

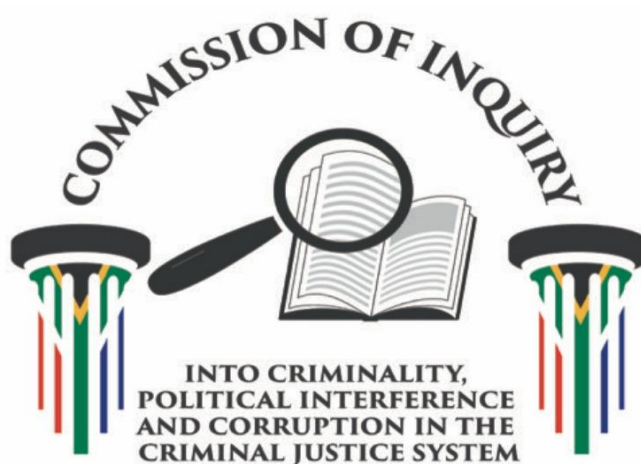
JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

6 FEBRUARY 2026

DAY 55



PROCEEDINGS HELD ON 6 FEBRUARY 2026

CHAIRPERSON: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Good morning, Chair. Sorry.

CHAIRPERSON: Good morning, good morning. Witness F?

WITNESS F: Good morning, Commissioners.

CHAIRPERSON: Please pull the mics closer to you.

WITNESS F: Good morning. Good morning, Commissioners.

10 **CHAIRPERSON:** Thank you. Now I hear you loud and clear.

ADV CHASKALSON SC: Chair, we have arranged with – we will need two further days for Witness F. We have arranged with Mr Ngoato that we will not proceed today because we do not want to interrupt the existing witness and we also cannot then spill over on to Monday because we have another witness scheduled there. So with Mr Ngoato we have agreed that Witness F will be excused and will return on the 16th and 17th of February. So we would
20 ask you to excuse Witness F and direct him to return on the 16th.

CHAIRPERSON: Thank you, Mr Chaskalson. Witness F, you are excused from further attendance, but you are directed to appear or to be available to continue with your testimony on 16 and 17 February. Do you understand?

WITNESS F: I understand, Commissioners. Thank you.

CHAIRPERSON: Thank you very much.

ADV CHASKALSON SC: Then, Chair, there is also a postponement application from Mr Kareem who was subpoenaed to attend today. I need to contact Mr Kareem or generate his legal team so that we can deal with that. Can I ask if we can stand down for five minutes?

CHAIRPERSON: Thank you, Mr Chaskalson. Perhaps I will not say five minutes. We will come in when you
10 indicate to us to come.

ADV CHASKALSON SC: Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good morning, Mr Premhid.

ADV PREMhid: Good morning, Chair and Commissioners.

CHAIRPERSON: We really had our knives out for you because at this Commission we start at 09:30 exactly, but we were advised by the evidence leaders that you were here what after 08:00, somewhere there in the morning, but
20 that you were directed to a holding area and that you were advised to come after it had been indicated to you to come, something like that. So we are not able to chastise you even though we were really itching to do it.

ADV PREMhid: Chairperson, if I may, considering what happened earlier in the week I can imagine that you would

want to chastise me and I am going to resist saying that we were put with our client in a holding cell whilst we were waiting to be called before you, but we are here now and we are indebted for the audience that you are giving us. Thank you, Chairperson.

CHAIRPERSON: Thank you, thank you and I understand that you are moving a postponement application.

ADV PREMHID: Yes, Chair, we are, but through the agreement with my learned friend, he will address you first
10 and then I shall address you afterwards with your indulgence, if that is all right.

CHAIRPERSON: Thank you.

ADV PREMHID: Thank you, Chair.

CHAIRPERSON: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Thank you, Chair. Obviously, the decision is with the Commission and not with us, but we do not oppose the postponement application and I just like to set out why because it is not on the papers. Chair, you will recall that in the course of the litigation last week, in the
20 course of the litigation the Commission made a with-prejudice offer to Mr Kareem that if he needed more time, he could come on the 24th and 25th of February. And our view, and he clearly does need – he says he needs more time, and our view is that if he needs more time, and we have made that offer, it would be poor form now that the

urgent is behind us to not to hold that offer available.

The problem with the 24th and the 25th is that Mr Kareem's attorney will be on Hajj, and so he cannot be here on the 24th and 25th. His team offered the 2nd and 3rd of March, which are the first dates after his attorney, the first available dates after his attorney returns to the country.

Unfortunately, the Commission cannot accommodate the 2nd and 3rd of March, but the first available dates for the Commission after the 2nd and 3rd of
10 March are the 9th and 10th of March. And subject to the Commissioners' agreement, we have agreed with Mr Premhid that we will support a postponement to the 9th and 10th of March.

Mr Kareem has undertaken to furnish a statement by the 3rd of March. We have indicated that the difficulty, the potential difficulty with that is that having – once we see Mr Kareem's statement, we may have to expand the bundle that has been given to him for questioning. Mr Kareem's team understands that they will do their best, or they will
20 certainly meet the 3-March deadline. If they can do it sooner, they will.

From our side, we will ensure that any additional documents are made available to Mr Kareem's attorney within 48 hours after we receive the statement. So subject to the Commissioners' agreement, we would ask for the

postponement to be granted and a ruling to be handed down in those terms, that the matter is postponed, or Mr Kareem is excused and directed to return to give evidence on the 9th and 10th of March. That he will furnish a statement to the Commission on or before 3 March. And that if in the light of the statement, the Commission wants to add any documents to the bundle that he has already been provided with, they will do so within two days of receiving the statement. Two working days.

10 **CHAIRPERSON:** Mr Chaskalson, as it is often said in the court context, an application for a postponement is not to be had merely for the asking. The applicant mentions having been furnished with certain documents. I forget the number of days, but basically the point being that very close to today. Do you want to just give us the factual position in that regard?

ADV CHASKALSON SC: It is correct that the bundle of documents for questioning was furnished to the applicant, I think it was Wednesday afternoon, yesterday afternoon,
20 yesterday afternoon. That bundle is very bulky, but the bulk is misleading because it runs to 397 pages, but some, in truth, about 340 of those pages are documents which were annexed to the chats of between Mr Kareem and Mr Matlala, which were just medical surveillance authorisation forms in respect of which Mr Kareem and Mr Matlala were

communicating.

Now, those forms are not documents, the contents of which are going to be relevant to, or are going to be interrogated. It is merely the fact that approximately 350 pages worth of – let me not overstate it, approximately 320 pages of medical authorisation forms were exchanged between the parties. So it is the fact of the bulk of the document as opposed to the contents of the document that are relevant.

10 Having said that, neither Mr Kareem nor his legal team may have been certain that that was the case, and so I understand that they have been taken aback at receiving all of these.

CHAIRPERSON: May I find out why the documents were not given to the applicant or his attorneys earlier than yesterday?

ADV CHASKALSON SC: Well, there are two answers to that question. The first is that the chats and the rest of the annexures that have substantive content that the
20 Commission will be interrogating were given to Mr Kareem sometime last year, I think it was. At the time, we thought that there was no purpose in adding these 320 pages because we were not going to refer to the content of them. In advance of the hearing, it occurred to us that the fact of the 320 pages was significant.

I must indicate as well that there are certain additional pages which were exhibited by Mr Mogotsi, or exhibited in the questioning of Mr Mogotsi, pages 368 to 397 of the bundle, which was specifically given to Mr Kareem for the first time yesterday.

However back in, I think it was November or December when Mr Kareem was asking which evidence, which witnesses have implicated Mr Kareem and which evidence is relevant in that regard, he was directed to the
10 evidence of Mr Mogotsi and the annexures to Mr Mogotsi.

We should, I readily admit, have nevertheless prepared this bundle earlier and made it available to Mr Kareem earlier. In the chaos around the urgent application, it did not occur to us to proceed as though matters were going to, as though his evidence was going to be heard on Friday until the ruling came down yesterday. But we were at fault in that respect.

CHAIRPERSON: Just to be sure I understand, Mr Chaskalson. The difference between the 397 and the 320,
20 that is the 77. Are you saying before yesterday, Mr Kareem was aware of those? I just want to be sure that I understand.

ADV CHASKALSON SC: He had not pertinently been given these documents.

CHAIRPERSON: Okay.

ADV CHASKALSON SC: He had been informed you were implicated by Mr Mogotsi. Mr Mogotsi's, the transcript of Mr Mogotsi's evidence is here. The exhibits to Mr Mogotsi's evidence are there.

CHAIRPERSON: So would the 77 be part of that?

ADV CHASKALSON SC: The 77 come from the exhibits to Mr Mogotsi's evidence.

CHAIRPERSON: Okay. And did we at any stage indicate to Mr Kareem or his attorneys yesterday, or soon thereafter,
10 which I do not know when that would be, today I guess, was it indicated that the 77 are documents that he, Mr Kareem, in fact was already advised where they are? Or rather, was he advised that you have been alerted where these documents are a while back?

ADV CHASKALSON SC: No, he was not. He was given the bundle with no covering explanation.

CHAIRPERSON: All right, all right. Thank you, Mr Chaskalson. Yes, Mr Prehmid.

ADV PREMHID: Thank you, Chairperson. May I start with
20 some housekeeping, if I may? Last night, via email, we served on the Commission an unsigned copy of the affidavit. We now have the signed copy of the affidavit. It is identical. It is just so that the Commission has the signed copy so that the box under oath is ticked. And if I may ask that we can give that to the Secretariat so it finds

its way to the Commissioners?

CHAIRPERSON: Thank you.

ADV PREMHID: Thank you, Chair. Chair, may I just say this? We fully understand that a postponement application is not there for the asking, but I just want to draw attention to what my learned friend, Mr Chaskalson, just said in response to your questions, Chair.

You asked were those 77 pages given, and my learned friend effectively said they were but not pertinently pointed out. And the reason I mentioned that is because even though my client received bundles previously, my client's correspondence which gave rise to the urgent application earlier this week was to try, as you would understand in trial settings, to limit the scope of inquiry so that instead of my client having to face a bundle initially of 2 000 pages, then 4 000 pages, we knew what it is we had to deal with.

And now for the for the first time on the record we hear that of the 400 odd pages it is only 77 that matter. And so I have to raise the prejudice that my client has faced throughout this process and, of course, I am not re-arguing the urgent ...[intervenes].

CHAIRPERSON: Is the situation you are facing though not the function of what the attitude of the applicant, including his attorneys for that matter, because reading the judgment

and in fact being aware of the exchanges that preceded that, according to the judgment of Fisher J, the attorneys refused to even accept service of a subpoena on them and insisted that serve on Mr Kareem, you are not serving on us.

And also the judgment, I will not say anything that is being said by the Commission, I will emphasise what the judgment says. The judgment in so many ways, of course I am paraphrasing, says that the applicant and indeed his
10 attorneys were obstructive and the idea was simply to avoid coming to testify before this Commission.

So is it not so that the function or rather the situation the applicant now finds himself is a function of that obstructive attitude or behaviour? Because one should look at what the evidence leaders have done or failed to do in the context of what was thrown at them.

ADV PREMID: Thank you, Chair. May I start at your conclusion? And I am going to respectfully disagree with you, Chair, on the basis that my learned friend, in talking
20 about the internal processes of the Commission to narrowing down the bundle and only serving that bundle, which clearly then narrows the scope of enquiry to the extent that that implicates my client, only happened yesterday.

And without rehearsing the merits or demerits of

the urgent application, you, Chair, will know pertinently that that was one of the issues raised in the urgent where the reason for the interdict was to say, comply with your own rules, give me the bundle, tell me how I am implicated so that I can prepare my witness statement and I can come here.

Of course, Fisher Jay is entitled to make the observations that she did of obstructionism, and all I will say, without going back to that, is that the attitude of the
10 attorneys has always been that our client has to come and testify in front of this Commission, but he cannot be ambushed, and until such time that the Commission complies with its own rules to properly define the scope of inquiry, he would then be prejudiced as a result, and the resistance put up by the applicants legal team was to ensure that the outcome we are talking about here today, potentially if the postponement is granted, could have been achieved.

So with all due respect, Chair, I would say that the
20 true obstructionism, in light of the fact that now we have the bundle, which we were asking for from last year already, not a 4 000-page bundle or a 2 000-page bundle, but this very thin bundle of only 77 documents, demonstrates with all due respect that the Commission's legal team, and of course I do not mean any disrespect to my learned friend, but the

Commission's legal team could have defined the scope of inquiry sooner.

And actually, if the Commission were willing to play ball with my client and not start from the predetermination that he is only objecting because he does not want to testify, then maybe we could have reached this negotiated outcome last year already, and my client could have testified.

CHAIRPERSON: But quite late in the process an offer was
10 made, an offer that I think should have taken us to where you say that point should have been reached last year already, and all there was, was, and again I rely on the conclusions from the judgment, on that as well there was interrogatory after interrogatory after interrogatory as long as an arm and a leg.

ADV PREMID: Chair, I can accept the view that that you put to me, but you will remember that in the context of that attempt to reach the dates, the 24 February dates, if that is the dates that we are talking about, at that time we still did
20 not have the bundle. So the objection as to why the offer was rejected at that time and the urgent was persisted with is to say all you are doing is you are changing the hearing of the evidence date from the 6th to the 24th, but the prejudice, and Chair, considering your previous role, you do not need me to tell you anything about fair trial rights and

adequate opportunity to prepare and how that relates to *audi*, that is the prejudice that we would have faced anyway because my client would have come here without the benefit of the bundle, without the benefit of knowing what case he has to meet, and then, and again I am choosing my words carefully, face a potential ambush.

And so, insofar as that offer was rejected and even if, Chair, you would disagree with why that was rejected, I hope you can understand from our side that the consistency
10 is that it was not to achieve an obstructed outcome, but rather to ask the Commission to simply comply. And that is why, Chair, now that the documents have been given, we know the case to meet, that prejudice about knowing the case to meet has gone away, but we have inadequate time to prepare because we were only given the documents less than 24 hours ago. So again, and without going into the history of the urgent ...[intervenes].

CHAIRPERSON: I interrupted you, you were making a point, I hope you have not forgotten it, you are responding
20 to me now, I have heard you.

ADV PREMHID: Thank you.

CHAIRPERSON: So you may go back to the point you were making.

ADV PREMHID: Thank you. May I just say one last thing, Chair, because you raised it? You raised the issue of the

attorney being obstructive regarding personal service. Now, I know that is not an issue in front of you per se, that is a conclusion reached by Her Ladyship Justice Fisher.

All I would point out is that according to the Commission's Act section 3(2), if I am not mistaken, regarding service of Commission documents, that is supposed to happen in terms of section 14 of the Criminal Procedure Act, and I am looking at my junior, Mr Casey, in case I am mistaken about this, and that section in the
10 Criminal Procedure Act requires personal service.

And so Her Ladyship Justice Fisher is entitled to say whatever she wants to about the obstructionism or otherwise of the attorneys, but with all due respect, it is not as though the attorney was acting without cause, particularly in circumstances where now we know what the case is to meet we are here, and we are just asking for a little more time to prepare.

So, Chair, that was my engagement with you and my response to you, but realistically I have covered all of
20 the comments I wanted to make because you pertinently put the issues to me. May I just consult my attorney to obtain and ...[intervenes].

CHAIRPERSON: Just before that, maybe what I am going to raise will indeed also require you to confer with your attorney on it. I understand that one of the reasons given

for the postponement and indeed, in fact, for a date as far as the dates that, ja, that Mr Chaskalson gave us.

ADV PREMHID: 9 and 10 March, Chair.

CHAIRPERSON: 9 and 10 March, yes. Part of the reasons is that your instructing attorney will be attending or going to the Hajj. Something that I respect for reasons that are obvious again for what you referred to my previous position, I should respect that. But what I want to find out is whether there is not another attorney who would be able to attend to
10 this from the attorney's firm.

ADV PREMHID: Chair, may I just, if I may respond?

CHAIRPERSON: Yes.

ADV PREMHID: So, the correct position, and I understand that these are not recorded in letters or whatever the case is, and I hope the Commission will take me at my word, is that Ramadan is expected to start on either the 18th or the 19th of February depending on when the moon is sighted.

My instruct – we initially offered the Commission 2 and 3 March because that was actually the dates when our
20 legal team was available. As my learned friend has said, the Commission is not available on 2 and 3 March, and the 9 and 10 March are actually the dates when my lead instructing attorney will be travelling for Hajj. Umrah, I apologise, there is a difference between Hajj and Umrah depending on the timing in which you go to Makkah, but be

that as it may.

He will not be here, but we are nonetheless prepared to come with other attorneys and the counsel team to ensure that there is no disruption. So, even though the senior instructing attorney will not necessarily be here, we will be here, and I just want to emphasise that we will be here.

CHAIRPERSON: There was something you wanted to take instructions on?

10 **ADV PREMID**: Yes, I just wanted to check before I lose my day fee.

CHAIRPERSON: We had to confer for quite a while, but let me listen what you wanted to confer with your instructing attorney about.

ADV PREMID: Yes. And, Chair, then in respect of the arrangement that Mr Chaskalson set out regarding the filing of the witness statement, the update to the bundle, if we put in the witness statement earlier we will get the bundle earlier, and so on. We concur, and assuming that the
20 postponement is granted, we agree.

CHAIRPERSON: We were actually conferring about the date by which the witness statement should be filed, and we were thinking that if you actually offered the 3rd of March for a hearing, then it means you are in a position to file your witness statement before the 3rd of March. What we are

worried about is the supplement 48 hours after the witness statement has been filed. That is getting us very close to the date of hearing. We as Commissioners also need time to read everything that has been filed. Do you not want to just stay a few days before, maybe the 27th of February? I see your instructing attorney shaking his head. But just make an offer earlier than the 3rd, if possible.

ADV PREMHID: Can we do it at 6 AM on the 3rd?

CHAIRPERSON: On which day?

10 **ADV PREMHID:** 6 AM on the 3rd, the earliest we can go. Could I just ask for a clarity please, Chair? Do you want us to tender that date now on the record? Because my only difficulty, and although I understand I have a legal team available, is that I am in the NHI litigation that entire week. So I, as the leading counsel who need to be involved in the preparation of the witness statement. I am already under significant pressure because of that impact. May I just have a moment to confer with my attorney please, and I will then place the answer on the record?

20 **CHAIRPERSON:** Yes, we would like to have the date now because we want to make it part of the order. Do you want us to adjourn for a few minutes and then you indicate to us? I will not state a time of the adjournment. We will just adjourn and then you will indicate to us.

ADV PREMHID: I think that I will be indebted for that

because we also need to talk to our clients so that we can talk about dates for prep and so on.

CHAIRPERSON: Yes.

ADV PREMHID: I would be indebted.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: We were trying to avoid having to adjourn before Brigadier Matjeng takes the witness stand, but we could not succeed. Yes, Mr Prehmid?

10 **ADV PREMHID:** Chair, I understand that there is a mooted date that the statement is filed on Friday the 27th of February. Chair, I just want to place the following on record. We would prefer Monday the 2nd for the following reasons.

Number one, we have conferred with our entire legal team who are all tied up in different litigation throughout that week, ending on the 27th. Number two is obviously with Ramadan, this falling during Ramadan, there is, as you might be aware, you have to break your fast in
20 the afternoon, which impacts your ability to work in the evening, particularly with evening prayers and so on. And so we would prefer the 2nd, but obviously, Chair, we are in your hands, and if you determine that it is the 27th, we will comply.

ADV BALOYI SC: Mr Prehmid, Mr Kareem was going to

testify today, and he would have had to testify without a statement if he chose that, if he chose to do so. And I think now we are all doing our best to accommodate the concern that you have raised about the late delivery of documents.

We also have other witnesses scheduled, as you would have seen. We sit every day, we are getting documents every day to prepare for the next day. And we accept that your team is involved in other matters and we will be busy in that week, but that is true for every legal
10 team that appears before us. So we are really asking you, even before the Chair orders, that you work with us, you do your best to prepare the statement by the 27th because the expectation, or we cannot exclude that once you file the statement, the evidence leaders may well have to supplement their bundle, which may raise other issues, and then you have the spillover that could threaten the date of the 9th of March.

