of the directives on paragraph 114.

**CHAIRPERSON**: 114 of your statement, Minister.

**MINISTER MCHUNU**: Is it? Yes, I am reading. I see that

it is...

**CHAIRPERSON:** 58.

**ADV SELLO SC:** Minister, may I invite you to page 59 of your statement? Page 59?

**MINISTER MCHUNU:** Yes.

**ADV SELLO SC:** And if you have regard to paragraph 176, my understanding is this is what you have just spoken to now.

**MINISTER MCHUNU:** Yes. The mistake I have done is to  
10 make a quotation outside this. I am sorry about that. I seized the error that I made.

**ADV SELLO SC:** Okay.

**MINISTER MCHUNU:** So, we are on paragraph 176?

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** Thank you.

**MINISTER MCHUNU:** Sorry about that. To say what then happens on the 3<sup>rd</sup>, it is that there is then the directive now of the National Commissioner to his staff in the office to say write such and such a letter and inform Deputy National  
20 Commissioners and inform them accordingly, which indicated to me two things. One was that we were one with the National Commissioner.

When I received the news, or when I got the indication that the National Commissioner has instructed Brigadier Lethoko as early as the 3<sup>rd</sup> of January while he

was on leave, that was just a couple of days after the letter of the directive in relation to PKTT. And then the next thing is 16 January. Well, that was a separate meeting, and the 17<sup>th</sup>. I will come back at some other point on those. But what is important is on page 60, paragraph 179, wherein it says:

10                   “On 22 January 2025, National  
                          Commissioner           finished           a  
                          comprehensive memorandum to me  
                          acknowledging receipt of my 31  
                          December 2024 directive.”

Now, I want to go to paragraph 180, and then I then took that directly from the report, preliminary report of the 22<sup>nd</sup>, where the National Commissioner says the following, I quote:

20                   “In conclusion, the task team has  
                          undeniably achieved and far exceeded  
                          the purpose for which it was  
                          established. No other task team in  
                          South Africa has achieved the success  
                          nor has been able to investigate and  
                          ensure the successful prosecution of  
                          perpetrators of political motivated  
                          murders. The directive by the Minister  
                          of Police to disband the National Task

Team has been noted. The initial objective and the directive by the President has been achieved with a noticeable decrease of political related killings in KwaZulu-Natal as a result of the National Task Team's intervention and relentless pursuit of its mandate. The South African Police Service remains responsible for the finalisation of those docket in possession of the task team as well as the finalisation of the docket which are currently before court. The following steps are being taken to wind down the task team without compromising pending investigations or court processes. The 128 docket which are under investigation and allocated to the National Task Team will be retained by the task team and investigations will be finalised and audits will be done of those docket still under investigation in order to establish which docket can be returned to the station of origin or allocated to other investigation units

within SAPS. The current capacity of the National Task Team will be gradually scaled down. The only personnel who are required to finalise the dockets retained by the national team. The scaling down of the team will depend on the 115 dockets that are currently pending in courts. With most of the court dates in the year 2025, it is anticipated that the team will complete the work before the end of 2025. However, seriousness of the cases and processes of court will indicate the cause of action.”

10

So the 3<sup>rd</sup> and then now the 22<sup>nd</sup> of January, this is the response of the National Commissioner and this is what I would have expected or any other kind of response. So what is evident here from the disbandment report is that General Masemola indicates clearly in black and white that the objective has been achieved and what would then happen. But in particular, there was never an objection to the directive. So the letter as a whole, no, the preliminary report as a whole does not indicate any objection whatsoever. He supported the directive in full.

20

So on 5 March, we go together to the Portfolio

Committee. We make a presentation on the directive. It is accepted by the Portfolio Committee and on the 6<sup>th</sup> of March, we sit together. We discuss in more detail the presentation of the wounding up or wounding down of the National Political Killings Task Team and so on, which is now operationalising the directive.

All of that indicated that we were together even on the meeting of the 7<sup>th</sup>, even though there was the additional docket which was no longer in line with what we had agreed  
10 on the 6<sup>th</sup>, but the principle remained, it was never reversed that what the National Commissioner indicated is being followed by all of us, but it was to say do not add any other because it would be counterproductive or winding down this side or adding cases through another door and so on. But the principle remained so that it could be operationalised going forward.

Now, I am now exactly where I am supposed to stop and I want to then close by saying in the whole of this, the message that I was convinced with as we went towards  
20 December and the lesson that I learned and the principle that I adopted and would want to stand by is that murder is murder and that the shift from ordinary people on the ground, wherein we are seen to be servicing them instead of being seen to be servicing people up the hierarchy at their expense, or be seen to be believe them, is exactly

what we are all complaining about, that we are creating an element of elitism in government and we are creating distance, those of us who happen to be in government for that time being.

We cut ourselves out of the people. The figures indicate who is dying, who is suffering, who is actually a victim of murders in South Africa. It is the majority of people. And therefore, do not drive resources away from the problem because that is the core of the problem. Do  
10 not drive this service, do not drive this objective of stopping what is happening in the interest of a few people who, by the way, matter, but not more than the majority of people in South Africa.

