

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**23 FEBRUARY 2026**

**DAY 65**



**PROCEEDINGS ON 23 FEBRUARY 2026**

**CHAIRPERSON:** Good morning, Ms Hassim. Good morning, Ms Killian. Good morning, General.

**LT-GEN SIBIYA:** Good morning, Chair.

**ADV HASSIM SC:** Good morning, Chair. Chair we have been provided overnight with a supplementary statement from the witness and we have read through it. It is marked file 10D. Can I ask that it be admitted into the record as file 10D?

10 **CHAIRPERSON:** It is over admitted, thank you.

**ADV HASSIM SC:** Thank you. Good morning General.

**LT-GEN SIBIYA:** Good morning Commissioners.

**ADV HASSIM SC:** General, I see that your statement is not signed. Have you, do you have file 10D in front of you?

**LT-GEN SIBIYA:** I got it.

**ADV HASSIM SC:** Can you have a look at the statement? It is 22 typed pages and then annexures.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Was the statement prepared by you?

20 **LT-GEN SIBIYA:** Yes, assisted by my legal team.

**ADV HASSIM SC:** And can you confirm that the contents of the statement are true and correct?

**LT-GEN SIBIYA:** That is what I confirm, Commissioner.

**ADV HASSIM SC:** Can I ask that nevertheless during the adjournment you sign the statement so that we can have a

signed version on record?

**LT-GEN SIBIYA:** Yes, I will consult with the legal team.

**ADV HASSIM SC:** Thank you. And then General, I propose, I can assure you that we have read the entire statement. It is been provided to the Commissioners. Can I propose to you that we deal with the contents of the statement as and when those issues arise during the course of questioning?

**LT-GEN SIBIYA:** That is correct.

10 **ADV HASSIM SC:** So we are not ignoring the statement, it is just that we will deal with it at the appropriate stage in the proceedings.

**LT-GEN SIBIYA:** That is correct.

**ADV HASSIM SC:** Thank you.

**CHAIRPERSON:** Ms Hassim, which files do you suggest we should have at the moment?

**ADV HASSIM SC:** Yes.

**CHAIRPERSON:** It gets a bit crazy when we have to turn and look and look. Let us have them before us right away.

20 **ADV HASSIM SC:** Yes.

**CHAIRPERSON:** I know at some point we will have to go to what is behind us.

**ADV HASSIM SC:** So for the purposes of today, I am going to be relying mainly on the WhatsApp conversations between Witness F and the witness and various other

people and those will be found in files 7, 8 and 9.

**CHAIRPERSON:** 7, 8, 9. Thank you.

**ADV HASSIM SC:** Do you have files 7, 8 and 9 in front of you, General?

**LT-GEN SIBIYA:** Yes, I do, Chair, but I just want to quickly ask something for the guidance of the Commissioners, that whilst I understand that the Witness F had already taken a stand and was proceeding, was in the middle of his testimony and when he fell ill and is still  
10 continuing, he is still expected to come back and continue. And at this point in time, I do not know the reason or the strategy that could have been behind Witness F not being able to continue. Then in the meantime, I get involved and have to respond.

I want to ask, can it not be that Witness F must complete his testimony and having completed his testimony, then I come respond to Witness F's testimony. Now I am sitting here, he testified, then stopped, then I have to respond, then come and say things that are different, and  
20 which means I will have to come back again and respond to certain things. So I was just wondering, Chair, if it is possible to ask for that.

But if not, with what he has said, I will respond. But from me, where I am sitting, I was saying in all fairness, we were supposed to have a witness testifying, complete

his testimony, then respond, then I come respond, everything in total.

**CHAIRPERSON:** Thank you, General. What you say makes perfect sense and under normal circumstances, that would have been our preference as well. But right now, we have no extension and the Commission is supposed to finalize its investigation by the 17<sup>th</sup> of March. So we have reached a stage where we have serious scheduling issues, for example, some witnesses taking ill, other witnesses  
10 requesting postponements, which we have granted.

So we are running into serious, serious scheduling problems. So for that reason, we have opted that we proceed with your testimony. To the extent that issues may arise around Witness F testifying or finalizing his testimony after you, we will do everything possible to make sure that you will not be prejudiced.

We will decide on how to address that after his testimony, but we will do everything possible to make sure that you are not prejudiced. If we postpone now, it means  
20 we lose today and tomorrow, for example, because nothing else is scheduled.

**LT-GEN SIBIYA:** Chair, I would not want any postponement, because I also want to see this matter behind my back ...[intervenes].

**CHAIRPERSON:** Yes.

**LT-GEN SIBIYA:** Because I have not been sleeping for months because of many platforms I am involved in.

**CHAIRPERSON:** Yes, yes.

**LT-GEN SIBIYA:** Now, the only question is that, suppose I say now here that I turned left, Witness F come tomorrow and say, no, he turned right.

**CHAIRPERSON:** Yes, yes.

**LT-GEN SIBIYA:** And I put the following reasons, for reasons unknown to me, to the witness F himself.

10 **CHAIRPERSON:** Yes.

**LT-GEN SIBIYA:** I do not know who he is working with him, but Witness F says, no, this is what happened, one, two, three. Everything in the negative towards what I have already testified on, the evidence leader say to me, can I ask you to sign? Then I am going to sign and commit to this version.

He is going to come and tweak my version or the version of what happened, because most of us are dealing also with misinformation, disinformation, misleading. And  
20 the next thing, I am going to run into a situation where I say, this is how something happened and somebody says, no, Witness F, and then it goes out viral and say, no, Witness F is really negating everything what General Sibiya is saying.

Now, I am prejudiced even if the Judge, even if the

Chair and the Commissioners do not intend to prejudice me. But the bottom line is, we are dealing with a man who must still commit himself to his version and already there were certain points that were highlighted as not being truthful or not. Now, we are banking on something that is not truthful at this point in time and now I am going to be asked questions on that. I am going to focus on that and be responding on that, whereas at the ultimate, and he comes again, shift, change, I do not know who he has consult with, 10 so all I am saying is that, with respect, Chair, I still believe that we could go, because Witness F is the very last witness in any event. There are many people who testified that where we could actually go with all those people that testify.

Witness F is one of the last, last, last, last that we could be starting with him. So I am saying, I do not think we can lose a day if we are to focus on everything that we have, that we have heard about General Sibiya. Witness F just came yesterday. So we can put Witness F aside, let 20 him come testify, and then we run on what we have, because there are many, there is Witness C. Why can we not start with Witness C, because Witness C is the first one who spoke. And Witness C implicated me the same way. So I am asking, in all fairness, let us start where it started, from the beginning.

**CHAIRPERSON:** General, on what we have read, there is quite a substantial portion of evidence that relates to Witness F, and on which you must be engaged. For that to be halted when you are already in the witness stand, and only to be dealt with at a later stage, that will be quite disruptive in terms of the flow of the testimony. So we, yes, yes, yes, Ms Hassim?

**ADV HASSIM SC:** Chair, if I may add to that, to say that the way in which I have prepared the evidence is  
10 thematically. So it cross-cuts over different parts of the evidence, including Witness C and Witness F in the same theme. So it would not make sense to go through witness by witness who has come before ...[intervenes].

**CHAIRPERSON:** Yes, yes.

**ADV HASSIM SC:** Because it is not a sensible way of approaching the evidence. So I propose that we continue as planned. And just to add that we have provided the witness with the WhatsApp chats in advance, and the statement of Witness F, the full statement, even though he  
20 has not gotten to the end of it yet, and the transcripts as far as they go.

**CHAIRPERSON:** Thank you. Ms Killian, do you wish to say anything?

**ADV KILLIAN SC:** Chair, thank you. I think the proposal by the Chair that we continue and see how much we can do

today, make a decision about continuation tomorrow, is something that we all should bear in mind when we approach this matter. The WhatsApp's of Witness F has been made available, we have had an opportunity to consult on that, and we have a version.

**CHAIRPERSON:** Yes, yes.

**ADV KILLIAN SC:** I think we can get very far with that approach.

**CHAIRPERSON:** Yes, yes, yes. Thank you. General, if  
10 there must be a ruling, the ruling is that we will continue with what is before us in the manner in which the evidence leader, Ms Hassim, has structured her questioning. And indeed, in accordance with what the Commissioners may also wish to raise with you, whatever that may touch on. That is the ruling.

**LT-GEN SIBIYA:** Thank you, Chair.

**CHAIRPERSON:** Thank you.

**ADV HASSIM SC:** Thank you, Chair. If we can begin then, General. I want to start with your relationship with Mr  
20 Matlala. In the *Ad Hoc* Committee, you, in the *Ad Hoc* Committee in Parliament, in your written statement and in your oral evidence, you said that you met Mr Matlala for the first time in February 2024. In the statement before this Commission, you say you met him sometime in January. Why did you change your statement in this Commission?

**LT-GEN SIBIYA:** Chair, I met Mr Matlala for the first time when he came to the office with his lawyer. That was the first time I met Mr Matlala. Now, as far as I am concerned, there is a date, because the letter wrote a letter, the lawyer wrote a letter that I had responded to and said, please do come then to the office rather than meeting somewhere on the side, because it was a call, and then I said, no, let it be official. Let your lawyer write the letter and come to the office. Meet me officially in the office.

10 **ADV HASSIM SC:** Yes, my question is, why the difference in the dates? In one sworn statement you say February and in the other January. I am just trying to understand what changed.

**LT-GEN SIBIYA:** I do not even want to refer to it as a typo. It is something that I know, because even there in Parliament, I said I met him for the first time when he came to see me in relation to the same issue that I am talking about. So whether maybe I could have said February, maybe at that point in time I did not have that in front of  
20 me, but the first time I met Mr Matlala is when he came to the office.

**ADV HASSIM SC:** So your current version is it was January 2024?

**LT-GEN SIBIYA:** As per the letter and the dates that I have in the file.

**ADV HASSIM SC:** Okay, and what do you say Mr Matlala came to see you about?

**LT-GEN SIBIYA:** Mr Matlala was awarded a tender by the South African Police Service to provide, the Medicare 24 tender. And then he is expected to use the medical facility, the hospital facility in the colleges. In other words, when a student fall ill or whatever the student may need, it is in-house, on-site.

Now he says, I have been awarded this tender, but  
10 I also have a lease agreement where Public Works allows me to go in there and occupy the space, because according to the lease agreement I have with Public Works, I am the lawful occupier of this property.

**ADV HASSIM SC:** On the tender, you say the Medicare 24 tender, which tender specifically are you speaking about?

**LT-GEN SIBIYA:** I do not know of any other tender other than the Medicare 24.

**ADV HASSIM SC:** Is that the tender to provide medical services to trainees and to members?

20 **LT-GEN SIBIYA:** That is what I know so far.

**ADV HASSIM SC:** But that tender was only awarded in June 2024. So if that is the tender you are referring to, it could not be that he was talking to you about it in January 2024. It was only awarded to him in June 2024.

**LT-GEN SIBIYA:** Yes, and it does not change anything to

what I am saying, because if it was awarded in June 2024, and he says, I have been awarded this tender, but I am not being allowed to use the premises or the facility, now if he comes at a later stage, because all I can say, whether, when it was awarded or not when it was not awarded, it is not where I fit in. All I am saying is that I met him for the first time on the date he came to see me.

**ADV HASSIM SC:** Yes, but you said that he, I asked you, what did he come to see you about and you said it was to  
10 discuss the problem that he was having with this tender, because he could not fulfil the tender properly unless he had access to those premises that you are referring to and you said it was a Medicare 24 tender and that this was January 2024.

I am saying he could not have discussed that with you in January 2024, because he was only awarded that tender in June 2024. If he came to speak to you about that tender, he was talking to you at a time that was actually quite a sensitive time in the procurement process, because  
20 he had not yet received the tender. How did he know he had it?

**LT-GEN SIBIYA:** I do not agree. Let us go to the document itself and read from the letter of the lawyer and that, because he had that tender, it is attached in the documents. We have it.

**ADV HASSIM SC:** That is why I am trying to establish with you which tender. Was it something else that he had?

**LT-GEN SIBIYA:** What I am asking, Chair, let us go to the document, because we have it.

**ADV HASSIM SC:** Sure. Can you take us there?

**LT-GEN SIBIYA:** Because he was in the presence of his lawyer. So there is no way that he could not have had it. He had it already. It is there.

**ADV HASSIM SC:** That is fine, you can take us to the  
10 document, and we can ...[intervenes].

**ADV KHUMALO SC:** General Sibiya, in paragraph 163 of your statement on page 53, you say:

“During or about January 2024, when I was Acting National Commissioner, Matlala set up an appointment to visit me at my office with his attorneys.”

And then you say on his visit, he was indeed accompanied by the attorney.

20 “Matlala complained that he had been awarded a tender but was not allowed to use the facility.”

But the problem is in this section of your affidavit, you do not refer to any annexure. So you just say what you say, but you do not refer to any annexure or any attachment. So ...[intervenes].

**LT-GEN SIBIYA:** Ja, can we get it. Please, we do have it and, Chair, to, as far as I am concerned ...[intervenes].

**CHAIRPERSON:** Ms Killian, do you have an idea what the document the General is referring to, is?

**ADV KILLIAN SC:** It is not attached to the statement, but it is in possession of us as well as the witness.

**CHAIRPERSON:** May we have a copy then, because according to Ms Killian, it has not been shared with the Commission. And what exactly is that document, General?

10 What is the nature?

**LT-GEN SIBIYA:** Chair, he attaches the tender itself.

**CHAIRPERSON:** Oh, the tender itself.

**LT-GEN SIBIYA:** Itself. And then he attaches the lease agreement with Public Works to which the ...[intervenes].

**CHAIRPERSON:** The 360 million tender?

**LT-GEN SIBIYA:** That is correct, Chair.

**CHAIRPERSON:** All right. All right.

20 **LT-GEN SIBIYA:** To which the Public Works just recently cancelled that lease agreement, but he came in possession of that lease agreement. So in the document that I am going to provide is a lawyer's letter that refers this whole thing, including the Medi 24 tender, including the lease agreement that he brought to the office. We have it.

**ADV HASSIM SC:** That is fine, General. If you could provide us with that, it would help to shed some light on it.

**CHAIRPERSON:** Perhaps, do you want to look for it over the tea break, General?

**LT-GEN SIBIYA:** Yes, Chair. I have it here. I think it must be, I have other files in the room, I will ...[indistinct].

**CHAIRPERSON:** Yes, all right, all right. Let us continue, Ms Hassim.

**ADV HASSIM SC:** Okay, thank you. So in January 2024, when you first met Mr Matlala, were you not aware that there were serious allegations of corruption against Mr  
10 Matlala, corruption within the SAPS?

**LT-GEN SIBIYA:** Yes, there were no any allegations against Mr Matlala.

**ADV HASSIM SC:** No, there were allegations. There were allegations, because this is January 2024 and the allegations against him arose in the context of the Tembisa Hospital scandal. And you recall that issue, that problem?

**LT-GEN SIBIYA:** I did not follow that matter much, because to, as far as I am concerned, it was not saying Mr Matlala is involved in 1, 2, 3, because Mr Matlala was a  
20 service provider to the South African Police Service, and he participated actively in the activities of the South African Police Service at the college. In other words, when there is a police day, or whatever events that is happening, taking place in the police, when we go to the stadium, where there are a lot of police, and then you find that there are gazebos

of different service providers, each and every one giving their own expertise of what they are doing with their business, Medi 24th will also be there and they will all go with Minister, National Commissioner, everybody meeting each and every one of them, including him. His wife, you find that they are doing the blood pressures there, testing sugar and then this one will tell you about our insurance, our policy. This one ...[intervenes].

**ADV HASSIM SC:** Let me pause you.

10 **LT-GEN SIBIYA:** I am just showing how they were all participating there.

**ADV HASSIM SC:** Let me pause you. I accept that he was a service provider within the SAPS, and that he remained a service provider for some time. But what I am asking you, in your position, is about allegations against him of corruption, and his involvement in particular in the Tembisa hospital scandal. And the reason I ask you that is because there was media coverage of his involvement in that scandal, and in the blue lights, illegal use of blue lights  
20 within the City of Johannesburg, Ekurhuleni, and in Johannesburg.

So that was as early as February 2023, that media coverage. And I link it to the scandal, the Tembisa hospital scandal, for this reason, because it was not a minor story in the news. It was attracting a lot of public attention, that

scandal, because of the assassination of a whistleblower, Babita Deokaran, and it was, which was in 2021. Do you recall that?

**LT-GEN SIBIYA:** No, I do not. I only know about the murder of Ms Deokaran. And I remember I was not in the police at that time, I was in the City of Johannesburg.

**ADV HASSIM SC:** No, I accept that. But you did not have to be in the police to hear about it, because it was streaming news at the time and it was, in fact, so significant  
10 that President Ramaphosa himself commented in August 2021 about that incident, and specifically, you know, spoke to it publicly, saying that we must not allow the perpetrators to go unpunished in that case. So it was a massive story. It was not a small issue.

**LT-GEN SIBIYA:** If you remember very well, people were arrested. Those that were said to be involved, they were arrested.

**ADV HASSIM SC:** Yes, that is correct, the hitmen were arrested. And what the President was talking about was  
20 who ordered the hits and so, and what the media coverage was about was what was the motive behind it. So there was still an investigation, as it continues today, by the way, including by the SIU and the Hawks, you would know, I am sure.

**LT-GEN SIBIYA:** I do not know.

**ADV HASSIM SC:** So you are not aware of the scandal, the Tembisa Hospital scandal, and the many, many media reports that implicated Mr Matlala?

**LT-GEN SIBIYA:** No, because if Mr Matlala was, let us say, the main player, or he was involved, to date, he is not arrested. To date, he is not arrested. And above all, my employer, who did due diligence, gave him a tender of 360 million. They have, my employer has got intelligence. He has got connections with IDAC, with NPA, with everybody.

10 My employer, who signed the final document that says he must be awarded this tender, knew about the situation. I was not in the police, but if they gave him that tender, and they worked well with him, even General Senthumule in her supplementary said, Mr Matlala, nobody knew about his involvement.

**ADV HASSIM SC:** I am asking about your involvement, your, what you knew. You are saying this media coverage passed as a top detective in this country, you have said, you, this passed you by, all of this media coverage?

20 **LT-GEN SIBIYA:** Chair, Commissioners, I must indicate, yes, thanks for saying as a top detective, I am one. But what is important to note is that, if a case is resolved, it is plus one in the bag. I do not run with it anymore, because we run with current affairs. As another case comes, we run with, let us say, for instance, that Tembisa story happened,

but there are people arrested, the case is under control, there is no need to interject or to intervene. But then, someone else somewhere in the country, a big case happens, then we run with that case, we are all going there.

I was at all material times where the National Commissioner was, I was with him at all material times. So, whatever that is happening somewhere, and there were arrested, it is no longer a subject of us having to intervene and getting involved in it.

10 **ADV HASSIM SC**: So, you are saying that the matter was resolved because the actual hitmen were arrested, and therefore, it was resolved. There was no need to do any further investigation as to who ordered the hit, because that was the issue.

**LT-GEN SIBIYA**: You are very wrong in saying that, because I have never said that.

**ADV HASSIM SC**: So, it was not a closed issue then, it remained ...[indistinct]. And as, and are you aware that the SIU and the Hawks are investigating?

20 **LT-GEN SIBIYA**: I was not aware, and it was not for me to make any such follow-up, because then what, the question would be, what was my interest to follow up in those things?

**ADV HASSIM SC**: I am not asking if you followed up, I am asking about your knowledge of it, because if you, and I am asking for this reason, and of course, these were

allegations, but if you are aware that other law enforcement arms and the SAPS itself is investigating an individual, would you not be circumspect in your relationship with that individual?

**LT-GEN SIBIYA:** One thing that you must remember how the police work is that what IDAC investigate, I do not know. Not even the National Commissioner is aware of. What SIU works on and what they are handling, I will not know.

10 **ADV HASSIM SC:** The whole country knew, General.

**LT-GEN SIBIYA:** The whole country does not know what they are investigating. They will know one, two, three, because maybe it was in the public space, but that what is authorized in terms of the proclamation by the President to the SIU, I will not know from where I am sitting, even if I am the top cop. What, there are cases that might be involving me, I will not know about them. So, all I am, Chairs, is that I cannot be expected to know what is happening in the IDAC or in the SIU.

20 **ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** I will not know.

**ADV HASSIM SC:** Yes, I am not asking you about the details of the investigations of the SIU or anyone else. It is a very simple point. It is that the whole country knew the name Mr Matlala and that he was linked, one, to the illegal

use of blue lights, and this was known from at least 2023, February 2023, because it was in the media. And the second thing that was known was that he was linked, implicated in the Tembisa hospital scandal. So, there were allegations, he was under investigation. And what I am probing with you is, how is it that you, as the top detective in the country, were not aware that he was implicated?

**LT-GEN SIBIYA:** I think, let us start here. How is it that the South African Police Service got to give him a tender, award him a tender of that amount of money, not  
10 ...[intervenes].

**ADV HASSIM SC:** I accept that. Let me stop you, because ...[intervenes].

**CHAIRPERSON:** Ja, Ms Hassim, I may be unduly curtailing your questioning, but we do not seem to be making headway. Do you, let us decide what we want to do about this issue and do not you want to move on, perhaps?

**ADV HASSIM SC:** I will take that, Chair.

**CHAIRPERSON:** Yes.

20 **ADV HASSIM SC:** The point I am making is that, as someone in your position, you should have been aware of who Mr Matlala was at that time, but I heard your response that you were not. Let us ...[intervenes].

**CHAIRPERSON:** Comment, General, if you want to.

**LT-GEN SIBIYA:** No, it is an unreasonable question. It is

an unfair question because I am not expected to know every case that happens in the country. And also, in particular, if it is not being investigated by the detectives, if it is from outside, I will not know the details of that case. Let us say the blue light issue I never saw myself, and quite honestly speaking, and I did not know the intricacies in between involved within that blue light issue of Ekurhuleni. So I did not know and then I cannot be expected or asked a question as to but it was widely known or publicized. I did not know.

10 **CHAIRPERSON**: Thank you.

**ADV BALOYI SC**: So, Mr Hassim, before you proceed, morning, General.

**LT-GEN SIBIYA**: Morning, morning, morning.

**ADV BALOYI SC**: Just to clarify something for me, you said earlier on that when there would be such events, service providers would be called, and Mr Matlala's company, Medicare, also had a stand. Is this before or after the award of the Medicare contract, what you are describing, his presence?

20 **LT-GEN SIBIYA**: After the award.

**ADV BALOYI SC**: Okay.

**LT-GEN SIBIYA**: Including even being approached as a sponsor.

**ADV BALOYI SC**: Yes. No ...[intervenes].

**LT-GEN SIBIYA**: And he did sponsor as well.

**ADV BALOYI SC:** Thank you, you have clarified. Thank you.

**ADV HASSIM SC:** Thank you. So, General, you said your relationship began in January 2024, but it was not confined to just that meeting in January 2024, correct?

**LT-GEN SIBIYA:** Let us fix it. Let us not say your relationship, because it was not a relationship. We met as a person who came to complain.

**ADV HASSIM SC:** Right. And how many times after  
10 January 2024 did you interact with Mr Matlala?

**LT-GEN SIBIYA:** I cannot say how many times, but I know where I am sitting I have met Mr Matlala less than five times in my whole life.

**ADV HASSIM SC:** Less than five times physically?

**LT-GEN SIBIYA:** I am saying so, yes.

**ADV HASSIM SC:** And not physical meetings, but other communication?

**LT-GEN SIBIYA:** Communications, if I had spoken to Mr Matlala on the phone, I think it would be less than three  
20 times. I was not really interacting with Matlala, and I never used to talk to him regularly. It is not a kind of a person I was talking to.

**ADV HASSIM SC:** Okay. So, there might be an explanation for that, and Witness F testified about this. If I could just take you to what he said, and that is his

transcript from 4 February.

**ADV BALOYI SC:** Which file, Ms Hassim?

**ADV HASSIM SC:** I will tell you in a moment, Commissioner.

**ADV KHUMALO SC:** The transcript is in 10A.

**ADV HASSIM SC:** It is 10A.

**ADV KHUMALO SC:** Ja.

**ADV HASSIM SC:** The 4 February transcript starts at page 219.

10 **LT-GEN SIBIYA:** 219?

**ADV HASSIM SC:** 219, and the page I would like you to go to is page 230.

**LT-GEN SIBIYA:** I am not sure if I am at the right page, but it start, "Witness F, I would not know, Commissioner".

**ADV HASSIM SC:** That is the correct page.

**LT-GEN SIBIYA:** All right.

**ADV HASSIM SC:** So, the line is, well, just for context, let me say this is when Witness F says that he had also arrived at your office at that meeting with Mr Matlala, and if you go  
20 to line 20, Witness F says:

“On my arrival to General Sibiya's office, I delivered Mr Matlala. Then General Sibiya said to me, because most of the times his phone is off or silent, he might be in the meetings or

Parliament, does Mr Cat Matlala mind to communicate with him via me if he does not have a problem with that, for in case or when he does not find him on his phone.”

And he goes on to say he did not have any problem with that. Do you see that?

**LT-GEN SIBIYA**: Yes, I see.

**ADV HASSIM SC**: And ...[intervenes].

10 **LT-GEN SIBIYA**: Can I comment on it?

**ADV HASSIM SC**: Yes, just before you comment on it, and I want to take you to one other reference. It is on the same ...[intervenes].

**CHAIRPERSON**: Ms Hassim, our experience is that the General has said he prefers to comment as and when an issue is touched on, because it derails him if several issues are touched on and then he is required to comment right at the end.

**ADV HASSIM SC**: Yes.

20 **CHAIRPERSON**: Perhaps let us let the General comment now.

**ADV HASSIM SC**: Thanks. Chair, it is the same issue.

**CHAIRPERSON**: Yes, yes, yes.

**ADV HASSIM SC**: It is not a different issue.

**CHAIRPERSON**: Yes.

**ADV HASSIM SC:** But maybe I can just, instead of taking time going to the page of the transcript, if I can just say what it is. It is the same issue.

**CHAIRPERSON:** Ja.

**ADV HASSIM SC:** And if you can respond to both at the same time, because it is about the communications between you and Mr Matlala via Witness F. And what Witness F said in response to this question by Advocate Chaskalson, who asked:

10                    “How frequent was it for Mr Matlala and  
                              General Sibiya to meet?”

Witness F said:

“I would not know exactly, but I would know that Mr Matlala would send me messages *vis-a-vis* General Sibiya would send messages that tell Cat or Cat tell General Sibiya.”

                              Meaning he was passing messages between what he says is Cat, Mr Matlala, he says messages between Cat  
20 to you, and you would say pass a message to Cat. So those are the two parts of the evidence, same issue that Witness F is the go-between, between you and Mr Matlala. You can comment on that now.

**LT-GEN SIBIYA:** Now, my office is structured. I have got administration, I have got a messenger, we have got, I have

got a PA, I have got a staff officer. And when there is someone down there and they call, one of them will be the one to go and fetch Mr Matlala, of which that was the case. He was fetched by one of the ladies in the office. Immediately after the meeting, they went and they took him out, but he went to a certain Brigadier. I do not know which Brigadier, because apparently there is Brigadier Glenda Bukaba, and there is also Brigadier, the one, the lady who was testifying. I do not know where she is based, but they  
10 say, my PA says, no, we went, I went to fetch him, then I took him, after the meeting, I took him there.

So what, Mr Matlala, what Mr, or Witness F is saying, I do not agree with it, because remember, Witness F is not an administrator, he is an operational member. He is not sitting in the office waiting to be called to go and fetch someone. He is mostly not even in the office.

Now, bearing in mind, at the back of our mind, the relationship between Mr Matlala and Witness F. Should it happen that Mr Matlala contacted Witness F and say, I will  
20 be coming to see General Sibiyi, will you be in the office and everything, that is their discussion. But from where I am sitting, one thing that I want these Commissioners to know is that I was a very active head of detective, going with the National Commissioner, engaging in meetings with the National Commissioner and other senior officials,

wherever they were on a daily basis, in such a way - what I am trying, the point I am trying to drive home is that my office was running as professional as possible, not friendship and Matlala is coming, go fetch Matlala for me, then no.

When they came and then they go to the security, the security report and say there is Mr So-and-so here, one of the ladies will, and they will ask me and say, are you aware, are you waiting for so-and-so and so-and-so, I say  
10 yes, and they say okay, we are going to fetch him down there, and that is what happened.

**ADV HASSIM SC:** So, no, I accept that. I am asking about your continued interaction with Mr Matlala. What Witness F says is that he would pass messages between you and Mr Matlala. That is the aspect that I am probing.

**LT-GEN SIBIYA:** If he shows you those messages, I will be happy to say these are the messages that I was passing between me and Mr Matlala. I know in some instances he did say okay, this is what I received, this is what I  
20 forwarded, or this is what I said, I received, this is what I said, but I can safely say I would not pass messages to Witness F and say like, on a day like that one where he is to be fetched from there to come and see me. So, there was no frequent communication with Mr Matlala. It would happen where we did speak. It happened because I made it

a point not to be too close to him because I was not, it was the beginning of knowing him as well.

**ADV HASSIM SC:** Okay.

**CHAIRPERSON:** Just to make sure I understand, General, so are you saying that it is not true that in December 2024 you called Witness, 20, oh ja, I am sorry, either 23 or 24, December 2023, you called Witness F to your office and asked him to fetch someone who was downstairs, are you saying that did not happen?

10 **LT-GEN SIBIYA:** That did not happen.

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

**LT-GEN SIBIYA:** And my secretary, my PA can come actually attest to that, Chair.

**CHAIRPERSON:** And so you deny that that person was Mr Matlala, obviously if you say you never made the request to Witness F.

**LT-GEN SIBIYA:** Yes.

**CHAIRPERSON:** And you also deny that you then asked Witness F to be the go between you and Mr Matlala. You  
20 never made any such request to Witness F.

**LT-GEN SIBIYA:** I never made any such request for him to be the go in between.

**CHAIRPERSON:** Yes.

**LT-GEN SIBIYA:** Whilst I am not denying the fact that sometimes I might have communicated something where you

find that it is between me and either with Mr Matlala. It will happen.

**CHAIRPERSON:** All right. No, I just, yes, I just wanted to make sure so that in my mind I do not proceed on the basis of what appeared to be a general point that you are making. I wanted to be sure of the specifics. Thank you, General.

**LT-GEN SIBIYA:** Thank you, Chair.

**ADV KHUMALO SC:** Can I just clarify something. General, still on that page, was there an occasion when you  
10 met Mr Matlala for the first time that you, Witness F, and Mr Matlala were in your office at the same time, all three of you?

**LT-GEN SIBIYA:** Not at all.

**ADV KHUMALO SC:** So when Witness F says:

“On my arrival to General Sibiyia's office, I delivered Mr Matlala, then General Sibiyia said to me ...”

I am reading from line 20 on 230, that never happened?

20 **LT-GEN SIBIYA:** That never happened.

**ADV KHUMALO SC:** He is not being truthful when he says the three of you were in the office together and you gave him this instruction.

**LT-GEN SIBIYA:** From where I am sitting, I say that never happened, Chair.

**ADV KHUMALO SC:** Thank you.

**ADV BALOYI SC:** General, you say that your office is structured, you have a PA, and you have all of those people, they are the ones that would welcome your visitors or bring your visitors. With that, are you saying there has never been any circumstance where Witness F has been involved with people coming or being brought to your office? Do you make that kind of a general statement, it has never happened?

10 **LT-GEN SIBIYA:** Where Witness F had to go fetch someone for me?

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** No.

**ADV BALOYI SC:** Or would bring someone to you.

**LT-GEN SIBIYA:** No, Witness F was never in my office. He was not working in my office.

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

**CHAIRPERSON:** Lastly, at least on this issue, so on the day that you admit you actually met Mr Matlala in  
20 connection with the contract, when he came to make a complaint or lodge a complaint with you, who brought him to your office, do you remember?

**LT-GEN SIBIYA:** My PA.

**LT-GEN SIBIYA:** Thank you. Thanks, Ms Hassim.

**ADV HASSIM SC:** Thank you. Well, let us go through

some of those interactions then. I just want to begin with this topic that you have already touched on, and it is that of impalas that were delivered to your home. Do you recall impalas being delivered to your home?

