

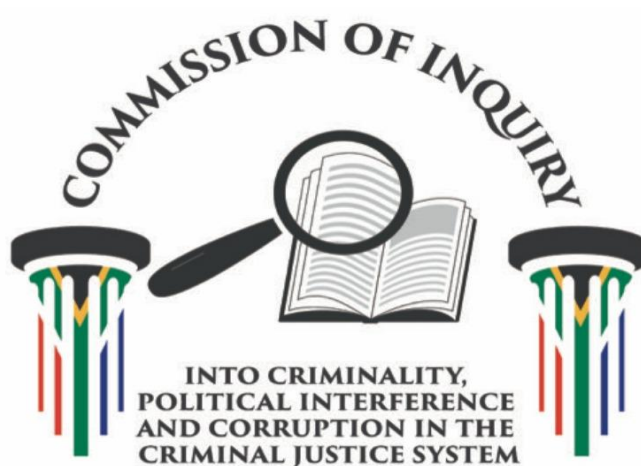
JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

24 FEBRUARY 2026

DAY 66



PROCEEDINGS HELD ON 24 FEBRUARY 2026

CHAIRPERSON: Good morning, Ms Hassim.

ADV HASSIM SC: Good morning, Chair.

CHAIRPERSON: Good morning, Ms Kilian. Good morning, General.

LT-GEN SIBIYA: Good morning, Chair.

CHAIRPERSON: Thank you. Yes, Ms Hassim.

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

LT-GEN SIBIYA: Good morning, Advocate Hassim.

10 **CHAIRPERSON:** Ms Hassim, should we bother about what we should have? In front of me, I have four files. What should we have?

ADV HASSIM SC: The chat file. So I think that is seven, eight, and nine. We are going to continue with those for a little while longer. General, do you have those files in front of you?

LT-GEN SIBIYA: I have files in front of me that were put here in front of me. I guess these are the right files.

20 **ADV HASSIM SC:** They should be. Can you open File 8, please, General, Chair? File 8, page 546.

LT-GEN SIBIYA: File 8, page?

ADV HASSIM SC: Page 546. It is just a hangover from yesterday before we turn to a new theme and it relates to the event at your house on 14 September 2024. And what you will see at 546 is a conversation, again, between

Sergeant Nkosi and General Shibiri. And at, looks like 08:28 PM. Yes, 08:28 PM. It is chat number 6. I will just wait for the Chair to get the page. Thank you, Chair. It is chat number 6, and what Sergeant Nkosi says to General Shibiri is:

“Cat has arrived there.”

And then General Shibiri responds immediately, saying:

“I do not see him.”

And then he says, General Shibiri says to Sergeant Nkosi:

10 “Where are you?”

Okay. Now, do you recall yesterday I asked about conversations between you and General Shibiri and Mr Matlala?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And you said that at no point did the three of you sit together and talk.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: But General Shibiri you also confirmed was there. What I would like to ask you is, well, a few
20 questions. First is, do you know why General Shibiri would be interested in knowing that Mr Matlala has arrived?

LT-GEN SIBIYA: No, I will not know, number one. And number two, I wish I could be questioned on my communications with Shibiri or with Mr Matlala or with Mr Nkosi, but now I get asked questions about the conversation

between the two people.

ADV HASSIM SC: Ja, I am getting there. It is fine. I asked you a question whether you have any idea, whether you know of why.

LT-GEN SIBIYA: I do not.

ADV HASSIM SC: Just answer the question ...[intervenes].

LT-GEN SIBIYA: No, I do not.

ADV HASSIM SC: And we will make progress. The second is, did you observe any conversations between General
10 Shibiri and Mr Matlala at your party?

LT-GEN SIBIYA: No, not that I am aware of. When you are busy in the evening, really, it was not my focus.

ADV HASSIM SC: Okay, so you do not, do you not recall, or is it just that you were busy?

LT-GEN SIBIYA: No, I do not recall. I do not. To me, it was a – remember I did not know we would be here one day, so to me it was not something to take into mind.

ADV HASSIM SC: Okay, that is fine. I just wanted to put
20 to you that this was a conversation that was happening about Mr Matlala arriving at your house. I am going to move off from, unless there is anything from the Commissioners, I am moving to a different topic.

ADV KHUMALO SC: Yes, can we just complete the picture, General? Good morning.

LT-GEN SIBIYA: Morning, morning, Commissioner.

ADV KHUMALO SC: This event, was it in a tent outside or was it inside the house?

LT-GEN SIBIYA: It is not inside the house. It is in a tent outside.

ADV KHUMALO SC: So there was a marquee outside the house?

LT-GEN SIBIYA: Outside the house.

ADV KHUMALO SC: And how many people roughly were there? You do not have to give me the exact number.

10 **ADV KHUMALO SC:** Around 8 PM that day, how many people were there? More or less 20, more or less 40?

LT-GEN SIBIYA: We planned for 20, but later friends called one another, then you lose control of the situation. So I cannot tell whether they ended up being 30, 50, somewhere there. But at that point in time, it is no longer a concern. The only thing is what is happening at that time.

ADV KHUMALO SC: So between 30 and 50, you say?

LT-GEN SIBIYA: It is possible, even less.

20 **ADV KHUMALO SC:** And I am assuming because it is an engagement party, people were giving speeches?

LT-GEN SIBIYA: No.

ADV KHUMALO SC: What was happening?

LT-GEN SIBIYA: What was happening is that because it was my sons with their friends and everything, so what we did was just to guide them. For instance, when the lady

comes, she did not know. It was a surprise one. She did not know, and this one had flowers in a ring, and when she came, it was like wow, and even the friends, most of the friends were here and everything. That type of exercise when she shows that she is surprised, and then this one kneeled down and then talked to her and then put the ring in her finger, and then from there they go in there. So I do not remember of the speeches mostly, but it was more of a celebration.

10 **ADV KHUMALO SC**: And I am assuming, I mean, you would have no interest in your sons' friends because they are the young crowd. Your focus would be on the older crowd, including your friends and people that you know and the people that you invited.