That is a principle that drove me and I embodied when I was writing this letter and I sought to make a difference in the portfolio by following that particular principle even if it would sort of be seen to be swimming against the tide in terms of the sentiment, the general sentiment. And I said I should not be taken away from a  
20 principle in favour of a sentiment that would subject the majority of people and would make me ask a question that I could not answer. I thank you very much, Commissioners.

**CHAIRPERSON:** Thank you Minister. Minister, did you ever hold a meeting and have a discussion with the National Commissioner of Police and possibly other senior SAPS

members with the agenda item being the disbandment of the PKTT? It does not matter if there were possibly other agenda items, but the disbandment of the PKTT being a focal point. Did you ever have such a meeting?

**MINISTER MCHUNU:** On the 1<sup>st</sup> of November, we discussed this matter and I think there are attachments that point to the content of our discussion on the day, but it was not disbandment, it was a review of the PKTT. And on the 22<sup>nd</sup> it was the same, because at that ...[intervenes].

10 **ADV SELLO SC:** Apologies Minister, perhaps let us work through that answer with reference to the actual annexures. You referenced the meeting of the 1<sup>st</sup> of November.

**MINISTER MCHUNU:** The 1<sup>st</sup> of November.

**ADV SELLO SC:** You have attached a document marked SM1 that should be in your file 2 of 5. That should be the first document in that file and it should read draft minutes dated 1 November 2024. Please – excuse me ...[intervenes].

20 **MINISTER MCHUNU:** I do not see that file. Yes, I am back.

**ADV SELLO SC:** Ja, i was just drawing your attention, you, in response to the Chair's question, you started with a meeting of the 1<sup>st</sup> of November and I was pointing out that your Annexure SM1 states that it is a draft minute of the meeting of the 1<sup>st</sup> of November.

**ADV BALOYI SC:** Ms Sello, maybe check that the Minister has got the right file. It looks like he has got the wrong document in front of him.

**CHAIRPERSON:** It should be 2 of 5. The Minister's annexure is 2 of 5.

**ADV SELLO SC:** And in fact, it should have a tab marked SM1.

**MINISTER MCHUNU:** I do not see SM1. Oh.

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

10 **MINISTER MCHUNU:** Page?

**ADV SELLO SC:** The actual minute starts at page 96.

**MINISTER MCHUNU:** Okay.

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** And you see, it is ...[intervenes].

**MINISTER MCHUNU:** Yes.

**ADV SELLO SC:** Okay.

**MINISTER MCHUNU:** I see those paragraphs.

**CHAIRPERSON:** Thank you, Minister.

**MINISTER MCHUNU:** Yes.

20 **CHAIRPERSON:** I understood your answer, you will correct me if I am wrong.

**MINISTER MCHUNU:** Yes.

**CHAIRPERSON:** Your answer to my question whether you ever had a meeting and agenda item of which was specifically the disbandment of the PKTT, I understood your

answer to be that there never was such a meeting, but that at the meeting of 1 November 2024, what was discussed was the review of, amongst others, the PKTT. Did I understand you correctly?

**MINISTER MCHUNU**: Correct.

**CHAIRPERSON**: Yes. Indeed, let me take you to page 99 of the document you have just been referred to. I want to show that what is in there actually accords with your answer. I will read the second paragraph after the bullet.

10 So at the top, you have the bullet point.

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: And then you have the paragraph that follows. I am going to read the next paragraph. It says:

“The Minister further indicated that there must be reconsideration and review of certain capabilities such as the Political Killings Task Team, which are primarily about address serious crimes.”

There is something wrong there.

20 “He stated that SAPS should guard against creating structures/units based on specific category, whilst these duplicate the existing capabilities (e.g. taxi killings, political killing) all being about murders.”

So I am saying that this actually accords with your

answer. Now, let us move on. From then, that point, that is from 1 November 2024 up to and including 31 December 2024, did you ever have any other meeting that discussed the disestablishment of the PKTT?

**MINISTER MCHUNU:** We had a more or less similar meeting.

**CHAIRPERSON:** Similar, meaning still a review?

**MINISTER MCHUNU:** On the 22<sup>nd</sup>.

**CHAIRPERSON:** Still about a review?

10 **MINISTER MCHUNU:** Yes.

**CHAIRPERSON:** So effectively, or perhaps before the question I almost asked, Minister, what was the relationship, working relationship, of course, between you and the National Commissioner from the time you became Minister of Police up to the 31<sup>st</sup> of December 2021? What was the working relationship like between the two of you?

**MINISTER MCHUNU:** It was what I could describe as a very good relationship.

20 **CHAIRPERSON:** Very good. Very good working relationship.

