

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**26 JANUARY 2026**

**DAY 46**



**PROCEEDINGS ON 26 JANUARY 2026**

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

**ADV SELLO SC**: Good morning, Chair.

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

**ADV MOHLASEDI**: Morning, Chair.

**CHAIRPERSON**: Sorry, Ms Mohlasedi. Good morning to everybody, everybody gathered here and to those watching remotely. Ms Mahlape?

**ADV SELLO SC**: Thank you, Chair. Good morning, Chair  
10 and good morning, co-Commissioners. For the record,  
Chair ...[intervenes].

**CHAIRPERSON**: Ms Sello. God, I said Ms Mahlape. You did not even realize it.

**ADV SELLO SC**: Well, it is because both are right technically.

**CHAIRPERSON**: Thank you.

**ADV SELLO SC**: Thank you, Chair. Chair, today we intend to lead two witnesses and our witnesses today will be on the theme of political interference. Our first witness is in  
20 the box, Major General Anthony Gopaul. Just to place his testimony in proper perspective, I would like to remind the Commissioners that General Mkhwanazi during his testimony in dealing with matters of political interference, he does so from paragraph 243 to 251 and he specifically references the incidents that General Gopaul had with the

Minister in this regard.

The Commissioners will recall that General Mkhwanazi tendered an annexure, Annexure MK 21, being the affidavit that the Major General had deposed to in an ongoing investigation, so he comes here today to confirm in part the contents of that affidavit and what General Mkhwanazi attributed to him at the time. General, Major General will be led by my learned friend, Ms Mohlasedi. We are ready to proceed and I believe that the witness is ready,

10 Chair. Thank you.

**CHAIRPERSON:** Thank you. Good morning, General.

**MAJ-GEN GOPAUL:** Good morning, Commissioner, Chairpersons.

**CHAIRPERSON:** Thank you. Will you be swearing or affirming?

**MAJ-GEN GOPAUL:** I will take the oath, Commissioner.

**CHAIRPERSON:** Thank you. Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth. If so, please raise your right hand

20 and say “So help me God”.

**MAJ-GEN GOPAUL:** So help me God.

**ANTHONY GOPAUL** (duly sworn states)

**CHAIRPERSON:** Thank you, General.

**EXAMINATION BY MS MOHLASEDI:** Thank you, Chair. Good morning, General.

**MAJ-GEN GOPAUL:** Good morning, Counsellor.

**ADV MOHLASEDI:** Good morning. Before we start, can I confirm that you have two white files in front of you?

**MAJ-GEN GOPAUL:** That is correct, Chair.

**ADV MOHLASEDI:** That is correct. They should have your name on the spine, one file should contain your witness statement and the second file should contain an annexure bundle. Do you have that?

**MAJ-GEN GOPAUL:** I confirm that, Commissioner.

10 **ADV MOHLASEDI:** Thank you. Could I ask you please to go to the file containing your witness statement.

**MAJ-GEN GOPAUL:** I am there, Counsellor.

**ADV MOHLASEDI:** Thank you. And if you go to the last page of that file, that should be page 11, can you confirm that that is your signature at the bottom right corner of that page?

**MAJ-GEN GOPAUL:** I confirm that, Chairperson.

**ADV MOHLASEDI:** Thank you. Please then confirm that this is your statement for purposes of the evidence you will  
20 give before the Commission today.

**MAJ-GEN GOPAUL:** I confirm that, Chair.

**ADV MOHLASEDI:** And that you confirm the correctness of its contents and that you stand by them.

**MAJ-GEN GOPAUL:** I confirm that, Commissioners.

**ADV MOHLASEDI:** Thank you, General. Remaining in

that same file could I ask you please to turn to page 1 of your witness statement.

**MAJ-GEN GOPAUL**: I am there, Counsellor.

**ADV MOHLASEDI**: Thank you. And we are then under the heading “introduction” at paragraph 1. Could you please tell the Commission about your role in the SAPS with reference to the contents of paragraph 1.

**MAJ-GEN GOPAUL**: Thank you, Chair. Chair, I was appointed in 2022 as the District Commissioner of iLembe  
10 at the rank of Major General and at the time I served there as a District Commissioner until May of 2025 where I was requested by General Mkhwanazi to assist him at the, at his office as the Deputy Provincial Commissioner for Crime Detection in an acting capacity, which I am still currently assisting with.

**ADV MOHLASEDI**: Thank you, General. If we then flip over the page please, we go to page 2, there is a heading at the top of that page titled “background and service history”. Could you share with the Commission briefly your  
20 professional experience within law enforcement.

**MAJ-GEN GOPAUL**: Thank you, Chair. Chair, I currently, I am serving 35 years of service in the South Police Service. Between 1990 up and until 19, I would say 1997 I was on the lower ranks of operational work at different police stations, but from the year 2001 specifically I then

joined what we would call the SMS, level which is a, sorry, the, not the SMS level, the national components of the organization working in different environments at 2001, some of them being the National Inspectorate here in Pretoria, then being Protection and Security Services which deals with the protection of VIP and the likes.

And then I moved on into border security where I served much of my time providing leadership in the environment at a senior management level in the border security environment from 2007 at the level of Brigadier  
10 until 2022.

**ADV MOHLASEDI**: Thank you, General.

**MAJ-GEN GOPAUL**: Then ...[intervenes].

**ADV MOHLASEDI**: Please proceed.

**MAJ-GEN GOPAUL**: Chair, my, amongst the many courses that I had undertaken, I will just emphasize and focus on the senior management level, managerial, which is an important aspect of being able to be competent and a person that would be able to discharge his or her  
20 responsibilities, one being the Executive Development Management Program which I had undertaken. I successfully undertook that program.

And then I also did some courses here in Pretoria with the policy and efficacy inspections, development as well. And then I completed a course on Public

Administration in the space of training within the context of the South African Police Service. In addition to that, Chair, my qualifications span over a few qualifications, one of it being an extracurricular diploma in Forensic Auditing, the second being a diploma in the, national diploma in Policing. Then I moved on to studying the Bachelors in Policing and successfully undertook that.

I then continued to diverse a little bit on my studies and I went into the Master in Technology of Forensic Investigation and I successfully completed that Masters and  
10 now currently undertaking my PhD in the Criminal Justice, focusing on cybercrime, which I am at an advanced stage, chapters are submitted and I am working with my professor. That is about a background of my education and courses, Chair. Thank you.

**ADV MOHLASEDI:** Thank you, General. Please then turn over the page to page 3. You will see then at the top of that page we have a heading titled “My Interactions with Minister Mchunu”. Immediately beneath that we have a sub-  
20 heading titled “The Murder of Councillor Mabhida”. I am going to ask you to start at paragraph 8 and to narrate your interaction with the Minister with reference to that sub-heading, please.

**MAJ-GEN GOPAUL:** Thank you, Chair. Chair, my interaction with Minister Mchunu was over two specific

aspects, the first one, which I will deal with now, is with the, in relation to the murder of Councillor Mabhida, who was a Councillor in the municipality of Mandeni. Chair, I received a call from the Minister on the 5<sup>th</sup> of February, around 8:17, and at the time of receiving the call, the caller was inquiring about, you know, what transpired with the murder of this particular Councillor. I did not recognize the voice at that time, nor did I have Minister Mchunu's number stored on my phone, so I did not recognize this caller.

10           And after the caller had outlined, you know, what the call was about, I then politely asked the caller, can you please tell me to whom am I speaking, and it is when the Minister said it is Minister Mchunu. And I then immediately placed that voice with Minister Mchunu, and then I said, Minister, I am sorry, I do not have your number on my phone, and I did not recognise your voice, and I greeted the Minister politely.

          Then, after that, we started the conversation. I did brief the Minister, and I did say to the Minister what had  
20           transpired in the incident of the murder of Councillor Mabhida. Chair, with your indulgence, there is some detail of what had transpired in the actual shooting of the Councillor outlined in my paragraph 10. If the Commissioner and the Chair will allow me, I would prefer not to narrate the details to not to cause some kind of

secondary trauma to the family that might be listening to my testimony today, if that is in order.

**CHAIRPERSON:** Ms Mohlasedi, from where I am sitting, that is in order. Do you ...[intervenes].

**ADV MOHLASEDI:** 100%, Chair.

**CHAIRPERSON:** Yes.

**ADV MOHLASEDI:** The witness can continue without detailing the contents of paragraph 10.

**MAJ-GEN GOPAUL:** Thank you, Chairperson.

10 **CHAIRPERSON:** Yes, thank you.

**MAJ-GEN GOPAUL:** Chair, after having given that particular feedback of what had transpired and how the murder was undertaken to the Minister, the Minister then told me that I must keep him abreast of the investigation. And I then said to the Minister that I am not investigating the murder, although it happened in my district at the time, and that the murder was being investigated by the Political Task Team. The Minister then asked me ...[intervenes].

20 **CHAIRPERSON:** You mean the Political Killings Task Team?

**MAJ-GEN GOPAUL:** Commissioner, maybe I will put it to you this way, Chair.

**CHAIRPERSON:** Yes.

**MAJ-GEN GOPAUL:** At the time, now for the sake of public record, everybody is calling it in its full Political

Killings Task Team. At that time, it was just referred to as a Political Task Team.

**CHAIRPERSON**: All right.

**MAJ-GEN GOPAUL**: So now we use it more often. So in the context of the originality of my conversation with the Minister, it was simply Political Task Team. I did not use the word “killing” in that.

**CHAIRPERSON**: Oh. Madam, I am looking at paragraph 11 of your statement. You also refer to it as ...[intervenes].

10 **MAJ-GEN GOPAUL**: Yes, that is correct, Chair. No, you are correct that I wrote it in this full abbreviated acronym.

**CHAIRPERSON**: Actually, in words, not the acronym, you say Political Task Team, as you are saying now.

**MAJ-GEN GOPAUL**: Yes.

**CHAIRPERSON**: But in brackets you say “PKTT”.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**CHAIRPERSON**: Anyway, anyway, thanks. Please continue, General.

20 **MAJ-GEN GOPAUL**: Thank you, Chair. So, Chair, I did tell him that is the team that is investigating it. And the Minister then indicated, asked me, but why are they investigating the case, I had instructed that these cases be investigated at the police station where the crime takes place. And understanding why, in my own way, I tried to explain to the Minister that when it comes to the political

killings, the team that is investigating these kind of murders are better equipped and trained to understand the *modus operandi* of how these murders take place, who are the normal hitmen that are contracted.

I tried to explain to him that they can do a better linkage, because if a police station investigates a case here, he would not know how it is related to another murder in another police station across the province in a totally different district. So it made easier sense for better  
10 investigation to apply that kind of centralization of these dockets for investigation. The Minister did not respond to my response when I told him that.

**ADV MOHLASEDI:** General, my apologies, General. Perhaps before you continue, in paragraph 12, the first sentence there, you indicate that the Minister inquired why the task team was investigating the murder and then you say:

“As he had given a clear direction, that  
all political murders must be  
20 investigated at the stations”.

What did you understand that direction to be a referral to at that time?

**MAJ-GEN GOPAUL:** Chairperson, I had absolutely no understanding of what the Minister at that time was referring to, a clear direction, and to whom and to where.

He just simply said that, you must understand, Chairperson, I am receiving a call for the first time in my life from any Minister, so I am not going to be the one to question the Minister about where did you, what direction you are talking about, where did you give it, and what context. So it is just as it is, I have narrated the story, Chair.

**ADV BALOYI SC:** Can I just ask, good morning, General.

**MAJ-GEN GOPAUL:** Good morning.

**ADV BALOYI SC:** Before this call, in this particular part of  
10 your call with the Minister, had you ever become aware of an instruction that political killings must be done at the district level, or at the station where they occurred?

**MAJ-GEN GOPAUL:** Chair, the first time I came to understand about some kind of contention around this issue of the Political Task Team and the Minister was when I viewed and watched the Portfolio Committee where General Mkhwanazi was narrating a story about the Political Task Team. It is the first time I had viewed or got to hear about some aspect or contention because at a provincial level this  
20 was not a topic for us. It was not in our space or sphere of discussion in our span of control. I hope that brings ...[incomplete].

**ADV BALOYI SC:** Just to clarify, to be clear for the record, the, this discussion by, or this explanation by General Mkhwanazi that you are referring to, is at the

March 2025 parliamentary appearance?

**MAJ-GEN GOPAUL**: That is correct, Chairperson.

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

**ADV MOHLASEDI**: Thank you. Thank you, Commissioner. General, you can continue your evidence. You were dealing with the contents of paragraph 12 and 13.

**MAJ-GEN GOPAUL**: Thank you, Chair. Chair, so, I have been given that explanation to the Minister that they better, the Political Task Team understands the patterns of how to,  
10 these crimes and how to investigate them. The Minister then, like I said, then thanked me for the feedback, but he still asked me if I can, if there is any development, I must keep him abreast. So that is how our call ended, my call ended with the Minister.

**ADV MOHLASEDI**: Thank you, General. Could I ask you to please turn to your annexure bundle, to please go to page 10 of your annexure bundle.

**MAJ-GEN GOPAUL**: Sorry, on page?

**ADV MOHLASEDI**: So annexure bundle, page 10, page 10.  
20 It will be a document labelled Annexure AG3.

**MAJ-GEN GOPAUL**: I am with you, Counsellor.

**ADV MOHLASEDI**: Thank you. And, General, please identify what this document is.

**MAJ-GEN GOPAUL**: Chairperson, I went into my WhatsApp in preparation of this statement and I did what I

call my own export of my entire conversation with the Minister that I had with him on WhatsApp, and I then printed that and I annexed that to my statement.

**ADV MOHLASEDI:** So for clarity, General, for example, in paragraph 8 of your statement, when you indicate that you received a WhatsApp call from that number beginning with 082, do you see that?

**MAJ-GEN GOPAUL:** That is correct.

**ADV MOHLASEDI:** That is correct. If you look at  
10 Annexure AG3, the content, the contact you have saved there as Minister Mchunu.

**MAJ-GEN GOPAUL:** That is correct, yes.

**ADV MOHLASEDI:** Is that the number indicated in paragraph 8?

**MAJ-GEN GOPAUL:** That is correct.

**ADV MOHLASEDI:** Thank you. So if we were then to go back to the last paragraph where you gave evidence of, if you look at paragraph 13 of your statement.

**ADV BALOYI SC:** Perhaps before ...[intervenes].

20 **ADV MOHLASEDI:** I apologize.

**ADV BALOYI SC:** Before you do that, General, did the Minister explain to you why his particular interest in this case, in that, in the conversation that you have with him on the phone, why he wants to be updated, why he is asking you about how this occurred?

**MAJ-GEN GOPAUL:** Commissioner, at the time I did not know, but I summarized later on why the Minister had interest in that particular Councillor.

**ADV BALOYI SC:** Okay, so you will still get to that.

**MAJ-GEN GOPAUL:** I have not mentioned it in my statement, but I could indicate it right now upfront.

**ADV BALOYI SC:** Please.

**MAJ-GEN GOPAUL:** Later, I came to understand that the interest in the specific candidate or the specific person  
10 here, Mr Mabhida, was because he was an ANC Councillor. The Minister is from the ANC. And even in the subsequent, which I will get to, the Ministers, a Minister attended the funeral and had an interest in that particular Councillor because he was from the ANC. Thank you, Commissioner.

**ADV BALOYI SC:** Thank you.

**ADV MOHLASEDI:** Thank you ...[intervenes].

**ADV KHUMALO SC:** Sorry, Ms Mohlasedi. Good morning, General.

**MAJ-GEN GOPAUL:** Morning, Commissioner.

20 **ADV KHUMALO SC:** I just want to understand something. Where did the Minister get hold of your phone numbers and how did he know that you are the person to speak to if he wants to know more about this case? I am just curious to understand how the connection started, and out of all the people, he decided to call you and speak to you. So where

did he get your numbers, and how did he know who you are, and how did he know that you could assist him with information relating to this case?

**MAJ-GEN GOPAUL:** Commissioner, you sound like my principal, General Mkhwanazi. He asked me the very same question after I had called him to narrate that the Minister had called me and my response to him was, I do not know. It is the first time I have ever received a call from any Minister, so I have no idea where the Minister got my  
10 number from. It was not something I ended up, I could ask the Minister, where did you get my number, by the way? It is something I never asked him. But I never interacted prior to this with the Minister where we exchanged numbers. So where he got it from, I would not know, Commissioner.

**ADV KHUMALO SC:** Just out of interest, were you the Investigating Officer in the case or were you the Station Commander of the station where the case was reported? I am trying to understand why the Minister would contact you and ask you about this case.

20 **MAJ-GEN GOPAUL:** Commissioner, I was the, I was the District Commissioner. Mandeni Police Station is one of the ten police stations that falls within the district under which, resorted under my command and span of control. So the ten Station Commanders in the district reports to me. Mandeni is one of those stations. Councillor Mabhida is a

person who died in Nyoni Police Station, which is also under my jurisdiction as in the iLembe. He is a Councillor in Mandeni Municipality, but he was murdered in the Nyoni policing precinct, which is still under my control as a District Commissioner.

**ADV KHUMALO SC:** So is it safe to assume that he could have enquired and somebody would have directed them to you?

**MAJ-GEN GOPAUL:** I would say so, Commissioner.

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

**ADV BALOYI SC:** General, was this the first political killing in your recollection, the first political killing within your area since the Minister was appointed?

**MAJ-GEN GOPAUL:** To my recollection, Commissioner, I think it was, ja.

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

**MAJ-GEN GOPAUL:** Thank you, Commissioner. General, just to tie up on our previous point, if you have regard to paragraph 13 of your statement, please, that last sentence

20 there reads:

“My call with the Minister on the 5<sup>th</sup> of February 2025 was 8 minutes in duration.”

If you then have regard to page 10 of your annexure bundle, the page where we were before.

**MAJ-GEN GOPAUL:** Yes, I am with you.

**ADV MOHLASEDI:** Are you there? And if you have a look at the fourth line from the top.

**MAJ-GEN GOPAUL:** That is correct, Commissioner, Chair. The 8 minutes is consistent with the WhatsApp export chat that reflects the 8-minute conversation I had with the Minister on the WhatsApp call.

**ADV MOHLASEDI:** And General, as we continue to work through this particular interaction with the Minister, we will  
10 just have reference to this extraction from the data from WhatsApp. But I would ask you then to turn to paragraph 14 of your statement.

**MAJ-GEN GOPAUL:** Thank you, Chair, I am there.

**ADV MOHLASEDI:** And continue from there.

**MAJ-GEN GOPAUL:** Chair, so later the same day, the Minister, I WhatsApp'd the Minister with an update because I had received some information regarding possible suspects that came to my attention. Now, this particular information, when it came in, it was about an arrest that  
20 was made, not specifically for the Councillor's murder, but it was suspects that we had arrested on a possession of unlicensed firearm, which the local investigators at the police station had picked up in the interviewing the suspect that he may be related to the murder of the Councillor. I messaged the Minister, but then I realized, okay, maybe we

must see the investigation through before I could have given that as a possible suspect. And I then deleted those messages to the Minister.

**CHAIRPERSON:** So, General, the update, was it in what, did it consist of four texts, because I see four deletions?

**MAJ-GEN GOPAUL:** Sorry, I did not get the question, Commissioner, Chair?

**CHAIRPERSON:** I am saying in paragraph 14, you refer to an update, singular, but in AG3, page 10, I see four  
10 deletions. So, was the, or did the update consist of four texts?

**MAJ-GEN GOPAUL:** That is correct, Chairperson.

**CHAIRPERSON:** All right.

**ADV MOHLASEDI:** Thank you, Chair. Thank you. General, following on from the Chairperson's question, please then continue from paragraph 15.

**MAJ-GEN GOPAUL:** Thank you, Chair. So, Chair, on the 5<sup>th</sup> of February, after I had spoken to the Minister, I then called General Mkhwanazi to give him an - our protocol,  
20 Chair, is that, within the South African Police Service in the context is that no man is unto himself. You have a chain of command and you follow that chain of command. You are pointed in the context of the chain of command. So when somebody out of your protocol contacts you, communicates with you, you will have to inform your principal that I have

been communicated by a particular individual and this is the context of the conversation.

In this instance, I then, in due respect to that protocol, called my principal, who is Lieutenant General Mkhwanazi, and I apprised him of the telephone conversation between myself and Minister Mchunu. Chair, it is similar to the very same question that Commissioner Khumalo raised earlier on, where General Mkhwanazi asked me, but why will the Minister be calling you, do you know  
10 the Minister, have you met him before, how does the Minister have your number? And my answers to him was similar to the earlier, that I do not have a personal relationship with the Minister. I do not know him. I do not know where he got my number from. It is the first time I have received a call from a Minister, not just from a Minister Mchunu, from any Minister in the South African Government that calls me directly and speaks to me. So I have never had a conversation with the Minister before.

Then that conversation, after outlining that to  
20 General Mkhwanazi, I then updated him also with what was transpiring in the meantime with regards to the suspect. And I then indicated to him that I have communicated with the investigating officer of the task team that we may have a possible suspect that they may want to come and interview in the case that they are carrying, because the

one we are having is just for unlicensed possession of firearm.

So after speaking to Lieutenant General Mkhwanazi, I then messaged him some of the content regarding those four suspects, sorry, the two suspects that we had in our possession regarding the unlicensed firearm. And General Mkhwanazi then asked me to keep him abreast also if there is any developments in that particular area regarding the matter of the Councillor.

10 Chair, you will note that the investigation team will deal with an investigation, but the impact of the environmental factors that will follow the climate and the temperatures out there in the community will still be policed by the police station. Station commander, myself, will be monitoring what is the climate. You will know that it is tense. There is a Councillor that has been shot. There are possible theories about who might have committed it, who is behind it. So we had to still monitor that on the ground physically ourselves through our own means and methods.

20 **ADV MOHLASEDI**: Thank you, General. Please then continue on from paragraph 17.

**MAJ-GEN GOPAUL**: Chair, on the 7<sup>th</sup> of February, I called Minister around 08:37 and I gave him an update that the suspects are making their court appearance related to the unlicensed possession of firearm and we have not dealt with

them in terms of anything else except for the unlicensed firearm. So I indicated to him that there is a court date that these accused are appearing on, but this is the suspects now that are possibly going to be linked to the murder of the Councillor and that once they appeared for the unlicensed firearm, they will then subsequently be processed by the task team who was going to go and then address them on the murder related to the Councillor.

Chair, the arrest of the suspects in this incident, I  
10 must say, was undertaken by the public or the policing on the same night of the murder on a routine patrol where they had stopped and during the search of these suspects, they found them with firearms and when they had brought them to the station, it is the local detectives in trying to understand where does the firearms come from, where they are coming from and their investigative techniques of investigation, they then uncover that it is possibly linked to the murder of the Councillor.

**ADV MOHLASEDI:** General, before we turn to the next  
20 page, just to clarify, could I ask you to have regard to page 10, again, of your annexure bundle? If we go back to the initial telephone communication you had with the Minister, that is the fourth line from the top on the 5<sup>th</sup> of February. Are you there?

**MAJ-GEN GOPAUL:** Yes, Chair.

**ADV MOHLASEDI:** Okay. So, General, if you read from the left, it sets out the date there as well as the time.

**MAJ-GEN GOPAUL:** Are you talking about the fourth entry?

**ADV MOHLASEDI:** The fourth entry, that is correct. So it would set out the date and then the time. Are you with me?

**MAJ-GEN GOPAUL:** On the 5<sup>th</sup>?

**ADV MOHLASEDI:** Correct.

**MAJ-GEN GOPAUL:** Is that the 13:33 or the above?

10 **ADV MOHLASEDI:** It would be, the time would be 8:17:59.

**MAJ-GEN GOPAUL:** Ja, 8:17, yes, Chair, I am there.

**ADV MOHLASEDI:** Thank you.

**MAJ-GEN GOPAUL:** So it is the one, two, three, it is the fourth line, but it is a third day, a third entry on a date.

**ADV MOHLASEDI:** 100%.

**MAJ-GEN GOPAUL:** So it is on 08:17:59.

**ADV MOHLASEDI:** 59.

**MAJ-GEN GOPAUL:** It says Minister Mchunu, voice call, 8 minutes.

20 **ADV MOHLASEDI:** Indeed. And your evidence earlier was that the initiator of that 8 minute call was Minister Mchunu.

**MAJ-GEN GOPAUL:** That is correct, Chairperson.

**ADV MOHLASEDI:** 100%. General, if we then go a few lines down to the 7<sup>th</sup> of February, the entry relating to the 7<sup>th</sup> of February, you see that?

**MAJ-GEN GOPAUL:** I am there, Chair. It is at 08:37:36, and the call was made by me to the Minister ...[intervenes].

**ADV MOHLASEDI:** 100%.

**MAJ-GEN GOPAUL:** For a duration of 7 minutes.

**ADV MOHLASEDI:** So for purposes of reading this extraction from WhatsApp, the name of the initiator of the call is what would appear there.

**MAJ-GEN GOPAUL:** The name is Anthony. It is my first name, Commissioners.

10 **ADV MOHLASEDI:** Which indicates that you were the initiator of that 7-minute call.

**MAJ-GEN GOPAUL:** That is correct, Chair.

**ADV MOHLASEDI:** Thank you, General. Could I then ask you to go back to your witness statement?

**MAJ-GEN GOPAUL:** I am there.

**ADV MOHLASEDI:** And you can continue from paragraph 18, please, which is on page 6.

**MAJ-GEN GOPAUL:** Thank you, Chair.

20 **ADV BALOYI SC:** General, maybe before you do that, at paragraph 17, where you say you gave the Minister an update on the status of the suspects, what does that mean? Did you give him names? What exactly does it mean?