LT-GEN SIBIYA: As I indicated that I never invited even a single friend.

ADV KHUMALO SC: No, you said Cat must make a turn. That is an invitation. Whatever you call it, when you say somebody must make a turn at your house, that is an
20 invitation. And I am assuming you invited Sergeant Nkosi because he will not just show up at your house uninvited, and I am assuming General Shibiri, you also invited him because he will not just show up at your house uninvited. Same with General Senthumule. She would not just show up at your house uninvited. So at least those four

colleagues, three colleagues plus Matlala, were at your house because you said they must make a turn.

LT-GEN SIBIYA: That I do not deny, but what I just want us to stress and keep in mind at all times is the fact that Cat is not my friend.

ADV KHUMALO SC: No, no, I did not say he was your friend. I said those four people were at your house because you invited them.

LT-GEN SIBIYA: That is correct.

10 **ADV KHUMALO SC**: And when you invite people to your house, as I said, you would welcome them because they cannot just come into your house and you do not know who is in your house.

LT-GEN SIBIYA: They will come and they will greet, and then I will show them where to sit. That is what happened.

ADV KHUMALO SC: So that part did happen.

LT-GEN SIBIYA: With my colleagues, yes.

ADV KHUMALO SC: You did greet Mr Matlala.

20 **LT-GEN SIBIYA**: Like I indicated yesterday that he came in. Remember, as he came in, I was not waiting somewhere, waiting for his arrival and then him coming and me greeting him. It is not how it happened.

ADV KHUMALO SC: That part I accept because you said there was security at the gate that was ushering people in.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: I am now concerned with your interaction with Mr Matlala. You greeted him.

LT-GEN SIBIYA: I greeted him. I did indicate that at some point we bump into each other and ...[intervenes].

ADV KHUMALO SC: And you welcomed him and you said you can take a seat and be comfortable.

LT-GEN SIBIYA: Yes. I greeted him and then said, no, welcome.

ADV KHUMALO SC: Yes. No, no, I just wanted to
10 complete that picture. Thank you.

ADV BALOYI SC: General, good morning. The chat where Sergeant Nkosi says Cat has arrived there, it seems – it suggests, not it seems – it suggests that General Shibiri expected that Mr Matlala would be there or should be there. That is the only way that this message, Cat has arrived there, makes sense because it is not preceded by anything that explains why Sergeant Nkosi would tell General Shibiri that Cat has arrived.

I mean, if you look at the texts that start at
20 08:03:15, General Shibiri, and then Sergeant Nkosi says at 08:03:48, 30 minutes, I am there. That is what Sergeant Nkosi says if you are looking at this page. And then General Shibiri says Knight Rider. And the next communication between them is Cat has arrived there. It appears a random chat that is not preceded by anything.

I want to suggest to you and hear your comment that it is reasonable to read it as indicating that General Shibiri expected that Matlala would be there. That is why Sergeant Nkosi, without prompting from General Shibiri, tells him Cat has arrived.

LT-GEN SIBIYA: I do not think, nobody is denying that there is a relationship, some sort of a relationship with Matlala, with Shibiri, or with Matlala and Nkosi. So these are people, or even myself, let me include myself there.
10 Because these are people who knew each other at that point in time. As to who is there first and who will be there, who is also coming, it is not a dispute, in dispute.

ADV BALOYI SC: Okay. With that, are you saying there is nothing unusual if indeed General Shibiri would have expected that Mr Matlala may have been coming to your house? It would not be unreasonable to say that because these are people that know each other.

LT-GEN SIBIYA: Yes, because simply because at that time Mr Matlala was not in trouble and there was nothing really
20 on the table, so nobody knew. I myself, I did not know and I did not expect. I would not have taken a risk of inviting someone that we all know that is wanted or is under investigation, because my colleagues were also there. I would have been taking a big risk. But because at that point in time we were talking about a man who was actually

working with the police as a stakeholder, working with the police. So for me, really at that point in time, now I can be killed now for that, but at that point in time we were all innocent.

ADV BALOYI SC: Okay, thank you. Thank you, Ms Hassim.

ADV HASSIM SC: Sorry, General, something you said. I was going to move off, but something you said prevents me from moving off this now. Because you say you would have
10 had concern if you had known that there were allegations of criminality against Mr Matlala. That would have been a risk. But leave that aside. You are aware that Mr Matlala is a service provider and you invite him to a celebration at your home.

And as a service provider, bearing in mind this is not like service excellence awards or those kind of situations which are formal, professional kind of environments where service providers are. This is a private, intimate affair. Is that not contrary to your, to the
20 SAPS regulations and national instructions that govern how you are to manage conflicts of interest? Because is that not a risk? So quite apart from criminality, is it not a risk that you may be seen to be biased in favour of a service provider?

LT-GEN SIBIYA: I want to answer it in two fold. The first

one is the fact that I am a detective. And if Mr Matlala is a service provider who works for supply chain, where they allocate tenders, or him supplying service in the detective space, I would be a little bit cautious in doing that. But the second thing that I want to ...[intervenes].

ADV HASSIM SC: Sorry, before you said second thing, can you just repeat for me? You said if something, then you would be cautious. But I did not quite understand.

LT-GEN SIBIYA: I would be cautious or maybe apply my
10 mind in having to invite someone that I know that is a service provider in the detective space and I invite him to me. But the supply chain is a division on its own, which is far from where I am. I do not even know the people who sit on how tenders are allocated. So I am far from that space.

So I know him as a stakeholder in the police. And that being the case, it is not like it was the first time it is happening with Matlala. Moving to the second part and say, what applies to the goose must also apply to the gander. And I tried to give such an example yesterday when
20 Commissioner Baloyi said no, no, no, General, do not go there. To say too, I was trying to say this, to mention the same point and say, and this was also discussed at the Ad Hoc Committee.

When, if you remember one of the members, Honourable Diko Singh, she also attended a wedding where

one of the senior managers in the South African Police Service attended a wedding of a service provider of Metropolitan. And I am saying, we have attended several incidents or events, including the 5th of March where we were with the service provider, who is actually the one awarded, I think, the same tender that has been cancelled from Mr Matlala.