**MINISTER MCHUNU:** Yes.

**CHAIRPERSON:** Thank you. Now, on the 31<sup>st</sup> of December 2024, you surprise everybody within SAPS, in particular, the top management, with your decision of that day and you do this having a very good working relationship

with the National Commissioner of Police. You accept that that is effectively what you did? You, as it were, if I were to be metaphorical, you drop a bomb like that.

**MINISTER MCHUNU**: Not exactly.

**CHAIRPERSON**: Not exactly.

**MINISTER MCHUNU**: Not exactly.

**CHAIRPERSON**: Why not?

**MINISTER MCHUNU**: The reason is, in the narrative that starts from 2019, with the anticipated reintegration of the  
10 team that had been established, then extending, you, the narrative was always that the NPKTT, right from the beginning, is for six months and then it gets extended another six months, then a year, then another year.

But in the minds of management, in the minds of SAPS management combined, both from the Ministry and from management, it is anticipated. It is expected. It is something that we should be doing, even when you now had the teams functional, murder and robbery.

But so, yes, maybe an element of surprise, but not  
20 exactly, because it is something that has been in the mind, has been spoken about and it has always been something that we could do any time. It just required somebody to come forward and say, the time is this one.

**CHAIRPERSON**: Minister, the PKTT is in existence and for the time when there would be inter-ministerial committee

meetings at which the PKTT would report, it was always praised throughout, correct?

**MINISTER MCHUNU**: Yes, correct.

**CHAIRPERSON**: And most, in fact, all of these meetings – no, no, no, let me say most, perhaps. Most of these meetings are post the one event you referred to, which is the, what was the report?

**MINISTER MCHUNU**: [Indistinct]... [cross-talking].

**CHAIRPERSON**: The work study.

10 **MINISTER MCHUNU**: Oh, the work study.

**CHAIRPERSON**: Most of these meetings go into the 2000's and it is not just one meeting. They go into the 2000's. And the work study is in 2019, am I correct?

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: Yes.

**MINISTER MCHUNU**: It started in 2018.

**CHAIRPERSON**: So, beyond the work study that you partly rely on, the PKTT is being praised at meetings of the inter-ministerial committee, correct? Correct?

20 **MINISTER MCHUNU**: Yes, correct.

**CHAIRPERSON**: Correct. Now, you are suggesting that because something had happened or had been said in the work study, therefore, senior management of SAPS must have expected that you could just drop what I will continue to call this bombshell, even though they have been praised

throughout right up to the time of the last meeting of the IMC. No, they were actually expecting a disbandment. Can you seriously say that, Minister?

**MINISTER MCHUNU**: Come again, Chair, on the last part?

**CHAIRPERSON**: I am saying, Minister, right up to the last meeting of the IMC ...[intervenes].

**MINISTER MCHUNU**: Oh, yes.

**CHAIRPERSON**: Which was in the 2000's in terms of years.

10 **MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: They were being praised.

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: And this is way after the work study report.

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: So, what I am saying is, surely if they are being praised, Minister, they cannot expect that, oh, but we are going to be terminated the very following day. So, what I am putting to you is, on what basis can you seriously  
20 contend that they must have been expecting that the PKTT would be disbanded, just on what basis?

They are being praised for what they do. On what basis could they think, despite our performance, good performance, insofar as I am not talking about Dr De Haas and other people, you know.

**MINISTER MCHUNU:** Yes.

**CHAIRPERSON:** And I am by no means judging what they, Dr De Haas and others, have said, not at all. But I am saying, in accordance with the assessment of the IMC, they are performing very, very well. On what basis can you seriously suggest that they must have been expecting that they could be disbanded any day?

**MINISTER MCHUNU:** Now, firstly, on the basis that subsequent to, and I am careful, you will correct me, just  
10 shortly after the letter of the directive, National Commissioner in the preliminary report says they have achieved what they were supposed to achieve, which is not something that I think just arose after the directive. It would have been there, noticed and identified. That is my point number one.

In other words, and secondly, I would say, on the basis that they are full, they would have been seen, even by management, not only to have performed very well and commended, but have achieved what they were set up to  
20 achieve and this is backed by stats, the deterioration, the decrease, substantive decrease, especially in 2023, of political murders, indicated by stats, down to 11 and 2024, down to 7 murders.

So, and though on the basis, sheer basis of the problem or the challenge for which they were established,

and then discussions in the meetings in November, there would have been that kind of understanding that they have achieved their role.

**CHAIRPERSON:** Minister, Minister, I have a serious difficulty with that answer. You see, if you were giving us that answer, having consulted with them, and they had said this before you took the decision, your answer would make sense. Your answer does not make sense because it is something that you get to know after you had taken that  
10 decision.

So, on that basis, I say, or I suggest to you, Minister, that your answer does not make sense. Would you accept that? You knew nothing about what General Masemola would say after you had taken that decision. So, that means nothing insofar as your decision is concerned. Do you accept that?

**MINISTER MCHUNU:** But in this, if you refer to the meetings of November 1 and 22 November, I would not necessarily agree with you that it was a surprise and given  
20 all the background, because we are already now in November.