So the earlier we get the statement, in fact, if you can get it to us before the 27th, that would be most
20 welcome. The 27th has to be the outside. And it is really out of concern that already, as matters stand, the calendar of the Commission is being affected. It is being pushed back, and we have only so much time. So I would implore you to have your legal team find another hour in the 24-hour day, find an extra hour to make it 24-5 hours, so that you

deliver the statement on the 27th, please.

CHAIRPERSON: What gives me a sense of comfort, Mr Prehmid, is that you said if we direct that the filing be on the 27th, you will do that. That gives me a sense of comfort. You wanted to respond to Commissioner Baloyi.

ADV PREMHID: Yes, thank you. Through you, Chair, that is exactly what I wanted to say. I just, for the sake of the record, wanted to explain why we have a preference for the Monday. And I am not unsympathetic to the difficulties
10 experienced by the Commission and that the calendar is being crowded out, but it is also proper for us to place on record what our difficulties are. May I just confer with my attorney for one second, please? And wiser heads prevail. We will take the 27th. Thank you, Chair.

CHAIRPERSON: Thank you very much, Mr Prehmid. Mr Chaskalson, I guess there is no need to respond?

ADV CHASKALSON SC: Well, not to the dates and the ruling, but I do need to defend my legal team, because I did not want to rehearse the past, but it has been rehearsed. I
20 need to place two things on record. First, the attitude of Mr Kareem's team was not give us details, we will give you the statement, you can come. It was a different attitude. It was, you can either have a statement or you can have oral testimony. You cannot have both. Your request for both is unlawful. That was legally wrong, and it was obstructive.

The second point that I do want to emphasise in relation to the suggestion that if we had given the bundle earlier, there would have been no problems, is that we had this succession of letters from Mr Kareem's attorney raising a very wide range of interrogatories that they expected us to answer. Eventually, we said, you were due to appear on the 23rd of January. You will have the 23rd of January free. Come and meet with us. We will explain to you. We will try to understand what your issues are. We will try to address

10 them. We will try and sort this out. That would have been a full week before the hearing that was initially scheduled for 30th of January.

That request was refused, and so the invitation to the meeting to sit down, try and understand what the genuine concerns were, how we could address them, was just rejected. To suggest that if we had merely done what we did last night and produced this bundle at an earlier stage, the problem would have gone away is, with respect, wholly incorrect.

20 It would not have gone away. There was a separate, frankly preposterous legal position being taken that you cannot order us to issue a statement and to testify. Choose which you want. There was also a deliberate refusal to engage with us in a collegial fashion or in a cooperative fashion to try to get to the bottom of this so

that Mr Kareem could come and testify with the information that he needed.

I just do need to put that on record because the picture that has been conveyed is, with respect, not an accurate picture.

CHAIRPERSON: Thank you, Mr Chaskalson. Mr Prehmid, we cannot keep doing a back and forth. Let us just make our ruling now.

ADV PREMHID: We are ready to get the show on the road.

10 Let us do that, I think, Chair.

CHAIRPERSON: Thank you very much, Mr Prehmid. My apologies to be doing this at the tail end. Good morning, Mr Kareem.

MR KAREEM: Morning, Chair.

CHAIRPERSON: Thank you.

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O R D E R

CHAIRPERSON: For reasons that should be obvious to everybody, meaning we are not going to be giving any
20 reasons, we make the following order:

[1] The matter is postponed to the 9th and 10th of March 2026.

[2] Mr Kareem is ordered to be in attendance and to give testimony on those two days and beyond, if need be, and to remain in attendance until excused

by the Commission.

[3] Mr Kareem is also ordered to furnish a statement not later than 27 February 2026.

[4] The evidence leaders are ordered to furnish any additional documents within 48 hours thereafter.

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ADV CHASKALSON SC: Chair, 48 hours is going to be on the Sunday. Can I ask for the Monday? At least two working days.

10 **CHAIRPERSON:** All right. Let me give a date then instead of mentioning hours. The evidence leaders must furnish any additional documents not later than the 2nd of March 2026. We so order. Thank you.

ADV CHASKALSON SC: Thank you, Chair.

ADV PREMHID: Thank you, Chair.

CHAIRPERSON: You and your team are excused, Mr Kareem, and you too, Mr Kareem. Did I say Kareem on both sides? No, Mr Prehmid.

20 **ADV PREMHID:** I would be very happy to be confused with my client. He is a very handsome man. Thank you, Chair. We appreciate it. Thank you, Chair.

CHAIRPERSON: Thank you very much, Mr Prehmid. Chair, do you perhaps want to adjourn again so that we cannot do this in front of you? Let me just say, how far is the witness? Should we go out, Ms Pooe, or should we sit?

ADV POOE: Chair, I had asked the witness to be brought to this door so that immediately we can proceed.

CHAIRPERSON: You may.

ADV PREMID: Thank you very much.

CHAIRPERSON: Thank you. Thank you.

ADV CHASKALSON SC: Chair, may I also be excused, please?

CHAIRPERSON: Yes, Mr Chaskalson. Good morning, Brigadier.

10 **BRIGADIER MATJENG**: Good morning, Commissioners.

CHAIRPERSON: Good morning, Ms Pooe.

ADV POOE: Good morning, Chair, Commissioners.

CHAIRPERSON: We are in your hands, Ms Pooe.

ADV POOE: Chair, yesterday we left off at page 26, so we will continue with the WhatsApp chat.

CHAIRPERSON: 26?

ADV POOE: Yes, page 26 of the WhatsApp chat. And maybe just to direct you also to paragraph 30 of the statement. Paragraph 30 is on page 8 of the statement.

20 **BRIGADIER MATJENG**: Paragraph? Statement?

ADV POOE: Page 8 of the statement at paragraph 30. And page 26 of the WhatsApps. Brigadier, are you at those two pages? Okay.

CHAIRPERSON: Again, I do realise you have files, so you probably do not have much space to pull the mic closer to

you. It is either you find a way of pulling the mic closer or speaking a bit more.

ADV POOE: I will do so, Chair.

CHAIRPERSON: Yes.

ADV POOE: My apologies. Brigadier, good morning. We are dealing with the chats. And this particular chat is on the 20th of February 2025 at 11:23. You will see there that you first, before we deal with 11:23, maybe, no, actually it does start at 11:23. You send what appears to be a list of
10 140 individuals to Mr Matlala. Can you see that?

BRIGADIER MATJENG: Yes, I can see it.

ADV POOE: Thereafter, you send a message at 11:24, saying:

“Morning, Mr V, list of no-shows.”

In response, he says:

“Thank you, and the no-show code?”

You then respond and say:

“I will check with Ngadi, or your office can send her email requesting code for
20 non-arrival fee.”

He responds and says:

“Okay, let me know if you are winning. If not, we will send her an email.”

So that is the interaction. You explain this interaction at paragraph 30 of your statement and indicate that it is as a

result of an earlier conversation you have had with him where he mentioned a list of 300 non-arrivals, and you were correcting him to say that it was actually 140 because there were two subsequent dates. Is that the case?

BRIGADIER MATJENG: That is correct.

ADV POOE: All right. So now when you look at the explanations after, so the text after you send the tables, what it looks like is that you send this list, he asks you for a code in order to claim for non-arrivals, and then you say to
10 him that you will check on your side, and if not, they will email. So it does not necessarily accord with what you see in the text. It looks like it was something that was initiated by you to assist Mr Matlala. Do you care to comment?

BRIGADIER MATJENG: Yes. As explained on the WhatsApp, on my affidavit, I received a call from him on the 19th. I received a call from him, and he indicated that they wanted to claim for the non-arrival, and the number of non-arrivals will be 300. Maybe let me give a background. In total, we had 553 authorisations for medical surveillance,
20 and the medical surveillance was supposed to be conducted on the 19th of August to the 23rd of August.

From the 553 that we had, only 206 attended. Now it gives us a balance of the people that did not attend the medical surveillance. Then furthermore, we arranged another appointment. According to him, he thought it was

337, because they are also sitting with the list. We also have our own list. So he needed to compare the two lists on the outstanding medical surveillance.

Normally, you will also have your refusals, people that are refusing to do their medicals, which will also be included on the non-arrival. If we book an appointment, members do not arrive for the appointment because the service provider was already there. He can then claim for the non-arrival fee.

10 But because previously I received an email coming from Colonel Mogadi, who indicated that the environment that I was managing with the previous service provider, they had about, I think it was more than a million of a fruitless expenditure on the non-arrivals. In order for me to avoid that fruitless expenditure, I spoke to him. We arranged another date.

In actual fact, arranging another date, I was prejudicing him because already he was there. Now I am calling him for the second time, for the same people to
20 come and facilitate the appointment. My main concern was to avoid the fruitless expenditure, so that it does not appear again that, even on the service provider, we are paying for the non-arrival, which are amounting to the fruitless expenditure.

Then we arranged another date on the 26th to the

27th of August, whereby our outstanding from the previous one, it was 337. And from 337, those that attended, it was 105, which is now dropping the number of 337 to 215. Then the last one, you see, I was pushing him. I was pushing him to advantage, to the advantage of the organisation. Otherwise, I was just going to leave it, and for him to claim for the 337.

But I wanted to reduce the wasteful expenditure, so that it can be less with Medicare. Then again, we called
10 him on the 30th of September 2024 until the 5th of October 2024, which reduced again the non-arrival to 144. Now, when he is saying to me, we have the non-arrival of 300 and something, now we want to claim. I say, no, you do not have 300 and something.

According to their record, which they did not update, it was showing 337. Then I further said, let me check the following day the name list, then I will forward it to you. Was it the 19th when I received that call? I cannot remember clearly now. I said let me check, then I will
20 forward to you the name list of the non-arrival. Then you can compare it with your list.

We need to take note that whatever documents that we were having, even Mr Matlala was having, the records that we were having, even if it is limited records, he will have full records of the medical files of the members. I

then said to send him a list of 140 members, which he was supposed to confirm with the authorisation received, the attendance register, as well as the refusal list.

Then he is asking me for a code. I do not know why he was asking me for a code, because it is their code, it is not our code. Then I say, I will check with Colonel Mogadi, or your office can request Colonel Mogadi the non-arrival code. Even when they request that Mogadi, it will be their code because they are the service provider. The code
10 for claiming, it comes from them.

ADV POOE: Brigadier, maybe let us start at the beginning. You say that Mr Matlala calls you on the 19th. You will see from the records that it is you that calls Mr Matlala on the 19th at 16:12. Sorry, that is at page 23. You will see it is the text block just before the first table. Can you see that?

BRIGADIER MATJENG: No, I call him, but while I was on the call with him? As per my statement, on 2025-02-19, while I was on a call with him.

ADV POOE: Brigadier, you...

20 **BRIGADIER MATJENG**: Apologies.

ADV POOE: Okay. Are you just rectifying to say that it was you who initiated the call, and during that call he then raises this issue?

BRIGADIER MATJENG: Yes.

ADV POOE: Now, why does he tell you that he is going to

claim for the 300 non-arrivals? As opposed to a service provider does the work, they send through their invoice or whatever authorisations they need to send to whoever. Why does he tell you that he is about to do this?

BRIGADIER MATJENG: For him, it was going to be for the very first time that he claimed for the non-arrival. I was informed that every service provider regarding their health risk management, when is their first day, they normally struggle to adjust in the environment. So some of the
10 things, they do not get it right. Some of the things, we also need to be advising them and supporting them in the process. Because if we are not supporting them, otherwise even from our side, we will be failing. But in this instance, what I did by sending him the list, I am actually saving the organisation. Otherwise, he could have claimed for more than 300.

ADV POOE: Brigadier, surely if he had claimed for more than 300, the organisation would have run their papers against his to check if that number was correct. Particularly
20 when you say that at that point, you had checked the non-arrivals and it was an ongoing problem. So if you got a bill for 300 non-arrivals, surely somebody in the relevant department would have checked that.

BRIGADIER MATJENG: I wish you can understand the process, how it works. When they submit their claim, they

will send, maybe if members attended the medical surveillance, they will send the certificate of fitness that we spoke about yesterday, the COF. Now, when they were to submit the non-arrival, now you do not have a COF and you will find the doctors are still busy with completing the COFs. Then they will send a name list of non-arrival. But in this instance, he did not even claim for a non-arrival of this 140. It cannot be ...[intervenues].

ADV POOE: No, Brigadier, let us not go to whether or not
10 he claimed. Let us deal with the process. You are saying that, it seems that you are suggesting that there would have been no way for the organisation to check whether or not his list would correspond with the organisation's list.

BRIGADIER MATJENG: They will.

ADV POOE: They will?

BRIGADIER MATJENG: Ja.

ADV POOE: So if they will, at that point, there was no need for you to save the organisation, as it were, because this would have come out in the regular process of checking
20 their work against your records.

BRIGADIER MATJENG: If you say so, but according to me, I was saving the organisation. You do not know if maybe we have some administration flaws that will end up, ja, advantaging Mr Matlala when he is claiming. So for me, what I did, I did to save the organisation.

ADV POOE: Let us then test the idea that it was okay for him to approach you. You say that, you know, because it was his first time, he needed some guidance. Would you be the right person to do this? As I understood your evidence, is things like invoicing and that would not come to your environment. Moreover, it is the ECOs who have direct contact with his people. And also from your chat it is clear that even when he requests a code, you would have to check with somebody else. So it does not seem like you
10 would have been in any event the right person to ask this or to guide him in this process.

BRIGADIER MATJENG: No, I am. Remember, it was not an invoice. It was just comparison of the name list. I am the right person, and I am well within my responsibility to exchange the name list with the service provider.

ADV POOE: But. Brigadier, it goes more than the name list. He is even asking you for the no-show code. So that is directed at getting, and as you say, you can send her an email requesting code for non-arrival fee. So that goes to
20 beyond just the list it was about a process for him to claim.

BRIGADIER MATJENG: I cannot dictate what he writes to me. But my response, I have advised him to say that we can check with General Mogadi, or you can send an email and request the code.

ADV POOE: No, Brigadier, you say, I will check with

General Mogadi.

BRIGADIER MATJENG: Yes.

ADV POOE: Or your office can send an email requesting the code. So it is you who is playing that role.

BRIGADIER MATJENG: Yes.

ADV POOE: And in fact, in response he says, okay, let me know if you are winning. So you are essentially part of this process.

BRIGADIER MATJENG: Yes.

10 **ADV POOE**: And you still maintain that it was your job to do so.

BRIGADIER MATJENG: Part of me supporting the service provider.

ADV POOE: Okay. Thank you, Brigadier.

BRIGADIER MATJENG: Thank you.

ADV BALOYI SC: Perhaps, Brigadier, maybe let us understand what in fact is the role and functions of the environmental compliance officers. What role do they play?

20 **BRIGADIER MATJENG**: The environmental compliance officer will also play a similar role. They will obtain authorisations. They will schedule appointments with the service provider. Then they will keep the name list of attendants, including the refusals and the no-show.

ADV BALOYI SC: Yes.

BRIGADIER MATJENG: Normally, when you have your no-

shows, we do not reschedule another appointment ...[intervenes].

ADV BALOYI SC: No, do not explain that. So you are saying you basically did that which environmental compliance officers do, with this exchange with Mr Matlala. You have just said it is what environmental officers would do. You did it anyway.

BRIGADIER MATJENG: You know, Commissioner, sometimes I find it difficult to respond because I want to
10 respond and explain how it happened. What is the role of the echoes? And where do I come in? Why was I involved in this matter?

Now, the first appointment, when it is done, and you have 300 – for the example that I just gave, you have 337 non-arrivals, then the service provider must claim for the non-arrivals. But myself, being there, now I am pushing for an additional appointment. And I push him three times for the additional appointment.

Why I did that? Because I receive an email.
20 Remember, I was still new in the environment. I then receive an email coming from Colonel Mogadi. And the email is saying:

“Good day, General. I hope you are well.”

That was the email on the 10th of September:

“I have a challenge with CR and CSM.

For the past years, meaning with the previous service providers, I have been getting a lot of missed appointments from this environment, and it is costing the state a lot of money. Currently, I have 20 members that refuse on the day when the nurses are there. I am going to be charged by the service provider for having nurses come and do nothing for that day.”

The email was sent to myself and General Manamela. As a brigadier, I need to intervene now to minimise the fruitless expenditure. That is when I intervene. And maybe I use my relationship to the advantage of SAPS. If I use it to the advantage of SAPS, then I am disadvantaging the service provider.

Because his first claim was supposed to be on 337, then I further push him for a second appointment. Then I pushed him for a third appointment until that number drastically reduced.

ADV BALOYI SC: You see, the problem with explaining is you end up saying things that do not answer my question. That is why I stop you.

BRIGADIER MATJENG: Okay.

ADV BALOYI SC: You obviously have your reasons why

you want to give an explanation. My question is simply this. You are sharing with Mr Matlala a list of members. You then say to him that he – you tell him this is the list of no-shows. That is what you tell him.

BRIGADIER MATJENG: That is correct.

ADV BALOYI SC: And then you offer to get him the no-show code for a non-arrival fee, or you say he can request it after you have checked. My question is, you are doing all of this. What is the function? What are the functions of an
10 ECO if you are doing this?

You are engaging, you are giving him a list of no-shows. You are offering to find him the code for the non-arrival fee. You are doing all of that. I simply want to know, if you are doing all of this, is this not the work or the job or the responsibility of ECOs? You had already answered that they do this. All I was putting to you, or what I wanted to put to you, so you basically were doing that which ECOs do in these pages. It is part of the functions of the ECOs to do the audit and say to him, here, these
20 people, these are the only no-shows we have, not your 300, but the 140. That is something that ECOs would do. That is all I wanted to verify with you.

BRIGADIER MATJENG: The ECOs will have stopped their responsibility on the non-arrival of 337. They will have stopped it.

ADV BALOYI SC: What do you mean? I do not understand.

BRIGADIER MATJENG: When appointments are being made and members did not arrive for the appointment, then the ECO will stop, will not initiate an additional appointment.

ADV BALOYI SC: Yes.

BRIGADIER MATJENG: But because of this email ...[intervenes].

10 **ADV BALOYI SC:** No, forget the email. Just forget the email for purposes of my discussion with you. I really am not interested in that email. These ECOs would book for 390 people.

BRIGADIER MATJENG: They booked for 553.

ADV BALOYI SC: Yes, and then only a certain number will arrive. Mr Matlala, in terms of his contract, is entitled to charge a non-arrival fee for those people.

BRIGADIER MATJENG: Yes.

20 **ADV BALOYI SC:** What Ms Pooe was putting to you was, but surely the SAPS system would have picked that up. You did not have to get involved with it at this point because you are not the contract manager. So if he claims for everybody, including if he claims for everyone, right, as if they presented, as if they arrived, you did not have to be the one that says, no, you are only entitled to 140 because

the SAPS system would have responded to him, would have picked it up and said to him, you are only entitled to claim for 140.

That is what Ms Pooe was putting to you, and I have not heard your answer to that question. Are you agreeing with Ms Pooe that the SAPS system, those who are responsible for management of this contract, not you, somebody else is responsible to manage the contract. You made a point of telling us yesterday that you are not
10 responsible to manage this contract. Do you agree when Ms Pooe proposes to you or suggests to you that the SAPS system in finance or another section would have picked up that Mr Matlala is not entitled to claim for 300 or whatever number, but he is only entitled to claim for these 140? Are you prepared to accept that? Or you say, no, if you did not intervene, the SAPS does not have a system or a way of picking up that he is not entitled to claim the 300 but only the 140?

BRIGADIER MATJENG: I will not say the SAPS does not
20 have a system. They do have a system, but sometimes you will have the administration flows. Ja, there will be some administration errors on the system. The process of claiming for the non-arrival is much quicker than when you submit a claim with the COF because with the COF, the doctor must still wait for the blood result or the urine result.

Then they must complete the COF. It must be signed by an ...[indistinct] .

But with a non-arrival, it is just a name list. So this one can be submitted while that other process is still taking place with the doctors. I am not sure if I am making sense ...[intervenes].