We were with that service provider, with the senior manager, because she came with those service providers.
10 So I am just saying, to me, you build relationships with stakeholders, and not because they have to support you or give you something. As human beings, it happens normally, and not because there is any corrupt relationship.

So I was just putting, lastly, the one that I want to put, also strongly so, is the fact that even General Mkhwanazi himself met with him, and not to discuss any other thing. Worse of him, they were discussing on how he can help them, him to get more work. So I was just saying that, and he did not even disclose it here, so I am just
20 saying, it happens with all of us.

ADV HASSIM SC: No, okay, I hear that. Look, I will ask you as we go forward and you answer to just stick to the questions as it applies to you, rather than saying but so-and-so did this, and so-and-so did that, and so-and-so, that is the first thing. But now that you have given these

examples, what is your point of giving the examples? Is it to say that they also committed wrongdoing, or are you saying there is nothing wrong with what they did?

LT-GEN SIBIYA: I am saying, if it is wrongdoing on my part, it should not be wrongdoing on my part when the next person can do the same thing and nothing being said about him. And in other words, you know when George Orwell says all animals are equal, but others are more equal than others, he refers to the same situation.

10 I am standing here having to face to answer questions of knowing Matlala or having spoken to Matlala, but when others are doing it, he is not even a subject to be looked at or discussed. So, it is my wish and my prayer that at the ultimate end, what do you call, I do not know if I will quote it right, *fiat justitia ruat caelum*, let justice be done, though the heavens fall.

Meaning, when we leave this Commission, let it not be because I was lined up through this questioning that did not get to put all the other instances where others were
20 involved in the same exercises are not covered. But in my case, everything they said about me is all exposed and covered.

I am just praying that we will get to that point where we say, ja, but this man who climbed the mountain and said one, two, three, four and threw stones at the glass house,

his is more double than actually what he is saying. And then let the Commission be able to assess everything and all at once, rather than having a situation where he went up to the mountain, he threw stones, he is the one now who is going collecting everyone's phones, deleting that affects him, and then at the ultimate end we are being prosecuted, investigated, cross-examined, cross-examined, all of us. And in their case, even the report that gets them given for further investigation gets given to him again to investigate
10 again. It is not fair.

ADV HASSIM SC: Okay, so you have said a lot, and you have given, I think what you are trying to give me a lesson in how the commission should be run.

LT-GEN SIBIYA: Justice.

ADV HASSIM SC: You are giving me a lesson in justice, okay. So I am not going to engage with you on that. I just want an answer to the question. When I said to you, are you raising these examples because they did not do anything wrong, therefore you should not be called out for
20 the same behaviour? Or are you saying they also, what they did was wrong, and they should be called out? I mean, it is a simple thing, and I do not want a lecture, please.

LT-GEN SIBIYA: I did not see anything wrong.

ADV HASSIM SC: Okay, all right. And as regards your first part of your answer, you said that you are not in supply

chain management, so therefore it is okay to have had a service provider present. And I am making a distinction here between engaging with service providers as stakeholders in a professional context and having a service provider at a private, intimate family gathering, that there is a difference.

So just bearing that in mind, your regulations and instructions dealing with conflicts of interest, does it not apply to every employee within SAPS, not only to some?

10 So meaning anybody who might be at risk of showing bias to a service provider, even if you are not in supply chain management, that is something you need to be cautious about.

LT-GEN SIBIYA: I am not an expert in that regard, or have knowledge, deep knowledge around that aspect, other than to say that I am sure as human beings, in the absence of being a policeman, I am a human being. If I have a death case in the family or I have an event and then there is someone that I know, I have seen situations where someone
20 says, hey, I cannot invite you because obviously it is going to be questionable, that why did I invite this one or that one, maybe at the wedding.

But in my case, at that point in time, I really did not mind if he is coming because the main reason, the main purpose was to come to collect his wife, per se. But I did

not really have any problem. So I guess, Chair, I do not want to waste your time, but I just want to say I may not have a deep knowledge in terms of what the standing orders or what the regulations are saying, specifically in relation to who in fact can be invited and who cannot, and under what circumstances. If he was in supply chain and I participated in the process, I would also understand, but now that is something that is far from me.

ADV HASSIM SC: Ja, we have dealt with that. I have
10 explained to you why it does not matter whether you are in supply chain or not. It is something that would bind all employees of the SAPS. But I hear you saying you are not aware of the standing orders or regulations or instructions governing this. That is what you are saying. I will ask you one last question on this then. Is it not incumbent upon senior management in the service to be aware of those regulations and instructions concerning conflict of interest, particularly so that you can set an example for subordinates?

20 **LT-GEN SIBIYA**: It is. In particular when you know that you should not be mixing with this person because this person is a service provider in a space where you are operating or that is relevant to your work environment. Now, my work environment is a completely different one. I am not in HR. I am not in supply chain.

ADV HASSIM SC: I am going to leave it there, Chair.

ADV BALOYI SC: Can I just ask a question that I should have asked, General, still to do with this WhatsApp? In the same vein as my last question to you, did you inform General Shibiri, we have established he was at your house, did you inform him that Sergeant Nkosi would also be coming to your house?

LT-GEN SIBIYA: I do not remember, Chair. I do not remember. All I know is that Sergeant Nkosi was the one
10 who helped me, I think, in the mornings to put things together, and then he left.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: And then maybe he was to come later. Sometimes he would just help, help, help and go and say, I will come back later, but does not come. And to me, as long as he helped me. So I did not discuss the issue of – I might have said, actually, Shibiri may come or will come. I do not want to limit myself to like no, I do not know, I do not remember, I do not know. I am just trying to put
20 ...[intervenes].

ADV BALOYI SC: You may have mentioned it.

LT-GEN SIBIYA: I may have.

ADV BALOYI SC: Okay. Well, the reason I ask is because if you look at that page 546, the very last message there, which is message number 8, it has General Shibiri asking,

where are you? And then it says, Ganji. And then if you turn to the next page, he corrects himself, and then he says, *kanti*. And this is a message to Sergeant Nkosi and that message conveys that he was expecting him to be there. Okay, that is why I am asking whether you would have told him that Sergeant Nkosi would arrive.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay, but you say you may have told him.