**LT-GEN SIBIYA:** I have never had impalas delivered to my home.

**LT-GEN SIBIYA:** Have you had impalas being delivered to any of your properties?

**LT-GEN SIBIYA:** I have had, when I bought my property 9  
10 years ago, Chair, when I bought my property 9 years ago, the previous owner, who was my next-door neighbour, who said to me, I would love to have my kids next to me, and would you mind if I buy you out? I said, in any event, I will not actually applaud because I like the farm life than these ones. So he says, okay, we agreed on an amount. And he said to me, on a Sunday, he said, can you and your wife come, let me go show you something that I have, he has. And he took us there, and I saw a nice plot with animals, those, it was the water bucks, different type of animals,  
20 emus, there were two. And there were sheep. He said, I will leave this with you because they rounded in the price.

**CHAIRPERSON:** Where was this exactly?

**LT-GEN SIBIYA:** In Mnandi, in Centurion, near Coperleaf.

**ADV HASSIM SC:** And when was this exactly?

**LT-GEN SIBIYA:** 9 Years ago, 20 - I was already fired by

the police, and when they gave me money, I bought that place. That is what happened. Now, I procured that place, I mean, as I bought that place, purchased that place, I found it with some animals in them and I carried on with the animals, but let me not go deep. I will explain as time goes on. But impalas were never delivered in my office, other than whatever that I bought myself, I was buying gradually, because I went and bought a whole number of other, I went and bought sheep, goats, and added with some of the, I  
10 think I bought something like four or six impalas at that time.

They were bought by, my gardener at that time was a guy who used to work for me, and then he was a Zimbabwean, the police will know about him in Olievenhoutbosch, will know about that guy, because at some point he fought with his girlfriend, and then they were looking for him, he ran away. But at that time he was my gardener at that time, he was the one taking my kids to school as well, and then he was a driver as well. So  
20 whatever that I needed, I sent him around. So that is what happened. So I had a number of animals in the place.

**ADV HASSIM SC:** Okay, but that was, you say, about 2017?

**LT-GEN SIBIYA:** Ja, 2017, 18 years.

**ADV HASSIM SC:** Okay. All right, so let us go to the

WhatsApp bundle, and I would like to take you to the conversation on, that begins at page 108. I think that is file 7.

**LT-GEN SIBIYA:** Page 1?

**ADV HASSIM SC:** 108.

**LT-GEN SIBIYA:** Sorry, Chair, I want to ask something, and maybe to be advised by my legal team as well, by my senior Counsel as well, because it looked like there were some discussions in relation to the, this statement as it is  
10 unsigned at this present moment, point in time, whether, is it not part of the discussions that was held that says maybe in terms of the admissibility of this or not, or if the Counsel says no, it is not part, like, General Senthumule's statement, compliance, so there was those small discussions that I want to check before I respond. I am about to respond, I just want to check if there is nothing that I should be waiting maybe to take legal advice on.

**CHAIRPERSON:** Ms Killian, I am not sure that I follow the point that the General is raising, but can you please assist?

20 **ADV KILLIAN SC:** It can sound confusing. There was a discussion between myself and the evidence leader pertaining to a supplementary affidavit filed in response to General Senthumule's affidavit. At the start of the evidence, it was placed on record where this unsigned affidavit or statement as it is now is in the files, and I think

that is what he is referring to, whether it is already before you or not. He is trying to ascertain whether he can refer to it.

**CHAIRPERSON:** That is the General's statement that Ms Hassim referred to this morning?

**ADV KILLIAN SC:** That is what he is trying to locate.

**CHAIRPERSON:** Yes.

**LT-GEN SIBIYA:** And why I am asking, Chair, is because once we begin to talk about General Senthumule's  
10 statement, it was more about the impalas, and then I am also being asked now in the topic that discusses that, so I wanted to just check the exact position, but I do not have a problem to respond, I will respond, I just wanted to clarify that.

**CHAIRPERSON:** General, I think, Ms Hassim, do you wish to respond?

**ADV HASSIM SC:** To the extent that I understand the question, General Senthumule submitted an affidavit that was admitted into the record on, I believe, Friday morning.  
20 It was, we received it then. We made it available immediately to the witness and his legal team. They consulted over the weekend and they provided a statement, partly in response to General Senthumule's statement, which I have handed in as part of the record for today. So everything is admitted and part of our record, and we can

certainly go to that statement if the General wishes to go to his statement in answering the question.

**CHAIRPERSON**: Am I correct that right at the beginning, the General confirmed the content of that statement?

**ADV HASSIM SC**: That is correct. I did ask the witness to confirm the correctness.

**CHAIRPERSON**: Yes, yes.

**ADV HASSIM SC**: And he did so.

**CHAIRPERSON**: The General did so.

10 **ADV HASSIM SC**: And he obviously remains under oath, yes.

**CHAIRPERSON**: Yes, yes, yes. General, I am not sure that an issue arises out of this, because you have confirmed the statement, indeed, the content of the statement. So no issue should arise. It is a statement before us, just like any other.

**LT-GEN SIBIYA**: I am satisfied, Chair.

**CHAIRPERSON**: Yes, thank you.

20 **ADV HASSIM SC**: Okay, so we were looking at ...[intervenes].

**CHAIRPERSON**: Are you at page 108 now, General?

**LT-GEN SIBIYA**: I am on my guards, Chair, so ...[intervenes].

**ADV HASSIM SC**: So, General those are the files ...[intervenes].

**LT-GEN SIBIYA:** [Indistinct]... [cross-talking]

**CHAIRPERSON:** File 7 of 10. File 7 of 10.

**LT-GEN SIBIYA:** [Indistinct]... accepted that.

**ADV HASSIM SC:** Those are the three files that we will be using the most today. Okay, so what we are looking at is the 21<sup>st</sup> of March 2021 and this is a conversation, for context, this is a WhatsApp conversation between Witness F and Mr Matlala, who is saved on his phone, on this chat, as Cat Security. Do you see that?

10 **LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay, so on the 21<sup>st</sup> of March, if we pick it up from 6:47 a.m. ...[intervenes].

**CHAIRPERSON:** Ms Hassim, the chats are actually numbered. If you look at the top, it is 1, then all the way down to 8. It is easier to find them if you refer to those chat numbers.

**ADV HASSIM SC:** Thank you.

**CHAIRPERSON:** Thank you.

**ADV HASSIM SC:** Thank you, Chair, I will do so.

20 **ADV BALOYI SC:** Ms Hassim, maybe if I may add to that, that perhaps it would help the General in particular if you explain the different sides of this ...[intervenes].

**ADV HASSIM SC:** Yes, I am coming to that.

**ADV BALOYI SC:** Because this is the first time that he looks at this, with us at least.

**ADV HASSIM SC:** Absolutely. So 6:47 a.m. is chat number 3. I just want to know that you see chat number 3.

**LT-GEN SIBIYA:** Chat number 3?

**ADV HASSIM SC:** Yes.

**CHAIRPERSON:** The numbering is on the ...[intervenes].

**ADV HASSIM SC:** It is on the left-hand side.

**LT-GEN SIBIYA:** Yes, I ...[intervenes].

**CHAIRPERSON:** Left-hand side.

**LT-GEN SIBIYA:** I follow. I follow, Chair.

10 **CHAIRPERSON:** Yes.

**ADV HASSIM SC:** Do you see that. Okay, so it goes sequentially, number 3, number 4, number 5. So number 3 is at 6:47. And what we see is a blank box. And underneath it, it says, Cat Security. Do you see that?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** In these chats, as they are depicted here, where there is a blank box, it indicates a call, a voice call. Where it is in grey, it is a call that is being made. It is a call that is incoming to Witness F. And where there are  
20 chats in green, those are, originate from Witness F. So just to explain that, do you follow what I am saying?

**LT-GEN SIBIYA:** I am not so familiar with this, but I do follow messages, as I read. The only thing that I wanted to just raise, Chair, is that, obviously, these are, what is the right word to use? They were hand-picked, put together for

the purpose of maybe me, because remember that, Chair, in, when you talk about, in my cellphone, I chat with a lot of people. But now, they took that one, that one, that one, that one, that one, that one, and then they make them follow one another like this. Now, for me to sit here and accept a chat that says, okay, do you see this chat, followed by this chat?

I do not know in between the chat who else he was talking to, but what I can see, I see where, okay, there is  
10 Cat Security Services, and then there is this one, then there is that one. But it is not how they are in the phone itself. So I will go along with that, but I am raising it as a concern, Chair, before you, Chair, because the bottom line is that if we were given the whole phone or the whole thing the way it was, it would make everyone's life easy.

**CHAIRPERSON:** General, I am not a tech-savvy person, but here is my understanding. If on my phone I have you as a contact and we are both on WhatsApp, when I search for you and I find you on WhatsApp, the chats that will be there  
20 will be chats only between you and me. It will not be, that will not include chats with Commissioner Baloyi and chats with Commissioner Khumalo and so on. So it will just be those chats only.

**LT-GEN SIBIYA:** Okay, Chair.

**CHAIRPERSON:** Is that not your understanding as well?

Because if you had me as a contact and you search for me, and I am sure that all that you would find would be chats between the two of us. There would not be any interpositioning of chats from other people. It would just be the two of us.

**LT-GEN SIBIYA**: I take it, Chair.

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

**ADV HASSIM SC**: And if I could just add to that, Chair, that the full chats that are relevant to the witness were  
10 provided, not just a few pages of the chats. The whole stream was provided. We, however, are only going to the parts that we have questions about, but the full set was provided.

**CHAIRPERSON**: Yes. Now, I think you had asked a question already or not?

**ADV HASSIM SC**: Well, I just wanted to establish first ...[intervenes].

**CHAIRPERSON**: Oh, you were just drawing – yes, all right.

**ADV HASSIM SC**: That whether the witness can see that,  
20 well, one, I am explaining to you that where it is a grey blank box, it is a voice call. And where it is green, it is by Witness F, and grey, it is by the person with whom he is communicating, okay.

**LT-GEN SIBIYA**: But on the left-hand side, I see it is grey. On the right-hand side, I see there is those green

...[incomplete].

**ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** So the right-hand side, green, is Witness F. Left-hand side, grey, is, in this case, Cat Security. At other times, it is other people with whom he is communicating, as you will see. So in chat number 3, what you see is at 6:47 a.m. a phone call is made by Mr Matlala. And then at chat number 4, Mr Matlala sends Witness F a  
10 message saying:

“Call me.”

That is at 6:52. In chat number 5, you see Witness F calls Mr Matlala, so there is a conversation there. And then at chat number 6, Mr Matlala sends to Witness F a voice note which we will play.

**VOICE NOTE PLAYED BACK**

“Witness F: Where the bucks, where the impalas must go, please, sir, if you can just send me a pin drop where it must go to.”

20 **ADV HASSIM SC:** Could you hear that?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay. And now if you look at page 333 of the chats, this is where there are chats between you and Witness F. Page 333, can you see that?

**LT-GEN SIBIYA:** Which page is that?

**ADV HASSIM SC:** 333.

**LT-GEN SIBIYA:** 333.

**ADV HASSIM SC:** 333.

**LT-GEN SIBIYA:** Ja, I got it, Chair.

**ADV HASSIM SC:** Okay, thanks. So, if we go to 333, you will see that this is the conversation between you and Witness F and I am looking specifically at chat number 4. You have got it?

**LT-GEN SIBIYA:** Chat number 4, yes. It just say chat  
10 number 4 and then I see nothing.

**ADV HASSIM SC:** You will see a voice note again. It says opus. But first, so it is chat number 4, but the time stamp is important. It says 7:24. And if you recall what we looked at, and I can just display it again for you so you can see it for ease of reference, in the previous chat that we were looking at between Witness F and Mr Matlala, the voice note that we just played was sent at 7:24. Do you see that, 724:01?

**LT-GEN SIBIYA:** Yes.

20 **ADV HASSIM SC:** Now, here at 333, on the same day at 7:24:55, so 7:24:55 seconds, Witness F forwards the same voice note that he received from Mr Matlala to you. And we will just play it again so that, this voice note, so you can see it is the same.

**ADV BALOYI SC:** Before you do that, Ms Hassim, if you

would just say what is 333, whose downloads are this?

**ADV BALOYI SC:** Oh, sorry, I thought I did. This is ...[intervenes].

**ADV BALOYI SC:** No, you have not.

**ADV HASSIM SC:** This is the conversation between Witness F, the WhatsApp conversation between Witness F and the witness.

**ADV BALOYI SC:** That you have said. What I am asking is, are these downloads from Witness F's phone?

10 **VOICE CLIP PLAYED**

“Witness F: Hi, sir, sorry to bother you so early. Can you send me a pin drop to where the bucks, where the ....”

**ADV HASSIM SC:** These are downloads from Witness F's phone. So all of the chats that we are going to, are downloads from Witness F's phone. But you will see we go between conversations that Witness F has with several people and in this case, it is Mr Matlala and now we are going to, what was downloaded from Witness F's phone in  
20 relation to you, the conversations he had with you, okay.

**CHAIRPERSON:** And regarding the point you made about possible interpositioning, General, my understanding of what Ms Hassim is saying is that we have now stepped off the chats between Witness F and Mr Matlala. Now this is a different set of chats. Remember what I said about me

searching for you and then finding only our chats. So now this is a different set of chats and according to Ms Hassim, these are now chats between Witness F and you, yes.

**ADV KHUMALO SC:** Would it help to just place 317 on the record, just so that he confirms his phone number and ...[incomplete].

**ADV HASSIM SC:** Thank you. Can you go to page 317, please. Sorry, Chair, my computer is just frozen here. I will ...[incomplete].

10 **ADV KHUMALO SC:** General, are you on 317?

**LT-GEN SIBIYA:** I am.

**ADV KHUMALO SC:** While Ms Hassim is sorting out her computer.

**ADV HASSIM SC:** I am there.

**ADV KHUMALO SC:** Oh, thank you.

**ADV HASSIM SC:** Thanks. Okay, General, what you will see at 317 is the numbers that are used in this chat exchange, this particular chat that we are looking at and there is a number that is saved as General Sibiya and in  
20 brackets Deputy National Commissioner. Do you see that?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** It is the third number.

**LT-GEN SIBIYA:** That is my number.

**ADV HASSIM SC:** That is your number, okay. So if we can go back to 333.

**LT-GEN SIBIYA:** Whereto?

**ADV HASSIM SC:** 333.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** So, remember I first played you the clip from Mr Matlala to Witness F.

**LT-GEN SIBIYA:** Ja.

**ADV HASSIM SC:** Immediately after Witness F receives that voice note from Mr Matlala, he forwards it to you because we see that on the timestamp, 7:24. And I think  
10 Ms Pooe already played the voice clip. Do you want it to be played again or do you accept that that is the same voice clip?

**LT-GEN SIBIYA:** No, I accept it as the same voice clip.

**ADV HASSIM SC:** And then in the very next message, number 5, at 7:25, so ...[intervenes].

**CHAIRPERSON:** Can we ...[intervenes].

**ADV HASSIM SC:** The very next message.

**CHAIRPERSON:** Can you place on record what that voice note says, please?

20 **ADV HASSIM SC:** There is a transcript of the voice note in the record.

**CHAIRPERSON:** The voice is just too guttural for me and I can hardly hear what is being said.

**ADV HASSIM SC:** Chair, if you bear with me for a moment, maybe I can just show you the transcript of that voice note.

**CHAIRPERSON:** Or in the meantime, whilst you are looking for the transcript, if anybody can tell us what is being said, we can in the meantime go by that. But of course, the transcript is the best way. General, were you able to hear what is being said?

**LT-GEN SIBIYA:** Yes, I know about it and he just hallo, sir, please send us the, drop us the pin drop where the bucks, the impalas must be dropped.

**CHAIRPERSON:** All right, all right.

10 **LT-GEN SIBIYA:** Yes.

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

**ADV HASSIM SC:** Okay, so you did recognize it. Chair, do you still want me to go to the transcript? The quickest way I could find it was actually when it was played in the hearing when Witness F were speaking. Let me just read you what it says again.

**CHAIRPERSON:** Yes.

**ADV HASSIM SC:** It says:

20 “Sorry to bother you so early. Can you send me a pin drop where the bucks, the impalas must go to, please, sir. If you can just send me a pin drop where it must go to.”

**CHAIRPERSON:** Thank you, thank you. Please continue, Ms Hassim.

**ADV HASSIM SC:** So that voice note is sent to you immediately after it is received from Mr Matlala. And then immediately after that, Witness F sends you a message saying:

“Morning, it is from Cat.”

Do you see that? That is in number 6, chat number 6?

**LT-GEN SIBIYA:** Morning is from Cat, yes.

**ADV HASSIM SC:** And then, if you go to ...[intervenes].

10 **CHAIRPERSON:** Is it 6 or 5?

**ADV HASSIM SC:** It is 5.

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

**ADV HASSIM SC:** And then the next message, which is number 6, is from you at 8:39 a.m., and it is a voice call to Witness F. Okay, do you see that?

**LT-GEN SIBIYA:** Chat number 6?

**ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** Yes.

20 **ADV HASSIM SC:** Okay. So let me pause there before we go further. Do you recall this exchange between you and Witness F?

**LT-GEN SIBIYA:** Chair, I do recall, although I do not have my gadgets, but I cannot deny them.

**ADV HASSIM SC:** Okay, so you received a voice note asking you where must the impalas be delivered. And then

you call Witness F. Do you recall the content of your conversation with Witness F?

**LT-GEN SIBIYA**: With Witness F, ja ...[intervenes].

**ADV HASSIM SC**: After he sent you this voice note.

**LT-GEN SIBIYA**: Yes. I do not know if I should read from my statement, but because of ...[indistinct] truth is what happened. What I can say, basically, is that as the animals kept on dying, and they were dying, I am left with one, some call it impalas, some call it bucks, some call it, what is the  
10 right word, but what I, it is still there now. These are the animals that I found in the plot. It is this one that will have horns, that will have like, that look like a tree, but they died one by one. Some ...[intervenes].

**ADV HASSIM SC**: When did they die?

**LT-GEN SIBIYA**: Some would call it a water buck, but now that I had ...[intervenes].

**ADV HASSIM SC**: So, but when did they die?

**LT-GEN SIBIYA**: They died gradually, since from 20, I may not be right in terms of the date, but they were dying. You  
20 will find one or two dead. But when I started building the wall, a lot of them were eating the rope ...[indistinct] deliver the bricks that build the wall. Then at night, I do not know, they eat this rope that ties the bricks so that they do not fall apart. Now when you wake up in the morning, you find that the stomach is raised and it is dead. So that is how they

died gradually, and then that is when I sent one of my guys to try and replace, because they were almost to nothing. I was left with something like six, somewhere there. I am not reading my statement now. But the last ones that died, they died around, I do not know whether it was, but it was, I have got a date maybe when I go through the statement. But then what then I did is, because Nkosi, I was already acquainted to him now, because they come to my house regularly. Even everybody, well, it is just that,

10 Commissioners, I do not want to explain too long stories, if like I must stick to the story, and then, but it needs a background and an explanation. When they come to my place, they have known that I have got goats and sheep, and ...[intervenes].

**CHAIRPERSON:** They being who?

**LT-GEN SIBIYA:** When I say they, with the excitement that I had when I was back to the police, I started, we had a good relationship with the National Commissioner. They were coming a lot also to my place, and other senior

20 management. They could see there are no bucks. There has been bucks. Now, there has been bucks, but I had that one that is still there now.

Now, it was very frustrated, because sometimes you see it running all over and then sometimes jumping on goats or sheep. Then I said to Fannie, you know, I do not

have time to go look for a mate for this thing. I am all over, I am working and even my family will not see me, because I would leave 4 o'clock in the morning and come late when the children are sleeping. Then he was normally helping me. He said, no, do not worry, Mpati. I will assist you to get one, a mate.

Now, when I, at some point in a meeting, I was in meetings, long meetings, then I did get that voice note that says he forwarded it to me. As to how, because Nkosi he  
10 said in one of his statements, he is a professional hunter, he is a hunter as well, that no, I know farmers that will assist you with this thing. I said, it is okay. Then he sent me that voice note. To me, it is okay. He said, he will find. Now, he said, where are the bucks, the impalas.

Now, I needed only one, but I thought maybe he was not so sure, he took a male and a female. But he said, the bucks, the impalas. Now, when he said the bucks and the impalas, when I got a break, I called him. I said, I just hope you know what I want, what is in the yard, not any  
20 other.

And then, already at that time, in their mind, it was impalas. I said, no, no, no, no, I do not want the impalas, because they are dead, and they cannot survive in any other place. I just need a partner for this one, so that it is still alive and I do not want to kill it, I mean to slaughter it.

And it was not, to me ...[intervenes].

**CHAIRPERSON**: What was remaining, what was it? Was it an impala? What was it?

**LT-GEN SIBIYA**: It is a water buck.

**CHAIRPERSON**: Water buck, oh, oh.

**LT-GEN SIBIYA**: It is a water buck. I do not know ...[intervenes].

**ADV BALOYI SC**: General, in your statement, you say you call it a blesbok.

10 **LT-GEN SIBIYA**: A blesbok, yes. And then another one will call it an antelope. So, I do not know, I am not an expert on those ones, Chair, and you will forgive me for that, but this is what I found. Now, the problem is that ...[intervenes].

**CHAIRPERSON**: If I am not mistaken, I think antelope is generic for different types.

**LT-GEN SIBIYA**: Yes.

**CHAIRPERSON**: Ja.

20 **LT-GEN SIBIYA**: Chair, I had a lot of, where I grew up from home, we had goats, now, and chickens. But that is the lifestyle I grew up on. I wanted to own them in a plot, in the farm. It is not a farm, it is a plot. So I wanted to own them. The sheep I found there, so I added goats. Now, as I was maintaining them together with the wild animals, that I am not really slaughtering, selling, I wanted to, at some

point, think that I can, I could, but I realized that they were taking a lot of money from me, and then I was not affording. To me, when the number reduced, dying, I could not replace the wild animals, because what is the point of keeping animals that you are not seeing, that you are not eating, just to keep them, and they are taking, I was spending more than R12,000.00 a month. I realized that it is not sustainable, so I did not need them.

So, but all I needed was this. As a result, I said,  
10 no, no, I do not need it, because, initially, I spoke to him, and then, as to how and when he was going there, in my case, I said, no, do not, because I do not need impalas anymore, and I do not need, I needed only one buck and that he could not get, and that is where it all ended, because I could not proceed with that thing, because even in terms of affordability, they need space, they need a lot of grass, I was not affording, so I could not take them, so they were not delivered. Even Mr Matlala himself did say that they were not delivered.

20 **ADV HASSIM SC:** Okay, so you, there are two things arising from that. The first is, you confirm that this was Mr Matlala who was providing you with these?

**LT-GEN SIBIYA:** I have never confirmed that. I said, I spoke to Nkosi. Nkosi never actually said to me, he was going to speak to Mr Matlala.

**ADV HASSIM SC:** Right, when you get that message with the voice note, the very next message that is sent to you is:

“Morning, it is from Cat.”

And it is not, morning, it is from Mr Matlala, or from some person you do not know well, it is, morning, it is from Cat. So you knew where it was coming from.

**LT-GEN SIBIYA:** No. For simple reasons. The fact that I never allowed them to come, to me, it was a rusted point. I never allowed it, allowed them to come, because even if he  
10 said, when he said from Mr Matlala, to me, I realized that, look, I do not want anything from anybody. Chair, I can safely tell you something. I know my Counsel said to me, you do not have to sponsor this thing when you are not asked, but I want to prove something here.

**CHAIRPERSON:** May I say this. Ms Killian, from last week already, I came close to saying to you, your client is sailing very close to possibly divulging client-lawyer confidences. But perhaps the General should continue.

**ADV KILLIAN SC:** I take note.

20 **CHAIRPERSON:** Yes.

**LT-GEN SIBIYA:** I have learned, Chair. I am really sorry to my Counsel.

**CHAIRPERSON:** I am not saying you have. Perhaps what you are touching on is not necessarily something confidential. I am sure if it was, Ms Killian would say

something in that regard. Please continue.

**LT-GEN SIBIYA:** Ja, no, she was just trying to advise me that do not talk too much, be short. So that is why I am saying it, Chair. But what I was saying is that there is a friend that I have in Zimbabwe. At some point it was my birthday and a friend said to me, my friend, I want to buy you a present, but I am far. I want to, I will send you some money. And I said, it is okay, but you must know that it is something that I have to declare. And then he said, it is  
10 okay. Then, in an attempt to surprise me, I was sent R20,000.00.

I went straight to the bank and I said, I do not need this thing. I do not want it. It is going to put me in trouble. Reverse this transaction. I do not need it. And it happened. So I am saying, anything that I know that this one is a no-go area, because I have lived with this thing and I have charged many people for this thing, I could not go ahead. That is when I stopped.

Even this ones, there was no animal that was  
20 delivered on account of Mr Matlala or Nkosi to my place. Never.

**ADV BALOYI SC:** I mean, given your explanation about the Zimbabwe gift that you reversed, are you saying that these animals were not delivered to you because you stopped it? You stopped it because you did not think it was

an appropriate thing to come from Mr Matlala?

**LT-GEN SIBIYA:** No, no, no.

**ADV BALOYI SC:** I am just asking, just to understand you.

**LT-GEN SIBIYA:** No, no, no.

**ADV BALOYI SC:** What you are saying.

**LT-GEN SIBIYA:** Firstly, they were not what I wanted, because I did not need many. I needed one to match this one that I have. And then when he said, can you please send me the pin drop where the bucks, the animals, so it  
10 was two things. Then when I called and said, but you spoke about bucks and impalas. I do not need impalas. And at that time they had dealt, they have been dealing with the impalas. I said I do not need impalas because I do not have space. They need a very vast bush, thick bush where there is grass and trees and everything. Now they cannot live in a very small, contained plot. Already I have lost many, the few that I have lost. So I could not get.

But above all, in terms of affordability, Chair, when I came back to the police, my salary went down deep dive to  
20 an extent that for me to afford now to have 6,000 to 12,000 that I must spend on animals that I am not even slaughtering or selling. I could not. So I am just putting it here that it never came. I did not need them.

**ADV KHUMALO SC:** General, accepting for a moment that they did not come, how does Mr Matlala get involved in your

desire to acquire whatever type of animal it is that you needed, because the message is clear that it is from Cat and you are told that it is from Cat. How does Mr Matlala get involved in that?

**LT-GEN SIBIYA:** My only concern is that when you speak to Nkosi and Nkosi says to you ...[indistinct].

**ADV BALOYI SC:** I think that horse has bolted, General. It bolted some answers back.

**LT-GEN SIBIYA:** I am sure the Chair realized what I did  
10 and I was caught off guard.

**CHAIRPERSON:** It is, I think we have reached a point where it is farcical to try to avoid the name. It is all farcical. Let us just continue.

**LT-GEN SIBIYA:** I was talking to a colleague that I worked very close to and even myself, I have been giving him pit bulls from my yard. These pit bulls, I do not want them, they are eating my chickens, take them. So that is the kind of lifestyle that we are living, me and him. Now he, when I talk to him and then he will say to me, no, let me see what I  
20 can do, where I can find them because he is a hunter as well. He said it in one of his things.

So when they go all over around, he knew many people that I did not know. I found him in the police. So to me, I spoke to him. I never expected that he would go speak to somebody. When he says it is from so-and-so, you

also need a way of pulling back. When you see that this thing is now beginning to cross the line, you pull back. Hence, I did not allow anything to come my way. It was not delivered.

**ADV BALOYI SC:** General, you have said to us that the witness did not bring Mr Matlala to your office, and so you met Mr Matlala independent of the witness and, so, that is what you have said to us. But then, and that was according to you, in January 2024, maybe February 2024, but now it is  
10 March the 21<sup>st</sup>, and he says to you:

“Morning, it is from Cat.”

Now, one, the first thing is, what did you know about his relationship with Cat, because here he expects that you know who is Cat, I mean, the familiarity. He does not say Mr Matlala. He says it is from Cat. What did you know about his relationship with the person referred to, that he refers to as Cat, and why would he have thought you would know who he is speaking about when he says it is Cat? So it is two questions.

20 **LT-GEN SIBIYA:** If the Commissioner remember very well, we were already past the stage of having met Cat, because we met Cat initially when he came to the office. I got to know that he knows Cat, and he knows Cat very well. So Cat was someone who was up and down. Even when he was there, he did ...[intervenes].

**ADV BALOYI SC:** So you came to know because you discussed Cat with him?

**LT-GEN SIBIYA:** Yes, we did, Cat did indicate that no, no, I know many people here. I know many of your colleagues there.

**ADV BALOYI SC:** Yes. So Cat told you that on the day that you met him for the first time. He told you, I know this gentleman.

**LT-GEN SIBIYA:** Yes, because when he left there, they  
10 took him to another Brigadier in there.

**ADV BALOYI SC:** Ja, no, I understand that. I just want to understand how you get to a point where you discuss with the witness, Mr Matlala, so you meet Mr Matlala, according to you, in January, maybe February, depending on what you said in the *Ad Hoc* Committee. Either one, it does not matter to me whether it is January or February for the purpose of this conversation.

But it is now in March, so maybe a month or two, you are told, morning, this voice note is from Cat. There is  
20 an expectation clearly that you know who he is talking about. You say to us, ja, well, I did discuss him and I am wanting to know at which point do you discuss with Mr, with Mr Matlala, at which point do you talk about Mr Nkosi with Mr Matlala before the 21<sup>st</sup> of March? And at which point do you discuss Mr Matlala with Mr Nkosi?

**LT-GEN SIBIYA:** Commissioners ...[intervenes].

**ADV BALOYI SC:** From the time you met him up to the 21<sup>st</sup> of March.

**LT-GEN SIBIYA:** Commissioners, remember that from the day I met Cat, Mr Matlala at the offices leading to that day, or that, those ...[intervenes].

**ADV BALOYI SC:** The 21<sup>st</sup> of March, ja.

**LT-GEN SIBIYA:** Yes, in between. Mr Matlala has been an interactive type of a person with many police officials that  
10 he knew. We have been to college. This is where he is been a service provider. We have been to college. And then I also met, I did see him at the college myself where their own gazebo as well there. I also saw him there. So we have interacted with Mr Matlala. Yes, I never said I never interacted with him completely because therefrom we just like any other normal relationship that develops or that start, I started knowing Mr Matlala there. All I knew was not to cross the line.

**ADV KHUMALO SC:** General, you are being asked about  
20 the period between January 2024 and March 2024. Now, Mr Matlala is not a service provider to SAPS during that period. So when you make reference to gazebos and visits to the clinic, for the purposes of the question, you are being asked the day you met Matlala in January of 2024 until this date on the 21<sup>st</sup> of March 2024. So you are limited only to that

period and then you answer Commissioner Baloyi's question. So it is a two-month period, really.

**LT-GEN SIBIYA:** I think Commissioner Khumalo, you are the one who is misunderstanding in this case in the sense that when he came to see me in January, he already had a tender.

**ADV BALOYI SC:** But, General, he did not have it. We, can we just accept as a fact and then you can speak from there, the tender was awarded in ...[intervenes].

10 **ADV KHUMALO SC:** In June.

**ADV BALOYI SC:** In June 2024. That is fact. Now, you are interacting. You can check that if you want, but it is in June 2024. That is fact. You are interacting with him in March 21. Well, between January and March, yes ...[intervenes].

**ADV HASSIM SC:** March.

**ADV BALOYI SC:** 24, is what these texts are about. And you say in that period, already in March 2024, we have, because that is what you say, we have been, I have been  
20 interacting with Mr Matlala. Then you have to explain to us that if the tender was not yet awarded, what are you, how are you and what about are you interacting with him?

**LT-GEN SIBIYA:** What I may request, Chair, in all ...[indistinct] fact is that where I mix the dates it is not out of an intention to misrepresent the facts. I am working from

memory. I do not have anything and I am not making an excuse. What, where I should take it from is from when Mr Matlala came to the office. I know it is January. I know it is January 20 – it is, I know it is in January the 17<sup>th</sup>, somewhere there. Now, whether I might have mixed 2024 and 2025, it may be that point that I need to fix. But I do not remember meeting or talking to Cat or Mr Matlala before that. I do not remember that.

**CHAIRPERSON:** Before, when you say before that, does  
10 the “that” refer to the award of the contract? What does  
“that” refer to?

**LT-GEN SIBIYA:** The award of the contract, I do not know about and when it started really involving, ja, I do not know that much about the awarding of the tender at that point in time.

**ADV KHUMALO SC:** General, Advocate Baloyi is going to ask you her question. I am just giving you the timeline. The health care contract that SAPS awarded to Medicare 24 was advertised on the 31<sup>st</sup> of January 2024. So if you met  
20 Mr Matlala on the 17<sup>th</sup> of January 2024, that tender had not even been advertised at that stage. And it was only awarded on the 14<sup>th</sup> of June in 2024. So I think Advocate Baloyi will ask the question again and maybe you can then answer the question. But I have given you the timeline to assist you.

