

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

25 FEBRUARY 2026

DAY 67



PROCEEDINGS ON 25 FEBRUARY 2026

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Morning, Chair, morning, Commissioners.

CHAIRPERSON: Or rather, good morning. And may your colleagues place themselves on record, please. Good morning.

MR M MATLALA: Good morning. Good morning, Chair. I am Muso Matlala from Matlala & Associates.

10 **MR T MATLALA:** Good morning, Commissioners. Tshepo Matlala from Maluleke Seriti Makume Matlala Incorporated.

CHAIRPERSON: Thank you to both of you.

ADV KHUMALO SC: No relation with Mr Cat Matlala?

MR M MATLALA: Absolutely not, no.

MR T MATLALA: No, no relation.

CHAIRPERSON: No relation.

ADV CHASKALSON SC: Baby Jake Matlala, perhaps. Chair, today's witness was intended to be a Crime Intelligence officer who handles agents and informants, and
20 because he handles agents and informants, I would ask that we do not mention his name at this stage. There will, at a later stage, be an application in that regard. Unfortunately, the witness has taken ill, and we have received a postponement application and the, we have a concern with the postponement application because it is supported by a

medical certificate that is practically illegible and does not say a great deal to the extent that we can work out what it says, which is on page 8 of the papers and ...[intervenes].

CHAIRPERSON: Sorry, Mr Chaskalson, I think the gentleman to our far right is speaking, and that is disruptive. If you may desist, please. Thank you.

ADV CHASKALSON SC: And, Chair, while we are not suggesting that this application is not *bona fide*, it is a concern because there are repeated cases of witnesses who
10 are called to testify and who are unable or who postpone on grounds of health, and from our side, it is important that these postponements are properly motivated and that there is no doubt that the witness who we had hoped to have
testifying is medically unable to testify.

And our concern with this postponement application is that the medical certificate is so, well, one, illegible, and two, sparse and what we would ask is that we stand the matter down for a day and that Mr Matlala and his client produce a clearer and better motivated medical certificate
20 that will warrant a postponement, because at this stage, the document on page 8 is impossible to make anything of.

CHAIRPERSON: My copy, Mr Chaskalson, is quite legible, and the issue for me would be the sparseness, as you say. I do not know about your copies. I think I can read everything, or not. Sorry. No, no, no, now I correct myself.

I did not, there is that part that says nature of illness right at the foot of the page. I can read everything else above that, but nature of illness / injury, I definitely cannot read that. So I withdraw what I just said, Mr Chaskalson, because I think that is the most important part.

ADV CHASKALSON SC: Indeed, Chair.

CHAIRPERSON: Yes, yes, yes. Were you done?

ADV CHASKALSON SC: Yes, I do not have anything else to add, Chair.

10 **CHAIRPERSON:** Thank you, thank you. Yes, who is addressing? Perhaps I should ask this, am I supposed to recuse myself?

MR M MATLALA: Why is that, Chair?

CHAIRPERSON: I am a respondent. You should know why I am asking.

MR M MATLALA: No ...[intervenes].

CHAIRPERSON: You have cited me as a respondent, so I assume you expect of me to recuse myself.

MR M MATLALA: No, we do not expect that.

20 **CHAIRPERSON:** So why am I cited as a respondent?

MR M MATLALA: Well, we imagine that the Chair should be cited, and remember we ...[intervenes].

CHAIRPERSON: And if I am cited, who decides the application?

MR M MATLALA: Oh. We, at the final analysis, we remain

in the Chair's hands. So whatever the Chair rules fit or deems fit, we would follow suit.

CHAIRPERSON: Yes. With these applications, I think the suitable person to cite, I am sure she is uncomfortable, she is looking at me, is the Secretary of the Commission. Yes. Yes, please ...[intervenes].

MR M MATLALA: We take the Chair's wisdom in that regard.

CHAIRPERSON: Yes. Please proceed.

10 **MR M MATLALA:** And ja, so speaking to what the evidence leader has just raised, we had the opportunity to confer with him before the proceedings commenced, and we did agree in principle that we would endeavour to procure an acceptable medical certificate for the purposes of the postponement application.