10 **LT-GEN SIBIYA**: I may have, but may I comment on something?

ADV BALOYI SC: Yes, sure.

LT-GEN SIBIYA: Sergeant Nkosi, Shibiri, they are also colleagues and they know each other, and they are close as well. At work, you will have people that you have a good relationship with and that you may not have a close relationship. So to me, it is not a surprise even when they ask one another whether you are coming or not.

ADV BALOYI SC: Okay, to your house?

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

ADV BALOYI SC: Okay, that is fine. And then before Ms Hassim moves on to a different topic, let me just clarify something from the discussion that we had yesterday. And this relates to the circumstances in which Mr Khawula was arrested. Ms Hassim, are you still going to go to that, or

are you done with that topic?

ADV HASSIM SC: I am done with that topic.

ADV BALOYI SC: Okay. You explained to us the team. There is a team, I think it is Brigadier Mbangwa.

LT-GEN SIBIYA: Ramangwa.

ADV BALOYI SC: Ramangwa, who was responsible for this. And then clearly we know that Sergeant Nkosi got involved in the way that it is being described. What I was not sure about is how does that case, and this comes from
10 something that you had said earlier in your evidence about some matters being provincial, being dealt with at province. This matter of Mr Khawula, how does it become a matter at national level? If you could just explain how the system works. Does it mean a complaint was laid at national head office that it is not being dealt with by province, that you got involved in it? If you just explain those processes.

LT-GEN SIBIYA: If you remember, Commissioner, yesterday I did mention that actually the warrant of arrest, it was reported and warrant of arrest applied for by the
20 province office, number one. Number two, if, and I do not know how the warrant of arrest got to, the warrant of arrest, which means it might have been sent to me as well or to Brigadier Ramangwa.

ADV BALOYI SC: Brigadier Ramangwa is where? At national or province?

LT-GEN SIBIYA: At national.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: And then also working with the tracking teams, all the tracking teams. So in that capacity, he will get it as well because he is at national office and he is able to disseminate it to different provinces that has got tracking teams to say – he is at head office and we have a database of all the warrants of arrest and all the people that must be tracked down. So that is why he will have access to that.

10 **ADV BALOYI SC:** And does that change, I mean, if because of where he is sitting he then has access to the database, does that change this case from being a provincial case to being a national case?

LT-GEN SIBIYA: No.

ADV BALOYI SC: It remains a provincial case?

LT-GEN SIBIYA: It remains the South African Police Service case. When I say that, it means that ...[intervenes].

ADV BALOYI SC: All right, please, General, let us not be facetious about it. I am asking the difference between a
20 provincial, I know they are all SAPS cases. Please accept and understand that. So I am asking a different question. You have said that the complaint would have been lased at provincial. I am trying to understand how does it escalate to become a national case that now Ramangwa is, Ramangwa, I think, is now dealing with, now Sergeant Nkosi

is dealing with it.

Now we know, I think he said Zungu is DPCI and I am not concerning you about all of those. I am just first trying to understand your processes. It is a provincial case. It is now in the hands of someone who is a national, who constitutes a team, to go and arrest this person. I am trying to understand, does it change from provincial to national? Firstly, maybe let me take it bit by bit. Did this case change from being a provincial to a national case?

10 **LT-GEN SIBIYA**: No.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: But we are able to work together and become a joint project, and not only in this one, in many others.

ADV BALOYI SC: Okay. And in this case, and I am still trying to understand your processes. I am not saying to you yet, if I will get there, I am not yet saying something went wrong here. I am still trying to understand your processes. So now that Mr Ramangwa or Brigadier Ramangwa is
20 dealing with it, where is the role of the province to whom this complaint was laid?

I mean, my layman expectation would be it remains a provincial docket. The investigating officer would be a provincial person. The one who constitutes team to go arrest would be a provincial, maybe assisted by national,

but the in charge would be a provincial. That is my layman expectation. So I am asking you to explain whether that is indeed what happened, or this is different, and then we will get to why.

LT-GEN SIBIYA: It happens that when a matter is reported to the provincial office, sometimes you find that because they are overwhelmed by the situation, bearing in mind the number of cases each investigator is having, sometimes you find a difficult complainant, or a complainant who is
10 desperate, or who is crying, who also reports to head office or to a Minister, or Deputy Minister, or to the National Commissioner, sometimes even to the President, to an extent.

Now, when head office gets involved, normally or under normal circumstances, it will come to me from any Minister, Deputy Minister, it will come to me because I am the one now in charge of all of them. Now, when it comes to me, I will then also tell someone, allocate someone here at head office and say follow up with the province and make
20 sure that this matter gets the attention it deserves. Or, if this is a matter that I see that this one we can make quick impact if we jump in and work on it, all of us, we do that.

A clear example is this one of Jerry Boshoga, Mr Boshoga and the one of the journalist that was killed in Mpumalanga, where the complaint comes, it is a provincial

thing, but the complaint comes now to head office and says not much has been done, please get involved. And then we get involved. That is how we got involved, not because of – ja.

ADV BALOYI SC: So, for Brigadier Ramangwa to then assume the role that he played, it would have had to come, this from province would have had to come to you first?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Okay. Did that happen in this case?

10 **LT-GEN SIBIYA:** I think so.

ADV BALOYI SC: It came to you first?

LT-GEN SIBIYA: I think so.

ADV BALOYI SC: And then you assigned him to deal with it?

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: And when it comes to you, through whom does it come to you? Who at province brought this case to you?

20 **LT-GEN SIBIYA:** Where I am sitting, I cannot remember now how it came to me. If I was in the office, I was going to ask to say, did it come through an email, was it reported by the policeman, did it come from the client, the complainant, or how did we get it? I do not know, but at this present moment I cannot remember how it got to me, or whether it came to me from the province to Ramangwa or to me,

because they are also on the ground, they are working with the provinces.

