

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**4 FEBRUARY 2026**

**DAY 53**



**PROCEEDINGS HELD ON 4 FEBRUARY 2026**

**CHAIRPERSON:** Good morning, Mr Chaskalson. Good morning, Mr Ngoato.

**MR NGOATO:** Good morning, Commissioners.

**COURT:** Thank you.

**ADV CHASKALSON SC:** Chair, I apologise. It looks like we have a technical problem. Can we just ask for our technician to come back? It will literally be a minute to sort it.

10 **CHAIRPERSON:** Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson?

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

**CHAIRPERSON:** No problem.

**ADV CHASKALSON SC:** We are ready to go. When we left yesterday, we were dealing, we were just about to start a topic dealing with a meeting that took place on the 14<sup>th</sup> of September 2024.

20 **CHAIRPERSON:** And before you ask your question, Mr Chaskalson, witness E, F, I am sorry, F, good morning.

**WITNESS F:** Good morning, good morning, good morning, Commissioner.

**CHAIRPERSON:** Thank you, thank you. Yes, Mr Chaskalson, sorry for that.

**ADV CHASKALSON SC:** And the sequence of chats in that regard starts at the bottom of page 51. And again, today, unless I mention otherwise, we will be referring to the exhibits bundle.

**CHAIRPERSON:** 5-1, you say?

**ADV CHASKALSON SC:** 5-1.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** And there, at 07:25 in the morning, at the second last entry on page 51, you will see  
10 that there is a call from Mr Matlala, saved as CAT Security on your phone, to yourself.

**CHAIRPERSON:** I have just noticed, Mr Chaskalson, that these are numbered. I think it is easier if you just say number one or something like that.

**ADV CHASKALSON SC:** Thank you, chat number eight.

**CHAIRPERSON:** Eight, thank you.

**ADV CHASKALSON SC:** On page 51 is a call at 07:25 in the morning from Mr Matlala to yourself. The next stage in the sequence is on page 245. Those are the chats between  
20 yourself and General Sibiya. And if you look at chat number four, at 07:10 in the evening, General Sibiya messages you saying:

“Ask Cat to make a turn.”

And you respond almost immediately, less than a minute later, in the following chat, chat number five:

“I spoke to him earlier. He promised to  
come around 20:00.”

That message is sent to General Sibiya at 11 minutes past seven in the evening. And if you go back to your chats with Mr Matlala on page 51.

**MR NGOATO**: Commissioner.

**CHAIRPERSON**: Yes, Mr Ngoato?

**MR NGOATO**: May I request this evidence leader to be a little bit slower? I do not think the witness will catch up  
10 with him in the speed that he is moving it from page 1 to the other pages.

**CHAIRPERSON**: Or perhaps when you move there, Mr Chaskalson, if you could ask Witness F are you there, something ...[intervenes].

**ADV CHASKALSON SC**: Sure.

**CHAIRPERSON**: Yes, thank you. Thank you, Mr Ngoato.

**ADV CHASKALSON SC**: So in fact, maybe if you can put some bookmarks in your folder here. The one set of chats is going to be pages 51 and 52, so if you can bookmark  
20 that. The second set of chats is going to be page 245 onwards. And there is in fact a third set of chats at page 482. But if we go back to chat number nine, that is at 19:11:28, it is a few seconds after your message to General Sibiya where you said:

“I spoke to him earlier. He promised to

come around 20:00.”

Straight after sending that message, you call Mr Matlala.

**CHAIRPERSON**: Do you see that, Witness F?

**WITNESS F**: Yes, I confirm, Commissioner, it is in page 51.

**ADV CHASKALSON SC**: And then if you go back to 245, you will see that at 19:12, in other words, after your call to Mr Matlala, you tell General Sibiya:

“He will be there in 30 minutes.”

10 Then we introduce the third player ...[intervenes].

**CHAIRPERSON**: Do you see that? Do you see that, Witness F?

**WITNESS F**: I see that, Commissioners.

**ADV CHASKALSON SC**: Now we introduce the third player in this conversation who is General Shibiri, and we go to page 482. And I suppose to begin with, do you confirm that the person saved in your phone under the name of General Shiburi, S-h-i-b-u-r-i-2, head office, OCI, is in fact General Richard Shibiri?

20 **WITNESS F**: That is correct, Commissioners.

**ADV CHASKALSON SC**: So you see at chat number three that at three minutes past eight on that day, General Shibiri texted you and said:

“Where are you?”

You responded in the following chat, chat number four:

“30 minutes, I am there.”

And he said to you:

“Night rider.”

And I presume that that was because he expected you to be coming in on your motorbike at night. Is that correct? Is that why?

**WITNESS F:** [Indistinct].

**ADV CHASKALSON SC:** Sorry, Witness F.

**WITNESS F:** I would not know what he said, why he said  
10 night rider. But I assume maybe he knows that, because he knows anyway that I am a rider. He responded in that manner, night rider.

**ADV CHASKALSON SC:** I see. I have seen elsewhere in the chats that General Shibiri was occasionally concerned about your safety on a motorbike. Do you recall chats of that nature?

**WITNESS F:** I assume so.

**ADV CHASKALSON SC:** Anyway, that is not of critical  
20 relevance now. What is, is at page 52. Go back to page 52. The next stage in this chat is at chat number one on page 52, which is at 20:26:50, where Mr Matlala calls you. Go back to page 482, and at 08:28, in other words, two minutes after Mr Matlala's call, you message General Shibiri saying:

“Cat has arrived there.”

And General Shibiri at 08:33 says:

“I do not see him.”

And at 08:34:

“Where are you, Kanji?”

**WITNESS F:** Hold it there, Commissioner. I hear you saying, General Shibiri said Cat has arrived there. And then, I am not sure if you also said I do not see him. I just want to check with you there.

**ADV CHASKALSON SC:** Sorry, you were the one who  
10 messages Cat has arrived there, at 08:28. Chat number seven comes back from General Shibiri saying, I do not see him.

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

**ADV CHASKALSON SC:** So my question to you is, what was the purpose of this meeting between, it looks like, yourself, General Shibiri, General Sibiya and Cat Matlala?

**WITNESS F:** Commissioners, it was not a meeting. I think it was, if I can remember correctly, it was an event there by General Sibiya's house.

20 **ADV CHASKALSON SC:** And what kind of event was it?

**WITNESS F:** If I can recall very well, it was a Thanksgiving ceremony.

**ADV CHASKALSON SC:** And so when General Sibiya at 7 o'clock said, ask Cat to make a turn, he was asking Cat to come to a ceremony at his house? He was asking you to

ask Cat to come to a ceremony at his house?

**WITNESS F:** I assume.

**ADV CHASKALSON SC:** But presumably, if there was going to be a ceremony at General Sibiya's house, and he wanted to invite Cat, he would do it more than 10 minutes in advance, or half an hour in advance. Not so?

**WITNESS F:** I am not sure if I understand your question, Commissioner. Maybe you could maybe put it on a better understanding way.

10 **ADV CHASKALSON SC:** It seems to me strange that if it were a ceremony, that General Sibiya would be asking you at 7 o'clock in the evening to ask Cat to make a turn passed his house to attend a ceremony at his house.

**WITNESS F:** I do not know how to comment on that one, but I stand by saying if I recall very well, it was a ceremony.

**ADV CHASKALSON SC:** And who else would have been present at this ceremony?

**WITNESS F:** Can you repeat that question, Commissioner?

20 **ADV CHASKALSON SC:** Who else would have been present at the ceremony? Was it a large gathering? Was it, you know, a small number of people, large number of people? Who else do you remember being at the ceremony?

**WITNESS F:** A large number of people.

**ADV CHASKALSON SC:** And what sort of ceremony are

we talking about?

**WITNESS F:** As I have said earlier, it was a Thanksgiving ceremony, Commissioners.

**ADV CHASKALSON SC:** And if it was a Thanksgiving ceremony, why would it be – why would you have specifically texted General Shibiri to say that Cat has arrived?

**WITNESS F:** General Shibiri is someone, or a commander that I usually communicate with more often. I think that it  
10 came from there to let him know, or I was asking him to know, I did not put the question mark that Cat has arrived there. So it seems I forgot to put in a question mark. But as you see there in chat seven, General Shibiri replies by saying I do not see him.

**ADV CHASKALSON SC:** But why would you be asking General Shibiri whether Cat had arrived there?

**WITNESS F:** Because I know that General Shibiri was to be in that ceremony.

**ADV CHASKALSON SC:** And why were you interested  
20 whether Cat had arrived there?

**WITNESS F:** I was interested because I was instructed earlier to tell Cat to make a turn.

**ADV CHASKALSON SC:** You see, when you texted General Shibiri that Cat has arrived there, you did so less than two minutes after you had spoken to Cat. So by that

stage you would have known whether Cat had arrived or not. And the absence of a question mark suggests very strongly that when Cat called you at 20:26, he was calling you to say I am here, where are you, where are the others? What is your response to that?

**WITNESS F**: I differ with what you are saying, Commissioners. I was asking General Shibiri because at that time I was not at the premises.

**ADV CHASKALSON SC**: Yes, but you had spoken to Cat  
10 less than two minutes previously.

**WITNESS F**: That is correct.

**ADV CHASKALSON SC**: So you would presumably know, having spoken to Cat less than two minutes previously, whether he was there already or whether he was still in transit.

**WITNESS F**: At that time, Commissioner, I still stand by my statement of saying I was checking if he arrived. Then General Shibiri said I do not see him.

**ADV CHASKALSON SC**: And you stand by your evidence  
20 that this was a ceremony, a Thanksgiving ceremony, with quite a lot of people present.

**WITNESS F**: That is correct.

**ADV CHASKALSON SC**: And is there anything else you recall about this ceremony in relation to Mr Matlala? Did you have any communications with Mr Matlala at this

ceremony?

**WITNESS F:** Commissioner, according to my knowledge, if I could maybe quite remember, because of Mr Matlala, he was someone that I communicated with more often and then I can remember that on that particular day, because, let me just go back. Yes, I think so, Commissioners, even though I cannot open those chats there now, but I see that.

**ADV CHASKALSON SC:** Sorry, are there any particular chats you would like to open now? Which chats are you  
10 thinking of and which ones would you want to open?

**WITNESS F:** I was just trying to refresh myself, Commissioners, so that when I answer, I must answer correctly and to the best of my ability. But I think when it goes, I will remember exactly which page. But you may proceed, Commissioner.

**ADV CHASKALSON SC:** I mean, if there is any particular chat that you want assistance with, we can have it open, we can have it displayed on the screen so that you can see it. So if you would like to find a particular chat and you tell us  
20 what it is, I am sure we can find it and bring it up for you.

**WITNESS F:** Okay. Commissioner, I think as it goes, I will remember exactly. But for now, let me put it as I put it, that there are possibilities that it was what I just said now.

**ADV CHASKALSON SC:** Why would General Sibiya want Mr Matlala to attend a Thanksgiving ceremony at his house?

**WITNESS F:** I would not know, Commissioner.

**ADV CHASKALSON SC:** What did you know about the relationship between General Sibiya and Mr Matlala, other than the fact that Mr Matlala had given some impalas to General Sibiya?

**WITNESS F:** Thank you, thank you, Commissioner. Just to take the Commissioner's back, even though it is not on my affidavit, sometime around 23 December or 24, but I will recall clearly, General Sibiya called me to his office. On my  
10 arrival there, he said there is someone in downstairs, can you go and collect him?

I proceeded there in the head office. On my arrival, I found someone whom was known to me. Now, that was Mr Cat Matlala. I then asked him, hey, what are you doing here? He said I am here to see General Sibiya. I have won a tender with South African Police Services. Therefore, I have got a challenge with that particular tender. I am here to complain about that. I took him to the head office.

20 On my arrival to General Sibiya's office, I delivered Mr Matlala. Then General Sibiya said to me, because most of the times his phone is off or silent, he might be in the meetings or Parliament. Does Mr Cat Matlala mind to communicate with him via me if he does not have a problem with that for in case or when he does not find him on his

phone.

Because I am the one who regularly sees General Sibiya, even after hours, on work relations issues, I personally, Commissioners, did not see any problem with that. Because at that time, Vusimuzi Cat Matlala was a legit businessman and he also informed me that he won a tender with South African Police Services. I did not have a problem at all. Then that is when and how I, myself, Mr Cat Matlala and General Sibiya. So, sitting here, I was offering  
10 my opinion because of my knowledge ...[intervenes].

**CHAIRPERSON:** Sorry, Witness F, I think you disappeared. You said that was when and how and then there was a break. Do you remember the full sentence when you said that was when and how?

**WITNESS F:** Ja, it was when and how I started to communicate with Vusimuzi Matlala more often with regards to General Sibiya. So, that is basically that, Commissioners.

**ADV CHASKALSON SC:** So, if I can just clarify that I got  
20 it right. December 2023, General Sibiya sends you downstairs to bring someone up to his office and that someone is Mr Matlala?

**WITNESS F:** That is correct, Commissioners, and ...[intervenes].

**ADV CHASKALSON SC:** And – sorry, I apologise for

interrupting.

**WITNESS F:** Yes, I cannot be very, very clear about the exact month or years, but the beginning now of the communication is that what I just said now.

**ADV CHASKALSON SC:** So approximately December 2023? You may be out ...[intervenes].

**WITNESS F:** That is correct. I am subjected to be corrected as it goes. Thank you.

**ADV CHASKALSON SC:** And Mr Matlala is there to talk  
10 about a complaint that he has?

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And do you recall, or can you give us details of what that complaint related to? What sort of complaint was it?

**WITNESS F:** Commissioners, I only took Mr Matlala to General Sibiya's office. But briefly when we briefed, actually not briefly, when I collected him, he said he was here to complain about his tender that he won. So, after taking him to General Sibiya, I went out from the office,  
20 leaving Mr Cat Matlala and General Sibiya together.

**ADV CHASKALSON SC:** So, he was complaining about the tender that he won. Was that the Medicare 24 Tshwane Health tender?

**WITNESS F:** I would not know exactly what was that tender all about, but I can confirm that according to Mr

Matlala, when he told me, he was there to complain about the irregularities of the tender that he got from the SAPS.

**ADV CHASKALSON SC:** And he was bringing this complaint to General Sibiya?

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And what role does General Sibiya have in relation to any procurement matters?

**WITNESS F:** Thank you, Commissioners. That question I did not ask Mr Matlala nor General Sibiya. I just did as  
10 instructed to do, to collect the complainant to General Sibiya's office, and I left it there.

**ADV CHASKALSON SC:** But my question is a slightly different one. General Sibiya, as I understand it, has no role to play in relation to SAPS procurement matters. Is my understanding correct?

**WITNESS F:** I would not comment on that because I do not have the knowledge about that. So therefore I cannot comment on that. I do not know.

**ADV CHASKALSON SC:** And coming out of that, were you  
20 present in the meeting or not? I think I understood you to say you just delivered Mr Matlala to General Sibiya, but can you just clarify that?