**CHAIRPERSON:** Minister, please, I do not interrupt lightly, but I am not talking about what had happened before now. I am asking a question that relates to what you say happened after you had taken your decision. So, I do not see how you

now go back. I am saying, I am saying, your answer that General Masemola says, what the PKTT was set up to achieve had been achieved, sort of aligns with your decision. So, I am saying, that answer to my question does not make sense, because what General Masemola says post the taking of your decision could not have been a factor in your mind or could not in any way have informed your decision because you get to hear of it after you had taken your decision. So, I suggest to you that the answer to my  
10 question does not make sense. Do you get me now? Do you get me?

**MINISTER MCHUNU**: I get you very clearly.

**CHAIRPERSON**: Do you agree with my suggestion to you?

**MINISTER MCHUNU**: I would say the answer to your question lies not necessarily on the meeting, on the preliminary report on the, of the 22<sup>nd</sup> January. It lies in the meetings in November before I wrote the directive of the 1<sup>st</sup> of November, the 22<sup>nd</sup> of November, even though it was not directly a disbandment, but the answer lies there that there  
20 is this review. There is this discussion. There is this anticipation.

**CHAIRPERSON**: Was a point, Minister, ever reached at the November meetings?

**MINISTER MCHUNU**: Pardon?

**CHAIRPERSON**: Was a point ever reached at the

November meetings, November meetings which were about a review. Was a point ever reached at those meetings or at any other meeting before 31 December 2024 that there should be disbandment? Was such a point ever reached?

**MINISTER MCHUNU**: My argument ...[indistinct].

**CHAIRPERSON**: Was such - please, not an argument, just a response to that question and it is a very simple one and yes or no could do unless you must explain. Was such a point ever reached, Minister, that there should be  
10 disbandment?

**MINISTER MCHUNU**: I would say many times, Commissioner.

**CHAIRPERSON**: Before 31 December 2024?

**MINISTER MCHUNU**: In the sense that ...[intervenes].

**CHAIRPERSON**: When you, when you are the Minister, I am talking about when you are the Minister. Let us forget about the work study.

**MINISTER MCHUNU**: Okay.

**CHAIRPERSON**: And I do not even agree that there was  
20 anything that there should be a disbandment even there. But anyway, the November meetings up to 31 December 2024, was a point ever reached? So I am giving you a timeline. Was a point ever reached that the PKTT should be disbanded? Was such a point ever reached?

**MINISTER MCHUNU**: No, it was not. That point was never

reached, except in context of ...[indistinct].

**CHAIRPERSON:** You see why I am asking you this question, because you keep going back to the November meetings. That is why I want a categorical answer from you.

**MINISTER MCHUNU:** Okay.

**CHAIRPERSON:** Whether a point was ever reached that the PKTT should be disbanded. So your answer is that no such point was ever reached?

10 **MINISTER MCHUNU:** No such point was ever reached directly, as you ask.

**CHAIRPERSON:** Thank you. Now, my next point, you have a very good working relationship, I am using your exact words, who with a National Commissioner, Minister, who do you think was best placed to brief you? That is, ja, to brief you on whether or not the PKTT should be disbanded.

**MINISTER MCHUNU:** Now, that ...[intervenes].

**CHAIRPERSON:** Bear in mind that you have a very good working relationship with the National Commissioner of  
20 Police, our entire police service, the South African Police Service. You have a very good working relationship with the person who heads it. Who do you think was best placed to brief you on whether the PKTT should be disbanded?

**MINISTER MCHUNU:** It would be, I would be informed by discussions. I would be informed by conclusions on those

discussions, not necessarily to say, come and brief me on the disbandment, but if I needed a briefing. But I took it that the discussions that we had had by that time informed all of us that that is the imperative that we are getting to, looking at organisational structures, looking at where we were going. Somebody needed to take a decision and I took the decision at the end of it.

**CHAIRPERSON:** Minister, I am not sure that that answers my question. I want a clear indication on a particular warm  
10 body or particular warm bodies, and I try to assist you by making a specific reference to the person that heads the Police of which you are the Minister. I am asking for a warm body or warm bodies that were best placed to advise/brief you on whether the PKTT should be disbanded. Or does the length, the long explanation you give suggest that as you sit there you take the view that there is not a single person that you thought would be best placed to brief you on whether the PKTT, a task team of the South African Police Service that the National Commissioner heads should  
20 brief you. Are you saying as you sit there, there is no such person? You were entitled to just take the decision without at all being briefed by a particular person that should have been best placed to brief you?

**MINISTER MCHUNU:** Commissioner, I would, I would ...[intervenes].

**CHAIRPERSON:** So the question is two-pronged as it were. I have not dropped the first part which is who do you think was best placed to brief you. And then there is the second prong which is oh, as you sit there, are you suggesting that there is no such person?

**MINISTER MCHUNU:** No, I am merely saying we had had discussions, in other words briefings from the National Commissioner in November and we were agreeing that there should be a review, but it was not particularly on  
10 disbandment. And if there would have been identification of the need for a briefing before, it would have been ...[intervenes].