So at this present moment I am really not able to say that for sure it came from the province to me, or from the complainant to me, or from the complainant to Ramangwa, or from the complainant maybe, I do not know Fannie got it from who got it from, Mr Nkosi got it from who. So it is something that I cannot with absolute certainty say in such a way that at the later stage, then there comes a
10 record to prove and say, no, but this is not how it happened, this is how it happened, with evidence that I do not have where I am sitting.

ADV BALOYI SC: Ja. I think, General, that last part, do not be concerned about it for now. That is why I first asked you about processes. The way I think part of the evidence that we have heard and emphasised over and over is there is a command structure, you know, people do not just go about doing their own thing.

So I would expect, and please tell me if I am wrong,
20 that communication to you from province has got a structure. There is a way of communicating, a command I think, that is the language that has been used, that a police officer who is sitting in Sandton Police Station cannot just pick up the phone. That is not how your command structure works. They cannot just pick up the phone and say,

General Sibiya, there is this. Am I correct in proposing that?

LT-GEN SIBIYA: Commissioners, the space we are working in is, I do not want to say it is very funny, it is doable. It is possible sometimes for an investigator and say I have an interference here, or it looks like so-and-so has got interest, or the people I am working with, some of them are close to this type of a person or around that. And say, can you take this docket? I do not mind.

10 Then the investigators, an investigator can arrange that this docket go up there. Like, it just can happen anywhere. It is not always the case where I have to write a letter to the Provincial Commissioner or to the Deputy Provincial Commissioner. How is it supposed to work under normal circumstances? Or from the provincial Commissioner to head office.

 Like in the case of Mr Boshoga, I personally contacted the Deputy Provincial Commissioner. I do not know whether it was in writing or telephonically, but I did
20 speak to him. And then they did, initially for quite some months, in between weeks, they were not sending it and nothing was happening on the case. Up until I then, or it was after I got that call from, a visit from Mr Boshoga's brother-in-law.

 That is when I called them now and said, we want

that docket. And I think they gave us a duplicate, but they did not give us everything. They did give us a docket, and then that is when I allocated a bigger team to run with the matter.

So what I am saying, Commissioner, is that there is no hard and fast rules on the process itself. It may have some gaps in terms of communication, or in terms of how, strictly speaking, things could work. And another, last example is this one. Let us say from KZN, initially when
10 they say we got a call from Organised Crime, they needed assistance. Then Organised Crime says, uh-uh, we never. And then comes the issue of, no, General Khumalo from CI made it a, what do you call it, from Intelligence. And then we then intervene from that angle, as from General Khumalo.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: You see, General, you say, and if you do not remember, you do not remember. I cannot press,
20 you know, for you to remember things if you do not remember them. You say you cannot say who spoke to you about this, and then you spoke to Brigadier Ramangwa, at least that much you accept. You spoke to Brigadier Ramangwa, and that is how he gets involved.

But you say you cannot say whether you got a call

from the client who is a complainant, whether you got it from someone in the province or the police station. That is fine, I can work with that. But the difficulty then is that Sergeant Nkosi remembers that you called him and said you are under pressure from the Deputy Minister.

The Deputy Minister, when he was asked who is the Deputy Minister, I think he said Deputy Minister Mathale. I think that is what he said. So we will have to, you know, he will come back and testify and he will be asked further
10 questions. But if he is firm, he remains firm in his evidence that you told him that you were under pressure from the Deputy Minister when in fact you say you do not remember, then I think it would be fair, and maybe that is what I am putting to you, that it would be, on the one side you do not remember, we have got a witness who says I firmly say this is what he said to me, that it may well be reasonable to accept that in fact that is what happened.

Because you do not remember, so it may well be the Deputy Minister who called you. That is what I do not
20 remember means. You know, it means could be anyone, and now you have got a witness who puts a name to it, and that name is you told him that you were under pressure from the Deputy Minister. Do you want to comment?

LT-GEN SIBIYA: I was never under pressure from the Deputy Minister. Of course, you do sometimes get that

pressure from the Deputy Minister. And I do not say Deputy Minister, or from the National Commissioner, or from the Minister. In this sense, if the family complains, we also do not know how they get the telephone numbers of the Ministers or Deputy Ministers.

If the family keeps on crying to the Minister and the Minister knows that I have assigned this matter to the Detective, to General Sibiya, and we have not been able to contact the family or deal with the family. And the Deputy
10 Minister gets a call again from the family and says I have not been contacted.

Under such circumstances, you will get a call that says, but I mean, General, I spoke to you about this matter, and the family keeps on complaining that they are not being attended to. And what do you mean when you talk about service delivery and the Batho Pele principles? Why can you not just really deal with this thing, or must I ...[intervenes].

ADV BALOYI SC: Maybe, General, let me stop you. I do
20 accept that you possibly do get calls, even from members of the public who happen to have your number.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: So I am not quarrelling with that may well be your everyday experience, and I expect it to be like that. What I am putting to you, or what I am discussing with

you is that you do not remember how you got involved with this. Who called you? Was it province? Was it the complainant themselves? Or somebody else? You do not remember. And that is your evidence and I am not challenging that you say I do not remember who. I do not challenge that.

All I was putting to you was, well, you do not remember. We have a witness who says you told him it was the Minister. So you have got those, and so we have to – it
10 may well be that in the end, it is his evidence that stands because he says I remember this is what happened. So you cannot dispute it, it seems, because that is what I do not remember means. It means you do not dispute when Sergeant Nkosi says you told him it is the Deputy Minister who is putting you under pressure. And I was just asking you to comment on that.

LT-GEN SIBIYA: I never got any pressure from the Minister. I never told Sergeant Nkosi that please do this, I got pressure from the Minister. Not even at the level of
20 Sergeant Nkosi. I would understand if it was Ramangwa saying. But in many instances, I would also tell them that, guys ...[intervenes].

ADV BALOYI SC: But what do you mean not at the level of Sergeant Nkosi?

LT-GEN SIBIYA: The level of Sergeant Nkosi is at the

lower level. I cannot say to him that I am getting pressure from the Minister. I would say to Brigadier Ramangwa, please, any query that comes from the National Commissioner or Ministers, or Ministry, let us also make sure that we do not get a second complaint on the same issue.