ADV BALOYI SC: So, when you gave him this list, can I just check what you are saying? When you gave him this list, it would have helped him to put in a claim and to get
10 paid sooner than if he had followed the normal process of submitting his claim to the finance and then they have to wait for other records that you are describing before he gets paid out.

BRIGADIER MATJENG: No, it will not have. It will not have. I am just explaining the process of SAPS where it might be having some flows on it. But it will not have because these medicals were conducted in September.

ADV BALOYI SC: Then explain, maybe just re-explain what you are saying. Here is what I understand you to say
20 from the last thing you said. The process of claiming is longer because it goes to the CFO, it goes to finance, which I think, I expect that is what happens. It does not come to you. It goes to finance where they require him to submit certain documents, they do their own checks before he gets paid, before payments are processed and approved.

I understood you to explain that. That is a normal process. But if he gets a list like this from you, all he needs is a code for the non-arrival fee and then he submits and then he gets payment quicker than following that long normal process that is regulated by the contract. I have understood you to say that.

BRIGADIER MATJENG: No, Commissioner, no. It is not like that.

ADV BALOYI SC: Explain it again.

10 **BRIGADIER MATJENG**: For him, he is already having a list.

ADV BALOYI SC: From you?

BRIGADIER MATJENG: No, from his side.

ADV BALOYI SC: No, we are talking about this list. I am asking you specifically about the consequence.

BRIGADIER MATJENG: He cannot use my ...[intervenes].

ADV BALOYI SC: Let me explain myself so that you understand my question. You gave Mr Matlala this list. Right? This is confirmation from you, from your area, that
20 these people did not arrive. You get the code for him or you say to him, I will get you the code for the non-arrival fee. So now he has got the information that he needs. He has got a list of people that you have accepted did not appear.

He will submit that, this list and the code. He gets

paid on that basis. The alternative to this, if you did not give him this list, he would have had to follow the normal contract process if you had not given him this list. He would follow the process of preparing his own list, submitting it to finance, with whatever documents the contract says he must submit. Right?

And the finance people would then require whatever documents you have told us, there would be doctors signing this and that and that, that must accompany his claim for
10 payment. That is a longer process, and that is what you said earlier. That process is long. And so his payment would have been delayed.

What I am proposing to you, or what I am suggesting to you is when you gave him this list, you were actually helping him to get payment sooner than the normal process that is prescribed by the contract and SAPS' internal processes would have taken for him to get payment. That is what you did with this. You were helping him.

BRIGADIER MATJENG: No, no, Commissioner, it is not
20 like that. I do not even know how to explain it further. Let me take just a low number. If we arrange medical for 20 people, then 10 people arrive for the medical surveillance and another 10, the other 10 does not arrive for the appointment.

Now, this other 10 will be charged for the non-

arrival because the doctors were there. Now, the other 10, when they do their medicals, because they were there for the appointment, now they must be sent to the pathologist. Sending them to the pathologist for the blood test and for whatever, when it comes back with the result.

Now, the ...[indistinct] must complete a COF. I am not talking about the 10 that did not arrive. Then we will complete the medical report, include it in their file, and compile what we call a COF. Then they can submit the COF
10 and the COF, once it has been received, the supply chain management will certify the payment because they received the COF.

But with the non-arrival, they can just take the list, their own list, not Matjeng's list. They take their list. I do not know, they attach the authorisation, then they submit to supply chain. It is not the same process.

ADV BALOYI SC: Why did you not let him do that here with his non-arrivals? Why did you not just let Mr Matlala compile his own list in his office? Because he has got the
20 list.

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: So why did you not just let it be? Let him do what every other supplier who has no relationship with you does, which is they take their list, they attach the appointment, I think you say it is an appointment letter,

approvals, and then submit it to finance. Why did you not just leave it at that?

BRIGADIER MATJENG: His list is wrong because he has more numbers on the list than he is supposed to have.

ADV BALOYI SC: But finance would have picked it up and would have come to you, if necessary, to say this is what he is claiming, is this correct? The question I am asking you is why was it necessary for you to intervene here when it is not your function to verify these submissions? It is a
10 finance function. Your ECOs have this information. Why did you not just leave it to run its normal course as contracted with Mr Matlala, as SAPS, not you, as SAPS contracted with Mr Matlala, claims will be processed. Why did you not leave it?

BRIGADIER MATJENG: I could not leave it, Commissioner, because for me I saw he wanted to claim more for the non-arrivals, and at the end of the day we will be sitting again with the problem of fruitless expenditure ...[intervenes].

20 **ADV BALOYI SC**: No, you would not.

BRIGADIER MATJENG: Just like ...[intervenes].

ADV BALOYI SC: No, you would not because finance would pick it up. It is not your job to do the audits. You have told us that. You have told us your responsibilities. It is not your job to do this. ECOs are responsible for putting

up these appointments. Finance is responsible for processing claims for payment. It is not in your job description. Yesterday you said I have nothing to do with claims.

So you would not have had a fruitless and wasteful expenditure because your finance people and your ECOs would have dealt with it as required in accordance with the contract. You inserted yourself into something that has nothing to do with your responsibilities, and I am suggesting
10 to you that your involvement in this way was because it is Mr Matlala and you were assisting him. That is what I am putting to you. You were deliberately assisting him because of your relationship with him. You can comment if you want to.

BRIGADIER MATJENG: My comment, Commissioner, I do not agree with your suggestion because I could have assisted any other service provider the same way that I was assisting Mr Matlala. And even in my office, they know that I am a hands-on person. Every week I will call them to say
20 that, come and present this to me, come and present that. So I was monitoring, and the list that was submitted to him or the list that I forwarded to him, it can be that it assisted him, but also it advantaged the organisation because the claim will have been more than what he was claiming, but ...[intervenes].

ADV BALOYI SC: Yes. All right. We do not know that the claim would have been more than because we do not have that information before us, but can I suggest this to you for your comment? That even if all of this was innocent, even if you were not aiming to assist Mr Matlala, do you see what it looks like, though?

Even if with the benefit of hindsight, do you see the appearances of it, that you have a relationship with this service provider, as you described it yesterday, according
10 to you? You have an intimate relationship with him, and here you are doing things that ordinarily, for him, doing things that ordinarily do not fall within your responsibilities, your direct responsibilities. You are assisting him get a code.

Yesterday we had other discussions about you calling service providers and you accepted your ways where, yes, I overstepped. Do you at least see that the appearances of it or the appearance of it is you use your position, that is what it looks like, you use your position
20 within the SAPS to assist Mr Matlala? That is what it looks like, even if that was not your intention. Do you at least accept that, that the appearances of it are bad?

BRIGADIER MATJENG: The appearance might look like that, but, Commissioner, I must correct something when you say it is not within my responsibility. It is within my

responsibility. It is part of my job description that I also need to manage and coordinate the medical surveillance and biological monitoring. I need to ensure that there is 100% compliance. Although at my level I will be managing, I will let the members account and also give direction on what needed to be done.

ADV BALOYI SC: Exactly my point, ma'am, that you had people whose direct responsibility is this in their account to you. You told us yesterday your role was to resolve
10 challenges, right? But here we are having you, having you offering to get no-arrival codes, no-arrival fee codes for Mr Matlala. That has nothing to do with your job. It is not. It is not your job.

So all I am saying to you is that the appearances of it are not good, and perhaps I should leave it at that, because you have said even if, yes, you can see, even if that is the appearance, that is not what you were doing.

I am happy to leave it at that. Thank you, Ms Pooe.

ADV KHUMALO SC: Until half past, Ms Pooe.

20 **ADV POOE:** All right. Thank you, Commissioners.

CHAIRPERSON: I was still conferring with my co-commissioners about it. Thank you.

ADV POOE: Commissioner Khumalo stepped in.

CHAIRPERSON: He was too quick to the draw.

ADV POOE: Thank you, Chair. Brigadier, just to wrap this

interaction up, do you also accept that there were other ways in which you could have protected SAPS interests, including, for example, alerting the ECOs that, oh, there is a – Mr Matlala is proceeding with this process. He is under the impression that there are 300 non-arrivals because of the two others. You just need to make that available so that we are clear. You could also go to finance equally and say, this claim is about to come, this is the number.

10 So there are proactive measures that you could have taken within the organisation to ensure that the organisation's interests are protected. Do you accept that, that there were those options, albeit you did not exercise them?

BRIGADIER MATJENG: No, they are not there.

ADV POOE: So you are suggesting that, knowing that he would have made that claim, that there was nothing you could do but to correct him? There was nothing you could do internally?

20 **BRIGADIER MATJENG**: Normally, when there are non-arrivals and the non-arrivals are submitted, and I am the coordinator, then I will know Matjeng, Mokoena, and this person did not arrive in the environment ...[intervenes].

ADV POOE: No, Brigadier, what I am posing to you is, in the call the day before, correct, you said during that conversation, Mr Matlala says I want to submit the 300 non-

arrivals. You, based on your position and everything that is reported to you, know that this is not true because there were two other negotiated dates that would have reduced the number, correct?

BRIGADIER MATJENG: Yes.

ADV POOE: So in order to stop that from happening, assuming that, at that point, you thought there may be loopholes and flaws in the SAPS system, there are steps that you could have taken internally to avoid a situation
10 where he gets to put in that claim without verification? Or are you saying that even with that knowledge, there was no way you could have said anything to anyone within the organisation to check that this issue does not arise?

BRIGADIER MATJENG: First of all, I am not involved in the claim. When the claim is submitted, I am not even aware how many members have been submitted for claiming.

ADV POOE: Sorry, Brigadier, I am talking from a point of, you are in this call, you are told this claim is going to be
20 made. So this is not an ordinary course where you do not know anything. In this instance, you say on the 19th you knew that he wanted to put in a claim for 300 non-arrivals. So you had that knowledge. It is not the normal time where you are not involved in the process. Here you clearly are.

BRIGADIER MATJENG: What about the claim that went in

without being verified or certified by the end user? So for me, I was doing my job. As part of my responsibility is also to prevent the fruitless expenditure. There are claims that are going through without consulting or certification of the end user.

As an end user, if there are 20 non-arrivals, I need to certify and confirm. And that is what I was trying to explain, to say if we have Matjeng and then Nkosi that did not go for the medical surveillance and the service provider is submitting a name list to say I am claiming for these 10 three people who did not arrive for their appointment, then the confirmation must be done with me as an end user to say, Matjeng, confirm these three people before we can do a payment.

But currently in our situation, service providers submit a non-arrival, payment will be made without a certification of the end user.

ADV BALOYI SC: Brigadier, where do we see that Mr Matlala sent you a list of people that he was going to claim 20 for? You did discuss that he is going to submit a claim. You have told us that. So you do have discussions with this particular service provider about claims that are going to be submitted.

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: Let us agree on that from your own

evidence. Where do we see, because what we have in front of us is you calling him and you, the next thing that happens from you is you send him a list of people that did not present. Where do we see that, in fact, you were responding to his claim of 300-plus people, whatever number you say he was going to claim for? Where do we see that?

BRIGADIER MATJENG: He did not send me a list. He just indicated that they have 300 non-arrivals which they need
10 to claim for.

ADV BALOYI SC: So he did not send you a list?

BRIGADIER MATJENG: No.

ADV BALOYI SC: Okay, thank you.

ADV POOE: Brigadier, I am going to move from this point and go to the next set of chats. There are calls that happen on the 24th, 25th, and let us just turn to the 26th of February. That is still on page 30. There is first a video call, I mean a call at 15:35. Thereafter, Mr Matlala sends you a message at 15:39 just saying:

20 "Signal."

And then you respond at 15:55 with:

"I am going to do it on my private phone."

Then there is a screenshot. Maybe before I go further, can you explain what was happening here?

BRIGADIER MATJENG: I think maybe you must take it

with a screenshot. My WhatsApp was acting up. There was a problem with my WhatsApp. When I was calling or receiving calls, then I will get this message of waiting for others. Even when I was calling people, people will be saying to me, are you connecting additional people to our WhatsApp conversation? Then I was showing him the proof that my WhatsApp is saying waiting for others. I do not know why it was saying waiting for others. Then he said you must download Signal.

10 **ADV BALOYI SC**: Well, the WhatsApp that you are discussing now comes after he has said to you Signal.

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: You are talking to Mr Matlala up to the 26th on the phone at 15:35. Then it is a call from you on the 26th. Then he sends you a message at 15:39. So you called him 15:35. He sends you a message at 15:39. He says Signal. What was that all about?

BRIGADIER MATJENG: The same explanation, Commissioner. When I was talking to him over the phone, I
20 told him that my WhatsApp, when someone is calling me, is indicating waiting for others. Then he says download Signal. Then he forwarded me the name Signal.

ADV BALOYI SC: Okay. And why? What do you know about Signal and why did he want you to be on Signal? You could have done a normal voice call. So it is not

...[intervenes].

BRIGADIER MATJENG: He says Signal, it works better than ...[intervenes].

ADV BALOYI SC: It is not as if your only option was Signal. You ...[intervenes].

BRIGADIER MATJENG: It works better than WhatsApp.

ADV BALOYI SC: But you also say I am going to do it on my private phone.

BRIGADIER MATJENG: Yes.

10 **ADV BALOYI SC**: It seems that at this point, you and Mr Matlala realise that whatever conversation, further conversation you are going to have, it has to be a secret conversation that no one can hear. Otherwise, because that is what Signal does. I think I can put that to you. Let us not debate Signal. People go to Signal to get absolute secrecy.

BRIGADIER MATJENG: Okay.

ADV BALOYI SC: As best as that app can do. So he suggests that to you, let us go to a more private platform
20 and then you also say I am going to do it on my private phone. Yes, that is you saying I will do it on my private phone. So you both agree to leave this phone that you are using in the platform. If it was simply a WhatsApp problem, which I know I do, if I struggle with WhatsApp, I do a normal voice call. You are not choosing that. You seem to both

prefer now to move to a more private platform. Why is that?

BRIGADIER MATJENG: He says it works the same as WhatsApp.

ADV KHUMALO SC: Brigadier, is the answer not what appears on page 31 at the bottom of the page?

BRIGADIER MATJENG: Page?

ADV KHUMALO SC: 31. Is the answer not that ...[intervenes].

BRIGADIER MATJENG: Where he says they are bugging
10 it?

ADV KHUMALO SC: Mr Matlala suspected that his phone was bugged, that is why he suggested to you that you move to Signal. He did not want you to continue the conversation on WhatsApp because he suspected that his phone was bugged.

BRIGADIER MATJENG: No, not his phone, my phone. It is my phone because he is saying I am sending him a picture which indicates that when someone calls me on WhatsApp, it says waiting for others. Now his response is they are
20 bugging it.

ADV KHUMALO SC: Is he referring there to your phone?

BRIGADIER MATJENG: Yes, to my phone.

ADV POOE: And then, Brigadier, you proceed to say that you are:

“Still downloading WhatsApp and Signal

on your private phone, network is slow.

Otherwise will call you tomorrow.”

And that is at page 32 at 19:55, you see that?

BRIGADIER MATJENG: Yes.

ADV POOE: And he responds with okay. Did you end up downloading Signal and having conversations there rather?

BRIGADIER MATJENG: Yes, I did.

ADV POOE: Thank you, Brigadier. And then you will see then on the 27th, so the very next day, you continue using
10 this phone, both of you, because he then calls you at 11:26.

BRIGADIER MATJENG: Where are you?

ADV POOE: The next ...[intervenes].

BRIGADIER MATJENG: Which page are you? You are still on page 31?

ADV POOE: On page 32.

BRIGADIER MATJENG: Okay.

ADV POOE: Remember you say that you then downloaded Signal and then you proceeded to talk on that platform. Do you see now that the very next day, you continue on this
20 phone?

BRIGADIER MATJENG: Yes.

ADV POOE: Did the fears about being bugged or issues with WhatsApp disappear?

BRIGADIER MATJENG: What happened, I deleted my WhatsApp. I deleted the whole of WhatsApp and

downloaded it again.

ADV POOE: So is this to say then you no longer used that Signal platform?

BRIGADIER MATJENG: Yes.

ADV POOE: You reverted back to WhatsApp?

BRIGADIER MATJENG: Yes, because I was struggling to download the Signal on my phone.

ADV POOE: Wait, so you did not download the Signal?

BRIGADIER MATJENG: I cannot remember if I downloaded
10 it or not, but I was struggling to download it. Hence, we
continue chatting on WhatsApp.

ADV POOE: Yes, Brigadier. I just understood you earlier to say you downloaded it and then you had a conversation on that day.

BRIGADIER MATJENG: I was struggling to download Signal. Then we had a conversation on that day on WhatsApp.

ADV POOE: On WhatsApp?

BRIGADIER MATJENG: Yes.

20 **ADV POOE**: Ja. It is not recorded in these chats. Usually, if you would have had that conversation that day, it would appear as a text, a bubble with audio or video call. Maybe I am misunderstanding you. You were struggling to download Signal, you did not download Signal. Does that mean that then that was the end of that conversation and

nothing else happened? Or is it that you downloaded Signal and had a conversation, but because you rebooted your WhatsApp, there was no longer a need to use it?

BRIGADIER MATJENG: I downloaded Signal, but I struggled using Signal.

ADV POOE: Okay.

BRIGADIER MATJENG: Then I deleted my WhatsApp and downloaded a new WhatsApp.

BRIGADIER MATJENG: Yes.

10 **ADV POOE**: Hence, we are continuing using the WhatsApp because I was struggling with the Signal.

ADV POOE: So, there was not a further conversation on the 26th?

BRIGADIER MATJENG: On the 26th, no, there was. There, it says:

“I am still downloading WhatsApp and Signal on my private phone. Network slow. Otherwise will call you tomorrow.”

And he says:

20 “Okay.”

ADV POOE: Yes, I think we may just be speaking past each other. I take it that you did not use Signal and there was not a separate call the following day, you just proceeded to use this phone. Is that correct?

BRIGADIER MATJENG: Yes.

ADV POOE: Okay. Then, Brigadier, then let us go to the following day. On the 27th of February 2025 at 11:26, it starts there with a call from Mr Matlala. You will see then he responds, you respond. You write to him and say:

“Ballistics EC.”

Okay. I am just going to, I just want to see how long. I am going to run through the entire conversation on this day and then proceed to ask you about it. He responds with a question mark, right? You then say:

10 “Outstanding biological monitoring.”

At 12:48 as well, again, you say:

“I do not have a list because it is not from my environment.”

He then responds and says:

“Can you send the date when the medical was conducted?”

And then at 12, at 13:12, you say:

“Doctor's signature is 28 November 2025.”

20 Then you give Mr Matlala a call. Just to begin with, can you help place or contextualise this conversation? What were you talking about here?

BRIGADIER MATJENG: I think he was looking for some sort of a list, or he wanted to do medicals or he was struggling with medical surveillance in Eastern Cape. And I

said, no, it is Ballistics Eastern Cape. He wanted the list. I do not have that list. It is not from my environment.

ADV POOE: So in this context, it is Mr Matlala who is asking for some sort of list?

BRIGADIER MATJENG: Yes.

ADV POOE: And you respond and say, Ballistics EC.

BRIGADIER MATJENG: Ja.

ADV POOE: I am trying to understand. He is asking for a list. Why is that your response?

10 **BRIGADIER MATJENG**: I do not know whether he was asking for a list or he is asking for clarity. I am looking at it, but what I know that it was not from my environment. If I am responding to him to say Ballistics Eastern Cape, that means it is not from my environment. Hence further, I am saying it is the outstanding biological monitoring. I do not have a list because it is not from my environment.

ADV POOE: Okay. So this is not from your environment. And then he proceeds to say, can you send the date when the medical was conducted? And then you provide a date.

20 I am assuming that it is a date by when the medical should be conducted because you then provide a future date. That doctor's signature is 28 November 2025, and this conversation happens in February of 2025.

BRIGADIER MATJENG: Even that date does not make sense.

ADV BALOYI SC: Ja. It makes sense only if you say 2025 is an error because the previous message says he asks you to send a date when the medical was conducted. So it is a date in the past. So it seems that it would be you meant 28 November 2024. You agree? You are shaking your head.