**CHAIRPERSON:** Again, Minister, I am asking about a person that would have been best placed. I am not asking you about what was done or what was not done. Who is the person, who is the functionary that would have been best placed to brief you? That is a very simple question, Minister, please.

**MINISTER MCHUNU:** It is the National Commissioner.

20 **CHAIRPERSON:** We all know that you took that decision without asking him to brief you on whether the PKTT should be disbanded, is that correct?

**MINISTER MCHUNU:** That is correct.

**CHAIRPERSON:** Now, if he was the person best placed to brief you, why did you not ask him to brief you?

**MINISTER MCHUNU**: Now, this decision, as I say, flows from the 29<sup>th</sup> when I finally took the break, 29, 30, 31, I write ...[intervenes].

**CHAIRPERSON**: 29 when you finally did what?

**MINISTER MCHUNU**: 29 December.

**CHAIRPERSON**: When you finally did what?

**MINISTER MCHUNU**: When I finally took the break to reflect on what we had been doing all the time. So I reflect on the 28<sup>th</sup>, I reflect on the 30<sup>th</sup>, and I say, let me issue this  
10 directive, and then we will start engaging after and in the meantime, there will then be space for all of us to engage.

If it comes to a point where we have to review the decision through the preliminary report or something else, that I would be prepared to do.

**CHAIRPERSON**: If you are open to a review, what was the big rush?

**MINISTER MCHUNU**: Pardon?

**CHAIRPERSON**: If you are open to a possible review which could have resulted in the reversal of the decision,  
20 what was the big rush? You say 29, 30, 31, you decide. What was the big rush? What was the big rush, Minister?

**MINISTER MCHUNU**: The rush, if I could use your words, Commissioner ...[intervenes].

**CHAIRPERSON**: Yes.

**MINISTER MCHUNU**: Was to give an indication that what

was supposed to have happened before and the wrongs that were going on in terms of budgeting and so on, let us discuss those at the beginning of the year, but the decision is being taken that we disband and so that we now focus on the decision, whether we agree, all of us on this, or we do not agree, it will be fine. I was flexible and I was open to that decision.

But do not postpone taking a decision at the time that you think you need to take a decision. And I did not  
10 see anything wrong in taking the decision, but open and flexible to whatever that could come after the engagements. There are decisions that, there are instances where decisions have been taken and you say this decision needs to be taken in the interest of the public and then we will consult. There are such instances that have happened in Government.

**CHAIRPERSON:** Yes, I still do not understand that that explains the big rush, especially if you say that you were open to being convinced that the decision ought not to have  
20 been taken. Why start with a decision and await a possible reversal if you are convinced? It just gives me the sense that you were in a terrible rush. So my question stands, why the big rush? Why this terrible rush?

**MINISTER MCHUNU:** I would not ...[intervenes].

**CHAIRPERSON:** I do not understand.

**MINISTER MCHUNU:** Ja, I would not necessarily say it was a big rush. It merely was an exercise of the power to direct, issue a directive, which I could use and then have a discussion. I did not see anything wrong with a decision and then we discussed it.

**CHAIRPERSON:** Minister, you Minister do not issue directives for directives sake. Why could you not rather say to the National Commissioner, National Commissioner, I am minded to disband the PKTT, please tell me why I should  
10 not do so and only disband the PKTT if you are not satisfied with the reasons that he gave you. Why did you not do it that way? I just do not understand this inverted decision, as it were, a decision, but I may be convinced to reverse it. That does not make sense to me. Why did you not say to General Masemula, General, I am minded to disband the PKTT, give me reasons why I should not do so.

**MINISTER MCHUNU:** Well, I did not think that that particular way, Commissioners. I thought that I would give the directive and we would sit down and have a discussion  
20 as indicated in my letter and I did not think that was constituting any offence or that it was in breach of any law, as it were, or in breach of the constitution.

**CHAIRPERSON:** Minister, did you not realise that the disbandment of the PKTT would have serious implications, both in terms of the work that it performed in terms of all

the dockets that it handled at all of the various stages at which they were? Did you not realise that?

**MINISTER MCHUNU**: Well, I did not write anything about dockets.

**CHAIRPERSON**: This was not a decision like, let us buy a generator for the department, you know. It was not that, yes, yes, that too has financial implications, but I think the implications of disbanding the PKTT were, would be far-reaching. Do you accept that that is so?

10 **MINISTER MCHUNU**: I did not indicate anything about dockets because I understood that when I, I issued the directive, it does not have immediate implications on what was happening in relation to dockets and it would not have because that would be a subject of discussion in the preliminary report and subsequent meetings that would take place. This was a mere decision to say, let us start the process of engagement, in other words.

**CHAIRPERSON**: So, insofar as you were concerned, the effect of your decision would be down the line, as it were?

20 **MINISTER MCHUNU**: That the effect of my decision would be assessed properly, engaged on after the decision in the preliminary report.