**MAJ-GEN GOPAUL:** No, I did not provide detail of names. I only indicated to the Minister that the two suspects that were arrested for unlicensed possession of firearm through

the interview process, we can now say that we have linked them to the murder of Councillor Mabhida, and that we will then be processing them and charging them in terms of that particular crime after they have appeared in this particular court.

**ADV BALOYI SC:** Thank you.

**MAJ-GEN GOPAUL:** Thank you, Commissioner. Chair, I will then indicate that in my next conversation, well, not conversation, let us put it, interaction with the Minister was  
10 on the 15<sup>th</sup> of February. On the 15<sup>th</sup> of February, it was a Saturday, and I was in a, part of a panel with the, a senior management panel where we were interviewing candidates for senior management positions. And during that particular time of the interviews, we were in the process, so I was not paying attention to my phone, and at some point when I looked at my phone, I realized that there is three missed calls from the Minister, Minister Mchunu, on my phone, WhatsApp calls.

I looked at it and I saw that it was, the first one was  
20 at 09:23, the second missed call was 09:24, and the third one was at 10:50. So then at that time when I paid attention to it, I was, we were with the candidates that I saw these missed calls, and so I waited for the candidate to finish. And then before the next candidate, I then decided to, well, I messaged the Minister at the time to say that I am

in a panel and that I will call him, you know, when the candidate was done.

But then when I tried to call the Minister at 10:55, I did not reach him, and the Minister messaged me to say that he is at the funeral of Councillor Mabhida, so he wanted then an update on the suspects of this particular, the murder of the Councillor. He wanted to know the charges and any information that is relevant to the murder of the Councillor. I would then, well, being attending the  
10 funeral, I would imagine that he might want to have that information to communicate to the grieving family, you know, where we are with the investigation and the arrest of the suspect.

So I was in this panel, and when the Minister then sent me this message, I then sent a message to the actual investigator of this docket, the team leader, actually, Lieutenant Colonel Khumalo, who, and I said to him that the Minister was looking for an update on the investigation and the suspects.

20 Chair, the Investigating Officer then messaged me to indicate that he will update the Provincial Commissioner on where they are with the investigation and that the, if the Minister wants any further updates, he can contact the Provincial Commissioner. I then related that message to the Minister of what the Investigating Officer told me, odd

message, and the Minister then responded with two words. He then said “now covered”. So I took that to believe that he is satisfied with that answer that I gave him. And that was the last time that I had communicated with the Minister on this particular issue, Chairperson.

**ADV MOHLASEDI:** General, with reference to paragraph 19, previously, upon receipt of queries from the Minister, you had agreed that you had responded to his request for information or updates. Is that so?

10 **MAJ-GEN GOPAUL:** Sorry, Counsellor, I did not get the question?

**ADV MOHLASEDI:** Previously, when you would receive requests for information concerning the Mabhida murder from the Minister, you had agree that you would respond and provide an update or information.

**MAJ-GEN GOPAUL:** That is correct, Counsellor. From the last brief I had given the Commissioner of the possible link of the suspects and that we did eventually link them, there was nothing more I knew about the case, hence I needed to  
20 establish from the investigator what other development. You know, sometimes, for example, you may find that the investigator will tell you, okay, the following evidence was analysed and the following suspect was linked, the firearm belongs to somebody, they acquired the firearm from whom, which other murders they are linked to. So I did not have

anything more than what I had on the previous occasion, so I inquired with the investigator if there is any developments that have taken place so that I could apprise the Minister.

**ADV MOHLASEDI:** And so the, your decision to reach out to the Investigating Officer in respect of this murder was because at that point you had no further updates to provide the Minister.

**MAJ-GEN GOPAUL:** That is correct, Chairperson. Chairperson, I must also add that in as much as no matter  
10 which unit is investigating a murder or any crime, if a citizen or a community member in my district has suffered a trauma or a crime, I have a responsibility to make contact with the various teams to see where they are with matters and how I could assist them, because sometimes logistically we support certain operations in the area.

So it is the community that will ask me the question, what am I doing about this and what am I doing about that? So I usually try to keep abreast. But there are some sensitive units that we do not get the full explanations  
20 of their stages of investigation or where they are, for example, DPCI, Political Task Teams sometimes will withhold certain parts of the investigation so that they do not compromise the investigations. But we do interact with them.

**ADV MOHLASEDI:** And General, still discussing the

contents of paragraph 19, there you indicate that the Investigating Officer explained that he would update the Provincial Commissioner, who would then update the Minister. Is that the ordinary protocol that is followed? Is that the procedure that must be followed in this context, or was that something unique to the circumstances?

**MAJ-GEN GOPAUL:** Chair, usually when it comes to political principles, unless we are in an imbizo and we are together somewhere as part of a community outreach  
10 program, there will be that interaction with politicians. Other than that, when it comes to the normal protocol of chain of command, politicians will talk to our principals. And same way, if you talk to, if you go to a district of local level, you will find that the Mayor will communicate with the Station Commander because that is the level on which they are in the local area.

In myself, I have a lot of interaction, lots of interaction with the District Mayor because I am a District Commissioner. So I have a lot of interaction with the  
20 District Mayor and the Mayors because in terms of the levels that we are on, on protocols, I am allowed to do that interaction. But when it comes to MEC's, comes to Ministers, that protocol lies at the instance of the Provincial Commissioner or the National Commissioner, that is depending on what it is. But mine is limited as a District

Commissioner to District Mayor, local Mayors. That is my level of protocol that I can engage and interact with.

**ADV MOHLASEDI**: Thank you, General. You indicated in the course of going through your statement, that this was the first time that a Minister had contacted you.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: In particular, concerning the murder, for example, of a Councillor, of a Ward Councillor.

**MAJ-GEN GOPAUL**: That is correct, Chair.

10 **ADV MOHLASEDI**: 100%. And you also now explained that in ordinary circumstances, politicians would typically talk to your principal, would talk to your superior.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: So in this context, was it appropriate for the Minister to reach out to you seeking information concerning the murder of Councillor Mabhida, in your opinion?

**MAJ-GEN GOPAUL**: Chair, from my protocol training, it is not appropriate. But I cannot say from Minister Mchunu's  
20 protocol as a politician what training they receive and how to communicate and with whom and to what boundaries they cross and allowed to cross. But purely from my training and my 35 years of historical institutionalized protocol, it is not normal and it is not an accordance law protocol for me to interact with the Minister without the specific direction of my

principle.

**ADV MOHLASEDI:** And if you are able to, General, could you comment on why that is perhaps not normal or why that would go against your training, for example, what is attempted to be prevented in contexts where a Minister directly engages an officer of your station?

**MAJ-GEN GOPAUL:** Chair, this comes out of experience, my own personal experience in the history that I have served the organisation. In any province, the Provincial  
10 Government interacts completely with the Provincial Commissioner. In fact, the Provincial Commissioner exercises and invokes his authority in the province in consultation with the executive of that particular province. When a Minister interacts with a National Commissioner, it is fine.

When he interacts with the Provincial Commissioner, it is also fine. But the Provincial Commissioner is better positioned to understand what and how to answer a National Minister who is asking about a  
20 province to which the Provincial Commissioner is serving under the leadership of the provincial executive, in this instance the Premier, and his cabinet.

So yes, he will be better positioned to be able to understand the better picture of what responses is better suited to the Minister.

**ADV KHUMALO SC:** Can I just clarify something?

General, did the Minister say in what capacity he is communicating with you, and the reason I am asking that is I see that on the 15<sup>th</sup> he attended the funeral of Councillor Mabhida. They could have been related. They could have been members of the same political party. So it does not necessarily follow that when the Minister makes enquiries, he is making them in his capacity as a Minister. It could have been as a political colleague, as a relative, or as  
10 somebody who is from the same iLembe district. In what capacity did the Minister communicate to you and ask you these questions?

**MAJ-GEN GOPAUL:** Chair, I did not get that from the Minister and I did not ask him in what capacity. Mine, I took it just as a Minister, because the only relationship I would have had with him now that he is calling me is as a Minister, nothing more than that. So he did not tell me I am calling because I am a relative or I did not have that indication, Chair.

20 **ADV KHUMALO SC:** Yes, let me give you an example. As I am sitting here, I am a Commissioner, but outside of this Commission, I am an ordinary citizen. And if I go to a police station or I contact a Station Commander and I inquire about an existing case, there are lines to be drawn. You cannot assume I am doing that because I am a

Commissioner at the Madlanga Commission. I could be doing it as an ordinary citizen or as somebody who lives in a particular area who is interested in what is going on with a particular criminal case.

**MAJ-GEN GOPAUL:** Commissioner, that is why early on I said that later on I could only summarize that the interest could have been because the Councillor Mabhida was from the ANC. So it is possible that it is because he is a comrade, because he is a relative, but I did not get that  
10 clear from the Minister as to what was his specific relationship, whether it was just fulfilling an office duty as an office bearer of the ANC or as a Minister or as a relative. I did not pick that up in my interaction as to what would be the reason specifically. It could, might have been that ja.

**ADV MOHLASEDI:** Thank you, Commissioner. General, that then brings us to the end of your paragraph 19.

**ADV BALOYI SC:** Ms Mohlasedi, let me then ask my question if you are completing that section. General, we have had the Minister testify here before, and in the context  
20 of the Political Killings Task Team. His stated position is that there is no hierarchy of murders. Murder is murder, and there is no reason to have a specialized team or a special team, task team investigating political killings. Now, has the Minister, and that is the context of my question, keep that in mind, has the Minister called you

about any other killing that falls within your jurisdiction?

**MAJ-GEN GOPAUL**: No, Commissioners.

**ADV BALOYI SC**: Thank you.

**ADV MOHLASEDI**: Thank you, Commissioner. General, can I then ask you to have regard to the second sub-heading. We are on page 6 of your witness statement. There is a second sub-heading just above paragraph 20. It is titled “Ward 28, Shakaskraal by-election”. Are you there?

**MAJ-GEN GOPAUL**: I am there, Commissioners.

10 **ADV MOHLASEDI**: Okay. Can I ask you to detail for the Commission the events relating to that by-election starting from paragraph 20, please?

**MAJ-GEN GOPAUL**: Thank you, Chair. Chair, my next interaction would be related to the Ward 28 Shakaskraal by-election, and this is also in General Mkhwanazi’s testimony that he had related here in oral evidence at the Commission. Chair, there was a by-election that was underway in this particular ward. It is in the Shakaskraal/Umhlali area, where a candidate, Mr, known as  
20 Doeshiee, but his name is Vishnu Gopaul Govender, was a candidate standing for the election, by-elections in that particular ward.

Chair, in 2024, during the national elections, national and provincial elections, Mr Doeshiee Govender was quite instrumental in rallying support in that ward

towards the ANC, and it is one of the very few wards that won significant votes during that election.

**CHAIRPERSON:** The ANC won.

**MAJ-GEN GOPAUL:** That is an, it was an ANC ward and he was in 2024 an ANC Councillor.

**CHAIRPERSON:** Yes.

**MAJ-GEN GOPAUL:** Then in 2025, he resigned from the ANC as a Councillor, which prompted a by-election. So during this period, it meant that he resigned as a Councillor  
10 from the municipality and, of course, from the ANC, and he then joined the Umkhonto Sizwe party. The candidate, Mr Doeshiee Govender, in the previous election, as I indicated, over decades, he has been very, very well supported in that community and in this by-election, he seemed to enjoy the similar support.

**CHAIRPERSON:** Now campaigning under the banner of the MK party.

**MAJ-GEN GOPAUL:** That is correct, Chair. He is now campaigning under the banner of the MK party. Chair, the  
20 campaigning, during the campaigning period, there were quite a number of senior, very high-profiled ANC officials would come and support the ANC candidate which was in that area, trying to campaign for the ANC. One of them was Minister Mchunu, and he also came out campaigning.

I will deal with that campaigning part in a short

while. I will start with where he, on the 31<sup>st</sup> of March 2025, after campaigning on the previous days, on the weekend, on the 31<sup>st</sup> of March, Minister Mchunu went to the police station of SAPS Umhlali and he then indicated to the Station Commander, Lieutenant Colonel Naicker, that while he was on his campaign trail, he was taken to some people who complained extensively about the MK party candidate, Mr Doeshiee Govender and the complaints he had received from them was that the police is doing nothing and they are  
10 under the control of Mr Doeshiee Govender, and that Mr Doeshiee Govender and his family get away with committing any kind of atrocity they feel like or crime.

**CHAIRPERSON:** Specific reference, General, is made to CAS 61/06/2021.

**MAJ-GEN GOPAUL:** That is ...[intervenes].

**CHAIRPERSON:** Yes, what was that case about?

**MAJ-GEN GOPAUL:** That was a case of a housebreaking and theft case where he specifically told the Station Commander that he will be returning to the police station in  
20 the afternoon at 15h00 hours and he wants the management to bring that docket and explain to him why Mr Doeshiee Govender has not been arrested.

**CHAIRPERSON:** Who had laid a charge in respect of this matter and who was the suspect?

**MAJ-GEN GOPAUL:** Chair, in this particular case docket,

a complainant was, it is in my notes and I did not put it in the statement, the notes I made of the meeting that the Minister had, the complainant was a member of the public and the suspect in this particular case docket was the son of Mr Doeshiee Govender and not Mr Doeshiee Govender himself. So that was a housebreaking and theft case.

So in the morning, basically he tells the Station Commander, Minister says to the Station Commander, I am coming back at 3 o'clock, have your management ready,  
10 bring this docket, I am going to interview more people with complaints and I will want you to explain why you are doing nothing about these cases.

**CHAIRPERSON:** I do realise, of course, that the interaction was with the Lieutenant Colonel Naicker.

**MAJ-GEN GOPAUL:** That is in the morning.

**CHAIRPERSON:** Yes. Did you ever get to understand why the Minister was making all these enquiries?

**MAJ-GEN GOPAUL:** Commissioner, I am coming to that part of my statement where, after that conversation, Colonel  
20 Naicker called me and indicated that what had transpired. She also sent me a message in relation to that. And then I was at that time in a meeting, an accountability session, case docket session with General Mkhwanazi and as the normal protocol again, I informed the Provincial Commissioner that the Station Commander of Umhlali has

called me to indicate the Minister's visit, his conversation, and his intended revisit at 15h00 hours.

My discussion with General Mkhwanazi when it concluded was that I should go there to the police station and joined that meeting and not leave the junior level to be interacting with the Minister in that fashion, which I did, Chairperson. I then proceeded to the police station and it is where then I found the Minister, Minister Mchunu with a few of the ANC officials in the office of the Station  
10 Commander.

Chair, all of them were clad in ANC regalia. They were clad in ANC regalia and they were in the office of the Station Commissioner. I greeted the Minister and his colleagues that were with him. I greeted the Station Commander and the management that was there, and I took a seat at that table. And then I indicated to the Minister that ...[intervenes].

**CHAIRPERSON:** When you say they were all clad in ANC regalia, does that include the Minister?

20 **MAJ-GEN GOPAUL:** That includes the Minister, Chair. For ease of reference, in my annexure, there is a picture that was taken with the Minister on that day outside the police station in that particular regalia.

**ADV MOHLASEDI:** To assist you, General, that picture is on page 6 of your annexure bundle. It is AG2.

**MAJ-GEN GOPAUL:** Thank you, Chair. Chair, this picture, I must contextualize it, it was not a picture that was taken out of an official, it was a request of the CPF Chairperson that wanted the picture with the Minister. And then the Minister did not want to be alone, so he joined the Minister in that photo with the particular CPF, Deputy Chairperson of the CPF in that picture.

**ADV MOHLASEDI:** Thank you, General. General, can I ask you to please continue your evidence from paragraph  
10 25? At this point, you have explained to the Commission that the Minister had asked for a meeting at the station at 3 o'clock and requested that station management explain to him the ongoings with reference to CAS 61, is that right?

**MAJ-GEN GOPAUL:** That is correct, Chair. Chair, when I had arrived, as I indicated, I did see the Minister and I did now introduce to the Minister that, one will recall that my previous interaction with the Minister was with the, was as a District Commissioner of iLembe on the previous incident. Now I had to introduce myself to the Minister as the Acting  
20 Deputy Provincial Commissioner for Crime Detection. So I then introduced myself in my new acting capacity as to what brought me there.

The Station Commander was, the Acting Station Commander, Colonel Naicker, was also in the room because the Station Commander was on vacation leave at the time.

Also then the Acting District Commissioner was also present in, or joined us a little later, actually, in the session. So, Minister Mchunu then indicated that they are just waiting for one gentleman to join them before they can start, and that gentleman was Mr Sandeep Oudhram. He was also an ANC comrade. So after a few minutes has passed, I think the Minister decided to start the meeting without him, which we did and Mr Oudhram subsequently joined while we were in the meeting.

10           But the Minister then starts to narrate that he went to different houses or community members and in particular, there were three different instances that he narrated complaints against the candidate that is standing for elections, Mr Doeshiee Govender. The Minister was of the opinion that there is a, the community has a sense of frustration that we are doing nothing about Mr Doeshiee Govender and his son's behaviour.

Commissioner, my notes, as the Minister was outlining it, I have made reflection on my notes, which is  
20 part of my bundle, which ...[intervenes].

**ADV MOHLASEDI:** Let me assist you, General. Your notes, a typed version of your notes, my apologies, appears on page 4 of your annexure bundle. The handwritten version is AG1, beginning on page one, but the typed version of that meeting would be on page 4.

**MAJ-GEN GOPAUL:** Yes, Chair. So, my handwritten version and my typed notes are there. So, there was, I will not mention the names in my notes for the sake of protection of those complainants in those matters, but they were persons that the Minister referred to that were complaining about Mr Doeshiee Govender and they narrated certain cases also.

Chair, at the end of this entire session with the Minister and Mr Sandeep were also narrating certain  
10 frustrations against this candidate, I then pointed to the Minister that firstly, the CAS 61, we gave him a feedback to say that in that case docket of 61, housebreaking, which the Minister specifically asked for. The suspect is not Mr Doeshiee Govender, it is his son. And it is not that we did not arrest the son, we arrested the son in this matter.

In this particular matter, there were other accused with the son that was arrested and the matter was taken to court and the prosecutor then declined to prosecute the son in this matter. It is because in the complainant's version of  
20 a statement, the complainant never saw the son, but heard voices, and she associated the voice with the son. So I cannot - no, I do not know more than what was in the mind of the prosecutor, but that is the reasoning that was provided in that case docket. So that matter was withdrawn, or declined to prosecute.

So I gave the feedback to the Minister on that particular docket, and the Minister was then not happy with that. He says, why will the prosecutor decide in that particular way? There was also the same son who was charged for murder. The context of the murder was where he drove his vehicle into somebody after an argument and the court gave him a suspended sentence with community service. The Minister then wanted to know why the court gave such a lenient sentence and again, I responded to the  
10 Minister that it is the prerogative of the Judiciary, we cannot question the outcomes of hearings or trials and the sanctions and the verdicts. The court is the only place one can take one's recourse to.

So the Minister then indicated he will raise this issue with the Minister of Justice in his own interactions with him. I then indicated to the Minister, in relation to the complaints that he was citing with the assistance of Mr Oudhram, that we would really like to get to interview those particular persons, open cases if we need to, and get a  
20 report on, or complaint if they are complaining about police inefficiency so that one could assist in attending to it in a formal and constructive manner.

Minister in that meeting agreed that Mr Oudhram will provide that report to the Station Commander. I must say, Chair, to date, we do not have that report and we have

not been given access to the people that they were complaining about.

Then I also then wanted to indicate that during my interaction with the Acting Station Commander, even prior to this meeting, on the date on which Mr, Minister Mchunu was campaigning, she did send me one text message on WhatsApp indicating to me that Mr Oudhram took the Minister to three specific places or to houses for people to complain about the candidate, Mr Doeshiee Govender. So, and my response to her was that if the Minister asks you any questions, take note of that and indicate to the Minister that we will respond appropriately to those concerns. At that time it was concerned. So we will report and I did not realize the Minister was going to come the following day and then call a meeting. So we thought, I asked the Station Commander acting at that time to just take note of it and then we will get to respond to that.

**ADV MOHLASEDI:** And General, just a question of clarification. If regard is had to your paragraph 28 of the witness statement at the bottom of page 8.

**MAJ-GEN GOPAUL:** Yes.

**ADV MOHLASEDI:** That reference there to “he” in the first sentence, the Minister enquired why he was given a suspended sentence for murder, that is a reference to who exactly?

**MAJ-GEN GOPAUL:** I think, Chair, well, not think, the Minister was given an impression by Mr Oudhram and the colleagues that were here with him that it was Mr Doeshiee Govender that was charged for murder. And then I had to indicate to the Minister that it was not the Mr Doeshiee Govender, it was the son. So the “he” I am saying is when I referred to this paragraph, but then I had already clarified to the Minister, so I was just referring to the son at this point.

10 **ADV MOHLASEDI:** And so just to be just to be clear, those complaints that you recorded in your notes, at page 4 of your annexure bundle, those complaints, in fact, directed to, were related to alleged criminal conduct on the part of Govender Junior and not on the part of Doeshiee Govender as ...[incomplete].

**MAJ-GEN GOPAUL:** Chair, yes, the complaints, to their understanding It was against Doeshiee Govender and the sons, but when you go into it, you then realise it is not Mr Doeshiee Govender, the candidate that was standing at the  
20 by-elections, it was against the sons.

**ADV MOHLASEDI:** Thank you, General.

**CHAIRPERSON:** Sorry, am I hearing you to refer to sons, plural?

**MAJ-GEN GOPAUL:** Mr Doeshiee Govender has a few sons.

**CHAIRPERSON:** Oh, all right. All right. I am asking specifically because I thought throughout you are referring to just one son. Now ...[intervenes].

**MAJ-GEN GOPAUL:** No, he has quite a few sons, problematic sons, Chair, very problematic sons. He has three. Ja, very, very problematic. I can say to you that because whilst Mr Doeshiee Govender ...[intervenes].

**CHAIRPERSON:** Ja ...[intervenes].

**MAJ-GEN GOPAUL:** Is not ...[intervenes].

10 **CHAIRPERSON:** We should not get to any ...[intervenes].

**MAJ-GEN GOPAUL:** That personal. Ja, then I am not going ...[intervenes].

**CHAIRPERSON:** Any detail with regards to them being problematic.

**MAJ-GEN GOPAUL:** Well, Chair, I said that with no contradiction simply because Mr Govender himself calls me and he tells me to please come and lock his sons up. He calls me. So that is why I say it with no contradiction. He calls me to say he is not fed up of this one and it is fed up  
20 of that one, please come and arrest him. So that is why I say it without contradiction.

**ADV MOHLASEDI:** And did you arrest them, General?

**MAJ-GEN GOPAUL:** Chair, we did. Yes, we did. I sent a police van and we arrested his son. I did.

**ADV KHUMALO SC:** General, I am trying to make sense of

your paragraph 23 read with 26. You say in 23, the reason for the Minister going to the police station was to enquire about the case involving the Mr Govender. And in 26, you say, in summary, the Minister highlighted that he was on a campaign trail at Umhlali in Ward 28. So I just need to understand, what was the reason for the Minister coming to the police station, and maybe if you can also explain for us the photo on page 7. You only referred to us to the one on page 6 of AG2. What is happening on the photo on page 7  
10 of AG2?

**MAJ-GEN GOPAUL:** Chair, the photo on the page 7 is a photo that was provided to me by Lieutenant Colonel Naicker. She was physically shadowing the entourage with the SAPS members during the campaign trail on the roads and this is a photograph where the Minister was on the campaign trail. So this particular, this was on the weekend prior to this meeting where the Minister was campaigning, where she sent me the photo to say the Minister is, she was giving me updates operationally on what was happening in  
20 the area.

**ADV KHUMALO SC:** So just pause there. These people were not at the police station on the 31<sup>st</sup> of March?

**MAJ-GEN GOPAUL:** No, no, Chair. This one was on campaigning. The other picture is on the police station itself.

**ADV KHUMALO SC:** Ja. And ...[indistinct] [microphone off].

**MAJ-GEN GOPAUL:** The Minister came specifically to enquire why the station management is not making or taking decisive action against Mr Doeshiee Govender and his family for criminal activities that they are committing in the area.

**ADV KHUMALO SC:** And he is doing this while he is on a campaign trail?

10 **MAJ-GEN GOPAUL:** That is correct, Chairperson. Chair, interestingly enough, the one thing experience has taught me is that whether you say you are from the EFF or whether you say you are from the MK party, all of them are starting at the ANC. So when we had finished that meeting, the very same colleagues that was with the Minister on the day in the room, I do not know what conversation and who, but the candidate himself, Mr Doeshiee Govender, called me after that meeting and the Minister had left, he said, I believe you are now being given instructions to arrest me.

20 This is the candidate, Mr Doeshiee Govender. I believe the Minister has now given you an instruction to arrest me. And I indicated, no, I did not receive such an instruction to arrest you. We were having discussions about you and your family and your criminal behaviours and cases that might be here, but no instruction to arrest you at

that meeting.

But, and I said to Mr Govender, and he said, well, are you going to be arresting me in any event? I said to him, no, I do not have a warrant of arrest for you, but if you commit a crime in the presence of a police officer, and if there is a case that you commit a crime now and there is evidence, I will come and arrest you, but for now, I do not have anything to arrest you for.

So, somebody told Mr Govender that the Minister  
10 had instructed us in the meeting to, and then he tells me, no, but the colleagues in that meeting, the comrades from there, told me that the Minister told you, I said, no, look, you are not getting the right information. Yes, there was questions about why you were not, you and your family have cases that have not been investigated, you are not arrested for those cases, but not to say we must come now and arrest you. So I did not have an instruction like that.