**ADV BALOYI SC:** Well, General, the, I am prepared for purposes of my discussion with you to even accept, just for purposes of our discussion, to accept that you may have met Mr Matlala in January, you may have had a meeting with him in January 2025, but what we know from these texts is you are engaging with him in 2024, in March. You are talking to him.

And the question still remains, why, what did you know in March 24, what did you know about Mr Nkosi's  
10 relationship with Mr Matlala, and that relationship, and why would Mr, Sergeant Nkosi know that you know Matlala when he says to you, morning, it is from Cat, in March 24 already. So he knows at this point that you know who he is referring to. And the question is, well, what did you know about that relationship in March 2024? What was the nature of your relationship at that point?

**LT-GEN SIBIYA:** What is still disturbing me, Chair, and putting me a little bit off balance is the fact that when I look at, Mr Matlala was searched, I think, in December 2024, and  
20 what I know is that in December 2024, when he was searched, I have never interacted with him, now I am talking December 2024. I have never interacted with him going up to now. Now, that is why I am working now on 2024. And that is why, in my mind, it tells me that it was January 2024.

So, I might be wrong in terms of the timelines and

the date, but I am just saying, I am basing that on the fact that if he was raided in 2024, December, I never spoke to him or met him 2024, since then, December. Now, I say, it could not be that I met him in January the 17<sup>th</sup>, 2025, hence, I am saying, if I am mixing the date at this present moment, it is something that I just need to sit down, do the timelines, but because of the fact that I do not have my gadget, I do not have access to the office, the resources, whatever, that could be a weakening factor in terms of how  
10 I recall some of the dates.

So, the intention is not to mislead or to lie, but I might be mixing something somewhere, but I will accept where I made a mistake.

**ADV BALOYI SC:** I think I will hand over to Ms Hassim now, but I just want to say that I am also not trying to involve you in a memory test, you know, of remember as you are sitting there and then we catch you out because you do not remember things. That is not the point of this. It is to get clarification from your explanations. So, and that is  
20 why I said to you, to me, it really does not matter for purposes of a discussion whether you met him in 24 or in 25, but I am prepared to work on the basis that you met him in January 24 because you say by the time he was raided in December you had not spoken to him. So, I am prepared to work with your dates.

It is still, my question still remains, and it is my question so that I understand your evidence that in March 2024, what we have established, or what we know for a fact from evidence and from documents is the Medicare contract was awarded in June 2024. We know that as a fact. So, when you speak to him in March 2021, ag, 2024 rather, he does not have the contract yet. We know that as a matter of fact. He does not have the contract because the contract is given only in June 2024.

10           And so, the question is, the interaction that you say, because you say after you met him in January you then now had interactions with him between that January and March. Those interactions before he got the contract or the tender, what are they about and what does Mr Nkosi, Sergeant Nkosi know about your relationship with Mr Matlala as at March 2024? It is really my, the question that I am seeking you to clarify.

**LT-GEN SIBIYA:** Chair, my response is going to depend mostly on the document that I want to produce so that I  
20           satisfy myself that this is the date I met this person in the office with their lawyer. Now, once I have that, I should be able to respond to the Commissioner's question at this point in time. So, all I am asking is just to have an opportunity to be able to have those documents in front of me and then I say this is the date I met him.

**ADV BALOYI SC:** Okay, I think that is a fair request. We will come back to it. But can I just put this proposition to you for comment that if the documents that you are going to look at indicate or show that the contract was not awarded in January 24, in fact, let me say it differently. If your documents are going to show that the contract was in fact awarded in June 2024, as we say the evidence points out, then when you were speaking to Mr, whatever interaction you had with Mr Matlala between January 24 and March 24,  
10 2024, as per this WhatsApp message, it could not have been about the contract if the contract was awarded in June. It logically follows. If the contract was in June 24, whatever you were discussing with him by March 24, 2024, it cannot be the awarded contract. It is something else.

**LT-GEN SIBIYA:** One thing that I want these Commissioners to know is that I have never engaged with Mr Matlala on any other issue other than ...[intervenes].

**ADV BALOYI SC:** Awarded contract.

**LT-GEN SIBIYA:** Ja, I have never, I do not know about his  
20 security, his other dealing, his other cases. The time I spoke to him will be on three issues that will come as the line of questioning comes. But what I know is that what started my first meeting with him was about that.

**ADV BALOYI SC:** All right. Thank you, Thanks, General.  
Ms Hassim.

**CHAIRPERSON:** Let us adjourn and resume at half past.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Hassim.

**ADV HASSIM SC:** Thanks, Chair. General, you testified before the tea that all of the bucks had died.

**ADV KHUMALO SC:** Sorry, Adv Hassim, sorry to do this to you. Before we start, I thought there was an undertaking that the attorney's letter will be provided after tea.

10 **ADV HASSIM SC:** I have received nothing. When we get it, we will deal with it.

**CHAIRPERSON:** General, were you able to find the letter?

**LT-GEN SIBIYA:** There is a document that we have from the lawyer, and then the one for the tender of Medi 24, the tender document. Chairperson, I know I have it on one of my desks.

**CHAIRPERSON:** Thank you, thank you. Perhaps, Ms Hassim, let us just continue. Yes, and may it be shared over lunch. Yes, let us continue.

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

**LT-GEN SIBIYA:** Sorry, Chair. I have a letter dated 17 January 2024 that I could read into the record in the meantime.

**CHAIRPERSON:** Where is it?

**LT-GEN SIBIYA:** Well, they have asked them to print it.

**ADV HASSIM SC:** Chair, I suggest we come back to that once we have received the letter. Sorry.

**CHAIRPERSON:** How long is the letter, General?

**LT-GEN SIBIYA:** I think it is one and a half pages. It is a lawyer's letter that accompanies the whole lease agreement and the Medi 24, I think it is a tender document.

**ADV BALOYI SC:** Ms Hassim, it sounds like the letter that the General was testifying to.

**CHAIRPERSON:** Perhaps, after reading one and a half  
10 pages, maybe let us ...[intervenes]

**ADV HASSIM SC:** I am in your hands.

**CHAIRPERSON:** Yes, yes. Please read it, General.

**LT-GEN SIBIYA:** Where is the letter? They said they had the letter printed.

**CHAIRPERSON:** So, you do not have a copy. Do you have a copy for yourself to read? Let us continue then, let us continue. When you said you wanted to read it, I thought you have it in your hands. Let us continue then. I think the best - no, let us leave it, please. Let us leave it.

20 **ADV HASSIM SC:** Chair, I will engage with my colleague in the lunch adjournment.

**CHAIRPERSON:** Yes, yes.

**ADV HASSIM SC:** Get hard copies of it so we all have something in front of us to look at.

**CHAIRPERSON:** Yes, yes.

**ADV HASSIM SC:** That way we would also be able to see better the addressee and those dates.

**CHAIRPERSON:** We will continue, General. It will be revisited, if necessary, after lunch.

**LT-GEN SIBIYA:** I will make sure that - because I was suggesting that maybe they should drive home.

**CHAIRPERSON:** Let us leave it for now. Thank you. Please continue, Ms Hassim.

**ADV HASSIM SC:** Thanks, Chair. General. General, are  
10 you with me?

**LT-GEN SIBIYA:** I am listening.

**ADV HASSIM SC:** You testified before tea that all of the buck had died by this point in time, in 2024. Did I hear you correctly?

**LT-GEN SIBIYA:** I did not say all the bucks had died by 2024. I said they died gradually and I was left with one.

**ADV HASSIM SC:** Okay. All but one?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay, and then you also said that when  
20 you received this message from Sergeant Nkosi, saying from Cat, that you then told him not to deliver it. I mean, you said two things. One, you said those are not ring buck, you said. Impala is not what you are looking for. Right?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** That was one thing. And the second

thing you said was that you told him not to deliver it because you cannot accept anything from Mr Matlala. And then you gave us an example of how you had previously done that with another friend and a payment that was made into your bank account.

**LT-GEN SIBIYA:** I have never said that.

**ADV HASSIM SC:** Okay, can you explain what it is you said? I thought you said you told him no delivery because you cannot accept from Mr Matlala.

10 **LT-GEN SIBIYA:** I think if I remember very well, Chair, what I said is that number 1, I realised that this is not what I wanted. Number 2, if the message proceeds immediately, say from Cat, and it was about that because I do not have any devices, over and above, I was not going to receive anything from a service provider.

**ADV HASSIM SC:** So, you would not have accepted it?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay, all right. So then let us just go back to the chats because we were not complete there. And  
20 I would like you to go to page 109. 109 in the same file 7. 109, same file. And it is chat number 5. And you will see it is a screenshot. It is very small, but do you see what I am referring to?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** If it looks any more legible - oh, it went

away. On the screen above you, you can have a look at the screen. But you see there that at 10:36 am, I think if we can just project it again, at 10:36 am, Mr Matlala forwards a screenshot to Sergeant Nkosi. And let us just go to the screenshot. And you will see that this is a screenshot of a conversation with one Rudy farm manager. Okay, so, this is Mr Matlala forwarding this screenshot, a conversation that he has with Mr Rudy farm manager, forwards it to Sergeant Nkosi. And at the top of the message, it says, the green is  
10 Mr Matlala. It says:

“Please check your account again.”

And then he says:

“Thank you, sir, I got it. Thank you very much, sir. Thanks, sir, we will do that.”

And then there is a voice note. We do not have that voice note, but it is exactly the same length as the voice note that we played earlier. So it may be that that is the voice note that Rudy farm manager sent to Mr Matlala. It was also sent in the morning. It sorts of tallies up with the time  
20 frame when Mr Matlala - when Sergeant Nkosi forwarded it to you.

But if you go down, next thing is, Mr Matlala forwards to Rudy farm manager the address. So, remember there was a request, which address, can you send me a pin where the impalas must be delivered? And that is sent to

this person, Rudy farm manager. Do you recognise that address? Can you see it on the pin? Oh, you have to, it is redacted for ...[intervenes]

**LT-GEN SIBIYA**: Yes, I recognise it.

**ADV HASSIM SC**: You have seen it. Is that your address?

**LT-GEN SIBIYA**: I confirm it is my address.

**ADV HASSIM SC**: Okay, and then ...[intervenes]

**CHAIRPERSON**: Is that the plot you have been talking about or is that your residential address?

10 **LT-GEN SIBIYA**: That is my residential address, Chair.

**ADV HASSIM SC**: Thank you, so you then ...[intervenes]

**ADV BALOYI SC**: Perhaps, Ms Hassim, for our purposes in the record, you can refer us to where that communication is in the record. I think it says page 125 or 124.

**ADV HASSIM SC**: Page 125. Oh, apologies.

**ADV BALOYI SC**: You have not done that.

**ADV HASSIM SC**: I missed that entirely because I am skipping electronically. The screenshot itself is at page 125. So, he sends your address and then he continues. He

20 says:

“Thanks, sir. Hi there, sir. Okay, everything has been arranged. He will catch the Impalas on Sunday and transport it on Monday to that location. Is it good?”

And Mr Matlala replies:

“No problem.”

Okay? Now, this screenshot is sent - this address, rather, this screenshot. In this screenshot, you will see the time frame. If I go back to page 109, it was sent to Sergeant Nkosi at 10:36. Okay? Now, if you had told Sergeant Nkosi no delivery, why would he have then still forwarded your address to Mr Matlala?

**LT-GEN SIBIYA:** You see, Chair, I think I indicated earlier  
10 that when they sent the pin drop to where the animals, the bucks, the Impalas must be delivered, I did send it. I also said, but when I got a break or during lunch or whatever the case may be, I called Nkosi and I said, please make sure that it is not the Impalas because I do not need Impalas. I cannot keep them and they die. They cannot live.

They cannot survive. I need a buck made for this one. Now, the location was sent already. Now, whatever discussion Sergeant Nkosi had with Mr Matlala, I never said to Sergeant Nkosi, please go source from Mr Matlala. His  
20 promise to me was that he will help me get what I need. As to how he went about, quite honestly speaking, I feel that I should not be held responsible or accountable for a discussion between Nkosi or any other person he would have went to see and spoken to.

**ADV HASSIM SC:** General, I need to take you then back to

this timeline. You see, when, let us go back there so you can look at it again. When page 333, so this is now the chat between Sergeant Nkosi and you, page 333, where he says:

“Morning, it is from Cat.”

He sends that to you at 07:25. At 08:39, you make a phone call. At 10:36, we see that your address has been forwarded to the person who is going to deliver the Impala. So, when you made the phone call at 08:39 to Sergeant  
10 Nkosi, you did not tell him, do not deliver it, regardless of whether they are the correct or they are not correct, because remember, that is a separate issue.

You said nothing from Mr Matlala. So, at that point in time, you did not say to him, who is Cat and is that Mr Matlala? Well, I cannot accept from him. You did not say that to him at 08:39 when you made the phone call. And we know you did not say that to him because the address has been sent to him, where he should deliver it, and it is forwarded at 10:36.

20 **LT-GEN SIBIYA**: I think we are rounding one in the same place because I did say, personally, that when I spoke to Nkosi after I sent the location and then later, I got a chance to say, this is what you should know. And the fact that I did not want the impalas, for me it was sufficient that I have addressed the problem. As to what happened beyond me,

between Nkosi and the other one, is for Sergeant Nkosi to really explain.

**ADV HASSIM SC:** To explain what?

**ADV BALOYI SC:** General, your evidence is not just that you said to him you do not want the impalas. Your evidence is also that you said you do not want anything from a service provider. And you said something about when it comes to crossing the line, I hold back. But more directly, your evidence is, I spoke to him about the wrong animals. I  
10 do not want the wrong animals. But 2, I do not want anything from a service provider.

**LT-GEN SIBIYA:** I was not going to accept from a service provider.

**ADV BALOYI SC:** You told him, that is what you say, you told him.

**LT-GEN SIBIYA:** Yes.

**ADV BALOYI SC:** And I understand Ms Hassim to say, well, if you did tell him that you do not want anything from a service provider, how come you, one, you have sent a pin  
20 drop, but also your address, but importantly, Mr Matlala is arranging for the same things to be at 10:36 arrangements are being made to get this stuff delivered to your address. If you said to Mr Nkosi, I do not want anything from a service provider.

**LT-GEN SIBIYA:** Commissioner, I think at some point,

one, because there are technical aspects to this whole thing, such as, for an example, yes, I said, I mentioned the words that I was not going to accept anything from a service provider. And I do not express, remember expressly saying, no, as you said, it is from Cat. I do not remember saying expressly to Nkosi that I do not want to accept it because it is from Cat.

I have never said that. I said I was not going to. And then as a result, at the same time, I knew about  
10 crossing the lines, and then I knew the danger zone now, and then I knew that I had to now step back. And then how I stepped back, I did not just say, why did you contact Cat? Why did you do this? No, I just kept quiet, said it is not what I need, and I left it there. And then they were never delivered.

**CHAIRPERSON:** Please switch on the second mic, General.

**LT-GEN SIBIYA:** Oh, my apologies.

**CHAIRPERSON:** No problem.

20 **LT-GEN SIBIYA:** The heat is on here.

**ADV HASSIM SC:** Thank you, General. I would like to say to you, before I even go further, and I am going further on this very point, but for now I want to say to you that is not a plausible answer. Because when you had the conversation with Sergeant Nkosi, that was the time for you to say, what

do you mean, from Cat? And you are confirming to the Commission now that you did not ask him about Mr Matlala when you spoke to him. You never raised the question with him about why Mr Matlala is involved. You just said that you did not do that. You just, in your mind, you thought, I must step back.

**LT-GEN SIBIYA:** It is very easy at this point in time to ask this type of a question and say, yes, it is not plausible and why did not you ask that. There is no time. There was no  
10 time for that. If I am in a meeting and I said, I heard this message talking about bucks and impalas. I do not need this. And I do not need many because I cannot even afford them. So please, let it not happen. And as a result, they were never delivered.

**ADV HASSIM SC:** I am going to get to that point, that they were never delivered but I just want to say that you had time to make a phone call to him at 08:39 am.

**LT-GEN SIBIYA:** No.

**ADV HASSIM SC:** Well, you did.

20 **LT-GEN SIBIYA:** Well, yes, when I say no, I say because I called him in intervals. You see, the problem is that with the South African Police Services, it is a kind of a situation where I am not all the time sitting in the office alone doing your admin work. You are always somewhere in a meeting, executive meeting. We are all over at this level with the

Ministers everywhere.

So, you will make a call when you get a chance. So, to me, it was not even a priority. It was just a by-the-way issue because it was not a forecast that they are looking for me. I never expected on that day because that he will get that message that says this because the last time I spoke to him about what I need and he knows that I have been wanting this and then at that time he then contacted me it was off-guard because I did not expect that  
10 morning that I will get such a call.

But what I might have said or not said to him at this present moment is probably too late for me to think now that I should not have said or could have said. All I can say is that I did not say that maybe, but I did indicate that I do not need impalas. And quite frankly speaking Chair the police have been to my house every now and then, including top management, including General Masemola himself and many others I mean top management they have never seen even one impala. So, I am just saying it never happened.

20 **ADV HASSIM SC:** Okay, can we go to file 10C and that is ...[intervenes]

**CHAIRPERSON:** I do not know, maybe you are going to touch on this if you are, please stop me.

**ADV HASSIM SC:** I am not done with this.

**CHAIRPERSON:** Oh, alright. File?

**ADV HASSIM SC:** 10C and it is the - it is CJC81 it is the statement by General Senthumule and you have already read the statement and seen the annexures and so I would like to take you to Annexure HKS12.

**ADV BALOYI SC:** Ms Hassim I do not know, you may want to give a warning for those that are sensitive about images that you are projecting if you are intending to project what I think you want to.

**ADV HASSIM SC:** I will do so. Thank you, Commissioner  
10 Baloyi. The - I just want to first say to you HKS12 are you there? Are you there?

**LT-GEN SIBIYA:** HK?

**ADV HASSIM SC:** HKS12 Annexure HKS12.

**LT-GEN SIBIYA:** I am at it.

**ADV HASSIM SC:** It is at page 60 of the statement.

**LT-GEN SIBIYA:** Annexure HKS12 I am on it, this one.

**ADV HASSIM SC:** Correct. Okay, so, before I ask Ms Pooe to project this Chair for the purposes of the viewing public, I just want to caution that if anyone is sensitive  
20 about seeing images of animals in distress, then they may wish to look away. So, Annexure HKS12. You will see that this is an exchange between you and General Senthumule that starts on 27 March 2024. If you look at that image, the first image, right at the top of the image, it has the date in white lettering. Do you see it?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** So that is 27 March 2024. Okay, there is a message to you. No, no, from you. And then there is a message from General Senthumule to you. She has you saved in her phone as My GSS. Okay, if you scroll down the page, you will see, scroll down to the next page. This is just showing you the string of messages. She sends you a message saying:

“Hallelujah. This is so heaven.”

10 And then you forward her to images. And can you tell us what those are images of?

**LT-GEN SIBIYA:** These are animals that I had in the plot. And as you see them, this is what I had in the plot. And this is what died. And this is what I accepted that I had already in the plot.

**ADV HASSIM SC:** No, these are two different. There is a two impala. There is not one. It is not one, right? It is not the same impala, right? Can you confirm that?

**LT-GEN SIBIYA:** Confirm what, two?

20 **ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** I do not think the second one you can see what it is, but okay, these are two impalas, yes.

**ADV HASSIM SC:** Yes, and then they - you remember, you said you only had one blesbok.

**LT-GEN SIBIYA:** No, no. No, no, remember, I said I had

them. And when I bought the property, they had different animals. And then at some point, I wanted to breed. It is in my statement. I just did not go through my statement. But I wanted to see if I can breed them, because not far from where I live, there is somewhere where they are selling animals, meat, different kinds. But I wanted that part as well to see if I could go in there. Then we bought something like four, six of them, of this type as well. But they did not - they were dying gradually.

10 **ADV HASSIM SC**: Yes.

**LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: But that was much earlier. By the time you were having the conversation with Sergeant Nkosi, you said that what you were looking for was a one animal, right? And not impala. That is what you have told us.

**LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: And that you did not accept delivery of any further animals.

**LT-GEN SIBIYA**: Yes.

20 **ADV HASSIM SC**: At all.

**LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: And that conversation you were having, you say, with Sergeant Nkosi around 21 March 2024. Okay, the date for delivery of the animals was 25 March, according to the screenshot that we were looking at page

125, where the farm manager said:

“He will catch the impalas on Sunday and transport it on Monday to that location.”

**LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: So, I can tell you that Monday was 25 March 2024. This - these pictures that you are forwarding to General Senthumule is 27 March 2024. Okay, in which you are showing her two separate, two different impala which have died. Okay.

10 **LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: So that is not consistent with what you said, which is that you only had one animal and that that animal was a blesbok.

**LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: And you did not accept delivery of any further impala.

**LT-GEN SIBIYA**: Yes, that is exactly what happened. Remember, in my statement, I did indicate that I had these animals, and I mentioned different type of animals.

20 **ADV HASSIM SC**: No, in your statement, you can go back there if you want to take us to your statement and tell us exactly where I am happy to do that.

**ADV KHUMALO SC**: Paragraph 41 of your supplementary statement.

**LT-GEN SIBIYA**: For the record, Commissioner, Chair, for

the record, may I be allowed to read my statement, all of it. I mean, this was in relation to the so-called impala controversy to the latter. So that when I respond, because I keep on responding out of the statement, then I come across a question. So let me rather do it that way so that I can explain. But I hear the question.

**CHAIRPERSON:** Please do so, General.

**LT-GEN SIBIYA:**

10                   “By way of introduction to this section, I  
deem it necessary to address the  
allegations that impalas were acquired  
for me by Mr Matlala. These allegations  
are incorrect. I accordingly set out the  
factual background to place the true  
position before the Commission. In  
2017, during the period when I was  
employed by the COG, I bought a small  
holding situated at Nandi Agricultural  
Holding from my previous neighbour.  
20                   The purchase included the existing  
livestock and the property which  
comprised *inter alia*, antelopes, blesbok,  
and Emus. Emus are like ostrich. I am  
still presently residing at this property.  
Upon taking occupation of the property,

my family and I commenced developing it and embarked on small-scale farming activities, including the sale of goats, sheep's, chickens. To date I still continue to sell eggs. And then I do have a garden as well.”

If you were to visit, you would see the garden where we plant some of these things:

10 “Over time, however, a significant number of animals died. The last of the antelope passed away in about November 2023. As matters presently stand, I only have one blesbok. I must say that the upkeep of the antelope proved to be financially burdensome as they acquired substantial amount of expenditure to feed. Veterinary care maintenance following the reinstatement at SAPS in July 2022. I was no longer in financial  
20 position to sustain this cost in addition due to security concerns at this property. I cease commencing farming operations in state...”

**CHAIRPERSON:** Commercial.

**LT-GEN SIBIYA:**

“Commercial farming operations vested in the construction of a perimeter wall to enhance security. Given the lack of financial viability and the escalating cost, I made the decision to scale down by farming activities. I accordingly discontinued investment in antelope and reduced the number of goats and sheep’s remaining primarily chickens as well as the remaining emo and antelope at the time. Over time, the remaining antelope also died save for one blesbok which is on the plot now.”

But the other one is the one that I drowned about at the same time that I am talking about:

“So, at this stage, the remaining blesbok began to display unusual behaviour and I was advised that the animal was likely stressed and acquired a mate. I requested Sergeant Fannie Nkosi who is acquainted with the property and its livestock to assist me in sourcing a suitable female blesbok or male. As he had indicated that he knew several individuals who farmed with bucks.

Subsequently, he contacted me and informed me that he had managed to source an antelope for me. He requested that I send a location to the gentleman that was going to deliver the animals so that delivery arrangement could be made at the time. I was engaged in meetings and without paying close attention to the precise wording of this message, I sent him a pinned location to the property. Upon later reviewing the message, I noted that he had referred to an impala, to impalas. I immediately contacted him to clarify that there is a distinction between a blesbok and impala and that I specifically required a blesbok and not impala. Now, the purpose of acquiring the animals was to obtain a mate for the remaining blesbok. I made it clear that I would also make payment upon delivery of the animal and after personally inspecting it to ensure that it was indeed a blesbok and suitable condition. I expressly requested that Sergeant Nkosi ensure that the correct animal's name,

blesbok, be delivered. He later indicated that he had been under the impression that I was seeking an impala. As a result of this misunderstanding, no animal was delivered to my property. I categorically denied that I acquired and received any impala from Matlala or from any other person for that matter. No animal was delivered to my plot pursuant to this discussion. In fact, the remaining blesbok on my property has already died. In any event, I am no longer in a financial position to maintain any animals, let alone required livestock.”

So now, there are some mistakes that I see because when I say, in fact, the remaining blesbok on my property has already died because I still have one and at that time, they died slowly, gradually. At that time, two had died and that is why that is what was a shocker. At that time, the two just died again because, as you can see, it is a forwarded message.

When the gardener said, let us say a goat died or a sheep died and take a picture and said, that is what happened. So that is what happened there. Those were the remaining ones. It is just that you type, I write to

maybe my team also what is the right word as they write when they draft and then this, unfortunately, a mistake or I do not know if it is a typo, but I still have one that is there now.

I do not dispute that I communicated with General Senthumule regarding the antelope that died. I do not dispute that part. It is also not with General Senthumule because only now in that supplemental statement raised the issue, okay, raised the issue relating to a less observation  
10 of Mr Matlala at my residence as well as the matter pertaining to the impala. These are not peripheral issues. I do not want to get too deep into this. I wanted to just explain the issue of the impala. I do not know if it is, or I must read it as a whole, up to where it ends.

**CHAIRPERSON:** Only what relates to the impalas.

**LT-GEN SIBIYA:** Yes.

**CHAIRPERSON:** Is there still more?

**LT-GEN SIBIYA:** No, I think I can settle with whatever I have read here.

20 **CHAIRPERSON:** Thank you. Thank you, General.

**ADV HASSIM SC:** So, you will end at paragraph 46?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay, so, General, what your statement, what you have read to us from your statement, I would like to take you to paragraph 36. You say:

“Over time, however, a significant number of animals died. The last of the antelope passed away in or about November 2023. As matters presently stand, only one blesbok remains on the property.”

Okay.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay, so that is consistent with what I  
10 was putting to you, is what you had said was that you only  
had one animal left, the blesbok. Right?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** All of the others had died by November  
2023.

**LT-GEN SIBIYA:** Can I say something? Can I say  
something, Chair? If the Commissioners remember, I did  
say that the guy that used to work for me, the Zimbabwean  
that worked for me at some point I asked him to get me  
four. And then we bought something like four or six. He  
20 bought them. They were in my yard, but they gradually  
died. And I said, the last one that died is around this two  
that you see. That is the one that I sent. Now, the only  
problem is that I do know that ...[intervenes]

**ADV HASSIM SC:** That is not in your statement.

**LT-GEN SIBIYA:** Yes, I will take that as well, because as I

was talking to my counsel, junior counsel, and said, could you read the doctor's handwriting? He said, oh, General, I struggled to read your handwriting, all of it. So the draft, I see it this morning now, but I understand and I do not want to really put the blame on her, but as I was talking earlier, I did mention that I used to have a guy who was taking my kids to school and asked him to at least buy me six so that I can have a little bit of wild.

**ADV HASSIM SC:** And when did he do that?

10 **LT-GEN SIBIYA:** The timelines will be something that will hit me, but it is some months before or weeks before that date that we see there. And then they died gradually. That is when I could conclude that they cannot live. They cannot survive.

**CHAIRPERSON:** Weeks before November 2023 that you referred to in ...[intervenes]

**LT-GEN SIBIYA:** No, no, no.

**CHAIRPERSON:** Weeks before what?

20 **LT-GEN SIBIYA:** I am not in November 2023. I say after that period. I see that my legal counsel did say the last one passed away in November 2023.

**ADV HASSIM SC:** Sorry, General. It is not your counsel who said that. It is you. You said you read the statement, and you confirmed the correctness thereof. Nowhere in this statement does it talk about four other impala that were

bought or at what time they were bought, when they were bought and by whom?

**LT-GEN SIBIYA:** I will read from my notes that I sent because this is what I said that I ended up also buying something like four of them over and above.

**ADV HASSIM SC:** So, it is just a coincidence that if we go back to HKS12.

**LT-GEN SIBIYA:** Is it a question?

**ADV HASSIM SC:** Just to go back to the Annexure HKS12.

10 So, you forward the two images. In fact, let us just scroll through for the sake of completeness for the rest of that message. You send it to General Senthumule. You say:

“Two died.”

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** She says:

“Where is this, Gen?”

You say:

“My place.”

She says:

20 “Haibo, Gen are they yours? If yes, what killed them? The manner of death seems odd. It is like their necks were broken.”

And then you respond:

“One was trying to run away and ran into the dam and other was found dead this

morning.”

And then she says:

“Sorry, Gen. I just hope the kids are not  
traumatised.”

That is the end of that message. Now, you are saying that these two that died now in March 2024, it is just coincidence that it happens to be when impala was meant to be delivered to your place. I think it is a coincidence.

**LT-GEN SIBIYA:** Well, if it is a coincidence, unfortunately,  
10 there is not much I can say.

**ADV HASSIM SC:** Is that what you are saying?

**LT-GEN SIBIYA:** It is what I am presenting.

**ADV HASSIM SC:** There is another reason, I want to take you somewhere else, but I am still staying on the impalas, because it is not just General Senthumule’s evidence. There is also a recording, and it is not just what we have from Sergeant Nkosi.

**CHAIRPERSON:** May I just quickly, quickly raise an issue around paragraph 36 with the General, yes. General, as  
20 you went along, you would correct anything that you felt did not correctly capture the true facts according to you. When you read paragraph 36 in your supplementary statement, you corrected nothing. It is only when you are being questioned by Ms Hassim that you now suddenly say that there is something wrong with paragraph 36. Can you

explain that?

**LT-GEN SIBIYA**: Chair, I found myself in between the hard surface and the hard rock in this sense. The statement is drafted by my legal team, of course, and then I have to read and correct what I have to correct. So, it was crafted until late last night. I only saw it this morning, of which I could have maybe corrected one or two things. So, at this present moment, I could not correct anything, because we all are right here almost when we call this now two minutes.

10 So, I have not corrected anything.

**CHAIRPERSON**: I am not talking about corrections that you would have made during the drafting process between you and your legal representatives. I am talking about corrections that you would make here before us. A good few times you have said, what is said there is inaccurate and here is the true position. My point is, here at this Commission, you read paragraph 36 of your supplementary statement, and you went past it, no correction, no nothing, and you continue to paragraph 37. So, I am making a

20 simple point. I am saying, if you are in the habit of making corrections here at this Commission, why is it that you did not correct the content of paragraph 36 and only sought to do so when Ms Hassim was questioning you on the content of paragraph 36?

**LT-GEN SIBIYA**: Chair, it is simply because of the fact

that at some point orally, I did mention that I had this guy who was working for me, he was also a driver, and he did ...[intervenes]

**CHAIRPERSON**: That is not in paragraph 36, is it? I am talking about paragraph 36, General. Why did you not correct paragraph 36? I am not asking you about what you might have said in a different context. You read, you asked the Commissioners to read from your statement, and I allowed you to do so. You read and went past 36 without  
10 any correction, so my question is about paragraph 36 and not about what you might have said in another context. So simple question, why did you not correct paragraph 36 as you read it?

**LT-GEN SIBIYA**: Chair, ...[intervenes]

**CHAIRPERSON**: And why did you only do so when Ms Hassim was taking you to task about the content of paragraph 36?

**LT-GEN SIBIYA**: Chair, I never thought at the present moment that I should, because I was reading and reading,  
20 but where I got stuck, where my attention was thrown is when they said the last one died and I know that I still have it. So, to me, that one stood up, and then I stood up and I stopped, and I said, this is what I see. But that I had bought some. Even whether we are talking animals or goats or sheep's, they keep on dying, we keep on replacing. So, I

did buy.

**CHAIRPERSON:** Yes, Ms Hassim.

**ADV HASSIM SC:** Thank you. This is another inconsistency, though, with that, General, because you also went to some length to explain how your salary has dropped and that you are no longer in the business of animals and the feeding is costly and the space and all of that. Now you are saying that just coincidentally, just before March 2024, you acquired four more. Do you see the inconsistency?

10 **LT-GEN SIBIYA:** Yes, I do not see it is an inconsistency. I am saying I hear what you are saying, but I want to explain that. Look, to say that it was very expensive to buy four more to be with this one that I was buying, to me it was not really such a big thing because it was not a big number that I needed.