ADV BALOYI SC: You deny that you spoke – can I understand from what you are saying, that not at the level of Sergeant Nkosi. Maybe I do not remember your evidence
10 yesterday, if you have answered, if you were asked this question and you answered and you can repeat it. Do you deny that you spoke to Sergeant Nkosi at all about this matter?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay, thank you. Thanks, Ms Hassim.

ADV HASSIM SC: General, I am going to take you to another part of the WhatsApps between you and Sergeant Nkosi. Can you go to File 7, page 390, please?

LT-GEN SIBIYA: 390, same file?

20 **ADV HASSIM SC:** File 7.

LT-GEN SIBIYA: Page?

ADV HASSIM SC: 390.

LT-GEN SIBIYA: 390. Before I go there, I have not opened it yet. I want to ask, Chair, I just needed one minute with my senior counsel to ask something from my

senior counsel that I wanted to speak about, but I want to hear her advice. If it is doable, if the Chair says no, I will then proceed. But I just wanted to ask for one minute.

CHAIRPERSON: Please do that over the lunch. I am sorry, tea break, General.

LT-GEN SIBIYA: Okay.

CHAIRPERSON: Yes.

LT-GEN SIBIYA: It is because of it is maybe in relation to where we are at this present moment. So I wanted to just
10 ask her that will it be fine if I go this way, or what is your advice, but it is okay.

CHAIRPERSON: Are you able to anticipate the question, or does the issue apply broadly?

LT-GEN SIBIYA: No, Chair, it is fine. I will go on this one. I have not even opened. I do not know what is coming, and I am not worried about what is coming here. I just wanted to make sure that based on one, two, three, four, can I put this, or should I not? So that is why I wanted to.

CHAIRPERSON: All right, General, we will adjourn and we
20 will come back when it is indicated to us.

LT-GEN SIBIYA: Just two minutes.

CHAIRPERSON: I will wait to be told to come back. Thank you. Thank you. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: General, you are ready to proceed, hey?

LT-GEN SIBIYA: I am ready to proceed, Chair. Thank you very much for the opportunity.

CHAIRPERSON: You are most welcome. Thank you.

ADV HASSIM SC: Okay, General. So, it is File 7, page 390.

LT-GEN SIBIYA: Is it this one?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: I am on it.

10 **ADV HASSIM SC:** Okay, so it is chat number 1 that I am referring you to. You will see that this is a conversation between you and, well, the chat is between you and Sergeant Nkosi, as you know, and you forward him this message. Could you just read that message into the record, please?

LT-GEN SIBIYA:

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

security company, CAT VIP Protection.
My Matlala names you in his document
specifically...”

I guess it was a typo to say Mr Matlala:

10 “...that he was questioned on whether or
not he knew you. He said he did, and
that you gave permission, organised that
his X-ray machines be stored and used at
the SAPS College. Important context is
that his company, Medi 24 Tshwane
District recently was awarded a SAPS
Health Service Tender. Technically,
court documents are protected speech,
but I reach out to you anyway to see if
you want to respond. Feel free to do so
via the spokesperson. I can
accommodate this up until 9 PM tonight.
I will also send two relevant excerpts of
his court documents.”

20 **ADV HASSIM SC**: Okay, before I ask my question on this,
the next chat is a screen, you can see it is an attachment,
and the clearer version of it is at page 446. Can you go to
446 to look at it? Alternatively, you can look at it on the
screen if you do not want to lose your page.

LT-GEN SIBIYA: 446, I have got it.

ADV HASSIM SC: Is this the excerpt of the affidavit deposed to by Mr Matlala?

LT-GEN SIBIYA: I do not know. I have not seen it.

ADV HASSIM SC: This is the affidavit that was sent to you together with that message. Did you look at it?

LT-GEN SIBIYA: Yes, I see it.

ADV HASSIM SC: Yes, so, okay. You forwarded both the message and its attachment to Sergeant Nkosi. I take it this was from a journalist, is that so?

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

ADV HASSIM SC: Do you recall the journalist who sent this to you?

LT-GEN SIBIYA: I do not know, I do not recall the journalist, but I do admit and accept that I did get this.

ADV HASSIM SC: Did you respond to this journalist who asked you this question? There is a deadline of 9 PM.

LT-GEN SIBIYA: Under normal circumstances, I respond, because what I have learned about journalists, if you do not respond, then they will put it as is and it is your problem
20 that you did not respond, so I do respond so that at least my version is heard.

ADV HASSIM SC: So did you respond to this?

LT-GEN SIBIYA: I did, I guess. I take it that I responded.

ADV HASSIM SC: You say you take it that, you are saying you think you would have responded, is that what you are

saying?

LT-GEN SIBIYA: I think so because, Chair, I think, I do not know how many times I have said it, I am operating from my memory. I do not have my device ...[intervenes].

CHAIRPERSON: You say your practice is always to respond to journalists.

LT-GEN SIBIYA: It is to respond.

CHAIRPERSON: And on that basis, you say you must have responded.

10 **LT-GEN SIBIYA**: I must have responded. If I do not respond, it will be one or two incidences where I think this one is too personal and maybe working with the people that are trying to destroy me. Then I just leave it sometimes.

ADV HASSIM SC: Okay, so the content of this message to you is about Mr Matlala naming you in these court documents.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Why did you forward it to Sergeant Nkosi?

20 **LT-GEN SIBIYA**: I might have to say look what this man is saying, and it is not true.

ADV HASSIM SC: Did you have any conversation with Sergeant Nkosi about it?

LT-GEN SIBIYA: No.

ADV HASSIM SC: About this?

LT-GEN SIBIYA: No.

ADV HASSIM SC: No, okay.

LT-GEN SIBIYA: I do not remember having any conversation with him about it.

ADV HASSIM SC: Okay, so I just want to take you to what happens at the same time. This was on the 22nd of December. If you go to page ...[intervenes].