**ADV MOHLASEDI:** General, could we turn to paragraphs 29 and 30 of your witness statement.

20 **CHAIRPERSON:** Perhaps before 30, Ms Mohlasedi, let me just take you to paragraph 29, General. You say:

“While the meeting was in session, Mr  
...” [intervenes].

**MAJ-GEN GOPAUL:** Sorry, Chair, which paragraph?

**CHAIRPERSON:** Two nine, 29.

**MAJ-GEN GOPAUL**: 29, okay.

**CHAIRPERSON**: Yes.

“While the meeting was in session, Mr Oudhram, did join the meeting. I explained to the Minister that whilst we wanted to assist him, the difficulty was that it was unclear in what capacity he approached us.”

Did the Minister respond to this comment?

10 **MAJ-GEN GOPAUL**: He did not respond directly to that, because the way I put it to the Minister was that he was in regalia, he was in ANC shirts, and his colleagues are now taking him to places and people are complaining to him because of his position as a Minister. And now as a Minister, he has that role and title that nobody can take from him. And I think his comrades have now put him in a predicament where he is now, they want to see him basically how he uses that position to unpack what they are getting complaints about.

20 So he did not respond to me directly on this particular matter, but it was a subtle way of me bringing it to the attention that it is a bit of a difficulty in the case, in this instance as to having a sitting Minister in an ANC regalia. Even ourselves, Chairperson in the police, we, despite what preference you might have of a political party,

because we are voters, bottom line is we are voters, we go to vote. Whether you can say anything, we go vote. But in the fairness of exercising our duty, we do not put on shirts and show our interest and favour to a particular party, despite going to the ballot station, to the ballot paper and putting a cross next to a political party. But in discharging our duties and undertaking any authority given to us, we do not put regalia's. So it was a bit, a tricky situation for all of us and I am glad I was there to support the Station  
10 Commander on the day.

**CHAIRPERSON:** Back to paragraph 30, Ms Mohlasedi.

**ADV MOHLASEDI:** Thank you. Thank you, Chair. You took one of my questions, so I will ask the second one. But General, just as a clarificatory point, is it correct that the subject matter of the Minister's enquiries at that meeting of the 31<sup>st</sup> was Mr Doeshiee Govender. It was not crime broadly or other criminal activities. It related primarily to Mr Doeshiee Govender.

**MAJ-GEN GOPAUL:** It related primary, Chair. Primarily to  
20 the candidate, and I have to say it without any contradiction, it related to the candidate that, Mr Doeshiee Govender and his family, but specifically focused on Mr Doeshiee Govender. And perhaps, Chair, it was a bit odd that one would take that extent of intervention at the police station.

I said earlier on that Mr Doeshiee Govender in that particular community enjoyed huge support from the community and that reflected in the polls. So it was slightly just uncomfortable that somebody who had won the previous landslide elections, that the entire community is suddenly angry against him, that three people in the entire community would go to their houses and be interviewed to make a complaint about this candidate and talk about this candidate. And the case is that even with the candidate  
10 himself, what is reflected on record is that not a single case was after 2024, so meaning the candidate was up and firm and standing and correct and upright according to everybody's eyes up until 2025 when he changed floors, when he crossed the floor to another party. All this time his record was clean as far as anybody was concerned. So 3 people ...[intervenes].

**CHAIRPERSON:** Well, according to the Minister, that was because the police were doing nothing.

**MAJ-GEN GOPAUL:** That is correct, Chair. According to  
20 the Minister, that the police officers were doing nothing until we unpacked each and every case that the particular candidate was charged for previously and the outcomes of those cases. And there is no new cases. There was not a single new case that we had since the previous election against the candidate. So we felt, well, I felt it was a bit

odd and mischievous that you would go to three people's houses, well, perhaps not the Minister did it on his own. He was taken to them, to those houses by his colleagues, his comrades. And then from there, you then say that there is a problem with this candidate. And of course, again, in the by-election, it played out and it made, it came clear that the community is not angry with this person. They voted for him again, in a landslide victory again.

So, Chair, it was a bit uncomfortable, and even as I  
10 sit here, it is extremely uncomfortable for me to give evidence of this nature against the Minister in such a way, because one would have expected not to have had that meeting at the police station, irrespective of what pressure came from the colleagues from the ANC.

**ADV KHUMALO SC:** It does seem odd, though, that in 2025, March, the Minister would go to a police station and ask why somebody has not been arrested for cases from 2016 and 2021.

**MAJ-GEN GOPAUL:** That is correct.

20 **ADV KHUMALO SC:** I mean why, why in 2025? Why did he not ask that in 2024 or 2023?

**MAJ-GEN GOPAUL:** That is correct, Chair. I think, you know, it is just an open book that everybody is asking the same questions and your assumptions are as good as mine.

**ADV BALOYI SC:** General, as I understand it, the

significance of your referencing that the, or mentioning that the Minister and the people with whom he was were wearing ANC regalia and T-shirts, the significance of it is he was not in the discharge of ministerial functions. He was campaigning. He was in the campaign trail for a candidate of the ANC.

**MAJ-GEN GOPAUL**: That is ...[intervenes].

**ADV BALOYI SC**: Am I correct in that understanding?

**MAJ-GEN GOPAUL**: That is correct, Commissioner. And I  
10 think it is something that becomes difficult for us as officials to navigate. Now, I am a General, and I had to navigate through that. I had to go to the assistance of a Station Commander.

**ADV BALOYI SC**: Yes.

**MAJ-GEN GOPAUL**: A Constable would not navigate, he will comply.

**ADV BALOYI SC**: Yes.

**MAJ-GEN GOPAUL**: In an ordinary day.

**ADV BALOYI SC**: Yes.

20 **MAJ-GEN GOPAUL**: He will not navigate through that.

**ADV BALOYI SC**: Yes.

**MAJ-GEN GOPAUL**: So it becomes quite a bit of a challenge that sometimes office bearers on a political level put us through as Government officials.

**ADV BALOYI SC**: Yes. So in short, what you are saying is

he was in ANC regalia carrying out, campaigning and therefore ANC activities, and he had used his ministerial, the power of his ministerial office to get a meeting with the Station Commander and with the management of the station and to ask about dockets.

**MAJ-GEN GOPAUL**: That is correct, Chair. But I must be also quite open-minded to the fact to say that if any political party came in regalia and they did not have a designation of power on them, they could walk into a police station and  
10 complain about the candidate and we would have given them the same attention in the same regard, in their regalia. The complexity here is that it is a Minister.

**ADV BALOYI SC**: Yes. Well, even with that scenario, would you, it being any other political party, would you bring the docket, as you say in paragraph 23, the Minister had asked for a specific case docket to be brought in the afternoon, would you share that with an ordinary member of the public, the contents of a docket and discuss the specifics of a case that is in a docket?

20 **MAJ-GEN GOPAUL**: No, I would not. I will summarize. I will not give them the detail that I would have, that I ordinarily gave the Minister.

**ADV BALOYI SC**: Yes.

**MAJ-GEN GOPAUL**: We gave him more detail of information. Chair, all this information on individuals in a

private, these are private people.

**ADV BALOYI SC:** Yes.

**MAJ-GEN GOPAUL:** All this information we gave to the Minister, purely because he is the Minister. If somebody walked in there, I would have given them audience, but I will summarize it to tell him, I have looked into this docket. My answer to them would have been, I have looked into this docket. Your basis, your argument does not stand. What I may advise you to do is take a recourse with the public  
10 prosecutor in this docket, but not with the police.

**ADV BALOYI SC:** Yes.

**MAJ-GEN GOPAUL:** I am satisfied with the extent of investigation that was done and the outcome of the investigation which took it to court. So your recourse would be with the prosecutor and the NPA. That is the answer I will give you as a normal walk-in. But because it is the Minister, the portfolio of the candidates, the history, the background, the profile, it is not entitled to a walk-in. We gave it to the Minister because of his level of authority.  
20 Thank you, Commissioner.

**ADV BALOYI SC:** Thank you, General.

**ADV MOHLASEDI:** Thank you, Commissioner. And General, perhaps in follow-up to the question from Commissioner Baloyi, in paragraph 23, you indicate that on that same day, after the Minister had made an initial

enquiry, there was a gathering of station management and detectives to meet him at 3 o'clock that same day. So had it hypothetically been a walk-in who came to make enquiries about the nature of these criminal complaints, would a prompt gathering on the same day of senior station management and detectives have convened to provide this update? Or was that done so largely because of who was making the request?

**MAJ-GEN GOPAUL**: Chair, this is totally at the instance of  
10 the Minister, this meeting. It is not a planned meeting. There was no meeting planned with the management. It was, the meeting was called at the instance of the Minister.

**ADV MOHLASEDI**: Thank you, General. General, to tie up your evidence ...[intervenes].

**ADV BALOYI SC**: Sorry, if I may. General, just in the light of this last conversation that you and I had, just to be clear, can a member of the public come to a station, well, can, because it is humanly possible to do, but I am just trying to understand about how things work. I walk into a station and  
20 ask, I want a meeting with managers and would that, would you concede to that if I ask for that?

**MAJ-GEN GOPAUL**: Well, let us put it in this context here. If you want a meeting of that nature from a walk-in from the public where you want all the whole management, you will not get that, such a meeting. You may get an interaction

with the investigator of that particular case, but you will not have the ability to order a meeting with the entire management in the afternoon just about your case. But you may get a feedback on your case that you are enquiring about.

**ADV BALOYI SC:** Thank you.

**ADV MOHLASEDI:** Thank you, Commissioner. General, you are at paragraph 30. With reference to the last sentence in that paragraph, you indicate that upon  
10 conclusion of the meeting and having answered his questions, that is the Minister's questions, you requested that the Minister provide you with an official report on these complaints and details of the cases so that you can investigate and properly report back to the office. Are you able to please explain to the Commission what was the purpose of requesting this report? What did you seek to achieve with it in light of the fact that you had answered the questions posed by the Minister at this stage?

**MAJ-GEN GOPAUL:** Chair, my understanding was the  
20 Minister, Mr Oudhram that was there was a third party. They were relating versions and narrating stories. For us to establish whether the complainant is actually a complainant and the person is actually complaining, you have to get to that complainant, you have to get to that person. So we wanted the report with the full details, contact details, and

names of the person, and I even suggested to them that they could even go with us, take us to those people. So that was the purpose of our requesting the report.

**ADV MOHLASEDI**: Thank you. General, if you then turn to paragraph 33 of your statement, that is a reference to the picture attached as Annexure AG2. We have already gone there.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: And at paragraph 34, you detail an  
10 interaction you had with Mr Oudhram on the 27<sup>th</sup> of March. You see that?

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: Can you speak briefly to that interaction, please?

**MAJ-GEN GOPAUL**: Chair, this was prior to the campaign trail of the Minister. So the Minister's meeting was the 31<sup>st</sup> and then prior to that, on the 27<sup>th</sup>, I received a call from that very same Mr Oudhram that came later on into the meeting. Well, Mr Oudhram called me to say to me that  
20 there was an ANC caucus where Mr Doeshiee Govender, was discussed, the candidate himself. And the caucus had taken a decision that they will lay a complaint with the Minister when he is coming to do his campaign trail and that they will indicate to the Minister that Doeshiee Govender is a problem in that community and that we are doing, the

police is doing nothing about arresting Doeshiee Govender  
So he said he is just giving me a heads up and I must  
prepare myself that the Minister might ask me questions  
about why we are not arresting Doeshiee Govender.

**ADV MOHLASEDI:** Thank you.

**MAJ-GEN GOPAUL:** Ja.

**ADV MOHLASEDI:** My apologies, General. Chair, just to  
note that it is now 11 o'clock.

**CHAIRPERSON:** Let us continue to the end of the  
10 witnesses' testimony.

**ADV MOHLASEDI:** Thank you, Chair. Please continue,  
General. My apologies.

**MAJ-GEN GOPAUL:** So, he gave me the heads up and  
that is what led me to then proactively asking for, asking  
one of the Captains, the Detectives in the station, to draw a  
profile for me for Mr Doeshiee Govender. And we did that,  
and that particular profile outlines these previous cases,  
and it then clarifies that there is no fresh, in that report  
there is no new cases that we are, we have against Mr  
20 Doeshiee Govender.

So, having received that report and on the day of  
the campaign trail, Chair, ordinarily, if there is activities in  
my district, even when the President was there, I was there  
and I was walking around with the, when they did the visit.  
So when there is a senior person visiting the district, we

would normally make ourselves available for those kind of operations. But on that particular day, I was unfortunately committed to a personal prior commitment, so I could not go to those operations that was taking place during the campaign trails.

And I then said to the Station Commander to send my greetings to the Minister, but I also messaged the Minister to say to the Minister that I apologize for not being there personally during his visit to the district, but, of my  
10 personal commitment. And I then indicated to the Minister that there was some kind of chatter that was going on with that candidate, but this is the profile of the candidate, and there is no new cases against the candidate, something to that effect, Chair.

**CHAIRPERSON:** Are you, I assume you are referring to page 10 of AG3, the entry or your text against what, the 30<sup>th</sup> of March 2025 at 10:52:49?

**MAJ-GEN GOPAUL:** That is correct, Chairperson. It is ...[intervenes].

20 **CHAIRPERSON:** Where you say ...[intervenes].

**MAJ-GEN GOPAUL:** Yes, ja.

**CHAIRPERSON:** You say:

“Good morning, Minister. Greetings to you, sir. My apologies for not receiving you at Ward 28 this morning.

I am in Shongweni today with a personal commitment.”

**MAJ-GEN GOPAUL**: And you can see then, Chair, the subsequent message immediately after that. I refer to, the Minister to the local branch may raise concerns. I will now referring to the conversation of that heads up that Mr Oudhram gave me about that, you know, so I am giving the Minister that they may raise something, some chatter around this candidate.

10 **CHAIRPERSON**: Yeah, thank you, General.

**ADV MOHLASEDI**: Thank you, Chairperson. General, you indicated that you had requested an SAPS official to draw you a profile of Mr Doeshiee Govender.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: That would have been Captain Chetty as per paragraph 35. Is that right?

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: And if I ask you to turn to page 14 of your annexure bundle, page 14 of your annexure bundle,  
20 Annexure AG5.

**MAJ-GEN GOPAUL**: Thank you, Commissioner. I am there and I confirm that.

**ADV MOHLASEDI**: You confirm. And you indicate that that is an extract of your chats with Captain Chetty, is that right?

**MAJ-GEN GOPAUL:** That is correct, Chair. Chair, my appeal to you, of course, if there is any need for public, there are other conversations regarding other cases that are part of the chat, but not necessarily related to this particular instance and one would not want it to be part of the record.

**ADV MOHLASEDI:** We would of course redact them, Chairperson, in addition to the telephone numbers and other personal information.

10 **CHAIRPERSON:** Please, thank you, Advocate Mohlasedi.

**ADV MOHLASEDI:** Thank you, Chair. And General, if you turn over to page 15 in your annexure bundle.

**ADV KHUMALO SC:** Sorry, before you go to 15, I wanted to, the last one on page 14, is it fair to say that one relates to the specific case we are talking about, because I see that the date is 27 March 2025.

**MAJ-GEN GOPAUL:** That is correct, Chair. It is consistent with the phone call that I indicated I received from the branch giving me the heads up and then I activated  
20 the Captain to draw the profile for me.

**ADV KHUMALO SC:** And then the rest on that page we can disregard.

**MAJ-GEN GOPAUL:** The previous part of it, ja. It is just the last part, the last line basically, the last two lines.

**ADV KHUMALO SC:** Ja.

**ADV MOHLASEDI:** Thank you, Commissioner. So General, then just for clarification, on the 27<sup>th</sup> of March, you received what you call a heads up from Mr Oudhram.

**MAJ-GEN GOPAUL:** That is correct, Chair.

**ADV MOHLASEDI:** Indeed. And when regard is had to page 14, as well as paragraph 40 of your statement, you requested Captain Chetty to draw a profile of Mr Doeshiee Govender. Is that right?

**MAJ-GEN GOPAUL:** That is correct, Chair.

10 **ADV MOHLASEDI:** And when you turn over the page in, if we are on page 15 of your annexure bundle.

**MAJ-GEN GOPAUL:** That is correct, Chair. It reflects on the profile.

**ADV MOHLASEDI:** There are then two profiles on the top of the page for Mr Govender senior, Doeshiee Govender and ...[intervenes].

**MAJ-GEN GOPAUL:** That is correct.

**ADV MOHLASEDI:** And then - is that right. And then there is a further profile at the bottom.

20 **MAJ-GEN GOPAUL:** Yes.

**ADV MOHLASEDI:** Indeed. And if we are to turn back to page 10 of your annexure bundle, if we go back to page 10 of your annexure bundle.

**MAJ-GEN GOPAUL:** I am there, Chair.

**ADV MOHLASEDI:** Thank you, General. Just to remind

you, this is Annexure AG3, which is your communication with the Minister.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: At the bottom of that page ...[intervenes].

**MAJ-GEN GOPAUL**: The profile is reflected that I supplied, ja.

**ADV MOHLASEDI**: And is that the profile provided to you by Captain Chetty?

10 **MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: Thank you. Thank you, General.

**ADV BALOYI SC**: Before, maybe before you leave this annexure, page 10, General, just in sequence, I would like to understand the sequence of time and dates between this annexure and your statement. In your statement, your meeting with the Minister is on the 31<sup>st</sup> of March. And as I understand it, the way that I have read it, your interaction seemed to suggest that that was the first interaction about Mr Govender, the 31<sup>st</sup> of March, in the after, well, first you  
20 get a report from Colonel Naicker, that the Minister was present and the Minister wants a meeting, and then you attend a meeting in the afternoon on the same date.

And the impression at this point I got is that you first interact with the Minister about Mr Govender on the 31<sup>st</sup>. But if you look at page 10 of your annexures, you are

already on the 30<sup>th</sup> of March, speaking to the Minister about the local branch having raised concern on a candidate, as from the chatter I picked up, you say, I did a preliminary check and of note, no new cases against him since he last canvassed for national elections. I am assuming you are still, yes, you are still speaking about Mr Govender, because you have got his name in brackets. When, in fact, do you start talking to the Minister about Mr Govender?

**MAJ-GEN GOPAUL:** Chair, so the heads-up call that I got  
10 from Mr Oudhram was on the 27<sup>th</sup>, and the Minister's campaign trail was on the 30<sup>th</sup>. So, on the 30<sup>th</sup>, so on the 27<sup>th</sup>, when I got the heads-up, it is the same 27<sup>th</sup> that you will see it is consistent with the chats with Captain Chetty, where I actioned him to draw me the profile, which he then supplied to me.

That profile, I only supplied it to the Minister on the 30<sup>th</sup>, which is on the day of his campaign trail, when I said to him that you may pick up chatter from the local branch, and subsequently, I gave him the profile of the candidate to  
20 substantiate why I am saying there is nothing, no new cases.

Then on the 31<sup>st</sup>, post the campaign trail, the day after is when the Minister arrives at the police station and where we then had again a specific discussion around CAS 61 and the rest of the complaints that the Minister was

referring to.

**ADV BALOYI SC:** Yes, my question is, at which point and why are you speaking to the Minister about Mr Govender on the 30<sup>th</sup>? At which point did you, did the Minister raise Mr Govender with you? If he did, at which point? And if he did not do that before the 31<sup>st</sup>, why are you discussing Mr Govender with him on the 30<sup>th</sup>?

**MAJ-GEN GOPAUL:** Chair, I, that was out of the conversation that Mr Oudhram had with me on the 27<sup>th</sup>, so I, 10 remember I said I am not, I was not going to the campaign trail. Now, already, in my mind, the Minister is going to be given a narrative that the police is doing nothing about somebody in that particular campaign and that particular station falls under my span of control. So meaning that if the station is doing nothing, it means the District Commissioner is also doing nothing. So to pre-empt or to, how do I put it, to say to the Minister, we are aware that the local branch will raise the issue of this candidate, and this is our understanding of the candidate proactively so, but he 20 never asked for it at that point.

**ADV BALOYI SC:** So if the Minister said, were to come here and say to us, you started the Govender communication or discussion with him, he did not initiate it, you initiated it, he would be correct then?

**MAJ-GEN GOPAUL:** He would be 100% correct.

**ADV BALOYI SC:** Yes. And for someone who has a concern about the role of, this mixed role of the Minister, you know that he is coming, he is on the campaign trail.

**MAJ-GEN GOPAUL:** Yes.

**ADV BALOYI SC:** You have told us how uncomfortable it is for officers to have politicians meddling, but you know that he is an ANC business and you initiate discussion, not only just about a citizen, but an opponent of his party. How does one reconcile your concern about the Minister's what  
10 appears to be inappropriate involvement or use of power by the Minister with the fact that you are in fact the one that initiates that discussion?

**MAJ-GEN GOPAUL:** Yes, Commissioner, when I provided the information to the Minister, and like the fact that I ended up in the meeting, in both instances, it was my way of saying, Minister, this is what you may receive. This is how you should stop it where it starts. When I gave the Minister that profile, mine was to arm the Minister. When he picks this up, because it is quite clear that the ANC  
20 comrades, they were going to initiate the conversation to taking the Minister into something that will create this blurred line and in my mind, it was to say to the Minister, this is how you should answer the ANC colleagues, that there is this matter with this candidate, there is nothing new. Let us leave this thing alone. That is how I

understood my providing that detail to the Minister was almost like an early warning to say, do not get into that conversation.

**ADV BALOYI SC:** And you were speaking to him on the 30<sup>th</sup> in what capacity, as Minister or a campaigning ...[intervenes].

**MAJ-GEN GOPAUL:** As the Minister.

**ADV BALOYI SC:** Or a campaigning member of the ANC.

**MAJ-GEN GOPAUL:** As a Minister.

10 **ADV BALOYI SC:** So you were also conflating his roles then?

**MAJ-GEN GOPAUL:** Sorry, Commissioner.

**ADV BALOYI SC:** You were also conflating his roles, because on the 30<sup>th</sup> you speak to him as a Minister, and then the meeting of the 31<sup>st</sup> you say, we do not know what capacity you are in here, when in fact on the 30<sup>th</sup> you are communicating with him as a Minister. I am just confused, but I think more seriously concerned that you seem also to be confused about how to use your role.

20 You use your role to provide information about a candidate, opposing candidate, to the Minister, and then you say, but you know, the Minister is misusing his role, I mean, his power of office by seeking information about a candidate when in fact you gave him information about a candidate in exactly that capacity.

**MAJ-GEN GOPAUL:** Yes, Chair. Well, my conversation with the Minister at all given times will always be with the Minister. It will be with nobody else. It would not be in his capacity as anyone else other than the Minister. That is the only relationship I can have. Other than that, I would not have a relationship with the Minister.

**ADV BALOYI SC:** And when you speak to him on the 30<sup>th</sup>, so that when his comrades or his branch raises these issues, he can deal with it, you expect that discussion  
10 would be happening within the political context, right?

**MAJ-GEN GOPAUL:** Within his ...[intervenes]

**ADV BALOYI SC:** In the course of campaigning.

**MAJ-GEN GOPAUL:** That is correct, Chair.

**ADV BALOYI SC:** And you see nothing wrong with saying to him, you as an ANC member, when you say, I am the police, when you as an ANC member, when you speak to your comrades, this is the information about the candidate and I - I am sorry, I am just, I am just confused about your own position here.

20 **MAJ-GEN GOPAUL:** Ja. You see, Commissioner, I think that is why I said earlier on, as an official, the conversations one would have, one would try to not be overly expressive of what wants to say, especially with the Minister, because you do not want to overstep at the same time, but you also do not want to find yourself in a space

where you are party to something that you ordinarily should not be part of in the sense of, when you look at that particular meeting, that meeting should not have taken place. It was not supposed to have taken place.

Ordinarily, if a Minister visits the station, we will have a notice. It comes from the, his office to, even to the National Commissioner or to the Provisional Commissioner. There is a secretary that coordinates that. There is a template given to us to prepare a presentation. And the  
 10 focus area is directed to us to what we must brief the Minister or senior person visiting. Ordinarily, that is the process.

**ADV BALOYI SC:** Yes, I do not have a difficulty with the meeting of the 31<sup>st</sup> and your concern about it. It is actually a shared concern. And I can see the confusion that you would have been sitting with at that meeting on the 31<sup>st</sup>, whether you are speaking to the Minister or you are speaking to an ANC leader, I can see that problem. But what I do not, what I have a difficulty with is the 30<sup>th</sup>, that it  
 20 seems that you using your office or your position as the police, you go and involve yourself in, or involve the office, in fact, in something that has absolutely nothing to do with your office.

You speak to the Minister that you say, when you speak to your comrades about an opposition candidate,

here is the information about it. I do have a difficulty with that, and especially that you initiated this.

**MAJ-GEN GOPAUL**: I doubt that, Commissioner.

**ADV MOHLASEDI**: Thank you, Commissioner. General, if you have a look at page 10 of your annexure bundle, still AG3. Are you there? Thank you. At the bottom of that page, you have indicated that that is where you shared with the Minister the profile of Mr Doeshiee Govender. Is that right?

10 **MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: And can I ask you to turn to the sentence just above the sharing of that profile. Do you see that, beginning, “I did”?

**MAJ-GEN GOPAUL**: Yes, Chair.

**ADV MOHLASEDI**: And that is, would you like to read that sentence into the record, please? Just read it.

**MAJ-GEN GOPAUL**: Thank you, Chair. The entry is dated 25/03/30 at 10:59:27. It is from myself. It says:

20 “Minister, the local branch may raise concerns on candidate as from the chatter I picked up. I did a preliminary check and of note, no new cases against him since he last canvassed for a national election.”