**WITNESS F:** I was not in that meeting.

**ADV CHASKALSON SC:** But at some stage, coming out of a meeting, it was communicated to you that General Sibiya

had told Mr Matlala that if he wants to speak to him again, he should go through you.

**WITNESS F:** Can you repeat that, Commissioner?

**ADV CHASKALSON SC:** Earlier you had testified that General Sibiya told Mr Matlala that because his phone is always off or is frequently off, if Mr Matlala wants to contact him, he should speak to you, and you would get the message to General Sibiya because you see General Sibiya so often.

10 **WITNESS F:** Point of correction in that statement, Commissioner. He did not say his phone is constantly off. He said most of the time when either he is in Parliament or in the meeting with the National Commissioner, and maybe sometimes his phone is off. There are three things that he mentioned to me.

**ADV CHASKALSON SC:** But he told you that he had informed Mr Matlala that if Mr Matlala cannot get hold of General Sibiya, he should get hold of you to get the message to General Sibiya.

20 **WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** That was December 23 or approximately December 2023.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Do you recall other contact between Mr Matlala and General Sibiya between December

2023 and this Thanksgiving ceremony in September 2024?

**WITNESS F:** Can you repeat so that I must just understand it clearly what the Commissioner is saying?

**ADV CHASKALSON SC:** Or let us take it a step back. December 2023, General Sibiya gets you to collect Mr Matlala downstairs and Mr Matlala has come to complain about his SAPS tender.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Coming out of that meeting,  
10 General Sibiya tells you that he has informed Mr Matlala that if Mr Matlala cannot get hold of him because his phone is sometimes off, he should get hold of you and you will get the message to General Sibiya.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Nine months later, on your evidence, Mr Matlala is attending General Sibiya's Thanksgiving ceremony at General Sibiya's home.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Together with at least yourself  
20 and General Shibiri. Is that correct too?

**WITNESS F:** And other people who were invited.

**ADV CHASKALSON SC:** Yes. You did mention a relatively large number of other people who were invited.

**WITNESS F:** Yes.

**ADV CHASKALSON SC:** In those nine months where Mr

Matlala seems to have moved from a complainant about a SAPS tender to someone who attends private Thanksgiving ceremonies at General Sibiya's house, what contact was there between General Sibiya and Mr Matlala of which you were aware?

**WITNESS F:** What? Okay, can you repeat that question again?

**ADV CHASKALSON SC:** What contact between the two men was there of which you were aware? Because it does  
10 seem that Mr Matlala's position in General Sibiya's life has changed. He is now someone who gets invited to private Thanksgiving ceremonies at the General's home. So what contact between the General and Mr Matlala were you aware of after December 2023 but before this Thanksgiving ceremony?

**WITNESS F:** There is no contact exactly on what it was because, Commissioners, to me, I would get a message from Mr Matlala, even though I cannot remember sometimes I would get from General Sibiya, that Cat was looking for  
20 me or I am looking for Cat, vice versa. But I did not know nor ask what the other relationship is about other than being a complainant.

**ADV CHASKALSON SC:** So what you are saying is you would receive messages from General Sibiya saying he is looking for Cat or from Mr Matlala saying he is looking for

the General and you would presumably pass those messages on either to General Sibiya or to Mr Matlala. Is that correct?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** But you do not know what they were discussing.

**WITNESS F:** No.

**ADV CHASKALSON SC:** Because you were not part of the meetings that came out of those messages.

10 **WITNESS F:** That is correct.

**ADV CHASKALSON SC:** How many of these sorts of exchanges do you think there were in the nine months? I am not asking for an exact number, but is it one or two, is it 10 or 20, what are we talking about?

**WITNESS F:** Thank you, Commissioners. I would not say exactly how many were they because some of the communications, Cat was not referring them to General Sibiya, he was referring them to me.

20 **ADV CHASKALSON SC:** I am sorry, I may not have heard that answer correctly. Can you just repeat it? Cat was not referring what to General Sibiya and what was he referring to you?

**WITNESS F:** Okay, I am saying that I would not say exactly how many times were the communications sent to me about General Sibiya or vice versa, and the reason is

because some messages Cat would send to me, or calls, so that makes me be not sure on how many messages directed to General Sibiya.

**ADV CHASKALSON SC:** And what were the messages that Cat would send to you?

**WITNESS F:** Okay. Basically, Cat is a biker, Cat is into boats, and I am knowledgeable with boats, I am knowledgeable with bikes. Maybe he would send me a message that says, can you intervene? The boat does not  
10 start, or I need safety. Sometimes it will be through the phone calls, sometimes it will be the message.

**ADV CHASKALSON SC:** So independent of Mr Matlala's relationship with General Sibiya, he had a relationship with you which was focussed primarily on boats and bikes?

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** What do you know with his relationship with General Shibiri?

**WITNESS F:** Who are you referring to?

**ADV CHASKALSON SC:** Sorry, Mr Matlala. Mr Matlala's  
20 relationship with General Shibiri.

**WITNESS F:** I do not know, Commissioners, but I confirm that they know each other.

**ADV CHASKALSON SC:** And do you know in what context they came to meet each other?

**WITNESS F:** I really do not know, Commissioners.

**ADV CHASKALSON SC:** I am going to move on to a related topic. I do not know if the Commissioners have any questions they want to put to you on this issue.

**ADV BALOYI SC:** I do. Witness F, the relationship between General Shibiri and Mr Matlala, when did you come to know that they know each other, and in what capacities?

**WITNESS F:** Can you repeat that, Commissioners?

**ADV BALOYI SC:** When did you come to know that they know each other, that is the first question.

10 **WITNESS F:** Yes.

**ADV BALOYI SC:** And then the second question, in what capacities did you come to know that they know each other?

**WITNESS F:** Thank you, Commissioners. I learned to know, as now I started to communicate with Mr Matlala more. Mr Matlala would tell me that I am coming to head office, but I am not coming to Stogo. Stogo, referring to General Sibiya, I am coming to the National Commissioner, that is now General Fannie Masemola, or I am coming to General Shibiri, or I am coming to General Fannie. That is  
20 how I learned to know that indeed General Shibiri or Mr Matlala has got access to most of the generals in head office, other than General Sibiya.

**ADV BALOYI SC:** Yes, I was asking about General Shibiri, I was not asking you about the others. Why did you think it was necessary to inform General Shibiri that Mr Matlala has

arrived at what you say was a Thanksgiving function? I mean, he was there. You knew that General Shibiri is at the function. Obviously, that is why you say in this message Cat has arrived there. So you knew that General Shibiri was there, but you also knew that Mr Matlala has arrived because you talked to him. Why did you consider it necessary to tell General Shibiri? I mean, if Matlala was just one of the guests, why were you telling General Shibiri?

10 **WITNESS F:** Thank you, Commissioners. Commissioners, the reason that I, let me start by when the Commissioner said she was not asking about the other generals. I am answering based on when did I learn that Cat Matlala knew General Shibiri. That is now, that is where now comes other generals, that sometimes Mr Matlala ...[intervenes].

**ADV BALOYI SC:** Witness F, can I please stop you? I have asked you a simple question, please answer that. You had already told me that he would come there, or you have already told the Commission that Mr Matlala would come to  
20 see the many other generals. I do not need you to repeat that. I am asking you the question that, according to these WhatsApp messages on page 482, you knew that General Shibiri was there, was at the Thanksgiving ceremony, you say it was, you knew that he was there. Why did you, and he would have been there as a guest, because that is what

you are telling us, it was a Thanksgiving event. Why did you tell him that Mr Matlala was there as well? If this was a Thanksgiving event not hosted by you but by General Sibiya, why do you tell General Shibiri that Mr Matlala is there?

**WITNESS F:** I just told you, Commissioners.

**ADV BALOYI SC:** Sorry, you do what?

**WITNESS F:** I just failed to tell him that Mr Matlala was there.

10 **ADV BALOYI SC:** No, no, Witness F, that is not the correct answer or the true answer. You did not just tell him. You are coordinating the arrival of people at this gathering, whether it is a meeting or a Thanksgiving event at half past eight at night. You are coordinating that. You were told to tell Mr Matlala to come to take a turn at half past seven at night. You were told to tell him to make a turn. You do that. Somehow General Shibiri is there. You take the trouble to tell General Shibiri that Mr Matlala is there. Why? And the answer cannot be you just thought to. And if

20 you insist on that answer, and if that is your answer, you can repeat it. But if you insist on it, it is not a satisfactory answer.

**WITNESS F:** Thank you, Commissioners. Commissioners, I believe that I answered to the best of my ability. Now, when I answer, the Commissioner said they are not

interested in my answer, they are not interested in these things. But when I try to answer to the best of my ability, still the Commissioners are not happy. I do not know how to answer.

**ADV BALOYI SC:** All right. Just so you understand what it is that I am saying. I am saying to you it is untruthful what you are telling us. When you say I just thought to tell him what I am saying to you, and just to make it clear, it is untruthful, that answer. But that is your answer. Thank  
10 you. Thank you, Mr Chaskalson.

**WITNESS F:** Thank you, Commissioner.

**ADV KHUMALO SC:** Good morning, Witness F. Good morning, good morning, my Commissioner. How are you?

**ADV KHUMALO SC:** I am good, thank you. Can we just complete the picture? This Thanksgiving gathering, was it a birthday party? What exactly was it?

**WITNESS F:** Okay. Thank you, Commissioner. I will, as it goes, I will remember. I will remember, but I can confirm it was a Thanksgiving ceremony, Commissioner.

20 **ADV KHUMALO SC:** And you can confirm that Cat Matlala did arrive and General Shibiri did arrive, you saw all of them there together with General Sibiya?

**WITNESS F:** That is correct, Commissioners.

**ADV KHUMALO SC:** Okay.

**ADV BALOYI SC:** And Witness F, so you, General Sibiya

did not invite Mr Matlala. You, in fact, are the one that did it. He instructed you to invite him to a Thanksgiving event. You did not speak to him to invite him to his function.

**WITNESS F:** The instruction was to tell Cat to make a turn.

**ADV BALOYI SC:** Yes, so you are the one that invited him on the instruction of General Sibiya.

**WITNESS F:** That is correct.

**ADV BALOYI SC:** Thank you.

10 **ADV CHASKALSON SC:** Witness F, I am now going to ask you about certain things that took place a few days after this Thanksgiving function, and the starting point is at page 483 of the bundle. And there at chat number five, at 08:45 in the morning on the 17<sup>th</sup> of September 2024, that is three days after the Thanksgiving function, General Shibiri sent you a message and he was forwarding you a document. And you will find that document at page 153 of the annexure bundle. And if you go to page 153, you see that what he forwarded you appears to be a post by Musa Khawula about  
20 Mr Matlala.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And that post reads as follows:

“Tebogo Thobejane’s ex-boyfriend, Vusi Matlala, and his wife, Cordelia Matlala, dive into their business. Vusi Matlala

owns CAT VIP Protection Services. Vusi Matlala is friends with Vusi Khekhe and he is the co-boss of the Boko Haram gang. Vusi Matlala stands accused of defrauding R1 000 00 at Tembisa Hospital. Cordelia recently had a little run-in with the law for travelling with police blue lights on. Vusi Matlala is connected in the killing of Babita Deokaran.”

10

Or spelled Diakam in the post:

“Vusi Matlala used to operate his drug business through DJ Somebody. Batong, why do you all think DJ Somebody got shot like that?”

So that was the post that was forwarded to you by General Shibiri. Your response is to go *eish*, with some, I do not know how one describes those emojis. How do you describe those emojis? Do you have a way of describing those emojis? Sorry, but they are – I am sure there is an official designation for them, but they look shocked, sort of shocked and horrified emojis. Would that be a fair description of them?

20

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Then in chat number seven,

General Shibiri forwards to you a message, and that message is forwarded. It is not his original message. It says:

“Someone sent this to me yesterday and demanded money from me or else they will publish this nonsense. I told them to go ahead with it. They are trying to extort money from me.”

Did you understand that to be a message that General  
10 Shibiri had received from Cat Matlala and he was now forwarding to you?

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** If one goes down to chats eight and nine, over the page 9 is 484, one sees that there were then two calls between yourself and General Shibiri at 09:04 and 09:05. And then in chat two on page 484 after the second call, at 09:10 General Shibiri forwarded another message to you. And again, I can confirm that that is a forwarded message. And it says:

20 “Someone is sending stories to Musa Khawula about you. I am warning him not to even try write about you.”

And did you understand that again to be a message that General Shibiri had sent to Cat Matlala and he was now forwarding to you?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** General Shibiri then forwards you a screenshot at 10 past nine, and that screenshot is at page 154 of the bundle.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And that screenshot appears to be a screenshot of a conversation between General Shibiri and Musa Khawula. And it reads as follows. And again, because it is forwarded by General Shibiri, we can assume  
10 that the green is General Shibiri and that the white is Mr Khawula. And General Shibiri at the top of the screen says:

“What are you asking?”

Musa Khawula says:

“How? How big? I am hearing he is dating a ...[indistinct] and apparently he is dangerous.”

There is then a video call and a voice call initiated by General Shibiri. And coming back from Mr Khawula:

20 “I am hearing that Vusi is from Pretoria. He is married to Cordelia. Vusi is apparently dating a ...[indistinct] and he is the one funding her lifestyle. I also heard that he has a child with Lebo. Info is still incoming.”

And General Shibiri responds:

“*Chommie*, do not run the story. He is a good guy. He never bothers anyone and he lives a private life.”

**ADV KHUMALO SC:** Mr Chaskelson, how do we know that it is General Shibiri who is writing this text and he did not simply forward them? Where do we see that?

**ADV CHASKALSON SC:** We do not see that. We do not see that. Maybe Witness F can confirm that that was how he understood it.

10 **ADV KHUMALO SC:** And the reason I am asking, just so that we are clear, on page 154 there is what appears to be a reduction. I had assumed that there would be somebody's name there and for obvious reasons it has been redacted.

**ADV CHASKALSON SC:** That is the name of Mr Khawula, not ...[intervenes].

**ADV KHUMALO SC:** No, no, just above. Just above that.

**ADV CHASKALSON SC:** It is the name of Mr Khawula. I do not think there is any need to redact it. It says Musa.

**ADV KHUMALO SC:** Sorry, next to 11:04. That is where I  
20 am looking at.

**ADV CHASKALSON SC:** Sorry, 11:04 or 11:21?

**ADV KHUMALO SC:** No, no, on page 154, right at the top, there is a timestamp 11:04, and then something is blacked out there.

**ADV CHASKALSON SC:** No, no, that is not a reduction.

That is the original image.

**ADV KHUMALO SC:** Thanks.

**ADV CHASKALSON SC:** And if one goes back to the 10 past nine message, chat number two that General Shibiri sent to Cat Matlala and forwarded to you, he said someone is sending stories ...[intervenes].