**ADV HASSIM SC:** I am going to leave that at that point.

**ADV KHUMALO SC:** General, the other concern is that when the photos were first flighted, you said those are not impala. Those are blesbok or whatever. Now you are  
20 turning around, and you say, actually, on the day, you still had at least two impalas. Which is which?

**LT-GEN SIBIYA:** I really never said those are not impalas, Commissioner Khumalo. Please, you can check what I said. I have never said that.

**ADV KHUMALO SC:** You never said that?

**LT-GEN SIBIYA:** No.

**ADV KHUMALO SC:** So, these are impalas?

**LT-GEN SIBIYA:** I think they are impalas.

**ADV KHUMALO SC:** No, they are or they are not?

**LT-GEN SIBIYA:** They are.

**ADV KHUMALO SC:** Yes.

**ADV BALOYI SC:** General, can I? Yes, I have a different difficulty. It is that in your statement, you do not mention, and it seems to be a deliberate choice on your part, you do  
10 not mention at all ever having impalas on your farm on this statement, the supplementary statement. You say antelopes. I am looking at paragraph 34. You say antelopes, blesbok, and emus. That is what you have. That is what you tell us. And then you say:

“Over time, however, in paragraph 36, you then say a significant number died. The last of the antelope passed away on or about November 23. As matters presently stand, only one blesbok  
20 remains on the property.”

And then you carry on. You tell us about the lack of financial viability:

“I accordingly discontinued investment in antelope and reduced the number of goats and sheep retaining primarily

chickens, remaining emu and antelope at the time.”

So, antelope again:

“Over time, the remaining antelope also died, save for one blesbok, which is still on the plot.”

And then you spoke to Sergeant Nkosi to assist me in sourcing a suitable female blesbok. Now, and then the next paragraph 40, and I will not read it. That is where you talk  
10 about the pin location to your property. Upon later viewing the message, I noted that he had referred to an impala. This is a paragraph 41:

“I immediately contacted him to clarify that there is a distinction between a blesbok and impala, and that I specifically required a blesbok, not an impala.”

Now, the point, and again, in 43:

20 “I expressly requested Nkosi to ensure that the correct animal, namely blesbok, be delivered. And he later indicated that he had been under the impression that I was seeking an impala. As a result of the misunderstanding, no animal was delivered to my property.”

The important part starts at paragraph 34, where you describe what was on your property. You say antelope, blesbok, and emus. You then go on to say that antelopes died, the emus died, the blesbok died, and I was left with only one. The last of which died, and then the last died, antelope. Antelope died in November 2023. Nowhere do you mention having impalas on your property, from the get-go, from when you bought the property.

You do not mention I had impalas. You tell us  
10 antelopes, unless you are referring to impalas when you say antelopes, but you say antelopes, blesbok, and emus. So, you do not mention impalas anywhere in your statement. The first time you say there were impalas on your farm is now in your oral evidence. You say to us that you earlier said your gardener had obtained for you impalas, but that is the first time, and it is quite curious and notable that your statement does not own up to having impalas on your property, and it comes out now in examination.

And it comes up in examination after you have seen  
20 the pictures, and you have seen the WhatsApp message that says one of them died today, on the 27<sup>th</sup> of March. And it leads to the unavoidable conclusion that you always had impalas supplied when you bought, and that is what you referred to when you say antelopes. Maybe you always had them.

But then you tell us that the last died in November 2023. That is if I substitute antelopes for impalas. Then the last one would have died in November 2023, and you did not have any after that. Then there is that Rudy, Mr Matlala, Sergeant Nkosi communication, and now we know that on the 27<sup>th</sup> of March 2024, you did have impalas on your farm. Can you just make it make sense, reconcile what I have put to you, your failure to mention impalas ever in your statements, telling us about antelopes, blesbok and  
10 emus only, and what you are telling us now about owning and impalas?

**LT-GEN SIBIYA:** I think, Chair, I will respond to this question. But I wanted to ask Commissioner Baloyi. When she asks a question and she lumps several paragraphs, I understand I am not – in the seat where I am sitting and I think of the response and then you go in long paragraphs, you tend to forget some of the details that you want to include. But in short ...[intervenes]

**ADV BALOYI SC:** Can I just say that if in answering my  
20 question, you require a moment to go back to those paragraphs that I have referred to, because they speak to the same thing. I do not see why you would have difficulty seeing that they are connected to each other. But if you do, I think you would be given the Chair would allow you time. If you say, I need to look at each paragraph that

Commissioner Baloyi has referred to before I answer, you absolutely have that opportunity.

**LT-GEN SIBIYA:** No, I will respond. What I want to respond to, Chair, is that from where I am sitting, I do not know if I am allowed to say it as a blank person, I have called all of you at home and everybody who comes, you call it a springbok. And it is not a springbok. Even sometimes where they are locked up and then it is out, then they will say the springbok is out.

10           Then we run around looking for it. But all I am saying is that the issues of the antelope, this, that, that, started now coming now when we really had to respond here and say, is this this or is this that? Is this this, is this that? But after what I can see, Commissioner, where there are shortcomings in my statement, it might have been an oversight or a shortcoming, but I do not choose to respond like that because of the question.

20           Some of the greater details, these are the things that you never thought one day they will come up. And in such a way that you needed to keep proper record of what happened and when and what I am considered and the fact that from where I am sitting, I am waking from my memory. I do not even have anything. My gadget, I could not go anything.

So, I am just saying, Commissioner, having to deal

and be overburdened with ad hoc, Madlanga, criminal, discipline, and where I am sitting now today, where I am sitting as we speak, I was expected, I am expected to submit my closing, close-up arguments for my discipline today. My lawyers have been sitting with me. We have been working. We have been here throughout the week.

At the same time, the police are not a process surrounding that is actually looking forward to firing me that side. And I am sitting here. So, I am just saying, a lot has  
10 been happening in my life in such a way that I am moving from this office to that office, from this office to that office, from this lawyer to that office. So, there is a whole lot of things in my mind.

So why does oversight, where there is something that I missed, forgive me, but there is a bottom line that I just want to say to them, to the Chair and to the Commissioners, I never received any impalas or any bucks from Mr Matlala or have them delivered to my place. So as to why this message and why this coincidence, I will accept  
20 it as a coincidence. Thank you very much.

**ADV BALOYI SC:** All right, General, I hear the difficulties that you have because of the many processes, but I still do require an answer to my question. So, I am going to pose it differently. We have seen the pics. So, we have seen the images of those. And I must say first that I agree with you

that for us black people, as you say, there is a springbok, maybe somebody refers to it as an impala.

I know that my kids refer to it as a McDonald because of how much of it there is in the Kruger Park. But on a serious note, what I want to understand is where you refer to antelopes in your statement. Are you referring to a springbok or an impala? What is an antelope? And keep in mind those images that you admit you had on your farm, is that what you are referring to when you say antelopes,  
10 those images, those animals that we see?

**LT-GEN SIBIYA:** I think I used the word waterbuck. And then we had to look for the right word antelope.

**ADV BALOYI SC:** Yes, okay, ...[intervenens]

**LT-GEN SIBIYA:** And then all those words. So, this one is the one that I know that they were bought because at some point where we - I had a lady that normally when I want to buy ducks, chickens, a gleam, whatever to buy, she would tell me where to find. Now that lady, because I lost contact in all the phones and everything, she is the one actually  
20 who advise where we can get that. And then it happened that I see that they also sell in 1, 2, 3, 4.

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** That is when I sell the driver there at some point.

**ADV BALOYI SC:** General, my question though. In 34,

you say we have antelopes, blesboks and emus. You have explained to us what an emu is. You have described blesboks. You said the ones with horns. Now I am asking again, when you say antelopes, are you referring to the animals, the kind of animal that we saw in the picture?

**LT-GEN SIBIYA**: If you had to ask me, what is an antelope and what is a blesbok? What is an antelope, what is a blesbok?

**ADV BALOYI SC**: An emu.

10 **LT-GEN SIBIYA**: I cannot say this one is a blesbok.

This one is this.

**ADV BALOYI SC**: No, you can, General. You have described to us what an emu is. You said the one that looks like an ostrich. So let us strike that off. We know that when you say antelope, you are not referring to that one. You know that particular animal. So, you have told us that. Two, you have described to us what you say is a blesbok. You said the animal with horns.

20 Unless you tell us when you say blesbok, you mean the blesbok, you mean that what we saw in the picture. I do not think. I do not think you do. Then it leaves us with antelopes, what you have called an antelope. Now, what I am asking you is, when you say antelopes in paragraph 34, are you referring to an animal that looks like or that is the one we saw in those pictures, HKS12? Is that whatever

other name it has, do not fixate on its many other names or you actually do not quite know what its proper name is. My question is simple. When you say antelopes in your statement, are you referring to the animals that are in the picture that we saw?

**LT-GEN SIBIYA:** I could be referring to that, Chair, because blesbok is an Afrikaans name, I guess.

**ADV BALOYI SC:** I am going to take your answer to be yes. When I say antelopes, because of how you are  
10 answering, and I have repeated the question, and I must say, General, I think you understand the question, and I think you do have an answer, but I am going to take it that your answer means that when you say antelopes, you refer to the kind of animal that is in those pictures. Now, on that basis, you then, in paragraph 36, if you would go to your statement, you then, in paragraph 36, you now say:

“The last of the antelope passed away in  
November 2023.”

Given this discussion that we have had where you are not  
20 giving a straight answer about what is an antelope, and I have told you that I am accepting your answer to be an antelope is what is in the picture. You say:

“They died, the last died in November  
2023.”

So, you no longer have antelopes from November 2023 or

beyond November 2023. That is what you tell us. And then you say:

“I then started looking for a blesbok.”

You do know the difference. You know that a blesbok is on your own statement. You distinguish an antelope from a blesbok. You now no longer have antelopes. Mr Matlala offers to get blesboks for you. Mr Van Der Merwe says they will be delivered. Mr Matlala says to Mr Van Der Merwe, check your account, which means payment has gone  
10 through there to be delivered.

**LT-GEN SIBIYA**: Sorry, Chair.

**ADV BALOYI SC**: Yes.

**LT-GEN SIBIYA**: I hear the Commissioner saying Mr Matlala then offers.

**ADV BALOYI SC**: Yes.

**LT-GEN SIBIYA**: I do not remember seeing Mr Matlala offered to ...[incomplete].

**ADV BALOYI SC**: Mr Matlala tells Sergeant Nkosi - sends Sergeant Nkosi a voice note about delivery of impalas. You  
20 remember that WhatsApp exchange?

**LT-GEN SIBIYA**: Okay.

**ADV BALOYI SC**: And then we had another WhatsApp exchange that was put on the screen where the farm manager says they will be delivered. Right, you remember that WhatsApp exchange. Thank you. So, I do not want us

to lose track of the facts that are emerging from your statement and from your evidence. It is that your last antelope died in November 2023.

Your exchange with General Senthumule on the 27<sup>th</sup> of March 2024, that was HKS12, shows antelopes, what you call antelopes, which everyone else says is impalas, having died that morning. And in between there is no explanation when you got them again. You deny you got them from Mr Matlala. So, the picture that emerges is you  
10 are not being truthful when you say the last died in November 2023 and I never heard them after that, in your statement at least. You are not being truthful. You actually procured them after this and the last one died the morning of the 27<sup>th</sup> of March, according to your WhatsApp message. Now you can comment.

**LT-GEN SIBIYA:** Like I am saying, Chair, it is very unfortunate for me that my recollection or memory in terms of now the timelines binds me and I get caught up between the timelines and the drafting and having to work out of my  
20 memory and then I put timelines very wrong or maybe in a mixed up situation in such a way that at some point now you begin to appear like you are not being truthful.

The disadvantage that I just have is that I am not like any other person who is operating under normal circumstances, who is in office with all the proper record,

with his gadget and everything. So now here am I being regarded as not being truthful when all my gadgets have been taken and every record that I do not even have any access to anything.

So, I am operating from where I am sitting. Now, where I made a mistake of a date and say all right, like I indicated that I did ask my driver from home to be the one to assist me and which we did. Now, that being the case and the drafting, remember sometimes when you draft this  
10 to and fro, to and fro, but I never had that luxury of toing and froing my document and say no, here I think we missed the following. So, if I am at fault for that, it is my apology, but it is not that I am being evasive or untruthful.

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

**ADV KHUMALO SC:** General, please read paragraph 44 of your statement, the first sentence, the supplementary statement. The heading is the so-called ‘Impala controversy’. So, you know you are dealing with Impala, and what you are being asked to address is the issue of  
20 Impala. Now read the first sentence of paragraph 44 of your statement.

**LT-GEN SIBIYA:** Paragraph 44:

“I categorically deny that I acquired or received any Impala from Mr Matlala, which is the fact.”

**ADV HASSIM SC:** No, finish the sentence, please.

**LT-GEN SIBIYA:** He said the first sentence. That is why I was reading the first sentence.

**ADV KHUMALO SC:** No, but then you must get to the full story, General. Why do you stop at the comma?

**LT-GEN SIBIYA:** Chair, I went to school until Grade 3. So, you said the first sentence, and I just went for the first sentence.

**ADV KHUMALO SC:** It ends at the full stop, not at the  
10 comma. That is my point.

**LT-GEN SIBIYA:** I know. I am one of those who went Grade3 at school.

**ADV KHUMALO SC:** Do not worry about that. Just please read it.

**LT-GEN SIBIYA:**

“I categorically deny that I acquired or received any Impala from Mr Matlala or from any other person for that matter.”

**ADV KHUMALO SC:** Now, General, you say you deny that  
20 you A, acquired, and then B, received. So, you are saying you did not acquire any Impala from Mr Matlala or any other person. So, you are even disqualifying your Zimbabwean friend who you say acquired an Impala for you. Because if you say you did not acquire an Impala from any person, then it means you did not acquire an Impala even from your

Zimbabwean friend.

**LT-GEN SIBIYA:** To me, Chair, this is where English comes in. Not hiding behind English. Just to say from my side, in my mindset, I did not acquire from Mr Matlala or any other person for that matter. Not discounting the fact that what I am saying from my own angle. I was just saying I did not acquire it from any other person given to me.

**ADV KHUMALO SC:** You are saying two things here, General. You are saying I did not acquire it from Matlala or  
10 any other person, and I did not receive it from Mr Matlala or any other person. Now, what was so difficult for you to say I said the period referred to the controversial period I already had four Impala in my property. I did not require any other Impala because I already had it. In your statement, you do not say anywhere that in March 2024, you had Impala in your property.

**LT-GEN SIBIYA:** Chair, I wish you were there - Commissioner Baloyi I wish you were there when we were drafting, and then I could have actually put it that way.

20 **ADV KHUMALO SC:** I have not acquired her surname.

**LT-GEN SIBIYA:** No, no. What I am saying is that the way you put it, you put it so nicely, and I wish that this is what I had. Now, unfortunately for me, the mindset sometimes as we draft, I have seen instances where you draft like this, and then another counsel come and say, but why do not you

put it this way? So, it is just to me a drafting approach from a particular drafter. So, I am just saying, I accept that maybe my wordings may be falling short somewhere, somehow, or indirectly implying something that I did not mean to imply.

**ADV KHUMALO SC:** Because, General, here is the problem. This section of your affidavit addresses the so-called Impala controversy, and you do it in four pages from page 1 2, 3. Three pages. It is four, actually. And  
10 nowhere in those four pages do you say, in March 2024, I owned Impala, and I had them in my property. And that is a problem, because you are only mentioning it now when you are showing the photos, and I specifically asked you a question, are those animals that we see there, are they Impalas, yes or no?

You said they are Impalas. But nowhere in your statement do you say, on the 27<sup>th</sup> of March, I owned Impalas, and I had them in my property. And you have had General Senthumule's affidavit and the photos since Friday.  
20 So, you have had the whole weekend to go through it. And at no stage in your affidavit do you say, the animals that are depicted in the annexures to General Senthumule's affidavit, I had them in my property in March 2024. Nowhere do you say that.

**LT-GEN SIBIYA:** You see, Chair, sometimes when you are

in a situation that I am facing where you have to draft something and you craft something, and this thing is to be subjected to intense probing or cross-examination, other things begin to pop out that ask certain questions and that require specific questions or answers, that at that time when you are crafting, you craft and you say, all right, let me keep it short, let me not go too deep in 1, 2, 3, 4.

Some of the questions you may have to respond to, you will speak to them if asked. But now when you are sitting here and they ask a question and say, yes, but why  
10 did you deliberately choose to ignore 1, 2, 3, 4, or specifically not mention 1, 2, 3, 4? And of course, sometimes it might be a question of, no, do not put too much detail, you will respond to it. Now, unfortunately, I am being asked now, but why did you deliberately choose to omit 1, 2, 3? It does happen, Commissioners, and not because I am being evasive.

**ADV HASSIM SC:** Sure, thanks, General. I think the concern is that what you omit is not something small. The  
20 kind of evidence that you are now answering in response to questions are not issues that are peripheral. This section is called Impala Controversy. You called it that in your statement. The reason it is a controversy is because it involves acquiring Impala from Mr Matlala. Is that not so? That is why it became controversial. I mean, if you had

Impalas as part of whatever it is, but not from people you should not be getting gifts from, then it would not be an issue, right? It is a controversy because of Mr Matlala. Is that not so?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** So there is another glaring omission from this section on the Impalas, and that is that you do not address – you have said to Commission now that you notice the Sergeant Nkosi says to you, from Cat, and you say that  
10 you took distance from it because - well, you said, as we said, two things. One is you said you do not want Impala. We have dealt with that now. The second was you took distance from that because you will not accept anything from a service provider, right? That is actually the heart of what this section is about. But you do not deal with it at all in your statement. Why did you not deal with it in the statement and only when it was put to you in questions?

**LT-GEN SIBIYA:** Yes, in a situation like this, it is easy to ask such a question from where I am sitting because I am  
20 the one who is expected to explain. But if I am allowed to give a different but similar and relevant example, I do not know if the Chair is going to stop me from ...[intervenes]

**ADV HASSIM SC:** I do not know what the Chair will say.

**LT-GEN SIBIYA:** No, I understand, but I want to give a similar ...[intervenes]

**ADV HASSIM SC:** Similar to what?

**LT-GEN SIBIYA:** Example. And I wish up until I am not going to say a long statement. I am going to put one statement. If I am allowed, Chair.

**CHAIRPERSON:** You see, the difficulty is I have no idea what you are going to talk about and to what extent, if at all, it relates to the question being asked.

**LT-GEN SIBIYA:** I want to give a practical example of that it is possible. And not that you are hiding something, but it  
10 is doable.

**CHAIRPERSON:** All right, let us hear it.

**LT-GEN SIBIYA:** When General Mkhwanazi testified here, he never mentioned that he ever met Cat Matlala in any way. When General Senona testified here, he says, I took him, I went with him there. Then General Mkhwanazi sent a message to Senona and said, you see now your client is now exposing our meeting and he never said this and this and that. What I am just trying to say, that omission, at that point in time, maybe it was not necessary for him to  
20 say it, but I was just giving a similar type of approach and say, look, it does happen that it is not like my omission was deliberate. Sometimes, just never at that point in time.

**ADV BALOYI SC:** No, General, no. The difference is you say in your statement, at paragraph 38 you say:

“Over time the remaining antelope also

died, save for one blesbok which is still  
on the plot.”

That is what you say in your statement. So, at that point, you did have the opportunity. Because remember the preceding paragraphs, you are talking about escalating costs, you no longer have money, and so you cease dealing in antelopes and emus and blesbok. That is the background to it. And then you say at 34:

10 “Over time the remaining died, save for  
one blesbok, and then at a certain stage,  
it began to display unusual behaviour.”

And then that is when now you introduce Sergeant Nkosi account for the exchanges with Sergeant Nkosi. What is being put to you is that the way you describe what happens to your animals over time, it is curious at best that you do not mention that when you were left with, as they were dying, you got your friend or your driver to get other animals, which you still had by the time you were communicating with Sergeant Nkosi about getting your  
20 animals. You do not mention that. In fact, you create the impression, and I think that is a correct impression, that they had all died, and you were left with only one, and in March 2024 you were being offered, we call them antelopes because that is the language you are using, you were being offered impalas at that time.

**LT-GEN SIBIYA:** Chair, I may have to revert to my notes as I drafted, as I was writing and sending to my counsel, and then she was drafting. So, I just wanted to ascertain whether, did not I really also indicate that I acquired some in between? Because, like I said, Chair, it was completed late last night to an extent that the other concern was you go to sleep early because you have got a long day tomorrow, and the council also, when I called, she was already sleeping because she had been working hard on  
10 this document and we met in the morning. Some of the greater or finer details could have been really fixed, and I know it is not the problem of the evidence leader, nor the Commission, but I take the blame, evidence leader.

**ADV HASSIM SC:** General, thanks. I just want to say that what I was putting to you was not just the issue of the impalas and the missing information. It was also about not dealing with Mr Matlala because why this is a controversy in the first place. So, it is not the finer details that are missing. What you put on record more than once, including  
20 in your statement of 16 January, was that you categorically, and you are not tentative about your evidence, you say you categorically deny that you received anything from Mr Matlala.

So, you say that in relation to the impalas, you say that, no, it did not involve Mr Matlala. Then we take you to

the messages, and the messages show that, in fact, the arrangement was through Mr Matlala because it says, from Cat. So, then you say, well, yes, you realise that, and so your way of dealing with it was to say you are not going to accept delivery from a service provider.

But then when you are taken to the evidence which shows that there was delivery and that there are impalas on your property, coincidentally, after the date of delivery, as we see from the chats, then you say that the Zimbabwean  
10 gardener went and procured it for you. So that is what I am putting to you about the inconsistencies and that the omissions that you are now filling in as we go along are not just the finer details. It actually goes to the heart of this issue of the impala controversy. So, do you understand where I am coming from? These are very important facts that were omitted.

**LT-GEN SIBIYA:** You went too long. Can you give me half of what you said so that I respond and go to the next one?

**ADV HASSIM SC:** No, no, it is the whole picture. I cannot  
20 give you half, because that is why I laid it out from the beginning to say this is what you said, and then you changed. This is what you said, and then you changed. So, each time when you say, well, no, you did not put it in your statement, it is an omission, it is a finer detail you could have.

I am saying to you those omissions, whether it is about the fact that you knew that Mr Matlala was involved in this, or whether it was about the delivery of the impalas, that they were on your property, that they died on the 27<sup>th</sup> of March. All of those things are important facts that you do not deal with, except when you questioned on them.

**LT-GEN SIBIYA:** One thing that I have categorically made clear is that I never asked Mr Nkosi to approach Mr Matlala. I did not know who and how was Mr Nkosi going to assist  
10 me in getting such. Secondly, I am categorically denying that I ever received any such delivery from Mr Matlala's side or from Nkosi's side, because I did not need them at that time. Now, I am saying also that I am not saying what I am saying because I am being asked a question.

I do not want to get or be pushed into a corner of saying, yes, you knew it would come from Matlala. I had nothing that I assisted Matlala with, nothing that I worked with him on, and he had no reason to give me anything because I have never assisted him. I do not think you  
20 would invest in a dead horse because having to do with the tender supply chain, and I am far from the supply chain, so I would not be of any value to him. With regard to whatever that was happening in his investigations, it was being handled in the province. So, I am just saying, to me, I had no real-time dealings with Matlala that could lead me to

interact in such a way that he can give me something. That is what I wanted to say.

**ADV KHUMALO SC:** General, let me correct one thing. Mr Matlala would not have asked for a meeting with you, and he would not have made an effort to meet with you in January 2024 if you had nothing useful to provide to him. The reason you said so yourself, he came to you, is because he sought your assistance or intervention. That is the real reason for the meeting in January 2024.

10           He sought your assistance or intervention, and a month and a half later, there is the issue of impalas. So, you are not correct when you say you had nothing to offer him because issues of tenders were supply chain issues. He came to you in relation to issues of tenders because he thought you could assist him. He was not wasting his time when he came to your office in January 2024.

**LT-GEN SIBIYA:** Can I comment, Commissioner? Now, yes, he came to me with the hope as advised by General Thema and Senthumule that go and see General Sibiya. He  
20 is the acting National Commissioner. Maybe he could assist. I saw it coming that why am I being approached when I am acting? I signed nothing. And what I did, I never assisted him in any way. All I could say was to say I heard you. I will take you to the National Commissioner.

**ADV KHUMALO SC:** That is the assistance.

**LT-GEN SIBIYA:** It is not. He did not get what he wanted. I went to the National Commissioner. I had this visit from this lawyer and Mr Matlala is complaining about 1, 2, 3, 4. Then the National Commissioner says, well, I understand that you say the men has got a lease agreement, but the public works is not going to dictate to us as to how to utilise our building on our premises. That is the feedback I had to give to Mr Matlala. That was my role.

**ADV HASSIM SC:** Thank you. One last thing then we need  
10 to go to before we leave impalas and that is a recording that was made by Witness C when he was questioning Mr Matlala. You have already listened to these recordings, have not you?

**LT-GEN SIBIYA:** I listened to it at that time, but yes, okay.

**ADV HASSIM SC:** Okay, can I play it again? Chair, we have a transcript, but I suggest we look at the transcript, and we hear the recording because the transcript in some places leaves an ellipsis which you can actually hear on the recording. So, I think if you have both, it will help. So, the  
20 transcript of this recording is in file 6 at page 632.

**LT-GEN SIBIYA:** Nothing to forget.

**ADV HASSIM SC:** It is audio recording E. Page 632.

**LT-GEN SIBIYA:** I am listening.

**ADV HASSIM SC:** Do you have it, page 632?

**LT-GEN SIBIYA:** 632.

**ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** So General Male Speaker 2 is Witness C. And then Mr Matlala is named. And this is the transcript, but we will play the recording as well. The transcript is two pages long. Can we play the recording?

[AUDIO CLIP PLAYED BACK]

General, I do not know if you were able to – if you have heard it before, then it would be easier to follow. If you  
10 have not heard it before, then the transcript is better for you to rely on. But the essence of it is what Mr Matlala is saying, is that he gave you impalas, and then he said they died, all of them, and he said there were about 20 of them, and he says yes, at the plot, they died, all of them. So, Mr Matlala here says that he gave you impalas, and that he gave you many impalas.

**LT-GEN SIBIYA:** I am very worried about the evidence leader, because she selectively chooses portions that she thinks could only address what she wants to achieve, but  
20 also deliberately choosing to ignore the fact that Mr Matlala raised, and he should say I have a problem with this recording. This is not my voice. It was AI-generated. That is the first point.

The second point is that when you go down, there are a lot of things that I am going to tell you that Witness C

said, this is where we went, we took money to, there is no know that place. This is what we did here, and I have proof of this, and that, all I am just saying is that I want to, if we were to play this thing, I am not worried about this recording at all, because it is such a lie.

In all the things Witness C mentioned, I do have plots, bonded, bought more than four years ago, all of them, and the plot that I bought is because I was in the city of Joburg, I was working there, I could afford one that was on  
10 auction, or one that was very cheap. So, all I am saying is that this thing, even the head of IDAC testified and said the phone was tampered with.

Secondly, when you look at the interview, whether the man was under pressure, was being assaulted, or they used certain relevant portions. So, to me, I reject this video with the contempt it deserves, up until I get proven wrong, or an expert is called that this voice was not manipulated, it is the man himself. But I do not want this thing to be used against me when I am going to prove to  
20 you in the following lot of them that, in fact, this is not true.

**ADV HASSIM SC:** So let me just say to you, General, first of all, this was introduced into evidence by the investigators who were present at the time that the recording was taken, took place, this has nothing to do with IDAC, IDAC has never raised any objection in relation to these recordings, I

can tell you that now. It was introduced into evidence, and it was the testimony of the witnesses who were present, they gave evidence here in this Commission. Mr Matlala may deny that that is a recording for whatever reason he wishes to, to say this is AI generated, but what I am putting to you here is what the evidence has been that has been placed before this Commission. You may respond to it.

**LT-GEN SIBIYA:** I want to respond.

**ADV HASSIM SC:** But when you respond to it, either you  
10 say you are not going to be responding to any of this because of your concerns, and I want to be clear exactly what you say, whether you are going to answer questions on it or you are not.

**LT-GEN SIBIYA:** I will answer questions, Chair, I will answer every question I want to, but what I want to raise as well is that the unfortunate part, I do not want to say in this Commission, but the unfortunate part is that if I am being accused of attempting to disband the Political Killing Task Team, and it is the same team that is investigating me, it is  
20 the same team that is investigating everyone again for attempting to disband us, it is the same team that is also investigating the recommendation that come from the Madlanga Commission as we are given.

The same team, whatever that we raise and say they took money, the same PKTT, they took money from

Fort Hare with evidence, and that is not coming anywhere. There is a lot of manipulation. This is not a clean investigation at all. Now when you question me about an investigation that was conducted by the suspects themselves, that took money from accused number 1 in Fort Hare University, with evidence, investigated by the DPCI. Now I must be questioned about some junior officials who are corrupt themselves, who booked someone from their cells and then started creating some material that must be  
10 produced here and be read here. I do not accept it.

**CHAIRPERSON:** General, when you say this is not a clean investigation, what exactly are you referring to? Are you saying we, as the Commission, are not conducting a clean investigation? What are you talking about?

**LT-GEN SIBIYA:** Chair, I am far from accusing the Chair of that part. I am talking about the investigation by that Witness C. Chair, I have high respect for this Commission. The affair is not referred to this enquiry.

**CHAIRPERSON:** I just wanted to make sure because the  
20 whole of South Africa is listening. There may be a lot of misunderstanding around your statement, but I am happy to clarify.

**LT-GEN SIBIYA:** I am far from this one, Chair. I am not accusing the Chair of anything or the Commissioners of anything. I am talking about the fact that the investigators,

if I am accused of attempting to disband the PKTT, and now they are already conflicted, they cannot be the one to start investigating me now. Now, I can point out a lot of issues where they are involved in the Commission of an offence with evidence.

Now, I am going to sit here and then producing false evidence against me. Now, why am I saying that? Why I am saying that, Chair. You have to give me a chance. They say Mr Matlala used to give General Sibiya  
10 money at his townhouse in Sandton. The townhouse that I sold before I came to the police. I sold it before I came to the police, and the person who bought it is a businessman who took the occupation immediately.

I never had access. They tell you about the money that was collected somewhere. There is no circle. I have got pictures in my phone, but even if we were to do *inspection in loco* there is no circle, number 2. Number 3, the properties that I have, the property that I have, I do have. And that one, it was an Air B&B. At that time, I was  
20 not even going there myself, because it was just an investment company.

Why, Chair, do you find me trying very hard to have property one or two or three there? I am almost 60 years old. I have wasted a lot of time. I still do not have a house because of the difficulties I have been put in. Do not be

misled by the wall they show. Get behind the wall and see what is there. There is no house. Now they show my wall, and the wall I built running because there were some intelligence movements who wanted to kill me, immediately after that investigation of Richard.

That is why I had to take the money I was given and to build a wall. But if you are to come inside, there is no house. There is a house, an old house that I found there in that plot. And since I came to the police, what I have, I  
10 had. I have not bought anything else other than what I came up with. Whatever car that I have, I came there driving it into the police. Now, all of a sudden, Witness C said we did this, we did this. No. So, I am just saying, please, this one of Witness C is a non-starter.

**ADV BALOYI SC:** General, you were being asked, do you We have a transcript in front of us. We have listened to a recording. What Ms Hassim was asking is, are you going to, given your position about this all being AI-generated and, and. Are you going to take any questions arising from  
20 the transcript? Or you refuse to take questions because Mr Matlala has said it is AI-generated and your distrust of everybody and their corruption that you have spoken to. It is really, yes, no, I will take questions and then we take it from there. Or you say I will not take questions, and we take it from there.

**LT-GEN SIBIYA**: From where I am sitting, because I have nothing to hide, I am prepared and I really want to take questions on these issues.

**CHAIRPERSON**: Yes, one issue of clarity. You said Mr Matlala has said that his voice was AI-generated. When and where did Mr Matlala say this?

**LT-GEN SIBIYA**: At the Ad Hoc.

**CHAIRPERSON**: Oh, thank you. I would say we should take the adjournment at this stage and return at 14:10 or my  
10 commissioners are suggesting quarter past. So let us come back at 14:15.

### **INQUIRY ADJOURNS**

### **INQUIRY RESUMES**

**CHAIRPERSON**: Yes, Ms Hassim?

**ADV HASSIM SC**: General, we were dealing with the recording of Mr Matlala. Other than what you said about questioning the recording, do you have any response to the content of what Mr Matlala was saying regarding delivery of the impalas?