**ADV MOHLASEDI**: Thank you, General. And you indicated

earlier in your evidence that you relayed that information to the Minister on that date. The words you used were proactively or as an early warning. What, you know, what was your intention of sharing that? What do you think you were trying to achieve by ...[incomplete].

**MAJ-GEN GOPAUL**: I guess, Chair, my intention was to subdue any kind of misinformation that might come out from the other colleagues about this particular person.

**CHAIRPERSON**: Who are you referring to, General, when  
10 you talk about colleagues. Are you talking about the Minister's political colleagues?

**MAJ-GEN GOPAUL**: Yes, Chair.

**CHAIRPERSON**: Thank you.

**ADV MOHLASEDI**: And just to be clear, General, that you shared this information based on the heads up, as you would call it, that you received from Mr Oudhram on the 27<sup>th</sup>.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: So in an attempt to proactively take  
20 steps in dealing with what he had shared with you.

**MAJ-GEN GOPAUL**: That is correct, Chair.

**ADV MOHLASEDI**: Thank you, General. Leaving then your annexure your bundle, could I take you back to your witness statement. We are still on page 9, where you - my apologies, General. Actually could you turn to page 10,

please.

**MAJ-GEN GOPAUL**: Chair, I am there.

**ADV MOHLASEDI**: Thank you. You have taken the Commission through paragraph 35 that relays, relates to your interactions with Captain Chetty. Do you see that?

**MAJ-GEN GOPAUL**: Yes.

**ADV MOHLASEDI**: Thank you. And earlier on, you also shared with the Commissioners your telephone call with Mr Doeshiee after the meeting.

10 **MAJ-GEN GOPAUL**: That is correct.

**ADV MOHLASEDI**: Is that right. Could I ask you to just briefly relay the contents of paragraph 37 to the Commission?

**MAJ-GEN GOPAUL**: All these engagements prompted me to attend the by-elections, Commissioner, so meaning that actually because I could see this, what has been transpiring around the concern in this particular by-election, I then decided that I will, usually will have an Operational Commander at the by-elections, but I decided let me go  
20 there and also be proactive to make sure that there is no unnecessary conflicts taking place on the by-election day itself. And I spent the entire day at the by-election voting station where I waited right up until the votes were count, votes were, the polling station was closed and counting had commenced.

**ADV MOHLASEDI:** Thank you, General. So, in your capacity as District Commissioner, in light of the concerns you had witnessed you know, concerning this by-election, you decided to go and observe the events for yourself.

**MAJ-GEN GOPAUL:** That is correct, Chair.

**ADV MOHLASEDI:** And what were your observations at the end of that election?

**MAJ-GEN GOPAUL:** Chair, the observation at the end of the elections, yes, the elections ran off smoothly and the  
10 successful results was provided. And the elections went off, in every respect, went off smoothly. The candidate there, Mr Doeshiee Govender, did win the by-elections.

**ADV MOHLASEDI:** Thank you, General. Chairperson, unless there are further questions, the remainder of General Gopaul's statement relates to attachments that we have worked through, unless there are further questions.

**ADV KHUMALO SC:** General, can I take you back to paragraph 24 of your statement. My co-Commissioner, Commissioner Baloyi, asked the question, but in a slightly  
20 different context. Paragraph 24 says Lieutenant Colonel Naicker indicated that Minister Mchunu asked her to gather station management and detectives to meet with him at the station at 15h00. Now, can an ordinary citizen or a member of a political party ask a Lieutenant General to gather station management and detectives and set a time when

they should meet with him at a station?

**MAJ-GEN GOPAUL:** No, Commissioner Khumalo. The normal political party representative or even member of the public cannot summon the entire management to a meeting.

**ADV KHUMALO SC:** They would say no.

**MAJ-GEN GOPAUL:** They would say no, yes.

**ADV KHUMALO SC:** So the only reason they could have acceded to this request is because it was the Minister asking.

10 **MAJ-GEN GOPAUL:** That is correct.

**ADV KHUMALO SC:** And they regard the Minister as their boss.

**MAJ-GEN GOPAUL:** That is correct, Chair.

**ADV KHUMALO SC:** And if they said no, they were worried that there would be consequences.

**MAJ-GEN GOPAUL:** Yes, Chair, of course.

**ADV KHUMALO SC:** Just remind me, in this station, there are three photos usually. In every police station, there are three photos hung up. Who are the people in those photos?

20 **MAJ-GEN GOPAUL:** Chair, the first photo will be for the Minister, sorry, the President of the Republic.

**ADV KHUMALO SC:** The President.

**MAJ-GEN GOPAUL:** President.

**ADV KHUMALO SC:** General Masemula.

**MAJ-GEN GOPAUL:** Then you get General, the National

Commissioner.

**ADV KHUMALO SC:** Yes.

**MAJ-GEN GOPAUL:** And then you will get the Minister.

**ADV KHUMALO SC:** Ja.

**MAJ-GEN GOPAUL:** And then you will get his Deputy Minister, and that is it. We do not even have the Provincial Commissioner's photo in the police station. So it stops there.

**ADV KHUMALO SC:** So when a Minister says, gather  
10 station management and meet me at 3 o'clock at the station, it is a Minister giving an instruction.

**MAJ-GEN GOPAUL:** That is correct, Chair.

**ADV BALOYI SC:** Can we, on the back of that, is the answer not perhaps a little bit more, should be more nuanced? That was the understanding of the station management, that it was in fact the Minister in his official capacity asking for a meeting.

**MAJ-GEN GOPAUL:** That is correct, Commissioner.

**ADV BALOYI SC:** That is a fair way to put it.

20 **MAJ-GEN GOPAUL:** Yes.

**ADV BALOYI SC:** Thank you.

**MAJ-GEN GOPAUL:** Chair, Commissioner, I think that is why I was saying earlier on, in any police official, If you come in, whether it is you in a suit or in a regalia, the fact that we know you as a Minister, that is the only thing we

know you as. We know you as a Minister, and that is the only level of interaction that we would have with you. We would not see you in any other way.

**CHAIRPERSON:** Thank you, Ms Mohlasedi. Ms Sello, will you be ready with the next witness at quarter to 12?

**ADV SELLO SC:** I am looking now, perhaps 10 to 12, just to, we tested the link, it seems to work. But of course, we tested it outside this room.

**CHAIRPERSON:** Yes.

10 **ADV SELLO SC:** So we would like to run that test and make sure that it works. So perhaps till 10 to will assist greatly. Thank you, Chair.

**CHAIRPERSON:** Let us adjourn and resume at 10 to. General, by the way, you are done. Thank you very much.

**MAJ-GEN GOPAUL:** Thank you, Chair. Thank you, Commissioners.

**CHAIRPERSON:** Thank you. Let us adjourn and return at 10 to 12.

**INQUIRY ADJOURNS**

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**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Sello.

**ADV SELLO SC:** Thank you, Chair. We are ready to lead our second witness of the day. Chair, before we lead this witness, I would like to move an application for a hearing in

partial camera. In this regard, we request to invoke the order that the Chair granted on the 15<sup>th</sup> of October, and to lead this particular witness in the same format as we did Witnesses A, B, and C.

The result being that the witness will not be with us in the room today. He will be projecting through our systems. His voice will be held - will be heard, in the room. The witness is currently in a witness protection programme, and on the same basis as with Witnesses A, B, and C, we  
10 apply that his image not be projected on the screen, and for the same reasons.

Because he is integrated in whatever community he is currently living in, in witness protection. On the basis that he states he has previously been subjected to harassment we request that his name be fully withheld from the public. The statements that the Commissioners have before them reveal the name and everything else, but that we, for purposes of his testimony, we assign a number or an alphabet to him, and we propose if we are following the  
20 format of Witnesses A, B, C, and D, that for that purpose then he be referred to as Witness E, with your leave, Chair.

**CHAIRPERSON:** The application is granted, and  
...[intervenes]

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

**CHAIRPERSON:** An all is similar to those in respect of the

witnesses you have mentioned is made.

**ADV SELLO SC:** Thank you, Chair. We are ready. Witness E, or witness, can you hear me? Please unmute yourself. Witness, you are still on mute. He was able to unmute himself during the test. I do not know if he is experiencing new technical challenges. Witness, can you hear me from the auditorium? If you can, please unmute yourself and confirm you can hear me and see me on your screen.

10 **CHAIRPERSON:** Can someone perhaps call the witness if that is a possibility?

**ADV SELLO SC:** We will try that, Chair. Chair, the report that we get is that they cannot hear us, and for the moment, it would appear that Witness E has logged off, perhaps to reconnect and see if he can hear us.

**CHAIRPERSON:** Perhaps let us again adjourn for five minutes ...[intervenes]

**ADV SELLO SC:** Yes, for five minutes.

**CHAIRPERSON:** Let me not indicate any time.

20 **ADV SELLO SC:** Let you not commit myself to it.

**CHAIRPERSON:** You will just let us know.

**ADV SELLO SC:** Indeed, we shall. Apologies for this. Thank you, Chair.

**CHAIRPERSON:** Thank you.

**INQUIRY ADJOURNS**

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**INQUIRY RESUMES**

**ADV SELLO SC:** Thank you, Chair. Technical problems were resolved. I hope your presence in the room does not alter that position. I will try again. Witness, can you hear me? Please confirm you can hear me and unmute yourself.

**WITNESS E:** Yes, I can hear you.

**ADV SELLO SC:** Thank you very much. Witness, I moved an application before the Commissioners to permit your  
10 testimony to be delivered in this format, which is a virtual hearing, partially *in camera*. Your name will not be disclosed publicly, and the Chair has allocated the alphabet E to you. From now going forward, you shall be referred to strictly as Witness E. Do you understand that?

**WITNESS E:** Yes, I do.

**ADV SELLO SC:** Witness E, you should have before you two small white arch ...[intervenes]

**CHAIRPERSON:** Before that let us first ...[intervenes]

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

20 **CHAIRPERSON:** Witness E, good afternoon.

**WITNESS E:** Good afternoon, Chair.

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

**WITNESS E:** I am going to take an oath.

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

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

**WITNESS E:** So, help me God.

**WITNESS E:** (duly sworn states)

**CHAIRPERSON:** Thank you.

**EXAMINATION BY ADV SELLO SC:** Thank you so much, Chair, and thank you for the reminder. Technology always gets the better of me. Witness E, now that you are fully sworn in, I would like to turn your attention to the two files  
10 you have before you. One file contains your statement and on the spine of that file, it should be written Witness E statement. Do you confirm you have that file?

**WITNESS E:** Yes, I do.

**ADV SELLO SC:** The second file will once again be labelled Witness E but would read annexures. Do you confirm you have the second file?

**WITNESS E:** Yes, I do.

**ADV SELLO SC:** Okay, I would like then for us to turn to your statement file. In the file marked statement is one  
20 document and it is described as the witness statement of Witness E. Do you confirm that you have provided a statement to this Commission for purposes of the evidence you are about to tender?

**WITNESS E:** Yes, I do, Chair.

**ADV SELLO SC:** In the file marked statement, is that the

statement that you have prepared for the Commission?

**WITNESS E:** Yes, correct.

**ADV SELLO SC:** It is 19 pages and if you go to the last page, the 19<sup>th</sup> page, midway through that page is your name and above it your signature and it is dated the 23<sup>rd</sup> of January 2026. Do you so confirm?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** Do you confirm that is your signature there too attached?

10 **WITNESS E:** That is my signature, Chair.

**ADV SELLO SC:** And lastly, do you stand by the contents of this statement that you are tendering to the Commission?

**WITNESS E:** I fully stand by it, Chair.

**ADV SELLO SC:** Thank you, Witness E. Now, if we could then go back to page 1. At paragraph 1, perhaps, if you could read that into the record and once again to remind you, please do not read out your name and do not read out your persal number or member number. Thank you.

**WITNESS E:** Paragraph 1 reads as follows:

20                    “I am an adult male constable in the  
                         South African Police Services attached to  
                         Crime Intelligence in KwaZulu-Natal.”

**ADV SELLO SC:** Thank you. And just to confirm that your paragraphs 2 and 3, your paragraph 2 confirms that to the best of your knowledge the facts you deposed to in this

statement are true, and correct? Is that so?

**WITNESS E:** Yes, that is correct, Chair.

**ADV SELLO SC:** Your statement has only one significant heading besides the introductions, which is what we have just read through. And that heading is cited as ‘my interactions with Minister Mchunu’. And that starts at page 1 of your statement. Is that correct?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** Before we get to that part of your  
10 statement, I would like to refer you to your annexure file and in particular to Annexure WE2, which should start at page 4 of your annexure file. Are you there?

**WITNESS E:** Yes, I am there, Chair.

**ADV SELLO SC:** Annexure WE2 sets out what you in that document have headed ‘my history’. And this gives your history in the service and highlights certain aspects of your service. And I would invite you to share those with the Commissioners. Thank you.

**WITNESS E:** And if I can go to my history, Chair, I am a  
20 seasoned undercover operative. I can say for 19 years, but in the SAPS for 14 years. I started my career in the SANDF whereby I joined the SA Army Intelligence in the year 2007. In the year 2012, I then left the Army, and I joined the SAPS in the year 2012. Since then, I joined the SAPS Crime Intelligence. Up until now, I am still a member of

Crime Intelligence. Thank you.

**ADV SELLO SC:** If you could just highlight some of the projects you have been involved in as set out at page 4. In the period specifically, as you say, 2012 to 2019. Thank you.

**WITNESS E:** In 2012, I went to Oudtshoorn College whereby I did my basic training in the SAPS. And then after 10 months, we left college. We had to go back and work in the station. In December 2012, when I was back at the  
10 station, I was then approached by the members of Crime Intelligence in a unit called MTOC. In 2013, I then started to get involved in covert projects and covert operations of the Crime Intelligence.

So, in the year 2013, I did my first project, which was a drugs project. It was a project of cocaine that I did in 2013. Then in 2014, I did another drug project, which was a heroin project. In 2015, I did a stock theft project. In 2016, I did an ATM bombing project. 2017, I did a cash in transit project. And again, in 2018, up until 2019, where I was  
20 then enrolled in that programme. Thank you.

**ADV SELLO SC:** I note that with reference to the projects you undertook from 2013, in respect of each that as you have read out, you note that most wanted suspects or all suspects, as the case may be, were arrested in the projects that you were involved with. Am I reading that document

correctly?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** Now, if we turn over to page 5.

**ADV BALOYI SC:** Ms Sello.

**ADV SELLO SC:** Yes.

**ADV BALOYI SC:** Maybe before you do that, at item six in 2017 up to the year 2018, can you just confirm what you say there? I did not hear you mention it.

**WITNESS E:** From 2017?

10 **ADV BALOYI SC:** No, the project where you list your projects. And then you have number six there, where you say in the year, in the mid 2017 up to 2018. You state another project or other projects?

**WITNESS E:** This, in 2017, up to 2018, it was a cash in transit project, but that cash in transit project ended up being involved in some political killings. But maybe I will deal with that as we continue with my testimony. But I think, Chair, you will get a sense of what I am talking about there at paragraph 6.

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

**ADV SELLO SC:** I was going to invite Witness E to read item six, perhaps in its entirety. Thank you. Witness E, did you ...[intervenes]

**WITNESS E:** Sorry, in May 2017 up to the year 2018, I did some political killings project in KZN, and all those projects

were successful and suspects were arrested.

**ADV SELLO SC:** I think that is what Commissioner Baloyi wanted you to clarify. Thank you.

**CHAIRPERSON:** Witness E, just before the itemisation, your itemisation from one start, you say in the SAPS I did several undercover projects which were all one hundred percent successful. And in respect of I think all, you say the suspects were arrested. You say nothing about convictions. Is there a particular reason why you do not  
10 mention convictions?

**WITNESS E:** Chair, it is my language. This arrest includes convictions. None of the suspects that were in my projects, in all the projects, are outside. Most of them are in prison. Those who are not in prison, they are dead. So, no one is outside who was part of the project, all the projects. That hundred percent comes from there. Thank you, Chair.

**CHAIRPERSON:** Thank you. Thank you, Witness E.

**ADV SELLO SC:** Thank you, Chair. Thank you, Witness E. I was then inviting you to the next page, page 5, where  
20 before I go there, your page 4, item 7, you reference your projects in 2019. And at page 5, the second paragraph, you then set out what has happened to you or where you have been since 2019. Would you care to read that statement into the record, please?

**WITNESS E:** If you can put up the number, Chair, I am

getting lost between 4 and 5.

**ADV SELLO SC:** So, page 5, my apologies. We are at page 5. At the top of page 5 is the last end of the sentence that starts at the bottom of page 4. You see that?

**WITNESS E:** Yes, I can see, Chair.

**ADV SELLO SC:** Then immediately thereafter, there is a paragraph that says, 'I have been'.

**WITNESS E:** I have been ...[intervenes]

**ADV SELLO SC:** Yes.

10 **WITNESS E:** I have been into the programme since 2019, as I am a compelled state witness in a high-profile political matter case. I was once investigating in 2017.

**ADV SELLO SC:** So, if then we understand you correctly, since 2019, you have been in a witness protection programme because you are a witness in that particular case.

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** Thank you. With that background, then, can we turn to your statement, starting at page 1, under  
20 that main heading you have as my interactions with Minister Mchunu. If you could perhaps deal with paragraphs 4 and 5 for the Commissioners. Thank you.

**WITNESS E:** Paragraph 4 of my statement, Chair?

**ADV SELLO SC:** Yes, of your statement, Witness E. Apologies, I forgot perhaps to tell you, let us go back to

your statement file.

**WITNESS E**: Okay, thank you.

**ADV SELLO SC**: Thank you.

**WITNESS E**: My interactions with the Minister were initiated by him in the late December 2024. On paragraph 5:

10 “On Saturday 7 December 2024, I received a call from a cell phone number that I will mention. I received this call on my cell phone that I will mention as well. The phone number of the incoming call reflected on my phone in my True Caller app as S Mchunu. When I answered the call, the person on the other end of the call said to me, do you know who you are talking to? My response was that I have no idea who it was. Then the person responded by saying, this is your commander, Minister of Police Senzo

20 Mchunu. I was surprised to receive a call from the Minister. But at the same time, I was shocked and also excited that I received a call from a Minister of Police on this number because my cell phone number was highly restricted.”

I am saying this because outside of a closed cycle in the law enforcement, only a few people have got my number. And the other people who might have my number or who does have my number is the Office of the Inspector General of Intelligence.

**CHAIRPERSON**: Was this the same number you used before you went on witness protection?

**WITNESS E**: No, no, Chair, it is a new one.

**CHAIRPERSON**: Thank you.

10 **ADV SELLO SC**: Thank you, Chair. And you say this number is highly restricted. You state that outside of a closed circle in law enforcement, only persons within the Office of the Inspector General of Intelligence have my number. When you make that statement, are you suggesting that you did not expect the Minister to have that particular number because he is not part of the groupings that you have described in your paragraph five?

**WITNESS E**: Yes, that is correct, Chair. At that time, I did not expect that call. I did not expect that call at that time  
20 because it is very hard to get hold of me. But the reason why I am mentioning the Inspector General of Intelligence is because there was an engagement between myself and an Inspector General of Intelligence with the matters relating to what has been happening in KZN.

And so, the engagement started in 2021 and in

2022. So, I think that my number, the people who interacted with me, they do have my number. So that is why I thought to myself that it might be one of them. But I am not saying it is them. But I thought to myself it might be one of them. Thank you.

**ADV SELLO SC:** Thank you. Witness E, understood. From paragraph 6, you then deal with the conversation or the detail of the conversation you had with the Minister on the 7<sup>th</sup> of December 2024. If you could then take it up from  
10 your paragraph 6. Thank you.

**WITNESS E:** In paragraph 6, it is when the Minister said to me, he heard a lot about me and that I have an information about the killing of Mr Sindiso Magaqa and other ANC counsellors in KZN. And he further said that to me, he heard that I have information about the SAPS Crime Intelligence Officials who were involved in the planning and killing of Mr Sindiso Magaqa. I then asked the Minister where did he get that information. But in his response, he said that will be the topic for another day. He did not  
20 reveal.

**ADV SELLO SC:** Please continue.

**WITNESS E:** Thank you.

**ADV SELLO SC:** Please continue from your paragraph 7.

**WITNESS E:** In paragraph 7, he then asked me as to what happened leading to the killing of Sindiso Magaqa. And I

informed him about what happened. And in particular, he asked me who are the SAPS officials who were involved in the planning and the killing. And I told him who are those officials and what was their role in the killing of Magaqa. And I did give him all the names of those officials. But even though legally, I think I might not be at liberty to disclose them in a public platform or in this forum. But I did give him all the names and who played what role.

**ADV SELLO SC:** Thank you. You indicate there that the  
10 Minister asked what happened to the killing of Mr Magaqa and you informed him. You do not state in your statement what you actually said to him. My question to you is, did you disclose in full everything you knew about the killing of Mr Magaqa to the Minister in your conversation?

**WITNESS E:** Chair, the killing of Magaqa was a crime. So, I disclosed everything. I left no stone unturned. I disclosed everything to him. Thank you.

**ADV SELLO SC:** And as you say further on in that  
20 paragraph, you also disclosed the identities of the persons you say are police officers who were involved in the planning and the killing of Mr Magaqa.

**WITNESS E:** Yes, I did so, Chair.

**ADV SELLO SC:** I understand and you did indicate in your Annexure WE2, that you are in witness protection because you are a critical witness in that case. Are you suggesting

to the Commissioners that ...[intervenes]

**CHAIRPERSON**: You used Witness E the term compelled witness, I think you say.

**ADV SELLO SC**: I called him something else?

**CHAIRPERSON**: I must have forgotten within seconds, Ms Sello, my apologies.

**ADV SELLO SC**: I think, he said critical that they ...[intervenes]

**CHAIRPERSON**: I think you said critical.

10 **ADV SELLO SC**: Yes, and it is because in his Annexure WE2, WE2 at page 5, he says, I am a compelled state critical witness. He called himself a critical witness.

**CHAIRPERSON**: Okay, thank you. I guess my focus or interest was the compelled ...[intervenes]

**ADV SELLO SC**: But he also remembered to say he is a compelled witness.

**CHAIRPERSON**: Why compelled Witness E?

20 **WITNESS E**: I say this because, Chair, I was subpoenaed after I deposed my statement. I was also subpoenaed to testify. So, it is not that, yes, I was subpoenaed to testify. That is why I am calling myself a compelled witness because even if I do not want to continue to be a witness, but due to the information that I have, I have to testify.

**ADV SELLO SC**: Thank you, Witness E. Just give us a moment.

**CHAIRPERSON:** Just a – yes, please.

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

**CHAIRPERSON:** Let us continue.

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

**ADV KHUMALO SC:** Ms Sello, can I just clarify something with Witness E?

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

**ADV KHUMALO SC:** Good afternoon, Witness E.

**WITNESS E:** Afternoon, Commissioner.

10 **ADV KHUMALO SC:** Without disclosing your identity, when the Minister first contacted you on your cellular phone, did you get the impression that he knew who you were? In other words, he knew your name and your rank as a police officer and what you do?

**WITNESS E:** Commissioner, at the time, I did not know. But now I know because I did my own investigation after that. And now I know that he knew. But as the time goes on, maybe I can - as I am proceeding with my evidence, I will disclose where I got the information. But he knew, and

20 I think he knew starting from September 2024.

**ADV KHUMALO SC:** Yes, and as you do so, please be mindful not to disclose your identity.

**WITNESS E:** Okay, thank you, Commissioner.

**ADV KHUMALO SC:** Thank you.

**ADV BALOYI SC:** Witness E, you might not see me

because I do not have a machine in front of me. It is Commissioner Baloyi. You say in paragraph 5, no, in paragraph 6, and this is what you say the Minister says, he further said that he had learned that I have more information about SAPS Crime Intelligence officials who were involved in the planning and killing of Sindiso Magaqa. Now keep that in mind. In paragraph 7, you then say:

10                    “He particular, ask me who the SAPS officials were who were involved in the planning and killing, and I told him. I confirmed that all these individuals are indeed police officers.”

Does that mean, if you read 6 and 7 as I have read it now, did you confirm to him that these police officers indeed are Crime Intelligence officials?

**WITNESS E:** Yes, Chair. They are all Crime Intelligence officials.

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

20                    **ADV SELLO SC:** Thank you, Commissioners. And based on how you have worded your paragraph 7, I take it you are not inclined to disclose the nature of the information you shared with the Minister at the time because these are matters you are yet to testify to in court. Am I correct?

**WITNESS E:** Yes, correct, Chair.

**ADV BALOYI SC:** Witness E, why did you feel free to

share this information with the Minister? I think earlier on you said, even though you were not supposed to, you told him everything. Why did you feel free to share it?

**WITNESS E:** Because he was the Minister of Police at the time, so I saw no problem to share the information with him.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** If then I may follow up on your response to Commissioner Baloyi's question. Is your logic that had the same person called you at the time, but he was not  
10 Minister of Police at the time, you would not have shared that information? Is that what you are communicating?

**WITNESS E:** I was not. I was not at all.

**ADV SELLO SC:** Okay.

**WITNESS E:** But because he was in the leadership of the SAPS as a department, I felt it fit to tell him because when he spoke to me, it is like he already had information about what happened.

**ADV SELLO SC:** Okay.

**WITNESS E:** He just wanted some confirmation from me.  
20 So, I saw no problem to share it with him.

**ADV SELLO SC:** Thank you, understood. Can we then move on to page 3 of your statement, starting at paragraph 8? You continue the conversation you had with the Minister, and you say you also informed him of other issues. Can you deal with the contents of your paragraph 8 at page

3?