CHAIRPERSON: Sorry, Chair. I want to ask a question, Chair. I am in this screen now. I want also the public to
10 know what is my response to this question, because now I am just getting shown this message. Then I leave this message and take it to another conversation. But what is being said by Mr Matlala in that message about me, why can I not be given a chance now to say, okay, what was your response on this message?

I am not running ahead, but I am also saying the line of questioning must also afford me an opportunity to clarify things that the public also need to know. But at the ultimate end, this is not true because I never gave Mr
20 Matlala any permission to put X-rays or whatever. I never gave him such permission. It never happened. I took what Mr Matlala came to the National Commissioner. The National Commissioner rejected it. I gave feedback. So which means that what the journalist was enquiring about was squarely false.

ADV HASSIM SC: All right.

LT-GEN SIBIYA: So then we can get to the next level.

ADV HASSIM SC: Right. Can you now just please turn to page 139?

LT-GEN SIBIYA: Same file?

ADV HASSIM SC: Same file. Okay, so you will see on this page chats 1, 2, and 3. This is the chat between Mr Matlala and Sergeant Nkosi. Okay. The first chat, it is also on the 22nd of December, and it says:

10 “There is a news article regarding a certain general in SAPS whom they are trying to associate with me in our court application. I said I was told to ask him to grant us permission to utilise the hospital inside the Pretoria West SAPS College from a certain brigadier. The reason they referred me to him is because at the time he was acting as a National Commissioner. Is there a way

20 we can rectify the statement? Because now it looks like I am very close. Somehow that will compromise his reputation, and now they are publishing the story tomorrow on News24.”

So this is a message. There is three messages here that go

together. This is the first one that is forwarded to Sergeant Nkosi, and it appears to be a message that he had sent to his lawyers to correct the affidavit, and you will see that in chat number 3.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Yes. You will see that in chat number 3, where he forwards the screenshot of his conversation with his lawyer. And that screenshot, if you want to see it more clearly, is on page 447.

10 **LT-GEN SIBIYA**: 447. I am on it.

ADV HASSIM SC: Okay. And it is a conversation between Mr Matlala and his lawyer. His lawyer says:

“Okay, how do you want to rectify the statement?”

And then he explains how he would like it to be rectified and he says, and I will for your benefit read it out:

20 “That the brigadier who is in charge of recruitment from SAPS suggested that I ask permission from the National Commissioner to utilise the hospital, which is inside SAPS Training College, to conduct medicals for new recruits. And by that time, General Sibiya was acting as the National Commissioner. So that is how I knew of him that day, because his

name was mentioned to me once, not that he gave me permission to use the hospital.”

And then his lawyer says:

“Okay, I follow. I understand.”

Okay. So he is explaining how he would like his statement, his affidavit that he had filed, to be revised. And then, finally, if we go back to page 196. Sorry, not 196. 139.

CHAIRPERSON: Yes.

10 **LT-GEN SIBIYA**: 139?

ADV HASSIM SC: Yes. If you go back to 139, you will see the message from Mr Matlala to Sergeant Nkosi saying:

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

Do you see that is chat number 2?

LT-GEN SIBIYA: I do.

ADV HASSIM SC: Right. So he says, please forward this to him. I asked my lawyers to rectify that mistake. Again, we are still on 22 December 2024. Now, if you go to page
20 196. Okay.

LT-GEN SIBIYA: Chair, just to ask a simple question. I understand I will respond. It is just I am looking at us going from go to page so you read this chat and go to that page, read this chat. Is it not possible to go as we go into this question where he says this is the one that he says, please

send it to him, what is your comment? To that one, please, your comment ...[intervenes].

ADV HASSIM SC: No.

LT-GEN SIBIYA: I am just asking.

ADV HASSIM SC: No, please let me do the questions.

LT-GEN SIBIYA: All right.

ADV HASSIM SC: Do not tell me how to ask questions. I am going to give you an opportunity ...[intervenes].

LT-GEN SIBIYA: I am not telling you how to answer the
10 questions. I am just, my concern is just, I see myself now moving from read this chat from 132 to go to 447, go to 139, go to 446. So that is why I am just asking that now. I find myself paging, but I understand as well ...[intervenes].

ADV HASSIM SC: So what I am doing by going through these is to put the full picture to you so you can see. I do not take you by surprise. I am going to put the full picture to you so you have got the full set of chats, and then I can put my question to you after that. So you will have an opportunity to respond to all of this. I am not going to leave
20 it behind. It is page 196.

LT-GEN SIBIYA: And my apologies, Counsel, that it should not be like I want to tell you how to ask questions. It is just that even myself, I sometimes feel a little bit...

ADV HASSIM SC: No, that is fine, General. That is why I am explaining to you why I am doing it this way. I am not

leaving. It is one topic. But I want you to see the full picture.

LT-GEN SIBIYA: I am at 196 now.

ADV HASSIM SC: 196. So this now is between Sergeant Nkosi and you, this conversation. So what we had seen on 139 was Mr Matlala saying, please forward these to him. I asked my lawyer to fix it. And now what happens here, we see at 196 that indeed Sergeant Nkosi forwards you those messages from Mr Matlala immediately on the same day,
10 22nd December. So you will see the set of chats from number 1 to number 4. It is all messages. The first is, you know:

“There is a news article. Please forward this to him. I asked my lawyers. Then the screenshot with the lawyers. Please show him.”

Meaning, please show you this. Okay?

LT-GEN SIBIYA: Okay.

ADV HASSIM SC: So my question is, why? Well, let me
20 first say this. Let me take a step back because you wanted to respond, and I think you have, but let me give you the opportunity again. Did you assist Mr Matlala in obtaining access to the training college or to the use of the training college in a particular way at this point in time in 2024 or in January 2024?

LT-GEN SIBIYA: No. And I am far from that process as well. So I could not, even if I wanted to, from where I am operating, I cannot even put my finger. That is far from me.

ADV HASSIM SC: Okay. And you say that is what you would have told the journalist in any event at the time.

LT-GEN SIBIYA: Yes, yes.