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: Okay. You are nodding, rather. Yes, Ms Pooe?

10 **ADV POOE:** So in this context, was it – I am trying to understand why is it that if your recollection is correct that it is Mr Matlala asking you for a list, why he would be asking you for this list? I am assuming he would understand or know what environment you service.

BRIGADIER MATJENG: I cannot remember. That one I cannot remember.

ADV POOE: And then do you accept that even this kind of interaction, even if ...[intervenes].

CHAIRPERSON: Perhaps, ja, if you can hold your thoughts and let us resume at 11:45. Let us adjourn.

20 **INQUIRY ADJOURNS**

INQUIRY RESUMES

CHAIRPERSON: We are starting a little bit late because the General was in some engagement with Ms Pooe. The Brigadier, did I say that what? General? I am promoting you, Brigadier. The Brigadier was in discussion with Ms

Pooe and yes, that caused the delay. Ms Pooe?

ADV POOE: Chair, we apologise about that.

CHAIRPERSON: Thank you.

EXAMINATION **BY** **ADV** **POOE**

(CONTINUES): Commissioners, Brigadier, we were on page 32 of the chat and Brigadier, we were just trying to understand that conversation in particular and just before we took a break, what I wanted to ask really relates to, I know you could not give us clarity on the engagement
10 because you do not recall the specifics, but if you had regard to it, it then seems like, again, you and Mr Matlala are talking about an environment that is not yours where he is seeking your assistance. My apologies, the mics.

BRIGADIER MATJENG: Remember for Mr Matlala just knows that I work in forensic, the medicals are from forensic. So, for him, he will not differentiate the different component and the different sections. So, whereby he needed clarity, he will sometimes call me, then I will give him clarity.

20 **ADV BALOYI SC**: Are you moving on?

ADV POOE: No, I wanted to say, but in this instance, you could not give him clarity. And I suppose it also, it just demonstrates sort of the blurred lines, you know, where on the one hand, you are, I do not want, I want to stray away from using the word managing. You oversee this part in

your official capacity and then there is talks, or he reaches out because you have a relationship and so you see this interaction and as it plays out, it creates that sort of confusion where sometimes you cannot tell whether this is him contacting you as an overall overseer or as a girlfriend to say, help me there, I need this. Do you accept that?

BRIGADIER MATJENG: I accept.

ADV BALOYI SC: Brigadier, you, I think you do more than just create confusion because you, according to these chats
10 on page 32, you have a call with Mr Matlala at 11:26 and then the next thing that happens is you say ballistic EC, so, and he knows, he must know what you are talking about when you say ballistic EC. You have just had a call with him. So, I think it is reasonable, at least for me, to say your ballistic EC had something to do with a call that you just had. Is that - do you accept that is a fair, a fair way of dealing with this?

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: Okay, and then he sends you a question
20 mark shortly thereafter and then you tell him, you answer his question mark, you say:

“Outstanding biological monitoring.”

So, you provide him with information. He is not asked you, he does not say, at least not on the WhatsApp chats, he does not say something about outstanding biological

monitoring. What this suggests so far is that you volunteer information following your call, you volunteer something ballistic EC. His question mark may mean you are not clear he does not fully understand what you are conveying, and then you tell him what it is. You say outstanding biological monitoring and then you go on to say:

“I do not have a list because it is not from my environment.”

So, you tell him there is outstanding biological monitoring, 10 but you cannot provide him with a list. He does not ask you for a list after you say biological monitoring. He does not say give me the list. You tell him, I do not have a list because it is not my environment. So, you are going to give him a list except it is not your environment, so you cannot do it. Then he says:

“Can you send the date when the medical was conducted?”

You say:

20 “Doctor Signature is 28 November, and we have agreed it must be 2024, not 2025.”

So, even though it is not your environment, you have gone into the system to find the date because you have just said to him it is not your environment. You cannot give him information. So, we know that what is accessible to you in

your environment does not contain this information. That is why you cannot give him a list, but you have the date. It must mean that you went into that environment, which is not yours, into their system to see the date to give it to him. That is what this sequence conveys, unless you give another explanation.

BRIGADIER MATJENG: No comment, Commissioner.

ADV KHUMALO SC: Good morning, Brigadier.

BRIGADIER MATJENG: Good morning, Commissioner.

10 **ADV KHUMALO SC**: Is it fair to conclude that if Mr Matlala was not your boyfriend, this sort of communication would not be happening with you, but would be happening with people who are responsible for this line function?

BRIGADIER MATJENG: No, it is not fair. I am dealing with a different service provider. I am communicating with them whenever they are having challenges or when they want to enquire about something.

ADV KHUMALO SC: On similar issues?

20 **BRIGADIER MATJENG**: As a health risk manager. I am talking about other service providers, maybe your waste removal contract or your occupational exposure limit contract. It is different service providers.

ADV KHUMALO SC: So, if they have issues with billing, for example, and billing correctly and submitting proper lists and submitting things about the work that they have done,

do they normally communicate with you?

BRIGADIER MATJENG: No, they do not.

ADV KHUMALO SC: Yes, and do they do it on WhatsApp when they communicate with you, or is it usually on email?

BRIGADIER MATJENG: No, even on WhatsApp, they do communicate.

ADV KHUMALO SC: Okay, thank you.

ADV BALOYI SC: Maybe just to complete, after you said no comment, I put to you what I say these WhatsApp's
10 convey, and you said no comment, and I just want to conclude it by saying that no comment in this case, I take it you accept what I say they convey because you do not have a comment about it, and that is the basis on which I will treat your response as, well, you accept what I have put to you that these WhatsApp messages convey.

BRIGADIER MATJENG: I am not accepting, Commissioner, and the reason for me saying no comment is when you are saying there is a system, I went into the system. We do not have a system that keeps this
20 information.

ADV BALOYI SC: Okay, maybe then let us explore that further. This is not your environment. How would you have known the doctor's signature date of 28 November 2024 for an area that does not fall within your space? Eastern Cape, Ballistics EC, I think it is Eastern Cape, Outstanding

Biological Monetary. How would you have known that signature if you are dealing with something that does not belong to your area?

BRIGADIER MATJENG: Sometimes when there is a challenge, there is three brigadiers in our environment that are managing this. Sometimes when there is a problem or a challenge or anything that must be communicated to us, an email will be sent to the three of us.

ADV BALOYI SC: No, but you do not have information.
10 You do not have a list. And you say sometimes, you are not saying that was the case here. Can we just clarify that, that you are not saying to us now that you got this information about the doctor's signature, that you got that from an email that was sent to you and the other three brigadiers or was sent by three brigadiers? You are not saying that.

BRIGADIER MATJENG: When medicals are conducted, it is not a list you will get a COF. It might be that on 12:49, can you send a date when the medical was conducted? It might be a different topic, not the one relating to the other
20 three messages.

ADV BALOYI SC: Okay, it is not, Brigadier, because between, so the message before can you send a date, that message is from you to him at 12:48:47 seconds. You say:

“I do not have a list because it is not my environment.”

And at 12:49:30. So, at 12:49:30, he says:

“Can you send the date when the medical
was conducted?”

So, we know that there is no other communication between the two of you, between these WhatsApp messages. So, it is not correct what you are saying that it does not relate to that. If we work off your WhatsApp messages.

BRIGADIER MATJENG: From my ...[intervenes]

ADV BALOYI SC: So, there is no intervening call, there is
10 no intervening WhatsApp message that indicates that this is
a different conversation. In fact, within the minute of you
saying, it is not in my environment, within a minute, he
says, give me the date. And so, you know what date he is
referring to.

BRIGADIER MATJENG: Unfortunately, Commissioner, on
this one, I also cannot follow the sequence. I do not know,
it might be that on our call, when we discuss, it might be
that we discuss two things that are relating to this matter.
The one for Eastern Cape and this one of the doctors
20 because now it is COF. Here we are talking about the list,
which is a named list. On the other hand, can you send me
the date when the medical was conducted? It is a COF only
that will have a date.

ADV BALOYI SC: I do not know that.

BRIGADIER MATJENG: It might be two different things.

Hence, I am saying this conversation, it might be we can break it into two. But I also cannot follow this conversation. I am struggling to follow.

ADV BALOYI SC: Yes, Brigadier, remember you, unless now you want to tell us what your telephone call with Mr Matlala was, you have said to us you do not remember what the telephone call on the 27th at 11:26. You do not remember what it was. So, we have to work with that. We have to work with you do not have a recollection what it is.

10 We cannot now, as you are sitting there, start making up what it might, might not have been with you attempting to give an explanation.

We have only WhatsApp messages to try and figure out what could have been the conversation. What we know is there is a call, and that call is followed by you saying ballistic EC. We know that, right. And because there is nothing else, there is no other WhatsApp exchange about ballistic EC, we deduce, and I am saying to you it is reasonable to deduce that the ballistic EC must have come
20 from your telephone call with him, because that is what happened earlier at 11:26.

You offer ballistic EC, it must come from your telephone call, because anything else does not make sense. Any other explanation would not make sense. And then he sends you a question mark. You know what that question

mark means, because there is no telephone call between you after he sends the question mark. There is no call between the two of you.

There is, in fact, you are responding, saying outstanding biological monitoring. So, you know what that question mark is asking you, and you could only know that from your earlier telephone call. And then he says, and then you say, you volunteer:

10 “I do not have a list because it is not
 from my environment.”

That is, you are volunteering. So, we know this is not from your area. It is from what you say in the WhatsApp message. But a minute later, he says send the date when the medical was conducted, and indeed you send a date. And what I am putting to you is in the absence of an explanation, and all we have is working off these WhatsApp messages, it suggests that you got this information.

20 You looked it up, because it is not in your area. You looked it up. It is not a different conversation, because those two messages are within a minute of each other. So, we know it is the same. We must say it is the same. And you must have gotten this information from an area that does not belong to you. That is what I am saying. That is what it looks like. And I am saying, I am suggesting to you that is, in fact, what it is. You went into the system, or you

called somebody outside of your area and got this information so that you can give it to Mr Matlala. Thank you, Ms Poee.

ADV POOE: Thank you, Commissioner Baloyi. Brigadier, if we can then move to the following day. Just for orientation, I think we will look at the conversations until page 35, because that seems like a good way to divide that day. So, on the 3rd of March 2025, at 18:18, you call Mr Matlala. There is another call at 18:49, and another at
10 19:08. This is then followed, 19:10, by a picture of a Lancet invoice. In response, Mr Matlala sends an email from one James Murray dealing with additional invoices. And then Mr Matlala follows that up with a message that says:

“James said he saw this already, and he even communicated with Lancet regarding this discrepancy.”

You then respond at 19:52 with:

“Oh, perfect, an emoji.”

20 I am not going to attempt to say what that is.

BRIGADIER MATJENG: It is a sharp.

ADV POOE: Oh, it is a sharp.

BRIGADIER MATJENG: Oh, perfect.

ADV POOE: Okay, yes. At your statement, you explain this at paragraph 32, that is at page 8 of the statement.

And you will recall, when you were going through your version, there was an exchange with the Commissioners regarding this, and you explained that it was because the accounts for the Lancet invoices were in the accounts of members, whereas it ought to have been in the name of Medicare as the service provider. Do you want to add anything to that explanation that you gave?

BRIGADIER MATJENG: I must just say on this one of the Lancet report, the members that I assisted, where I
10 intervened that the account must be transferred to Medicare, and indeed, they were transferred to Medicare, those members that I assisted, they are very happy because now we still have some other accounts which are not yet, they will come in drips and pieces.

As they come, then I forward them. So now, sorry, now we are sitting with a situation whereby the account is on the member's name, and the pathologists are threatening to take legal action against the member. So, this one, although I was assisting Mr Matlala, but it is a job well done
20 because our members are very happy. There is no legal action that will be taken against our members.

ADV POOE: Okay, thank you, Brigadier. You said now in your response that this issue still affects some other members. Did this communication then sort of take place on sort of official channels so that it could be remedied for

all members?

BRIGADIER MATJENG: It did take place on an official channel as and when we received them. I will send an email to Medicare, then I will also send Mr Matlala to say, look, we still have another challenge. Please make sure that you correct it. The problem with the email is that when you were sending them an email, they might even take weeks before they respond to your email. So, some of the other things are very urgent and requires urgent
10 intervention. Hence, most of the things I will send through WhatsApp.

ADV POOE: And then this sort of intervention, does it qualify that it would have been brought to say the ECO's attention and then escalated to you and that is why you were intervening?

BRIGADIER MATJENG: That is correct.

ADV POOE: Okay, Commissioners, I am going to move to the next set of chats unless there are questions on this. Okay, so, still on the same day, at 20:13, you sent a text to
20 Mr Matlala that just meant where you say my medication. And then you, Mr Matlala responds and says ...[intervenes]

CHAIRPERSON: My Ozempic.

BRIGADIER MATJENG: It is a medication, Commissioner.

CHAIRPERSON: Thank you.

ADV POOE: Yes, Chair. And then Mr Matlala responds

and says:

“It is hectic pricey at R4 500 for three,
but I can get - I just gave Leandre and
then also says I will push him.”

You respond with a please and the praying hands emojis or
this emoji. And that marks the end of that interaction. Can
you explain what was happening here?

BRIGADIER MATJENG: Here, it is Ozempic. It works in
two ways. It assists with stabilising your sugar levels as
10 well as weight loss. So normally you will struggle to get it
from the chemist. So, they had a chemist that they were
buying Ozempic and I then requested him as a boyfriend to
say can I have my Ozempic? And I think the second
message is a forwarded message. He sent it to someone,
someone responded to say it is hectic at R4 500 for three,
but I can get it. Just gave Leandre hers today. Then his
response was I will push him.

CHAIRPERSON: Let me mention the amount is indicated
R4 500.

20 **BRIGADIER MATJENG**: For three pens.

CHAIRPERSON: For three days.

BRIGADIER MATJENG: For three pens.

ADV POOE: In your response you say that they had a
chemist. What do you mean by that?

BRIGADIER MATJENG: No, I say it is very difficult to get

hold of Ozempic.

ADV POOE: Okay.

BRIGADIER MATJENG: From their side, I do not know, they were getting it from a certain chemist.

ADV POOE: When you say their side, who is they?

BRIGADIER MATJENG: Matlala.

ADV POOE: Oh, him.

BRIGADIER MATJENG: Oh, Medicare. Let me say Medicare.

10 **ADV POOE**: Okay, so you were asking him to get it through his sort of Medicare Connect.

BRIGADIER MATJENG: Yes.

ADV POOE: Okay, and you said that you were asking him as a boyfriend.

BRIGADIER MATJENG: As a boyfriend, yes.

ADV POOE: Was it because you had a prescription for it that could not be filled at a pharmacy or there was no prescription rather that you were just engaging him as a boyfriend?

20 **BRIGADIER MATJENG**: No, I had a prescription of Ozempic and I was struggling to get Ozempic.

ADV POOE: All right, so you provided him with the prescription to get the medication for you.

BRIGADIER MATJENG: Can I comment something on the Ozempic part?

ADV POOE: Yes.

BRIGADIER MATJENG: Yes, I wanted to say, as I have indicated that the Ozempic, you can also use it for weight loss. At least I was doing it the normal way. I did not go for BBL. Like others did BBLs.

ADV POOE: Brigadier, do you want to explain what the relevance of that is? When you say that at least you were using that and did not go for BBL. What is the relevance of that before this Commission?

10 **BRIGADIER MATJENG**: Yes, I am just explaining because I was told that Ozempic will go hand in hand with BBL and those that I am seeing at work who did the BBL, they also use Ozempic. So, for me, from my boyfriend, I only ask for Ozempic, unlike those that ask for BBL.

CHAIRPERSON: I have just been cautioned by Commissioner Khumalo not to mention what BBL stands for.

BRIGADIER MATJENG: Yes.

20 **ADV POOE**: In fairness, Chair, it is a Brazilian butt lift for those who do not know. If we are mentioning all of these names, let us mention all of these medical terms. I suppose my difficulty, Brigadier, is that you seem to be wanting to imply something to the Commission, or I might be reading into what you are saying. Because you are saying, I only asked my boyfriend for Ozempic when others have asked for BBLs. Can you be direct with this Commission, whether you

are trying to tell us something or nothing at all, and then we can move past the BBL part of it?

BRIGADIER MATJENG: No, I am just talking about Ozempic and BBL.

CHAIRPERSON: Is BBL too expensive, perhaps? So, what you are saying is you ask for something that costs only R4 500 for three?

BRIGADIER MATJENG: I think if I would have asked him for BBL, he was going to finance it. I do not think he will
10 have a problem in financing the BBL.

CHAIRPERSON: But is it more expensive than the Ozempic?

BRIGADIER MATJENG: Yes, Commissioner, you must budget around 70 000, 80 000 for BBL.

CHAIRPERSON: All right, now I get the significance of the distinction you are seeking to draw.

ADV POOE: Brigadier is Chair right that the distinction you are seeking to draw is that were asking for something cheap or affordable rather let me not say cheap.

20 **BRIGADIER MATJENG**: Yes.

ADV KHUMALO SC: Brigadier, is it not also that you are indirectly responding to an allegation that was made in another forum? Why are you mentioning BBL in the context of this conversation?

BRIGADIER MATJENG: I am indirectly responding to that.

And the social media post that I saw yesterday when I was reading on Malanga, when it was said, she is the one with the BBL. So, I am just saying, no, I did not get the BBL. But they know there is someone who got the BBL in SAPS. Hence those comments. Now they are trying to put the face to this BBL person. So, it is not this one.

ADV POOE: But you know who it is?

BRIGADIER MATJENG: I am under oath.

CHAIRPERSON: Yes, Ms Pooe.

10 **ADV BALOYI SC**: Can I just, Brigadier, you say they had a pharmacy where they got it. And so, what you are telling us is, or at least my understanding, is that you - are that Mr Matlala and whatever contact he was using here, who says it is pricey at 4 500, they had a particular chemist which supplied them with Ozempic when they wanted it.

BRIGADIER MATJENG: I think so, Commissioner.

ADV BALOYI SC: Okay, and you have agreed that it is a prescription drug?

20 **BRIGADIER MATJENG**: Yes, and I had a prescription with me.

ADV BALOYI SC: You had a prescription?

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: You would be able to give Ms Pooe the details of that prescription? And let me tell you why I am asking. It is because when I read these messages, they

raised the concern that here you have a police officer, being you, who is, in fact, not only looking the other way, but in fact, if you like, instigating a civilian to do something that the law does not allow, to get prescription medication without a prescription, right? That was my concern on reading these. You have up front said you had a prescription. And I want to ask that you provide Ms Pooe with the particulars of that in whatever form. But you would have sent it to Mr Matlala somehow, right.

10 **BRIGADIER MATJENG**: Yes.

ADV BALOYI SC: But I am sure someone has got a record. Whoever wrote you that prescription would have a record that they have prescribed it to you. And it is important because you are under oath and we have been giving you a hard time, you know, saying to you it is improbable, we do not believe this and that and that. And this is one of those areas that I am asking fairness to you, say that I am cynical about you saying you had a prescription.

20 And I would not want to say you were being untruthful about it if you say you had a prescription. But I would like to verify, to be able to say she did provide us with something close to evidence that shows that indeed she had a prescription. Because if you did not have a prescription, as I have already said, we would have to

comment about the conduct of a police officer where someone is breaking the law, and they are part of it and they do nothing about it.

BRIGADIER MATJENG: Okay, no, I will go and check, Commissioner. I am not sure if this one, because I gave it to them, I am not sure if they still have it. But I know on the other following this one, I also have prescription.

ADV BALOYI SC: Okay.

BRIGADIER MATJENG: Yes, where I bought it in another
10 chemist. I will just check.

ADV BALOYI SC: I think if you can find this one, the proof of subsequent one will give us context about this.

BRIGADIER MATJENG: Thank you. Will do that.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Brigadier, is Leandre somebody within the SAPS? Just look at the second WhatsApp, the one that mentions the price.