**WITNESS E:** Before I deal with paragraph 8, Chair, you will forgive me. I used, in the previous questions, I used compelled and critical in one sentence. So, you will forgive me ...[speaking in vernacular]. So, my English might not be proper. So, maybe I withdraw that compelled and leave the critical one.

**ADV SELLO SC:** Okay, it is noted. And, in fact, that statement compelled and critical is not part of your  
10 statement. It is in your Annexure E and Annexure WE2 that we referred to earlier.

**WITNESS E:** Yes.

**ADV SELLO SC:** Fully noted. Thank you, Witness E. You may then go to paragraph 8.

**WITNESS E:** In paragraph 8, I told the Minister, I also informed the Minister that I discovered the plan to assassinate Sindiso Magaqa in July 2017 prior to his assassination taking place. After hearing about the assassination plot, I reported this to my superiors. My  
20 superiors are the same officials that I mentioned in the previous paragraphs, the same names that I gave to the Minister. In addition to informing them about the assassination plot, I also proposed some steps that we can take as the police to prevent the murder or to save Magaqa's life. And they did not want to listen to me, even

after I gave them steps that we can take. So, Minister Mchunu ...[intervenes]

**CHAIRPERSON:** Just a minute ...[intervenes]

**ADV SELLO SC:** Witness E?

**CHAIRPERSON:** Just a minute, Witness E.

**WITNESS E:** Yes.

**CHAIRPERSON:** When you heard about the plot, were you also told who the people that would carry it out were?

**WITNESS E:** Chair, at that time, I was told by the killers,  
10 the shooters. The shooters, the ones that pulled the trigger, they are the ones who told me that in the next two weeks' time, we are being hired to kill Mr Magaqa. So, we had two weeks to stop the murder.

**CHAIRPERSON:** Did they not tell you who had instructed them or hired them to kill Mr Magaqa?

**WITNESS E:** The teacher.

**CHAIRPERSON:** And did they give you the same names of the people, or rather the same names you gave to the Minister?

20 **WITNESS E:** Even though, Chair, I will not go deep to the case of Magaqa, but I can just give you an idea of how this information came ...[intervenes]

**CHAIRPERSON:** It is a very simple question, Witness E.

**WITNESS E:** Yes.

**CHAIRPERSON:** Did they give you the same names you

gave to the Minister?

**WITNESS E:** The names that I gave to the Minister are the officials who assisted the killers. The officials did not hire the killers to kill Magaqa, but they assisted the killers. So, the people who hired the hitmen ...[intervenes]

**CHAIRPERSON:** Let me ask the question differently. The killers who said there was a plot for Mr Magaqa to be killed, did they mention that those that were going to assist them in the killing were the people whose names you gave to the  
10 Minister?

**WITNESS E:** I hear your question, Chair, and I want to answer this question, but I want to answer this question in this fashion. One of the killers is late now. He was an informant handled by us, by our office.

**CHAIRPERSON:** I saw that in your statement ...[intervenes]

**WITNESS E:** Which is the office of Prime Minister ...[intervenes]

**CHAIRPERSON:** Just a minute, Witness E. I saw that  
20 either in your statement or in one of your annexures. I saw that. I am asking you a different question, and my question is, when those that were going to kill Mr Magaqa told you about the plot, did they also tell you that in carrying out the plot, they were going to be assisted by the people whose names you gave to the Minister? It is very simple question.

**WITNESS E:** Yes.

**CHAIRPERSON:** They gave you those names.

**WITNESS E:** Yes.

**CHAIRPERSON:** Yes, and ...[intervenes]

**WITNESS E:** Yes, that is correct.

**CHAIRPERSON:** And you say these people were your superiors?

**WITNESS E:** Yes, Chair.

**CHAIRPERSON:** And you say you could have prevented Mr  
10 Magaqa's murder if something had been done between the  
time you were told of the plot or about the plot and the time  
when Mr Magaqa was actually killed. Not so?

**WITNESS E:** That is correct, Chair.

**CHAIRPERSON:** And you then – all right. The superiors  
that you reported to, from the answers you have given thus  
far, I assume are the same superiors whom you were told  
about by those who advised you of the plot, correct?

**WITNESS E:** That is correct, Chair.

**CHAIRPERSON:** And were you serious about wanting to  
20 prevent Mr Magaqa's murder?

**WITNESS E:** I did everything in my power, Chair.

**CHAIRPERSON:** Were you serious about wanting to  
prevent the murder?

**WITNESS E:** I was serious, Chair.

**CHAIRPERSON:** And your report to the very people whom

you have been told are going to assist in the murder?

**WITNESS E:** They are a very senior Chair in KZN. I spoke to them so that we can block the murder, but they refused.

**CHAIRPERSON:** You report with a view to preventing the murder and you report to the very people whom you have been told are actually going to assist with the murder?

**WITNESS E:** I want to answer this question, but the question is confusing.

**CHAIRPERSON:** There is nothing confusing about the  
10 question, nothing confusing at all. Please answer it.

**WITNESS E:** Okay, okay, when I got the information, I reported the information to the people who were going to assist but those people at the time they did not know that they would be asked to assist. The informer spoke to me alone and then I related the message to my commander, to my immediate commander in a level of the captain. I will not mention the name. But then at the time, my superiors did not know that the hitmen will ask them for assistance. Number two, the equipment that was going to be used in the  
20 killing of Magaqa came from the very same superiors. But it was equipment.

**CHAIRPERSON:** How would the people that told you or informed you of the plot have known that they were going to be assisted by your superiors if at that stage the superiors did not even know that they were going to assist?

**WITNESS E:** Because the equipment that they were going to use, which is the firearm and the car, came from the very same superiors.

**CHAIRPERSON:** But that is after the event. That is after the event according to what you have just said now. My question is about the time you are being told that we are going to be assisted by senior police officials. How could that be said if the senior police officials themselves did not even know that they were going to assist? It may well have  
10 been that senior officials would have said, no, we are not willing to assist. Please make me understand. I do not understand.

**WITNESS E:** Okay, I got the information of the killing of Magaqa on the 2<sup>nd</sup>, on Sunday the 2<sup>nd</sup> of July 2017. I got it from an informer who was hired to kill Magaqa. He then told me that he is going to ask the captain and the colonel to assist them in such a way that when they go to Umzimkulu and come back from Umzimkulu, they get a protection. He told me this on the Saturday or on a Sunday.

20 Then on the same Sunday, I called the captain and the colonel telling them that this informer is now hired to go and kill Mr Magaqa. Can we block him? On Monday the 3<sup>rd</sup>, I also called the colonel again. I asked the colonel, colonel, can we take away the car that we bought for this informer and the AK that we bought for this informer and

keep it to ourselves? We will give the informer this equipment later on because in the next week, they are going to kill Mr Magaqa. That is how the information came about.

**CHAIRPERSON:** Yes, thank you, thank you Witness E. Yes, Ms Sello.

**ADV SELLO SC:** Thank you, Chair. Perhaps while we are on that, let us just take a step back and to explain what your job at the time was when you had these interactions  
10 with the people you say subsequently assassinated Mr Magaqa. Can you just talk us through that very quickly?

**WITNESS E:** Chair, as I said, I have been an undercover operative since 2013. I am currently a handler in the Crime Intelligence. But at that time, I was deployed undercover. I was deployed undercover to do undercover projects. It was a registered project, but it was a project for cash in transit. In this project of cash in transit, I recruited the leader of the gang. It was a group of 25 suspects.

I recruited the leader of this gang or of this group  
20 that is involved in cash in transit. This leader, who happened to be our informant, is the one who came with this information to us because he was hired by the people in the Umzimkulu Municipality. That is how I got to know this information. On top of that, this group of 25 suspects, I had to infiltrate the group. That is how I got to know these

people.

**ADV SELLO SC:** Okay, then if I understand you correctly, you say you had been deployed as an undercover agent and you had infiltrated this group out of which then came out the would-be assassins. Is that a fair summary?

**WITNESS E:** Yes, that is correct.

**ADV SELLO SC:** Now, you say you were deployed undercover. Who were you deployed by?

**WITNESS E:** Yes.

10 **ADV SELLO SC:** Who were you deployed by to this what you call a project? Sorry, let me just finish. Who deployed you to act undercover to what you now call a registered project?

**WITNESS E:** The very same officials that I gave the names to the Minister. The very same officials that provided the vehicle and the firearm that was used in the murder of Magaqa.

**ADV SELLO SC:** And these are the people at your paragraph 8 you refer to as your superiors. Is that so?

20 **WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** I am clarified, thanks. We are still at your paragraph 8. You have dealt with communicating the assassination plot to your superiors and you indicated that they failed to do anything to halt their assassination. You go further than to talk about what Minister Mchunu next

asked you in the same paragraph. Take it from there.

**WITNESS E:** The Minister asked me if Lt-Gen Khumalo was also involved in the planning and killing of Sindiso Magaqa. And I explicitly informed the Minister that General Khumalo was not involved. And when I say I explicitly explained or informed the Minister, I even went further in such a way that I told him that at the time, because Sindiso Magaqa was killed or was shot in July 2017, General Khumalo was not part of Crime Intelligence at all. He was  
10 not even in KZN.

And General Khumalo was not the division commander of Crime Intelligence. A person was acting at the time because we did not have a permanent division commander. It was General Jacobs. And in KZN, the person who was a Provisional Commissioner, it was an acting Provisional Commissioner, which was General Langa. So General Khumalo was not involved at all when it comes to this plot and the killing of Magaqa.

**ADV SELLO SC:** Okay, please proceed to your paragraph  
20 9.

**WITNESS E:** I informed the Minister that I only left off Lt-Gen Khumalo in 2018 after the establishment of the PKTT. But at that time, General Khumalo was still a brigadier. And then he was appointed as a leader of the PKTT. I informed the Minister that in around 2018, I went to the office of the

now retired General Chika. General Chika was the provincial head of Crime Intelligence at KwaZulu-Natal at the time.

I then reported the matter to General Chika of what happened to Mr Magaqa and the involvement of these officials. And then General Chika then asked me if I can propose a statement. And I said, yes, I can do so. Then it is when he said he would speak to General Khumalo to arrange a team that will come and take a statement. And  
10 then after that, both of them, General Khumalo and General Chika, they came to an agreement that I must be enrolled in the programme. And in 2019, indeed, I went to the programme.

**ADV SELLO SC:** If I could just take a step back. When you talk about going to the office of the now retired General Chika, you said it is 2018. In your statement, you have got a specific month. I think it is important you mention both the month and the year.

**WITNESS E:** It was around August.

20 **ADV SELLO SC:** Go ahead, sorry.

**WITNESS E:** It was around August. It was around August 2018. It was after the establishment of the PKTT.

**ADV SELLO SC:** Okay, and I know that you say you informed the Minister of this fact.

**WITNESS E:** Yes, I gave him everything.

**ADV SELLO SC:** Okay, then let us go to your paragraph 10 after you have informed the Minister of all these facts. We are still at your page 3, paragraph 10 at the bottom of the page.

**WITNESS E:** Yes, therefore, I made it clear to the Minister that not only was General Khumalo not involved in the assassination, but that I only came to know of him later on. I only came to know of him later on. Excuse me.

**ADV SELLO SC:** And if we then could turn the page to the  
10 next page, 4, starting at paragraph 11, if you could take it from your paragraph 11.

**WITNESS E:** I since learned that after my meeting with General Chika, General Chika had a meeting with General Kuma, whereby a decision was taken by both of them that I should be, I should depose a statement and be enrolled in the programme.

**ADV SELLO SC:** And for the record, firstly, did you depose to such a statement?

**WITNESS E:** Yes, I did.

20 **ADV SELLO SC:** And is this the time you then went into the witness protection programme you said you are still a part of today?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** Okay, we then move to your paragraph 12, where you say the Minister had engaged with you on

other issues. Could you deal with the content of paragraph 12?

**WITNESS E:** The Minister asked me what my grievances in the workplace are. And my response to him was that due to my stay in the programme for seven years, I am sitting in one rank for 14 years, whereas my other colleagues whom I trained with were getting promotions and being moved to the next ranks, but myself, I was always being overlooked with my experience and my contribution.

10           The Minister then informed me to write my grievances in a form of an email and send them to him. He provided me with his email address as stated there, and then he further asked me if Minister Bheki Cele was also involved in the assassination of Magaqa, and my response to him was that no, Minister Bheki Cele was not involved, and at that time he was not even a Minister of Police, so he was not involved at all.

**ADV SELLO SC:** I see that the email address you say the Minister provided you is his official parliamentary – it is got  
20 a parliamentary domain, is that correct?

**WITNESS E:** Yes, that is correct, Chair.

**ADV SELLO SC:** Okay, then let us go to paragraph 13.

**WITNESS E:** After the call with the Minister Mchunu, I then contacted a friend of mine who happens to be a lawyer to seek just advice pertaining to the call that I had with the

Minister. The friend of mine advised me that I should write my needs and grievances, and that I send the email to Minister Mchunu, but at the same time he said I must also send the very same email to the National Commissioner. My friend also provided me with the National Commissioner's email address because I did not have it at the time.

**ADV SELLO SC:** And who was the National Commissioner at the time you were directed to send the email to?

10 **WITNESS E:** The current National Commissioner, which is General Fannie Masemola.

**ADV SELLO SC:** After you were provided with the second email address, what did you do? You take up that conversation from your page 5, paragraph 14?

**WITNESS E:** On Monday, the 9<sup>th</sup> of December 2024, at about 11:53, I sent an email to Minister Mchunu to his email address, and at the same time I also sent it to the National Commissioner, General Masemola, in the email that was provided to me in paragraph 4. And in that email, I was  
20 setting out the details of my experience in the SAPS and my contribution and all that. The email is attached as WE1.

**ADV SELLO SC:** Before we go to WE1, just to correct for accuracy, you stated that you sent the email to the Minister and to the email address provided in paragraph 4. That cannot be correct. It is in paragraph 13, right? You are

referencing General Masemola's email address?

**WITNESS E:** Yes.

**ADV SELLO SC:** Okay, I just wanted to clarify on that.

**WITNESS E:** It is page 4, paragraph 13, sorry.

**ADV SELLO SC:** Okay.

**WITNESS E:** Okay, thank you.

**ADV SELLO SC:** So, then you refer us to WE1, Annexure WE1. That is the first document in your annexure file, starting at page 1. It is quite a lengthy email. And in line  
10 with your request to the Commissioners that you not divulge some of the details pertaining to the criminal case that is still to be held, this particular document provides significant or makes significant reference to those facts. Is that correct?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** And these are the facts that you would prefer not to be publicly disclosed at this juncture?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** Now, with those restrictions, what would  
20 you like to particularly highlight to the Commissioners from this Annexure WE1?

**WITNESS E:** What I needed here was a request for intervention by both the Minister and the National Commissioner pertaining my working condition. Because after I had that fallout, there was that issue with my

superiors. They started to weaponize the working conditions. They started to weaponize promotions against me. They started to abuse me at work. That is what was an intervention that I needed from them.

**ADV SELLO SC:** Yes, and did you set out in this document what you required of the Minister to assist you with insofar as any grievances you may have at the workplace are concerned?

**WITNESS E:** Firstly, I started mentioning about my  
10 contributions starting from 2013 in all those drug projects, all those cash-in-transit projects, and all those ATM bombing projects. And then if I skip my history there, I will start where I said I need to emphasise that each project I worked never had less than 20 most wanted suspects and dangerous suspects.

And I must also state that in 2017 alone, I arrested over 100 dangerous suspects in KwaZulu-Natal with hundred percent convictions. Some are currently serving years in prison, and some were killed by the special task  
20 force during the confrontation with the police. During our takedown operations. But not even a single suspect, a single suspect in our project or in the project where I was involved as an undercover operative is still outside.

Not even a single one. I also mentioned that the turning point of my career started in 2017 after I blew the

whistle by exposing the rot and the corruption that was happening within Crime Intelligence KZN and especially in the undercover unit which is called MDOC. I also mentioned there what does MDOC stand for. And then I reported ...[intervenes]

**ADV SELLO SC:** Apologies, Witness E, what does MDOC stand for?

**WITNESS E:** MDOC is a Crime Intelligence unit which is called MDOC. MDOC means multi-dimensional organised  
10 crime.

**ADV SELLO SC:** Thank you.

**WITNESS E:** It is a – yes.

**ADV SELLO SC:** Thank you.

**CHAIRPERSON:** No, no, please continue.

**ADV SELLO SC:** Thank you. Thank you, Chair. You may continue. Witness E, you were at Annexure WE1, page 1 thereof. And we had just dealt with your – the issues you had in relation to MDOC.

**WITNESS E:** What happened there, I reported the senior  
20 Crime Intelligence officers to former division commander, which was Commissioner, which was General Jacobs. But with regards to General Jacobs, I must point it out that I did not communicate with him directly, but I communicated with him via the provincial head. So, I spoke to General Chika in person.

And then General Chika said, because we are all under him and we are reporting to him, because MDOC reports directly to the provincial head. So, he said that this matter needs to be investigated by the national head, which is a division commander. So, Division Commissioner. So, the Division Commissioner at the time of Crime Intelligence was General Jacobs.

**ADV SELLO SC:** Okay, if I can then draw your attention to page 2 of that document, paragraph 2, which starts with the  
10 words, 'the sad part is that the same officials were my commanders'. Do you see that? Do you see where I am reading?

**WITNESS E:** Yes, the sad part is that the very same officials were my commanders.

**ADV SELLO SC:** Yes, now my question is, in that paragraph, you then set out various names of people. My first question is, are you saying these are the people that you call your commanders and who you say were a part of the assassination? I just need you to confirm whether it is  
20 the same people.

**WITNESS E:** It is the same people, Chair.

**ADV SELLO SC:** And secondly, are these the same people you stated at your paragraph 7 that you disclosed to the Minister in your conversation of the 7<sup>th</sup> of December 2024?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** Okay, thank you Witness E. Chair, I know we started later than we hoped with this witness. It is 1 o'clock. I am in the Commission.

**CHAIRPERSON:** No, we just must take the break.

**ADV SELLO SC:** We will take a lunch break.

**CHAIRPERSON:** We will resume at 2 o'clock.

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

**INQUIRY ADJOURNS**

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10 **INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Sello?

**ADV SELLO SC:** Thank you, Chair. Witness E, please confirm you can hear me clearly?

**WITNESS E:** Yes, Chair, I can hear you.

**ADV SELLO SC:** Before we broke for lunch, we were at paragraph 14 of your statement at page 5. Are you there?

**WITNESS E:** Yes, I am there, Chair.

20 **ADV SELLO SC:** And it is at paragraph 14 that you introduced this Annexure WE1, and it is that email you state in that paragraph that you forwarded to the Minister and to the National Commissioner.

**WITNESS E:** Yes, that is correct, Chair.

**ADV SELLO SC:** Okay, let us go then to WE1 at page 2 thereof. And as with page 1, the bulk of what you set out at page 2 provides detail regarding the assassination of Mr

Magaqa. I would like you to skip all that and go to the eighth paragraph at page 2. That starts with the words, they started to target me. Do you see?

**WITNESS E**: Yes, I can see, Chair.

**ADV SELLO SC**: If you could read that paragraph and then skip the next and read the one thereafter? Because now it is in the one thereafter that you address your actual grievance. Do you understand?

**WITNESS E**: I understand, Chair.

10 **ADV SELLO SC**: Please do so. Thank you.

**CHAIRPERSON**: Perhaps I am very sorry.

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

**CHAIRPERSON**: Let me take you – the very, the paragraph preceding. I must emphasise that this is not a hearsay evidence, but I was present in every step.

**ADV SELLO SC**: Indeed, Chair, if I may.

**CHAIRPERSON**: Yes, yes.

**ADV SELLO SC**: I would agree in the redacted version.

**CHAIRPERSON**: Yes.

20 **ADV SELLO SC**: Only that the first statement that the Chair read is not redacted. The rest is ...[intervenes].

**CHAIRPERSON**: The rest is.

**ADV SELLO SC**: But I was.

**CHAIRPERSON**: All right.

**ADV SELLO SC**: All that is redacted and I would prefer

him not to ...[intervenes].

**CHAIRPERSON**: Let me stop where I am. My interest is there. My interest is in every step.

**ADV SELLO SC**: No, no, no. We would like, because the witness says these are matters pertaining to the evidence he shall be giving.

**CHAIRPERSON**: Also, even that part, I must ...[intervenes].

**ADV SELLO SC**: Even that part.

10 **CHAIRPERSON**: All right.

**ADV SELLO SC**: But the first part, I am grateful to the Chair because it is, the first part is important because it specifically states that what he relates in this document to the Minister about the assassination is not hearsay evidence, that he has got firsthand knowledge of.

**CHAIRPERSON**: That part.

**ADV SELLO SC**: That part is important.

**CHAIRPERSON**: So you do not want me to get to the every step.

20 **ADV SELLO SC**: Not to the rest. The rest is redacted, Chair.

**CHAIRPERSON**: But my interest was how far does the every step go to Mr Magaqa or not? All right. I will leave it. I will leave it.

**ADV SELLO SC**: Thank you so much, Chair. Witness E,

you are at the paragraph I had directed you to, and I think the Chair correctly points out the paragraph before. As you are working on a redacted version, I fully am appreciative to the Chair for pointing it out, but I think the first sentence of the previous paragraph is important. So if you could just read that sentence without reading the redacted part, then we can go to that paragraph I directed you to. Do you understand?

**WITNESS E:** Yes, Chair.

10 **ADV SELLO SC:** Please go ahead.

**WITNESS E:**

“I must emphasise that this is not hearsay evidence.”

**ADV SELLO SC:** And when you say that, is that in reference to the facts you have set out pertaining to Mr Magaqa's assassination as you set them out in that document? Is that what you say is not hearsay evidence?

**WITNESS E:** That is correct, Chair.

20 **ADV SELLO SC:** Okay. Then if I can direct you to the next paragraph that then starts with the words they started to target me?

**WITNESS E:**

“They started to target me to be assassinated and even told me that they will never give me any promotion and

they want me dead because I am a threat  
to their career.”

I will not mention the name of the person who said that  
because it has been redacted.

**ADV SELLO SC:** Yes.

**WITNESS E:**

“That is when I went to the Durban High  
Court to get a protection order against  
the officials. After that, I was then  
10 enrolled into the programme.”

That protection order, I got it in 2018. It was just after I  
started engaging.

**CHAIRPERSON:** May I request you, Witness E, to refer to  
the programme in full, witness protection programme?

**WITNESS E:** Oh, yes.

**CHAIRPERSON:** There are a few times when you just refer  
to programme. The reader may not necessarily know what  
programme.

**WITNESS E:** Thank you, Chair. I will do so.

20 **ADV SELLO SC:** Thank you, Witness E. You may  
continue.

**WITNESS E:** Thank you.

**ADV SELLO SC:** If you are done with that paragraph, then  
the next one is – you skip this short paragraph after that. It  
is the one after starting with my only grievance.

**WITNESS E:**

“My only grievance to the national officials is that all my commanders in KZN are the officials mentioned above and if ever I have to move to the next ranks, it is them who must process and facilitate it. But they do not do so because they told me that they will never do it and they want me dead than alive...”

10 ...[intervenes].

**ADV SELLO SC:** Now, please proceed.

**WITNESS E:**

“In 2018, when my junior colleagues were promoted to the next rank due to years of service, I was left behind by the same officials. And again in 2022, when my junior colleagues were again moved to the next ranks due to years of service, I was again left behind by the same officials.”

20

**ADV SELLO SC:** Yes. Continue.

**WITNESS E:**

“I am now appealing to the national officials to rescue me by moving me to the next ranks because in KZN, I was

told by the same officials that they will never move me up since I exposed them.”

**ADV SELLO SC:** And perhaps lastly, at page 3, if you could read the penultimate paragraph into the record? This is the paragraph before the last one, which reflects your specific request. The second paragraph from the bottom, I request.

**WITNESS E:**

10 “I request the national officials to intervene within 30 days of this date, which is 9 December 2024. And further to this, me and my legal team will have to take this to court because I believe I am being abused for being a whistleblower within Crime Intelligence and I am being punished by the same officials for this.”

**ADV SELLO SC:** Okay. So then to summarise, the gist of your grievance was that you were not being promoted even though operatives who are junior to you were enjoying the  
20 benefits of being promoted.

**WITNESS E:** Yes. My grievance had nothing to do with other things. It was only about the promotion stories.

**ADV SELLO SC:** Okay. I have not made you read some parts of page 3 as well because, once again, you delve into the details regarding the assassination. Is there anything

else you would like to highlight from Annexure WE1 before I move on?

**WITNESS E:** No, Chair.

**ADV SELLO SC:** Okay.

**WITNESS E:** I think I am covered.

**ADV SELLO SC:** Then let us go back to your statement. Let us go to the statement file. We are still at page 5. And then you take it from paragraph 15. Please proceed.

**WITNESS E:** On Tuesday, the 17<sup>th</sup> of December 2024, I  
10 received a phone call from the cell phone number...”  
That I will not make it public:

“When I answered the call, the person on the other end of the line introduced himself as Ntokozo Nkabinde, the Chief of Staff in the Office of the Minister Mchunu. He added that he obtained my number from Minister Mchunu, who also tasked him to investigate Magaqa’s killing and, in particular, the involvement  
20 and the conduct of Crime Intelligence officials in the murder.”