**CHAIRPERSON**: If it were to take effect, and I am saying if it were to take effect because you say, there could have been the possibility of a reversal. So, if it were to take

effect, it would take effect down the line. Do you accept that?

**MINISTER MCHUNU**: If there would be ...[intervenes]

**CHAIRPERSON**: If your decision were to take effect, it would take effect down the line. Do you accept that?

**MINISTER MCHUNU**: Yes, I accept that.

**CHAIRPERSON**: Yes. This takes me back to my question as to, it is not as if once you said disbanded immediately, your decision would take effect immediately, immediately.

10 So, if that were the case, I go back to my question, why did you rush and say disbanded immediately? Why did you not invite input on whether there should be a disbandment at all?

**MINISTER MCHUNU**: Commissioners, the letter itself, as I have indicated, clearly got written with a fair space for engagement. As I said before, it was not to say stop everything as of now, minding that it was 31<sup>st</sup> of December, and it says, let us engage through the preliminary report.

**CHAIRPERSON**: Exactly my point.

20 **MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: Exactly my point. Why not engage before? Why rush to the decision to disband immediately? Exactly my point, Minister. But I will move on. Maybe let me leave it. My colleagues, perhaps, will deal with the disbandment issue and your letter later. I have a few other

questions, which may not be few because of necessary follow-up questions. General Senthumule told us that there are more than 10 task teams nationally. Do you accept that this is indeed so, Minister?

**MINISTER MCHUNU**: Agreed.

**CHAIRPERSON**: Thank you. Is there any other task team that you have disbanded?

**MINISTER MCHUNU**: There is a unit, not a task team, that we disbanded. The police inspectorate.

10 **CHAIRPERSON**: I am talking about the task team, Minister. Is there any other task team that you have disbanded?

**MINISTER MCHUNU**: There is no other task team that we disbanded because the only one that we could talk about was NPKTT because the other ones were established by the National Commissioner and they fell within its purview.

**CHAIRPERSON**: I am not sure I understand that answer. I read your statement, Minister, to say that you can operate even in the – or put it this way. You say that this idea that  
20 you cannot play a role on operational matters is incorrect. You say so in your statement.

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: And some of the operational matters would be matters that concern the purview of function, obviously, of the Commissioner and indeed anything that

relates to whatever the National Commissioner may have done. Would that not be correct? To the extent that you say that constitutionally, because you say that you can act even operationally, you say that comes from the constitution. So constitutionally you say you may engage in operational matters, correct? That is in your statement.

**MINISTER MCHUNU**: That is not to say practically go and constitute, decide who must get into the team, who must go and be placed where. That is away from ...[intervenes]

10 **CHAIRPERSON**: No, no, no, no, Minister, no, please. I am just saying, you say in your statement that the constitution empowers you to play a role even in operational matters. Does your statement not say so?

**MINISTER MCHUNU**: It says so, but in italics.

**CHAIRPERSON**: Sorry?

**MINISTER MCHUNU**: It says so in italics and I want to emphasise that. That it meant that you ...[intervenes]

**CHAIRPERSON**: All right, let me listen, let me listen, yes. Let me listen, Minister, yes.

20 **MINISTER MCHUNU**: Yes. It was to say that while you have your constitutional duties as identified by the constitution and the National Commissioner has his duties, but you do not operate with a Chinese wall between yourselves. It is the two sides of the same coin, as I indicated. Therefore, when exercising your duties, you are

aware of how they will impact practically or – yes, practically.

**CHAIRPERSON**: So, you are saying then, Minister ...[intervenes]

**CHAIRPERSON**: Operational, yes.

**CHAIRPERSON**: Sorry, sorry. Yes, operational. So, you are saying – I am taking you back to your point about not having disbanded any other task team. So effectively, you are saying that even if a task team may be operating in the  
10 most criminal and horrendous manner, you would never ever disband it purely because it was set up by the National Commissioner?

**MINISTER MCHUNU**: No, I am not saying that. There would be an engagement, there would be a discussion to say what is happening here and let us discuss what we are getting in terms of what this task team is doing or what is happening around this task team, either because it gives us a bad image or for whatever reason. Then we would engage because that would be a task team established in  
20 terms of 11(2)(D).

**CHAIRPERSON**: And if the National Commissioner dug in his heels, you would throw your hands up in the air and say, I am not disbanding this task team because it was established by the National Commissioner?

**MINISTER MCHUNU**: Not at all. We would engage further.

**CHAIRPERSON:** No, let us take you to the very end point where even you are satisfied that further engagement is not going to take you anywhere. So, the National Commissioner is digging in his heels, you would throw your hands up in the air?

**MINISTER MCHUNU:** Not at all. It would mean that we are now incompatible. And because the National Commissioner is appointed by the President, I would go to the President to say we are becoming incompatible with the National  
10 Commissioner based on one, two, three. And then he takes a decision.