**ADV BALOYI SC:** Sorry, which page, Mr Chaskalson? Which bundle page?

**ADV CHASKALSON SC:** Sorry, the exhibit bundle. The  
10 exhibit bundle, page 484.

**ADV BALOYI SC:** 483, 484.

**ADV CHASKALSON SC:** 484. Earlier you confirmed that you understood that the message at chat number two was a message that General Shibiri had sent to Cat Matlala and he was now forwarding to you. Someone is sending stories to Musa Khawula about you, namely about Cat Matlala. I am warning him, Musa Khawula, not to even try to write about you. Would the screenshot that he forwarded to you at 09:10:16 AM in chat three be essentially evidence of the  
20 warning that he had sent to Musa Khawula not to write stories about Cat Matlala?

**WITNESS F:** [No reply].

**ADV CHASKALSON SC:** Sorry, Witness F, my question was – well, maybe I should put it slightly differently. Did you understand the screenshot that he sent to you at 09:10

to be a screenshot evidencing that he had warned Musa Khawula not to write stories about Cat Matlala?

**WITNESS F:** I cannot comment on whether General Shibiri sent a warning to Musa Khawula not to write stories about Mr Cat Matlala. But however, I do not see in the screenshot that it is written General Shibiri on the green, but I can confirm that indeed General Shibiri did forward this screenshot to me.

**ADV CHASKALSON SC:** Thank you. Two chats down,  
10 chat number five, General Shibiri says:

“Send my claim to Thabang at finance.”

Now who does Thabang work for?

**WITNESS F:** South African Police Services.

**ADV CHASKALSON SC:** And can you give us Thabang's details?

**WITNESS F:** I do not have them. I do not know them, but I can confirm that Thabang works in the finance office in South African Police Services.

**ADV CHASKALSON SC:** And where will we find Thabang  
20 in the SAPS? In which department will we find Thabang at SAPS?

**WITNESS F:** You will find Thabang on the fourth floor in the head office, Pretoria. In the finance office.

**ADV CHASKALSON SC:** Okay.

**ADV BALOYI SC:** Witness F, you did send General

Shibiri's claim to Thabang, right?

**WITNESS F:** That is correct, Commissioners.

**ADV BALOYI SC:** How did you send it, by email or physically?

**WITNESS F:** Physically, Commissioners.

**ADV BALOYI SC:** Okay. And you say you do not know her details.

**WITNESS F:** I do not know her details, Commissioners. I can confirm.

10 **ADV BALOYI SC:** Why were you sending this claim to Thabang in particular and not to any other person in finance?

**WITNESS F:** Thabang is the one who deals with the claim. That is the reason I sent it to her and as per instructions of General Shibiri.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Can we then go down, or up rather, to page 53?

**WITNESS F:** I am here on page 53, Commissioners.

20 **ADV CHASKALSON SC:** In chat number one on page 53 on the 21<sup>st</sup> of October 2024, you sent to Mr Matlala a document, and the document is in the annexure bundle at page 13.

**CHAIRPERSON:** Sorry, is that page 13?

**ADV CHASKALSON SC:** 13, 13 of the annexure bundle,

annexure bundle. Do you have the document, Witness F?

**WITNESS F:** I have, I have the document.

**ADV BALOYI SC:** I do not have page 13, my 304 is at page 16. You can project it in the meantime.

**ADV CHASKALSON SC:** Sorry, Commissioner. At the adjournment we will ensure that you have all pages in your bundles. This document is an application for a warrant for the arrest of Musa Khawula.

**WITNESS F:** That is correct, Commissioner.

10 **ADV CHASKALSON SC:** And it is a warrant for arrest for contravening section 13 of the Cybercrime Act and Count 2 is crimen injuria. You see that?

**WITNESS F:** That is correct, Commissioner.

**ADV CHASKALSON SC:** How did you come to be involved, or how did you come to be in possession of this warrant? Was it your case?

**WITNESS F:** Thank you, Commissioners. I received this warrant, it was Saturday on that particular day. I received a call from Brigadier Ramangwa, whom his team was involved  
20 in this matter of Mr Khawula. He further informed me that there is information about Musa Khawula and his whereabouts. Therefore, I must proceed to the said location.

At that particular time, I was in Rustenburg on a bike event. I was on a motorcycle that day. I further told

Brigadier Ramangwa that it will not work today because it was on Saturday and I was a bit far. It would almost take the whole day for me to drive a bike and take the state vehicle to a said place.

Then he insisted that I must proceed where the state vehicle was. I then went back to where the state vehicle was. I then informed Brigadier Ramangwa that I have arrived. But the problem is, I cannot go there alone. There were no members available on that day because it  
10 was the weekend. But fortunately, I was able to get hold of Captain Zungu, who further accompanied me to the said address.

On our way, then Brigadier Ramangwa sent to me this warrant of arrest. He further elaborated to me that this warrant of arrest was of importance. I then proceeded there together with Captain Zungu. On our way, we received a call from General Sibiya, telling me that I must also forward this warrant to Mr Matlala. Because at that time, Mr Matlala had a security company, according to Mr Matlala to General  
20 Sibiya, Mr Matlala and his security company always have a provision where Musa usually goes on weekends.

So, it would be appropriate for them when they effect arrest, they must have a warrant. I did not see any problem with it because usually they SAPS do work with private securities. I then forwarded it to Mr Matlala.

After 45 minutes, I received again a call from General Sibiya, telling me that, or confirming to me about what already General Ramangwa had said to me that this matter is a matter of importance. The person involved there, he did not mention who he was, but he mentioned to me that he is getting a pressure from the head office. Head office, the Office of the Deputy Minister, he is getting a pressure from them.

I then asked the Deputy National Commissioner  
10 what is so important about this charge because according to me, there is no sense of urgency. He said this guy insulted a member of Parliament. He told me now the member that he created crime against is Mr Fikile Mbalula, the secretary of the ANC. The other one is Mr Z. So basically, they were complainants. So, this matter was putting him under pressure. That is the reason we had to leave everything and attend to it. Thank you, Commissioners.

**ADV CHASKALSON SC:** Just to clarify parts of that answer, Witness F, you said the alleged insults were to Mr  
20 Fikile Mbalula and then to Z. What is Z's surname?

**WITNESS F:** I do not know it, but it was Z.

**ADV CHASKALSON SC:** Z?

**WITNESS F:** Yes.

**ADV CHASKALSON SC:** And who told you that Z had been insulted? Was that General Sibiya, if I understood you

correctly?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** So Z was of sufficient importance together with Mr Mbalula to warrant this action against Mr Musa Khawula?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And your evidence was that it was reported to you by General Sibiya that he had been pressurised by the Deputy Minister to do this.

10 **WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And who was the Deputy Minister at that stage who you understood to have pressurised General Sibiya?

**WITNESS F:** Mr Cassel Mathale.

**ADV CHASKALSON SC:** And General Sibiya asked you to forward the warrant to Mr Matlala?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And did I understand you correctly that he said forward it to Mr Matlala because you  
20 might want to use his security company to effect the arrest or to assist with the arrest?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And this was an arrest of Musa Khawula and yet you knew that in the previous month General Shibiri and Mr Matlala had been speaking together

about posts that Mr Khawula had made about Mr Matlala.

**WITNESS F:** Can you repeat that, Commissioner?

**ADV CHASKALSON SC:** General Sibiya, according to your evidence, said bring Mr Matlala, notify Mr Matlala, give him the warrant of arrest because we may need his security company to assist in effecting this arrest.

**WITNESS F:** Not exactly as in we may need. He said usually where Mr Matlala goes together with his security company, they do see sometimes Mr Khawula.

10 **ADV CHASKALSON SC:** Sorry, can you just explain that? I am not sure I am understanding it correctly.

**WITNESS F:** I am explaining that it was not that we may need the security services of Mr Matlala. It was the matter of where usually Mr Khawula goes, that is where Mr Matlala goes on weekends together with his security. So it might happen if they see him and they might arrest him because of our warrant.

**ADV CHASKALSON SC:** So Mr Matlala may know where Mr Khawula is?

20 **WITNESS F:** That is correct because he sees him where he usually goes on weekends.

**ADV CHASKALSON SC:** And Captain Zungu, who you managed to get hold of, is from the Hawks. Is that correct?

**WITNESS F:** At that time, at that time he was still at the Hawks.

**ADV CHASKALSON SC:** You see, it does seem, Mr Khawula is a blogger. Do you know that?

**WITNESS F:** I do not know.

**ADV CHASKALSON SC:** Does Mr Khawula present a physical threat to anybody that you are aware of? A physical threat as opposed to a threat to their dignity?

**WITNESS F:** Physically, no.

**ADV CHASKALSON SC:** Because that seemed a bit of an overreaction to arrive to arrest a blogger by engaging the  
10 Hawks, calling a detective who is out riding on the weekend to go and do it immediately, to drop his bike and come and do it. Did you not think that this was a bit excessive?

**WITNESS F:** Thank you, Commissioners. I did not call a Hawks because of the manner of office that he holds. I called him because he is a person that is known to me and he is not staying far from where I stay. So I saw it is so convenient that because of it is a weekend, let me try him, he might be available. Indeed, he was available. That is why and how we went there.

20 Two, in the matter of calling a police official on a Saturday, I did not see it like that. I just took the instruction as it came and I did not see any problem about that because I knew that there were matters that were investigated with relation to this person mentioned above. Thank you, Commissioner ...[intervenes].

**ADV KHUMALO SC:** Mr Chaskalson, ...[indistinct] two minutes? Sorry. Are you finished, Witness F? I apologise for interrupting you.

**WITNESS F:** I am finished, Commissioner.

**ADV KHUMALO SC:** Thank you.

**WITNESS F:** I am finished, Commissioner.

**ADV KHUMALO SC:** Yes. Did you eventually share this warrant with Mr Matlala?

**WITNESS F:** That is correct, Commissioner.

10 **ADV KHUMALO SC:** And what did you say to him when you shared this warrant with him? What was the message that you gave him about this warrant?

**WITNESS F:** I did not say anything. I just sent that warrant. The reason, I was driving, but that is not an excuse. But when I see my chats here together with Mr Matlala, he did not even ask what is this warrant about. So I assume that he acknowledged that what is this warrant all about ...[intervenes].

**ADV KHUMALO SC:** You see, that is ...[intervenes].

20 **WITNESS F:** He responded by saying...

**ADV KHUMALO SC:** That is what troubles me, Witness F, because I had understood you to be saying General Sibiya said to you he is aware that Mr Khawula usually frequents places where Mr Matlala might see him, and therefore there is a need to involve Mr Matlala because he might assist in

locating Mr Khawula.

**WITNESS F:** Yes.

**ADV KHUMALO SC:** So if that is not the message you gave to Mr Matlala, then what was the purpose of sharing this warrant with Mr Matlala?

**WITNESS F:** Can you repeat that, Commissioner? I am not sure if I understood you clearly.

**ADV KHUMALO SC:** If you did not tell Mr Matlala that his services were needed to trace Mr Khawula, what was the  
10 purpose of you sharing this warrant with Mr Matlala?

**WITNESS F:** Thank you, Commissioners. I did not say I communicated with Mr Matlala. I said I was told to forward him this because he usually sees Mr Khawula when he usually goes. So I did not see any problem with that that I forwarded to him.

**ADV KHUMALO SC:** Because it does appear to me that if you did not tell him why you were forwarding this to him, it does appear to me that you simply gave it to him to show him that you are dealing with somebody who has been  
20 problematic to him.

**WITNESS F:** That is not the way it seems. Maybe it is taken out of context, but according to me, I was sending it to him to give a hand, as per the instruction.

**ADV KHUMALO SC:** Yes. It is now, this is a third document we have dealt with in your evidence, a third

police document that has nothing to do with Mr Matlala's cases that you are sending or sharing with Mr Matlala. Do you remember the first one was that IT screenshot that showed the progress of a case in Mamelodi? That was the first one. And then there was the other one ...[intervenes].

**WITNESS F:** That is correct.

**ADV KHUMALO SC:** Thank you. There was the other one that showed fingerprints and that case involving a heist. Do you remember that?

10 **WITNESS F:** Commissioners, that was not for Mr Matlala that involved fingerprints. It was for Mr Motsumi.

**ADV KHUMALO SC:** Yes.

**WITNESS F:** Correct.

**ADV KHUMALO SC:** And then there is this document which you say you have shared with Mr Matlala. In all three instances, these are police documents, these are SAPS documents, and they have nothing to do with the people you have shared them with. Do you accept that?

20 **WITNESS F:** Thank you, Commissioner. I would not accept that. Reason being, Mr Matlala, at that particular time when I sent this to him, he was a legit security company owner. Therefore, I did not see any problem because SAPS has got a relationship with private security companies. Most of the cases that have been made or have been combated, security companies are involved. That is

the reason to me it did not have any problem. And at that particular time, Mr Matlala was a legit businessman. Thank you, Commissioner.

**ADV KHUMALO SC:** Thank you. Mr Chaskalson, let us take the adjournment now.

**ADV CHASKALSON SC:** Can I just add one question to Commissioner Khumalo's questions? Which is, Commissioner Khumalo put to you, Witness F., what it looked like was that you were sending this warrant to Mr  
10 Matlala to show him that you were sorting out someone who had been a problem for him. Can we go to chat number two because that is Mr Matlala's response? It is *asbongi* and a thanks emoji.

**WITNESS F:** Yes.

**ADV CHASKALSON SC:** So he thanked you for sending him the warrant.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Does that not reinforce the proposition that Commissioner Khumalo put to you? That  
20 this was an exchange where you were showing Mr Matlala that you were sorting out someone who had been a problem to him?

**WITNESS F:** That is not correct. According to my understanding, it was a sign or a statement of acknowledgement. *Asbongi* [?].

**ADV CHASKALSON SC:** I have not seen *asbongi* or a thanks emoji as a sign of acknowledgement in any of the other chats that Mr Matlala sends to you, save in contexts where he is thanking you for doing him a favour. Do you have any comment on that?

**WITNESS F:** No comment.

**ADV BALOYI SC:** Let me just follow up on this. Witness F, you say you just sent this warrant of arrest to Mr Matlala and you did not speak to him. Did I hear you correctly?

10 **WITNESS F:** That is correct.

**ADV BALOYI SC:** So how would he have known what to do with it? Because on the face of it, it does not contain an address of where Mr Khawula is and it does not say when you are going to be doing this operation of arresting him. So if you just sent him the warrant and you did not speak to him, how could that have assisted you? Because you say you sent it to him because you were told to send it so that he can assist you to identify Mr Khawula and you also tell us that you know that the SAPS work with security  
20 companies to effect arrests. How do you expect him to have known if you had not spoken to him?

**WITNESS F:** I expect he maybe might have heard from General Sibiya.

**ADV BALOYI SC:** Might have heard what from General Sibiya?

**WITNESS F:** That I am going to send him a warrant.

**ADV BALOYI SC:** No, but you were instructed on your evidence, you were instructed by General Sibiya, according to you, to send the warrant to Mr Matlala. And you are telling us all you did was send the warrant and did not speak to him. How would he have known where you are going, what address you are going to, to try and find Mr Khawula if you did not speak to him, how would he have known you are in fact going now, at that time, to go and  
10 arrest Mr Khawula?