**ADV SELLO SC:** Please proceed.

**WITNESS E:**

“Mr Nkabinde informed me that the phone was on loudspeaker and that he was with

the Minister Mchunu. He asked me if I had sent the email as directed by the Minister Mchunu and I confirmed that I had sent the email to both Minister Mchunu and General Masemola. That was when Minister Mchunu came in the same call and said that, but he said it in Zulu. He said it in Zulu. He said ...[vernacular]. He said I was not supposed to send the email to General Masemola because the National Commissioner and General Masemola and the people involved in the assassination of Sindiso Magaqa know each other. Therefore, my grievances will not be attended to. They asked me to forward screenshots of the email and I had sent, which I did, to both their numbers.”

20 Which means the numbers of the Minister and the number of Mr Ntokozo Nkabinde, the Chief of Staff.

**ADV SELLO SC:** Yes. Let us go now to page 6 and you continue.

**WITNESS E:**

“Mr Nkabinde further informed me that he

was once in the employ of the IPID, which is Independent Police Investigative Directorate, and he once heard that former Minister Beki Cele and Lt-Gen Khumalo were also involved in the assassination of Sindiso Magaqa. I informed him that the two were not involved. I was then instructed by Minister Mchunu and Mr Nkabinde to send the same email to Mr Nkabinde and Mr Nkabinde gave me his email address as nkabindec@m@saps.gov.za.”

**ADV SELLO SC:** Okay. Now, when you say the same email, is it the email that we went through that you have attached as WE1, which you say you had sent to the Minister and National Commissioner on the 9<sup>th</sup> of December 2024?

**WITNESS E:** Yes, that is correct, Chair.

**ADV SELLO SC:** Okay. You may go to your paragraph 18.

20 **ADV KHUMALO SC:** Sorry, can you just clarify something?

**WITNESS E:** Witness E, Witness E, just a moment.

**ADV KHUMALO SC:** Witness E, is it your understanding that the Minister did not receive the email you sent on the 9<sup>th</sup> of December? Why would he be asking that you send it again?

**WITNESS E:** He told me that he has not seen that email, so he asked me to make screenshots of that email and forward them via WhatsApp to him. Then I did so. Then after reading it, I believe after reading those screenshots and then it is when he asked that the next emails, I must not send them to him, but I must send them to the Chief of Staff. And the Chief of Staff gave me his email address. Then I started sending everything to the Chief of Staff.

**ADV SELLO SC:** Thank you, Commissioner. Thank you,  
10 Witness E. You may continue.

**WITNESS E:** There is something I forgot to mention, I think in paragraph 16.

**ADV SELLO SC:** Yes?

**WITNESS E:** Whereby when the Chief of Staff called me, he said he has been tasked by the Minister to investigate the issue of Magaqa and the involvement of Crime Intelligence officers and therefore, I must cooperate with the investigation.

**ADV SELLO SC:** Just for the record, in paragraph 15  
20 which you read into the record, you did point out that Mr Nkabinde said he had also been tasked to investigate the Magaqa killing, and in particular, the involvement and conduct of Crime Intelligence officials in the murder. That is what you have at your paragraph 15.

**WITNESS E:** That is correct.

**ADV SELLO SC:** You wanted to add to that.

**WITNESS E:** That he said I must cooperate with the investigation.

**ADV SELLO SC:** And what did you understand the investigation to be? Is that cooperate with him for purpose of the investigation? What was your understanding?

**WITNESS E:** I did not understand, Chair, because I did not know that a Chief of Staff can become an investigator at the same time. But during that confusion is when he started  
10 introducing that he was working for IPID. Then after he said he was working for IPID is when I got an understanding that he does have knowledge of investigation.

**ADV SELLO SC:** Okay. Okay, we are now at your paragraph 18.

**WITNESS E:**

“On the same day, I forwarded the email  
to Mr Nkabinde. After I sent the email...”  
...[intervenes].

**ADV SELLO SC:** Apologies, Witness E. Please do not  
20 rush through and be accurate. You did not read that statement correctly. Please start again.

**WITNESS E:**

“On the same day, I forwarded the email  
to Mr Nkabinde...” ...[intervenes].

**ADV SELLO SC:** Is it not the very same email? Is that not

what you are skipping? My copy of your statement reads:

“On the same day, I forwarded the very same email.”

**WITNESS E:** No, it is not the very same email. It is not the very same.

**ADV KHUMALO SC:** Advocate Sello, the statement that we have reads exactly as he has it.

**ADV SELLO SC:** Okay, then I possibly might be a version out. Okay, the Commissioners have your version, so let us  
10 work on your version, Witness E.

**WITNESS E:** Okay:

“On the very same day, I forwarded the email to Mr Nkabinde. After I sent the email, I phoned Mr Nkabinde on the same number that he phoned me with, informing him that I had sent the email. Mr Nkabinde stated that he did not receive the email and gave me an alternative email address, and he said it  
20 is his personal email address, to resend the email. Mr Nkabinde also advised me to rewrite the grievances and the heading should read as dear Minister and National Officials, and send it and also forward my CV via WhatsApp. On the

same day, on the 17<sup>th</sup> of December 2024, at about 11:10, I sent the same email to Mr Nkabinde's two email addresses that he gave me and I sent them from my personal email address.”

**ADV SELLO SC:** Yes?

**WITNESS E:**

“A copy of this is attached as Annexure WE2.”

10 **ADV SELLO SC:** Okay, now your Annexure WE2 is in the annexure file from page 4. Have you located it?

**WITNESS E:** Yes, Chair, I am there.

**ADV SELLO SC:** In dealing with this annexure, just remember that insofar as your history is concerned, that is what you read into the record when we started. So you can skip that part. Then you can speak to this annexure otherwise.

**WITNESS E:** In this annexure, you can see that there on top, it is written as follows:

20 “Dear Minister and National Officials.”

So I did exactly as instructed by Mr Nkabinde.

**ADV SELLO SC:** Yes. Then let us go into the body of the email. You can skip the first paragraph which sets out your employment details and I think your ID number. The next paragraph after that, you then have a specific, you set out a

specific request. Can you state it?

**WITNESS E:** I said:

“I request an intervention by the national officials and my employer in my work abuse and unfair treatment when it comes to promotions.”

**ADV SELLO SC:** Thereafter, you then deal with your history and you set it out there. As I said, we have dealt with that. Can I then invite you to the next page, page 5,  
10 and we pick it up from the second paragraph at page 5 which says my only complaint?

**WITNESS E:**

“My only complaint is simple. In 2018, when my junior police officers were moved to the next ranks due to years of service, even excluding successes, I was overlooked and sidelined by my employer. Again in 2022, there was another national instruction for mass  
20 promotions for junior police officers to the next ranks due to their years of service, excluding successes, but I was once again overlooked and sidelined by my employer. These promotions...”

**ADV SELLO SC:** Go ahead.

**WITNESS E:**

“These promotions were for the motivation and the well-being of police officers so that they can perform well in their duties.”

**ADV SELLO SC:** Please proceed.

**WITNESS E:**

10 “I am on a witness protection programme with full pay as a police officer. I get all benefits like all police officers in the country, including bonuses when due, and I get full medical aid services from POLMED. For the fact that I get these benefits mentioned above, it means I do qualify to be a police officer, and therefore I do qualify to receive all benefits of police officers, including being moved to the next ranks like all my other colleagues at work.”

20 **ADV SELLO SC:** If you can read the first line of the next paragraph then?

**WITNESS E:**

“My only complaint is about the promotions, which are long overdue.”

**ADV SELLO SC:** So let me just test my understanding. If I

understand you correctly, in this email you made it clear that you accept that although you are on witness protection programme, it is with full pay, you get all your benefits, including medical aid, and that your only complaint relates to your being overlooked for promotions. That was your sole complaint. Do I understand you correctly?

**WITNESS E:** That is all, Chair.

**ADV SELLO SC:** Now, at the last paragraph of that email, it reads:

10                   “with due respect and humbleness, I  
request my employer to attend to my  
grievance by moving me to the suitable  
rank and consider my experience, my  
contribution, my successes, and my  
years of service.”

Did I read that correctly?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** My question to you is, was your request  
attended to and were you, insofar as lack of promotion is  
20 concerned, any time between then when you generated  
WE2, and today, as we sit here today?

**WITNESS E:** It has been left hanging. It has not yet been  
addressed.

**ADV SELLO SC:** Okay.

**WITNESS E:** Except, ja, it has not yet been addressed.

**ADV SELLO SC:** Okay. Then let us get back to your statement. We are now on my reading at your paragraph 19 of the statement, page 6.

**WITNESS E:** That is about...

**ADV SELLO SC:** Yes, it is 19. It starts with the words, at about.

**WITNESS E:**

10 “At about 2 o'clock, I contacted Mr Nkabinde on his number with my cell phone number, asking him if he had received the email that I have sent. And indeed, Mr Nkabinde confirmed that he did receive the email.”

**ADV SELLO SC:** Okay. And then let us continue to paragraph 20.

**WITNESS E:**

20 “Shortly after Mr Nkabinde and the Minister confirmed the receipt of the email, I saw an article in the Sunday World newspaper reflecting my conversation with the Minister about Mr Magaqa murder, but with some facts distorted. This article is attached as WE1(A). I noted that some facts were distorted because during May 2021, the

Office of the Inspector General of Intelligence had initiated an investigation into the involvement of Crime Intelligence in the murder of Sindiso Magaqa. During May 2022, I was interviewed extensively by the Office of the Inspector General of Intelligence. The information I relayed to the Minister telephonically in 2024 was consistent with my disclosures to the  
10 OIGI in 2022.”

**ADV SELLO SC:** Now, that Annexure WE1(A) is in your annexure file. It starts at page 3.1. Can you locate it?

**WITNESS E:** Yes, I am there, Chair.

**ADV SELLO SC:** And what about this article you say reflects your conversation with the Minister? Are you able to highlight some aspects, of course, without providing any details pertaining to Mr Magaqa's assassination?

**WITNESS E:** If you can check there, Chair, on the second paragraph, Sunday World says:

20 “Sunday World can today exclusively reveal that an undercover operative who says he initially recruited Magaqa's would-be hitmen to be an informer has penned an explosive affidavit to the Police Minister...”

First of all, there is no affidavit that I have ever sent to the Minister. It was an email and a conversation telephonically and those screenshots. There is no affidavit:

“...exposing how the then 35-year-old politician was ambushed and shot on July 13, 2017, with resources from Crime Intelligence.”

**ADV SELLO SC**: Now, I see this article is dated 13 January 2025 at the top there of the article above the  
10 picture. Do you see that?

**WITNESS E**: Yes, that is correct, Chair.

**ADV SELLO SC**: It is dated 13 January 2025. It then proceeds to give detail of what this supposed affidavit is supposed to have disclosed regarding the assassination, and that is at page 3.2. Do you see that? Do you confirm that?

**WITNESS E**: Sorry, Chair. In the annexure or in the ...[intervenes].

**ADV SELLO SC**: In the annexure. Page 3.2 of Annexure  
20 WE1(A).

**WITNESS E**: This page, they start with the contents of the affidavit.

**ADV SELLO SC**: The contents of the affidavit, yes, that page.

**WITNESS E**: Yes, Chair.

**ADV SELLO SC:** So, I am saying, are you saying that what is set out on that page accords with what you told the Minister although it was not in an affidavit?

10 **WITNESS E:** Yes, Chair, because the content of the affidavit, because Sunday World says the contents of the affidavit which Sunday World has seen revealed that Magaqa was shot with an AK-47 purchased with money or slush fund of the Crime Intelligence, a division of the SAPS, cash from the same slush fund also funded the purchase of the getaway vehicle, a Mercedes-Benz.”

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

**WITNESS E:** It confirms, Chair.

20 **ADV SELLO SC:** It provides further detail there. I see the copy you have must have quite a big space between the first paragraph and the next, and that is because on the actual article itself it is an electronic advertisement in between the two paragraphs. Do you see where I am, Witness E?

**WITNESS E:** Yes, Chair.

**ADV SELLO SC:** So if you skip that whole wide open place, then there is the second, the third. Skip those two paragraphs. They go into the detail. I am interested in the

third. Please read the third paragraph into the record, the operative said.

**WITNESS E:**

10                   “The operative said he registered Ndunge as a police informer on May 10, 2017, after recruiting him. He then handed the hitmen to his superiors. The one who later, to his superior, the one who later resigned. The operative said he has been part of the multidimensional Organised Crime at the undercover unit since 2013.”

**ADV SELLO SC:** Now, looking at the facts I set out in that paragraph, do you know who this article is referring to? The said operative. Do you know who is the operative the article is referring to considering what it is said the operative said?

**WITNESS E:** Sorry, Chair. I lost you for about few seconds. Would you please repeat the question, please?

20                   **ADV SELLO SC:** Apologies. The paragraph you just read reads the operative said he registered this person as a police informer. Earlier, you had an engagement with the Chair spoke of these issues and then it gives some other facts. And references multidimensions of Organised Crime at deep undercover units since 2013. Now, I am asking

you, do you know the operative that is being referred to in that paragraph?

**WITNESS E:** [No response].

**ADV SELLO SC:** Did you hear the question?

**WITNESS E:** Chair, I lost you again. I think it is the network here. Can you just – I hear the other things, but the last question, if you can just repeat only the question itself?

**ADV SELLO SC:** Okay, I will try a shorter one. Who is the  
10 operative referred to in that paragraph? Do you know?

**WITNESS E:** That is Witness E, Chair.

**ADV SELLO SC:** That is Witness E, you said?

**WITNESS E:** Yes, Chair.

**ADV SELLO SC:** Okay. In other words, yourself?

**WITNESS E:** It is myself, Chair.

**ADV SELLO SC:** Then the rest of the article deals with other issues we do not necessarily have to go through, but they are in large part consistent with the contents of Annexure WE1. I would like to refer you now to your  
20 statement again from paragraph 21, having read Annexure WE1(A). You take it from after you saw this specific article.

**WITNESS E:**

“After seeing the article, I then phoned Mr Nkabinde and asked him why he leaked my email to the newspaper, and

he said he did not see the newspaper. He said he did not see the newspaper article. I then said to him that I will never send anything to him as it was directed by the Minister that I must send things to Mr Nkabinde. After the call that I made to Mr Nkabinde, I received a call from Minister Mchunu with his cell number. It was a WhatsApp call.

10 Minister Mchunu said to me that he had been informed by Mr Nkabinde that I was accusing him of leaking my email to the newspaper. I indeed confirmed with the Minister that I know for the fact that the only people I sent email to, other than General Masemola, were Mr Nkabinde and him, the Minister. And as such, only the Minister or Mr Nkabinde who had knowledge of my email. Minister Mchunu

20 then indicated that he would speak to Mr Nkabinde. Still on the call, Minister Mchunu was still insisting that General Khumalo was behind the assassination of Magaqa.”

**ADV SELLO SC:** Just to confirm, in the article as you read

it, is there any reference to General Khumalo and his involvement in that assassination?

**WITNESS E:** No, Chair. There was nothing.

**ADV SELLO SC:** And in your Annexure WE1, you specifically stated that he was not involved.

**WITNESS E:** He was not involved. He was not even in KZN.

**ADV SELLO SC:** Did you respond to the Minister at this juncture when he insisted that General Khumalo was  
10 involved? And if so, what was your response?

**WITNESS E:** Firstly, before I answer that question, when he gave me the call that he has been informed by Mr Nkabinde that I am accusing him, he said to me he had demanded Mr Nkabinde for leaking the information to the media and he said he is still going to talk to him not to do it again. But then when he insisted that General Khumalo was behind the assassination, I did explain to him exactly that whoever gave them that information, he gave them the wrong information. General Khumalo was not even in KZN.

20 He was not even part of Crime Intelligence at the time.

**ADV SELLO SC:** Okay.

**ADV KHUMALO SC:** Sorry, Advocate Sello.

**ADV SELLO SC:** Yes.

**ADV KHUMALO SC:** Just to get the chronology right, this is now in January 2025? It is after the Sunday World

article?

**WITNESS E:** Yes, Chair.

**ADV KHUMALO SC:** So what we are discussing in paragraph 21, where the Minister still insists that General Khumalo was behind the assassination, this is after you had seen the 13 January 2025 article?

**WITNESS E:** Yes, correct, Chair.

**ADV KHUMALO SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner Khumalo.

10 Witness E, that then takes us to your paragraph 22 at page 8.

**ADV BALOYI SC:** Maybe before, Ms Sello.

**ADV SELLO SC:** Commissioner Baloyi has a question.

**ADV BALOYI SC:** Yes. Witness E, did the Minister, maybe let me ask differently, did you ask the Minister why he believed that General Khumalo was involved with the killing?

**WITNESS E:** I did not ask him because even in December, when he started saying General Khumalo and former  
20 Minister Cele were involved, I said no, they were not involved. But it was Mr Nkabinde that came in that same conversation, that he was once at the IPID and he heard that former Minister Cele and General Khumalo were involved. So I think, in my mind at the time, I had an impression that maybe Mr Nkabinde got that information

from IPID, but that information was a false information.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Witness E, I was inviting you then to your paragraph 22 from page 8. Are you there?

**WITNESS E:** Every time before...

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

**WITNESS E:**

10                   “Every time before and after the court proceedings of the Magaqa's case, the Minister would call me and demand an update of the court proceedings. When I looked at the volume of calls that I was receiving from the Minister, I felt that the pressure was too much to handle. Therefore, I contacted the investigating officer in the Magaqa case and I informed him about the calls from the Minister. I also informed the IO that the Minister  
20                   alleged that someone informed him that General Khumalo was involved in the assassination of Sindiso Magaqa. Furthermore, I requested the IO to discuss the situation with General Khumalo. The investigating officer also

advised me not to block either the Minister or Mr Nkabinde, but to play along with them so that I would know what their aim was and/or intentions. I further told the IO that Minister Mchunu has too much interest on Sindiso Magaqa's case because for every court appearance, Minister Mchunu will phone me and ask me of the next court date and what had transpired at court, but he does not attend court hearings. I also informed the IO that I also informed the Minister of the date that Mr Ncengwa...”

Mr Ncengwa is the:

“Mr Ncengwa who has since been convicted for Magaqa's murder and sentenced to 25 years' imprisonment [connection interruption] was going to plead to the murder of Sindiso Magaqa. I had requested the Minister to be in court attendance for him to see the good work that the team and I had done. But to my surprise, the Minister was never in attendance. In addition to this, I can say that...”

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

**WITNESS E:**

“In addition to this, I can say that this was because the former Minister Cele used to attend each and every court proceedings if ever the case of Sindiso Magaqa is going to court and after that he will even engage with the media and give the update and all that.”

10 But Minister Mchunu, in all court appearances, he has never or I have never seen him attending the case, but he had so much interest, but that is why I advised him that can you go on the last day at least when the suspect or the accused is pleading guilty, and that is where we got the conviction. But Minister Mchunu was never in attendance.

**ADV SELLO SC:** Okay. We go on then to your paragraph 23.

20 **WITNESS E:** “On Thursday, the 3<sup>rd</sup> of April 2025, at about 07:57, I sent an email to Mr Nkabinde to his email address, the SAPS address, as to follow up on the initial email that I sent to the Office of the Minister on the 17<sup>th</sup> of December. this email is attached as an Annexure WE3.”

**ADV SELLO SC:** That annexure WE3 is in your annexure file from page 6. Have you located it?

**WITNESS E:** [No response].

**ADV SELLO SC:** Witness E? Witness E, can you still hear me?

**CHAIRPERSON:** Let us adjourn.

**ADV SELLO SC:** Yes, and I think he has lost connectivity. He is off screen now.

**CHAIRPERSON:** You will indicate.

10 **ADV SELLO SC:** We shall, Chair. Thank you.

**CHAIRPERSON:** Thank you.

**INQUIRY ADJOURNS**

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**INQUIRY RESUMES**

**ADV SELLO SC:** Thank you, Chair. I think Witness E has reestablished connectivity and we are ready. Witness E, please confirm you can hear me still?

**WITNESS E:** Yes, I can hear you, Chair.

**ADV SELLO SC:** Thank you. We are ready to proceed.

20 Thank you, Chair. Witness E, you had dealt with your paragraph 23 where you introduced Annexure WE3, do you recall?

**WITNESS E:** Yes, I confirm, Chair.

**ADV SELLO SC:** Okay. I referred you then now to your annexure file and located Annexure WE3 at page 6, which is

where I had asked you to turn your attention to.

**WITNESS E:** Yes, I am there, Chair.

**ADV SELLO SC:** I see it is an email from your email address as you have provided in the statement. It is addressed to Mr nkabindecem@saps.gov.za email and it is dated the 3<sup>rd</sup> of April 2025 at 07:57. Correct?

**WITNESS E:** Yes, correct, Chair.

**ADV SELLO SC:** Do you confirm that the first three paragraphs deal in large part with matters that you had  
10 highlighted in your previous emails?

**WITNESS E:** Yes, correct, Chair.

**ADV SELLO SC:** Could you then deal with the fourth, fifth and sixth paragraphs and just quickly read those into the record to explain what you were communicating to Mr Nkabinde?

**WITNESS E:**

“I have been sitting in one rank for 14 years within the SAPS Crime Intelligence with operative experience of 18 years.”

20 But because this was last year, now it is an operative, it is an intelligence operative experience of 19 years, including the SAPS Crime Intelligence:

“And I have made big contributions and successes, but always overlooked when it comes to promotions.”

**ADV SELLO SC:** Please continue, read the next.

**WITNESS E:**

10 “I did receive the correspondence from the Minister and also the Chief of Staff, Mr Nkabinde, and I was promised that my matter would be attended to. Ever since then, I have never received any feedback or any updates with regards to my complaint. I would like to do a follow-up and receive an update on the progress and how far is the process of my previous letter.”

**ADV SELLO SC:** So then this email being of the 3<sup>rd</sup> of April 2025, you reference in your paragraph 23 that it was a follow-up to your previous email, which is the 17<sup>th</sup> of December 2024. Are you suggesting that between the 17<sup>th</sup> of December 2024 until the 3<sup>rd</sup> of April 2025, you had never heard back from either the Minister or Mr Nkabinde, or both, about your grievance?

20 **WITNESS E:** In fact, I do believe that they have never done anything about my complaint since then. I have never received any feedback, anything.

**ADV SELLO SC:** Okay. Then let us turn back to your statement, because that will take us to the next event that you deal with at paragraph 24.

**ADV BALOYI SC:** Before you do that, Ms Sello ...[intervenes].

**WITNESS E:** On Friday the 4<sup>th</sup> ...[intervenes].

**ADV SELLO SC:** Witness E, Commissioner Baloyi wants to ask ...[intervenes].

**ADV BALOYI SC:** Witness E, in WE3, in paragraph 3, you say:

10                   “Last year on 9 December, after receiving  
                      a legal advice when it comes to labour  
                      matters, I wrote a formal grievance to the  
                      Minister and National Office.”

And the emphasis is on after receiving legal advice. Is that the advice you refer – and maybe look at your paragraph 13 of the statement and say whether this has anything to do with what you say in WE3? Paragraph 13?

**WITNESS E:** Paragraph 13 of my statement, Commissioner?

**ADV BALOYI SC:** Yes. So in paragraph 13 you say:

20                   “After the call with the Minister, I  
                      contacted a friend who happens to be a  
                      lawyer to seek advice.”

**WITNESS E:** Oh, yes.

**ADV BALOYI SC:** So what I am asking, or what I am seeking to clarify is whether that paragraph 13 has anything to do with what you say in paragraph 3 of WE3.

**WITNESS E:** That is correct, Chair, because every time I need some advice, I always ask a friend of mine who happens to be a lawyer. He always gives me friendly advice about the issues that pertain to the law, whether it is labour or civil or criminal. He always advises me.

**ADV BALOYI SC:** Well, I am asking to clarify because I understood that you wrote the letter about your grievances, the email, because the Minister asked you what grievances do you have, put it down in writing. I understood that to be  
10 why you wrote the email you wrote with your grievances. But then you speak here in WE3 as having put down these grievances on the basis of legal advice, or after receiving legal advice. I just want you to clarify that.

**WITNESS E:** Even though the Minister said I must send my grievances in an email, I did receive an advice from a friend of mine who happens to be a lawyer. That is why he even provided me with an email for General Masemola, which I did not have at the time. So I can confirm that both the Minister and a friend of mine who happens to be a lawyer,  
20 so both of them, they contributed to that email.

**ADV BALOYI SC:** You spoke to the friend who is a lawyer after speaking to the Minister and because the Minister said you should put down your grievances. Is that the sequence?

**WITNESS E:** That is the sequence, Chair.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. We are now, Witness E, back to your statement, witness statement at page 9 at paragraph 24.

**WITNESS E:**

10                   “On Friday, the 4<sup>th</sup> of April 2025, at about 09:34, I received an email from sedatatim@saps.gov.za acknowledging receipt of my email that I have sent to Mr Nkabinde. This is attached as WE4.”

**ADV SELLO SC:** And that Annexure WE4 is at page 7 of your annexure file. If you could go there? And I see it starts off with an email seemingly from you of the 17<sup>th</sup> of December 2024 at the bottom of page 7. Is that correct?

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** And then there is a chain of emails above, right up to the top. Please identify which of those emails you say is from Ms Setati acknowledging receipt of your email of the 17th of December.

20                   **WITNESS E:** Firstly, I can see that on the 3<sup>rd</sup> of April, on the 3<sup>rd</sup> of April Mr Nkabinde wrote to Maj-Gen Sebola. He said:

                  “Good morning, Maj-Gen Sebola. Please find below for your further handling. Provide a report on the 10<sup>th</sup> of April 2025

at 15:00 hours. Kind regards, Mr Cedric Nkabinde.”

And then that message, it was forwarded. I can see that it was also forwarded. It was Brigadier Lethoko. He sent it to Lt-Col Maria Setati. He said:

“Colonel, this is more HR related. Perhaps refer to Acting DNC, SS and KZN.”