**CHAIRPERSON:** I will leave it at that because I was tempted to say and then a new National Commissioner is appointed and that National Commissioner is happy with the existence of that task team, but I will leave it there. I just want to test this idea that you can only disband task teams that have been created by whom, by the way?

**MINISTER MCHUNU:** Yes, you can only ...[intervenes]

**CHAIRPERSON:** Task teams created by whom?

20 **MINISTER MCHUNU:** Yes, you can only disband a task team as Minister.

**CHAIRPERSON:** Created by whom?

**MINISTER MCHUNU:** Created by first ...[intervenes]

**CHAIRPERSON:** Because you, the Minister, cannot create any task teams.

**MINISTER MCHUNU**: No, I am saying this one, as I say, was not created by the National Commissioner. It was created through the intervention of the President, then the task team, then the inter-ministerial, and then deciding that there should be a mechanism.

**CHAIRPERSON**: But that is what informed the decision. But the actual creation would have been in terms of statute, and where would that be? It would be in SAPS, and it must have been by the National Commissioner ultimately. It may  
10 have been informed by what the President said, that filtering down to the IMC, then that filtering down to the National Commissioner. So, this must have been created by the National Commissioner as well. Because statutorily, there is no way that something called an inter-ministerial committee could, as a matter of law, set up a task team. That is not possible.

**MINISTER MCHUNU**: They took a decision, Commissioners, that there should be a mechanism in the form of a task team.

20 **CHAIRPERSON**: But the actual creation in law would have been by the National Commissioner.

**MINISTER MCHUNU**: It would be operationalised.

**CHAIRPERSON**: But in law, Minister, it would have been created by the National Commissioner. In law. Yes, the creation would have been informed by the IMC decision, but

in law, the actual creation would have been by the National Commissioner.

**MINISTER MCHUNU**: I see ...[intervenes]

**CHAIRPERSON**: You see, what I am testing here is this idea that in law, there are some task teams that are created by I do not know whom. And others that are created by the National Commissioner. And that those that are created by whomsoever, you are entitled to disband. But those that are created by the National Commissioner, you cannot  
10 disband. I do not understand that as a matter of law. Anyway, let me move on, Minister.

**MINISTER MCHUNU**: But I want to put just one point. That this one, NPKTT, the decision was through a directive of the executive side of government. And then it was operationalised. These other ones, National Commissioner can take a decision to establish and to disestablish. It has nothing to do with the directive of the executive.

**CHAIRPERSON**: I will move on, Minister. You say the PKTT expenditure could not be justified. Did you compare  
20 it with the expenditure of other task teams?

**MINISTER MCHUNU**: No, we were dealing with the overall allocation of the budget. And I only complained about the management, the way we were managing the budget and allocating it. I did talk about less expenditure on detectives, less expenditure on other enablers. So, it was

not necessarily to be confined to a particular task team. It was spread in the whole organisation to say we are not allocating the resources correctly here and here.

**CHAIRPERSON**: Minister, you have said the expenditure of the PKTT was not justified. I am asking you a simple question. Did you compare that expenditure with the expenditure of other task teams? It is a simple question. Did you or did you not?

**MINISTER MCHUNU**: No, I did not compare it with other  
10 task teams. But I do want to say the reason to remove the police inspectorate was exactly the same as that of the task team, the National Political Killings Task Team.

**CHAIRPERSON**: So, Minister, for all you know, the expenditure of other task teams could well have been significantly higher than that of the PKTT.

**MINISTER MCHUNU**: Come again?

**CHAIRPERSON**: For all you know, the expenditure of the other task teams could well have been significantly higher than that of the PKTT.

20 **MINISTER MCHUNU**: Or could be less.

**CHAIRPERSON**: But could be significantly higher also.

**MINISTER MCHUNU**: And could significantly be less  
...[intervenes]

**CHAIRPERSON**: No, no, no, no, no, no, no. Do you accept the possibility I am positing to you, Minister? Do

you?

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: Thank you. Did you ever assess the continued utility of any other task team that is of the more than ten task teams besides the PKTT? Did you ever assess the utility of the others, continued utility of the others?

**MINISTER MCHUNU**: Not exactly. But I am saying it was in the form of assessing the organisational structures, all of  
10 them, and not necessarily one by one. Because even the PKTT, we did not necessarily approach it as an individual team. We were looking at – we were approaching the or defining the problem as that of - I mean, from the macro point of view, to say, what is it that we need to do with the structure?

What do we need to do with the systems and so on? And as things came, we were then taking decisions as we reflected on what we saw as we were looking at the organisation. That is how the inspectorate came in, in the  
20 form of discussion. It was not because we had an agenda item on any day saying police inspectorate. We are going to be discussing it.

It arose in our assessment as we were doing our work. And it came to our attention that there is police inspectorate. And by the way, what is it in the context of

optimising our budget? And later, by the way, what does NPKTT mean in the process of optimising? And I am sure there would have been any other that would have come as we process our thinking in terms of optimising our budget.