**WITNESS F:** Okay, thank you, Commissioners. I sent this to Mr Matlala. I did not send it to Mr Matlala. The reason that I sent this to Mr Matlala is because, according to him, he sees Mr Khawula in ...[indistinct]. So ...[intervenes].

**ADV BALOYI SC:** No, sorry, witness, let us not waste time. Why did you send this to Mr Matlala was the question earlier. You said, I sent it because I was told to send it, and I did not see anything wrong with that because I know that the SAPS works with security officers. You have  
20 already told us that, but you have also told us that you did not speak to Mr Matlala. You just sent this. So, I am asking the simple question. How would he have known where you are going and when you are going to try and find Mr Khawula so that he can come and help you, assist you in that place? How would Mr Matlala have known that if you

did not speak to him?

**WITNESS F:** Okay, maybe if I can explain this in this way. We are going to arrest or we are going to the said venue where we are going to locate Mr Khawula. We are giving Mr Matlala this warrant for if he sees him there.

**ADV BALOYI SC:** Yes.

**WITNESS F:** We are going to ...[intervenes].

**ADV BALOYI SC:** So, you gave – let me, allow me to cut you short because I really would like you to give me a direct  
10 answer. So, you did tell him where you are going because that is the only way he could help you, by going to the same place where you are going.

**WITNESS F:** I did not.

**ADV BALOYI SC:** Excuse me?

**WITNESS F:** I did not, Commissioners. I did not tell him where we were going.

**ADV BALOYI SC:** Okay. I think what you are doing is you are not being candid with us because it does not make sense that you would give him a warrant of arrest which  
20 does not have an address and you do not tell him where you are going, where he is going to assist you. It just does not make sense. It does not work that way. So, again, I want to put to you that you are not being truthful with us about a conversation that you had with Mr Matlala. You must have had a conversation with him. That is my view on this.

Thank you. Thank you, Mr Chaskalson. Thank you, Chair.

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**INQUIRY RESUMES**

**CHAIRPERSON:** Before you start Mr Chaskalson. Yes, Witness F it has just been brought to my attention that some people find difficulty hearing everything you are saying. I do not know whether perhaps we should pull the  
10 mic closer to you. Maybe please do that and we will then assess the situation. Witness F?

**WITNESS F:** Thank you very much, Commissioners. I think maybe one thing that makes me not to be here clearly, I am coming down with flu. I am asking for the mercy of the Commissioner that maybe I consult with the practitioner maybe around 2 or 3, but if the Commission allows, so that maybe when I come tomorrow, I must be of good assistance as a credible witness.

**CHAIRPERSON:** Let us try to stick it out until 4 instead of  
20 the 6 I mentioned yesterday, Witness F. How is that? 4 pm please. And then you ...[intervenes]

**WITNESS F:** Can I try my luck?

**CHAIRPERSON:** I am sorry?

**WITNESS F:** Can I try my luck? My Honourable Commissioners, that maybe at least 3 o'clock so that I know

the doctors, most of them, they close around 4. From where I am to Potchefstroom it will take maybe 2, 2 and a half hours. That will give me ample time. Thank you, Commissioners.

**CHAIRPERSON:** Is that in order, Mr Chaskalson, Mr Nkoato?

**ADV CHASKALSON SC:** 14:45, Chair? 14:45, I do not think we are going to finish this witness today. So I think if he needs to get to a doctor, I think we should accommodate  
10 him.

**CHAIRPERSON:** No, we are just thinking if we would be able to stick it out until 14:45, perhaps 13:30 then and then we adjourn for the day.

**ADV CHASKALSON SC:** Indeed, Chair. Indeed, I mean, it makes sense not to take an hour's lunch break and come back for 45 minutes.

**CHAIRPERSON:** Yes, for 45 minutes. Mr Nkoato will probably say, but I stuck it out for far longer than that. All right, thank you. Thank you. I am talking about yesterday,  
20 Mr Nkoato. Thank you. Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Witness F, if I understood your evidence correctly, and I fear I might be one of the people who has not been hearing so well, did I understand that you were out on a private ride on the weekend and then you got this call that you had to come and bring your bike back, pick

up a car and go and effect the arrest of Mr Khawula?

**WITNESS F:** That is correct, Commissioner.

**ADV CHASKALSON SC:** Because the date that you sent the warrant of arrest to Mr Khawula - Mr Matlala, and now I have lost my place. It was the 21<sup>st</sup> of October 2024, on page 53, chat 1. You see that?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And I have just looked at the calendar on my computer and the 21<sup>st</sup> of October 2024, was  
10 actually a Monday. So, you could not have been out on a ride on the weekend. You would have been on duty.

**WITNESS F:** Thank you, Commissioners. It was on the weekend, I remember. Because where we were supposed to arrest Mr Khawula, it was on an event where he was supposed to come and perform. So, I still maintain that it was on a weekend.

**ADV CHASKALSON SC:** That may well have been so, but the date that you sent the warrant of arrest to Mr Matlala was a Monday. It was 12:46 on a Monday, not on the  
20 weekend. So, if indeed you were asked urgently to cancel your ride and pick up a state car to go and arrest Mr Khumalo on a weekend ...[intervenes]

**CHAIRPERSON:** Mr Khawula.

**ADV CHASKALSON SC:** Mr Khawula, I am sorry. Mr Khawula, that was not the day that you sent the warrant to

Mr Matlala.

**WITNESS F:** Okay, can I just confirm with my calendar now? Can I just confirm with my calendar now? So that I must give a clearer explanation with that effect. Okay, thank you. Thank you, Commissioners. It might have been a human error from my side that I have said I might have sent it on Saturday. Meanwhile, I sent it on Monday. But I confirm that during that operation, it was on a Saturday. So, I might have maybe mistakenly said I will send it  
10 immediately.

**ADV CHASKALSON SC:** But if the operation was on a Saturday, there would be no point sending a copy of the warrant of arrest to Mr Matlala on the Monday. If you intended to send it to him so that he could assist on the operation. So, what I am putting to you is that your intention in sending the warrant to Mr Matlala was another intention. A different intention.

**CHAIRPERSON:** Witness F, are you still with us? If you are, please respond.

20 **WITNESS F:** I am still with you, Commissioner.

**CHAIRPERSON:** Please respond.

**WITNESS F:** That is not correct. That is not correct.

**ADV CHASKALSON SC:** Witness F, I do not want to take it further. I put my proposition to you.

**ADV BALOYI SC:** I would like to take it further. Witness

F, you say that you were instructed this is urgent and you need to execute it immediately. And you say that you executed this operation on a weekend and you had to stop what you were doing. So according to the calendar, if the warrant is sent to Mr Matlala on a Monday, it must mean that you would have executed the operation on the previous Saturday. The Saturday preceding the Monday, right? It must be so. If you acted on this urgently. Am I correct?

**WITNESS F:** Correct.

10 **ADV BALOYI SC:** Yes, so, according to the calendar, the Saturday was the 19<sup>th</sup>. The 20<sup>th</sup> was the Sunday. You say it was a Saturday when you got this urgent instruction. So, what is being put to you is that if you executed the operation on the 19<sup>th</sup>, but you only sent the warrant to Mr Matlala on the 21<sup>st</sup>, it could not have been so that he assists you. Because you were going to act on this, you already acted on this on the 19<sup>th</sup>. That is what is being put to you and suggested that you would have then sent it on the 21<sup>st</sup> for a different reason because you have already  
20 executed this urgent instruction on the weekend. So, when you say that is not correct, can you just explain that?

**WITNESS F:** Thank you, Commissioners. Commissioners, I did not send – okay, let me explain. One, on that day when the operation was conducted, we did not find Mr Khawula. Two, I sent this warrant to Mr Matlala because

according to him, wherever he goes, usually he sees Mr Khawula. So, it was user friendly for him when he sees him, he executes the warrant, call the nearest police station or call me. That was what I was doing.

**ADV BALOYI SC:** Okay, so you say when you executed on the weekend this urgent instruction, you did not find Mr Khawula on the Saturday?

**WITNESS F:** That is correct.

**ADV BALOYI SC:** Okay, but then at that point you had not  
10 informed Mr Matlala, right? You had not shared the warrant with him because you only shared it on the 21<sup>st</sup>. The answer is yes. We can see from the WhatsApp messages.

**WITNESS F:** Yes.

**ADV BALOYI SC:** So, you sent it only on the Monday after you failed, according to you, to execute the warrant on the Saturday. When next did you go to execute the warrant and did you go with Mr Matlala if you did not execute it on the 19<sup>th</sup>?

**WITNESS F:** I did not execute the warrant with Mr Matlala.  
20 The warrant was executed in KZN by other policemen there.

**ADV BALOYI SC:** Okay, so Mr Matlala never got to give you the assistance that you say you were seeking from him in the execution of this warrant? It never happened?

**WITNESS F:** That is correct, Commissioners. Okay, let me just stop it there. That is correct, Commissioners.

**ADV BALOYI SC:** Okay, now this Sergeant Zungu, I think you explained that you know him, I think he is close to you. How did you describe him? Why him?

**WITNESS F:** I described him because he is staying nearer to my place and he is or he was the police official available at that time. But on arrival to the venue where we were going together, myself and Zungu, we were joined by Gauteng tracking team.

**ADV BALOYI SC:** Sorry, you were joined by?

10 **WITNESS F:** Gauteng tracking team, other officials, Gauteng tracking team.

**ADV BALOYI SC:** So, you did not need Captain Zungu?

**CHAIRPERSON:** Are you saying tracking team? Sorry, sorry. Tracking team. Are you saying tracking team, Witness F?

**WITNESS F:** That is correct, tracking team. To come to the question of my Honourable Commissioner, I did need Captain Zungu because at that time, receiving that instruction, I was alone. So, there was no way that I could  
20 go alone there because I did not know that I would be joined by the tracking team.

**ADV BALOYI SC:** So, who called the tracking team to come and help you if you did not know that you were going to be assisted by the tracking team?

**WITNESS F:** I assume it was Brigadier Ramangwa.

**ADV BALOYI SC:** Who called them to come and assist you? Witness F?

**WITNESS F:** I am listening, Commissioner.

**ADV BALOYI SC:** You say you assumed it was Brigadier Ramangwa that called them to come assist you.

**WITNESS F:** That is correct, Commissioner.

**ADV BALOYI SC:** You have other SAPS members on your telephone. Why did not you get anyone of them who was on duty because officers were on duty?

10 **WITNESS F:** I do not understand your question, Commissioner.

**ADV BALOYI SC:** My question is, it is a Saturday or whenever you got this warrant, there are SAPS officers on duty always. Why did you not call them instead of calling a member of the Hawks to come and assist you?

**WITNESS F:** At that time, I did not take him as a member of the Hawks. I was just taking him as a colleague who was within my vicinity of residence at that time.

20 **ADV BALOYI SC:** And what is the name of Captain Zungu, the first name of this Captain Zungu that lives near you that you have on your phone?

**WITNESS F:** Thank you, Commissioner. It is Faleni.

**ADV BALOYI SC:** Say that again.

**WITNESS F:** It is Faleni.

**ADV BALOYI SC:** Faleni?

**WITNESS F:** That is correct, Commissioner.

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

**CHAIRPERSON:** Sorry, sorry, Mr Chaskalson. Witness F, so it is clear from what you have said thus far that it is a Saturday, is it you already had the warrant in your hand or not?

**WITNESS F:** It was sent telephonically to me, Commissioner.

**CHAIRPERSON:** On the Saturday?

10 **WITNESS F:** Yes, Commissioner.

**CHAIRPERSON:** Now I want you to have a look. And the warrant was issued by a magistrate, correct?

**WITNESS F:** Yes, Commissioner.

**CHAIRPERSON:** And the state at the foot of the warrant would be the stamp of the Magistrate's Court where the warrant was issued, correct?

**WITNESS F:** That is correct.

**CHAIRPERSON:** And please read out the date on the date stamp there.

20 **WITNESS F:** It is the 21.

**CHAIRPERSON:** Which month and which year?

**WITNESS F:** The 10<sup>th</sup>, 2024.

**CHAIRPERSON:** 21 October 2024.

**WITNESS F:** That is correct.

**CHAIRPERSON:** And that is the date Mr Chaskalson said

was Monday, correct?

**WITNESS F:** That is correct.

**CHAIRPERSON:** So, you could not already have had this warrant as it is Saturday, correct?

**WITNESS F:** That is correct, Commissioner.

**CHAIRPERSON:** All right, I will move on and ask this. We have, or rather you, you had a Hawks officer. You had the Gauteng tracking team. What risk or danger did Mr Khawula pose? Why do you need all these people to effect  
10 an arrest?

**WITNESS F:** Thank you. Thank you, Commissioners. According to me, because I have communicated prior to Brigadier Ramangwa that I do not have manpower or crew at that time. So, I assume that he informed the tracking team because the tracking team was user-friendly to him. In most of the cases, he was using the tracking team. So, I assume that he sent the tracking team there because according to him, I was going alone because this is what I said to him that I do not have any crew. However, when I  
20 found Captain Zungu, I did not go back to Brigadier Ramangwa and inform him that I found the crew.

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

**WITNESS F:** So, I assume ...[intervenes]

**CHAIRPERSON:** Please continue. Please finish.

**WITNESS F:** I assume that he sent that tracking team

because he was of the opinion that I was still alone.

**CHAIRPERSON:** Well, I will suggest to you that you are being untruthful for two reasons. One, you could not have needed the assistance of Mr Matlala's entity if there was already someone from the Hawks and also the Gauteng tracking team to assist in effecting the arrest. So, it just did not make sense at all to also require Mr Matlala's firm or entity to assist you. That is the first reason. The second reason is that this warrant was issued on 21 October 2024.

10 So, you did not have it over the weekend when you say you wanted Mr Matlala to assist you in effecting the arrest. You are simply being untruthful. What is your comment?

**WITNESS F:** Thank you. Thank you, Commissioners. Maybe it is the way I put it that makes it sound a bit cocky or skew. Or it might be maybe the language barrier. I am subjected to be - I do not know how to put it in a better way. I did not send this warrant Commissioner to Mr Matlala to help me on that day. I sent this warrant to Mr Matlala for him, wherever he sees Mr Khawula, he must effect the  
20 arrest through his security.

**CHAIRPERSON:** All right. Assistance. My point still stands, even if the nature of the assistance was what you say it was. My point still stands, especially with regard to the days, the Saturday and the Monday. My point still stands. Do you accept that? Do you accept that or not?

**WITNESS F:** The Commissioner is asking that I am accepting that I have been untruthful or not.

**CHAIRPERSON:** Yes, I am saying you say that the arrest was meant to be affected on the Saturday. Am I correct? Which is what even disrupted your biking event.