**ADV SELLO SC:** Yes.

10 **WITNESS E:** And then the last one is from Lt-Col Maria Setati. He or she forwarded that message. He then responded to me. He said, good morning. But he responded on Friday the 4<sup>th</sup> of April 2025 at 09:34. He said:

“Good morning. Your email is noted and hereby acknowledged. Respectfully, Lt-Col Setati.”

**ADV SELLO SC:** And on that point, the email reads that your email of the 17<sup>th</sup> of December is noted on the 4<sup>th</sup> of  
20 April 2025 and hereby acknowledged. Was there any further correspondence by Mr Nkabinde or Ms Maria Setati or whomsoever from the Office of the Minister regarding the issues you raised in your 17<sup>th</sup> of December 2024 email?

**WITNESS E:** This email, Chair, on its own, it shows that ever since we spoke with the Minister and Mr Nkabinde,

they have never attended to my matter. That is why you can see that this email of the 17<sup>th</sup> of December, Mr Nkabinde only started to forward this message to Maj-Gen ...[indistinct] on April. And then you can see that it is just two lines that he wrote there. So he never attended to this matter. And that was the last communication between myself and Mr Nkabinde. Even here, we did not speak telephonically. He just forwarded this message. I only received this email from Lt-Col Setati. It is when I saw that,  
10 okay, he or she was just responding to me because she received this message, this email that was coming from Mr Nkabinde in April. Then I just left everything there. It was never attended.

**ADV SELLO SC:** Okay. This then brings us to your paragraph 25, and you are dealing with the 6<sup>th</sup> of July 2025. If you could then take it from there?

**WITNESS E:**

“On the 6<sup>th</sup> of July 2025, General Mkhwanazi held a press briefing and thereafter, the  
20 President placed Minister Mchunu on a special leave and announced the establishment of the Commission of Inquiry.”

**ADV SELLO SC:** Please continue.

**WITNESS E:**

“Some days later, I received a WhatsApp

call from Minister Mchunu in which he told me that he was drafting something and wanted my full name and surname. And the full names of Mr Ncengwa...”

The convicted, the man who was convicted for the killing of Magaqa:

10 “He further said to me that I have to go to the Commission and testify about the unlicensed firearms and the vehicles that were purchased by the Crime Intelligence and were used in the assassination of Sindiso Magaqa. I responded to the Minister Mchunu that I did not have a problem in testifying, but I cannot testify at the Commission because the case is still ongoing. After this call, I phoned the IO and informed him that the Minister wants me to testify at the Madlanga Commission. The IO informed me that 20 since the case is ongoing, I cannot testify about it at the Commission and therefore, if the Commission wants me to testify, they should liaise with his office first.”

**ADV SELLO SC:** Please proceed.

**WITNESS E:**

“In 2017, my assessment of the Minister's calls is that dating from the 7<sup>th</sup> of December, which was our first communication, they have increased progressively and are getting more and more after the 6<sup>th</sup> of July 2025 press briefing by General Mkhwanazi. On the second week...” ...[intervenes].

**ADV BALOYI SC:** Witness E?

10 **ADV SELLO SC:** Witness E, please wait.

**WITNESS E:** Yes, Chair?

**ADV BALOYI SC:** Before you go to paragraph 28, at that paragraph 26 where the Minister says to you that you should come and testify before the Commission, did he say what it is that he wanted you to come and testify to?

**WITNESS E:** At that time and in that call, he did not specify what is it, but later on he did say that he wants me to come and testify about the unlicensed firearms and the stolen cars that were bought by Crime Intelligence that were  
20 used in the killing of Magaqa and other ANC councillors.

**ADV BALOYI SC:** And did you ask or did he explain why that was relevant to the Commission to hear?

**WITNESS E:** He has never explained that to me, Chair. Up until today, he has never explained.

**ADV BALOYI SC:** Thank you.

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

Witness E, you may proceed then.

**WITNESS E**:

10                   “On 28, on the second week of  
September, Minister Mchunu came for  
me, though I cannot recall the exact date,  
and he informed me that he will contact  
me later using another number and that I  
should answer the call. On the same  
night, at about 10 at night, I received a  
phone call from the cell phone number...”

That is there:

20                   “The person on the other end of the line  
introduced herself as Kamogelo Mogotsi  
from Minister Mchunu's office. At this  
time, Minister Mchunu had been placed  
on special leave already. Kamogelo  
Mogotsi informed me that she had been  
instructed to tell me that I would be going  
to testify at the Madlanga Commission  
and that there had been statements that  
they have already prepared on my behalf  
pertaining to the purchasing of  
unlicensed firearms and stolen vehicles  
that were used in the assassination of Mr

Magaqa, Sindiso Magaqa, the assassination of Sindiso Magaqa. I responded to Kamogelo Mogotsi that I have already informed the Minister that I did not have a problem to testify at the Commission, but they should first communicate with the IO and the prosecutor.”

**ADV SELLO SC:** Apologies, Witness E. At paragraph 28,  
10 you say Ms Mogotsi informed you that she had been instructed to tell you that there had been statements that were already prepared on your behalf for purposes of testifying at the Madlanga Commission. Do you see what I am reading?

**WITNESS E:** Yes, Chair, I am there.

**ADV SELLO SC:** My question is, were those statements or any versions of them ever shared with you? These statements prepared on your behalf?

**WITNESS E:** No, Chair, nothing was ever shared with me.

20 **ADV SELLO SC:** Were you informed as to the content of such statements? What exactly was in that?

**WITNESS E:** I was never informed, Chair.

**ADV SELLO SC:** Thank you. You can then take it from paragraph 29.

**WITNESS E:**

10 “Kamogelo then handed the phone to the Minister Mchunu, who told me that from now going forward, if I have any updates, I should give it to Kamogelo. Still on the same call, Minister Mchunu, I told him that I barely know General Khumalo because I have never worked with him and that I only met with him when he headed the PKTT. Beyond that, I knew him as one who arranged for me to be enrolled in the witness protection programme.”

**ADV KHUMALO SC:** Sorry, Advocate Sello. Maybe the witness should read that paragraph again.

**ADV SELLO SC:** Witness E, there was a bit of distortion when you were reading that paragraph. It did not come through as clearly. Commissioner Khumalo suggests that perhaps you re-read paragraph 29. You might just come through clearer.

20 **WITNESS E:**

“Kamogelo then handed the phone to Minister Mchunu, who told me that from now going forward, if I have any updates, I should give it to Kamogelo. Still on the same call, Minister Mchunu asked me if I

had anything on General Khumalo and the PKTT. I told him that I barely knew General Khumalo because I had never worked with him and that I only learnt of him when he headed the PKTT or when he was a head of PKTT. Beyond that, I knew him as the one who arranged for me to be enrolled in the witness protection programme.”

10 **ADV SELLO SC:** Thank you, that was much clearer. You may proceed.

**WITNESS E:**

20 “The Minister started pressurising me regarding the PKTT. He asked me if I knew of any victims of the PKTT or if I have any documents or reports that are damaging to the PKTT. And that if I have, I should send them to Kamogelo Mogotsi. I informed him that I do not know of any victim of the PKTT because I have never worked with them. He then said I should look for the victims and/or evidence of people who were victimised by the PKTT and should I find any, I should forward that information to

Kamogelo Mogotsi. Still in September 2025, I received a WhatsApp call from Kamogelo Mogotsi on a cell number...”

that is mentioned there:

“The Minister Mchunu asked as to what the rank and the names of the Dlamini who was arrested by the PKTT.”

If I can state in that call, the call came from Kamogelo Mogotsi's number but the person who spoke on the other  
10 side, it was the Minister:

“I informed the Minister that I did not know who Dlamini was but I will get his name and the rank. Thereafter, I received a WhatsApp message from the same number of Kamogelo and my response was that I will ask Mr Ncengwa to forward me his phone number. I then did some research and I found him as Bonginkosi Dlamini, a former police  
20 officer who was then convicted and he is currently in custody awaiting sentencing for crimes unrelated to the Magaqa murder. I then requested for Dlamini's phone numbers from Mr Ncengwa who gave me the phone numbers via

WhatsApp and I forwarded the numbers  
to Kamogelo Mogotsi via WhatsApp.”

**ADV KHUMALO SC:** Just pause there for a moment.

**WITNESS E:**

“Minister Mchunu...” ...[intervenes].

**ADV SELLO SC:** Witness E, please pause for a moment.

Commissioner Khumalo?

**WITNESS E:** Chair?

**ADV KHUMALO SC:** Witness E, you testified earlier that  
10 you were told that Kamogelo Mogotsi is in the Minister's  
office. Do you know what her role is in the Minister's  
office?

**WITNESS E:** Chair, I know Kamogelo Mogotsi from the  
media, but all I know is that she is a spokesperson in the  
Police Ministry.

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

**ADV SELLO SC:** Thank you, Commissioner Khumalo.  
Thank you. Witness E, you were then at paragraph 32?

**WITNESS E:**

20 “The Minister asked me to meet with the  
suspect on Sindiso Magaqa’s case, which  
was Mr Simbusiso Ncengwa, the already  
convicted one. I then informed him that  
he can contact Mr Ncengwa through the  
IO or the prosecutor. I offered to give

the Minister the phone numbers of the IO  
...[connection interruption] and see Mr  
Ncengwa, but I advised him that even if  
he went to the prison to see Mr Ncengwa,  
the prison officials will notify the IO to be  
present during his interview with him  
because he is now a state witness.”

The state witness is Mr Ncengwa:

10 “The Minister then asked if he arranged  
the meeting through the office of the  
National Commissioner of Correctional  
Services, Mr Thobakgale, will it work? I  
informed the Minister that it will still be  
the same because the prison will inform  
the IO.”

**ADV SELLO SC:** Yes?

**WITNESS E:** 33:

20 “After all this, I then contacted the IO in  
the Magaqa case and informed him that  
this was becoming too much for me  
because therefore I wanted him to talk to  
General Khumalo as the current  
Divisional Commissioner for Crime  
Intelligence. The IO then asked me if I  
could make a statement of what

transpired between me and the Minister  
and I informed him that I was willing to  
depose of a statement.”

**ADV SELLO SC:** Now, before you ...[intervenes].

**ADV BALOYI SC:** Witness...

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

**ADV BALOYI SC:** You can go ahead and ask your  
question.

**ADV SELLO SC:** No, no, I was going to ask at 33 before  
10 you moved to 34, did you in fact depose to such a  
statement?

**WITNESS E:** I did depose a statement and I gave it to the  
IO.

**ADV SELLO SC:** Thank you. Commissioner Baloyi has a  
question for you.

**ADV BALOYI SC:** Thank you, Ms Sello. Witness E, when  
the Minister asks to be in touch with Mr Ncengwa, does he  
know – or rather let me ask, is it your understanding that he  
knows and understands that at that time Mr Ncengwa is a  
20 potential witness, is accused in the Magaqa matter?

**WITNESS E:** Chair, he knew everything because every  
time there is any update with regards to the case of Sindiso  
Magaqa, I used to update him before and after. Even after  
the conviction of Mr Ncengwa, he knew everything about  
him. Even after Mr Ncengwa, because during the time when

Mr Ncengwa was convicted, he made a section-220 statement where he mentioned that he is willing to be a state witness in the ongoing matter of Magaqa. So Mr Mchunu knew everything, that Mr Ncengwa is now a state witness.

**ADV BALOYI SC:** And a related question, when the Minister speaks to you, he is engaging with you and asking for updates from you, does he know that you are going to be a state witness, or you are a potential state witness? Did  
10 he know that?

**WITNESS E:** He knows everything about me. He knows that I am a witness, and he knows that I am in a witness protection programme.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Witness E, I think that now takes us to your paragraph 34, at page 13.

**WITNESS E:** Okay.

**ADV SELLO SC:** Your statement. Witness E, can you still  
20 hear me?

**WITNESS E:** Yes, I am back, Chair.

**ADV SELLO SC:** Okay. It is your page 13, and I am referring you to paragraph 34. I think that is where you are supposed to pick it up from.

**WITNESS E:** Thank you:

“I want to emphasise that since the beginning of the Madlanga Commission on the 17<sup>th</sup> of September 2025, Mr Mchunu consistently phones me and the numbers of calls are skyrocketing. He is trying to coerce me to testify at the Madlanga Commission in a manner favourable to him. In the phone call, I ended up conceding that I will testify at  
10 the Madlanga Commission.”

**ADV SELLO SC:** Please proceed.

**WITNESS E:**

“On Thursday, 23 October...”  
...[intervenes].

**ADV BALOYI SC:** Before you...

**ADV SELLO SC:** Witness E, my apologies.

**ADV BALOYI SC:** Before you proceed, Witness E, you say he is trying to coerce me to testify in a manner favourable to him. What does he want you to come and – has he told  
20 you what he wants you to come and testify to? And why do you say that is favourable to him? Witness E, you are on mute. Unmute yourself. Witness E, can you hear me? Unmute yourself if you can hear me.

**ADV SELLO SC:** Witness E, if you can hear us, can you please unmute yourself? You appear as muted on the

screen. It might be the link is lost again. It gets quickly reestablished. May I request a two-minute stand-down? Thank you.

**CHAIRPERSON:** We will come back when you indicate.

**INQUIRY ADJOURNS**

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**INQUIRY RESUMES**

**ADV SELLO SC:** Thank you, Chair. We confirm he disconnected and reconnected and he could hear me. Can I  
10 just test? Witness E, can you hear me still?

**WITNESS E:** Yes, I am here, Chair.

**ADV SELLO SC:** Thank you. Commissioner Baloyi had a question for you. Thank you.

**ADV BALOYI SC:** Witness E, my question was that you say in paragraph 34 that the Minister in these calls since the Commission started, he consistently phones you and his telephone calls to you are skyrocketing and then this is the part:

20                    “He is trying to coerce me to testify in a  
                         manner favourable to him.”

And my question was, what has he said he wants you to come and testify to and why do you say that is favourable to him?

**WITNESS E:** First of all, if I can remind the Commission, there was that time when the same Mr Ncengwa was

convicted to 25 years for killing of Sindiso Magaqa. What happened is that the SAPS national office issued a statement that was giving credits to the PKTT saying the PKTT, they have worked hard, congratulations and all that. The Minister phoned me immediately after receiving the statement. He even forwarded that police statement to me. He said to read that statement. Then I read the statement.

He then called me back and said, have you read the statement? I said yes, I have read the statement. He said,  
10 you see, they are saying it is PKTT that achieved this conviction, but they are not mentioning you. He knew that I was part of the people who achieved that or who was participating in that conviction, but he wanted to say I must come to the Commission and tell the Commission that it is not the PKTT that achieved that conviction but it was myself who achieved that conviction.

That is why I say in that paragraph that he was trying to recruit me to testify in a manner that is favourable to him. When I talk about the calls that are skyrocketing, it  
20 is because every time when there is a commission and then there is a witness that is testifying, sometimes he will call me, maybe during tea time and say, hey ...[vernacular]. And then if I say yes, I am watching, he says, okay, okay ...[vernacular].

So he used to do that almost every day when there

is a witness that is testifying with the matters that relates to KZN and he used to call me and make those comments. So that is why I talk about skyrocketing.

**ADV BALOYI SC:** Thank you, Witness E.

**ADV SELLO SC:** Thank you.

**ADV KHUMALO SC:** And I suppose, Witness E, you can tie that up, you do not have to read it with paragraph 30 of your statement.

**WITNESS E:** Yes:

10                    “The Minister started pressurising me  
                         regarding the PKTT. He asked me if I  
                         knew of any victims of the PKTT or if I  
                         have any documents or reports that are  
                         damaging to the PKTT and if I have them,  
                         I should send them to Kamogelo Mogotsi.  
                         And I informed him that I do not know of  
                         any victims of the PKTT because I have  
                         never worked with them. He then said  
                         that I should look for the victims and/or  
20                    evidence of people who were victimised  
                         by the PKTT and should I find any, I  
                         should forward that information to  
                         Kamogelo Mogotsi.”

You can see even there in paragraph 31:

“Whereby he was asking me to look for

this man called, to look for this convicted criminal called Dlamini who was arrested by the PKTT with the other matters that are related to the murder of Magaqa.”

For the fact that he was asking me to become that investigator now, to investigate and find the people and find that Dlamini, find Mr Ncengwa's number, find advice from me, how can he get to prison and talk to this Mr Ncengwa and all that. So that is why I mentioned the pressure.

10 **ADV SELLO SC**: Thank you, Commissioner Khumalo. Witness E, that would then on my reading take us to your paragraph 35 at page 13. Can you pick it up?

**WITNESS E**: May you come again, Chair?

**ADV SELLO SC**: Page 13, paragraph 35, that is where we take it from.

**WITNESS E**: Paragraph 35:

20 “On Thursday, 23 October at approximately 11:49, I received a WhatsApp call from a cell phone number...”

That is mentioned there:

“When I answered the call, the person on the other end of the line introduced himself as Minister Senzo Mchunu. I can indeed state that from the voice, I

immediately recognise that the voice is that of Minister Mchunu. On this call, he asked me if the Madlanga Commission had not called me yet. My response to him was that I had not received any call from them. Minister Mchunu then told me that I will be called by the Madlanga Commission. He further stated that while giving evidence at the Ad Hoc Committee in Parliament, he deliberately did not mention anything about me because in Parliament they are just playing politics and that at the Madlanga Commission, they deal with the law. Therefore, he will ensure that I am called to the Madlanga Commission.”

**ADV SELLO SC:** Please proceed.

**WITNESS E:**

“After the call, I then checked the cell phone number that the Minister used to call me. On that number, when I checked it, it was appearing in the Truecaller app that the number was registered under the name Linda Hlongwa. I do not know who Linda Hlongwa is.”

**ADV SELLO SC:** Please proceed.

**WITNESS E:**

10 “On Wednesday, 10 December 2025 at approximately 12:50, I received a WhatsApp call from the cell phone number of the Minister on my cell phone number. The call was from the Minister Mchunu who started demanding the statements that I deposed to the PKTT in respect of the Sindiso Magaqa's case, including the statements that I deposed to the Madlanga Commission. He further indicated that he wanted me to depose to a new statement pertaining to the buying of stolen cars and unlicensed firearms by Crime Intelligence which were used in the killing of Sindiso Magaqa and other ANC councillors. The Minister further asked me if the Madlanga Commission had contacted me yet and I told him that I was contacted by the Commission and I was interviewed by the Commission investigators. He asked me if I knew their names and I told him that I do not know their names. He then demanded a

20

copy of a statement I made to the Madlanga Commission and I informed him that I did not have the statement and that I was only interviewed by the Commission investigators. Therefore, I did not know whether or not they have drafted the statement. I further told the Minister that the Madlanga Commission investigators have informed me that I will be called to the Madlanga Commission next year, which is 2026. Minister Mchunu indicated that he wanted his lawyers to interview and obtain a statement from me. Therefore, he asked for my location. I then informed the Minister that it is not allowed for me to disclose any of my location since I am in the witness protection programme. The Minister then suggested that I draft the statement, sign and send it to him and my response was that I could make a plan, but the problem was that I do not have gadgets in my possession to write it. Still on the same call, the Minister informed me that when he was at the

Madlanga Commission, he handed an envelope containing eight names to the Commission and that my name was on that list. Furthermore, that the Commission had rejected that envelope and that of the eight individuals on that list, seven of them had already submitted statements to his lawyers and that it is only my statement that is outstanding.

10 He emphasised that the lawyers had given him a submission due date or a deadline of 12 December 2025. The Minister further indicated that amongst the seven individuals that submitted statements, some of them were close to the PKTT. On the same date...”

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

**WITNESS E:**

20 “On the same date, on Wednesday 10 December 2025 at about 15:57, I saw on my phone that I had two missed calls from the cell phone number of the Minister and one missed call of a number that I did not know at the time. At about 15:58, I received a call, a WhatsApp call

from Minister Mchunu's cell phone number and the person on the other end indicated that he was Minister Mchunu and he was going to call me with another number and I should answer the call when it came through. At 15:58, on the same day, I received a WhatsApp call from the very same number that I did not know whose number it was at the time.

10 This number reflected on my WhatsApp as saved as Lindo Mthembu and even on my True Called it was registered as Lindo Mthembu. When I answered the call, I realised that the person on the other end of the line was Minister Mchunu who asked me if I had started drafting the statement and that if I had finished drafting the statement, I should send it to his lawyer who I understood to be called

20 Barnes. He said I must send it to Barnes.”

I am not sure about the correct spelling:

“I must send it to Barnes via WhatsApp to Barnes' cell phone number. Then he provided the cell phone number...”

As it stated there:

“...or the cell phone number of Mr Lindo Mthembu. I then checked the cell phone number that one of Mr Barnes and then in my True Called app it showed that it was registered under Sunday July.”

If I can just add something in that paragraph, paragraph 40, is that I did ask the Minister on this day because there was a media statement that the Minister does not have, his  
10 phones were taken. So I thought he does not have a phone all along because he was very quiet. But on that day, on Wednesday, when he started calling me and then started changing numbers, I asked him why is he changing, why is he calling me with different numbers? He said, no, he does not want to talk in his phone because he believes that his phone has been, his phones are being monitored. That is why he keeps on asking other people to give him a phone so that he can call me.

**ADV SELLO SC:** Okay.

20 **WITNESS E:** On paragraph 41:

“On this call, the Minister directed me that the statement should state as follows, and I am paraphrasing. He said paragraph 1 should read as follows: During 2017, Crime Intelligence bought

unlicensed firearms and stolen cars through the Secret Service account, and these guns and cars were handed over to the hitman, Jabulani Mdunge, also an informer, and Sibusiso Ncengwa who were eventually hired to kill the ANC Youth League member, Mr Sindiso Magaqa. He said paragraph 2 should read as follows: In 2018, after the  
10 establishment of the PKTT, which is led by General Khumalo, the PKTT engaged with me and a statement was obtained and all details were given about the involvement of Crime Intelligence into the killing of Sindiso Magaqa. Paragraph 3 should read as follows: From 2018, after  
20 the establishment of the PKTT, General Khumalo was heading the PKTT. As from 2022, General Khumalo was appointed the head of Crime Intelligence. To date, General Khumalo has never done anything about the information that I have given him pertaining the involvement of Crime Intelligence members, even though he is the head of

Crime Intelligence. Paragraph 4 should read as follows: Sometimes this year, 2025, Minister Mchunu and I spoke about my promotion issue and that the Minister promised that he will escalate the matter with the SAPS.”

In that paragraph, 2025 was not true because the engagement with my grievances, they start from the 7<sup>th</sup> up to the 9<sup>th</sup> in 2024, December. So, the conversation did not  
10 start in 2025, but he said I must put it this way:

“Paragraph 5 should read as follows: In August 2025, the investigating officer in the case of Sindiso Magaqa informed me that the case is sub judicare and therefore I cannot make a statement or testify and anywhere else without him being informed. Paragraph 6 should read as follows: In November 2025, the Madlanga Commission investigators  
20 consulted with me, but the Commission is not calling me to testify.”

**ADV SELLO SC:** Witness, before you proceed, did you prepare a statement in the terms that you referred to at paragraph 41?

**WITNESS E:** No, Chair. I did not prepare any statement

and I have no intention to prepare any statement, but I did not tell the Minister that I am not going to prepare the statement. I just said, okay, I will prepare a statement, but I knew I was not going to prepare a statement and I have never prepared any statement.

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

**ADV KHUMALO SC:** Just a moment. Witness E, if you had prepared a statement along the lines of paragraph 41, in other words, 41.1 to 41.6, would you not be lying to the  
10 Commission if you presented a statement that reads along the lines of those paragraphs?

**WITNESS E:** Can you repeat the question again, Commissioner Khumalo?

**ADV KHUMALO SC:** If you had prepared a statement for this Commission that reads along the lines of paragraph 41.1 to 41.6 and you presented it to this Commission or it was used by somebody else before this Commission, would that not be a lie? Would that statement not be lying to this Commission?

20 **WITNESS E:** Yes.

**ADV KHUMALO SC:** For example, you gave an example about paragraph 5. You said it was not in August 2025, it was in 2024.

**WITNESS E:** Yes, Chair. That was paragraph 4, where he said sometime this year, whereby this call was last year,

December. He said somewhere this year, which is not true. It was not somewhere this year, which is 2024, which is 2025. But it was somewhere in December 2024 when we had that conversation. So if I drafted a statement like this and I signed it under oath, the statement was going to be a false statement. So if I drafted it in this version.

**ADV KHUMALO SC:** He was encouraging you to lie to this Commission?

**WITNESS E:** I believe so, Chair.

10 **ADV BALOYI SC:** If I may follow up on those questions? Witness E, was it your belief that the Minister, if he indeed so suggested, knew that what he wanted you to testify to in the terms that set out in paragraph 41 constituted falsity? Are you convinced that he was aware that those statements would be false?

**WITNESS E:** He was aware, Chair, because the emails they speak for themselves in the annexures, that on the 9<sup>th</sup> I did send emails to Nkabinde and the Minister, Nkabinde did receive those emails, and the conversation started in  
20 December, not in 2025. So it was going to be a false statement.

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

**ADV SELLO SC:** Can I just check this, Witness E? Paragraph 41.2, is that accurate what you were supposed to write? Does it reflect what happened?

**WITNESS E:**

“In 2018, after the establishment of the PKTT, which is led by General Khumalo, the PKTT engaged with me and a statement was obtained and all details were given about the involvement of Crime Intelligence into the political killing, into the killing of Sindiso Magaqa.”

10 **ADV SELLO SC:** Yes.