20 **LT-GEN SIBIYA**: Chair, I managed to get hold of the letter, the email that was sent to me by the lawyer and the letter itself that was drafted by the lawyer, and the tender, not the tender document, the lease agreement document that was part of this discussion. Copies are being made, but I thought I should maybe perhaps, without any waste of

time, with your permission, Chair, if it is possible that I read it into the, unless the Chair directs otherwise.

**CHAIRPERSON**: We have been finished with copies, General, let me just look. Ms Hassim, you put a question to the General and the General raised the issue of the letter he had referred to previously. Your response?

**ADV HASSIM SC**: Chair, can we just admit the letter into the record as EXHIBIT CJC82? And then, I mean, I am not sure whether the witness is saying he wants to address the  
10 letter now or not.

**CHAIRPERSON**: That is my impression.

**ADV HASSIM SC**: Do you want to address the letter, or do you want to admit it in?

**LT-GEN SIBIYA**: For me, it is very much crucial to support the fact that it was on the 17<sup>th</sup> of January when I received the email ...[intervenes].

**ADV HASSIM SC**: Okay, hold on, hold on. I just wanted to get an answer to my question about what you wanted to do. It is clear what you wish to do. Could we admit it into the  
20 record as CJC82?

**CHAIRPERSON**: So admitted.

**ADV HASSIM SC**: Thank you. And now you can take us, you do not need to read it into the record because we have it, the Commissioners have it, but you can tell us what you want to say about it.

**LT-GEN SIBIYA:** I just wanted to say that this is a letter of demand and notice to vacate the property, and then also saying that they act on behalf of Mr Matlala, May 24, and that there are people who are actually occupying the premises which has been leased to them. So that is what they came to discuss. And I might have, or I made a mistake that I must admit, that I spoke about the tender document when in fact it is supposed to be the lease agreement.

10 **CHAIRPERSON:** Yes, yes.

**LT-GEN SIBIYA:** So I am just correcting that error, Chair.

**ADV HASSIM SC:** So but, General...

**CHAIRPERSON:** Yes, yes, yes, Ms Hassim?

**ADV HASSIM SC:** You know, you referred to the letter. There is a cover page, which is the email, and correct me if I am wrong, but it seems like the letter was attached to this email. Is that right?

**LT-GEN SIBIYA:** That is correct, Chair.

20 **ADV HASSIM SC:** And it is an email from Mr Matlala to you.

**LT-GEN SIBIYA:** it is email from Mr Matlala to Sithole, Maj-Gen Sithole, and then copied DNC Crime Detection myself, yes.

**ADV HASSIM SC:** And the date of that email?

**LT-GEN SIBIYA:** it is 22<sup>nd</sup> of February 2024.

**ADV HASSIM SC:** So you received this letter of demand on the 22<sup>nd</sup> of February 2024?

**LT-GEN SIBIYA:** This document, what is important about this document, it is the document when they were setting up an appointment to see me, and then to come to the office, I guess. Because when I look at the letter, the letter of demand is signed 19 January 2024. In other words, they attached this letter of 19 January as well.

**ADV HASSIM SC:** Yes, I am trying to understand. I can  
10 see that. The letter of demand is 19 January 2024. They sent this to you on the 22<sup>nd</sup> of February, but this was after your meeting. This was after the meeting you had with Mr Matlala.

**LT-GEN SIBIYA:** Look, Chair, based on the fact that I see paperwork now in front of me and the dates, I am subject to correcting the dates where I see the dates, because the bottom line to me is that it was this that the meeting was based on. Now, the email came first, and then the attachment here is 19 January, which means this document  
20 was there already when the lawyers came with Mr Matlala to the office, which means that my meeting could have been around February. Where I made mistakes in terms of the dates I will accept, but I do not have any paperwork now that I could really refer to.

**ADV HASSIM SC:** Ja. You know, when we began, when I

first started asking you about your first meeting with Mr Matlala, do you recall I pointed out to you that in your statement in the Ad Hoc Committee, you said that the meeting was in February? And I think you might have even said 22 February, but I stand to be corrected, but definitely in your statement before the Ad Hoc Committee you said you met him in February. And then in your statement to the Madlanga Commission you said you met him in January, and I said to you, why did you change the dates to January? So  
10 now you are saying you want to go back to February, is that what you are saying?

**LT-GEN SIBIYA**: Chair, all I can say, honestly speaking, where I got the date mixed up, here are documents of importance, here are documents with the dates, the two dates, whether it was February or January, to me it is neither here nor there, but I do accept my mistake where I found myself, let us say I said we met in January. Because in my mind, as I recall the document, I will recall this date of 19<sup>th</sup> of January, but this 19<sup>th</sup> of January you find that it is  
20 in fact the date that was just attached to an email. So I accept that whether there is a mix-up of dates, in my case, I am working from my memory.

**ADV HASSIM SC**: I must do this. Let me just finish this off by saying, in the Ad Hoc Committee, Mr Matlala testified that he met you in January 2024. So, I am asking you, is

that why you said January 2024 when you provided the statement to this Commission?

**LT-GEN SIBIYA**: Not necessarily, because remember I testified long before him and Matlala in the Ad Hoc Committee. And then also himself, he was not from his home when he went to testified that he has been too long in prison without paperwork or whatever. So whatever date mixed-ups there is, to me, there is not much I can say other than to say whether maybe I made a mistake, whether it  
10 was in January or February, but here is an email, here is a letter of demand, and there is a lease agreement that they want to make a copy, and this is the gist of the basis for the meeting. Now, whether it was in February or January, where I could have been wrong, I will not really argue much around that.

**ADV HASSIM SC**: Okay, that is fine. You said we are still going to be receiving another document?

**LT-GEN SIBIYA**: Yes.

**CHAIRPERSON**: I think, are you referring to the lease  
20 agreement itself, General?

**LT-GEN SIBIYA**: That is correct.

**CHAIRPERSON**: We have been given copies just now, Ms Hassim.

**ADV HASSIM SC**: My back was turned.

**CHAIRPERSON**: Yes.

**ADV HASSIM SC:** You have received it?

**CHAIRPERSON:** Yes.

**ADV HASSIM SC:** Then, Chair, I suppose we must also admit this into the record as EXHIBIT CJC83.

**CHAIRPERSON:** So admitted, thank you.

**ADV HASSIM SC:** Thank you. Okay, anything else on this letter, General, before you answer my question?

**LT-GEN SIBIYA:** Not at all.

**ADV HASSIM SC:** Okay, so the question was about what  
10 Mr Matlala said about delivering the impalas to you.

**LT-GEN SIBIYA:** All I know and all I can remember is that he denied it to himself. He said it never happened, and that is not his voice. And so I say I know for a fact that I never received such.

**ADV HASSIM SC:** Okay. So let me just take you to another part of the record, the chats. It will be in File 7, and it is page 89.

**LT-GEN SIBIYA:** Page 89.

**CHAIRPERSON:** Whilst you are looking, General, I know  
20 Mr Matlala is not here, has not been thus far, but I just want to engage you on your reliance on what you say was a denial by him regarding the impalas. You saw, you remember the screenshot that you were shown here today, or this morning?

**LT-GEN SIBIYA:** That is correct, Chair.

**CHAIRPERSON**: And you remember that part of that screenshot, Mr Matlala says to the person who I think, or rather whose voice I think we hear in that recording, he says to him, please check your account. Do you remember that?

**LT-GEN SIBIYA**: I do, I do, Chair.

**CHAIRPERSON**: That must have related to Mr Matlala paying. I mean, in context, that is what seems to make sense. Correct? Check your account.

10 **LT-GEN SIBIYA**: Yes, Chair, I agree, but it could have been for anything.

**CHAIRPERSON**: No, no, no, if you, let us go on with – of course now, but we can show that screenshot again. But in the meantime, let me work on the basis, I will be shown to be a liar. After Mr Matlala says check your account, then the person says:

“Thank you, sir, got it. Thank you very much.”

You see that?

20 **LT-GEN SIBIYA**: I see, I see, Chair.

**CHAIRPERSON**: And then on memory, I think he then promises to deliver. What does he say down there:

“Okay, everything has been arranged. He will Catch the impalas on Sunday and transport it Monday to that location. Is it

good?”

So he is saying that to Mr Matlala, and Mr Matlala says, no problem. Do you see all that?

**LT-GEN SIBIYA**: I see, I see, Chair.

**CHAIRPERSON**: I still remembered it all, I still remembered all of it off the top of my head. Now, if, as appears to be the case, Mr Matlala paid for the impalas, the person received payment, the person promised to deliver, Mr Matlala said no problem, what must we make of this?

10 Must we say this is all a lie?

**LT-GEN SIBIYA**: From where I am sitting, Chair, when I am sitting with a situation where I said I do not want the impalas, whether – remember, Chair, in the back of our mind ...[intervenues].

**CHAIRPERSON**: I am very sorry, I am very sorry to do this to you, General. This is not about your own response or attitude. What I am asking you is about what you said was Mr Matlala's denial. What exactly did Mr Matlala deny? You said Mr Matlala made a denial regarding the impalas.

20 What exactly did he deny?

**LT-GEN SIBIYA**: He said he never sent any impalas or brought any impalas for me.

**CHAIRPERSON**: That is what we have just looked at ...[indistinct].

**LT-GEN SIBIYA**: That is something else. They do not say

for General Sibiya or for Sibiya.

**CHAIRPERSON:** But remember, this is all in the context of you having given your address for delivery. All of this is in that context.

**LT-GEN SIBIYA:** You see, Chair, it will be dangerous to speculate because from where I am sitting, I do not know the relationship between Matlala and maybe this person who he is talking to and what that money was it for or about. But I find it very difficult for me, where I am sitting,  
10 having to respond to a communication that involved between Matlala and someone else or between Nkosi and someone else.

**CHAIRPERSON:** General, Mr Hassim already took you to the location or the pin that was sent and you accepted that it was your address. Do you remember that?

**LT-GEN SIBIYA:** I do, Chair.

**CHAIRPERSON:** Yes. So this was to be a delivery at your place.

**LT-GEN SIBIYA:** Yes, Chair.

20 **CHAIRPERSON:** And the only thing spoken about which was to be delivered were the impalas.

**LT-GEN SIBIYA:** Up until I said ...[intervenes].

**CHAIRPERSON:** No, no, no, no. Let us leave aside what your attitude was. The only thing that was to be delivered was the impalas, correct?

**LT-GEN SIBIYA**: Not the impalas. What I wanted.

**COURT**: General, I have said – it will be the third time now. I have said, at this stage, I am not talking about your attitude. Your attitude. But what was to be delivered according to the conversations, the context, was the impalas. Correct? Yes, your attitude was, Sergeant Nkosi, if it is impalas, I do not want to hear a thing about them. All I want is a mate for this one animal, which is a Blesbok. If it is impalas, I do not want. That is not what I am asking  
10 you. I am asking you that, in context, everything that was spoken about was about the delivery of impalas. I am not talking about what your attitude was to that. Is it not correct?

**LT-GEN SIBIYA**: it is correct, Chair.

**CHAIRPERSON**: Thank you, Ms Hassim.

**ADV HASSIM SC**: Thank you. We can go now to page 89 of the chats that I referred you to. Just let me know if you are there. Are you there? Do you see it, General?

**LT-GEN SIBIYA**: Page 89?

20 **ADV HASSIM SC**: Yes.

**LT-GEN SIBIYA**: Yes, the bid was not properly. You are talking about the...

**ADV HASSIM SC**: Yes, that is right. That is the top of the page. But if you just go a little further down, this is a conversation ...[intervenes].

**ADV KHUMALO SC:** Maybe to assist him, the flags that are – so WB1, then 89.

**ADV HASSIM SC:** He is there.

**ADV KHUMALO SC:** Is he there?

**ADV HASSIM SC:** Yes.

**ADV KHUMALO SC:** Okay.

**ADV HASSIM SC:** So you will see at the second message from the bottom is what I want to draw your attention to. This is an extract of a WhatsApp conversation between Mr  
10 Matlala and Mr Brown-Mogotsi, and it was retrieved from Mr Matlala's phone. And the second message from the bottom reads as follows:

“I hear that you told Mr S that I told you that I gave him some animals to keep at his plot, so I wanted to hear from you if there is any truth in this.”

Did Mr Brown Mogotsi speak to you about delivery of animals to your plot?

**LT-GEN SIBIYA:** No.

20 **ADV HASSIM SC:** Did you not have any conversation with him about impalas?

**LT-GEN SIBIYA:** No.

**ADV HASSIM SC:** So this conversation between Mr Matlala and Mr Brown Mogotsi takes place on the 8<sup>th</sup> of May 2025. Do you see that?

**LT-GEN SIBIYA:** 8<sup>th</sup> of May 2025?

**ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** I do not know where you see the date.

Advise me.

**ADV HASSIM SC:** On that chat.

**LT-GEN SIBIYA:** I see 14<sup>th</sup> of May 2025.

**ADV HASSIM SC:** No, it is the one above.

**LT-GEN SIBIYA:** The one above, yes. Okay, I see it.

**ADV HASSIM SC:** There is a gap in some days before he  
10 sends the next message to Mr Mogotsi, so it is 8<sup>th</sup> of May  
2025. So it was before his arrest, and the recording that we  
played was taken at the time of his arrest, on 14<sup>th</sup> of May  
2025. Okay? So the conversation about the impalas, the  
animals and the delivery to the plot, was already taking  
place before he was arrested. Do you see that?

**LT-GEN SIBIYA:** I hear what you say.

**ADV HASSIM SC:** You still maintain that the 14<sup>th</sup> of May  
was AI-generated?

**LT-GEN SIBIYA:** I would not get involved into the AI-  
20 generated stuff or part of it. All I am saying is that these  
are the conversations between certain individuals on their  
own accord, whatever they were talking about. That does  
not involve me.

**ADV HASSIM SC:** It does involve you, though. And they  
are talking about the delivery of animals. Here Mr Matlala

says animals, but what we know them to be are impalas. So if there was not this issue of the impalas and the delivery of the impalas to your property, why would he be discussing it with Mr Mogotsi?

**LT-GEN SIBIYA:** What I heard is when he was saying to Mogotsi I hear you going around saying, I mean you told so and so that – let me read it:

10                    “I hear that you told Mr S that I told you  
                         that I gave him some animals to keep at  
                         this plot, so I wanted to hear from you if  
                         there is any truth in this.”

**ADV HASSIM SC:** Yes, he is asking, did you tell Mr S, who I think is you, did you tell him that I told you about those animals? Did you then go and tell Mr S about it? That that is what he is asking.

**LT-GEN SIBIYA:** Well, personally I never discuss with Brown Mogotsi the issue of the impalas. I never discuss with Mr Cat Matlala about the issue of the impalas.

20                    **ADV HASSIM SC:** The only person you spoke to was Mr  
Nkosi about the impalas?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay, that is fine. And we are not going to go back there because we have looked at that whole exchange of text that you knew it was coming from Mr Matlala. So we are going to leave it at that. Unfortunately,

we are not leaving your relationship, you do not like me using the word relationship, but your contact with Mr Matlala. And I want to move to another time period. So we had March for the impalas. Now we have 14 September 2024. Can you please go to page 111, 111, of that same file? Hold on.

**LT-GEN SIBIYA:** Page 111?

**ADV HASSIM SC:** Yes. Actually, sorry. Sorry, that is the wrong page. Can you please go to – actually, no, I do want  
10 to take you to page 111. What I want to show you on page 111 is a series of polls between Mr Nkosi and Mr Matlala. And you will see at 7, 19:11, you will see at the bottom of the page of 111.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Right. Mr Nkosi calls Mr Matlala. Okay? So there is an exchange between the two of them at 19:11 in the evening on the 14<sup>th</sup> of September. Now I would like you to go to page 364 of the same ...[intervenes].

**CHAIRPERSON:** Just to ask, Chair, this page that we just  
20 dealt with, what is the specific question related to it so that when you go to the next one, I am going to respond ...[intervenes].

**ADV HASSIM SC:** No, you have got to see them together. So we will go there.

**LT-GEN SIBIYA:** These are just calls, no?

**ADV HASSIM SC:** it is just a call, yes.

**LT-GEN SIBIYA:** Ja, so which page? Next page?

**ADV HASSIM SC:** Yes. So now I have asked you to go to 364.

**LT-GEN SIBIYA:** On it.

**ADV HASSIM SC:** Okay.

**LT-GEN SIBIYA:** Now we are moving from the 14<sup>th</sup> of September to the 13<sup>th</sup> of September.

**ADV HASSIM SC:** No, no, hold on. The relevant chat, we  
10 are going to begin on chat number 2. So it is 14  
September.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Now this is a chat between you and Mr  
Nkosi, okay?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Right. So we saw 19:11, the call, but  
hold that in the back of your mind. Here we have got 19:07.  
You send Mr Nkosi a message saying:

“Back?”

20 And he responds two minutes later. He says:

“Just arrived now, General. Dropping  
this *Gogos*, then coming to you.”

And then at 19:10, chat number 4, you respond and you  
say:

“Ask Cat to make a turn.”

Okay? That is at 19:10.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** And then we saw at 19:11, Mr Nkosi called Mr Matlala. That is at page 111. Do you recall?

**LT-GEN SIBIYA:** I do.

**ADV HASSIM SC:** And then he comes back to you at 19:11 and 14 seconds with a message:

“I spoke to him earlier. He promised to come around eight.”

10 Okay? And then at 19:12, he says he will be there in 30 minutes. Do you see that?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Right. So this is you asking Sergeant Nkosi to communicate with Cat, as you call him, and you ask him to make a turn. So the first thing I want to ask you is, how is it you refer to him as Cat in September 2024? Is it not because by then you have established a relationship with him that you can use a term of familiarity?

20 **LT-GEN SIBIYA:** No. I think whether we like it or not, this is how he is known. Although officially speaking, we have to call him Mr Matlala when we are addressing, as we are addressing, but he was known as Cat. He is known as Cat. So it is not a question of familiarity because there are certain names that you can call where you call a person name and surname, but there is another one that you can

call that is known with a particular name. Unfortunately, that is how it is.

**ADV HASSIM SC:** So you say to Sergeant Nkosi, ask Cat to make a turn, and you know that he will convey that message. It is not unusual for him to be asked by you to communicate with Mr Matlala for the purpose of inviting him to your house. This is not unusual.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** He says, ja, that is fine. I know what  
10 you mean by Cat, and I make the arrangement, and he then proceeded to make the arrangement.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay. So why is it that you wanted Mr Matlala to come to your house?

**LT-GEN SIBIYA:** Look, what happened is that I think it is –  
at the time it was my son's engagement and we did not have  
many people there. I think it was something like 20 people,  
and it was mostly my son's friends and the fiancé's friends.  
So the people that I had invited there was General  
20 Senthumule. I was very close to General Senthumule, and  
we had a very good relationship with General Senthumule.  
And General Shibiri was coming back from China. I also  
called him, go to him and said, hey, I am here, and this is  
what is going on, because I was alone. I did not invite my  
friends because it was not about me.

Now, as they were there, General Senthumule did not come alone. He came with General Thema. General Thema was the former head of the college, who is a very close friend of Ms Matlala, Cat Matlala's wife. As you can see, even in General Senthumule's own statement, now the supplementary statement that she just submitted, where she says she was introduced to a lady as Ms Matlala. Then later was introduced to Mr Matlala.

Now, one of them asked me and said, Mr Matlala  
10 wants to make a turn because his wife is here, he must come fetch his wife. Do you mind? And then I did not say I do not mind. The way I responded, it was after quite some time because I do not remember in what context it happened, but I did not send that message that said Cat to make a turn.

Because remember, at that point in time, Chair, like the former Minister Bheki Cele said the eyes then that looked at Cat are not the same eyes that look at him now. There was nothing wrong at that point in time that we could  
20 say there was a problem that we know of, that the man was under investigation, or he was just one of the people that we were used to.

And me, in my case, I was getting used to him, but he was not my friend. So that is why I wrote that message and said Cat to make a turn to me, it was not really a big

deal.

**ADV HASSIM SC:** So when you said ask Cat to make a turn, it was a friendly invitation for him to join you at the celebration?

**LT-GEN SIBIYA:** Not necessarily an invitation, but because of the fact that, to me, I thought they first wanted to check whether I was comfortable or not because there were not many people invited. I then said, no, ask Cat to make a turn.

10 **ADV HASSIM SC:** Okay, so it is an invitation.

**LT-GEN SIBIYA:** Well, if it is what it is, then I will accept it.

**ADV HASSIM SC:** I want to be clear about this because you sent a message to Sergeant Nkosi, you said, ask Cat to make a turn, and he says he will be there in 30 minutes. And your explanation is, you are having a celebration and there was a request for him to come and join and to be present at the celebrations, right?

20 **LT-GEN SIBIYA:** Not to be present. Because, remember ...[intervenes].

**ADV HASSIM SC:** What does make a turn mean?

**LT-GEN SIBIYA:** He was expected to come because he had to come fetch his wife. But then they were not sure whether he would be welcomed. That is when I said, ask Cat to make a turn. How I tempted, maybe, or how I put the

words, this is how they came at that point in time.

**ADV HASSIM SC:** I think I am missing something. You said that you were informed that Mr Matlala would be coming. Would it be okay?

**LT-GEN SIBIYA:** Ja, somebody would say, would you mind, do you want to come? His wife is here, he wants to come. Do you have a problem? At that point in time, I am not sure whether I responded at the same time or not, but I did give consent that he can come.

10 **ADV HASSIM SC:** Okay, and so how long was he there for?

**LT-GEN SIBIYA:** I cannot – I never sat with Cat, not even for a moment. So I cannot say how long was he there for. All I know is that I did bump into him, and then not more than an hour they were gone.

**ADV HASSIM SC:** Okay, so he was socialising.

**LT-GEN SIBIYA:** If you want to call it socialising, I cannot help it.

20 **ADV HASSIM SC:** Yes, I mean, you did say it was a small gathering, it was only about 20 people.

**LT-GEN SIBIYA:** Ja, it was not for adults, it was for my son's engagement.

**ADV HASSIM SC:** I think, you know, General, you should have a look at your statement on this. Sorry, it is the statement from this morning, because your version there is

a little different from what you are saying now.

**ADV KHUMALO SC:** That is at 22.

**ADV HASSIM SC:** 22, thank you. Thank you.

**ADV KHUMALO SC:** Page 6, General, paragraph 22.

**LT-GEN SIBIYA:** Paragraph 22?

**ADV HASSIM SC:** Yes, and your version here, maybe you want to read.

**LT-GEN SIBIYA:** Should I read it?

**ADV HASSIM SC:** Can you read from 22? Ja, until the end  
10 of that section.

**LT-GEN SIBIYA:**

“On 14 September 2024, my wife and I  
hosted a surprise engagement  
celebration for my son and his fiancée at  
our residence. The gathering was  
intimate in nature, attended primarily by  
close family and friends. A limited  
number of senior officers from head  
office were also invited, including Maj-  
20 Gen Thema and General Senthumule.”

Now, I do not know, earlier the Chairperson said to me you  
were quick to correct some of the things and then some you  
keep quiet. I did not invite General Thema. She was  
already on pension, and then she is a close friend of  
General Senthumule. General Senthumule came with

General Thema, and General Thema is a close friend of Ms Matlala's wife.

**ADV HASSIM SC:** Okay.

**LT-GEN SIBIYA:** Must I proceed?

**ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:**

10 “I place on record that I did not invite Ms Matlala to the event, nor did I initially invite Mr Matlala. Mr Matlala attended the function on the invitation of General Thema. She arrived earlier in the course of the event. As the afternoon progressed, General Thema informed me that Ms Matlala had consumed alcohol and was hesitant to drive herself home. I was conveyed that she wished for her husband to collect her.”

**ADV HASSIM SC:** Continue.

**LT-GEN SIBIYA:** Must I continue:

20 “It was only that stage and in those circumstances that Mr Matlala attended the event and for the limited purpose of collecting his wife. I pause to mention that I also communicated with Sergeant Nkosi and advised that he could convey

to Mr Matlala that he was permitted to attend the residence, giving Sergeant Nkosi's close acquaintance with him. Sergeant Nkosi had been assisting me with certain logistical arrangements relating to the event during the course of the day. At the time in question, he was briefly attending to a personal errand. It was in those circumstances that Mr

10 Mr Matlala attended the residence. His attendance was limited in duration. While he entered the home and briefly socialised, this was incidental to collecting his wife. He remained for no more than approximately an hour before they departed.”

**ADV HASSIM SC:** Okay. So when you communicate with Sergeant Nkosi to make a turn, you do not say to Sergeant Nkosi – it does not indicate to Sergeant Nkosi that you are

20 giving permission to collect his wife or that there is an issue, that his wife cannot drive or anything like that. Why is that? How are we to interpret that? Because it does not sound like somebody who you are saying, you know, you need this permission to come collect your wife because your wife...

**LT-GEN SIBIYA:** I was not hostile. We were not hostile. There was no hostile relationship between me and Mr Matlala in such a way that I could spell it out in that fashion. To me, it – remember, in that moment, at that time, you did not know and think of a moment like this one. So it is just something that was happening out of turn.

**ADV HASSIM SC:** But why would you then need to – if Ms Matlala is there and her friend is there and they say is it okay, she would like her husband to join, why do you then  
10 need to contact Sergeant Nkosi to ask him to invite Mr Matlala to make a turn? If all you are doing is saying, ja, it is fine, if she would like him to join, why not leave it to the wife to communicate with her husband to say this is where I am? Why do you need to contact Sergeant Nkosi to make the arrangement?

**LT-GEN SIBIYA:** Remember that in some instances there has been situations where you find that a wife is invited to a party but the husband is not necessarily invited to a party. And then the husband cannot just show up because his wife  
20 is there. And the fact that maybe also it was to my house and said, look, if it is there, just check with the General whether he will mind or not, but I do not say this is how it happened. But in my case, I was told that Mr Matlala wants to come and fetch his wife and so he will be coming down here, I hope you do not mind.

**ADV HASSIM SC:** Yes, but that was not communicated to you by Mr Nkosi. That was communicated to you by the people at your house.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** So once you say to them I do not mind, why do you not then leave it to them? They can then say, we have spoken to General Sibiya, he has got no problem, and then he comes.

**LT-GEN SIBIYA:** Yes, but I did.

10 **ADV HASSIM SC:** Why did you need to go through Sergeant Nkosi?

**LT-GEN SIBIYA:** Not that I needed to go through Sergeant Nkosi, but at some point I did communicate to Nkosi because I know that he knows Cat. And then I said, no, tell Cat to make a turn, he must not be afraid.

**ADV HASSIM SC:** He knows that you know Cat?

**LT-GEN SIBIYA:** We are past that stage. He knows that I know Cat.

20 **ADV HASSIM SC:** Okay. And I would like to take you just to what Mr Matlala's version is on this, and that is at File 6. It is also an audio recording. It is the one prior to the one we just listened to. So it is File 6, page 629.

**CHAIRPERSON:** Page?

**ADV HASSIM SC:** Page 629.

**CHAIRPERSON:** 629. Thank you.

**ADV HASSIM SC**: Okay. So, you know, it starts a little earlier. You are free to read from the beginning of the transcript if you wish. It is a discussion about questions regarding Sergeant Nkosi and you, and then it comes around in 629 to the discussion about EFTs. And the male speaker 2 says he wants something like dates, car that you were using, where is the car, the routes, things like that. Do you see that?

**LT-GEN SIBIYA**: Yes.

10 **ADV HASSIM SC**: Okay. And then three lines down, so line 13 on that page, Mr Matlala says:

“I was driving a Rolls Royce. I had a  
Rolls Royce.”

And then the transcript does not capture the rest. And then male speaker 2:

“What did his son want?”

And then Mr Matlala:

“It was a party ...[indistinct]. When I got  
to the party ...[indistinct].”

20 And then Witness C says:

“Did you withdraw that money?”

And Mr Matlala says:

“Ja, but remember, I will withdraw maybe  
500 and then give him 300. Ja, so I  
remember, do you want cars or places, et

cetera.”

So what he was saying here is that he came to the party. He is saying it seems that he came in a Rolls Royce, for what that is worth, and that he came with money, but he said, remember, I will withdraw maybe R500. I think he probably means more than just R500.

**LT-GEN SIBIYA**: 500 000.

**ADV HASSIM SC**: Something like that. And then Mr Matlala also says:

10 “I also went to his plot, his townhouse.”

And then he says:

“I was driving a Benz.”

Okay. So that is Mr Matlala's version from here, just regarding the party. There are other things, but for the moment, what is your response to that?

**LT-GEN SIBIYA**: Chair, I have a screenshot of the family meeting, the group thing that we have, and how each one of them were contributing. This one buying this, this one saying I will buy this, this one saying I will buy the cake,  
20 this one, I will bring this. And then I said, okay, I will bring this back. It was just for 20 people. That did not need even 300 000. My family paid everything 100% for what was going on. So I want to share it, and I want them to also display it, because this is a family meeting. And then I do not know how I can be assisted that they be also shown

there. The same way we see this one, let this communication be shown there because this is what happened.

**ADV HASSIM SC:** Just tell us what ...[intervenes].

**CHAIRPERSON:** Sorry, Ms Hassim. You referred to 500 000.

**ADV HASSIM SC:** R500.

**CHAIRPERSON:** R500?

**ADV HASSIM SC:** Yes.

10 **CHAIRPERSON:** R500 , not R500 000.

**LT-GEN SIBIYA:** R500 is 500 000.

**CHAIRPERSON:** Sorry? Rand, r-a-n-d.

**LT-GEN SIBIYA:** No, we did not need R500 , quite honestly speaking. Remember it was at the late stage, and it was almost done, basically.

**ADV HASSIM SC:** So the audio clip, and we could play the audio clip, Chair, but the audio clip refers to 500 000. And what it is suggesting in the audio clip, the transcript has these indistinct in between, so it is not quite complete. 500  
20 000, suggesting that he takes cash, basically, to General Sibiya.

**LT-GEN SIBIYA:** They talk about 500 000. Actually, I think it is something like 300 000.

**ADV HASSIM SC:** You listened to that audio clip?

**LT-GEN SIBIYA:** Yes. I listened as he was testifying, but

obviously I know that the evidence is you believe so much in that thing ...[intervenes].

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

**LT-GEN SIBIYA:** I do not, and it is not right.

**ADV HASSIM SC:** No, no, no, no, no, no. Please, please do not do that. Please do not do that. I am not believing in anything. I am putting to you the evidence that has been placed before this Commission. It is only fair to you that you are given an opportunity to respond to this  
10 ...[intervenes].

**LT-GEN SIBIYA:** I want to respond.

**ADV HASSIM SC:** And a straight answer would benefit you.

**LT-GEN SIBIYA:** Chair, I want to respond by showing the group that was created by my wife with the family and kids. I think it is about six kids, all of them adults. They are waking. And then this one said, this is what I will do, this is what I will do, this is what I will do to support our brother. And here is it. I do not know if I should just read them into  
20 the record or just attach them so that they are seen there. And then you can see even the date from 11 September ...[intervenes].

**ADV HASSIM SC:** Chair, can I? Sorry, General. Let me stop you. I accept your word for it, Chair. I have no problem with that. I can understand that in a family setting

that is how it works. People contribute. But it does not answer this question, which is a response to this evidence about Mr Matlala saying he came to the party and that he came with cash.

**LT-GEN SIBIYA**: You see, Chair, in all fairness, it is important that when the evidence leader tried to demonstrate that Mr Matlala came and he contributed to my son's engagement, then I demonstrate that no, no, no, no, no, no. Everything that happened there, we carried as a  
10 family. Starting from my wife went with a credit card to Spar to buy the groceries for a small number of people that were there. And then others bought cakes and then we bought this.

We did not need R300 000. We did not need money from Mr Matlala. And I quite honestly think I did not need it. We did not need it. We did not ask for it. And then if it was in a chance that he going to bring that amount of money, at that point in time, at that late hour, he would have done it maybe in the early, during the day so that I  
20 can use it to spend. But because it was not even – I did not even invite people. Not even, there was no friend of mine. Not even one.

So I am demonstrating here that we paid and we carried the cost and everything that was there, you can see even yourself that no, no, no, here the family were working

together in dealing with this whole thing. So, please, this thing of the 300 000, I am throwing it away. I am rejecting it right away from the onset.

**ADV HASSIM SC**: Okay. I am not going to – it is still not answering me. I did not put it to you that it was for the purposes of the engagement or for paying for that evening. I do not know what it could have been for. I am just putting to you what Mr Matlala says. Right. So to say, well, no, we paid for the engagement, we did it in these various ways,  
10 does not answer the question directly.