**WITNESS F:** That is correct.

**CHAIRPERSON:** So, I say you are being untruthful because this warrant was only issued on the Monday, Monday following the Saturday. So, you could not have  
10 effected any arrest and using this warrant because it was simply not in existence. So that is why I am saying you are being untruthful. It is a very simple point.

**WITNESS F:** Thank you. Thank you, Commissioners. I am not trying to hide or waste the Commissioner's time. I think when I come across something of this nature, of this warrant, I will be in a very clear position to tell you what transpired. Because I know I came across it in the sense of that is in my position. But I will check and confirm and come back to the Commissioner. Not that I am avoiding the  
20 question that is being true or am I telling the truth or the lie. So, I can just reserve it, maybe put it aside for now. Then I will communicate at the later stage when I find something to communicate about that.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV BALOYI SC:** Before you do that can we just sit on

this warrant? Witness F, if you say that you send the warrant to Mr Matlala so that when he sees Mr Khawula, he can arrest him because you were told they go to the same places, right?

**WITNESS F:** That is correct.

**ADV BALOYI SC:** Is Mr Matlala a peace officer?

**WITNESS F:** No, he is not, Commissioners.

**ADV BALOYI SC:** So, this warrant instructs peace officers to arrest Mr Khawula when they see him. On what basis  
10 would you have sent this to Mr Matlala with the expectation that he would arrest when he sees Mr Khawula? Because this warrant does not authorise a civilian to do that.

**WITNESS F:** Thank you. Thank you, Commissioners. I am sending him on the basis of when he sees him, he must just hold him there, a citizen arrest, then call the police and present such warrant to the police that, hey, I have arrested this person, here is the warrant. It was on that basis, Commissioners.

**ADV BALOYI SC:** You accept that this warrant itself that  
20 you send to him so that he arrests him when he sees him, you accept that on the face of it, this warrant does not authorise Mr Matlala to arrest Mr Khawula. And I can read it for you. In the second part of it, with the heading warrant of arrest, it says:

“To all peace officers authorised to

execute warrants of arrest.”

That is what the warrant says on the face of it. Can you accept that on the face of it, he does not have the authority because he is not a peace officer? It is really a simple - it is simple what I am presenting to you. You just need to read the document which is in front of you and then it says what it says. You cannot change that.

**WITNESS F:** That is correct, Commissioner.

**ADV BALOYI SC:** So, on the face of this document, he  
10 does not have the authority. Now, if you were giving him this document to effect an arrest, you were basically asking him to do something that is not authorised by the warrant and therefore that is unlawful.

**WITNESS F:** I tend to differ with the view of the Commissioner. According to my understanding, when the warrant of arrest is being issued, according to me, a peace officer refers to a senior person like a captain or a colonel. That is a peace officer according to my understanding.

**ADV BALOYI SC:** So, Mr Matlala is a peace officer  
20 according to your understanding. I thought we agreed he is not a peace officer. Witness F, if you insist, let me put this to you. If you insist that Mr Matlala is a peace officer authorised by this warrant to effect an arrest, then I think your superiors should be very worried if you insist, he is a peace officer. So, I am asking you again. Do you accept

that this warrant does not authorise Mr Matlala to effect an arrest because he is not a peace officer? Can you accept that at least?

**WITNESS F:** I accept that.

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

**ADV CHASKALSON SC:** Now, earlier on when you were describing the pressure that you were put under in relation to the execution of this warrant, you mentioned that the  
10 Deputy Minister had pressurised General Sibiya because the two people who had allegedly been insulted by Musa Khawula were Fikile Mbalula and someone called Zee. And you said that you did not know Zee's surname. Do you recall that?

**WITNESS F:** Yes, I recall.

**ADV CHASKALSON SC:** Have you ever communicated with Zee?

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

**ADV CHASKALSON SC:** When did you communicate with  
20 Zee?

**WITNESS F:** I am not quite sure, but I do communicate with him.

**ADV CHASKALSON SC:** But you do not know his surname?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Can you give us a general description of who he is so that we can maybe suggest a surname to you?

**WITNESS F:** I do not know about that. What kind of description does the Commission require?

**ADV CHASKALSON SC:** I am trying to pin down who the Zee is who had the political power to mobilise yourself on a weekend and a Hawk to go and arrest Mr Khawula. So, any detail about Zee that you can give us?

10 **WITNESS F:** I do not know any that I can give to the Commissioner.

**ADV CHASKALSON SC:** Is it possible that his surname is Nxumalo?

**WITNESS F:** I am not sure, Commissioners.

**ADV CHASKALSON SC:** So, you do not know who the complainant in this case of Musa Khawula is?

**WITNESS F:** The complainant, according to my knowledge and information, there were two complainants. It was Zee and it was Mr Mbalula.

20 **ADV CHASKALSON SC:** And in what context did you speak to Zee?

**WITNESS F:** Can you repeat that? I am not sure I understand you better.

**ADV CHASKALSON SC:** In what context did you speak to Zee? Because you said you had spoken to Zee. What was

the situation that caused you to speak to Zee?

**WITNESS F:** I know him.

**ADV CHASKALSON SC:** So, you know him, but you do not know his surname. Sorry, I apologise. Please continue.

**WITNESS F:** It is someone that I know.

**ADV CHASKALSON SC:** You know him, but you do not know his name.

**WITNESS F:** I know him as Zee.

**ADV CHASKALSON SC:** And how do you know him?

10 **WITNESS F:** I know him as a businessman.

**ADV CHASKALSON SC:** And where did you meet him?

**WITNESS F:** I cannot exactly remember where I met him. I cannot remember. I am just trying to remember where I met him for the first time. But I can confirm that I know him for quite some time. And the other thing again, he used to come there by the house of Mr Msibi.

**ADV CHASKALSON SC:** Sorry, by the house of mister?

**WITNESS F:** Msibi.

20 **ADV CHASKALSON SC:** And do you have his phone number?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** I am not going to ask you to give it to us, but maybe you can give it to your attorney who can then give it to us. Can I, just in finishing this topic, take you to page 137? And if you go to 137, you will see in chat

number 4, General Sibiya forwards you a message, and the forwarded message is:

“Good evening, Brigadier. He is in Sandton cells from yesterday.”

The date is 11<sup>th</sup> of January 2025, at 21:21:37. And that is followed up by another message that General Sibiya sends to you. This is Musa Khawula:

“The team has safely detained him in Sandton from KZN.”

10 And then there is some thank you emojis. So, as you earlier indicated, Mr Khawula was actually detained in KZN and then brought up to be held in Sandton cells. Is that correct?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And your response to the General is:

“Did Zee call you? I just spoke to him yesterday and gave him your number.”

You see that?

20 **WITNESS F:** That is correct.

**ADV CHASKALSON SC:** What did you speak to Zee about?

**WITNESS F:** I cannot remember clearly. I cannot remember clearly, Commissioner.

**ADV CHASKALSON SC:** Why would you give Zee General

Sibiya's number?

**WITNESS F:** He might have requested them.

**ADV CHASKALSON SC:** You see, what it looks like to me is that we know from the messages forwarded to you by General Sibiya that yesterday, in other words the 10<sup>th</sup> of January, was the day Mr Khawula was arrested. And you spoke to Zee yesterday and gave him General Sibiya's number. And it looks to me that the most likely reason for speaking to Zee on the 10<sup>th</sup> of January was to inform him  
10 that Musa Khawula has now been arrested. And you gave him General Sibiya's number so that he could thank General Sibiya for arresting the person he wanted arrested. Does that make sense?

**WITNESS F:** I cannot comment on that, Commissioner.

**ADV CHASKALSON SC:** All right, I now propose to move over to a different topic. But before I do, I want to come back to something that I should have taken up with you when we were talking about Mr Matlala earlier. You mentioned a series of generals who Mr Matlala would come  
20 to meet at police headquarters or who you saw him coming to meet, and one of them was General Fani. Is that F-A-N-I?

**WITNESS F:** I think so, Commissioner.

**ADV CHASKALSON SC:** And General Fani is in charge of police procurement, is he not?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And he sat on the committee that awarded the tender to Mr Matlala, did he not?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** Thank you. Can we then, staying with the theme of Mr Matlala, go to page 271 of the bundle? Do you have it?

**WITNESS F:** Yes, I have it.

**ADV CHASKALSON SC:** And there at the start of the  
10 page, General Sibiyi forwards to you a message that he has received from a journalist, and the message reads as follows:

“Hi, General.”

Sorry, the date is the 22<sup>nd</sup> of December 2024. The time is 12:50. The message reads:

20 “Hi, General. My apologies for the break in protocol and the direct approach, but it is an important matter, and trying to understand which spokesperson is on duty will only serve to delay us. I need to afford you right of response regarding a story which will be published tomorrow. It is based on an urgent court application brought by Vusimuzi Matlala and his company,

CAT VIP Protection. Mr Matlala names you in his court documents specifically, that he was questioned on whether or not he knew you. He said he did, and that you gave permission organised that his X-Ray machines be stored and used at the SAPS College. Important context is that his company, Medicare24 Tshwane District, recently was awarded SAPS Health Services tender. Technically, court documents are protected speech, but I reach out to you anyway to see if you want to respond. Feel free to do so via the spokesperson. I can accommodate this up until 9 pm tonight. I will also send you relevant excerpts of his court documents.”

That comes from a journalist looking at the record of what was published when. I suspect that that was Mr Wiggs, Jeff Wiggs. I may be wrong. It was Jeff Wiggs. Is that correct?

**MR NKOATO:** Commissioner, can I just get a confirmation of the page? I have got page 281.

**ADV CHASKALSON SC:** 271.

**MR NKOATO:** 271.

**ADV CHASKALSON SC**: Now, that is forwarded to you by General Sibiya, and he also forwards you the extract from the affidavit, which the journalist has sent to him. That you can find at the annexure bundle, page 133. This is Mr Matlala on oath in court, or in court papers, and he says, ...[intervenes]

**MR NKOATO**: Sorry.

**ADV CHASKALSON SC**: 133, annexure bundle. He says at page 133:

10                    “In the bedroom, the police officers  
started to question me, asking who I  
knew in the police service, to which I  
answered that I know a lot of officers  
as they are my clients. The police  
officers then asked me if I know  
General Khan or General Sibiya, to  
which I answered that I know General  
Sibiya, as he gave me permission to  
use the hospital at SAPS College,  
20                    Pretoria West, to conduct the medicals  
of the new recruits.”

So that was what Mr Matlala had said in his affidavit. And Mr Wiggs, or we assume it was Mr Wiggs, was asking for General Sibiya's comment on that. General Sibiya forwards that to you. Why would he forward it to you?

**WITNESS F:** According to me, or my understanding, it was meant for me to forward it to Cat Matlala.

**ADV CHASKALSON SC:** But why would you forward it to Cat Matlala? General Sibiya knew that that was what Cat Matlala had said under oath in court papers. Why would it be necessary to forward it to Cat Matlala? The journalist was not asking for Cat Matlala's response, he was asking for General Sibiya's response.

**WITNESS F:** This is what I assume it was meant for.  
10 Maybe to forward it to him, or to know what Vusi Matlala is saying about him in court documents. I just assume that.

**ADV CHASKALSON SC:** You see, your response to it was to send three thinking face emojis back to General Sibiya, and that suggests to me that what you were saying is, how are we going to respond to this? How are we going to deal with this? What is your comment on that? You will see those thinking face emojis at chat number three at 13:02.

**WITNESS F:** That is correct. I cannot be putting myself on General Sibiya's shoes because I was not part and parcel of  
20 this tender, nor his dealings with Mr Matlala. Therefore, I cannot say in these emojis, as I have seen here, showing somebody thinking, how are we going to deal with this? No. I was just sending these emojis as they are. But not that I had an interest in this tender. Thank you, Commissioner.

**ADV CHASKALSON SC:** Let us see how the exchange

unfolds. At 13:02, you have sent these three-thinking face emojis. At 13:12, in chat number 4, you call General Sibiya and you have a conversation with him. After you have had that conversation, if you go to page 73.

**ADV KHUMALO SC:** Annexures Mr Chaskalson?

**ADV CHASKALSON SC:** No, no, the same evidence bundle but this is now the Cat Matlala chats. Do you see chat number 2? You have had your chat with General Sibiya on page 271 at 13:12. What you then do is you call  
10 Mr Matlala at 13:16. You have a conversation with him. Then if you go back to page 271, at 13:22, you have another conversation with General Sibiya.

Then let us go back to page 73. At chat number three, 13:25, you call Mr Matlala again. So, it seems to me that what is happening is that General Sibiya is upset that his name has been mentioned by Cat Matlala because thus far he has not wanted it to be public, that he has a relationship with Cat Matlala. And he and you are speaking to Cat Matlala.

20 He is speaking to Cat Matlala through you about how Cat Matlala is going to clean up the mess that he is created by suggesting that he has a relationship with General Sibiya and by saying that in sworn papers in the High Court. How this proceeds, you have now had the to and fro of calls. 13:12, you call General Sibiya. 13:16, you

call Cat Matlala.

13:22, you call General Sibiya. 13:25, you call Cat Matlala. 13:26, you call General Sibiya. That you will see at page 272, 13:26, chat number 1. And after all of this to-ing and fro-ing, Mr Matlala gives you something in writing, which is going to be his first step at fudging the relationship with General Sibiya. He says:

10                    “I wanted to do medicals in Pretoria. Brigadier Bokaba told me to get permission from the National Commissioner and at the time General Sibiya was the acting National Commissioner.”

That is 13:36. You call him back immediately at 13:36 and then again at 13:39. That is chats 4 and 6. Sorry, chats 5 and 6. Then at 15:23, he messages you:

“Can you take a call?”

At 18:36, he tries calling you again. He calls you again.

20                    **CHAIRPERSON:** Witness F, you confirm all of these chats?

**WITNESS F:** I confirm, Commissioners.

**ADV CHASKALSON SC:** And then over the page, page 74, he forwards you an article. Not an article. He forwards you a message that he has sent to his attorneys in an effort to clean up the mess that he created with his first statement

disclosing a relationship with General Sibiya. He says to his attorneys:

10 “There is a news article regarding a certain general in SAPS whom they are trying to associate with me. In our court application, I said I was told to ask him to grant us permission to utilise the hospital inside the Pretoria West SAPS college from a certain brigadier. The reason they referred me to him is because at the time he was acting national Commissioner. Is there a way we can rectify this statement? Because now it looks like I am very close with him. And he is even doing favours for me. And somehow that will compromise his reputation. And now they are publishing the story tomorrow on News24.”

20 That is Mr Matlala's message to his attorneys. Now he says, now it looks like I am very close with him. But of course, he was very close with General Sibiya. He had been going to private celebrations at General Sibiya's house. Is that not so? This is the 22<sup>nd</sup> of December 2024 that he writes this to his attorneys. You will recall that the

function that he attended with yourself and General Shibiri and the Thanksgiving celebration was, I think it was September 2024, three months previously. So he was close to General Sibiya at this stage. Was he not?