**WITNESS E:** It will not be correct, Chair. It will not be.

**ADV SELLO SC:** Yes, carry on.

**WITNESS E:** It was not going to be correct because no one can produce a single statement that I made to the PKTT in 2018. The statement was made in January 2019, but the engagement started in 2018. But still, even that engagement was not a direct engagement. I engaged with General Tshika, who was the head of Crime Intelligence in KZN. He is the one who engaged General Khumalo, who  
20 was a Brigadier at the time.

So I did not have a one-on-one conversation with the PKTT in 2018, but my engagement with the PKTT was via General Tshika. Then in January 2019, it is where a statement was obtained. That statement is the one that will be used in court in the case of Sindiso Magaqa. So even

that first paragraph, we were going to have issues with it.

**ADV BALOYI SC:** Yes, and you told the Minister that it was only in 2019.

**WITNESS E:** The Minister knows everything. I told him everything, but this is how he wanted me to draft the statement that is needed. In fact, he wanted to send his lawyers to me so that I can engage with his lawyers, then they can take statements. Because now I know that he did provide, even with this Mr Ncengwa, he did provide with the  
10 lawyers to take statements from him. Now I know that it was confirmed by Mr Ncengwa himself that the Minister provided him with the lawyers. So he wanted to provide me with the lawyers so that I can draft this version of his, of which this version, if I had to sign this version, I was going to be signing a false statement under oath.

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

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Just to locate us in the statement, Witness E, at page 17, paragraph 42.

20 **WITNESS E:**

“Still on the same day, on Wednesday the 10<sup>th</sup> of December 2025 at about 22:10 at night, but it was 21:39, Minister Mchunu called me again through a WhatsApp call with his cell phone number now And he

asked me if I have finished with the statement. Furthermore, the Minister Mchunu indicated that the due date for the deadline for the statement is now Thursday, 11 December 2025, which is the following day now And he said it is no longer Friday the 12<sup>th</sup> and he even gave me the time that it must be submitted before 12:00. On this call, the Minister indicated that should I finish writing the statement, I will be very free for the rest of my life.”

But he said it in Zulu. He said ...[vernacular]. That is how he said it:

“My response to the Minister was that I have not yet finished with the statement. He then indicated that I should then draft the statement the following day and that when I am finished with the statement, I should discuss the statement with him so that he will tell me what to add or to remove before I can print, sign and send. He further informed Lindo Mthembu, with the cell phone number that he was using before, resides with him. They live

together in one house. Therefore, I can call at any time, even at 12 midnight if I want some comments in that statement. I can reach him through Lindo Mthembu. Further to that, the Minister indicated that the statement should be finalised before 12 midday on Thursday, 11 December 2025.”

**ADV BALOYI SC:** Witness E, if you did understand him at  
10 all, what did you understand the Minister to refer to or to mean when he said if you finish writing the statement, you would be free for the rest of your life? What did you understand that to mean? What was he undertaking to you, if anything?

**WITNESS E:** Chair, at the time, I did not know, I did not understand what he was meaning. But now, based on the information that I have and that I know, I think I have an idea what he was trying to mean, but may I reserve my answer to that question? But I did not understand at the  
20 time because he said you would be free and you would be happy for the rest of your life if you can just give me the statement. So that was it. So at the time, I did not understand. But whatever I know now is not important, or maybe can I just reserve it to myself?

**ADV BALOYI SC:** Earlier on you mentioned that he had

offered the services of his lawyers to you.

**WITNESS E:** Yes.

**ADV BALOYI SC:** Did that happen? Did you accept and did anything come of it, of that offer?

**WITNESS E:** I refused to take an offer because I mean the programme. I refused to take an offer. But if I was not in the programme, I was going to accept the offer and I was going to start engaging the process of entrapments because I am very good in entrapments. I was going to say that I  
10 was going to ask the lawyers to come and then when they come, I will hear what they are up to. And then if there is any criminality, they were not going to leave that office.

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

**ADV SELLO SC:** Thank you, Commissioner Baloyi. I think we are now at your paragraph 43 at page 18. Witness E, are you there?

**WITNESS E:**

20 “On Thursday, the 11<sup>th</sup> of December, now is the following day, at about 08:10, I received a WhatsApp call from a cell phone number of Lindo Mthembu, who resides with the Minister. In that call, Minister Mchunu asked if I was finished writing the statement. And when I said I was still busy writing the statement, he

then said that he wanted to supply the statement to his lawyers before 12 midday. At about 13:15, I missed three WhatsApp calls from the cell phone number of Lindo Mthembu. I attached the screengrab of the call log, it is attached as WE5. I wish to state that I deliberately missed those calls because I had not drafted any statement for the Minister and I had no intention to draft of any statement because I had no intention to draft any statement.”

10

But now, I did not know what to say to the Minister at the time when he was calling me, because now there was no statement, the statement that I drafted, and he was busy calling, asking for a statement. So because it was after the deadline, I did not know what to tell the Minister.

**ADV SELLO SC:** Yes. Your Annexure WE5 is in the annexure bundle at page 10. If you could turn to that annexure? And you say that is the call log.

20

**WITNESS E:** Yes, that is a call log.

**ADV SELLO SC:** And if I read it correctly, the earliest call is at the bottom of the sheet, and the latest call is at the top of the sheet. Am I reading it correctly?

**WITNESS E:** Yes, that is correct, Chair. That is correct,

Chair.

**ADV SELLO SC:** And I see that whereas when we set out a date here in South Africa, we start with the day and the month and the year. This appears to be different because the first figure, the first day, the first figure in all those calls is 12, then it goes slash 10, slash 25. And what changes is the middle number. So am I reading it correctly? That 12 here refers to the month and not the date.

**WITNESS E:** Yes, because WhatsApp is not programmed,  
10 or it is not a South African app. So they start with a month, followed by day, followed by year. So here it is December, it is the December month, the 10<sup>th</sup> 2025. So it starts from there going up.

**ADV SELLO SC:** So the American system.

**WITNESS E:** Yes, Chair.

**ADV SELLO SC:** Now, I see the first, then if we accept that the first call is the one at the bottom, right? 12-10-25 at 15:57, and works all the way to 12-11-2025 at 13:15, right? So this is over a period of two days. Am I correct?

20 **WITNESS E:** Yes, Chair.

**ADV SELLO SC:** So that first call at the bottom, is that the call you reference at paragraph 40 of your statement at page 15? Am I reading it correctly?

**WITNESS E:** That is correct, Chair. That is correct, Chair.

**ADV SELLO SC:** And then from paragraph 40, all the other

calls that you said you received from the various numbers will then be reflected in the rest of the document reading upwards.

**WITNESS E:** That is correct, Chair.

**ADV SELLO SC:** With the last being the call you reference at paragraph 43, from that number you said is registered to Lindo Mthembu, I think you said. Lindo Mthembu. In paragraph 43, you said at 13:15 you had those three missed WhatsApp calls from that number. And I see the top entry  
10 on your Annexure WE5 is that number you cited, paragraph 3, and it is in red reflecting that it is three missed calls. Am I reading that annexure correctly?

**WITNESS E:** Yes, correct, Chair.

**ADV SELLO SC:** Thank you, Witness E. You may then proceed to your paragraph 44.

**WITNESS E:** The Minister called me with a direct, because I was not answering now that WhatsApp call because I did not know what to say to the Minister, but then he started calling me with a direct call:

20                    “The Minister called me with a direct call and I claimed that I drafted the statement along the lines discussed. Because that was a direct call, my phone utilises Truecaller app, and the Truecaller app is set on my phone as a default. So,

therefore, the call was automatically recorded. The recording of the conversation is attached as Annexure WE6.”

**ADV SELLO SC**: Thank you, Witness E. Before you proceed, your WE6 is a voice recording. It is referred to in the statement, but it is not transcribed. Commissioners, what we have provided by Witness E is the actual recording. So we propose that perhaps we play the recording and then  
10 Witness E speaks to it, and then subsequently we will attend to transcription of that recording. Thank you, Chair. Witness E, we are going to play a recording you provided, and we have marked it Annexure WE6. Please listen to it and then you will take some questions. Thank you.

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**ADV SELLO SC**: Witness E, are you able to identify for the record whose voices we hear on ANNEXURE WE6?

**WITNESS E**: Chair, that was Minister Senzo Mchunu.

**ADV SELLO SC**: Talking to?

20 **WITNESS E**: And he was talking to me because he wanted that statement so badly. So since he was not getting hold of me on WhatsApp, he decided to use a normal call. And if I can explain to the Commissioners, I did not deliberately record the Minister. I was not in the process of entrapment. The Minister told me in December 2024 that he does not

want us to talk on a normal call because his phones might be monitored. He wants us to use a WhatsApp call because a WhatsApp call cannot be recorded. There is no option to record.

So because he was desperate for this statement, he was then forced to call me on a normal call. But you could hear from how he speaks that he was not comfortable talking more in a normal call. The reason why I am explaining this is that I did not record all the other  
10 conversations that we had with the Minister because we use WhatsApp calls. And if ever, according to my own knowledge, if ever I have to record someone and I use another device, I will be embarking on entrapment. And if I have to embark on entrapment, I have to follow certain laws.

And then if I am an initiator of the call, I have to inform the other person that the call might be recorded because I am an initiator of the call. But if I am a receiver of the call, I do not have to inform the other person what  
20 systems I have in my position. So when the Minister, this call was not initiated by myself. It was initiated by the Minister. Unfortunately, the Truecaller app is set on default on my phone. So therefore, it automatically recorded the Minister.

**ADV SELLO SC:** Okay.

**WITNESS E**: Thank you, Chair.

**ADV SELLO SC**: Thank you for that explanation, Witness E. Now could you perhaps do us a favour? The conversation sounds like it is in Zulu. It is in the vernacular. We have conducted these hearings, at least your testimony in English. Are you able to briefly summarise what you said in English and what the Minister said for the record? Thank you.

**WITNESS E**: Chair ...[intervenes].

10 **ADV SELLO SC**: Witness E, just wait a second.

**CHAIRPERSON**: Yes. Perhaps before that, who is the first person speaking on the recording or in the recording? Just perhaps, please replay.

**ADV SELLO SC**: We will replay it, Chair.

**CHAIRPERSON**: Yes.

**ADV SELLO SC**: Witness E, please, we are going to replay the clip. Please listen to it and then take some questions from the Commissioners. Thank you. We will try and slow it down a bit as well.

20 [CALL RECORDING PLAYED BACK IN VERNACULAR]

**CHAIRPERSON**: Please pause. Please pause. Who is that Witness E?

**WITNESS E**: That is Witness E, Chair. That is myself.

**CHAIRPERSON**: And what are you saying there? Perhaps continue to ...[intervenes].

**WITNESS E:** I intend...

**CHAIRPERSON:** No, no, no. Continue to the end of what Witness E is saying, and then Witness E should please tell us what he is saying.

**ADV SELLO SC:** We shall do so, Chair. We are going to try and we will run the part that Witness E says he is the speaker.

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**CHAIRPERSON:** Perhaps before the mention  
10 ...[vernacular], before that, please translate what you have said up to this point, Witness E.

**WITNESS E:** After I saw the Minister calling me on a normal call, I just took the call. I did not say hello because we have been engaging the whole day discussing the statement. So I just took the call and I pretended to be writing a statement. In fact, I was lying to the Minister saying I am writing a statement ...[intervenes].

**CHAIRPERSON:** No, no, no. No, no. Just tell us. Sorry.  
20 Witness E, please tell us what you are saying. Do not give us any background. Just tell us what you are saying.

**WITNESS E:** I said I was trying to write a statement.

**CHAIRPERSON:** That is very short.

**ADV SELLO SC:** I will just suggest that we are going to replay that part and try and stop before he gets to the second part.

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

**ADV SELLO SC**: We will replay the first part. Please listen carefully, Witness E, and translate for us. Thank you.

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**ADV SELLO SC**: Okay, please translate that portion.

**WITNESS E**: I was trying, I was about to, I was trying to write a statement, but I am not in the house. I am in the flat.

**ADV SELLO SC**: Okay. We go to the next part.

10 [CALL RECORDING PLAYED BACK IN VERNACULAR]

**ADV SELLO SC**: Okay, can you translate that bit for us?

**WITNESS E**: I wrote five things, one, two, three, four, five.

**ADV SELLO SC**: Thank you.

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**ADV SELLO SC**: Okay, before the other voice comes in, can you translate the last bit?

**WITNESS E**: I started writing my name, surname, and I started writing the preamble of the statement.

**ADV SELLO SC**: Okay, then I think now we get to the part  
20 where the other voice comes in.

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**ADV SELLO SC**: Now, can you translate what is said by the other voice?

**WITNESS E**: The other person is the Minister ...[intervenes].

**CHAIRPERSON:** Please ...[intervenes].

**ADV SELLO SC:** Wait.

**CHAIRPERSON:** Please identify the other voice and then translate.

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

**WITNESS E:** The other person who is responding is Minister Mchunu, he says ...[vernacular] it means wait, wait, wait, wait, have you finished writing? He says ...[vernacular] wait, wait, wait, have you finished writing?

10 **ADV SELLO SC:** Okay, we are going to play the next portion.

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**ADV SELLO SC:** Witness E, can you identify firstly who is talking and then you translate for us, thank you.

**WITNESS E:** The second person who responded is myself. I said, I think I finished writing or drafting the statement, but I think I am not yet done. I just wanted to confirm it with you so that you can see, so that you know what has been written or what I have written in the statement.

20 **ADV SELLO SC:** Okay, thank you. We proceed.

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**ADV SELLO SC:** Can you translate the last bit?

**WITNESS E:** The last person is Minister, the second last person was Minister Mchunu. he said, no, I must send it via WhatsApp to this man. This man is Lindo Mthembu, the one

who stays with him in the house and he was using his number. He said just WhatsApp it, just start the statement and finish and send it on WhatsApp to this man. We must not keep on talking. And then I said, okay, okay. Then that was the end of the call.

**ADV SELLO SC:** Thank you.

**CHAIRPERSON:** Does this recording contain the content of the entire call, Witness E?

**WITNESS E:** It contains the entire call. In fact, he did not  
10 want to even participate in the call, but it contains the entire call.

**CHAIRPERSON:** I am asking because the way it starts is rather strange if that is the entire call. If I am not mistaken, but we can replay it if you say I am mistaken, it starts with you speaking and you say, no, I am ...[vernacular]. That to me sounds a rather strange way of a call. Or rather, it is a very strange start of a call that has not been initiated by you. No, I am ...[vernacular], which you translated as you are writing. And of course, you start with a no. No, I am  
20 ...[vernacular]. No, no to what? No responding to what?

**WITNESS E:** I do not know, Chair, but when we speak, we speak to ...[intervenes].

**CHAIRPERSON:** Just a minute. Just a minute. Can you just play that very first part? If indeed it does say no, I am ...[vernacular].

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

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**CHAIRPERSON:** It sounds to me, ja, you say exactly that. The only thing I did not include is the bit that says ...[vernacular]. It sounds as if you are responding to something. No, I am ...[vernacular]. What were you responding to ...[intervenes].

**WITNESS E:** [Indistinct] ...[intervenes].

**CHAIRPERSON:** Just sorry, sorry, Witness E. What were  
10 you responding to, Witness E?

**WITNESS E:** I think, Chair, I was answering a call. I think I said sure. I think I said sure, not no.

**CHAIRPERSON:** Sure, or sure instead of no.

**WITNESS E:** I think I said sure, because the call was coming from the Minister.

**ADV SELLO SC:** We will try again, Chair.

**WITNESS E:** It was coming from the Minister. If it was coming from a Minister, I was not going to say sure. I was going to answer it in a decent manner. But since it was  
20 coming from this Lindo Mthembu, I said sure ...[vernacular]. The reason why I was saying ...[vernacular] is because I was lying. There is nothing I was drafting. So I said sure. I do not think I said no. I think I said sure, but that is the recording I found in my Truecaller. So there is nothing more I can say about it.

**CHAIRPERSON**: Maybe it is a mishear on my part then, but let us just play it one last time.

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

[CALL RECORDING PLAYED BACK IN VERNACULAR]

**CHAIRPERSON**: Well, I will leave it. But to my ear, it still sounds like no, Witness E. And as I said, if indeed it is a no, it sounds to me as if you were responding to something. You could not just say – you are picking up a call and you just say no, I am ...[vernacular]. It sounds as if you are  
10 responding to something. If indeed in the end we take the view that it is a no, would you accept that you would have been responding to something? And that ordinarily, that is not how you would have spoken upon picking up the call.

**WITNESS E**: Chair, I cannot confirm that. That recording is what I found. I am not, as I said, I am not the one who recorded the recording. The phone, the app itself is the one that recorded the phone. So I have got no answer on that question.

**ADV SELLO SC**: Thank you, Chair. Thank you, Witness E.  
20 I think you had confirmed that that is the totality of the conversation as we heard. Is that correct?

**WITNESS E**: Yes, correct, Chair.

**ADV SELLO SC**: Okay. That would then take us to your paragraph 45, still on page 18.

**WITNESS E**:

“On the same day, I received a WhatsApp call from a cell phone number of Lindo Mthembu, but it was a WhatsApp call now this one. At this time, it was Lindo Mthembu who spoke to me. It was no longer the Minister. It was Lindo Mthembu who said to me that the Minister had indicated that I should not send a statement anymore because I missed the deadline of 12 o'clock. After this call, I then contacted the IO and I informed him of the phone calls and he advised me to depose a statement in that regard. This I duly did. I wish to state that I have never deposed any statement on behalf of Minister Mchunu and I have never given him any statements that I have made to the PKTT, either in respect of the matter of Sindiso Magaqa or any other, or any statement I deposed in respect of the Madlanga Commission.”

**ADV SELLO SC:** Thank you, Witness E. That brings us to the end of your statement, your written statement, as you have tendered to the Commission. Is there anything else you would like to bring to the Commissioner's attention

before I declare your testimony complete?

**WITNESS E:** No, there is nothing, Chair.

**ADV SELLO SC:** Okay. Commissioner Baloyi has got some questions for you then.

**ADV BALOYI SC:** Yes. Witness E, your first encounter in your statement, the first encounter is with the Minister, is the 7<sup>th</sup> of December 2024, and you say that in paragraph 5 of your statement. Now, and then we know, and you mentioned this in paragraph 25, that General Mkhwanazi  
10 held that press briefing on the 6<sup>th</sup> of July, and then subsequently the Minister was placed on leave.

Now, between the December 2024 engagement with the Minister up to the date of his suspension, you, as I understand you, you had given him the names of your superiors, the officers that you say you had informed about the plot to assassinate Mr Magaqa. Am I correct?

**WITNESS E:** That is correct, Chair.

**ADV BALOYI SC:** Yes. And do you, and these officers, I know in your statement somewhere you say the one  
20 superior resigned when an investigation was instituted. Am I correct in that recollection of your evidence?

**WITNESS E:** That is correct, Chair.

**ADV BALOYI SC:** Yes. The other officers, do you know if they are still within the employ of the SAPS?

**WITNESS E:** All I know, Chair, is that two have resigned,

but it is not that they resigned. They took early pension.

**ADV BALOYI SC:** Yes.

**WITNESS E:** They were qualifying for early pension two colonels. It is a lieutenant colonel and a colonel. All I do not know, I think the brigadier is still working at Crime Intelligence. The captain is still in Crime Intelligence. I do not know. I do not know the rest. But yes, I think two have taken early pension, but two are still serving.

**ADV BALOYI SC:** And the two that took early pension and  
10 the two that are still serving, do you know if any steps were taken against them, be it an investigation, a complaint, which is investigated by IPID? Do you know if there is any action that was taken?

**WITNESS E:** In 2021, I reported the matter to the Office of Inspector-General in May 2021.

**ADV BALOYI SC:** Yes.

**WITNESS E:** And at the same time, I also reported the matter of Magaqa to the JCI, the JCI of the previous administration. I know that investigations were done and  
20 the reports were made, but I do not know. Okay, I know that the reports were made, the investigation was concluded. But when it comes to the steps taken, whether departmentally or criminally, I do not know, Chair. I cannot confirm that, but I think the senior management will confirm about those steps, if there are any steps taken. But in my

knowledge, I do not know any.

**ADV BALOYI SC:** Yes. And coming really to my question, do you know if the Minister did anything about this information that you gave him, that he took any steps to get them investigated, to report to the Inspector General or to the JCI? Do you know if he took any steps at all after you gave him all this information?

**WITNESS E:** When I gave them that information, it is like the Minister already had information when I gave him that  
10 information after the call of the 7<sup>th</sup>. But what I know now, but at the time I did not know, but what I know now is that in September 2024, the special advisor to the Minister, Advocate Vusi Pikoli, he requested the Inspector General to give him the report for the investigation that started in 2021 by the Inspector General of Intelligence. He requested that report.

Then the investigators in the Inspector General, they went to Advocate Pikoli and they gave him the report and they briefed him. So I do believe that the Minister  
20 knew about this starting from September 2024. I think that was two months or three months after his appointment. So what steps he took after that, I do not know.

**ADV BALOYI SC:** All right. Thank you, Witness E. And then, Ms Sello, this next one, I think it is probably more for you.

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

**ADV BALOYI SC:** The call logs that you have given us at WE5, that is all that we have and the statement is a repeat with references to telephone calls.

**ADV SELLO SC:** Yes.

**ADV BALOYI SC:** It is also replete with references to WhatsApp exchanges. And you know it has been a matter of controversy in this Commission with other witnesses with the existence of this kind of information.

10 **ADV SELLO SC:** Yes.

**ADV BALOYI SC:** Is there a reason that we have only WE5?

**ADV SELLO SC:** There is a reason, but I think it is best coming from Witness E.

**ADV BALOYI SC:** Okay.

**ADV SELLO SC:** Witness E, Commissioner Baloyi notes that the only call logs you have provided are for the two days in December 2025, your Annexure WE5. Do you confirm that?

20 **WITNESS E:** Yes, I confirm, Chair, and I can explain that.

**ADV SELLO SC:** And that your statement references other calls going as far back, I guess as December 2024, as well as WhatsApp communication you say you had with various people. You reference all this in your statement. Do you confirm that?

**WITNESS E:** I confirm that, Chair.

**ADV SELLO SC:** The question then to you is, why is it that the Commission is furnished only with the call log for the period 10 to 11 December 2025 and not in respect of all the other communications you received and/or the WhatsApp messages that you say were exchanged? Could you please explain to the Commission?

**WITNESS E:** Firstly, it is that the current condition that I am working under, it requires me to keep on changing  
10 gadgets. That is the first one. But the second one is that since I have been working undercover for 14 years, it is a habit that I do not keep information long in my phone. I make sure that I remove it. But on this one, even this one, I was going to remove it. I can assure you that even now I still have it.

It is the IO that told me after the first call in December that, look, because you have got a habit of removing things in your phone. So, look, if that call that you have received from a Minister, do not delete it. So that  
20 is how I kept that call log. Otherwise, even that call log, in fact, I was going to delete it someday.

I do not keep things in my phone because I used to operate undercover, live with criminals in such a way that they suspect that there is a riot amongst us. They would say, bring your phone and then they would find their photo

in my phone, they will find messages sending them to my commanders, find call logs, and then I can be assassinated immediately. So it is a habit. It is a life that I have been living because to work undercover, it is not that easy that you can just keep everything in your phone. But once you get evidence, you send it somewhere. After sending it somewhere, you can remove it from your phone.

**ADV BALOYI SC:** Thank you, Witness E. Thank you, Ms Sello.

10 **ADV SELLO SC:** While on that, Witness E, can I confirm with you whether should the Commission seek from service providers records in respect of all these telephone numbers you provided that you say you engaged with? Do you confirm that those records will confirm what you have set out in your statement?

**WITNESS E:** They will get everything 100%, Chair.

**ADV SELLO SC:** Thank you, Witness E. Commissioner Khumalo?

20 **ADV KHUMALO SC:** Yes, Witness E, just two follow-up questions. If you go to page 10 of your statement, are you there?

**WITNESS E:** Yes, I am there, Chair.

**ADV KHUMALO SC:** If you look at paragraph 28, this statement that you are presenting to the Commission is dated January 2026. How were you able to recall that that

phone call was received at 22:00 hours? I mean, if you do not have a record of these telephone calls, how were you able to recall that it was from that 076 number and it was at 22:00 hours?

**WITNESS E:** I took note, Chair. I have a notebook. Then I took notes. I started. In fact, after the press briefing, I started because I am a person – the IO advised me that because you are a person who always removes things from your gadgets, each and everything that you think it might be  
10 helpful in the future, just take notes. So I took note of that. That is why I can remember. And the service provider can prove that call, that indeed, it is there.

**ADV KHUMALO SC:** Okay, so you have something akin to a diary or a notebook?

**WITNESS E:** Yes, I do. I have got a lot.

**ADV KHUMALO SC:** Okay. And then my last question is, after the 12 December or 11 December 2025, we are now, I think it is the 26<sup>th</sup> of January 2026. Have you received any further calls from Lindo or the Minister?

20 **WITNESS E:** No, Chair, that call that I received from Lindo at 3 o'clock on the 11<sup>th</sup> of December 2025, that was the last call from Lindo. That was the last call from the Minister. I have never received any message, any call, any communication from the Minister up to date.

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

**ADV SELLO SC**: Thank you, Chair. That will be the testimony of Witness E.

**CHAIRPERSON**: Thank you very much, Witness E.

**NO FURTHER QUESTIONS**

**CHAIRPERSON**: Shall we be ready at 09:30 tomorrow?

**ADV SELLO SC**: We are scheduled to proceed tomorrow at 09:30 with the next witness. Thank you, Chair.

**CHAIRPERSON**: Let us adjourn and resume at that time then. Thank you.

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

**INQUIRY ADJOURNS**

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