**LT-GEN SIBIYA**: Chair ...[intervenes].

**CHAIRPERSON**: Perhaps it does in this sense and perhaps I am suggesting that you should move on, Ms Hassim.

**ADV HASSIM SC**: Yes.

**CHAIRPERSON**: He answers it in the sense that he denies ever having needed the money. And then, of course, he goes on to give the reason as to why he possibly could not have needed it. But part of that says I did not need it, I did  
20 not receive it. So, in a sense, he does answer it.

**ADV HASSIM SC**: Okay.

**CHAIRPERSON**: Yes.

**ADV HASSIM SC**: I am happy to move off this. I think we are not going to get further with this.

**ADV KHUMALO SC**: Are you looking at that topic,

Advocate Hassim? I have one question on this topic.

**ADV HASSIM SC:** I just want to confirm one thing before you do so, Commissioner Khumalo. Do you confirm that General Shibiri was present at this?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay. And he was aware that Mr Matlala was going to be arriving?

**LT-GEN SIBIYA:** I would not say so, because General Shibiri was arriving from China at that point in time.  
10 Because when I called him, he just said I just landed or arrived. Something like that. But he was not around ...[intervenues].

**CHAIRPERSON:** General, you make all your answers very long. Can you please try to shorten your answers? Because the question is a simple one. Was General Shibiri aware that Mr Matlala would be there? If you know he was, you say, yes, he was. If you do not know, you say, I do not know. If you know that he did not know, then you say, no.

**LT-GEN SIBIYA:** I really do not know, Chair.

20 **CHAIRPERSON:** Sorry?

**LT-GEN SIBIYA:** I do not know.

**CHAIRPERSON:** Thank you, General.

**ADV HASSIM SC:** Thanks.

**CHAIRPERSON:** And then may that request please, please apply to all your answers? I do know that there are

instances where you may want to give an explanation, but it cannot be in respect of all your responses. Thank you, General.

**LT-GEN SIBIYA**: Chair, I have a question to ask.

**CHAIRPERSON**: Yes, yes, yes.

**LT-GEN SIBIYA**: What is the status of this witness's statement? How do we – what is its status? Is it a confession? Is it an admission? Or is it just an interrogation? Because I am being asked on something that  
10 could have been obtained unlawfully as well. Or as determined by Mr Matlala as being AI-generated and say, I denied this and I denied this and I never said this. Or the circumstances under which this statement was undertaken, where they went and booked him and then spent five hours with him interrogating him.

Now, whatever they said about me, because they want me, now I am responding to the statement that were made by the sergeants when in fact they are talking about a confession that was obtained by Mr Matlala that was  
20 supposed to have been – they are junior officials, they are sergeants.

They were supposed to, when a person begins to make an unequivocal statement that if it were to be made in court would amount to a plea of guilty or a confession or an admission, then which means, then there are certain

procedures that need to be followed. And in this regard, we are talking about a statement where people just called and went to book a person out, sat with a person out for six hours and saying it was an informal discussion. And then as a result, I just want to be assisted.

Where do we position this thing? Was it an admission made by Mr Matlala? Admitted? Is it admitted? Was it a confession? Because I am now – why I am worried is the fact that I know the status of PKTT in terms of so  
10 badly wanting to get hold of me considering the fact that they have been to Mr Matlala many times, even in jail, and saying to him give us Sibiya, we will take you out, we will leave you out. We are prepared to even leave that case of Thobejane as long as you give us Sibiya. Work with us.

Now, I am in this situation now where I am being questioned on the statement that was obtained by PKTT, junior members saying this is what Matlala told us. Whether he was being assaulted or was under duress, I do not know. But I am just worried about the fact that I am  
20 responding to a statement that I do not know what its real status is in front of the Commissioners.

**CHAIRPERSON:** Ms Hassim?

**ADV HASSIM SC:** General, it is what I described earlier, which is evidence that has been introduced to the Commission by Witness C, who was there when he was

questioning Mr Matlala, and that is all it is. This is not a criminal trial. This is evidence that emerged during the course of this commission's hearings. I hear you speaking a lot about this plot that is against you and that Witness C and that all of the people who were responsible for arresting Mr Matlala are actually doing it as part of a plot against you, but that does not take away from what, in his own voice, Mr Matlala has said.

10 You can say it was AI-generated, that is fine. I am putting it to you so you can respond, you can admit it, you can deny it, you can say whatever you want to say about what Mr Matlala allegedly said, if you want to put it that way. And that is it.

**CHAIRPERSON:** Ms Killian, do you wish to say anything on this?

**ADV KILLIAN SC:** I agree with the evidence leader that the status and the admissibility of the evidence is not what is to be investigated, but simply this is what somebody said and for that purpose alone, the witness is asked to respond.

20 **CHAIRPERSON:** Thank you. Thank you, Ms Killian. General, at this stage – just a minute. General, we have heard your point, but at this stage we would want you to respond to the questions.

**LT-GEN SIBIYA:** I will respond, Chair.

**CHAIRPERSON:** I think Commissioner Khumalo had a

question, or was it?

**ADV KHUMALO SC:** Much later, Chair.

**CHAIRPERSON:** All right.

**ADV KHUMALO SC:** Let him finish the answer to the question.

**CHAIRPERSON:** All right. Thank you. Sorry, sorry, Ms Hassim.

**ADV HASSIM SC:** Would you like to answer?

**LT-GEN SIBIYA:** I thought I responded, Chair.

10 **CHAIRPERSON:** Ja. I would suggest that rather repeat your question.

**ADV HASSIM SC:** Okay. No, it was really to respond to what Mr Matlala is saying, that he came to your house, that he came in a Rolls Royce, that he had withdrawn cash and that it was 500 000, but that 300 ...[intervenes].

**CHAIRPERSON:** I think we dealt with and put the question of the money to bed. He denied the bit about the money.

**ADV HASSIM SC:** Yes.

**CHAIRPERSON:** Yes, yes, yes.

20 **ADV HASSIM SC:** Yes, for some reason, the witness reopened it and said he was questioning the status of it, so I thought he wanted to come back to that question. But if you do not have anything else to say on it, we can move off it.

**LT-GEN SIBIYA:** I do. Chair, the only question, and

without any waste of time, is that over and above the fact that some of these allegations are allegations that can really be confirmed. If a person talks about EFT or whatever cash or whatever, we must be able to also produce that they are on that day as well, he went to the bank and he withdrew 500 000, and then this is the money. When asked about that, he said, Mr Matlala's got too many accounts, but let us also see if maybe on that day, did he ever really withdraw money or transfer any money.

10 I mean, the Commission has got investigators. it is a point that we are supposed to be assured and we can confirm that point as well. But all I can say, I would not really put my family through this thing of my kids. They are struggling themselves from their own little corners. Another one said, okay, I will buy a cake. This one said, no, I will buy this one, and then I will contribute here to support our brother.

And then the next thing, when I know that, no, no, no, no, I have got 500 000, I would say, no, do not worry,  
20 guys, and then I will put actually 50 000 and say go deal with this thing and then I keep quiet with the 250 000 and see what I do, but that is not the case. So I deny this thing of the EFT, the 500 000. it is just being malicious.

**CHAIRPERSON:** Yes, Ms Hassim?

**ADV HASSIM SC:** I have no further questions on this. I

am going to move off. Commissioner Khumalo?

**ADV KHUMALO SC:** On the 14 September event?

**ADV HASSIM SC:** Yes.

**ADV KHUMALO SC:** Yes. General, I have just a few questions. So when Mr Matlala came to your house, it was late at night. I am assuming it was around 8 o'clock?

**LT-GEN SIBIYA:** That is correct.

**ADV KHUMALO SC:** Yes. And when somebody who has never been to your house before comes to your house that  
10 late at night, you would open the gate for him? How else would he get into your house?

**LT-GEN SIBIYA:** No, no, no, no, no, no, no, no, no, no, Chair ...[intervenes].

**ADV KHUMALO SC:** General, did you open the gate for him?

**LT-GEN SIBIYA:** I am trying to explain to you. I have security at the gate that opens the gate and closes the gate when we have an event. So that people that are invited, they cannot call in every now and then, someone must go.  
20 So one of the people that I ask that works with me or that we ask the gardener will be at the gate. As a car comes in, they will open the gate. And then as a car drives out, they will open the gate. So nobody comes every now and then call me, open the gate. Sometimes they cannot – I cannot even hear the phone or I do not find my phone somewhere.

So we normally make provision for someone to be at the gate.

**ADV KHUMALO SC:** So did you tell that person that Mr Matlala will be coming to your house and they must open for him?

**LT-GEN SIBIYA:** No, I do not tell a person that Mr So-and-So will come. You are at the gate and then you know there is an event at home. Whoever comes open the gate, whoever goes open the gate.

10 **ADV KHUMALO SC:** And when the gate was opened for him, did you go to meet him and introduce yourself or him introduce himself?

**LT-GEN SIBIYA:** Not at all.

**ADV KHUMALO SC:** There was no greeting?

**LT-GEN SIBIYA:** No, like he said, I bumped onto him. It is not like I was seeing him for the first time. So I met him, I bumped onto him, we greeted and then he went and joined his wife.

20 **ADV KHUMALO SC:** Understand me, he is coming to your house for the first time. I mean when you go to somebody else's house for the first time, you greet them and they welcome you into their house. Did that not happen?

**LT-GEN SIBIYA:** No, it is not how it happens in all instances, especially under conditions like those and considering the fact that my house is there ...[intervenes].

**ADV KHUMALO SC:** You love explaining. You can just say that did not happen and then we leave it there. So I do not want you to give a general – my concern with your original statement, it is 90 pages long. Remember, we have been through it over the past three days. And from paragraph 161, you address allegations concerning your purported relationship with Mr Matlala.

And all you say in four paragraphs is that there was a meeting in January 2024. That is it. You do not mention  
10 that there was an occasion where he was invited to your house and there was a party and he did attend, circumstances of his attendance and he spent an hour at your house. Why is it that you did not consider important to deal with that in your statement before this Commission?

Why does it have to come by way of a supplementary statement when other people like General Senthumule mentioned where they met Mr Matlala, that they met him at your house and only then do you volunteer information to this Commission that, oh, yes, in fact, he was  
20 at my house. There was an event at my house and this were the circumstances. Why is it that you did not mention this in your 90-page statement when you devoted a section of your statement to allegations about your relationship with Mr Matlala?

**LT-GEN SIBIYA:** I think, Chair. I respond to a question

that I am being asked and when I drafted the statement, I drafted the statement and focused on the point at hand. Now, if where I did not include it, and then it is something that I can speak to both in writing or oral, that is the case. If ever maybe perhaps I did not include it and then it is something that I am responding to and probed or ask a question, because sometimes I am not in the same mindset as the evidence leader who is there to ask questions and I must respond. But in my case, when I draft something, 10 when we draft a response on a particular point, we asked a lot of questions. But sometimes I will say this is about, if you are not asked about this, then why put it in?

**ADV KHUMALO SC:** General, but you are speaking about your relationship with Mr Matlala and you are devoting a section of your 90-page statement. Remember why you are here. You are here to assist the Commission to establish facts. You do not wait until people make allegations and then only then do you say, oh, I was hoping they were not going to mention this. Now that they have mentioned it, 20 then I will deal with it in a supplementary, because it is the same issue with the impalas.

You say none of this. If you were not allowed to file a supplementary statement, we would have been left with the impression that you only met Mr Matlala once in January 2024, and that was it. We would not have known

that actually he was at your house, at your party. Only when General Senthumule mentions it in her statement and you depose to a supplementary statement where you are responding to General Senthumule's statement, only then do you give the Commission these facts, and I find that troubling.

**LT-GEN SIBIYA:** And I really am not so sure whether anyway I have never referred to it, but what I know is that I think I can also at this point in time also remember whether  
10 at Ad Hoc Committee I was ever asked about it. I was never asked about it, and then even now I was never asked about it upon till it is being mentioned. That is when I respond to it.

So that is why it is not a question of one is withholding information or hiding information, because I am prepared to respond, and I am responding. If I ask about something, I will respond to it. But if it was never asked, I kept it short.

**ADV KHUMALO SC:** I am leaving it there for now.

20 **CHAIRPERSON:** And then factor into that what Ms Hassim has already raised with you, which is Sergeant Nkosi says that he is dropping the *Gogos*, then coming to you, and you then say, ask Cat to make a turn. So if you look at what Commissioner Khumalo is raising with you and what I have just read to you now, to an ordinary reader, that sounds like

you were just inviting Mr Matlala. This idea that he was coming to pick up his wife who had taken a lot of liquor does not make much sense. Because all you would say to him is, and by the way, Ms Matlala needs to be picked up, please ask her to come pick her up. You do not say, ask Cat to make a turn. You were inviting him.

**LT-GEN SIBIYA**: If this is maybe how Commissioners maybe see it, I will really, from where I am sitting, just due to the fact that when I said ask Cat to make a turn, in my  
10 mind I was implying that you can ask him to make a turn. It does not really matter. I do not have a problem.

**CHAIRPERSON**: Who had said anything about a problem? That is the thing.

**LT-GEN SIBIYA**: No, I am ...[intervenes].

**CHAIRPERSON**: Sergeant Nkosi, after dropping off these *Gogos*, I am coming to you. So you are basically saying, also ask Mr Matlala to come as well. That is, in context, that is what this means. This thing about Ms Matlala and so on and Mr Matlala having to come pick her up because she  
20 cannot drive, in context, it simply does not make sense.

**ADV BALOYI SC**: General, you are shaking your head.

**CHAIRPERSON**: Are you shaking or nodding? I think he is nodding. I think the general is nodding.

**LT-GEN SIBIYA**: No, no. It is the Chair's viewpoint on this thing and it is not a fact that I think I should take any

further when the Chair says it does not make sense to me. So to me, I cannot argue any further when the Chair is ...[intervenes].

**CHAIRPERSON**: No, no, no. Ordinarily, people do not speak like that. [Vernacular]... we do not speak like that. All I am saying is, I mean, you would say ...[vernacular]. That is how you put it. Please ask Ms Matlala to come, Mr Matlala to come pick up his wife. I am translating for those who did not hear. That is how an ordinary, ordinary  
10 conversation would go. So I am not trying to gratuitously attack you or anything. I am just talking about how people would talk normally. Do you not accept that?

**LT-GEN SIBIYA**: This is how people talk normally, Chair. But how it happened at that time, I cannot also at this point in time describe it anyhow to say, why did I put it like that? But I said, ask Cat to make a turn. And to, as far as I am concerned, there was nothing wrong.

**CHAIRPERSON**: Thank you, General.

**ADV BALOYI SC**: General, maybe still on this. When you  
20 say to Mr Matlala he can make a turn and you do not say to Sergeant Nkosi the reason that you are giving us now, you do appreciate that Mr Matlala would not have known that you are asking him to come and pick up his wife. Only you would have known that, because you do not tell Sergeant Nkosi why Mr Matlala should make a turn. And so Sergeant

Nkosi does not tell Mr Matlala why he is being asked to make a turn. He could only, therefore, both of them, in fact, Nkosi and Matlala could only think that he is being invited to your house.

**LT-GEN SIBIYA**: We did not think so, Commissioner, because already Mr Matlala was in constant communication with his wife, I guess, under normal circumstances ...[intervenes].

**ADV BALOYI SC**: No, no, no. Do not guess, General. No, 10 do not guess. You have given us what you say are the facts. You say someone, they spoke to you to check if you would be okay or have a problem with Mr Matlala coming to the house. So you state that is a fact. You then respond by instructing Sergeant Nkosi to tell him to make a turn. So what I am saying to you is, with what you have told us, you must admit or you must accept that Mr Matlala would not have known from you, at least, communicating to Sergeant Nkosi that, in fact, he was being called to come and collect his wife. Just as we would not have known until you started 20 saying they told me that his wife cannot drive. Just looking at this correspondence.

**LT-GEN SIBIYA**: Commissioner, if you remember very well, Mr Matlala himself did indicate that he received a call from his wife to come fetch her. He did indicate that at the Ad Hoc.

**ADV BALOYI SC:** Okay. I am not aware of that evidence. I am dealing with your – I mean, I would like to believe, I do not want to think that you are tailoring your evidence to accord with what Mr Matlala said. He may well have lied, been lying, and I think it is best that you do not refer to him because then it gives the impression, it may give the impression that you are tailoring your evidence to accord with what he has said.

I am asking you about that date. What happened  
10 on that date? Forget what Mr Matlala and his wife may or may not have been discussing. You say to us, you have this party. They tell you, they ask you, they tell you that Ms Matlala will not be able to drive and they ask you, would you mind, would you have a problem with Mr Matlala coming to your house to pick her up? You action it.

And that is what these words of exchanges are about. You action it by telling Sergeant Nkosi to tell Mr Matlala to make a turn. And I am saying to you, what I am putting to you is on what you are telling us, someone asked  
20 you, do you mind him coming to the house? You instruct Sergeant Nkosi or you ask Sergeant Nkosi to tell him to make a turn.

And I am putting to you for your comment that, and I think it is a concession you can fairly make that just on this, he would not have known why he is coming to your

house unless his wife spoke to him, unless you do not know his effect, that his wife spoke to him. Surely you should be able to make that concession. That unless his wife told him that she cannot drive, he must come and pick her up, he would not have known why you are saying he must come and make a turn.

**LT-GEN SIBIYA**: Commissioner, Chair, with respect, the evidence leader leads me about a statement that was made at the Ad Hoc Commission by Mr Matlala. He says things  
10 that, and she asked me about things that were spoken by Mr Matlala at the Ad Hoc. And I respond, and also, I am also making reference to what I heard him saying at the Ad Hoc.

Now, then Commissioner Baloyi says, no, no, no, no, no, forget about what he said, because now you might be like – I might actually take it that you are tailoring along the way. Now, I want you to answer in respect of this. But as I answer in respect of this, then the question is going to come, say, but Mr Matlala in Ad Hoc said this. Now, I am in between now.

20 **ADV BALOYI SC**: Okay, that is it. I hear your complaint. It is a fair complaint. Let me do this differently. We do not know whether Mr Matlala is telling the truth or not in the Ad Hoc Committee. So, I do not base anything on what he said. I did not even listen to him in the Ad Hoc Committee. And I do not know whether it is true or not what he says

happened about this incident.

So, I put no stock on it. I have my conversation with you about that night, what you know about that night. So, let us not refer to him because we do not know what happened between him and his wife, if anything happened at all. We do not know for sure. So, I am saying go back to that evening of the 14<sup>th</sup>.

You are at your house. Your vision is someone said to you, they said to you Ms Matlala cannot drive back home, would you have a problem if Mr Matlala came to pick her up? That is what you tell us. And I am not in a position to say, no, that is not true, that is not how it happened. I have for purpose of our discussion to take it at face value. It is what you say happened that night.

You then action it. That is what you tell us. You send a message to Sergeant Nkosi to tell Matlala, Cat Matlala to make a turn. We do know that he does arrive because that is your vision. He does arrive at your house. All I am saying to you or I am putting to you is that when you, when all the ease, if someone spoke to you, Sergeant Nkosi was not there. Someone told you Ms Matlala cannot drive. You say to Nkosi tell him, tell Cat to make it 10. Cat arrives.

In all of that, with all of that communication, Mr Matlala would not have known from you or from Sergeant

Nkosi that he is being asked or invited to come and collect his wife. That is what I am putting to you. And I am saying, I think it is a fair construction of what happened that night. What do you say to that?

**LT-GEN SIBIYA**: To me, Commissioner, it is rather impossible that my wife could be somewhere at the party and I do not know where my wife is or I know that she is at a party and she cannot drive. Someone else must call me and say my wife cannot drive.

10 **ADV BALOYI SC**: Do you know for a fact that Mr Matlala knew that his wife cannot drive home? Do you know that as a matter of fact? And you understand when I say as a matter of fact, I mean, you are a police officer. You know what the question means. Do you know as a verifiable fact that Mr Matlala knew that his wife, before you called him, before Sergeant Nkosi spoke to him and before he arrived at your house, do you know that he knew as a fact that his wife is unable to drive herself home?

**LT-GEN SIBIYA**: As a matter, I did not know.

20 **ADV BALOYI SC**: Okay, thank you. That is what I wanted from you to clarify. You want to follow up on this? I am still doing some questions.

**ADV HASSIM SC**: You can, I have a question on this, but not if it is going to interrupt your line. So maybe you should finish, Commissioner.

**ADV BALOYI SC:** Do not forget your question. And then you say, when you say they asked me if I would have a problem, who is they that you are referring to here?

**LT-GEN SIBIYA:** I think it is either General Thema or General Senthumule.

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** Because they are the ones who are sitting with her.

**ADV BALOYI SC:** Yes.

10 **LT-GEN SIBIYA:** Yes.

**ADV BALOYI SC:** Okay. And you told them, no, I do not have a problem. I am assuming you would have told them that.

**LT-GEN SIBIYA:** Yes.

**ADV BALOYI SC:** Okay. And if that is what happened, if you said to them, no, I would not have a problem, why was it necessary for you to get Sergeant Nkosi to communicate with him? He was not, Sergeant Nkosi was not in the house with you. He was nowhere near you. So you cannot say,  
20 oh, I saw him next to me and I thought maybe let me just mention it to him. He is out there. After giving the answer to whoever they it is that asked you, why do you not leave it at that? Why do you involve Sergeant Nkosi who is far from this?

**LT-GEN SIBIYA:** I think I left it at that up until when either

I got a call or, but we spoke with Sergeant Nkosi. This one, I said tell Cat to make a turn. But I left it at then because it was not like such a special invitation. So up until at the time I spoke to, I said, no, tell Cat to make a turn because I could see already his wife was here and we had two generals there. The third one was Shibiri, only, and then no other person was there. These are the only two colleagues that I work with that came so that I am not alone. And I did not invite friends because I knew that others will complain, 10 why I did not invite them.

**ADV BALOYI SC**: Why did you not call Mr Matlala yourself?

**LT-GEN SIBIYA**: Like I indicated, Chair, I never made it my practice to actually communicate with him.

**ADV BALOYI SC**: Let me suggest to you what then your answer leads me to. Let me tell you what it leads to. That when Sergeant, because you could have communicated with him, you say you just never made it your practice to communicate with him. Well, Sergeant Nkosi says in 20 January you said he will be your contact person between you and Mr Matlala, and this speaks to exactly that. You did not call Mr Matlala yourself when you could have, if indeed what you say was the reason for inviting him is the truth.

You could have called him. You could have left it

with the people that told you that his wife cannot drive. You instead involve Sergeant Nkosi, who is not on your property, who is not in the party at that time. That seems to support his evidence or his statement that in January, when you were with Mr Matlala, you asked him if he minded to be the go-between between the two of you. It is consistent with that evidence. What do you say to that?

**LT-GEN SIBIYA**: Which I deny, Chair. That is not the fact, that is not the case. I did not need him to be a go-in-  
10 between.

**ADV BALOYI SC**: Well, he was a go-between here. You could have phoned Mr Matlala and you say to us, well, I did not make it a habit to speak to him. And remember earlier on when you testified that after your general meeting, you started interacting with him. And now here, and then Sergeant Nkosi says, well, I was a go-between by agreement, by arrangement. And we see him being a go-between here.

He is, he is a go-between here when he says, when  
20 you say to him, ask Cat to make a turn, and he does that, and he updates you. I spoke to him earlier. He promised to come around. He will be there in 30 minutes. So he is the go-between the two of you.

**LT-GEN SIBIYA**: I do not think so, Chair. It happened. So it happened, but it does not necessarily mean that there

is always a go-in-between.

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** But I do understand that what the Commissioner is saying that why could not you speak to Mr Matlala yourself?

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** At that present moment, I did not think of me calling him because I am not even sure whether I had his numbers there in my phone because I never wanted to  
10 keep his number in my phone because I avoid this.

**ADV BALOYI SC:** Well, if you did not have his number, I want to suggest, if you did not have his number and Mr Nkosi was, Sergeant Nkosi was not a go-between, you would have gotten his number from his wife, who was there with you. Nkosi was out.

**LT-GEN SIBIYA:** I have never spoken to Mr Matlala's wife.

**ADV BALOYI SC:** But you knew she was there. You would have said to Senthumule or Thema or they, give me his number, I will call him. But you did not do that because you  
20 did have a way of communicating with him, and your way of communicating with him was through Sergeant Nkosi, as Sergeant Nkosi says.

**LT-GEN SIBIYA:** I do understand, and I do accept the effect, Commissioners, and really if it did not happen that way, maybe oversight on my side, I will accept it as well.

**ADV BALOYI SC:** Okay. Maybe, lastly, you say you did not invite Ms Matlala to your function. You are nodding.

**LT-GEN SIBIYA:** That is correct.

**ADV BALOYI SC:** So she was not there on your invitation.

**LT-GEN SIBIYA:** That is correct.

**ADV BALOYI SC:** And I think you said she was invited by Maj-Gen Thema.

**LT-GEN SIBIYA:** I think so, because this is what I also read from, when you read General Senthumule's affidavit,  
10 the one that we received.

**ADV BALOYI SC:** Well, General Senthumule does not say that. Her affidavit at paragraph 6.1, I can read it for you, otherwise you can pull it out if you want. This is her speaking to that evening, and I am going to read. Do you want to pull it out, General? Are you happy for me to read it?

**LT-GEN SIBIYA:** I want to get it. It is just that I am ...[intervenes].

**ADV BALOYI SC:** It is File 10C.

20 **LT-GEN SIBIYA:** I have got it there, Chair.

**ADV BALOYI SC:** Yes. It is quite a long paragraph. She says, I want to give you, if you start from the bottom and you count the line numbers, I just want to direct you where I am going. From the bottom, 11 from the bottom.

**LT-GEN SIBIYA:** Page 11?

**ADV BALOYI SC:** Sorry. I do apologise. It is page 5, paragraph 6.1 of that statement. 6.1.

**LT-GEN SIBIYA:** I am there, Chair.

**ADV BALOYI SC:** And then line 11 from the bottom. You will see that line starts with, I did not trust him, even if there were other generals or people. Do you see that?

**LT-GEN SIBIYA:** Yes.

**ADV BALOYI SC:** Okay, so this is where General Senthumule tries to explain why she did not come alone,  
10 and she says, I did not trust him, him being you, even if there were other generals or people. And then this is where I want to read from:

“I would either take my younger sister or a friend. In this instance, I took Maj-Gen Thema, and she can attest that I informed her that I was actually uncomfortable going to this event because of the ever-changing nature of my relationship with Lt-Gen Sibiya. The  
20 party was ...[indistinct] today, and I recall...”

And this is the part:

“...upon arriving, we noticed there were other colleagues who were also in attendance. During the event, there was

a lady...”

And this is the part where she explains Ms Matlala's presence:

“During the event, there was a lady that came and sat with us, and Maj-Gen Thema introduced her to me as Ms Tsakani Matlala, with whom she was acquainted. And then she later pointed me to Mr Matlala and informed me that  
10 he was Tsakani's husband.”

So according to General Senthumule, Maj-Gen Thema did not bring Ms Matlala to your house. In fact, what happened is General Senthumule is the one that brought Maj-Gen Thema. That is what General Senthumule tells us. That is what she tells us. And then she says she then saw Ms Matlala there.

So it is not correct, and it may simply be that you have got the facts wrong, or your recollection, or your understanding of what happened that day, which is fine if  
20 that is the explanation. But Ms Matlala was not brought to your house, according to General Senthumule. She was not brought to your house by Maj-Gen Thema.

**LT-GEN SIBIYA**: This is not correct, Chair. Ms Matlala, the very close friend of Ms Thema.

**ADV BALOYI SC**: Yes, she may well be. I do not know

anything about their relationship. She may well be close friends. All I am putting to you is General Senthumule, and if necessary, the Commission can, if it is decided it is important, can get a statement from Maj-Gen Thema. But according to General Senthumule, Ms Matlala was not invited by Maj-Gen Thema. She says I met her because she came to sit with us. I invited, when I say I, I mean General Senthumule, she says, I invited Maj-Gen Thema. One. Two, while we were there, a lady came and sat with us and  
10 she was introduced to me as Ms Matlala. So General Senthumule does not confirm what you are saying that they came with Ms Matlala.

**LT-GEN SIBIYA:** If I were to respond, Chair.

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

**LT-GEN SIBIYA:** I am going to say something here that no matter what I say, I do not see changing the attitude of the Commissioners in relation to my involvement in this thing, and I am going to give you an example, Commissioner, that says when you look at the lease agreement that – I do not  
20 know whether it is Doctor Pat, the one who did the BBL, or there is another doctor who was referred to get the lease agreement from the Department of Public Works, they were referred by General Thema, who was the head of college.

The same applies to Mr Matlala. They were referred by General Thema to the same Public Works. Now,

we are sitting, one person is very close to these people, but the Commissioner is saying, no, no, no, no, no. This lady, Matlala's wife, was actually brought by you, not by her, could not have been them. But she is very close to them. I do not know them. And I found them there, working together, being very close to one another.

**ADV BALOYI SC:** General, I am not saying you brought Ms Matlala to your house. If that is what is happening in how you perceive things, it does not come from me. I did not  
10 put to you that you brought Ms Matlala to your house. I am discussing with you your description of how you say she came to be in your house. You say she came General Thema. That is what you said. One. And then you say even General Senthumule says that, you remember that that is what you said.

For now, I am not yet asking for comment. You can say to me, I am wrong in my recollection of your evidence. But your evidence, and let me repeat it, she was very close to Maj-Gen Thema, who has since retired, and you did not  
20 invite her to your house. She was brought by Maj-Gen Thema who came with General Senthumule. Even General Senthumule says that in her affidavit. That is some of your evidence.

**LT-GEN SIBIYA:** No, Chair, I do not think I was specifically saying they came all three together to the

house.

**ADV BALOYI SC:** Okay.

**LT-GEN SIBIYA:** I invited General Senthumule alone.

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** And then she asked me a question and said, General, can I come with General Thema? I said, it is okay.

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** Because at least she needed to be with  
10 someone.

**ADV BALOYI SC:** Yes.

**LT-GEN SIBIYA:** And then she came. Like, even when I heard the ...[indistinct] when Mr Matlala was saying my wife was invited by one of her friends. So this is what I know, at least.

**ADV BALOYI SC:** Yes, but you said positively in your evidence, and it is an important detail because part of the work that we are doing is investigating your relationship with Mr Matlala. So it is an important detail. Your  
20 evidence, a short while ago, is that Ms Matlala came there with Maj-Gen Thema. That was your evidence. That part I did not misunderstand or mishear. And then you say, Maj-Gen Thema is retired. She was invited. I did not invite her. She was invited by General Senthumule. That is your evidence.

And then you say, even General Senthumule says so in her statement. All that I have done is to read for you, together with you, what in fact General Senthumule says about it. And I say, but what you have described about how Ms Matlala came to be at your house is not how General Senthumule describes it.

So what you are saying is not the same as what General Senthumule says. And General Senthumule may well be wrong or being dishonest even about it, but to the  
10 extent that you are relying on her affidavit, I was correcting you that, no, but your reference to her affidavit or your reliance on her affidavit is incorrect because that is not what she says. She says, we met Tsakani Matlala at that house. That is what she says. And that is really the gist of it. She says, we met her at the house.

**LT-GEN SIBIYA**: You see, Commissioners, there are key points that I wish the Commissioners could just also highlight or underline, rather, to say that I am taking the relationship that says they are close friends. I am taking it  
20 to the relationship with Doctor Pat who did the BBL. I am taking the relationship to the fact that it is General Thema who actually assisted Doctor Pat or the other doctor.

I do not know what is Pat, but there are two daughters involved because another one, she did the head transplant. She did all those things now. When you look at

the fact that I also indicated that they were at General Senthumule's house, both Mr Matlala and Ms Matlala, and I gave the registration number of the car.

I do have the registration number of the car and I am challenging the evidence leaders, not the evidence leaders, I am challenging the investigators also to see if they can locate the vehicle in the vicinity in terms of telephone triangulation to see if it can be confirmed because it is confirmed.

10           So I am just saying these people that are so close to Ms Matlala and Mr Matlala, they are there, and I am the one actually who was inviting and who is actually close to Mr Matlala. And these ones, I just wanted to put that point as a warning factor to me.

**ADV BALOYI SC:** General, it is the long and short of what you are saying that General – firstly, I would like you to accept that the statement of General Senthumule does not confirm your version of how Ms Matlala came to be in the house. I think that you must confirm just by reading from  
20 the statement. You have a different version. She has a different, she has her own version. So that should be easy to get you to agree to it.

And then two, and maybe let me make this point, that if you speak about who was close to who in terms of relationships, I think it is a fair proposition to you or

suggestion to you that on your own evidence, you were close to Mr Matlala. It may be a question of degree. You did not have a non-existent relationship with him. You told us earlier you met him in general 2024, years after that you started interacting.