**CHAIRPERSON:** Witness F, please respond.

**WITNESS F:** I thought you were the Commissioner. I thought the Commissioner was still delivering evidence.

**CHAIRPERSON:** No.

**WITNESS F:** Yes, I confirm. I confirm all the chats.

10 **CHAIRPERSON:** You say you confirm all this. I did not quite get you. The question was, do you accept that as at the time of this chat, chat number 1 at page 74, Mr Matlala was quite close to General Sibiya? And Mr Chaskalson wanted you to confirm that.

**WITNESS F:** Confirm.

**ADV CHASKALSON SC:** And the following chat is a chat that he sends to you to explain the previous stat. He says:

“Please forward this to him. Ask my lawyers to rectify that mistake.”

20 So, he is explaining that this previous message was a message to his lawyers. He is asking them to rectify the mistake that creates the impression that he and General Sibiya is close, which he does not want the world to know, even though it is true. And then the next chat that he sends to you, the following minute, is actually a screenshot of his

message to his attorneys. And that is in annexure bundle at page 23. And the attorney, if we go to Annexure Bundle 23, the attorney asks Mr Matlala:

“How do you want to rectify the statement?”

And he responds to say:

10 “That the brigadier who is in charge of recruitment from SAPS suggested that I ask permission from the National Commissioner to utilise the hospital which is inside SAPS training college to conduct medicals for new recruits. And by that time, General Sibiya was acting as national Commissioner. So that is how I knew of him that day, because his name was mentioned to me once, not that he gave me permission to use the hospital.”

The attorney responds:

20 “Okay, I follow, I understand.”

Then the cat says, Mr Matlala says in chat 4, immediately after sending the screenshot of his conversation with his attorney:

“Please show him.”

In other words, please show General Sibiya. And if we go

to 272, we see that that is what you do. So, at 20:43 that night, you forward all of your correspondence with Mr Matlala to General Sibiyi, starting with chat number 2. There is a news article regarding a certain general in SAPS whom they are trying to associate with me in our court application. We have seen that chat before.

Please forward this to him. I ask my lawyers to rectify that mistake. Then there is the screenshot that gets forwarded that you forward to General Sibiyi and you also  
10 forward Mr Matlala's message, please show him. So, what I want to put to you coming out of all of this is that Mr Matlala said something which was essentially truthful in his affidavit in the Pretoria High Court, namely that he had a relationship with General Sibiyi.

General Sibiyi did not want it publicly known that Mr Matlala had a relationship with him. So, he spoke to you to get Mr Matlala to obfuscate that fact. He did that despite the fact that Mr Matlala had such a close relationship with him that he was invited to private Thanksgiving functions at  
20 General Sibiyi's house. And under pressure from General Sibiyi, communicated through you, Mr Matlala then fudged what he had said in his affidavit so as to obfuscate the relationship that he had with General Sibiyi. What is your comment on that?

**WITNESS F:** I agree.

**ADV CHASKALSON SC:** Can we then go back to page 74? Because what we then see is Mr Matlala's follow-up. The very next day, and indeed the next message that he sends to you is chat number 5. And he says:

“Please send picture of the card back and front.”

That is at 18:11. At 18:39, there is a call from Mr Matlala to you and over the page, chat number 1 on page 75, there is a call back from you. At 18:47, there is the photograph of you, there are two photographs of you holding the Luxor African Brands credit card or debit card and they appear at Annexure Bundle 24 and 25. Do you see them at Annexure Bundle 24 and 25?

**WITNESS F:** I see it, Commissioners.

**ADV CHASKALSON SC:** And these Luxor African Brand investments is a company of Mr Matlala, and the card is a card issued in Mr Matlala's name.

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And he wants a picture of you holding the card front and back, the front and back of the card. Do you confirm that that was his requirement of you?

**WITNESS F:** He wanted a picture of the card front and back. I confirm, Commissioners.

**ADV CHASKALSON SC:** Can we see how you dealt with this in your witness statement? For that, we need to go to

the Statement Bundle, page 1. There you say paragraph 5.

**MR NKOATO**: Sorry, you said page 1?

**ADV CHASKALSON SC**: It is page 1 of the statement bundle, the witness statement bundle. It is one of the files, it is a small file that you will have.

**MR NKOATO**: No, I do not have that.

**CHAIRPERSON**: Your client's statement, Mr Nkoato.

**MR NKOATO**: Do note and realise what he is talking about, but it is not on the paginated bundle here.

10 **ADV CHASKALSON SC**: Not the paginated bundle.

**CHAIRPERSON**: It is a standalone affidavit. It is your client's statement. Surely you must have it somewhere.

**MR NKOATO**: I have it somewhere, but it is not on page 1.

**CHAIRPERSON**: Please, please, all right, please get it wherever it is then.

**MR NKOATO**: Thank you, Commissioner, I have it.

**ADV CHASKALSON SC**: There you say on the 23<sup>rd</sup> day of December 2024:

20 "I found that Mr Vusimuzi Cat Matlala left his Luxor African Brand Investments business gold card in the jet ski boat of Mr Msibi. I then notified him that he left such bank card in the jet ski. The only time I used the above-a-word card was when Mr

Vusimuzi Cat Matlala requested me to use the said bank card to withdraw money to use to purchase the material to refurbish his boat and jet ski. I also bought the jet ski service kit through it on his request. That was done before the 23<sup>rd</sup> of December 2024. Cannot recall the dates on which such transactions were made.”

10 Is there anything you want to add to that at this point? That was what you put in your witness statement.

**WITNESS F:** I do not exactly follow you, Commissioner.

**ADV CHASKALSON SC:** Well, let me ask a couple of questions then. What refurbishment did Mr Matlala need for his boat and his jet ski? What was the refurbishment that was necessary?

**WITNESS F:** A jet ski cover, the seat, and some rubbers underneath the hull.

**ADV CHASKALSON SC:** Of the jet ski?

20 **WITNESS F:** Together with the seat.

**ADV CHASKALSON SC:** Sorry, I interrupted you. Sir, you were just talking about ballast under the hull. Was that of the jet ski or the boat?

**WITNESS F:** That is correct and in addition to that ...[intervenes]

**ADV CHASKALSON SC:** Sorry, Witness F, it was a question. Of the jet ski or of the boat?

**WITNESS F:** Both the jet ski and the boat.

**ADV CHASKALSON SC:** Both?

**WITNESS F:** Yes.

**ADV CHASKALSON SC:** And you were going on to say something else in relation to the jet ski?

**WITNESS F:** The jet ski did not belong to him. The jet ski belonged to Mr Msibi. However, it was in his possession for  
10 quite some time. And he stored it not covered, not on a shelter. So, as a result, it got a big or quite a number of scratches. And then the seats had to be refurbished.

**ADV CHASKALSON SC:** Sir, when you speak in the statement of material to refurbish his boat and jet ski, what you really meant was to refurbish his boat and Mr Msibi's jet ski that had been in his possession for some time.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And is this the same jet ski in which you found the bank card?

20 **WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And then you talk about the jet ski service kit that you used the card to purchase as well.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And can I clarify, did you, when you say you purchased the jet ski service kit with the card,

was that did you withdraw cash on the card and then use the cash to buy the service kit? Or did you actually pay over the counter on the card for the service kit?

**WITNESS F:** I withdrew the cash.

**ADV CHASKALSON SC:** And who did you buy the service kit from?

**WITNESS F:** In Marine & Hub, Hartebees, the boat shop.

**ADV CHASKALSON SC:** And are they based in Hartebeespoort?

10 **WITNESS F:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And the material that you needed, the ballast and the like, for refurbishing his boat, where did you buy that?

**WITNESS F:** In Marabastad where they are selling things for carpentry and leathers.

**ADV CHASKALSON SC:** And did you do the refurbishment at the same time or were there two separate refurbishment jobs that you had to do, separated in time?

20 **WITNESS F:** Thank you, Commissioners. I think they were separated.

**ADV CHASKALSON SC:** So, at one stage you had to, Mr Matlala asked you to refurbish his boat, and at another stage he asked you to refurbish Mr Msibi's jet ski that he had in his possession.

**WITNESS F:** Yes, and at one stage I had to buy batteries

for both boat and jet ski because they have been standing for quite some time. As a result, the batteries got flat.

**ADV CHASKALSON SC:** And the batteries, where would you have bought the batteries from?

**WITNESS F:** I bought the batteries from a biker's rally in Polokwane, the reason being, a jet ski battery is the same as a bike battery, the sizes are the same. So, I bought that when I was at the rally.

**ADV CHASKALSON SC:** And would that have been paid  
10 for in cash?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And would you have used the bank card to draw the cash in Polokwane?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** So how long did you have access to this bank card for?

**WITNESS F:** Not for a long time, but I remember after I purchased or I used the said bank card, it was in my possession without being used by me for quite some time.  
20 The only time that I have ever used the card, it was when I was buying the said mentioned stuff. And I further confirmed that the card was only meant for those things mentioned.

**ADV CHASKALSON SC:** Sorry, the card was only meant for those expenses.

**WITNESS F:** Yes.

**ADV CHASKALSON SC:** So, Mr Matlala gave you the card for your use, but only for that limited use of purchasing materials for fixing his boat. Sorry, yes, his boat and the jet ski that he was using from Mr Msibi.

**WITNESS F:** That is correct. Sorry, Commissioner, before you continue, I am asking for a 5-minute break. I am pressed.

**CHAIRPERSON:** Let us adjourn and come back at  
10 ...[incomplete].

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Witness F, I just want to clarify my understanding of your testimony in relation to the card, which was that Mr Matlala gave it to you to use for repairs to his boat and Mr Msibi's jet ski that he was using, and that while you were doing these repairs or using the card, while you were doing these repairs, you had the card, but you had  
20 authority only to use it for the purposes of doing these repairs. And the repairs that you mentioned, or let us stop there first, and then I can itemise the repairs that you mentioned, and you can just confirm. So, have I got the first part right?

**WITNESS F:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And the repairs that you mentioned involve purchases at Marine Hotel in Hartbeespoort, purchase of ballast at Marabastad, purchase of batteries at a bikers rally in Polokwane. Is that correct?

**WITNESS F:** That is correct. And I also want to ...[intervenes].

This meeting is being recorded.

**ADV CHASKALSON SC:** Sorry, Witness F, you are drowned out by a recording message, can you just repeat  
10 that? You are saying you also want to?

**WITNESS F:** I want to make it to the Commissioners' attention that it was not the first time I did not do what I have mentioned at the same time. I did it on different dates and months. So, in other words, it was not for the first time having that card in my possession. Thank you, Commissioner.

**ADV CHASKALSON SC:** Sorry, I just need to clarify again. Are you saying that at some time before you did these repairs, you also had the card in your possession?

20 **WITNESS F:** I am saying these repairs were not done at the same time. The boats was done on a different time, the jet ski was done on a different time.

**ADV CHASKALSON SC:** And between the time that you were working on the boat and the time that you were working on the jet ski, did you still have the card in your

possession, you just were not using it?

**WITNESS F:** I used it. When I was done with it, I took it to Mr Matlala's office in Menlyn.

**CHAIRPERSON:** I am not sure that answers the question, does it?

**WITNESS F:** [Indistinct]...

**ADV CHASKALSON SC:** I think please maybe clarify that. You used it, so which repairs were done first, the boat or the jet ski?

10 **WITNESS F:** The jet ski, right. And then I took it back and then I took it again to do the boat. Now, when here it was in my possession, it was from the jet ski that Mr Matlala was using prior before it came to my possession.

**ADV CHASKALSON SC:** Sorry, again, it may be a problem with the audio, possibly with my hearing, but I did not hear that properly. You said, when, can you just repeat that, because I am not sure I heard it.

**WITNESS F:** Okay, as you see the card here in the photos, right, Commissioners.

20 **ADV CHASKALSON SC:** Thank you. Yes, we see it in the photos. Yes, that is in December 2024.

**WITNESS F:** It was not when I was refurbishing the jet ski, nor the boat. It was when now this card was left in the box of the jet ski that Mr Matlala was using, the same jet ski. So he left this card there. So when I went, okay, let me just

leave it there for now and wait for the Commission to follow up with another question so that I must not mix. Thank you, Commissioners.

**ADV CHASKALSON SC:** So the December photos, you are saying, are, relate to a situation where, do not relate to the repairs. It was not a period when you were doing repairs. It was an occasion where you found the card in the box in the jet ski.

**WITNESS F:** That ...[indistinct].

10 **ADV CHASKALSON SC:** Just, I apologise for interrupting. Please ...[intervenes].

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And maybe I need to understand the arrangements between Mr Msibi and Mr Matlala. Did this jet ski that belonged to Mr Msibi and that was being used by Mr Matlala for many, for a lengthy period, where was it kept when it was being used by Mr Matlala?

**WITNESS F:** It was kept in a farm in Limpopo.

**ADV CHASKALSON SC:** And was that Mr Matlala's farm?

20 **WITNESS F:** According to him, it was his farm, but I cannot be sure about that because I have never seen the title deed as in who does the farm belong to. But according to Mr Matlala, it was his farm.

**ADV CHASKALSON SC:** And do you know who the farm manager was at that farm?

**WITNESS F:** I did not know.

**ADV CHASKALSON SC:** You do not know whether the farm manager at that farm was Rudi?

**WITNESS F:** I have never met him. I do not know him. I do not know if there was a manager or not.

**ADV CHASKALSON SC:** Can you give us a description, a location for that farm, where was it? Limpopo is quite a big area. Where in Limpopo is this farm?

**WITNESS F:** Okay, I do not know ...[indistinct] the  
10 location, but can I have permission to switch on my phone?  
Maybe I might still have from the cloud.

**ADV CHASKALSON SC:** So, you will actually, you might have a pin for that farm somewhere or a specific location, and you can give it to us?

**WITNESS F:** I am switching on my phone Commissioners, so that I must not commit and say I can give to the Commissioners. Can I just check.

**ADV CHASKALSON SC:** Witness F, we do not need, I  
20 mean, we do not need you to search now, but if you would  
do that search for us, and maybe if we break early this  
afternoon, maybe if you could get it to us overnight, that  
would be very helpful.

**WITNESS F:** Thank you, Commissioners.

**ADV CHASKALSON SC:** Now, the jet ski was kept at a farm in Limpopo. In December was it still at that farm or

had Mr Matlala returned it to Mr Msibi?

**WITNESS F:** By the time the jet ski was returned or to be returned to Mr Msibi, Mr Msibi was already deceased.

**ADV CHASKALSON SC:** And what was the date of Mr Msibi's death?

**WITNESS F:** 2024, January, day 13, if I am not mistaken.

**ADV CHASKALSON SC:** And where did the jet ski go when it was returned to Mr Msibi's family? Where was it kept?

**WITNESS F:** At the farm.

10 **ADV CHASKALSON SC:** A different farm?

**WITNESS F:** [Indistinct]...

**ADV CHASKALSON SC:** And where is that farm?

**WITNESS F:** Hammanskraal.

**ADV CHASKALSON SC:** So when you found the card inside the inside the jet ski box, it was already back in Hammanskraal?