BRIGADIER MATJENG: No. What I am suspecting on the
20 second message, I think when I said my Ozempic, he communicated with Mike. That is what I am suspecting that maybe perhaps he communicated with Mike and Mike says it is hectic pricey. He gave it to Leandre. I do not know who Leandre is.

ADV KHUMALO SC: Okay.

BRIGADIER MATJENG: Yes, I think it is a forwarded

message because from my side, it was showing it was forwarded.

ADV BALOYI SC: But on the face of it, that forwarded message seems to suggest that they were involved in the activity of getting Ozempic for people and supplying it to people. I am not saying you know that, but I am saying this message suggests that where he says, I just gave Leandre hers today. So, whoever wrote this message seems to have been involved in the activity of procuring and supplying
10 Ozempic for people, which without, as we have agreed, without a prescription, they are breaking the law. You are nodding. Say yes for the record, please.

BRIGADIER MATJENG: Yes, Commissioner.

ADV BALOYI SC: All right, thank you.

ADV POOE: And Brigadier, just to complete this, that the price of it would have then been covered by Mr Matlala as your boyfriend, or is it Medicare?

BRIGADIER MATJENG: The, what, sorry?

ADV POOE: The price. Remember in your response, you
20 indicated that there you meant Medicare had a relationship with a pharmacist and they could get the medication. You suspect that it is Mr Van Wyk who responds and says it is priced, it is 4 500. I am just asking that, would this then be covered by Mr Matlala as your boyfriend or Medicare?

BRIGADIER MATJENG: That will be him as a boyfriend.

ADV POOE: Okay, thank you. Then Brigadier, on, now we move to the following day, there is one - you make, you call Mr Matlala at 08:14 and he returns a call at 08:19. You then say to him:

“Please call, I want to test my phone.”

And then he gives you a call at 09:38. Was there something wrong with your phone on that day?

BRIGADIER MATJENG: I remember we spoke about the WhatsApp. When someone was calling me, it was saying
10 waiting for others. So, I wanted to test if he is still showing the waiting for others.

ADV POOE: All right, thank you. We are going to move to the voice note that you then sent to Mr Matlala at 10:12. I am just going to ask that we play that. And while we are going to play it, this is addressed at paragraph 33 of your statement.

[AUDIO CLIP PLAYED BACK]

Brigadier, can you - wait, before, should we replay it? Yes, please can we replay it?

20 [AUDIO CLIP PLAYED BACK]

Brigadier, can you explain to the Commission what you were saying in that voice note?

BRIGADIER MATJENG: On ...[intervenes]

ADV POOE: Perhaps just to, maybe just a translation of what you said before you deal with your explanation.

BRIGADIER MATJENG: Just what, sorry?

ADV POOE: A translation of what you said on the voice note before you deal with the explanation. Because I saw you looking on the date.

BRIGADIER MATJENG: I was saying I am going to attend a meeting. He must just tell me so that I know what direction I will be discussing in the meeting. It is a direct translation.

ADV POOE: Direct translation. And in your explanation,
10 you say that in the meeting, there was going to be a discussion about outstanding authorisations. And you wanted clarity from him. Because there were outstanding authorisations, right?

BRIGADIER MATJENG: That is correct.

ADV POOE: Can you explain what you mean by this when you say there was going to be a meeting where we are discussing outstanding authorisations? So, I was asking him to give you an update essentially on them. Is that what you were asking him?

20 **BRIGADIER MATJENG**: Okay, on that day, we were going to have a meeting between myself and my supervisor, General Manamela. And then we had Brigadier Daku. We have Colonel Mngadi. And the purpose of the meeting was to discuss the outstanding authorisations as well as the outstanding COF. This meeting, it was in preparation to the

meeting that we were going to attend at Medicare.

Now, when we spoke, there were outstanding medicals which needed to be conducted. Now, he promised that he will do it during the week. And when I say we are going to the meeting, I wanted confirmation to say, okay, this authorisation, I will be facilitating them on this day. So that I can report back in the meeting.

ADV POOE: Brigadier, I guess my difficulty is, when you listen to the voice note, it sounds like as if you are saying,
10 give me the direction so that I know what I will be talking to. As opposed to saying, give me the date by which you are going to facilitate these authorisations.

CHAIRPERSON: Is there not a part that even says, ...[speaking in vernacular] where he is taking me?

BRIGADIER MATJENG: Yes.

CHAIRPERSON: Just please, please respond to the question with ...[incomplete].

BRIGADIER MATJENG: It is a date. I will have report to say on 300 authorisations that we have, 10 will be
20 conducted next week. 35 will be conducted whenever. Then we will have so many outstanding from the 300 that we had.

ADV POOE: My question is rather that, what it sounds like you are asking is for a position to advance at the meeting. As opposed to, in your statement, it is very clear that you

were seeking from him the dates on which he would facilitate authorisations. Whereas in the voice note, it sounds as if you are asking him for a position that you would advance so that you understand where that position is going to take you.

CHAIRPERSON: Sort of give me the direction where all of this is taking me, which is the ...[speaking in vernacular], where it is taking me.

BRIGADIER MATJENG: I agree. And that is the
10 explanation that I am giving. Because sometimes it is very much difficult to translate Sesotho to English or to translate a lingo to English. It will not sound the same.

CHAIRPERSON: So are you saying ...[intervenes]

BRIGADIER MATJENG: [Speaking in vernacular]... next week how many are you going to be conducted because we were doing, we were consolidating the outstanding authorisations.

ADV POOE: I mean ...[intervenes]

BRIGADIER MATJENG: And it can be confirmed by my
20 boss. Nothing else.

ADV POOE: I guess from listening to you, one would have expected you to say ...[speaking in vernacular] because it implores, it suggests that you want a date by which you are going to do something. Whereas this sounds like something else. But nevertheless, if you say that there is something

we can get from your boss, then we can do that.

CHAIRPERSON: Perhaps let us play it one last time. Just one last time.

[AUDIO CLIP PLAYED BACK]

BRIGADIER MATJENG: Same response.

CHAIRPERSON: Well, starting, just give us a direct translation of this. I heard it and I have my own ideas about what it says. But I know even in my language, it is Xhosa people, when they want to duck and dive, will say, it
10 is Xhosa Stologwa. So, you did say something similar. But I just want you to please give us a direct translation of what you are saying here.

BRIGADIER MATJENG: Maybe can someone whose objective translate it for me? I am thinking maybe I am translating it to suit my narrative. So, can someone whose objective ...[intervenes]

CHAIRPERSON: Do not interpret. Just direct translation. Do not interpret.

BRIGADIER MATJENG: I am going to attend a meeting
20 now. Please give me a direction that I will be talking to.

CHAIRPERSON: Not more than what you are telling me will take me.

BRIGADIER MATJENG: What you are?

CHAIRPERSON: You, Mr Matlala, are telling me will take me too. Is that not more what you are saying?

BRIGADIER MATJENG: If is that the case, we are talking about the outstanding authorisation. If he tells me that next week I am going to conduct those authorisations, then I will report as such to say this outstanding authorisation, the medical surveillance will be conducted next week.

ADV KHUMALO SC: So, sorry, Brigadier. You are going to be Mr Madala's spokesperson at an internal SAPS meeting. You are going to speak on his behalf.

BRIGADIER MATJENG: No, I was not going to speak on
10 his behalf. When we have outstanding authorisations, they need to indicate when they are going to conduct medicals for those outstanding authorisation. And these were the long outstanding authorisation that we have been complaining about in the meeting. If Mr Matlala was going to say, I will not do them now, I will do them in August, then the feedback in the meeting, I will say, Medicare indicated that these authorisations will not be conducted now.

They will conduct them in August. We give feedback as and when we get authorisation, we will be
20 requested to give feedback. Why are the authorisations not facilitated? When are they going to facilitate this authorisation? And the only way for you to give feedback is when you get feedback from the service provider.

ADV KHUMALO SC: I seem to recall that yesterday we played, or the evidence leaders played a video for us, which

had an audio. And it was an internal SAPS meeting, a similar meeting, where the person in charge, I cannot recall if it was General Nkhua or somebody else, said, I do not want to hear this from internal SAPS people. I want the service provider to tell us why these things are still outstanding.

That is why I am asking this question. So, my understanding was based on that, that in these internal SAPS meetings, the service provider should have sent a
10 letter explaining all these things. Now what you seem to be doing in this call is you are asking Mr Matlala to give you a direction so that you can speak on his behalf at the meeting.

BRIGADIER MATJENG: It is not the same thing, Commissioner. On the audio of yesterday, Medicare was part of the meeting. Including SAPS people. So, when she was saying SAPS, people must not say anything, then Medicare will talk for themselves. But on this one, it was only us in SAPS, whereby we were discussing the
20 outstanding authorisations. Why are they delaying? When are they going to be conducted? Hence, I wanted to know from him. He must give me a direction. When is he going to conduct those medicals so that I can include it.

ADV KHUMALO SC: Thank you.

ADV POOE: Commissioner Baloyi, yes. Oh, not anymore.

Brigadier, then after that you, at 10:13, it seems that Mr Matlala then tried to call you 10:13 and 10:14. And then you send a voice note to him at 10:36. So we are just going to play that quickly.

[AUDIO CLIP PLAYED BACK]

Chair, it does not seem to be the right one. Maybe because we load the multimedia on a different computer altogether. There may have been a problem in the transferring process. It does not seem to be fully transferred onto the memory
10 stick. So, I am going to ask that we park that and then we will return to it while we try to re-download a better version.

CHAIRPERSON: All right, please continue, Ms Pooe.

ADV POOE: All right.

BRIGADIER MATJENG: Is it not the one that I was saying send me the confirmation of email for the change of the Lancet report.

ADV POOE: Yes, it was.

BRIGADIER MATJENG: I remember.

ADV POOE: Brigadier, just because we cannot play that
20 clip, I am just going to move to the following interaction and then we will circle back to it later. So, at page 39. So we move to the 6th. We will get back to the 4th later. On the 6th of March 2025, at 18:25, Mr Matlala texts you:

“Who is this general?”

You respond at 18:26:

“Motsepe from Detective Services,
heading General Investigations.”

Before we move to the next clip, because it is a different topic altogether, can you explain what was happening with this interaction?

BRIGADIER MATJENG: It was General Motsepe's birthday, and I put her photo on my - I downloaded her photo on my WhatsApp status to say, happy birthday, General. And he asked me, who is this general? And I
10 said, General Motsepe from Detective Services.

ADV POOE: Why was – so, he was asking purely out of interest of seeing her then. And ...[intervenes]

BRIGADIER MATJENG: Because I said, happy birthday, General.

ADV POOE: All right, so you understood him to want to know ...[intervenes]

BRIGADIER MATJENG: Who is this general ...[intervenes]

ADV POOE: Who is it. And then why do you add her I guess her job description.

20 **BRIGADIER MATJENG**: I do not know. Just explain, it is General Motsepe from Detective Services, heading General Investigations. Just an innocent message that I am relying, who is this one? That is, it.

ADV POOE: Okay, but you can understand in the context of him asking you for contact information of various people

within the service, that we have to ask if there is anything more. Because you do not say, it is General Motsepe, my friend. Or, you know, my colleague, you say General Motsepe from Detective Services heading General Investigations.

BRIGADIER MATJENG: Yes, because I know he knows a lot of generals in the police. Then you can say, oh, that one. If he knows her.

ADV POOE: Oh, from her position.

10 **BRIGADIER MATJENG**: Yes.

ADV POOE: Okay.

ADV BALOYI SC: Brigadier, are you friends with General Motsepe?

BRIGADIER MATJENG: No, we are not friends. What is that other fancy word that was used yesterday?

ADV POOE: Acquaintance.

BRIGADIER MATJENG: Acquaintance.

ADV BALOYI SC: So, do you - do you - so I imagine you have other acquaintances at work, right?

20 **BRIGADIER MATJENG**: Yes, yes.

ADV BALOYI SC: And is that something that you do ordinarily, that if it is a birthday of an acquaintance at work, you change your WhatsApp profile picture?

BRIGADIER MATJENG: Not profile picture, status.

ADV BALOYI SC: Okay.

BRIGADIER MATJENG: WhatsApp status to say, happy birthday so and so.

ADV BALOYI SC: So, you do that with all your work acquaintances?

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: All right.

BRIGADIER MATJENG: Yes, Commissioner.

ADV POOE: I am going to move to the next message that you then send a voice note. I am just going to try and play
10 that.

[AUDIO CLIP PLAYED BACK]

Brigadier, can you just translate what you said in that voice note?

BRIGADIER MATJENG: Why did not you return my call? I was talking to JK. He says he wants to meet you.

ADV POOE: And then you further indicate the days.

BRIGADIER MATJENG: Sorry?

ADV POOE: You indicate the days.

BRIGADIER MATJENG: Did I?

20 **ADV POOE:** Yes.

BRIGADIER MATJENG: I did not get that.

ADV BALOYI SC: You said tomorrow.

BRIGADIER MATJENG: Oh, okay. Thank you, Commissioner.

ADV POOE: Okay, we deal with this voice note at

paragraph 35. Chair, should we play it again? I was trying to gauge from your face whether it was confusion or ...[incomplete]. At paragraph 35, which is at page 9 of your statement, and just to confirm, in your earlier testimony, you said that JK is General Phahlane.

BRIGADIER MATJENG: That is correct.

ADV POOE: Okay, and then you explained in your statement that, essentially, you were telling Mr Matlala that you were on a call with General Phahlane discussing
10 general life issues, and he then indicated his availability to meet Mr Matlala because they knew each other.

BRIGADIER MATJENG: That is correct.

ADV POOE: And therefore, because they had a pre-existing relationship from your social circles in Pretoria, and therefore, you were just relaying the message. What is the nature of the relationship between Mr Phahlane and Mr Matlala?

BRIGADIER MATJENG: Acquaintances.

ADV POOE: They are acquaintances. And you know this
20 because?

BRIGADIER MATJENG: I know this because sometimes when General Phahlane is looking for Mr Matlala and he cannot get through him, he will either call me knowing that I will see Mr Matlala or I will relay the message.

ADV POOE: Are you friends with General Phahlane?

BRIGADIER MATJENG: I am not friends with General Phahlane. He is my former boss, and I will call him or he will call me just to touch base on life issues.

ADV POOE: How does he know about then your relationship with Mr Matlala?

BRIGADIER MATJENG: Because we met him, I think it was at an event while I was with Mr Matlala.

ADV POOE: All right. Then you sent this voice note to Mr Matlala. Is there a reason why - my apologies, General
10 Phahlane did not contact Mr Matlala directly?

BRIGADIER MATJENG: I assume that he contacted him, and he could not find him. Hence, he requested me to relay the message. That is an assumption. I am not hundred percent sure. But most of the time when he is looking for him and he cannot get hold of him, then he will call me.

ADV POOE: So, was this often that he would do this? No, that is often. Sometimes they will have their own conversation, arrange their own meetings without me being involved.

20 **ADV POOE:** And you say that the person who initiates the meeting is General Phahlane wanting to meet Mr Matlala. It was not the product of you facilitating a meeting between the two.

BRIGADIER MATJENG: No, it is not me.

ADV BALOYI SC: Brigadier, when you say General

Phahlane is your former boss, in which position? You have given us a number of positions. I am assuming you are not just saying because he was, I think, head of forensics at some point. Or we know he was acting National Commissioner. Is that the capacities in which you say he was your former boss?

BRIGADIER MATJENG: He was my former boss while I was working in forensic. I think that was in 19 - just check. From 2010.

10 **ADV BALOYI SC**: So, when you were the ...[intervenes]

BRIGADIER MATJENG: Skills Development Facilitator of Division Forensic Services.

ADV BALOYI SC: Okay.

BRIGADIER MATJENG: He was the Divisional Commissioner of Division Forensic Services. Even in 2012, as a brigadier, he was still my – he was still our Divisional Commissioner in Forensic.

ADV BALOYI SC: In the performance of your duties in those positions, did you interact with him?

20 **BRIGADIER MATJENG**: Yes.

ADV BALOYI SC: And when you say – so, we know from the voice, the date of the voice note. It is in June. No, it is in March, sorry. It is in March 2025. So, this would have been the first time that JK reaches out to you to say he wants to speak to Mr Matlala.

BRIGADIER MATJENG: No, I think even, I do not know, it cannot be the first time. Cannot be the first time.

ADV BALOYI SC: In your recollection?

BRIGADIER MATJENG: They did meet several times, maybe because this, on the date that I am responding to, is the downloads that were on Mr Matlala's phone. I do not think it was the first time. Actually not, I do not think, it is not the first time.

ADV BALOYI SC: So, they would, to your knowledge,
10 before you sent this message, they would have seen each other or talked to each other before this date.

BRIGADIER MATJENG: That is correct, Commissioner.

ADV BALOYI SC: Okay, so then how do you explain what you say in paragraph 35, where you say:

20 “On the 6th of March, I received a call and we discussed from JK and we discussed general life issues. While we were on that call, he indicated that he is available to meet Mr Matlala to touch base since they have not seen each other long ago.”

That long ago there, you made me understand it to be that before this conversation on the 6th of March with you, they had not seen each other. That is why General Phahlane says to you they have not seen each other long ago. And if

your statement that I have just read is correct, is to remain as correct, then it means this was the beginning after a long time that they have not had anything to do with each other.

BRIGADIER MATJENG: Now, Commissioner, you are asking me what is long ago.

ADV BALOYI SC: No, I am not asking you what is long ago.

BRIGADIER MATJENG: Yes.

ADV BALOYI SC: I am asking you to reconcile your saying
10 before this voice call. You know that they have had interactions, and they have been seeing each other before your voice call.

BRIGADIER MATJENG: Interactions.

ADV BALOYI SC: That is what you have said.

BRIGADIER MATJENG: Interactions, I am not sure, but meeting. Yes, I know they have met before this call. It might be in January it might be in December. Hence, I was saying, Commissioner, now I get an impression that you are asking me the immediately. Is it immediately now?

20 **ADV BALOYI SC**: No, leave immediately alone. It is somebody else's language. No, General, on a serious note, when I read your statement, and that is why I am asking, when I read this part of your statement, I got the impression that before 6 March, General Phahlane had not had anything to do with Mr Matlala, they had not seen each

other. Because of the use of long ago, it is a very specific language, right. He says to you, I have not seen Matlala, it is a long while since I saw him. But then you now say, no, you know that they had been seeing each other.

BRIGADIER MATJENG: That is correct, Commissioner.

ADV BALOYI SC: So, I wanted you to reconcile those two. So, you are saying, to your knowledge, they may even have seen each other in December 2024.

BRIGADIER MATJENG: Yes.

10 **ADV BALOYI SC**: That is what you are saying.

BRIGADIER MATJENG: Yes, but I am not hundred percent sure. But they might have seen each other, either in January or 2024 in December, but definitely they have seen each other.

ADV BALOYI SC: To your knowledge, yes, they would have seen each other.

BRIGADIER MATJENG: Yes, Commissioner.

ADV BALOYI SC: Thank you. Thank you, Brigadier.

ADV POOE: And then this is followed by a series of calls.

20 In particular, I just wanted to ask you about the 17th of March 2025.

ADV BALOYI SC: Maybe before you do that, Ms Pooe, on that same page, Brigadier, if you look at the very ...[intervenes]

BRIGADIER MATJENG: 39?

ADV BALOYI SC: 40.

BRIGADIER MATJENG: 40?

ADV BALOYI SC: Yes. This is Mr Matlala responding to you, to your voice note. He says:

“Tell him tomorrow, 13H00, same spot.”

So maybe it seems that confirms what you are saying.

BRIGADIER MATJENG: That is correct.

ADV BALOYI SC: That in fact they had been in touch with each other.

10 **BRIGADIER MATJENG:** That is correct, Commissioner.

ADV BALOYI SC: They have been meeting, in fact. All right, thank you.

ADV POOE: If we can then turn to the 17th of March 2025 at 13:36, and then again at 13:46, Mr Matlala gives you a call. I just want to ask in relation, if you have regard to page 91 ...[intervenes]

BRIGADIER MATJENG: 91?