We see impalas coming into the picture, voice notes being exchanged. Ms Matlala is at your house. You say, tell him to make a turn without explaining why. Sergeant Nkosi seems to know and understand what this is  
10 all about and he easily tells him to make a turn and he reports back to you. That and other facts suggest that you do have a relationship with him.

**LT-GEN SIBIYA:** Irrespective of the fact that I do indicate here that I never received any impalas and I never wanted them from him.

**ADV BALOYI SC:** I am not asking you about impalas, General. I am speaking specifically to there are these facts. You did not receive the impalas, but Sergeant Nkosi is getting impalas, is trying to get impalas for you. He  
20 involves Mr Matlala. And when he says Cat, this is from Cat, you know what he is talking about, which Cat he is talking about. You know and understand all of those things.

But on your own version, after you meet him in January, you do interact with him. You tell us that, that of course after that we started interacting. So all I am simply

putting to you is on your own version, there was a relationship with you.

You had a relationship with Mr Matlala. We can debate. Was it close? Was it not too close? Was it uncomfortably close? That is a conversation for another day. But for now, all I am putting to you is on your own version, there was clearly a relationship between you and Mr Matlala.

In the same way, maybe, that you say even Maj-  
10 Gen Thema had a relationship with him. Even General Senthumule had a relationship. You did have a relationship with him.

**LT-GEN SIBIYA**: I think I never at any stage denied that I was talking to him or I spoke to him, but what I was not really agreeing to was that he is a friend, he is my friend.

**ADV BALOYI SC**: Okay.

**LT-GEN SIBIYA**: But I want to ask a question, direction perhaps just to look at this. Is this thing of having spoken to Mr Matlala looked at in a negative light in a sense of him  
20 being a service provider or a person who is not charged criminally, who is not under investigation ...[indistinct] as far as we are concerned?

The reason why I am asking that. We have the same scenario where Lt-Gen Nkhuoa, who is the Deputy National Commissioner, was very close to a lady whose

husband is the one who is allocated the tender and they are all over the show. They attended the wedding ...[intervenes].

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

**LT-GEN SIBIYA:** That is the National Commissioner ...[intervenes].

**ADV BALOYI SC:** No, General. No, I do not think we should provide you with a platform to make allegations about people. If you have got evidence before us, by all  
10 means, you can do a supplementary statement, you can provide us with evidence and then we look at what relevance is there to our terms of reference. I do not think it is right that you sit there and you use the platform to introduce other relationships that suggest impropriety. Maybe there is impropriety, but this is not the time or the opportunity for you to do that.

I asked you a question about do you accept on these facts that they indicate that you had a relationship and I made a point of saying to you, I am not saying it is  
20 close relationship because I do not know yet how close this relationship is, but do you accept that from January when you say you met him for the first time and you have now testified this morning to say of course I interacted with him after I first met him, and now we know his wife was at your house, we know he came and spent about an hour according

to your evidence, we know that Sergeant Nkosi tried to get impalas for you, at the very least tried, for you from him.

Yes, and then now this evening you say to Sergeant Nkosi, you know, tell him to make a turn. I am saying do you at least accept that it signifies a relationship, whatever form it is. It does signify that you did have some relationship with him.

**LT-GEN SIBIYA**: I would not agree that this is a relationship. I do not really want to accept the fact that  
10 some form of a relationship. I might have done that, but does not necessarily signify that it is a relationship.

**ADV BALOYI SC**: Okay, thank you, General. Ms Hassim?

**ADV HASSIM SC**: Thank you. General, just before we leave these chats, when you send this message saying ask Cat to make a turn, that was not the first time that you asked Sergeant Nkosi to invite Mr Matlala over, is that not so, for the 14 September?

**LT-GEN SIBIYA**: I do not remember inviting him in any other place. There is one moment that I remember, it was  
20 as allegations started filtering in, in terms of the involvement, his name was mentioned at some point in the Jerry Boshoga matter, where I needed now to understand, because I hear this thing and I want to understand, can you be involved here? Could you be involved? Could you be the one? Because I needed to know that.

So if it happens that maybe I might have, I will not deny. Remember I do not have any access to my gadget and no recall of what must have happened. So I do not want to sit here and say it was not the first time, it was the first and last time, in the meantime you show me something that I do not recall anymore, so I do not know.

**ADV HASSIM SC:** Okay.

**CHAIRPERSON:** Let us please adjourn for 10 minutes, so 16:10 and we will come back at 16:10 and sit until 17:00.

10 Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Ms Killian, in your absence and we waited thinking that we would be able to raise it with you outside, we wanted to sit until half past five instead of five, would that be fine with you?

**ADV KILLIAN SC:** I am concerned if I am asked first, because I always agree in a descending voice. Speaking for myself and for the General, we are available.

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

**ADV HASSIM SC:** Okay, thanks, Chair.

**CHAIRPERSON:** You do confirm, Ms Hassim?

**ADV HASSIM SC:** Yes, I do.

**CHAIRPERSON:** Thank you.

**ADV HASSIM SC:** Sorry. So, General, what I said to you

was this was not the first time that you asked Sergeant Nkosi to ask Cat to come to your home that day and you said it is possible that is true. Did I understand that correctly? Yes?

**LT-GEN SIBIYA:** On that day?

**ADV HASSIM SC:** Yes, on that day.

**LT-GEN SIBIYA:** Chair, I do not remember that.

**ADV HASSIM SC:** Okay. So let me just go back to the chats. You see, when you say ask Cat to make a turn, the  
10 response from Sergeant Nkosi is, I spoke to him earlier. He promised to come around eight, meaning I spoke to him earlier in the day. And when we look at his conversation, if we look at his chat with Mr Matlala, let us just go back there. It was where we began and it is page 111, triple one.

**LT-GEN SIBIYA:** File?

**ADV HASSIM SC:** It is the same file.

**LT-GEN SIBIYA:** Six of 10?

**ADV KILLIAN SC:** I think it is seven. File 7.

**ADV BALOYI SC:** Can we close the transcripts? Are you  
20 still going to come back to them? The desk is quite cluttered.

**ADV HASSIM SC:** Which transcript?

**ADV BALOYI SC:** The witness and Mr – Witness F.

**ADV HASSIM SC:** No, I am coming back there.

**ADV BALOYI SC:** So we should keep it here?

**ADV HASSIM SC:** Yes.

**ADV BALOYI SC:** Okay.

**ADV HASSIM SC:** It is on a different topic, but I am still going to use that file. Sorry, General, are you there? 111.

**LT-GEN SIBIYA:** 111 of File 7 of 10.

**ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** All right.

**ADV HASSIM SC:** So if you look at chat number 8 at 07:25:44 in the morning, do you see that?

10 **LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Right. So there is a call from Mr Matlala to Sergeant Nkosi that morning, right?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Then the next call is made in the evening. We have covered that. That is in response to your question, to ask him to make a turn. So he spoke to Mr Matlala that morning. And when you then go back to the chat where I asked Cat to make a turn, he says, I spoke to him earlier. He promised to come around eight. So he had  
20 already been instructed by you to ask Mr Matlala to come. He says, I spoke to him earlier, and he promised to come around eight. And then he has this call again with Mr Matlala at 19:11 after you ask him, and then he responds to you that he will be there in 30 minutes. So what I am saying to you is that this is the second request you made to

him.

**LT-GEN SIBIYA**: Not at all. I do not agree there, Chair.

**ADV HASSIM SC**: So when he says, I spoke to him earlier, he promised to come around eight, what did you make of that? What did that mean?

**LT-GEN SIBIYA**: That is a question that Nkosi can answer, because when he says I spoke to him earlier, he promised to come around eight, I do not know to come where. But I know that, and I do not deviate from that message of asking  
10 him to come. But when I say I spoke to him earlier, he promised to come around eight, I do not know where from. Let us say he was from somewhere not around Pretoria, and he says I spoke to him earlier, he promised to come around eight. Let us say he was in Limpopo, he promised to come around eight. So I do not know. But what I am saying is that I cannot sit here and account for the messages between Cat and Nkosi.

**ADV HASSIM SC**: Yes, except that, you see, what he says to you is I spoke to him earlier, he promised to come around  
20 eight. Well, in the context of this conversation that is happening, it is about to come around eight, he promised. It can only mean that he promised to come to your place at around 8 o'clock because that is the context in which he is answering you. You say, ask Cat to make a turn. He says I spoke to him earlier, he promised to come around eight.

That must mean to come around to your place at eight. It cannot mean some other place.

**LT-GEN SIBIYA**: I do not accept that on my side because the fact that I personally was talking to Nkosi, that I indicated earlier that Nkosi is one of the colleagues that I worked with that was supportive of me or supporting me in terms of logistics. So I do not accept that it is in relation to Cat or Mr Matlala to say that I invited him initially, because this message would have shown that invite Mr Matlala,  
10 around the first one that you are talking about, it is not the case.

Now for Sergeant Nkosi to say I spoke to Cat earlier. Now, when you say earlier, earlier could have meant 3 o'clock in the afternoon, or 2 o'clock, or 5 o'clock. That does not necessarily mean to refer to that earlier call.

**ADV HASSIM SC**: But if he, let us say it was not seven in the morning. Let us say it was some other point earlier. Let us, for the sake of moving forward, say that that is the case. Sergeant Nkosi would not have on his own, off his  
20 own bat, invited Mr Matlala to your place. It would have only come because you asked him to do so, right? He wouldn't do that. As you said, this was a small family gathering.

**LT-GEN SIBIYA**: What if he says I spoke to him earlier, he said he will come around eight. After having received the

call, that message that said invite Cat, not invite Cat, ask Cat to come. I do not know, I do not remember how I put it.

**ADV HASSIM SC:** You said ask Cat to make a turn.

**LT-GEN SIBIYA:** To make a turn, yes. And let us say he spoke to him in between an hour there, after saying earlier I spoke to him, he said to come around eight.

**ADV HASSIM SC:** You mean after you sent the message saying ask Cat to make a turn?

**LT-GEN SIBIYA:** It is possible.

10 **ADV HASSIM SC:** No, that is not possible, actually, because you said ask Cat to make a turn at 19:10 in the evening. He responds at 19:11, I spoke to him earlier. So it couldn't have been that he made a phone call after you, in the 50 seconds or whatever.

**LT-GEN SIBIYA:** But at the same time, I do not know, when he says I spoke to him earlier, it could have been the fact that maybe he might have spoken to either the wife or any of the people who were there. Then I am talking to Cat, and then Cat says, he says I spoke to him earlier and that  
20 he said to come around eight. Not necessarily meaning because of the fact that he interacted with me, but with any other person. Then he said, no, I have already spoken to my wife, so I will be that side around eight. So to me, it is neither here nor there. But I know I never communicated or invited him earlier or spoke to him earlier.

**ADV HASSIM SC:** Okay. And then I am going to move off this. After this ...[intervenes].

**ADV BALOYI SC:** Before you move.

**ADV HASSIM SC:** You have further questions?

**ADV BALOYI SC:** Yes. On this.

**ADV HASSIM SC:** Yes.

**ADV BALOYI SC:** On this same topic. General, I think we have to work with ordinary construction of these follow-ups, how the communication is flowing. You tell Sergeant Nkosi,  
10 at 19:10:15, you say, ask Cat to make a turn at 19:10:15. At 19:11:14, a minute later, he says I spoke to him earlier, he promised to come around 20:00, 8 PM.

So from his response it is clear that he has, at least that is what is being proposed to you, and I am supporting that. That from his response to you it is clear that he has invited Mr Matlala, or he has already told Mr Matlala to come to your house. And there is no intervening telephone call between your message and his response, there is no intervening call.

20 Within a minute of your message, he comes back, he says, I have spoken to him earlier, and you had already promised he would be there at 8 o'clock. That is what this says. That is what it conveys in the face of it, without interpretation.

**LT-GEN SIBIYA:** Logically speaking, Chair, it does not

necessarily mean that the fact that he said I spoke to him earlier and then he said he would make a call, it means that he was ever asked to make a turn earlier.

**ADV BALOYI SC:** What are the possibilities? What does it possibly mean?

**LT-GEN SIBIYA:** The possibility is that I was talking to Cat earlier and then I told him that we are here and that your wife is here, or he told me that my wife is there, and then around 8 o'clock I will make a turn. Without me being the  
10 one now to say anything ...[intervenes].

**ADV BALOYI SC:** So Nkosi, are you now telling us that Nkosi knew that Ms Matlala is at your house?

**LT-GEN SIBIYA:** I do not know.

**ADV BALOYI SC:** Okay. So you are speculating.

**LT-GEN SIBIYA:** I do not know. All I am saying is that I also do not want to own up to the conversation between Matlala and Nkosi and the interpretation of maybe why when Nkosi says I spoke to him earlier, then it means it was for the second time he gets invited. It is not how it worked.

20 **ADV BALOYI SC:** You do not know how it worked, you are telling us. Is that what you are saying?

**LT-GEN SIBIYA:** Yes.

**ADV BALOYI SC:** Okay, and we are suggesting to you, then. You say you do not know how it worked. I am suggesting to you how I think it worked, or how I propose it

worked, just looking at this. I do not know what background conversations happened, but what I am suggesting to you is that you send a message, and within a minute Sergeant Nkosi says I spoke to him earlier, he promised to come around 8 PM.

So what I am suggesting to you is that when he says I spoke to him earlier, he does not mean in the period after you sent your message. He means another time, because otherwise it would reflect here that there was a  
10 call, but also a minute is too short for him to have made a call and then say I spoke to him earlier. He would otherwise have said I just spoke to him, he says he will be there around eight.

So here is my construction, and that I want you to comment on. I spoke to him earlier means earlier than your message to him, tell him to make a tell, he promised to come around 20 hours. So Nkosi is relaying a much earlier conversation before Ms Matlala was said to be unable to drive. That is what I am suggesting this means.

20 **LT-GEN SIBIYA**: That is when we must now accept that Cat was talking to his wife because he knew where his wife was.

**ADV BALOYI SC**: No, we cannot accept that. We do not know the facts. You also do not know it as a fact.

**ADV HASSIM SC**: No, no. Commissioner Baloyi, there is

no way Cat did not know where his wife was.

**ADV BALOYI SC:** Yes, he may well have known because for a number of reasons, including that Sergeant Nkosi told him that your wife is going to be or is at Commissioner Sibiya's house. There are all those possibilities. I am suggesting to you, let us work with what is known. What is known is what is before us and what you have told us in fact happened that day that Ms Matlala was at your house, Mr Matlala came to your house. Those facts we know from  
10 your evidence.

The other facts that we know is you said, ask Cat to make a turn. And it has been put to you by the Chair, amongst others, that this is an invitation for him to come to your house. We know you said make a turn. Another known fact is Sergeant Nkosi says to you, within a minute of your message, Sergeant Nkosi says I spoke to him earlier and he said he will come around 8 o'clock. That is another known fact.

And the last known fact is there is no intervening  
20 telephone call between your message and his response. And what I am suggesting to you, what has been suggested to you is on these known facts, it appears that Sergeant Nkosi had already earlier in the day invited or told Mr Matlala that he should come to your house. That is what it appears like.

**LT-GEN SIBIYA**: Through Chair, I am looking at a Chair now. When you have a chicken or a goat and you want it to enter into this door and you are pushing it and it tries to go and you bring it here and try to raise it and bring it here. Now, Commissioner Baloyi put ...[indistinct] and as I tried to respond, she said, no, no, no. Then she goes and she goes. Then I try to – then she – you understand that she actually wants me to enter into that one door. And it is a problem for me. It is really a – do not overwhelm me. The  
10 authority is different.

I am sitting here where I am and you are at a higher authority in such a way that I have to respect the authority. And the fact that where you are coming from, you are speaking from a position of power, does not necessarily mean that now it compels me to concede. And then the moment I concede, then the media, he conceded this, conceded this, he was grilled for this, he was forced to this, it is unfair.

**ADV BALOYI SC**: Okay. General, I do not want to – I  
20 know you said you are directing yourself to the Chair, but can I just clarify myself? Can I just clarify? I do not want you to make any concessions that are not based on your truth or fact. I do not want you to do that. And it is quite competent as an answer when I say to you it appears. After I say, this is a fact, this is a fact, this is a known fact, you

can say to me, no, you are wrong, Commissioner, those are not known facts. When I say to you it appears, you can say to me, you are wrong, that is not how it appears. And it is what it is.

**LT-GEN SIBIYA**: Well, I am asking Commissioner, be open to also another point of view.

**ADV BALOYI SC**: I am. I promise you I am.

**LT-GEN SIBIYA**: Now, when I put my point of view, then Commissioner put a cul-de-sac this side, and then I try to  
10 take this other direction, another cul-de-sac and say, no, we are going there. And that is my problem.

**ADV BALOYI SC**: General, the Chair has heard you, I think he will admonish me as is necessary.

**LT-GEN SIBIYA**: The way I am saying it, I do not even know where to start responding to what you already said, Commissioner, with respect. Because she said, she was asking a question and as I tried to jump in to respond, and then she cut, and then she went again. So I am just trying to say I forgot everything that she said at this present  
20 moment because what occupied my mind now is the unfair manner in which I am being channelled to go into a particular door.

**ADV BALOYI SC**: I think subject to the Chair's guidance, I really would like to get your answer. If you are not happy, if you want me to repeat it and the Chairperson is happy for

me to repeat what I was putting to you, I will repeat it.

**LT-GEN SIBIYA**: Okay.

**ADV BALOYI SC**: And if you do not want to answer, or ...[intervenes].

**LT-GEN SIBIYA**: Please repeat it for me, I want to answer it.

**ADV BALOYI SC**: Okay. So, what I put to you was here are the known facts, right? We deal with facts, I am putting to you not speculation. I am putting to you the known facts  
10 and I start by listing them before I get to say, this is what it looks like. Are you okay with me so far? I do not want to overload you with detail or information.

So what I put to you is the facts that we know now is Ms Matlala was at your house on the day, on the 14<sup>th</sup> of September 2024. We know that for a fact, you accept that?

**LT-GEN SIBIYA**: I do.

**ADV BALOYI SC**: Okay. We know for a fact that Mr Matlala was at your house on the 14<sup>th</sup> of September. You accept that?

20 **LT-GEN SIBIYA**: I do.

**ADV BALOYI SC**: Okay. We know for a fact that you sent a message to Sergeant Nkosi at 19:10 to ask Matlala to make a turn. You accept that?

**LT-GEN SIBIYA**: Yes.

**ADV BALOYI SC**: Okay. Four, you accept, we know as a

fact that Sergeant Nkosi responded within a minute of your message to say I spoke to him earlier, he promised to come around 20:00. You accept that is a fact that we know?

**LT-GEN SIBIYA:** That is correct.

**ADV BALOYI SC:** From his WhatsApp messages?

**LT-GEN SIBIYA:** That is correct.

**ADV BALOYI SC:** And then lastly, the last fact that we know is from this record of WhatsApp messages, there is no telephone call from Mr Nkosi between your message and his  
10 response to you. At least we do not see that.

**LT-GEN SIBIYA:** That is correct.

**ADV BALOYI SC:** You accept that?

**LT-GEN SIBIYA:** Yes.

**ADV BALOYI SC:** Okay. So those are the facts that I say we know from evidence. And then here is my proposition from those facts. It appears from these facts, it looks like from these facts that Sergeant Nkosi, when he spoke to Mr Matlala earlier, as he tells you I spoke to him earlier and he said he would come around eight. From that, it appears  
20 that in fact, in the earlier conversation that he is referring to, he in fact spoke to him, to Mr Matlala, about coming to your house, in the earlier conversation. That is what it appears like. And all I am asking is, do you agree? It may be wrong completely. That is not what happened. So that is why we are talking appearances. Do you agree that that

is what it appears like? You invited him earlier.

**LT-GEN SIBIYA:** I do not agree, for simple reasons, Chair. Commissioner Baloyi created the impression that the role players that were on stage there is only me, Nkosi, Matlala. Only that. Forgetting that there was General Senthumule, General Thema, General Shibiri, and also other people that were there.

To an extent that the role that could have been played by any of the people that were also there, that could  
10 have also spoken to Cat Matlala. Or, the fact that Mr Matlala could have also spoken to his wife, himself. And then, when Nkosi calls, or received that message and said I spoke to him earlier, he said he will be there around 10, we do not know that he said, no, no, I know, I spoke to my wife earlier, and then I will be there around about eight. Then he sends such a message. It is also possible. So what I am asking, let us be open to also other explanations or suggestions.

**ADV BALOYI SC:** That is your answer to me. Thank you.  
20 Ms Hassim?

**ADV HASSIM SC:** Sorry, Commissioner Baloyi, but your – General, what you have said, you have forgotten another important fact, which is what I put to you when I said to you that it looks like you had asked him prior. And that is that the only conversation that Sergeant Nkosi had with Mr

Matlala that day, before this 19:00 time, is at 07:25 in the morning.

There was not any other conversation between the two of them. So, it does not allow for your theory that there would have been some conversation pertaining to this, you know. If there was a call that Ms Matlala is in the need of assistance of her husband because she cannot drive, that would have been later on. That would have been after the party began. The only communication between the two of  
10 them was 07:25 in the morning until this later in the evening. So, it does not allow for that hypothesis.

**LT-GEN SIBIYA**: I wish I could ask a question, but I am here to answer, not to ask questions. Now, how I will put it is this way. I do not think the evidence leader do know how many phones does Mr Nkosi have and how many phones does Mr Matlala have, in such a way that you can say I only see that one call seven in the morning and that last call, that one.

But in between, there could have been any other  
20 communication or conversation on any other device. So, all I am saying is that we cannot bank and go with our whole weight on saying there is no any other communication other than what we see.

**ADV HASSIM SC**: I am going to leave it here. I just, you know, I put it to you that your interpretation of this is not

believable. That, as Commissioner Baloyi says, it appears that there was an earlier ...[intervenes].

**LT-GEN SIBIYA**: Well, it is my plea that the Chair also believe my story.

**COURT**: We will assess the evidence at the appropriate stage. Thank you, General. Thank you.

**ADV HASSIM SC**: I am happy to respond to that. Okay, so after the 14<sup>th</sup> of September 2024, did you have further – well, let me put it this way. Did you ask Sergeant Nkosi to convey messages to Mr Matlala at any other occasions after this?

**LT-GEN SIBIYA**: I do not remember, Chair. You see, I am talking from myself. As you see me, I do not have anything in front of me. These are the files that I am provided, but I do not have my gadget. I do not have nothing. So you have the benefit of what you have, but I do not know. Whatever that is being asked, I will respond where I can. I will try.

**ADV HASSIM SC**: Okay. Just to remind you, you also have the benefit of what I have because you have all of this material as well that I am referring to. So you do have that information. And the reason I am asking is because you said you denied. When I think probably at the top of this morning, when I started off asking you about your interaction with Mr Matlala and I took you to the evidence of

Sergeant Nkosi where he said that he would pass messages between you and Mr Matlala, you denied that that is what took place. And what we are seeing is that you do pass messages through Sergeant Nkosi. So that is why I am asking you, were there further messages? So you are saying it is possible that there ...[intervenes].

**LT-GEN SIBIYA:** From whom to whom?

**ADV HASSIM SC:** Between you and Mr Matlala via Sergeant Nkosi.

10 **LT-GEN SIBIYA:** I do not know. I do not remember. If something is put in front of me, let me respond.

**ADV HASSIM SC:** Okay. I would like to take you to another part of the chats then, and this is in the same file. It is page 547. Sorry.

**ADV KHUMALO SC:** Ms Hassim, it is 453.

**ADV HASSIM SC:** Sorry, then it must be File 8. Apologies, Chair.

**LT-GEN SIBIYA:** Which page?

**ADV HASSIM SC:** File 8 on page 547. File 8. Sorry, 547.

20 And this is an extract of the chats between Sergeant Nkosi and General Shibiri. And the particular message I would like to go to is chat number 6.

**LT-GEN SIBIYA:** Chat number 6?

**ADV HASSIM SC:** Ja.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** It is on the 17<sup>th</sup> of September 2024 at 08:45 AM. And you will see that General Shibiri sends Sergeant Nkosi a screenshot. It is not easy to see there, so if we can just go to the page of the screenshot, which is in the same file 573.

**LT-GEN SIBIYA:** I am here at 547.

**ADV HASSIM SC:** Ja. So you will see at 547 there is the screenshot that General Shibiri sent.

**LT-GEN SIBIYA:** I see chat number 5.

10 **ADV HASSIM SC:** Chat number 6. Sorry, number 5. Chat number 5, yes.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** But you can see that it is not easy to see what that screenshot is.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Right. So if you go to page 573, you will see the screenshot. Yes, it is probably easier for you to look at it there.

**LT-GEN SIBIYA:** Yes.

20 **ADV HASSIM SC:** This is a post by a person named Musa Khawula.

**LT-GEN SIBIYA:** Correct.

**ADV HASSIM SC:** And it is, as you can see, as you read it, it posts these allegations against Mr Matlala, including his connection at Tembisa, defrauding at Tembisa Hospital,

blue lights. He is connected to the killing of Babita. He spelled it incorrectly, Deokaran. Okay. Do you know this person?

**LT-GEN SIBIYA:** Which one?

**ADV HASSIM SC:** Musa Khawula. Do you know who he is?

**LT-GEN SIBIYA:** I know him from, I have not seen him in person.

**ADV HASSIM SC:** How do you know? How do you know of  
10 him?

**LT-GEN SIBIYA:** I do not know what they call him or what they call this type of people, but what they do is, he posts things like this about people, too many people.

**ADV HASSIM SC:** Okay, so you are aware of this? You are aware of him and you are aware that this is what he does?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** That he posts?

**LT-GEN SIBIYA:** Yes.

20 **ADV HASSIM SC:** Okay. So what happens then is that on the 17<sup>th</sup> of September, if we go back to 547, and you will see at chat number 7 General Shibiri sends Sergeant Nkosi, he forwards this message. It appears to be a message forwarded from Mr Matlala, which says:

“Someone sent this to me yesterday and

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

Okay. And then if you look, continue on 548, chat number 2.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay. General Shibiri also sends Sergeant Nkosi this message. It seems like, again, a  
10 forwarded message, a message that he is sharing with Sergeant Nkosi:

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

Okay. That is still on the 17<sup>th</sup> of September at 09:10. And then he immediately shares with Sergeant Nkosi the screenshot in chat number 3. And the screenshot is at page 574, but we will also display it.

**LT-GEN SIBIYA:** Page?

20 **ADV HASSIM SC:** 574.

**LT-GEN SIBIYA:** Must I go there now?

**ADV HASSIM SC:** You can look at it on the screen if you do not want to leave the chats. So, in that screenshot, what you see is, this is a conversation between General Shibiri and Musa Khawula, in which he says at the bottom there:

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

**LT-GEN SIBIYA**: This is between who and who?

**ADV HASSIM SC**: General Shibiri and Musa Khawula.

**LT-GEN SIBIYA**: All right.

**ADV HASSIM SC**: So, it seems to be that General Shibiri is trying to protect Mr Matlala. Would you agree?

**LT-GEN SIBIYA**: I do not know.

10 **ADV HASSIM SC**: Well, he is saying to Musa Khawula, do not run the story.

**LT-GEN SIBIYA**: I am not sure.

**ADV HASSIM SC**: Do not run the story. Remember, Cat has already said to him this guy is posting these things about me. And now he writes and he says, do not do this, do not write about this guy. So, if he does that, it suggests that he is trying to protect Mr Matlala. Would you agree with that?

**LT-GEN SIBIYA**: I do not know.

20 **ADV HASSIM SC**: You do not agree with that?

**LT-GEN SIBIYA**: I do not know whether he was trying to protect him or trying to protect anyone.

**ADV HASSIM SC**: Okay. I am not going to dwell on it too long because there are others who can answer this question. I want to take you to page – I am sorry that we

are jumping around, but these chats are important – to 21 October 2024, page 113. So, that would now be File 7. Page 113. It will be chat number 1. This is now the chat. We are going back now to the chat between Sergeant Nkosi and Mr Matlala and you will see in chat number 1 Sergeant Nkosi sends Mr Matlala a copy of the application for the warrant of arrest for Musa Khawula.

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** And you will find that warrant, a proper  
10 copy, on page 126. Are you at page 126?

**LT-GEN SIBIYA:** 126. Okay.

**ADV HASSIM SC:** Right. So, this is a warrant. It is for warrant of arrest of Mr Khawula and Mr Nkosi sends it to Mr Matlala. Let me just pause there for a moment. You would agree that it is improper for Sergeant Nkosi to be sending this to Mr Matlala?

**LT-GEN SIBIYA:** Fully agree.

**ADV HASSIM SC:** You?

**LT-GEN SIBIYA:** I fully agree.

20 **ADV HASSIM SC:** Okay. And you will see immediately after he sends it to Mr Matlala, Mr Matlala responds *asbonge* and then an emoji of thank you. Okay? Now, what we know so far is that this is a person who is posting things about Mr Matlala. Mr Matlala is very unhappy about it. He has got General Shibiri on his side saying to Musa Khawula

do not do this. And now he has got Sergeant Nkosi sending him this picture of the warrant for arrest. Now what I want to take you to is Sergeant Nkosi's evidence on this, and that you will find in File 10A. So I need you to open File 10A, please. Can someone assist? Chair, let it not be said that we did not use all of these files that we put before you.

**LT-GEN SIBIYA:** Got it. 10A, page?

**ADV HASSIM SC:** 10A. Okay, page. Let us start at 251.

**LT-GEN SIBIYA:** Page?

10 **ADV HASSIM SC:** 251. Okay, so this is the transcript of the evidence of Sergeant Nkosi, and he is explaining these chats that we are looking at now. Okay? And so he is asked how he came to be in possession of the warrant. And if you see at line, you see where line 20 is? Three lines up from that, he begins to explain.

**LT-GEN SIBIYA:** Number 20?

**ADV HASSIM SC:** Line 20.

**LT-GEN SIBIYA:** Yes, in this matter of Mr Khawula.

**ADV HASSIM SC:** Okay, page 251.

20 **LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Right. You see where line 20 is?

**LT-GEN SIBIYA:** I am at 20, and then it says, in this matter of Mr Khawula, full stop.

**ADV HASSIM SC:** Yes, yes, yes, yes, that is right. So let us just start from the beginning of that. It says:

“Thank you, I received this warrant. It was Saturday on that particular day.”

**LT-GEN SIBIYA:** Where are we?

**ADV HASSIM SC:** It is three lines up from line 20.

**LT-GEN SIBIYA:** Thank you.

**ADV BALOYI SC:** It says Witness F.

**ADV HASSIM SC:** Witness F, thank you, Commissioners.

**ADV HASSIM SC:** Yes.

**LT-GEN SIBIYA:** All right.

10 **ADV HASSIM SC:** Okay, he says:

“I received the warrant. It was Saturday on that particular day. I received a call from Brigadier Ramangwa, whom his team was involved in this matter of Mr Khawula. He further informed me that there is information about Mr Khawula and his whereabouts. I must proceed to the said location.”

20 Okay, now if you just go down a little bit further, we do not need to read every line. He says at line 10 in the next page, he says:

“Fortunately I was able to get hold of Captain Zungu, who further accompanied me to the said address.”

Do you see that?

**CHAIRPERSON:** Are you there, General? Page 252 now.

**LT-GEN SIBIYA:** I am on it, Chair, but when she is reading and she says line 10, then I see was the weekend.

**ADV HASSIM SC:** Yes, was the weekend, but fortunately I was able – so if you start from the sentence before:

10                    “There were no members available on that day because it was the weekend. But fortunately I was able to get hold of Captain Zungu, who further accompanied me to the said address.”

Now here comes the important part:

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

Okay? Do you see that?

**LT-GEN SIBIYA:** I see.

**ADV HASSIM SC:** Well, let me pause there before I go any further. Why did you make this call to Sergeant Nkosi?

**LT-GEN SIBIYA:** I think, I am quite sure that I do not think you really believe that I would do such a thing as an evidence leader. Why I am saying that, to start with, Musa Khawula has got more than one warrant of arrest. I think there are three. There is one attempted murder, and  
10 another one is murder, and this one at that time. If that was the case, I would have given him all of them if I am the one who gave them. But that is not the case, and I never made such a call.