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** And when was that card returned to Hammanskraal, how long after the death of Mr Msibi? Do  
20 you recall?

**WITNESS F:** Can you repeat that question, Commissioner?

**ADV CHASKALSON SC:** How long after the death of Mr Msibi did the jet ski come back?

**WITNESS F:** I think maybe 8 or 6 months. I cannot be sure about the exact month.

**ADV CHASKALSON SC:** But it would have been in the second-half of 2024, in your estimation. Is that correct?

**WITNESS F:** I am not sure about that.

**ADV CHASKALSON SC:** It might have been in the first half of 2024, are you saying?

**WITNESS F:** Yes, I confirm that.

**ADV CHASKALSON SC:** Did you bring it back?

**WITNESS F:** The card?

**ADV CHASKALSON SC:** No, not the card, the jet ski.

10 **WITNESS F:** Yes, I brought it back.

**ADV CHASKALSON SC:** And are you able to look back on your records and find out when it was that you brought the jet ski back?

**WITNESS F:** I am not sure if I am following you, Commissioner?

**ADV CHASKALSON SC:** Would you be able, you know, would there be messages to the late Mr Msibi's family about you recovering, you know, coming to bring the jet ski back or message to Mr Matlala about you bringing the jet ski  
20 back? Could you specify a date for it if you check your records?

**WITNESS F:** I cannot recall, Commissioner.

**ADV CHASKALSON SC:** No, no, I am not asking you to recall. I am asking you maybe to look through your records and see if there would be any message or email that would

enable us to identify exactly when it was that you brought the jet ski back. Would you try to do that this afternoon? And again, if you have any luck, let us know overnight. If we, maybe after you have done that exercise, we can come back to the topic of the card. And the, ja, I would like if possible to get the location of the farm where the jet ski was and maybe to find out if you are able to tell us when exactly it was that the jet ski came home before we continue on this topic. But can I go to a different topic.

10 **ADV BALOYI SC:** Before you do that, Mr Chaskalson, Witness F, this farm, you say you went and collected the jet ski in order to deliver it to Mr Msibi's family in Hammanskraal. Is that correct?

**WITNESS F:** That is correct.

**ADV BALOYI SC:** All right. Before this, in fact, you also say that Mr Matlala says that is his farm. You have never seen the title. So you have been to this farm before, before you had to collect the ...[intervenes].

**WITNESS F:** No.

20 **ADV BALOYI SC:** So when would he have told you or when would you have heard him say that this is his farm if the only time you went is when you went to collect the jet ski?

**WITNESS F:** He told me prior to our arrangement to ...[indistinct] now the jet ski is at my farm in Limpopo.

**ADV BALOYI SC:** I see. All right, thank you. So you have never been to that farm before other than when you collected the jet ski?

**WITNESS F:** I confirm, Commissioner.

**ADV BALOYI SC:** Thank you.

**ADV KHUMALO SC:** Mr Chaskalson, before you move on, just one issue I need clarity on. Witness F.

**WITNESS F:** Yes, Commissioner.

**ADV KHUMALO SC:** Do you remember earlier this morning  
10 or sometime yesterday, you testified about the meeting that took place between Mr Cat Matlala and General Sibiya at General Sibiya's office.

**WITNESS F:** That is correct.

**ADV KHUMALO SC:** And you said you were instructed to go pick up Mr Matlala. Presumably he was on the ground floor and you had to take him up to General Sibiya's office.

**WITNESS F:** That is correct, Commissioner.

**ADV KHUMALO SC:** And you said it was sometime in December 2023?

20 **WITNESS F:** That is correct, I was not sure about the month, but I did utter those words, Commissioner.

**ADV KHUMALO SC:** But it was sometime in late 2023, correct?

**WITNESS F:** I said to the Commissioners, I am not sure whether 23 or 24, but I am subjected to be corrected.

**ADV KHUMALO SC:** Because the context was that, as far as you were aware, that was the first time, at least in your presence, that Mr Matlala met with General Sibiya. Do you remember that?

**WITNESS F:** I am trying to rethink, Commissioners.

**ADV KHUMALO SC:** This is important, Witness F, because you were asked when Mr Matlala met General Sibiya, and you said you had known Mr Matlala for many years, but in your presence ...[intervenes].

10 **WITNESS F:** Yes.

**ADV KHUMALO SC:** The first time the two of them met was when Mr Matlala came to the offices in late 2023 to complain about his contract.

**WITNESS F:** I confirm.

**ADV KHUMALO SC:** Yes.

**WITNESS F:** But I do not confirm exactly the month, but I do confirm what I said yesterday, Commissioners.

20 **ADV KHUMALO SC:** Yes, because there is a lot of inconsistencies in your statement, or at least in your evidence, because we know that in March of 2024, you are exchanging documents between Mr Matlala and General Sibiya. So by then, they would have already met. And we know that there was that September 2024 event that you organized and various people attended. But you then said the purpose of the meeting, the meeting which in your

evidence you said happened in late 2023, was that Mr Matlala wanted to complain to General Sibiya about his contract. Do you remember that? Do you remember that you said that?

**WITNESS F:** [Indistinct]... Ja, I remember ...[indistinct].

**ADV KHUMALO SC:** Yes, But I have just checked and as far as I can tell, the SAPS Health Risk Management tender was only advertised in January 2024 and it was awarded in June, on the 14<sup>th</sup> of June 2024. So it is not probable that  
10 when Mr Matlala and Mr, General Sibiya met in late 2023 or even early 2024, it could have been to discuss Mr Matlala's issues with this contract, because this contract was only awarded to Mr Matlala's company in June 2024. Do you want to comment?

**WITNESS F:** Yes, I do want to comment, Commissioner. It might have been a human error, as in I said, I am not sure exactly when, but if you allow me now, I have got another statement that I have made prior to this statement, then I can refer to as exact date that Mr Matlala came to  
20 ...[incomplete].

**ADV KHUMALO SC:** What is that date, do you have it in front of you?

**WITNESS F:** I am switching on my phone now, Commissioners.

**ADV KHUMALO SC:** Is it possible, I do not want to waste

time, Witness F, is it possible that you can check it and then come back to it even tomorrow, or the next day when we sit?

**WITNESS F:** [Indistinct]... Commissioners.

**ADV KHUMALO SC:** Is that possible, Witness F?

**WITNESS F:** It is possible.

**ADV KHUMALO SC:** Yes.

**WITNESS F:** It is possible, Commissioner.

**ADV KHUMALO SC:** So one last question from me.

10 Remember the conversation about Impalas that had to be delivered to General Sibiyi's plot or to his firm?

**WITNESS F:** That is correct.

**ADV KHUMALO SC:** Do you remember when that was, more or less which month, which year?

**WITNESS F:** I cannot exact, but I can refer to my files so that I can give an exact answer, Commissioner.

**WITNESS F:** I will tell you what I am going to do. I will leave these two issues and then once you have referred to this statement that we have not seen, we might come back  
20 to this point, because what I want to suggest to you is that by the time the contract was awarded to Mr Matlala's company, General Sibiyi and Mr Matlala, knew each other and were friends for quite some time. That is really what I want to put to you. Maybe you can comment on that if you want to do.

**WITNESS F:** I would not admit nor deny. Maybe it might be an error from my side as in maybe I ...[indistinct] the dates when Mr Matlala had come to the head office for the first time, where I was available.

**ADV KHUMALO SC:** All right, I am going to ...[intervenes].

**WITNESS F:** But – okay, thank you, Commissioner.

**ADV CHASKALSON SC:** Witness F, I am moving to a new topic and I want, can you go to page 43, 43 of the main exhibit bundle.

10 **WITNESS F:** I am in page 43, Commissioners.

**ADV CHASKALSON SC:** And there at the foot of the page, chat 6, you sent Mr Matlala a picture of a motorbike, and above you say:

“For your convoy, then we add lights  
and sirens.”

Do you want to explain what that chat was about?

**WITNESS F:** Yes, I can explain that, Commissioners, thank you. As Mr Matlala is also a biker, he once told me, or he told me prior, that he is looking for bikes to join on his  
20 convoy. I then sent him a picture of a motorbike from a security company in Boksburg that was installing security lights and sirens for the security company on the motorbike and forwarded to Mr Matlala.

**ADV CHASKALSON SC:** You say “we add lights and sirens”, “lights and sirens”.

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Is it lawful for a private security firm to have lights and sirens on their vehicles?

**WITNESS F:** Lights and sirens, not police lights, lights and sirens. In Johannesburg, Kempton Park, I can quickly Google it for the Commissioner so that they must also check, there are private companies who are using their motorbikes that are installed with flashing lights and sirens.

**ADV CHASKALSON SC:** Were you aware at that stage  
10 that there was a controversy around Mr Matlala and his convoys and the use of blue lights to take his children to school and the like?

**WITNESS F:** I was not aware at that particular time, neither did I know that Mr Matlala had any pending case against him. The only thing that I knew then was Mr Matlala, the only thing that I knew then about Mr Matlala, he was a legit businessman. Thank you, Commissioner.

**ADV CHASKALSON SC:** You see, I want to put it to you that that answer is incorrect. If you go to your chats with  
20 Mr Msibi on page 665, you will see that on the 13<sup>th</sup> of February, you sent to Mr Msibi a link to a YouTube video which says:

“Watch Tembisa Tender Tycoon, his mama cat and their brazen blue light brigade.”

Underneath that, there was a link in chat 2, to an article about the blue light scandal in Ekurhuleni and that continues down to chat number 4, which also deals with an article about the blue light scandal. So on the 13<sup>th</sup> of February 2023, you were informing Mr Msibi about all of these allegations published in the press about Mr Matlala and the blue light brigade at Ekurhuleni. Will you accept that?

**WITNESS F:** I do accept that.

10 **ADV CHASKALSON SC:** Why were you telling Mr Msibi about Mr Matlala's blue light brigade?

**WITNESS F:** Thank you, Commissioners. The reason I was telling Mr Msibi about that blue light brigade and the scandal of Tembisa, number one, it was because Mr Matlala at that particular time was the head of security to Mr Msibi, his vehicles.

**ADV CHASKALSON SC:** That was in February 2023, Mr Matlala was the head of security for Mr Msibi?

**WITNESS F:** That is correct. That is the reason here,  
20 Commissioners, if maybe the Commissioner can give me a chance to explain, maybe give a sense to the Commissioners the reasons thereof, why I said specifically to Mr Msibi.

**CHAIRPERSON:** Just a minute. Was he head of security or was he providing security, can you please explain, to Mr

Msibi.

**WITNESS F:** He was providing security to Mr Msibi.

**CHAIRPERSON:** Please continue, Mr Chaskalson.

**ADV CHASKALSON SC:** So you were telling Mr Msibi that there is this scandal about your head of security, that he is putting blue lights unlawfully on his car, cars on his fleet and using blue lights to take his children to school and the like. Is that is that what was happening?

**WITNESS F:** That is correct.

10 **ADV CHASKALSON SC:** So in October 2023, 8 months later, you sent a message to Mr Matlala saying, then we add lights and sirens. In that context, what lights and sirens do you think Mr Matlala would have had in mind?

**WITNESS F:** Security lights.

**ADV BALOYI SC:** Witness F, what is security lights according to you and Mr Matlala?

**WITNESS F:** According to me, security lights is those halogen lights, the white one. Usually security cars, the branded ones, they put them on top of the car or on the grid  
20 of the vehicle, or on a dashboard.

**ADV BALOYI SC:** So you were offering or you were suggesting you would put white, then you would put white lights on his bikes that would be part of his convoy.

**WITNESS F:** I was showing the picture and what can be done to those bikes, basically, yes.

**ADV BALOYI SC:** All right, thank you. Thanks, Mr Chaskalson.

**ADV CHASKALSON SC:** And what convoy did you have in mind?

**WITNESS F:** The security convoy, Commissioners.

**ADV CHASKALSON SC:** And what does Mr Matlala use his security convoy for?

**WITNESS F:** Close protection, as he was providing it to Mr Msibi.

10 **ADV CHASKALSON SC:** So you were suggesting that the, for the purposes of close protection for Mr Msibi, Mr Matlala's security convoy should be fitted with lights and sirens.

**WITNESS F:** Not specifically for Mr Msibi, but for his own company benefit to put, when he has bikes to put those lights and sirens, security lights and sirens.

**ADV CHASKALSON SC:** Witness F, apart from advances to do repairs to his boats and jet skis, have you taken any payments from Mr Matlala?

20 **WITNESS F:** Can you repeat that, Commissioners?

**ADV CHASKALSON SC:** Apart from advances in relation to repairs of his boat and his jet ski, or the jet ski that he was using, have you taken payments from Mr Matlala?

**WITNESS F:** No, but I can maybe put to the attention of the Commission that there was a time where Mr Matlala

wanted a convoy of motorbikes to a wedding in Mamelodi, so he asked me as a biker to arrange a few of my friends to accompany him and entertain the crowd there in the wedding in Mamelodi. I remember at that time I gave him a petrol price from my friends. It was around per bike, 2,000, 2,500, of which he required six bikes at that time. So that is the only time that I remember.

**ADV CHASKALSON SC:** So can I clarify, are you saying that he was paid six times 2,500, so somewhere in the, 10 15,000. Sorry, you asked him to pay R15,000.00 to provide six bikers at 2,500 each.

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And was this a different convoy from the convoy you were speaking about on page 43?

**WITNESS F:** That is product Commissioners.

**ADV CHASKALSON SC:** Because the convoy at page 43 was, according to your evidence, Mr Matlala's, the security detail that he provided.

**WITNESS F:** Yes.

20 **ADV CHASKALSON SC:** Whereas when he paid you, it was in relation to a convoy that would escort him, a convoy of your biker friends.

**WITNESS F:** Not escort him *per se*, but because of already Mr Matlala had his own escort for the entertainment, because now, Commissioners, one of my hobbies the

weekend is biking, escort of matric dance, weddings and funerals. So, Mr Matlala was provided the kind of service.

**ADV CHASKALSON SC:** Can I take you to page 404, sorry, 404 of the annexure bundle.

**WITNESS F:** I am in 404, Commissioners.

**ADV CHASKALSON SC:** We are not going to display the document here, but do you recognise the document? Is it your personal current account with ABSA, a statement of that account?

10 **WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** If you go down to the third last entry, on that page you will see there is ...[intervenes].

**WITNESS F:** Yes, Commissioner.

**ADV CHASKALSON SC:** There is an entry that says “immediate transfer credit, First Rand, CAT VIP Protection, R20,000.00”.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** So that was a R20,000.00 transfer from Mr Matlala's company into your account.

20 **WITNESS F:** That is correct.