ADV POOE: Yes, of the annexures. I just want to confirm something. You see there that the third payment of 100 000
20 is made on this day to the Osizweni Meat Market.

BRIGADIER MATJENG: Yes.

ADV POOE: And you have two calls there on that day with Mr Matlala. Do you recall if you discussed this payment?

BRIGADIER MATJENG: You know the WhatsApp, the way they are displayed, they are making it difficult for me to

know if we have spoken. Maybe you can direct me if it shows that we have spoken or it was a missed call. Because I see later, I am responding to him to say, I am in a meeting, I am presenting. So, I do not know if I have spoken to him here.

ADV POOE: All right. So, you suspect that it may have been missed calls rather?

BRIGADIER MATJENG: Yes, because I am responding to say, I am in a meeting, I am presenting.

10 **ADV POOE**: All right, and yesterday you indicated that beyond the calls you sometimes talk, did he ever mention this third payment?

BRIGADIER MATJENG: No, he did not.

ADV POOE: All right, thank you. And then the next interaction is on the 20th of March 2025. And there again ...[intervenes]

BRIGADIER MATJENG: My medication.

ADV POOE: Yes, you make a request for your medication. Mr Matlala asks, where must they bring it? And then says,
20 work question mark. He then calls, you respond by saying:

“You are in a meeting, what time are they bringing it?”

He responds to say:

“Let me know when you are ready, I will send my driver to you.”

And then you send a location.

BRIGADIER MATJENG: Yes.

ADV POOE: And then at 11:17, you let him know that you are leaving. So, then responds with the picture of the medication at 12:11. Then there was a call that he makes to you at 14:40. You call him back at 14:44. So this request was along the same lines as the earlier one.

BRIGADIER MATJENG: It is the, what, sorry?

ADV POOE: Along the same lines as the earlier request.

10 **BRIGADIER MATJENG**: That is correct.

ADV POOE: And in this instance too, it was still under the prescription you had given him, or had you provided him with a new one?

BRIGADIER MATJENG: That is correct.

ADV POOE: No, which one is correct? That you had given him a new one, or that it was under the old one?

BRIGADIER MATJENG: Which one is it?

20 **ADV POOE**: I asked, in this instance, was it the same prescription that you had given him, or is this a new prescription?

BRIGADIER MATJENG: It is the same prescription. It was the first time that I am getting now my Ozempic.

ADV POOE: Oh, so in that instance, the first time, you never actually got it.

BRIGADIER MATJENG: No.

ADV POOE: And then this time, you actually got it.

BRIGADIER MATJENG: Yes.

ADV POOE: Thank you. All right, ...[intervenes]

ADV KHUMALO SC: I think what she means is that it was delayed. So, she had asked for it previously, and she only got it now. So, it is not that this is the second time, the first time she got it. She did not get it, but she is getting it the second time.

BRIGADIER MATJENG: Yes, that is correct,
10 Commissioner.

ADV POOE: Thank you, Commissioner Khumalo. Then let us then move to the next message that you sent to Minister Matlala on the 25th of March 2025, at 08:41. You sent a message. I am assuming this is a forwarded message. And it says:

20 “Good morning, Sisi. I trust that you are well. Please check whether it is possible to move our engagement of today as arranged to tomorrow, same time maybe. I am travelling to Joburg for urgent intervention, which may last into our scheduled time. Alternatively, to schedule today afternoon, preferably around 16:30, same venue. Please revert to me at your earliest

convenience.”

This is a forwarded message. Oh, my apologies. Then the next message you say:

“Please respond message from JK regarding today's meeting.”

Mr Matlala responds and says:

“Okay, Diva.”

You then respond to Mr Matlala and ask:

“When.”

10 He responds and says:

“Done.”

And again says:

“I told him we will do it tomorrow.”

And then you ask him, or you say:

“Cannot take a call.”

And he sends you a screenshot of what seems to be him confirming to JK, responding to JK.

BRIGADIER MATJENG: That is correct. You see, now they are communicating directly without my intervention.

20 **ADV POOE**: Yes, I see that. And my interest is, if you look at the message that you forwarded to Mr Matlala, it is as if you are part of the engagement, if that makes sense. Because he says:

“Good morning, Sisi. I trust that you are well. Please check whether it is possible

to move our engagement of today as arranged to tomorrow, same time maybe.”

Perhaps to start here, were you going to this meeting as well?

BRIGADIER MATJENG: No.

ADV POOE: So, he was just reaching out to you because you sometimes facilitate their meetings.

BRIGADIER MATJENG: That is correct.

10 **ADV POOE**: And do you know the content of these meetings?

BRIGADIER MATJENG: No, I do not know.

ADV POOE: Have you attended any of the meetings?

BRIGADIER MATJENG: Not even a single one.

ADV POOE: All right, thank you.

20 **ADV BALOYI SC**: Sorry, Brigadier, so, this is a meeting, this WhatsApp message is on the 25th of March. And it is a meeting that is being rescheduled for tomorrow. The last one that we looked at was on the 6th of March. Did that meeting of the 6th of March happen? You would know, because they are talking through you.

BRIGADIER MATJENG: Not always, Commissioner, but they are talking through me.

ADV BALOYI SC: No, I am not saying always. I am talking, I am specific. You are the one that is communicating, you are the go-between for the meeting of

the 6th. Or rather, for a meeting to be held on the 7th. The 6th WhatsApp is on page 40, if you are looking for that. And you are the go-between arranging a meeting, or yes, you are the go-between for a meeting to be held on the 7th of March. Did that meeting happen?

BRIGADIER MATJENG: I am not sure. I am not sure, Commissioner.

ADV BALOYI SC: You do not know? You did not ask Mr Matlala?

10 **BRIGADIER MATJENG**: No, I did not.

ADV BALOYI SC: And then the meeting on the 25th, it is a meeting to happen the following day. And it also says the same venue. So further evidence that they seem to be meeting more frequently than they long ago suggested. This meeting on the 25th, on the 26th, rather, at 16:30, same venue, did it happen?

BRIGADIER MATJENG: Did you ask a question, Commissioner?

20 **ADV BALOYI SC**: Did the meeting happen on the 27th, on the 26th, rather?

BRIGADIER MATJENG: I am not sure. Normally, I do not ask him about his meetings. I do not know. It might have happened. Even the one on the 6th, it might have happened. So, I am not sure about that one, Commissioner.

ADV BALOYI SC: Yes, well, I am surprised that you would

not have asked, seeing that they have put you in the middle of this. When you are now with Mr Matlala, you do not ask him, did your meeting happen? I am surprised that you would not ask. But perhaps a more important question is, they are in touch with each other quite clearly. As you show from that, what do you call it, screenshot.

So, we know that they are talking to each other. They have each other's numbers. If you are not part of their meetings, why would General Phahlane be talking to
10 you on the 25th of March to forward a message, or to actually rearrange a meeting with Mr Matlala, as if General Phahlane is PA or something. Yes, if you are not part of this and you know nothing about it. Why is that?

BRIGADIER MATJENG: My explanation, Commissioner, will be sometimes when maybe he calls him or try to get hold of him and he is not available, then he will talk to me, knowing that either I am going to see him or I am going to talk to him. Because me and Mr Matlala, we will talk on a daily basis.

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

ADV POOE: Then, Brigadier, if we can then move to the next interaction. We will skip the 26th, because there is just a call. This is 26th of March. On the 28th of March 2025 at 10:30, Mr Matlala sends you a picture and it is captioned, 'Wedding of Metropolitan Executive Rethabile Matolweni' in

December 2024. And then he says, Lieutenant General Nkhuoa at the back. Why was Mr Matlala sending you this?

BRIGADIER MATJENG: I do not know. I do not know, but I think, I do not know. Now I am going to give my opinion, which might not be right. I do not know. I do not know. You can see I did not respond. I did not say anything. So, I do not know. But what I know, and his concerns that I had when he was presenting in the Ad Hoc Committee, is when he was saying General Nkhuoa attended a wedding of one
10 of the executives of Metropolitan. And if it was him maybe attending, I do not know, it was just around the issues of service provider attending a wedding or a party of someone else, then it is a big deal.

ADV POOE: So was Mr Matlala at that time trying to tell you that, sort of, look who I saw, General Nkhuoa at ...[intervenes]

BRIGADIER MATJENG: No, he was not there.

ADV POOE: He was not there.

BRIGADIER MATJENG: No, he was not and this was a
20 forwarded picture also from his side.

ADV POOE: Yes, and you have never had any conversation that could contextualise this, i.e., it may not have happened on that day but on a different day that would require him one day to then say to you, to forward you a picture of General Nkhuoa at this wedding?

BRIGADIER MATJENG: You know, sometimes he will send you pictures and I will not respond to the pictures because I do not understand why he is sending me this picture.

ADV POOE: I mean, apart from the picture with what I think was outstanding invoices or something along those lines, most of the pictures in these conversations were work-related. Even the two pictures that we found earlier were work-related. The only other one is the picture of the Ozempic. So, he does not say, at least from the chats that
10 we have, does not seem to send a lot of pictures.

BRIGADIER MATJENG: I do not know. On this one, I do not know.

ADV POOE: Yes, the difficulty, it adds to sort of more exchange of information related to your colleagues.

BRIGADIER MATJENG: Oh.

ADV POOE: No, we disagree.

BRIGADIER MATJENG: No, I do not agree.

ADV POOE: And you never asked even in person when you saw him next that, oh, you sent me this picture and this
20 would be your boss, General Nkhua, or part of your supervisory chain.

BRIGADIER MATJENG: Yes.

ADV POOE: And you never took interest as to why.

BRIGADIER MATJENG: You know, sometimes when you are sitting with your person, you do not discuss some of the

things. You just want to catch up on yourself, between the two of you. So, even, I do not know about this picture.

ADV POOE: You do not know about the picture, and you did not ask?

BRIGADIER MATJENG: No, I did not ask. I heard about it in the ad hoc committee when he was presenting.

ADV POOE: And when he was presenting, it did not trigger any memory of any kind of conversation you would have had?

10 **BRIGADIER MATJENG**: No, because we have never discussed it.

ADV POOE: All right. And then, on the 3rd of April 2025, there is a text that Mr Matlala sends to you. Again, it may be, it looks like a forwarded text. You deal with it at paragraph 34 of your statement.

BRIGADIER MATJENG: That is correct.

ADV POOE: I am not going to read all of it, but in sum, it was, it looks like a message about, in relation to a service provider. And the refusal to conduct medical surveillance.

20 **BRIGADIER MATJENG**: Yes.

ADV POOE: And why was Mr Matlala sending you this?

BRIGADIER MATJENG: He is sending me his concerns, to say my people cannot facilitate the authorisation, yet you guys are complaining to say I am not performing. While I am trying to facilitate the authorisation, I am told that some

are refusing and saying the contract has been cancelled.

ADV POOE: Where does he say all of this? Yes, if you look at it.

BRIGADIER MATJENG: Are we on page 46?

ADV POOE: Yes.

BRIGADIER MATJENG: It says:

10 “Beauty received a call from Colonel
Kobe. Beauty might be one of his
service providers, who was enquiring
regarding the booking of three members
whose authorisation were issued for
Limpopo, but turns out they are in GP
and MP. He proceeded to inform Beauty
that she does not need to continue with
the booking, with booking them, as his
office was informed by National Head
Office to no longer send our office work,
as the contract has been cancelled.”

20 **ADV POOE**: Okay, so you explain that it is because Mr
Matlala was explaining to you that I cannot - you are
complaining about non-performance, yet this is what is
happening on the ground.

BRIGADIER MATJENG: Yes.

ADV POOE: I was asking where does he say this, because
if you look at that message, it is just forwarded with no

context.

BRIGADIER MATJENG: Oh, I thought you were asking where does he say the contract has been cancelled?

ADV POOE: No, no, I am asking rather about when would you have had that conversation with Mr Matlala? Because if you look at that, after he forwards you this message on the 3rd of April, the next time you interact is the 18th of April, and we will get to that.

BRIGADIER MATJENG: There are visits in between, not
10 everything will be captured on WhatsApp.

ADV POOE: So, this occurred in a visit, right?

BRIGADIER MATJENG: Yes.

ADV POOE: What was he expecting of you?

BRIGADIER MATJENG: Nothing, nothing, there is nothing that I can do. If people are refusing appointments, if people are refusing to commit to the appointments that are not in my environment, there is nothing that I can do.

ADV POOE: And you do not believe that he was perhaps
20 referring to the second paragraph, rather, which talks about the cancellation of the contract?

BRIGADIER MATJENG: Referring to it in which way?

ADV POOE: Whether he was asking you to assist with anything that is happening at the national office.

BRIGADIER MATJENG: No, he never asked me anything to assist with this contract.

ADV POOE: So, in this context, you are saying that it was just to share what was happening and nothing else, and did you take any steps once you saw this?

BRIGADIER MATJENG: No, nothing.

ADV POOE: All right, thank you. And then if we go to the 18th of April at 10:53, you write to Mr Matlala:

“Good morning, Mr V, did you do that thing?”

He responds:

10 “I did not receive it yet, but I will send it soon as I get it. He will not disappoint me, do not stress.”

You respond and you say:

“Thanks.”

Do you recall what this was in relation to?

BRIGADIER MATJENG: My medication.

ADV POOE: All right. And then on the 29th of April 2025, at 06:54, you, oh, Mr Matlala deletes a message. You respond at 09:08 and say:

20 “Morning, ...[speaking in vernacular] what did you delete?”

And then Mr Matlala sends a pin, a location pin. Do you recall what that was about?

BRIGADIER MATJENG: This location, me and Mr Matlala, we were supposed to meet, and he sent me this message

because he was not around. He informed me that he went to KZN to meet the former Minister General Cele.

ADV POOE: So, ...[intervenes]

BRIGADIER MATJENG: To show that we were in a relationship. You cannot send someone a location of your whereabouts if you are not in a relationship. Here he sent me, he was in, can you open it? He was in KZN, I think Beverly Hills Hotel, where he was going to meet General Cele. This is General Cele, former Minister Cele. Just
10 want to check, can I check on my phone?

ADV POOE: Sure.

BRIGADIER MATJENG: If I did not delete it, which date is this one? Yes, there we go. He was at Beverly Hills Hotel. The location is showing like that.

ADV POOE: He was at Beverly Hills Hotel in KZN, you say, to meet with Minister Cele.

BRIGADIER MATJENG: That is what he told me.

ADV POOE: Okay, and when did he tell you this? From the messages, it is just a location pin. And then he says:

20 "Meeting with them, I will call you."

Can you see that on page 38 afterwards?

BRIGADIER MATJENG: I can see that.

ADV POOE: So, is it that afterwards did he call and advise you or?

BRIGADIER MATJENG: It is either he told me personally

when he comes back.

ADV POOE: And did he tell you what the meeting was about?

BRIGADIER MATJENG: No, he did not.

ADV POOE: Did you ask him what the meeting was about?

BRIGADIER MATJENG: No, I did not.

ADV POOE: Okay, and then let us go to the following day. Sorry, Brigadier, I am just going to ask for a screenshot of the maps from our, not now, I will come. But from our side,
10 it is not linked. And let us go to the 10th of May. At 11:25, you send a message to Mr Matlala and say:

“Morning, Mr V, why are you not returning my calls?”

He responds with a letter, which is contained at MTJ8. And the letter is a response from Medicare 24 to what would have been a letter of demand sent to Medicare. So, it is formal notice of breach and demand for compliance. So, he then sends you Medicare's response. He follows that up. Oh, no, that is the following day. On this day, you received
20 this letter. What did you do? Sorry, on the 12th. He actually, you sent the message on the 10th, and he responds two days later with the letter. Do you see that?

BRIGADIER MATJENG: He sent a letter when?

ADV POOE: On the 12th.

BRIGADIER MATJENG: Yes.

ADV POOE: And then did you have regard to that letter?

BRIGADIER MATJENG: No, I just felt sorry. Just felt sorry for him.

ADV POOE: No, I mean, so you did have regard?

BRIGADIER MATJENG: MTJ8.

ADV POOE: Yes, it is at page 62 of the annexures.

BRIGADIER MATJENG: MTJ8. Oh, this is the letter for the breach and demand for compliance.

ADV POOE: Yes.

10 **BRIGADIER MATJENG**: Yes, no, I said nothing on this letter. I just read it and said nothing. It is his right to write a letter and inform them about the breach of contract.

ADV POOE: Okay, and in that time, because you explained that sometimes there are visits, because if you see, it is two days between the time that you said, morning, why are you not returning my calls, and when he sent the letter. Did you meet with Mr Matlala?

BRIGADIER MATJENG: Definitely.

20 **ADV POOE**: And would you have discussed these concerns that lead to this letter?

BRIGADIER MATJENG: We also discussed the KZN trip, and yes.

ADV POOE: Okay, you discussed the KZN trip.

BRIGADIER MATJENG: Yes.

ADV POOE: Earlier you said you did not know what was

discussed at the meeting, or you just mean the commute itself?

BRIGADIER MATJENG: No, the context of the meeting I do not know, but I know he is told me about the KZN trip, and I think on this day he was supposed to meet a former Minister Cele, and they never met. I just decided that I am tired of people milking me out.

ADV POOE: He was tired of people making him?

BRIGADIER MATJENG: Milking.

10 **ADV POOE**: Milking. What did you understand this to mean?

BRIGADIER MATJENG: Money.

ADV POOE: So, was Mr Matlala telling you that he was previously, he had been milked, because if you say you are tired of being milked, that you mean something had come?

BRIGADIER MATJENG: It is a hearsay ...[speaking in vernacular].

ADV POOE: Brigadier, you ...[intervenes]

20 **ADV KHUMALO SC**: Ms Pooe, is the context not that you were asking what she was told about the cancellation of a specific meeting, and then the response was in that context?

BRIGADIER MATJENG: Yes.

ADV POOE: I was asking about the letter itself and the cancellation of the contract. It is the witness who directed

me to the fact that they discussed the meeting in Durban, and that the meeting was cancelled because Mr Matlala had indicated that he was tired of being milked. So that is the direction I went, because the witness gave us those answers. Unless?

BRIGADIER MATJENG: No, Ms Pooe, you took me to advocate, you took me to between the 10 and the 12. And I say I definitely saw him in between.

ADV POOE: I do not dispute that, Brigadier. We got there
10 it does not matter how we got there. Nevertheless, you have told this Commission that in that meeting that happens between the 10 and the 12, that Mr Matlala informed you that the meeting with Minister Cele was cancelled because he was tired of ...[intervenes]

BRIGADIER MATJENG: It was not cancelled. He did not go.

ADV POOE: He did not go.

BRIGADIER MATJENG: According to him ...[speaking in vernacular], he did not go because he was tired of being
20 milked out. That is what he said to me.

ADV POOE: And did you understand that to mean that he had previously?

BRIGADIER MATJENG: Yes, I did.

ADV POOE: All right, now at this meeting, did you discuss this letter or the challenges he was facing?

BRIGADIER MATJENG: No, it was already submitted and he is just forwarding it to me.

ADV POOE: Sorry, I was just trying to locate the date for this letter. Does not seem like it has one.

BRIGADIER MATJENG: MTJ8.

ADV POOE: Excuse me?

BRIGADIER MATJENG: No, I am saying MTJ8.

ADV POOE: Yes, it does not seem to be dated. My question was rather whether you discussed the sending of
10 this letter because he then sends you the letter.

BRIGADIER MATJENG: No, we did not discuss it.

ADV POOE: So why does he send you the letter?

BRIGADIER MATJENG: Just like forwarding. I wrote this. They gave me this. He will forward it to you. Whether you discuss or not discuss, he will just forward them to you.

ADV POOE: And so, he did not expect – what did he expect to be done?

BRIGADIER MATJENG: Nothing.

ADV POOE: And did you – did you take any steps to call
20 him or anything?

BRIGADIER MATJENG: No.

ADV POOE: Or even engage him on the contents of the letter when you next meet?

BRIGADIER MATJENG: No. I think this week I was seeing him almost every day. From the week of the 10th, I was

seeing him almost every day.