**ADV HASSIM SC:** So you are saying you did not call him?

**LT-GEN SIBIYA:** I did not.

**ADV HASSIM SC:** He goes on to say that, if you scroll down to page 253, first of all, let me say he says he forwarded to Mr Matlala. And then page 253, at the top of the page:

20                   “After 45 minutes, I received again a call from General Sibiya, telling me that, or confirming to me, about what already General Ramangwa had said to me, that this matter is a matter of importance. The person involved there, he did not

10 mention who he was, but he mentioned to me that he is getting pressure from the head office. Head office, the office of the Deputy Minister, he is getting pressure from them. I then asked the Deputy National Commissioner, what is so important about this charge? Because according to me, there is no sense of urgency. He said this guy insulted a member of Parliament. He told me now the member that he created crime against is Mr Fikile Mbalula, the Secretary of the ANC. The other one is Mr Zee. So basically, they were the complainants. So this matter was putting him under pressure. That is the reason we had to leave everything and attend to it.”

What is your response to this?

20 **LT-GEN SIBIYA:** I think, Chair, that must tell you that Mr Nkosi was not telling the truth, for simple reasons. We have in the police what we call tracking teams. Tracking teams are the teams that actually work on the warrant of arrest. Now, there are thousands and thousands of warrant of arrest and we have got tracking teams in each and every province that only tracks people that are to be arrested.

Now, in my case, initially, because the tracking teams were – I am one of the people who the National Commissioner gave an instruction to and said I want the tracking teams to be resuscitated and to work and to put groups together and to do a new call-up instructions, and then we put them together in places, and then for them to have accommodation and to start tracking.

So every Monday, we have thousands and thousands that report, people that are reportedly arrested  
10 over the weekend or for that particular week, because every Monday there is this report there. So now, which means on this one of Musa Khawula, if there is a warrant of arrest, it will automatically fall to the tracking teams because they know where they get the warrant of arrest.

So in this one, you will also see that I do not even know who applied for the warrant of arrest and how it was applied for, and even the people who were arrested in KZN. And lastly, Sergeant Nkosi, at his level, because he is five levels below me, five, he will never ask me a question that  
20 says, but what is so important about this thing? Why must we be jumping like this for this thing? It is not true.

**ADV HASSIM SC:** Okay. So when he says that you called him twice on that day, he is not telling the truth?

**LT-GEN SIBIYA:** I cannot say he is not telling the truth. All I can say is that it is not true. I never called him on this

warrant of arrest and ...[intervenes].

**ADV HASSIM SC**: Could you have called him about something else on the same day?

**LT-GEN SIBIYA**: It is possible. It is possible. And it is also possible that I might have spoken on this one. When I say it is also possible that I must have spoken to him on this one, if this person now was, for an example, we get information that comes and says this person will be in such and such a place because there will be a party where they  
10 will be. I now know, and when I know, the team that I will choose is a team that I will say, hey, this is what will be happening.

Not only, I will just give an example, not only on this one. Let us take for an example of Mr Boshoga. Then you get a call from the family that says we understand this house and this house and this house, this is where our son will be. Then I put the team together. They go and hit those houses there.

So that is, so I say I do not deny that I might have  
20 maybe spoken to – he reported to Brigadier Ramangwa. And then I must have spoken to Brigadier Ramangwa, but I am the guy who is also, as much as I am strategic, I am also on the ground when it comes to tracing and tracking ...[intervenes].

**ADV HASSIM SC**: So you spoke to Brigadier Ramangwa, is

that what you said?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** About this arrest?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** Okay, continue, and what did you discuss?

**LT-GEN SIBIYA:** What we discussed is like, remember it is warrant of arrest three, warrant including the murder, and say if we received information that says he will be in such  
10 and such a place, maybe they must. But I do not say this is what happened. All I am saying is that I do not remember calling Nkosi specifically and say, I have pressure from the Deputy Minister. It never happened.

**ADV HASSIM SC:** Were you receiving any pressure from the Deputy Minister?

**LT-GEN SIBIYA:** I have never received any pressure from anybody.

**ADV HASSIM SC:** From anyone, not even from any politician?

20 **LT-GEN SIBIYA:** No.

**ADV HASSIM SC:** And what was your interest in Mr Musa Khawula again? Why were you following this closely?

**LT-GEN SIBIYA:** I never was interested in Musa Khawula. I am interested in the arrest of the suspects that are wanted and those that are the warrant of arrest throughout the

country. And we arrest thousands and thousands per week. Every Monday you can check the statistics. It is not only Musa.

**ADV HASSIM SC:** Are you interested in all of them?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** So you pay attention to all of those thousands of arrests?

**LT-GEN SIBIYA:** To all of them. That is why we report on Monday.

10 **ADV BALOYI SC:** General, what you are being asked, and I think what you are being asked is, in all the thousand and thousand weekend cases, do you call, I do not know whether Ramangwa is the investigating officer, but do you call for each one of those hundreds and hundreds? Do you call whoever is dealing with that warrant, all of them, and ask about it?

**LT-GEN SIBIYA:** No, no.

**ADV BALOYI SC:** You do not. So the question is, why this one in particular, is what Ms Hassim is asking. Why would  
20 you have asked about this one in particular?

**LT-GEN SIBIYA:** Like I indicated earlier that sometimes if you do get information from informers that tells you that we know so-and-so and so-and-so is wanted and then he will be at such-and-such a place, there will be a gig at such-and-such a place. Then, obviously, it is to inform the police

that there will be a gig. They say this particular suspect against whom we do have a warrant of arrest will be there. Put the team together, Brigadier Ramangwa, and see if this person can be arrested.

**ADV HASSIM SC:** So you – go ahead. So you received information from an informer?

**LT-GEN SIBIYA:** Yes. Okay, so I might have. When I say I might have, I am trying not to move away from the fact that I might have called or maybe spoken to Brigadier  
10 Ramangwa. All I know is that who reports to me in relation to this warrant of arrest is Brigadier Ramangwa. And once I have given them information, they themselves also would come and say, no, we have received information that there will be a party at such-and-such a place. He will be there. And then I will say, all right, let us see, but good luck. That is how it works.

**ADV HASSIM SC:** So I am not following your evidence. You are saying it could be that you received that. An informer called you to say this. That that would  
20 ...[intervenes].

**LT-GEN SIBIYA:** You see ...[intervenes].

**ADV HASSIM SC:** You are trying to say it is possible that you spoke to Brigadier. I do not understand your evidence. Either you called Brigadier Ramangwa and you spoke to him about something in particular because you say because you

had information. Either that happened or it did not.

**LT-GEN SIBIYA:** You see, Chair, Brigadier Ramangwa is a person that I was close to. He is no longer in the police now. He is a person that I was close to. If there is any intervention that I need, he is one of the people that I would also talk to. But now in this case, they will also to you that we have spoken to the tracking teams, they say, or they have received information that there will be a gig at such-and-such a place. This person will be there. I am going to  
10 put a team together that will go and deal with the situation. That is how it works.

**ADV BALOYI SC:** Did he report to you directly, Brigadier Ramangwa?

**LT-GEN SIBIYA:** Yes.

**ADV KHUMALO SC:** General, I am ...[intervenes].

**LT-GEN SIBIYA:** Sorry, Chair, let me just clarify this. Why I say he was already on pension, these are those that we called back to come and assist the detective in terms of their experience. Now, he was working with, let us say,  
20 Brigadier Shibiri. But because of the fact that you get interventions, requests, whether from the Minister, National Commissioner, Deputy Ministers or anybody that says Remember, at an ...[indistinct] or wherever they are, they also receive complaints. And as they receive complaints, they offload them to the National Commissioner or to me.

And as they offload them to me, I also pass on to the team and say, please respond, and then give feedback.

Now, what we do under normal circumstances is to make sure that if someone complained to the National Commissioner or to the Minister or to the Deputy Minister, I do not want to get a reminder from the Minister that I did not do the job.

So what I do is you will follow up and say, you remember, and there is many of such complaints where a  
10 parent, a mother will be crying and say my son died and I do not see much attention, please. Then the Minister will send it to me. Then I will put a team together that says please try to intervene and then see how best we can resolve this matter.

**ADV BALOYI SC:** General, you said in direct answer to my question, you said that yes, he reports to you, and then you say he worked closely with General Shibiri. Can you just explain what that means? I do not understand what it means.

20 **LT-GEN SIBIYA:** General Shibiri is a component head of Organised Crime, which also of which Brigadier Ramangwa is to report to because he signed Brigadier Ramangwa's itineraries and all those things. But it is the kind of a person who my office has got access to, where I called Brigadier Ramangwa. General Shibiri is also as busy as I

am in the sense that he will Chair meetings. Let us say it is cash-in-transit or it is extortions or whatever, but he is working with other senior managers. Sometimes you find that he is at the college in a meeting.

Now, when you say Brigadier Ramangwa or you just say to the PA, please call me Brigadier Ramangwa. And as he comes and you say here are the people. Sometimes when people come in to see me, I sit with – I will call Brigadier Ramangwa to come and sit with so that they take  
10 notes, and as they take notes then they must follow up. So it is just a normal course of working circumstances or the way we work.

**ADV BALOYI SC:** Okay, so the long and short is he did not report to you.

**LT-GEN SIBIYA:** Who?

**ADV BALOYI SC:** Ramangwa.

**LT-GEN SIBIYA:** He reported to me, to Shibiri. I cannot say he did not report to me when I was also giving him instructions.

20 **ADV BALOYI SC:** No, no, no. There is a structure, there is a line of command, and with Sergeant Nkosi, you are very clear about it. You say he does not report to me, he is five levels down, so you understand what I am asking you. It does not mean you did not work with him or you did not involve him in other things that you were doing related to

your work. You describe him correctly, you say he is five levels down, I do not have a direct working relationship with him. I am asking you the same question about Brigadier Ramangwa. He either reports to you or he reports to General Shibiri structurally, or he reports to both of you structurally is the question I am asking.

**LT-GEN SIBIYA:** I think, Commissioner, you need to understand how the police function.

**ADV BALOYI SC:** No, General, I do not want to hear how  
10 they function. I hear you saying you did speak to Brigadier Ramangwa about this work, this, and you feed information when you get it, so I understand that. I am asking you a simple, straightforward question. You confuse me when you say he reports to you and then in your further explanation you say he works with General Shibiri. I do not understand what that means. He either reports to you or he does not.

**LT-GEN SIBIYA:** But do you see where I come from, Commissioner Baloyi, when I say you are not prepared to listen to my answer ...[intervenes].

20 **ADV BALOYI SC:** No, General ...[intervenes].

**LT-GEN SIBIYA:** Let me speak ...[intervenes].

**ADV BALOYI SC:** I am sorry. With respect, General, it is a tired line when you keep on saying, you see, you do not understand, you do not know how it works. I have asked you a simple question. There is a substructure. There is.

There is a substructure. You can say to me, structurally, he reports to General Shibiri, not to me, but I do work with him. Or the other way around. My question is capable of a simple, straightforward answer without a long explanation, General. Please. You can answer.

**LT-GEN SIBIYA**: Commissioners, Brigadier Ramangwa reported to General Shibiri structurally, but I have access to all of them and can call anyone of them anytime. That is why I was saying he reports to me as well, in such a way  
10 that I was just trying to cover ...[intervenes].

**ADV BALOYI SC**: That is what you meant. That is what you meant.

**LT-GEN SIBIYA**: Yes.

**ADV BALOYI SC**: Okay, that is fine. I am happy with that answer. Thank you.

**ADV KHUMALO SC**: General, let us just clarify a few things because just like Advocate Hassim, I got a little bit confused. So let us take it step by step. Brigadier Ramangwa reports to General Shibiri, correct?

20 **LT-GEN SIBIYA**: Correct.

**ADV KHUMALO SC**: And then Sergeant Nkosi reports to Brigadier Ramangwa.

**LT-GEN SIBIYA**: Sergeant Nkosi reported to, I think, it is a Anti-Gang Unit ...[intervenes].

**ADV KHUMALO SC**: If you do not know, you can just say

you do not know.

**LT-GEN SIBIYA:** I think it is Anti-Gang Unit.

**ADV KHUMALO SC:** But here is my point. As between the three of them, there would be nothing wrong with them discussing a warrant and somebody who is wanted because there is a warrant in place because they are police officers.

**LT-GEN SIBIYA:** Yes.

**ADV KHUMALO SC:** Similarly, they could discuss that with you. Correct?

10 **LT-GEN SIBIYA:** Yes.

**ADV KHUMALO SC:** And even Sergeant Nkosi, because from time to time he runs errands for you, he could tell you if there was a warrant for somebody else, for that person's arrest. And because the two of you are policemen, there would be nothing wrong with the two of you having that discussion.

**LT-GEN SIBIYA:** Yes.

**ADV KHUMALO SC:** Now, the difficult part is this. When Sergeant Nkosi says to this Commission you told him to  
20 forward this same warrant to Cat Matlala, you are saying Sergeant Nkosi is lying, he is not telling the truth. Did I understand you correctly?

**LT-GEN SIBIYA:** Yes.

**ADV KHUMALO SC:** And that he is falsely implicating you in wrongdoing, because you have already admitted that it

would be wrong to share that warrant with Mr Matlala.

**LT-GEN SIBIYA:** Yes.

**ADV KHUMALO SC:** Ja. Now he goes a step further, and this is where I am going to stop. He says your instruction, he did not see anything wrong with it. In fact, he says it would be appropriate for them, CAT Security Services, when they effect arrest, that they must have a warrant. He did not see any problem with it because usually SAPS do work with private security companies. And then he forwarded the  
10 warrant to Mr Matlala. So throughout, he says he was acting on your instructions.

**LT-GEN SIBIYA:** No. I deny that he was working under my instructions. And in an attempt to demonstrate that he was not telling the truth, I tried to also demonstrate that if that was the case, you would be sitting with two or three warrants of arrest because those are the warrants of arrest that we had, but he had only that one, which means he did not receive them from me.

**ADV KHUMALO SC:** No. General, you must remember  
20 that we are talking about a specific date when he was called by Brigadier Ramangwa and he was told that here is a warrant. There may very well have been other warrants out there, but on this specific day, he says he was on his way somewhere. Then Brigadier Ramangwa called him and sent him this warrant and then there was this discussion that

ensued.

And in this discussion, he says he then proceeded there with Captain Zungu. On their way, he received a call from you, and you instructed him to forward the same warrant to Cat Matlala. So that is the sequence. Let us focus only on this warrant, not many other warrants that may or may not have been out there.

**LT-GEN SIBIYA:** It is not true. I deny, and I have never done such a thing. I would not have, because even if we  
10 work with private securities on other matters of security, but not in relation to the arresting of the people.

**ADV KHUMALO SC:** And one last thing. He says the reason why you told him to share it with Mr Matlala is because Mr Matlala went to places where Mr Khawula usually frequented, and you had this belief that they may see him there and they can assist in the arrest.

**LT-GEN SIBIYA:** I do not know how Mr Matlala lives his life and whether he frequents those places. Because those places, the way I know, I do not know how to call it, Chair.  
20 [Vernacular].

**ADV KHUMALO SC:** I was hoping that we could exploit your extensive detective skills, and you would know this place better than we do.

**LT-GEN SIBIYA:** Mr...

**ADV KHUMALO SC:** Are they clubs? Let us cut this short.

Are they clubs?

**LT-GEN SIBIYA**: More than that.

**ADV KHUMALO SC**: Maybe let us leave it at that.

**LT-GEN SIBIYA**: I want to write something, and then the Chair must tell me whether I can say it or not.

**CHAIRPERSON**: Please, please, General.

**LT-GEN SIBIYA**: Let me put something. I wish and pray that the Chair will not say I must say it. It is known, and even if you were to talk to him, it is something that is there.

10 **CHAIRPERSON**: Thank you. I see no problem with saying it.

**LT-GEN SIBIYA**: Chair, you put me in a difficult position now.

**CHAIRPERSON**: Just a minute.

**ADV KHUMALO SC**: You see, General, you call these things because all I asked was, is it a club? And you chose to write it down, so you are writing it down ...[intervenes].

**LT-GEN SIBIYA**: Chair, I would say it is a club, after nine clubs. I will leave it at that.

20 **CHAIRPERSON**: After nine clubs, all right.

**LT-GEN SIBIYA**: Yes.

**ADV BALOYI SC**: So what is the answer to the question? I think you asked the question about ...[intervenes].

**LT-GEN SIBIYA**: Please remind me of the question, Chair.

**ADV KHUMALO SC**: General, the line of questioning was

to this effect, that Captain Nkosi says one of the reasons why you instructed him to give the warrant to Mr Matlala was because Mr Matlala frequents or goes to places where Mr Khawula usually goes and they might see him there and assist with the arrest. So maybe let me read it for you because I do not want to misquote. He says:

10                   “On our way, we received a call from General Sibiya telling me that I must forward this warrant to Mr Matlala because at that time Mr Matlala had a security company. According to Mr Matlala to General Sibiya, Mr Matlala and his security company always have the provision where Musa usually goes on weekends.”

Do you see that in 252? So let me not misquote anybody. I have read it for you and this is the reason Sergeant Nkosi gave as the instruction that was coming from you.

20                   **LT-GEN SIBIYA:** I deny the allegations made by Sergeant Nkosi. It is not correct, Chair.

**ADV BALOYI SC:** You also deny that you spoke to Brigadier Ramangwa when he was with Sergeant Nkosi to effect this arrest?

**LT-GEN SIBIYA:** To Brigadier Ramangwa, I will not say I can deny that because he was leading the task team. So I

cannot say I deny or admit. I might have.

**ADV BALOYI SC:** Spoken to him on the day of the operation to arrest ...[intervenes].

**LT-GEN SIBIYA:** It is possible.

**ADV BALOYI SC:** Thank you.

**ADV HASSIM SC:** May I continue? General, this is a month after you, General Shibiri and Mr Matlala were in the same place together at your house. When you were together, did this discussion of Musa Khawula come up at  
10 all? Did his name come up or any discussion around it take place on that evening?

**LT-GEN SIBIYA:** No, Chair. No. We have never been myself and Shibiri and Matlala sitting at the same place at my son's engagement and be busy discussing Musa Khawula's issues.

**ADV HASSIM SC:** Okay. That is fine. I hear what you say.

**ADV BALOYI SC:** Can I ask, just to clarify, General, it is a very specific answer that you are giving. On the day of  
20 your son's gathering that you had, which is the 24<sup>th</sup> of September, is there a time or an instance when you, Mr Matlala and General Shibiri were together?

**LT-GEN SIBIYA:** No. We never, there was never a point where we sat like we are together like this. No, it never happened because I was the one hosting and looking at the

security and the safety and the up and down of what was needed. And the other thing is that there were a lot of people that I did not know where they come from. Remember, my son's fiancée is from outside Joburg and there were people that came with her and also from the side of my son's friends that were with him. I do not want to say where, but not local. And so there were many people there. So I could not relax and just sit and see if like I have got acquaintances, people. So I had to be on my feet.

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

**ADV HASSIM SC**: General, earlier today when we were talking about the 14<sup>th</sup> of September, you said that there were about, it was a small event. There were about 20 people.

**LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: So now you are saying that there were too many people. I mean, 20 people is not actually a lot.

**LT-GEN SIBIYA**: I agree.

20 **ADV HASSIM SC**: And, you know, especially since amongst those 20 people are family members. So there were other guests that were present that were not family making up the 20, and you say you did not speak to them as the host, even though it was a small event.

**LT-GEN SIBIYA**: If you can see, if we were to display the chats, between when my family were preparing and then my

son says I will bring 10 from my colleagues and the fiancé says I will bring 10. Then from there, it is my mom and my son's mom and whoever is there. Now, as you know, Commissioners, I think we all live in this world as we know it.

As you have 20 people, it was late. People drips and drabs in that you did not call, that you did not expect. It happens. So I do not say it was overwhelmingly too many people, but all I can say is that we prepared for 20. It was  
10 20 in terms of the logistics of the catering and whatever that needed to happen. Because I was at the point of saying I did not need the 300 000 when I was talking about the 20 number, but at the later stage, I am just talking about now when I say it was busy because now it is at night and you have got strangers in the yard. We just cannot sit down and sit and relax.

**ADV HASSIM SC:** Okay, so it actually was a bigger event. It was not just 20 people.

**LT-GEN SIBIYA:** No, it was not a bigger event.

20 **ADV HASSIM SC:** Okay, it started off with 20 and it became a bigger event.

**LT-GEN SIBIYA:** Well, yes.

**ADV HASSIM SC:** Okay. I really do not want to take that any further with you. Can we just go to page 200 of the chats, which would be File 7? It is chat number 6. It is

Sergeant Nkosi to you. He says – let me just get the date. It is 8 January 2025, and he says Musa Khawula is arrested. And then you respond to say, by who? Do you see that? Do you recall that exchange taking place?

**LT-GEN SIBIYA:** Yes.

**ADV HASSIM SC:** And why did Sergeant Nkosi feel the need to report back to you that Musa Khawula is arrested?

**LT-GEN SIBIYA:** Because he knew that we were looking for Musa Khawula.

10 **ADV HASSIM SC:** Okay, and then after that exchange, there is a phone call from you to Sergeant Nkosi. Was that to discuss the arrest?

**LT-GEN SIBIYA:** I do not know.

**ADV HASSIM SC:** Okay. Let us go then to 11 January 2025. So that would be page 202. And you will see this message from you to Sergeant Nkosi, and I think that they have forwarded the messages. The first one, at chat number 4. Do you see it?

**LT-GEN SIBIYA:** I see it.

20 **ADV HASSIM SC:** It says:

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

So that would have been 10 January 2025. And then the next message immediately after that says:

“This is Musa Khawula. The team has

safely detained him in Sandton from  
KZN.”

You forwarded those messages to Sergeant Nkosi. Do you know who is the brigadier in that message?

**LT-GEN SIBIYA**: It would have been Brigadier Ramangwa. But what I do not understand is me forwarding it, let us say, to Nkosi because Nkosi is the one who told me, I think, that Musa Khawula has been arrested, if I remember. So I do not understand if I am the one now to say he is detained at  
10 Sandton and I sent it to Nkosi because they were the one actually feeding me with information. I did not even know he was arrested and by who and where.

**ADV HASSIM SC**: Yes, but you seem to have been forwarded this message. And correct me if I am wrong, but it seems like it was a message that was sent to Brigadier Ramangwa from whoever, the arresting officers perhaps, saying:

“Good evening, Brigadier. He is in  
Sandton from yesterday. This is Musa  
20 Khawula. The team has safely detained  
him.”

And then the brigadier sent it on to you to keep you informed. Is that right?

**LT-GEN SIBIYA**: Yes.

**ADV HASSIM SC**: Okay. And again, just why was it

necessary for you to be kept informed of this?

**LT-GEN SIBIYA**: Maybe because of the fact that if we were working on a project, all of us, and we know that all of us have been talking, communicating about these things. What must be known, Chair, is that it happened in many instances that they get a call that says he is at such-and-such a place and they rush and they do not find. And then, so I know the fact that there are people who have been actively working on this project. So if it happened that I  
10 sent to him, it is possible also. I do not want to deny it.

**ADV HASSIM SC**: Ja, my interest really is because there is a consistent involvement. You know, you are involved. You kept involved. You kept informed throughout, and which suggests a very particular interest in this arrest. And I am wanting to know from you why the particular interest in this arrest? Because I imagine that it is not every arrest that you are kept in the loop about to this extent.

**LT-GEN SIBIYA**: It is not only this one. There has been many arrests where, for instance, if we really have to work  
20 on something and we are working as a group on it or we are pushing on it, we communicate. It is a normal working environment. So this is the way I worked or I work. I work with certain group of people that I know that even when I call and say cash-in-transit, let us rush, we go. Or there is this thing that is happening, let us go. And these are the

people that I know that I can go deeper with them in the operation.

**ADV HASSIM SC:** Okay.

**ADV BALOYI SC:** General, I think in your statement somewhere you describe your relationship with Sergeant Nkosi and you say you have a personal relationship with him. You do not have a work relationship with him. Work in the sense of he does not report to you. You do not deal with matters of work. But here he is reporting to you  
10 consistently on this one case, which you say Brigadier Ramangwa was in charge of. So it is not his case. It is not Sergeant Nkosi's case and he is reporting to you. How do you explain that in the context of this question from Ms Hassim that why does Sergeant Nkosi think you have an interest, that kind of interest in a matter where he is not leading? It is not his matter. You do not have a reporting line relationship with him. In fact, you have gone so far as to say you do not have a work relationship with him or about work matters. This seems to suggest otherwise.

20 **LT-GEN SIBIYA:** The relationship with Sergeant Nkosi, I am trying to be sensitive to the warning earlier that says, look, we are being asked specifically on this one, but I just wanted to indicate that Sergeant Nkosi has got the relationship not only with me as a senior person. He has got the relationship with senior officials, including General

Senthumule herself, biking, birthday parties, everything. The same applies to General Mkhwanazi, biking. They have got a similar relationship I have with him. So I am just trying to say it was not an extraordinary situation type of a situation. He is just a socialite, over and above of him being a normal employee.

So the fact that I had a personal relationship with him is in a sense that he is the kind of a person that could come when I have something and then he will say to me, I  
10 am coming here to assist you, General, and then leave me. So I do not know how to describe it any further than that, but he is the kind of a colleague that really we had a good relationship with. You build a relationship over a period. The same applies to my protector, my driver protector. You build a relationship with him. When you have something at home, he will be here with you even if it means he must park his official car, then he starts taking my car. It is after hours, then he is helping me. This is life.

**ADV BALOYI SC:** General, the personal relationship and  
20 interactions are clearly visible from the exchanges, and you have spoken to that. I am asking about work-related matters. And I ask because in your statement, and I am trying to find my file. In your statement you quite firmly say we have nothing to do with each other when it comes to work. He is far junior to me. He does not report to me.

So you speak very firmly about it so that until one has seen the chats about that touch on work matters and has looked at his evidence, which Ms Hassim has referred you to, the impression your statement has firmly conveyed is he is just a friend. He is a nice person, and I do admit I am very close to him, but nothing to do with work.

This discussion now has you and Sergeant Nkosi discussing work matters in a matter where it is not clear why is he reporting this to you when it is not his case. It is  
10 Brigadier Ramangwa's case, and he has no reporting line to you. Why is he giving you all of these details about a case that involves Mr Matlala?

**LT-GEN SIBIYA:** If somewhere in this statement this is what I said, that I do not have any work relationship with Sergeant Nkosi, it will be really wrong. Because I have assigned him, if I remember well, I met him also sometimes in Musina where he went. And if all of them, I have access to them and we deal with work, work-related stuff, I cannot say really I do not have a work relationship and it is an  
20 official, I have a personal relationship.

It will not make sense completely. So I do not know how it then slipped my eyes where it came to that point. And it is not actually even because of the probe or the questioning to say that I am now changing to no. There is no way you will not have a work relationship with a

person that you came and met at work and that you work with. I have worked on different operations with him. So I cannot say I do not have a work relationship with him. So it is an oversight or it is a mistake that I want to categorically put before the Commissioners.

**ADV HASSIM SC:** Paragraph 219, I think, Commissioner Baloyi. 219 of the statement, if that is of any assistance and following.

**ADV BALOYI SC:** Ja, I think this will be the last point,  
10 General, before we adjourn, the Chair indicates to me, but this is what you say. It is untrue that, this is paragraph 219 of your statement:

“It is untrue that Sergeant Fannie Nkosi works under my command, or that he acted as my middleman for the passing of money to or through me. While Sergeant Fannie Nkosi falls within my broader portfolio, he does not report to me. He is several levels below me in organisational  
20 hierarchy and has a direct line manager to whom he reports, which is not me.”

And then you go on to say it is correct at paragraph 220, you say:

“it is correct that Sergeant Fannie Nkosi and I have a close personal relationship.

However, that relationship does not translate into nor does it evidence any corrupt or improper conduct.”

So what I put to you, General, what I put to you, and let me give you the chance to correct my view, I put to you that your statement says you have no working relationship with him. But I want to correct myself. In fact, you say he has no direct reporting line to you. He has a manager that he reports to.

10           So to the extent that I have put to you that you have said that you have no working relationship with him, that is not quite accurate. It is not what you said in your statement.

**LT-GEN SIBIYA**: I accept it, Commissioner, that this is what I might have said, but I am putting it here that there is no way that I can say I do not have any working relationship with him when he works with me in my office, in my vicinity, and I have tasked him many times. And there would not be any reason for me to really lie and say I do not have any  
20 working relationship with him. I work with him.

**ADV BALOYI SC**: All right.

**LT-GEN SIBIYA**: And if this is something that I need to correct, and that I wish that it be corrected.

**ADV BALOYI SC**: Yes, okay. You see, I can be fair to you, right?

**LT-GEN SIBIYA**: Thank you very much.

**ADV BALOYI SC**: Thank you.

**ADV HASSIM SC**: Chair, I just have one last question, if you will allow me, because then it means we can move off this theme and start with something new tomorrow. So, General, it is just one last question to complete this. After you sent these messages to Sergeant Nkosi, he then responds to you to say:

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

And you say:

                      “Not yet, but I am back to Joburg  
                      tomorrow.”

And he says:

                      “Sharp.”

Who is Zee?

**LT-GEN SIBIYA**: Zee Nxumalo is a businessman, a well-known businessman who is in the taxi financing industry. He owns a lot of businesses that relates to the taxis.

20 **ADV HASSIM SC**: And why would he need to call you?  
What did you need to talk to him about?

**LT-GEN SIBIYA**: I do not know, because I am being referred that, did Zee call you? And then the message says, no, I said, no, not yet, because he was asking me.

**ADV HASSIM SC**: Okay, did he call you? Did you speak to

him?

**LT-GEN SIBIYA:** No, I do not remember calling me about Musa.

**ADV HASSIM SC:** Did he call you about anything, Zee?

**LT-GEN SIBIYA:** Yes, there has been instances where he spoke to me.

**ADV HASSIM SC:** And what is your conversations with him about?

**LT-GEN SIBIYA:** The first conversation, if I remember,  
10 with Mr Nxumalo, it was around about, I need to remind myself because I need to check from the chat. But what I know is that there was a call that he made to me in relation to the complaint that he received in relation to a situation, I think it was in a mining environment in Kimberley, in a mining environment in Kimberley, where there was a person who was complaining and who he referred to me. I do have somewhere that I wanted to show. I am just looking at the – because I did come across it.

**ADV HASSIM SC:** General, maybe you could look at it  
20 overnight and you could give us the references tomorrow. But just to finish off on this, you recall when I took you to the transcript of Sergeant Nkosi. Sergeant Nkosi said that there were two complainants, Mr Fikile Mbalula and Mr Zee. So here, when he says to you, now that Mr Khawula is arrested, he says to you, did Zee call you? He says not,

and you reply, not yet. It suggests that Mr Zee was wanting to talk to you about the arrest.

**LT-GEN SIBIYA**: Well, I do not know, and I do not think so, simply because of the fact that if you really want to look at it this way, let us first look, Chair, you may even actually want to look at the people who applied for the warrant of arrest who were involved. I do not even know them. So I do not think he would want to call me in relation to that part of the arrest of Mr Khawula because I would have known  
10 who I sent to go and apply for the warrant of arrest. I do not even know who arrested the people who were arrested in KZN. I do not know whether it was a tracking team or a specific team, so I would not know. So quite honestly speaking, Chair, I cannot say he wanted to call me for that specific reason.

**ADV HASSIM SC**: The last point on it is that what Sergeant Nkosi said is that you informed him of this, and then you see in his chats that he refers to Zee. So it suggests that what he was saying to the Commission in  
20 evidence is consistent with the way in which he was communicating with you on the chats. You can comment on that, and then we will leave it at that.

**LT-GEN SIBIYA**: Just repeat it for me for the last time.

**ADV HASSIM SC**: So what Sergeant Nkosi said was that you had informed him that it was Mr Fikile Mbalula and Mr

Zee who they were the ones with the interest in the arrest. You denied that you had that conversation with Sergeant Nkosi, and I am saying to you that when you go back to the chats, what he is saying here is consistent with what he said in the transcript.

**LT-GEN SIBIYA:** No. I have never spoken to Mr Fikile Mbalula. I have never ...[intervenes].

**ADV HASSIM SC:** At least in relation to Mr Nxumalo.

**LT-GEN SIBIYA:** Not at all. I have not spoken to him. I  
10 have not spoken to Mr Zee Nxumalo in relation to this matter.

**ADV BALOYI SC:** You deny that you spoke to Sergeant Nkosi about Zee having been insulted as a complainant and that he was insulted. The complaint is he was insulted by Mr Khawula. You deny that kind of conversation with Sergeant Nkosi.

**LT-GEN SIBIYA:** I think, for now, I do not remember talking to him specifically about that.

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

20 **CHAIRPERSON:** Let us adjourn and resume at 09:30 tomorrow.

**INQUIRY POSTPONED TO 24 FEBRUARY 2026**

**INQUIRY ADJOURNS**

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