**ADV CHASKALSON SC:** How do you explain that transfer?

**WITNESS F:** As I said earlier, it ...[indistinct] from the services of bikes that Mr Matlala requested.

**ADV KHUMALO SC:** Mr Chaskalson, sorry, just so that we get this right. Page number?

**ADV CHASKALSON SC:** 404 of the annexure bundle.

**ADV KHUMALO SC:** 404?

**ADV CHASKALSON SC:** 363. I am sorry, 363.

**ADV KHUMALO SC:** Yes, I got it. Thank you.

**ADV CHASKALSON SC:** Apologies. Sorry, Witness F, I referred you to the wrong page, but you see the R20,000.00 payment from CAT VIP at the foot of page 363, third from the bottom?

**WITNESS F:** Yes, I see.

10 **ADV CHASKALSON SC:** And you say this is for the bikers that you arranged for entertainment at a wedding at the instance of Mr Matlala.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** But when we earlier spoke about those bikers, we discussed it and you said six bikers, 2,500 each, R15,000.00. This is for R20,000.00.

**WITNESS F:** That is correct, Commissioners. I do confirm that on that particular payment or day, he requested the service of the bikes, I gave him the quotation of 2,000 that I  
20 have mentioned, 2,500 that I have mentioned.

**ADV CHASKALSON SC:** So how did you get a transfer of 20,000 when you had quoted 2,500 per biker and six bikers?

**WITNESS F:** This is what he transferred to my account, Commissioners, besides of what I have charged him.

**ADV CHASKALSON SC:** So he essentially made a

payment of 5,000 to you above the payment to the bikers.  
Is that correct?

**WITNESS F:** Can you repeat that, Commissioner?

**ADV CHASKALSON SC:** So I am saying, I am putting to you that aside from the payment for the bikers, he also made a payment of R5,000.00 to you.

**WITNESS F:** I deny that.

**ADV CHASKALSON SC:** Well, did you pay him back R5,000.00? Did you call him up and say, well, you have  
10 overpaid me, it was only six bikers at 2,500 each, that is R15,000.00, but R20,000.00 has been transferred, I owe you 5,000?

**WITNESS F:** I did not give it back to him, reason being, according to him, the performance was stunning. As a result, he was thanking the bikers. Actually, according to my understanding, he was giving the bonuses in appreciation, the total of appreciation that other than what you have charged me, the performance was stunning, this is what you paid.

20 **ADV CHASKALSON SC:** And so how did you distribute the R20,000.00 to the bikers?

**WITNESS F:** According to their numbers, Commissioners.

**ADV CHASKALSON SC:** So everyone got 2,500, which would have left R5,000.00. What happened to that R5,000.00?

**WITNESS F:** I distributed each amongst the bikers who were there, Commissioners.

**ADV CHASKALSON SC:** Witness F, I have to put it to you that I am not convinced by that statement. I am not sure about the Commissioners, but I am not going to take it further. What I am going to ask you now is, are there any other payments that were made by Mr Matlala to you that you can recall now?

**WITNESS F:** Thank you. Thank you, Commissioners. I am  
10 not sure, but according to me, for now, I can only remember this one, because why I could remember, it was around 2023, 2022, where Mr Msibi was still alive, where I was communicating more with Mr Matlala, thereof, he might have sent something to my account, or I cannot really remember because, as a service provider to Mr Msibi and I was staying there, we will communicate more. So for now, I cannot quite remember.

**ADV CHASKALSON SC:** Well, let us before we leave this payment, can we go back to where we started, which was  
20 the convoy with lights and sirens on the 27<sup>th</sup> of October?

**ADV BALOYI SC:** Sorry, before you do that, Mr Chaskalson. Witness F, you may not remember the dates, how many times, but surely you would remember that Mr Matlala has paid you more than once. You should be able to remember that. You are close to him, you had these

many dealings with him, you must be, in your providing services to him, fixing his boats and doing all sorts of things, you must remember that you have received more than one payment from him. Witness F, are you still thinking?

**WITNESS F:** I am trying hard, Commissioner, to scratch my head to remember exactly, but please forgive me, I cannot remember for now.

**ADV BALOYI SC:** So if you say you cannot remember, it  
10 means you are not able to deny if it is suggested that you did and you must, you must have and you did receive more than one payment. You cannot deny it because you cannot remember.

**WITNESS F:** That is positive.

**ADV BALOYI SC:** Okay, that is fair. Thank you.

**WITNESS F:** Commissioner.

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

**ADV CHASKALSON SC:** But can we go back and look at this payment. If we go to 43 in chat number 6, when you  
20 sent a message to Mr Matlala and said, “for your convoy, then we add lights and sirens”, you were clear that this did not have anything to do with a wedding. It was about his security detail. You recall that?

**WITNESS F:** Which one is that, Commissioner?

**ADV CHASKALSON SC:** Bottom of page 43 of the exhibit

bundle, chat number 6.

**WITNESS F:** That is correct.

**ADV CHASKALSON SC:** If we go over the page to page 44, you sent that text to Mr Matlala on the 27<sup>th</sup> of October 2023 at 25 past 2 in the afternoon. At 28 minutes past 2 in the afternoon, you sent him another message. That is chat 1 on page 44.

**WITNESS F:** Okay.

**ADV CHASKALSON SC:** What we see there is that  
10 message you will see at page 8 of the annexure bundle.

**ADV BALOYI SC:** Is it zero eight?

**ADV CHASKALSON SC:** Page 8 of the annexure bundle.

**ADV KHUMALO SC:** Eight zero?

**ADV CHASKALSON SC:** Eight, eight. What you sent Mr Matlala, was the account number of your ABSA current account. You confirm that?

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And then if we go back to the  
20 bank statement that we saw on page 363 of the annexure bundle, we see that that payment that Mr Matlala made of R20,000.00 to you was made on the exact same day, 27 October 2023.

**WITNESS F:** That is correct, Commissioners.

**ADV CHASKALSON SC:** So, it seems to me that when Mr Matlala paid you R20,000.00 on the 27<sup>th</sup> of October 2023, it

was a reward for your role in arranging lights and sirens for his convoy and it had nothing to do with a wedding and a convoy of bikers to provide entertainment. What is your comment on that?

**WITNESS F:** Can you repeat that, Commissioner, so that I must give you a clear answer?

**ADV CHASKALSON SC:** It seems to me that when Mr Matlala paid you R20,000.00, it had nothing to do with a convoy of bikers at a wedding. It was a payment as a  
10 reward for arranging lights and sirens for his convoy.

**WITNESS F:** That is not correct.

**ADV CHASKALSON SC:** Was it a coincidence that on the same day that you sent him a text saying, “for your convoy, then we add lights and sirens”, he transferred R20,000.00 into your bank account?

**WITNESS F:** It might be a coincidence to the Commissioner, but to me, it is not. The money that Mr Matlala sent, it was basically for a wedding that Mr Matlala attended. Mr Matlala did not need me to install his convoy.  
20 I assume you are saying that the convoy, the lights and siren. I was only basically talking to Mr Matlala about bikes that were to be issued, if interested, by a security company that installed lights and sirens in Kempton Park. Thank you, Commissioners.

**ADV CHASKALSON SC:** Let me try and remind you about

other possible payments from Mr Matlala to you. Can you go down to page 50 of the evidence bundle.

**ADV BALOYI SC:** Mr Chaskalson, evidence bundle, you mean ...[intervenes].

**ADV CHASKALSON SC:** The exhibit ...[intervenes].

**ADV BALOYI SC:** Exhibits.

**ADV CHASKALSON SC:** The exhibit bundle, I am sorry. Do you have it, Witness F?

**WITNESS F:** Yes, yes, Commissioner.

10 **ADV CHASKALSON SC:** There at chat number 5, you will see that on the 23<sup>rd</sup> of May 2024, at 22:39, you sent a message to Mr Matlala saying:

“Thanks, my man.”

And then there is a thank you emoji.

**WITNESS F:** I see Commissioners.

**ADV CHASKALSON SC:** Why would you be thanking Mr Matlala, are you able to remember?

**WITNESS F:** I cannot remember, Commissioners.

20 **ADV CHASKALSON SC:** Is it possible that you are thanking him for a payment?

**WITNESS F:** I cannot remember, Commissioners.

**ADV CHASKALSON SC:** So it is possible that he made another payment to you on the 23<sup>rd</sup> of May 2024 and that is why you were thanking him. Is it possible that he made another payment to you on the 23<sup>rd</sup> of May 2024 and that is

why you were thanking him?

**WITNESS F:** I cannot remember, Commissioners.

**ADV CHASKALSON SC:** If you cannot remember, it is possible, will you accept that?

**WITNESS F:** I cannot remember, Commissioners.

**ADV CHASKALSON SC:** Maybe this might assist you to remember. Can you go to page 405 of the annexure bundle.

**WITNESS F:** I have opened it, Commissioner.

**ADV CHASKALSON SC:** And there If you look at the  
10 second last column from the right, those are the deposits.  
The last deposit into your account in May was indeed on the  
23<sup>rd</sup> of May 2024. It was a 5,000 transfer from CAT VIP  
Protection. You see that?

**WITNESS F:** Yes, Commissioners.

**ADV CHASKALSON SC:** Can you explain why Mr Matlala's  
company would be paying you R5000.00 on the 23<sup>rd</sup> of May  
2024, long after he stopped doing security for Mr Msibi? In  
fact, Mr Msibi was no longer alive.

**WITNESS F:** Thank you, Commissioners. Even though Mr  
20 Matlala did no longer do the security for Mr Matlala, I was  
still in contact with Mr Matlala. If I could recall this 5,000,  
but subjected to be corrected, that is when he sent it to me  
to buy something for a bike or a jet ski, not Mr Msibi's jet  
ski, his jet ski.

**ADV CHASKALSON SC:** His jet ski, his own jet ski?

**WITNESS F:** Yes, he had a jet ski. He had Mr Msibi's jet ski.

**ADV CHASKALSON SC:** And R5,000.00, a round number like that, to buy what for a jet ski?

**WITNESS F:** Commissioners, thank you. It might be one of the things in the jet skis, but I could slightly remember it might be something to do with a jet ski.

**ADV CHASKALSON SC:** Witness F, we have overrun 1:30 by a while now. I need quite some time to finish this topic.  
10 What I would like to ask of you is that you reflect overnight, look at the bank statements, look at the chats, look at your notes and if there are any other payments that you can now recall being made from Mr Matlala and the reasons therefore, we can take that up when you return.

**WITNESS F:** I confirm. Thank you. Thank you, Commissioner.

**ADV BALOYI SC:** Witness F you, we had evidence from another witness last year about the use of lights and sirens and the evidence and the, well, the testimony by the  
20 evidence that was presented to us, documentary evidence, records that lights and sirens on vehicles are only permissible on law enforcement officers and emergency vehicles. Are you aware of that?

**WITNESS F:** I was not aware, Commissioners.

**ADV BALOYI SC:** So you do not know that private vehicles

are not permitted to have sirens?

**WITNESS F:** Can you repeat that, Commissioner?

**ADV BALOYI SC:** You are not aware that private vehicles, my vehicle, is not allowed to have, by law, is not allowed to have a siren. Are you telling us you are not aware of that?

**WITNESS F:** I am not telling you I am not aware or not aware of that, but according to me, when a vehicle is fitted with security light, it must be branded, the personnel and it must be on the security company's name, and people  
10 thereof who are driving such car must be PSIRA registered. According to my understanding, that is when that vehicle is permitted to put lights and the siren. That is the reason even when we see or I see the security vehicle passing with the siren, especially these people who are working with track, tracker cars or ...[intervenes].

**ADV BALOYI SC:** Yes, yes, the motorbike ...[intervenes].

**WITNESS F:** [Indistinct]...

**ADV BALOYI SC:** Witness F, allow me to ask you my question so that I can get an answer. The motorbike that  
20 you picture, that you sent to Mr Matlala has no branding. It does not say in your message that it must be branded as a security vehicle or motorbike. All you say is this for your convoy. And then you say, then we add lights and sirens. You do not say anything about it will have to be branded. So you are not saying to Mr Matlala, this motorbike, your

motorbike can only get lights and a siren if it is branded.  
You do not say that to him. Yes, you want to comment?

**WITNESS F:** Yes, I want to comment, Commissioners.  
Thank you. I did not sent Mr Matlala that motorbike that,  
this motorbike, indeed, this is the one that must be  
installed. I was sending Mr Matlala the motorbike, the type  
of motorbike the securities use.

**ADV BALOYI SC:** Yes.

**WITNESS F:** One. Two, I did not need to tell Mr Matlala  
10 that you need to brand your bike because of his experience  
or his expertise in the security industry. I have assumed at  
that particular time that with his capacity, he knows what is  
required and expected of his company.

**ADV BALOYI SC:** Yes. Well, the, what I want to put to  
you is the evidence before us is that sirens are not  
permitted except for emergency vehicles and law  
enforcement officers and I expect that you would know that.  
And I will not believe an answer from you that says you did  
not know that when you made the suggestion to Mr Matlala  
20 that his motorbike would be fitted with sirens. It cannot be  
that you do not know that. Do you want to comment?  
Witness F?

**WITNESS F:** Thank you, Commissioners. I still stand by  
that statement. I am sorry if maybe my answer is not  
satisfactory to the Commission.

**ADV BALOYI SC:** Yes.

**WITNESS F:** But the reason that I sent, it was because I thought he needed to because of his calibre. However, I am sorry.

**ADV BALOYI SC:** Yes, you do not have to apologize. It is just that it is unbelievable that you would not have known when you made the suggestion that the law does not allow him to have a siren on his vehicles, on his motorbikes. It is unbelievable that someone of your seniority and so closely  
10 linked to the office of the Deputy National Commissioner Sibiya would not know that the law does not permit private vehicles to be fitted with sirens. And I put it, I leave it at that. Thank you, Chair.

**CHAIRPERSON:** Let us, do we do we resume at 9:30 tomorrow?

**ADV CHASKALSON SC:** Chair, we resume at 9:30 tomorrow, but I will not be here tomorrow.

**CHAIRPERSON:** I am aware, you mentioned during the postponement application of last week, Mr Chaskalson.

20 **ADV CHASKALSON SC:** And there is another witness scheduled to give evidence tomorrow morning at 9:30.

**CHAIRPERSON:** Thank you.

**WITNESS F:** I wonder if Witness F could be excused until Friday morning, because we will be busy with another witness tomorrow morning and hopefully that gives him time

to keep fluid bay and get well.

**CHAIRPERSON:** All right. Will Friday not possibly be affected by the outcome of the Johannesburg High Court urgent or not really?

**ADV CHASKALSON SC:** It will be, it may be affected by the outcome of the Johannesburg urgent. But to cater for both possibilities, I think that we should ask Witness F to return on Friday.

**CHAIRPERSON:** We will just see ...[intervenes].

10 **ADV CHASKALSON SC:** And the witness who is scheduled for Friday can commence Friday afternoon if needs be.

**CHAIRPERSON:** Thank you, Mr Chaskalson. Witness F, please be in attendance at 9:30 this Friday. Let us adjourn and resume then.

**INQUIRY ADJOURNS TO 5 DECEMBER 2026**

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