CHAIRPERSON: You should also consider, I am well aware of course of the confidentiality that may sometimes, not always, relate to people's medical conditions and, but perhaps something like this, that confidentiality issue may
20 not apply as strongly. If the witness is not so ill as not to be able to depose to an affidavit, I think it would be the proper thing for him to do, to actually also depose to an affidavit in addition to the medical certificate, because these medical certificates will say the person is not fit to work from X date to Y date, no detail.

But you find that the person is up and about, and if that is the case here, I do not see why we should not also get an affidavit from the witness.

MR M MATLALA: Would this affidavit be confirmatory in nature, or would it be an entirely separate affidavit?

CHAIRPERSON: I am not sure what your point is. I am saying the person that says they are not well enough to come to the Commission must depose to an affidavit that says exactly that. How you tag it, I do not think is that
10 material, whether you call it confirmatory or whatever else. From where I am sitting, it is immaterial.

MR M MATLALA: We shall endeavour to also procure an affidavit from the witness.

CHAIRPERSON: Yes, yes.

ADV BALOYI SC: Thank you. Mr Chaskalson, this certificate, and this goes to what will be required as a proper certificate if we agree to stand the matter down to tomorrow morning. It is, for example, where it says from 21/02/26 to 25/02, above those dates, it says:

20 “According to my knowledge / as I was
 informed, he/she was unfit to work.”

So there has to be, I think when you state what that certificate, a proper certificate should look like, it must be clear this is the doctor's opinion about the condition of the patient, but also, yes, that and then a proper description of

the condition. With the risk that this may be a recurring issue, as you indicate, I mean, I think we have had this before, if not with this witness, then with other witnesses, that perhaps you may want to consider whether at some point, if this persists, whether a medical doctor or health professional who signs a certificate should not be called to come and testify, alternatively, whether there are no appropriate circumstances to compel a witness to come if we end up with certificates like this.

10 For example, in this case, it is an option available to the Commission, and we would ask you to address us on that at the appropriate time. Do we call the doctor? Do we ask, do you apply and ask for a warrant to get the witness to come here because they do not provide satisfactory explanation and proof that they are unwell? Those are factors that I suggest you may want to consider, if not for this witness, then for other witnesses, because this risks being a recurring problem.

20 So I agree with you that it is a matter that we have to be mindful of, that we do not end up allowing this to be a pattern of behaviour, inadequate certificates. I mean, it is unacceptable that we have got A1 this morning. It says nothing about the condition of the patient and whether this patient has been seen by this person in the way that I have read, that according to my knowledge / I have been

informed. It does not tell us that whoever signed this, saw this patient, and that this is their opinion that he cannot come and appear before us. Thank you. Thank you, Chair.

ADV CHASKALSON SC: Thank you, Commissioner. We have noted what you have said. We will certainly consider the other options if we encounter this problem again.

CHAIRPERSON: And Mr Chaskalson, you always share the scheduling with us, but sometimes one forgets. How do we stand with our scheduling for tomorrow and Friday?

10 **ADV CHASKALSON SC:** So tomorrow we have, I mean, we have witnesses, we have a witness scheduled.

CHAIRPERSON: All right.

ADV CHASKALSON SC: It is Ms Gxasheka.

CHAIRPERSON: All right, no.

ADV CHASKALSON SC: So we cannot, we will not be able to proceed with this witness ...[intervenes].

CHAIRPERSON: Yes, all right.

ADV CHASKALSON SC: Tomorrow without throwing out another witness who has already been rescheduled.

20 **CHAIRPERSON:** No, understood. I was asking exactly because this doctor's "certificate" says this witness will be well by tomorrow. So I was thinking, why do we stand down to still consider the application, why not just deal with the witness. But no, no, no, I understand what you say perfectly. Thank you very much.

Let us adjourn, or this hearing that aborted, until tomorrow at 9:30.

ADV CHASKALSON SC: 9:30, Chair.

CHAIRPERSON: 9:30. We have no other business. That means we adjourn for the day.

ADV CHASKALSON SC: Thank you.

INQUIRY ADJOURNS TO 26 FEBRUARY 2026