ADV POOE: And in seeing him almost every day, he never discussed this letter? You never discussed this letter?

BRIGADIER MATJENG: No, he was complaining about SAPS stolen some work. They are not giving him work and normal complaints that I am used to.

ADV POOE: But there was not an – you think there was no expectation to do anything about it?

BRIGADIER MATJENG: No, nothing.

10 **ADV POOE**: Okay, Chair, I am going to move to the next message. I was going to ask if we are proceeding until half – until half past 1, or am I to proceed until we finish?

CHAIRPERSON: Let us finish and we will then see or whether to hear the application for a re-examination. Let us just finish and then we will decide then.

ADV POOE: I am to say we are nearly there.

CHAIRPERSON: Yes, we are.

ADV POOE: Then on the 13th of May at 12:21, Mr Matlala sent you a message to say:

20 “Sorry, they cancelled the contract. I did not take that money.”

You respond with two crying face emojis. He then responds to you and says:

“That is bad, very bad. I have invested a lot of money here. Now it is gone. More

than 30 million.”

He sends you two documents. One being a termination letter from SAPS. That is MTJ9 at page 66. And then at page 71 is a letter from Mr Matlala's lawyers responding to the National Commissioner's letter cancelling the contract.

BRIGADIER MATJENG: That is correct.

ADV POOE: And that is the end of that conversation.

When Mr Matlala says to you, this is now on the 13th:

10 “Sorry, they cancelled the contract. I did
 not take that money.”

What did this mean?

BRIGADIER MATJENG: A day before, on the 12th, I was with him and he was telling me about this other loan that he was taking. And I think it was about 20 million. And he says he wanted to start afresh. He wants to pay all his service providers and pay everything that he owns. He owns so that he can start on a clean slate. So, when he says, I did not take that money.

20 **ADV POOE**: He meant the loan that you would have
discussed.

BRIGADIER MATJENG: The loan, yes.

ADV POOE: And then you respond with two crying face emojis.

BRIGADIER MATJENG: Yes.

ADV POOE: What were you conveying to him? Or why?

BRIGADIER MATJENG: Sad, sad that they cancelled the contract.

ADV POOE: It is sad for who?

BRIGADIER MATJENG: It is sad for him.

ADV POOE: Okay, so, you were saying, you were depicting what you are conveying to him is that it said for him. Was it said for you?

BRIGADIER MATJENG: It was.

ADV POOE: Why?

10 **BRIGADIER MATJENG**: Because that means we are going to struggle with the medical surveillance in the environment.

ADV POOE: It was said - so you were looking at it from your environmental perspective.

BRIGADIER MATJENG: Exactly.

ADV POOE: A cancellation of this nature would have resulted.

BRIGADIER MATJENG: That it will also affect us. And it is affecting us now as we speak.

ADV POOE: Yes, okay, then if we can go to ...[intervenues]

20 **ADV BALOYI SC**: Brigadier, you would have been sad for your partner as well that they are cancelling such a big contract because it means he is no longer making that money. You cannot meet that. There is no controversy about it. It is not controversial. He is your partner. And as you have told us, he was quite generous. We have seen

here financially. But just from being your partner. I think that you can admit, surely. I think you agree with me. We will take it as an agreement.

ADV POOE: Yes, because if we do not agree, I think I would take you to the letter. I think if you go to page 67 in particular.

CHAIRPERSON: Please vocalise your agreement if you agree. Do not just laugh or smile, General. Your agreement with the Commissioner Baloyi.

10 **BRIGADIER MATJENG**: I know there is going to be a tricky question coming afterwards.

CHAIRPERSON: Otherwise ...[intervenes]

BRIGADIER MATJENG: So, I do not agree. I was sad for the organisation ...[intervenes]

CHAIRPERSON: No, no, no, do not anticipate questions. Just respond to them honestly. And also bear in mind that if you do not agree with Commissioner Baloyi, then it brings you within the net of what I debated with you yesterday. Which is that there is no relationship at all. So actually, the
20 question by Commissioner Baloyi is favourable to you. Or not?

BRIGADIER MATJENG: No, it is not. What I have learned during these two days about Commissioner Baloyi. She will say something that you will agree on. Knowing there is a direction that she wants to take. So, I have learned that.

And I am saying no. It was not sad for me. It was sad because as an organisation, we are going to struggle with the medicals.

ADV BALOYI SC: Brigadier, I am not that bad.

ADV POOE: Brigadier, if you consider. Let us test that. If you go to page 67.

BRIGADIER MATJENG: 67?

ADV POOE: 67 of the annexures.

BRIGADIER MATJENG: Yes.

10 **ADV POOE**: So, this is MTJ9. And there, the National Commissioner lists the reasons for cancellation. Which include misrepresentation and fronting. Director resignation without disclosure. Misrepresentation of franchisor relationship. The issues related to Mr Matlala and the pending charges. False representation of personnel and authority. Irregularities in bidding documents. Employment of unauthorised personnel. Continued poor performance. So I am not sure you can look at this. And then feel sad for the employer if a contract that had this many issues is
20 being cancelled. Do you want to comment?

BRIGADIER MATJENG: You are putting me in a very difficult position. Because now my comment again will be putting my job at risk. I am already, yes, no, I do not want to comment.

ADV POOE: You do not want to comment?

BRIGADIER MATJENG: No.

ADV POOE: Okay.

BRIGADIER MATJENG: No, but I agree with the letter the way it is written by my organisation.

ADV POOE: Brigadier, do you agree with the letter? Or are you just saying it based on what you just said?

BRIGADIER MATJENG: No, I do agree with it.

ADV POOE: All right, Brigadier. And that concludes the chats that you had with Mr Matlala. Because what we know
10 now is the following day Mr Matlala was arrested.

BRIGADIER MATJENG: Yes.

ADV POOE: Right. Now having regards to all of the chats, right. And from my summation, what comes out is that there were at least three requests. Being when you requested assistance with when you got the attorney's letter. It was in relation to the car. And then it was in relation to the medication. So that is three sets of requests. We could say four on account of two separate requests related to medication. Or a follow-up one when it was not delivered.

20 **BRIGADIER MATJENG**: You say three requests, one is?

ADV POOE: One was when there was an attorney's letter, right.

BRIGADIER MATJENG: Okay.

ADV POOE: And then there was another related to a car that was being serviced. And then there are the requests

related to medication.

BRIGADIER MATJENG: Okay.

ADV POOE: The majority of the correspondence relates largely to the contract. And as the Chairperson had pointed out, there are very few terms of endearment that is used. There is almost no discussion ...[intervenes]

CHAIRPERSON: Those only being terms of endearment in terms of what the Brigadier tells us. Otherwise, when you look at those, they are not objectively terms of endearment.

10 The Brigadier says my term of endearment for him is Mr V.

ADV POOE: Yes.

CHAIRPERSON: And the Brigadier also says his term of endearment for me is Diva. So objectively those are not necessarily terms of endearment. But according to what she explains to us, they are. Sorry for interrupting you.

ADV POOE: I will correct the statement to say very few according to you. The ones that you have characterised as terms of endearment they are very few. What we see in the majority of this discussion is the exchange of information
20 related to the contract. A lot of them you say were not related to your environment. Then we have instances where Mr Matlala is asking for contact details related to other SAPS members.

And then I think outside of the text asking about General Motsepe, there is just that picture depicting the

wedding where General Nkhua was in attendance. So, when you consider the body of the WhatsApp chats in this period, what it seems like is that Mr Matlala was sending to you problems related to the contract. And you were pushing his interests or trying to further his interests.

Sometimes you did so against your own employer. And then we see payments, albeit that you have denied that these payments have ever reached you. However, you must accept that you provided that account. And it appears as
10 though the relationship was *quid pro quo*, where you helped him with his contract and his challenges, and he provided some gratification in the form of, I say, those three payments. Alternatively, some favours when you required. Do you care to comment on that?

BRIGADIER MATJENG: I do not even know how to comment. I am not sure if Mr Shirindzi wants to comment. I am not sure.

CHAIRPERSON: No, no, Mr Shirindzi will have his time.

BRIGADIER MATJENG: Okay, no I do not agree. Me and
20 Mr Matlala, we were in a relationship. And I am requesting the Commission to go and do a further investigation to check if we were indeed in a relationship. But we were definitely in a relationship. And secondly, I do agree. I am the one who requested the money, but I never received that money.

And then thirdly, the communication or the documents that were being shared, it was not to advance Mr Matlala. If you check, some of them will have disadvantaging him, will have been disadvantaging him in terms of the claims and also moving accounts from members to the company Medicare. So, I do not agree with your conclusion, advocate.

ADV POOE: I am willing to accept that there was an instance where it could be deemed unfavourable, where it
10 related to changing the invoices. But I do think it is still up for debate whether or not the one related to the 140, the list of 140, was favourable or unfavourable until we get that additional evidence. And Brigadier, I know you are saying that the Commission must do further investigations as to whether or not there was a relationship. But do you accept that in your statement, where you are given an opportunity to address this, you have equally not given us any evidence but for you saying that you had a relationship with him?

BRIGADIER MATJENG: I do agree. But from my side, I
20 gave enough evidence to show that me and Mr Matlala, we were in a relationship. Furthermore, I will say who alleges must prove it. So, from my side, I have proven my side, so the Commission, because it is alleging that I did not have a relationship with Matlala, then they need to prove it.

ADV POOE: No, Brigadier, you allege that you have a

relationship with Mr Matlala.

BRIGADIER MATJENG: And I have proven it.

ADV POOE: How?

BRIGADIER MATJENG: I have proven it through the WhatsApp messages.

ADV POOE: The WhatsApp messages were provided by the Commission.

BRIGADIER MATJENG: Through the pet names indicated on the WhatsApp messages, as well as the money that he
10 was giving me since 2019.

ADV POOE: But the money that was described in these chats in particular, you say you did not receive. Moreover, you say you did not make alternative arrangements to get that money. And then you also tell us that you advocated for a different person to get the money even when you were desperate. So, you are essentially saying that none of those gifts or that money was for you?

BRIGADIER MATJENG: I am not talking about the money from 2024. I am talking about the monies from 2019 until
20 2021, which was extracted from his bank account.

ADV POOE: But do you accept that what you have given us is an explanation of what is in the chat? You have not given us any evidence of your relationships. For example, people would provide a picture or something to show that I was in a relationship with someone. But for your say-so?

BRIGADIER MATJENG: I was never requested to bring them. If I was requested to bring them, I was going to bring the pictures.

ADV POOE: All right. Commissioners, that is all on my end, unless there are questions from the Commissioners.

ADV KHUMALO SC: Brigadier, before we break for lunch, I know everybody's hungry. So, we will try to make this quick. In your statement on page 11, can you please go there?

10 **BRIGADIER MATJENG**: I am there, Commissioner.

ADV KHUMALO SC: Are you there? Remember, this statement is in the form of an affidavit, and it says so on page 1. It starts by saying affidavit. You remember that?

BRIGADIER MATJENG: Yes, Commissioner.

ADV KHUMALO SC: And then you say:

“I, Rachel Matjeng, state under oath in English.”

Then you give your statement.

BRIGADIER MATJENG: That is correct.

20 **ADV KHUMALO SC**: Yes, and then on page 12, the very last paragraph, it says:

“I know and understand the contents of this statement. I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding on my

conscience. I swear that the contents of
this statement are true.”

Do you see that?

BRIGADIER MATJENG: I see that, Commissioner.

ADV KHUMALO SC: And then you sign it on the 2nd of
December 2025.

BRIGADIER MATJENG: That is correct, Commissioner.

ADV KHUMALO SC: Which is two months ago. Now, in
paragraph 45.3 on page 11, you deal with a money's owed
10 by Mr Matlala to Modiegi.

BRIGADIER MATJENG: That is correct.

ADV KHUMALO SC: And you say in your affidavit that the
money's owed were plus minus R38 000. Do you see that?

BRIGADIER MATJENG: It was a typo.

ADV KHUMALO SC: Do you see that?

BRIGADIER MATJENG: Yes.

ADV KHUMALO SC: When did you first notice the typo?
Because I take it you must have read your affidavit before
you signed it.

20 **BRIGADIER MATJENG**: Sometimes you will miss some of
the things, Commissioner.

ADV KHUMALO SC: Because this thing is important. I am
going to suggest to you that the reason why you want to
change this amount from R38 000 to R338 000 is because
you have now seen the Commission's bundle of documents.

And you can see that in the bundle of documents the money paid to Modiegi's butchery is R300 000.

And if Mr Matlala only owed Modiegi R38 000, Modiegi would not have retained R300 000. All that money would have come to you. The reason you now want to change the contents of your affidavit, which you have sworn under oath that they were true and correct, is because that is the only way you can explain that discrepancy between the R38 000 and the R300 000.

10 **BRIGADIER MATJENG**: The affidavit or the evidence from the Commission that indicates R300 000, I only received it on Tuesday. By then, when did I meet with Mr Ndlovu? I think it was last week, Friday. Then we agreed that we will do a supplementary document, a supplementary affidavit.

ADV KHUMALO SC: So, you are saying you are not changing it because you saw the contents of the Commission's bundle?

BRIGADIER MATJENG: No, that one I got it on Tuesday. And I discussed with Mr Ndlovu when we were going
20 through this.

ADV KHUMALO SC: Yes, all right, thank you.

CHAIRPERSON: We will take a shorter lunch break. Let us adjourn and resume at 14:30. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Shirindzi?

MR SHIRINDZI: Chair.

CHAIRPERSON: Yes, I am listening. You intimated that you wanted to say something to us.

MR SHIRINDZI: Chair, we wanted to make an application to re-examine the evidence of the witness. We are not sure if maybe my colleague is done with leading evidence. I just wanted to confirm.

CHAIRPERSON: That is my understanding, yes.

10 **MR SHIRINDZI**: [Indistinct]... Commissioner. We are then ready to make an application, Commissioner. You can just grant me an indulgence to open my application, Commissioner. May I proceed, Commissioner?

CHAIRPERSON: Yes.

MR SHIRINDZI: Yes, Commissioner. Commissioner, we are making an application in terms of regulation 8(4) of the regulations of the Judicial Commission of Inquiry into Criminality, Political Interference and Corruption in the Criminal Justice System. Chair, before we proceed with
20 that, we want to submit that prior to making the submissions, we believe that it is necessary to state the importance of this Commission. The Commission has been appointed to actually investigate the allegations that have been stated.

We believe that in the submissions that have been

made by our witness, there are certain issues or pertinent issues that we believe have not been rectified or need to be brought to clarity, Commissioner. We also submit, Commissioner, that there will be no prejudice that will be suffered by the Commission if it is to listen to the questions. We are going to break it down, Commissioner, and state as to which positions or which utterances or things that have been stated by the witness we want to focus on.

10 One of those things, Commissioner, is the relationship between Mrs Matlala and Brigadier, as well as the monies that have been received ...[intervenes].

CHAIRPERSON: Mr.

MR SHIRINDZI: Mr Matlala.

CHAIRPERSON: Okay.

MR SHIRINDZI: Yes, Mr Matlala. And the monies that have been paid to the account of Osizweni. Commissioner, we are aware that before we can actually re-examine the witness, we need permission from yourselves as to whether
20 it is feasible or whether it is in the best interest of the Commission to actually listen to our submissions or listen to what Ms, or what the Brigadier is going to say.

CHAIRPERSON: So it is just on those two issues?

MR SHIRINDZI: On those two issues, Commissioner.

CHAIRPERSON: Please continue.

MR SHIRINDZI: Okay. Chair, we believe that these things will bring clarity, and this will also make it very easy for the Commission to actually make its decisions when it is making its recommendations to the President. Such questions, therefore, Chairperson, will be in the best interest of not only the Commission, but also everyone who is listening to actually understand as to what is happening in this proceedings, Your Worship, Chairperson. My apologies, I am just used to calling Your Worship, Your Worship. My
10 apologies.

So we believe that we are in the hands of the Commission right now to actually grant us the permission. And ja, we believe that the Commission will not suffer any prejudice compared to the prejudice that our client, the Brigadier, will suffer if such things are not clarified, not only in the Commission, but also in the public space as well, because this is also broadcasted to everyone. Every small thing that she has mentioned will also need to be clarified, Commissioner. So that is our submission and that is our
20 ...[intervenes].

CHAIRPERSON: It cannot be that you clarify “every small thing” that the Brigadier has touched on.

MR SHIRINDZI: Yes.

CHAIRPERSON: It cannot be every small thing.

MR SHIRINDZI: Let us say, Chair, some of the things that

she has mentioned. My apologies on everything.

CHAIRPERSON: Thank you. Ms Pooe, you wish to comment? Our inclination is to grant the application, but of course you are entitled to respond.

ADV POOE: Chair, no objection from my side. The two issues are quite narrow.

CHAIRPERSON: Ja, thank you. Thanks, Ms Pooe. Yes, Mr Shirindzi, thank you.

ADV KHUMALO SC: Can you please say it again so that
10 we get it right?

MR SHIRINDZI: Okay. It is Shirindzi.

CHAIRPERSON: Shirindzi.

MR SHIRINDZI: Shirindzi, Chairperson, Shirindzi.

CHAIRPERSON: Shi?

MR SHIRINDZI: Shi, yes.

CHAIRPERSON: Shirindzi.

MR SHIRINDZI: Shiri, and then ndzi.

CHAIRPERSON: Shirindzi.

MR SHIRINDZI: Yes, Chair.

20 **CHAIRPERSON:** Shirindzi.

ADV KHUMALO SC: S H I R I N D Z I ?

MR SHIRINDZI: Yes.

CHAIRPERSON: I blame Commissioner Khumalo.

MR SHIRINDZI: Okay, Chair.

CHAIRPERSON: That is how I was pronouncing it

throughout and he said there is an E somewhere.

MR SHIRINDZI: Now you will get used to it, eventually.

CHAIRPERSON: Thank you. Please commence, Mr Shirindzi.

RE-EXAMINATION BY MR SHIRINDZI: Okay. Brigadier, I want us to start with the relationship that you had with Mr Matlala. I just want you to provide clarity to the Commission as well as to everyone who is here today. In your testimony, you mentioned that you were involved with
10 Mr Matlala since 2017, am I correct?

BRIG MATJENG: 2017?

MR SHIRINDZI: Yes, 2017.

BRIG MATJENG: Yes.

MR SHIRINDZI: Okay. Apologies, let me just bring this closer. Okay, and then you also mentioned that during your time with Mr Matlala, you were on and off, your relationship was on and off, am I correct?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Okay. You also further mentioned that Mr
20 Matlala has been showering you with gifts, including money. Am I correct?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Okay. Now, I want you to clarify to the Commission as to when you started receiving money from Mr Matlala.

BRIG MATJENG: The money that is recorded as per Annexure KMA ...[incomplete.

MR SHIRINDZI: Just to assist you and the Commissioners ...[intervenes].

BRIG MATJENG: Page 91.

MR SHIRINDZI: Page 92.

BRIG MATJENG: 92.

MR SHIRINDZI: Yes.

BRIG MATJENG: Page 92, as it is recorded, I started
10 receiving money from Mr Matlala in 2019, June 20. But it was not only limited to only this monies. It will also be gifts, flowers, ja.

MR SHIRINDZI: Okay. And then looking at the first transaction on page 92, can you tell the Commission as to how much Mr Matlala paid into your account?

BRIG MATJENG: He gave me R10,000.00.

MR SHIRINDZI: Okay, so you mentioned that this was from 2019, am I correct?

BRIG MATJENG: That is correct.

20 **MR SHIRINDZI**: Okay. And then if I count properly, this was, when was the Medicare contract awarded to Mr Matlala's company?

BRIG MATJENG: It was awarded in 2024.

MR SHIRINDZI: So am I correct to state that you have been receiving 5 years prior to Mr Matlala being awarded

the contract?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Okay. Does that show that you were in a relationship with Mr Matlala?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Okay. Now if Mr Matlala was to be brought to this Commission today or tomorrow or any other day, would he confirm that he has got an intimate relationship with you?

10 **BRIG MATJENG**: I believe that he will confirm the relationship.