**CHAIRPERSON**: Last question, Minister. I am not altogether sure that the last answer answered my question, but I will not press. Last question. Why was the PKTT the first task team to be disbanded? In fact, first and only to be disbanded. But my focus is more on first. Why was it the  
10 first task team to be disbanded?

**MINISTER MCHUNU**: Now, I have indicated, Commissioner, that the first to be disbanded was not even a task team. It was a unit.

**CHAIRPERSON**: No, I said earlier, let us forget about the inspectorate, which you have said was a unit.

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: I am talking task teams, Minister.

**MINISTER MCHUNU**: Yes.

**CHAIRPERSON**: Why did you pick on the PKTT to be the  
20 first, and only thus far, actually, victim of disbandment?

**MINISTER MCHUNU**: Now, we have stated the reasons that in our discussion, our assessment, our attention got caught by PKTT. And in view of us discussing the structure in relation to murder and robbery, and all of the history that we have been indicating, and there is no other task team

that fell in that particular category as we were discussing. PKTT, in almost seven years, there was impact on the budget and other related matters. So, it came. If there was any other task team that came, and I am sure there would have been another that would have come later on, but it was this one that caught our attention, and we then discussed it.

**CHAIRPERSON:** Minister, when did, I know I said last question, I hope this will be the last. When did the thought  
10 that I must disband the PKTT first strike you?

**MINISTER MCHUNU:** It was 29, 30, 31. On those days, when I was no longer moving up and down, I was just sitting and reflecting on what we had been doing in the last five months. And I picked up what I thought were the most important things, especially by the end of the six months, and things that would have needed to focus on at the beginning of the year, and which had a lot of impact on crime. And we then said, I identified those three. But it was just a process that came when I sat down, 29, 30, 31.

20 **CHAIRPERSON:** Minister, why I am asking you that is because on, or rather, the very day before, the first one of the three days that you mentioned, the 29<sup>th</sup>, so the very day before, the 28<sup>th</sup> of November 2024, I am sorry, December 2024, you were at a funeral, I think it was Empangeni, together with the National Commissioner of Police. And

after the funeral, you wished each other well for the end of the year, and so on.

And you do not for a minute say to the National Commissioner, I am thinking of, in fact, I have decided to disband the PKTT. And starting tomorrow, I am actually going to work on my document in that regard. But I know what your answer will be. Your answer is going to be, no, no, no, Commissioner, you are talking about the 28<sup>th</sup>. And the thought struck me only on the 29<sup>th</sup>.

10 I was going to say to you, it is very strange that you did not mention the disbandment to the National Commissioner on the 28<sup>th</sup>. But I will not suggest it, because you say you were suddenly struck by this thought on the 29<sup>th</sup>. I will leave it at that. But I find it very strange that on something so important, with the sort of implications that you yourself realised, because you say you did not expect it, even though you said immediately you did not expect it to happen there and there.

20 On something so important, with such implications, that you would only have thought of it within three days of the issuance of your letter. So, you think now, and you act very quickly within three days, poof, you have decided on an issue that is that important, with all of these implications. I would, as I say, have suggested that at the latest, you should have mentioned this to the National

Commissioner on the 28<sup>th</sup>, at the funeral at Empangeni, but I say I will not suggest so. You may comment if you want to.

**MINISTER MCHUNU:** Thank you very much. The reflections that I made on the 29<sup>th</sup>, on the 30<sup>th</sup> and on the 31<sup>st</sup> were not necessarily out of the rest of the work that we had been doing, because those reflections were taking the five months that I had been in office. Now, and what was happening only was that I then got time to sit down for the  
10 first time in five months to think carefully, what is it that we have been doing?

What is it that we need to do? What would be the impact, or what has been the impact of what we have been doing? How do we enhance the impact, particularly at the end of six months and at the beginning of the year? So, all these things come together. I am seated, I am not driving the following morning, and so on. And then it comes to me that there are three things that I need to isolate and highlight that would make an impact in the first six months.

20 It is these three that I ended up writing in the directive. So, it was not necessarily, although on the 28<sup>th</sup>, as I say, I had not settled on any particular course of action, if any, but whatever I did on the 29<sup>th</sup>, on the 28<sup>th</sup>, on the 30<sup>th</sup> and on the 31<sup>st</sup> was merely summarising what we have been doing in the past five months. And then I

isolated these three directives and I wrote them.

**CHAIRPERSON**: Thank you, Minister. Minister, we meant to adjourn now at four o'clock. We have not changed our minds on that. And even though there is a couple of minutes to spare, we think it makes sense to adjourn at this stage. Ms Sello, is that in order?

**ADV SELLO SC**: It is in order, Chair.

**CHAIRPERSON**: And we have decided to again start at 08:30 tomorrow morning?

10 **ADV SELLO SC**: That is correct, Chair.

**CHAIRPERSON**: Let us adjourn and resume at 08:30 tomorrow. Thank you.

**ADV SELLO SC**: Thank you.

**INQUIRY ADJOURNS TO 5 DECEMBER 2025**

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