MR SHIRINDZI: Okay. Now, there is money that was paid in page, of the screenshots, page, just now, but it was R100,000.00 that was paid into Osizweni, am I correct?

BRIG MATJENG: Yes. Yes, that is correct.

MR SHIRINDZI: Okay. Can you please elaborate further as to why that money was paid into ...[intervenes].

CHAIRPERSON: That was explained in the testimony. Perhaps just make your point directly.

20 **MR SHIRINDZI**: Okay. Okay, if you are to look at your affidavit in paragraph 45, 45.2, it states now that he has, okay, I will just read the sub-context. Paragraph 45:

“From the inception of our romantic relationship, he will pay money directly into my FNB account, but when he was

requesting another bank account, I asked him why another bank account, and he stated the following.”

But before we go into the following, am I correct to state that between 2019 and maybe 2024, he has been paying money into your account, into your FNB account that is listed in page 92?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Okay.

10 **BRIG MATJENG**: Between 2019 and until 2021.

MR SHIRINDZI: Okay, and then ...[intervenes].

CHAIRPERSON: In the witness', in the Brigadier's evidence in chief, she explained the change.

MR SHIRINDZI: Yes.

CHAIRPERSON: And also under cross-examination, she explained the change, ja.

MR SHIRINDZI: Yes.

CHAIRPERSON: Ja.

20 **MR SHIRINDZI**: Yes, so we just want to clarify as to what, we are getting there, Chair. And then now I want you to pay attention to paragraph 45.2. Do you see that? It says:

“Now that he has the contract with SAPS, he does not want it to look like he has paying me for favours, and he does not want the gifts to jeopardize

my career, as other people might think
about it in the wrong way.”

Now, can you please clarify to the Commission if
whether you received any monies from Mr Matlala after the
contract was awarded to Medicare?

BRIG MATJENG: No, I did not.

MR SHIRINDZI: Okay.

ADV BALOYI SC: Can I just, sorry, Mr Shirindzi, can I just
understand that answer. You say after the contract was
10 awarded, you never received payments from Mr Matlala?

BRIG MATJENG: I never received money from Mr Matlala.
Although I requested it, and he paid it into this account, but
I never received it.

ADV BALOYI SC: Yes, so you did receive money, it just
did not come to you. You asked for it, and he paid it into
the Osizweni account and you told us that then Modiegi kept
it, right? So there was a payment from him for your benefit.
That is, I just want to understand that, because that was
your evidence earlier. You asked for money, and he gave
20 you R100,000.00. Your friend, Modiegi, kept it. That is
your evidence earlier. Now you answer, you say you never
received any money. I just want it to be clear that are you
changing what you said earlier?

BRIG MATJENG: Receiving it, I am understanding it in
this manner, that when you give someone something, then it

will end up being on that specific person. That is how I understand receiving.

CHAIRPERSON: The simple point, though, is between the question by Mr Shirindzi and the answer that you gave, we are effectively not given the full story. That is the point. You understand the point I am making?

MR SHIRINDZI: Yes, we understand, Chair.

CHAIRPERSON: Yes.

MR SHIRINDZI: If maybe we can try and rephrase that
10 question, Chair.

CHAIRPERSON: Yes.

MR SHIRINDZI: And then maybe the Brigadier will be in a better position.

CHAIRPERSON: Yes, yes.

MR SHIRINDZI: Brigadier, so there was money that was paid into Ms Modiegi's account, the Osizweni account, am I correct?

BRIG MATJENG: That is correct.

MR SHIRINDZI: And you have seen proof of payments that
20 have been submitted by this Commission, am I correct?

BRIG MATJENG: That is correct.

MR SHIRINDZI: The said money that was paid into Ms Modiegi's account, did it ever come into your account?

BRIG MATJENG: No, it did not.

MR SHIRINDZI: Did you ever receive R100,000.00 from Ms

Modiegi?

BRIG MATJENG: No, I did not.

MR SHIRINDZI: Did you ever receive R300,000.00 ...[intervenes].

CHAIRPERSON: How far, let us just take the first R100,000.00, Mr Shirindzi.

MR SHIRINDZI: Yes, Chair.

CHAIRPERSON: Where do your questions take the witness?

10 **MR SHIRINDZI**: Chair, when ...[intervenes].

CHAIRPERSON: I mean, it was purely fortuitous that she, in the end she did not get the money. She asked for it. It was paid into that account. She had given that account to Mr Matlala. So he intended to give the money to her.

MR SHIRINDZI: Yes.

CHAIRPERSON: She intended to receive the money.

MR SHIRINDZI: Yes.

CHAIRPERSON: So if fortuitously she happens not to receive the money, what difference does it make?

20 **MR SHIRINDZI**: Chair, so ...[intervenes].

CHAIRPERSON: In my view, none. So I am not sure where this is taking us.

MR SHIRINDZI: Chair, the point that we are trying to point out to the Commission is the money was paid. However, there was an outstanding amount that was supposed to be

paid by Mr Matlala.

CHAIRPERSON: We know that. So we know that story.
You mean to the butchery?

MR SHIRINDZI: Yes, Chair.

CHAIRPERSON: We know that story. I am making a
different point.

MR SHIRINDZI: Yes.

CHAIRPERSON: Please address that different point.

MR SHIRINDZI: If the Chair can please state it again,
10 Chair, maybe I misunderstood you.

CHAIRPERSON: I am saying, Mr Matlala says to the
Brigadier, give me an account number, but not yours.

MR SHIRINDZI: Yes.

CHAIRPERSON: And she does. He then deposits, not into
any account, but to the very account that the Brigadier gave
him.

MR SHIRINDZI: Yes.

CHAIRPERSON: So when she gave Mr Matlala that
account, she intended to receive money from that account.

20 **MR SHIRINDZI:** Yes.

CHAIRPERSON: You are with me so far.

MR SHIRINDZI: Yes.

CHAIRPERSON: When Mr Matlala deposited that money
into that account, he intended for her to receive or to get
that amount. So my point is, the fact that fortuitously or

somehow eventually she did not get that money, it should mean nothing. It should mean nothing. So the fact that she happens not to get it, I do not know where your questions take us.

MR SHIRINDZI: Chair, we ...[intervenes].

CHAIRPERSON: In fact, even her evidence in chief in this regard, I do not know where it takes us.

MR SHIRINDZI: Okay. Chair, we believe that there is, I will put it to say that there is a misconception that the
10 money was paid into the Brigadier's account for purposes of actually doing favours for Mr Matlala.

CHAIRPERSON: I am talking, I deliberately focussed just on the first R100,000.00.

MR SHIRINDZI: Yes, Chair.

CHAIRPERSON: So now where is the misconception with regard to that first R100,000.00? Where is the misconception, Mr Shirindzi?

MR SHIRINDZI: Chair, if she has not received the money ...[intervenes].

20 **CHAIRPERSON**: So what? I am sorry, I am not being rude.

MR SHIRINDZI: No, it is okay.

CHAIRPERSON: I am not being rude.

MR SHIRINDZI: It is okay, you are just seeking clarity. It is okay.

CHAIRPERSON: Yes.

MR SHIRINDZI: So with the R100,000.00 coming into her account, Chair, she required the money for a specific function and the money was never paid into her account, so she never received it. The R100,000.00 was never actually given to her.

CHAIRPERSON: But for, I am trying to make a very simple point. I am saying, but for Ms Modiegi, what is the surname, Ms Modiegi Kekana.

10 **MR SHIRINDZI:** Yes.

CHAIRPERSON: But for Ms Modiegi Kekana, allegedly retaining the money, the Brigadier would have received it as she intended to. So I do not see where all of this is taking us.

MR SHIRINDZI: Yes, Chair. But the other issue, Chair, is we are not supposed to only look at it from one point. We also need to understand as to why she was receiving the money and where the money was going to. So we cannot divorce the other part from the other part, Commissioner,
20 Chairperson, hence, we are saying that there needs to be a pattern as to the money was received, she has not disputing that. However, it was not received into her account. She never received it for the purpose in which she intended it for. She testified ...[intervenes].

CHAIRPERSON: If you want to ask her, or the Brigadier

about the purpose for which she wanted the money, maybe ask those questions.

MR SHIRINDZI: We were going ...[intervenes].

CHAIRPERSON: Maybe ask questions relating to that, because I just do not see where the question you have asked thus far with regard to receipt of the money is taking us. I just do not see where that question is taking us.

MR SHIRINDZI: We will ask that question, Chair.

CHAIRPERSON: Please go on and ask that question.

10 **MR SHIRINDZI**: We will do that, Chair.

CHAIRPERSON: Thank you.

MR SHIRINDZI: Brigadier, when you requested the money from Mr Matlala, what were you requesting the money for?

BRIG MATJENG: I was requesting it to pay a judgment that was on my name.

MR SHIRINDZI: Were you able to pay off that judgment as a result of receiving money from Mr Matlala or the money paid into Osizweni?

BRIG MATJENG: No, I paid it using my own money.

20 **MR SHIRINDZI**: Okay.

BRIG MATJENG: Not any of the money received from Mr Matlala.

MR SHIRINDZI: Okay. The Commission spoke about the WhatsApp messages that you had sent to Mr Matlala when you were requesting the money and for lack of better words,

how you were demanding it from him, the persistence you were demanding, the persistence in you demanding the money and then you keeping quiet after the money was paid into Osizweni. The Commission stated that why did you not complain to Mr Matlala that Mrs Modiegi has taken the money that had been paid into her account and not given it to you. Do you remember?

BRIG MATJENG: I did complain, or not complain, I did inform Mr Matlala that I did not receive the money. It is just
10 now in the Commission, we are only dealing with the chats that comes from the phone of Mr Matlala, but physically, when I was with him, I did raise it with him.

MR SHIRINDZI: Okay. And then going back to your relationship with Mr Matlala, it is common cause that he is, or was the director of Medicare 24, am I correct?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Okay. And then during that time when you were busy with, or dealing with the Medicare contract, were there any other suppliers that you were busy with?

20 **BRIG MATJENG**: Were there any?

MR SHIRINDZI: Any other suppliers that you were busy with, that you were assisting?

BRIG MATJENG: We had quite several contract in our environment and there were other service providers that I was also dealing with.

MR SHIRINDZI: Sorry, I meant to say service provider. My apologies.

BRIG MATJENG: Ja.

MR SHIRINDZI: Okay. And then you did mention in your testimony as to which service provider you were assisting. Do you remember?

BRIG MATJENG: Ja, it was on my testimony, I cannot remember the page number, but I did mention it on my testimony.

10 **CHAIRPERSON**: If you are aware of the page, please direct, page and paragraph number perhaps, please direct the Brigadier.

MR SHIRINDZI: I do not remember ...[indistinct].

CHAIRPERSON: Oh, all right, all right.

BRIG MATJENG: It will be on my affidavit, number 17, page 5, point number 17.

CHAIRPERSON: Please direct us to the relevant line, Brigadier.

20 **BRIG MATJENG**: Okay, let me read the whole paragraph as it will make sense if I read it together.

CHAIRPERSON: Yes.

BRIG MATJENG: -:

“I was further informed that it is a norm when the contracts are awarded, end users and contractor,

stakeholder/supplier engagement meetings will be held with the appointed service provider. This practice is also in the occupational exposure surveillance, the OEL. We will engage the service provider for OEL, as well as the service provider for waste management, service provider for proficiency testing, and the service provider for personal protective equipment control.”

MR SHIRINDZI: Okay. So, just to summarize your paragraph 17, am I correct to state that you are basically stating that you would assist other service providers?

BRIG MATJENG: I will assist them and I was still assisting all these other service providers.

MR SHIRINDZI: And in assisting these service providers, would you receive a financial benefit from them?

BRIG MATJENG: No, I will not.

20 **MR SHIRINDZI**: So, with you receiving money from Mr Matlala as, so I will take you back to page 92, there is, I just want you to hold page 92. There is a transaction on the 21st of, on the 17th, sorry, on the 17th of July 2021, do you see it?

BRIG MATJENG: Yes, I see it.

MR SHIRINDZI: Where it says “friend allowance”, am I correct?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Will I be correct ...[intervenes].

BRIG MATJENG: It shows that it is a friend.

MR SHIRINDZI: Well, just to provide clarity to the Commission and everyone, well, what kind of a friend?

BRIG MATJENG: It is a boyfriend.

MR SHIRINDZI: Okay.

10 **BRIG MATJENG:** It was a girlfriend allowance.

MR SHIRINDZI: Okay. So, I want us to separate the two. When you were receiving money from Mr Matlala, were you receiving it as a favour to, were you receiving it as a payment for a favour done or for doing something for him, or were you receiving it as a girlfriend allowance?

BRIG MATJENG: No, I was receiving it as a girlfriend allowance. I did not do any favour for Mr Matlala. This, I was received as a boyfriend gifting a girlfriend.

20 **MR SHIRINDZI:** And then you also mentioned that there was a debt that you needed to pay. How much was that debt?

BRIG MATJENG: The what, sorry?

MR SHIRINDZI: The debt that you needed to pay.

BRIG MATJENG: It was about 150,000.

MR SHIRINDZI: And when you requested money, how

much did you request from Mr Matlala?

CHAIRPERSON: Have you moved away now from the period 2019 to 2021?

MR SHIRINDZI: Yes, Chair.

CHAIRPERSON: All right.

MR SHIRINDZI: When you requested the money from Mr Matlala, how much did you request from him?

BRIG MATJENG: I requested, there was no specific amount. I just showed him the judgment.

10 **MR SHIRINDZI:** Okay. In him giving you 100,000, would that not have reduced the debt that you had or the judgment that was granted against you?

BRIG MATJENG: That is correct.

MR SHIRINDZI: Would you not be doing that as your boyfriend and not as a service provider?

BRIG MATJENG: You are 100% correct.

MR SHIRINDZI: Okay. I do not know if maybe there is anything that you want to clarify to the Commission as well?

CHAIRPERSON: It is, you re-examine ...[intervenes].

20 **MR SHIRINDZI:** Yes, Chair.

CHAIRPERSON: I cannot give the Brigadier free reign as it were.

MR SHIRINDZI: Okay, let me just, Chair, I think that will be all for today.

CHAIRPERSON: Thank you. Ms Pooe, in terms of the

regulations, you are entitled to examine a witness that has just been re-examined. Do you wish to do that examination or, there is, what is new really, if it is new, relates to page 92. The rest I would not think there is anything you would want to examine on again.

ADV POOE: Chair, it was just two points. One was in relation to page 92 and the other was in relation to the assertion or the line of questioning around the assistance provided to other service providers.

10 **CHAIRPERSON**: All right, please, let us hear your questions.

EXAMINATION BY ADV POOE: Brigadier, if you can go to page 92.

BRIG MATJENG: Okay.

ADV POOE: You will see there that it is a schedule of payments that you just dealt with and you pointed us to. In your re-examination, you noted that that evinces a relationship. But if you look at it, the period where these payments are received, only is 2019 and then ceases in
20 2021. There were no other payments.

BRIG MATJENG: That is correct.

ADV POOE: Right, and then the next time you get payments is in 2025 and what emerges then is that there is a drastic increase in the payment. I mean, whether or not you received it is one thing, but that was the payment made

and it was intended for you. That was a drastic increase and also an attempt to conceal those payments by paying them to Osizweni and so I would say, I put to you that you can tell from the nature of the two sets of transactions that there was a difference in the relationship.

BRIG MATJENG: It does not mean that the monies or the gift will only end, or maybe let us say the monies will only end in 2021. As long as we were in a relationship, which I said it was an on and off relationship, sometimes I do not
10 even keep track on when we were off and when we were on. But there will be some gift in terms of flowers, chocolates, we go out for lunch. Sometimes it will be cash. So obviously those amounts will not be captured here because the monies that are captured here are monies paid directly into my account.

ADV POOE: But do you accept that there is a drastic difference between the monies that were paid then, because the amounts are 10,000, I think the most is 20,000, versus the attempt at giving you, the alleged attempt at giving you
20 100,000?

BRIG MATJENG: I do accept because his financial status has changed compared to the previous time whereby he was giving 10,000 and 20,000. Now the financial status has changed.

BRIG MATJENG: And it is purely coincidental that this

change in financial status and larger gift amount comes at a time when he has a contract with SAPS and a contract that you are in part coordinating, for lack of a better word.

BRIG MATJENG: I believe that whether I was part or not part of it, I will still have received money from him. It is not because I was part of the contract. Even before he can secure this contract, there were talks of him buying me a vehicle. So it is not about him now being a service provider of SAPS.

10 **ADV POOE**: But can you accept that none of that is evident from any of the WhatsApp chats?

BRIG MATJENG: That is correct.

ADV POOE: Or even his own financial statements for that matter?

BRIG MATJENG: That is correct.

ADV POOE: Then you, in re-examination, you mentioned that, you confirmed that you did have dealings with other service providers. Brigadier, there is a distinction between the dealings you had with them. For example, did you
20 assist a service provider in responding to like a non-performance letter by providing them with what is ostensibly ammunition to use against SAPS, or points to raise against SAPS?

BRIG MATJENG: There are other ways which I have assisted them, similar ways that I have assisted Mr Matlala.

ADV POOE: When you say similar ways, what do you mean?

BRIG MATJENG: I will call them, ask them to go and facilitate whatever that they needed to do, just like when I was calling Mr Matlala and saying you need to facilitate your appointment. Let me take an example of the waste management contract whereby provinces were complaining to say the service provider is not going or is not coming to collect waste in other provinces. Then I will engage the
10 service provider, urging him to go and collect waste. He must just make a plan to go and collect waste. Sometimes he will make appointments, give dates, and will not go and collect.

ADV POOE: Brigadier, I suppose the simple point I am trying to make is not necessarily that you do not deal with other service providers. I am putting to you that you do not deal with them in the same ways, because with Mr Matlala, you conceded in evidence that you had overstepped in how you conducted yourself in relation to some of his dealings.
20 You conceded that sometimes you acted even against the interests of SAPS. Those examples that you are giving about how you have intervened with other service providers do not rise to the level of those that have occurred with Mr Matlala. That is the point. So yes, you do deal with other service providers, but you do not deal with them in the ways

that you dealt with Mr Matlala.

BRIG MATJENG: I think it was one incident where I considered to say that I have overstepped, and it was in the interests of Mr Matlala, only one incident, and which was not intentionally done.

ADV POOE: Brigadier, let me find my notes, but it is more than one instance where you agreed that you overstepped. You said you overstepped in relation to ...[intervenes].

CHAIRPERSON: Will the record not bear us out on that,
10 Ms Pooe?

ADV POOE: Yes, Chair, the record will show that it was on more than one occasion that Brigadier agreed that she overstepped. It is not true that she did so on only one occasion.

CHAIRPERSON: I am not saying it will. That is – General, if it is indeed, as Ms Pooe is putting it to you, we will look at the record and see what it says. Yes, Ms Pooe?

ADV POOE: Thank you, Chair, that is all.

ADV BALOYI SC: Brigadier, it is something that I should
20 have asked and clarified earlier before we broke for lunch. You say JK, and it is unrelated to this, I just want to be, to know this. You said JK is General Phahlane?

BRIG MATJENG: That is correct, Commissioner.

ADV BALOYI SC: What is JK? Why is he referred to, and I ask because I see that you referred to him as JK, and Mr

Matlala, in the screenshot that he sent you, it seems you have saved him as JK. What is the JK?

BRIG MATJENG: JK are his initials, I think it is Johannes Khomotso Phahlane.

ADV BALOYI SC: Okay.

BRIG MATJENG: JK.

ADV BALOYI SC: Thank you.

BRIG MATJENG: So we call him JK, and my response to respond to JK is the way the questions were posed to me by
10 the Commission.

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

CHAIRPERSON: Thank you. Thank you, Ms Pooe. Brigadier, thank you very much, you are excused. Thank you, Mr Shirindzi. Thank you, Ms Pooe. We resume at 9:30 on Monday, I assume?

ADV POOE: Yes, Chair.

CHAIRPERSON: Let us adjourn and resume at 9:30 on Monday.

INQUIRY ADJOURNS TO 9 DECEMBER 2026

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