ADV HASSIM SC: But then you forward this to Sergeant Nkosi. He then has this conversation with Mr Matlala, this exchange. And then Mr Matlala sends these messages
10 indicating that he has recanted his affidavit and he wants Sergeant Nkosi to show it to you. Comment on this, if you can. Why was Mr Matlala concerned that you need to see that he rectify it? Why was he concerned not to upset you? Because that is what it seems like.

LT-GEN SIBIYA: Because he knew that was not true and he could also know that this thing is actually trying to destroy me. Those that went to the journalist and gave the journalist some information, they were trying to destroy me. So he could see that they are using him to try to destroy
20 him. That is why, or to destroy me or him. That is why he would say, look, this is what happened. So that is why, the reason why.

ADV HASSIM SC: Why do you say that somebody went to the journalist with this to try to destroy you with a story that is not true?

LT-GEN SIBIYA: Because journalists do not wake up one day with a story and just send to a person for enquiries unless they were approached by someone.

ADV HASSIM SC: Well, you do get investigative journalists who are following a story. And what it seems like here is this journalist had access to this affidavit. And in the affidavit, Mr Matlala did say that you had facilitated his access to the training college. So, Mr Matlala did in fact say that. The journalist was not given information by some
10 third party.

LT-GEN SIBIYA: Now, the nicest thing about the whole thing is the fact that it never happened. He was never given any accommodation or permission, even anything. He came to see me as an Acting National Commissioner and then what he said to me ...[intervenes].

CHAIRPERSON: General, I think it was yesterday when I asked you to please respond to questions directly. And that if you do so, we will make a lot of progress. What you are saying now does not answer the question. Please repeat
20 your question, Ms Hassan.

ADV HASSIM SC: Thank you, Chair. So, my question to you is, you said that there were third parties who were trying to smear you and that a journalist would not have raised this otherwise. What I put to you is that what this shows is that the journalist had access to Mr Matlala's

affidavit, in which Mr Matlala said that you facilitated access. And I am not commenting on the correctness or not of it at this point in time. I am just saying he did say that, that you did give him access. So, on that basis, do you accept that it could not – why do you still persist? Do you still persist that it was a third party that approached the journalist rather than the journalist coming upon it herself?

LT-GEN SIBIYA: I am reminded, I take it, that it came from the court papers.

10 **ADV HASSIM SC:** From the court papers?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. All right. And then my question was about Mr Matlala seeming to be concerned not to upset you. I think you have answered, but do you mind just repeating your answer to that question?

LT-GEN SIBIYA: Well, at this point in time, I cannot say why in his mind he felt that he did not want to upset me. But he knew the truth that in actual fact he never got assistance from me because he never had access, even for
20 one day, at the college or anything in writing to assist him to get access. So, it is a transaction that, or it is something that never happened at all. That never ...[intervenes].

CHAIRPERSON: I think your answer was you wanted to set the record straight by telling the truth. Summarising, I think that was the essence of your answer.

LT-GEN SIBIYA: Thanks for the assistance.

CHAIRPERSON: Thank you.

ADV HASSIM SC: And he wanted to show you that he is setting the record straight.

LT-GEN SIBIYA: Thank you, Chair.

ADV HASSIM SC: Okay.

ADV KHUMALO SC: Can we just do this? Because several times now you have mentioned that the meeting happened when you were an Acting National Commissioner.

10 Can you just give us the exact dates when you were the Acting National Commissioner of Police? I am assuming there would be a letter appointing you to say from this date to this date, you are appointed in General Masemola's absence as the Acting National Commissioner of Police. Do you have it or do you have the exact dates?

LT-GEN SIBIYA: I think the people who can assist us to give us that letter, either the commission's investigators or us writing to the – I am saying this because I do not have anything.

20 **ADV KHUMALO SC:** But you do not remember the date?

LT-GEN SIBIYA: Within that date, he came to see me, I know I was the Acting National Commissioner at that time. I do not have anything that I can show because I do not have it, but I was at that time the Acting National.

ADV KHUMALO SC: The reason why I am asking is

remember we have moved – Sergeant Nkosi said it was December 2023. You at some point said it was in January and then you changed to say it was in February. That is why that date becomes important for me because I need to know when exactly you were the Acting National Commissioner of Police, but I am sure we can find it. If you do not know, let us not delay.

ADV HASSIM SC: Perhaps we can find that out, of course. But do you remember for how long you acted as National
10 Commissioner at that point in time? Was it a few weeks or a few months?

LT-GEN SIBIYA: Normally it would be either a week or either three days. It is only when the National Commissioner is away or not around. Sometimes it will happen that he is on leave, maybe for 14 days or for 10 days. It does happen. So I do not have a clear record of how many days, but it was a few days.

ADV HASSIM SC: A few days, a week?

LT-GEN SIBIYA: It could be three, four days. It could be
20 two days. I am not sure.

ADV HASSIM SC: We will find out. Okay, thanks. I am going to move off this to another topic, Commissioners.

ADV BALOYI SC: Let me ask my question. General, when you forwarded this question from the journalist to Sergeant Nkosi, what was the reason for that?

LT-GEN SIBIYA: As I indicated to her, I just said look at what this man is saying about me in court, and you know it is not true. Sergeant Nkosi, you know it is not true. And it was purely based on the fact that he knows him very well. I knew they were close.

ADV BALOYI SC: Okay. And you did not send it to him with the expectation. You say you knew that they were close. You did not send it to him with an expectation that he would raise the matter with Mr Matlala.

10 **LT-GEN SIBIYA**: I knew that he would. In situations like those, you also avoid to confront the person because it looks like now I am confronting the person. So I just sent it to him and said but this never happened.

ADV BALOYI SC: But you knew that he would. You say you knew that Sergeant Nkosi would raise it with Mr Matlala.

LT-GEN SIBIYA: Yes, and to me it was not really, I knew he would.

20 **ADV BALOYI SC**: Okay. And so when Mr Matlala, in page 196 that you looked at now, there is that message which seems to be a correction of Mr Matlala's way of correcting what he says in the affidavit. And then the next message, I am looking at page 196, Mr Matlala says to Sergeant Nkosi:

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

So now Mr Matlala is directing Sergeant Nkosi to engage with you about this. You see that?

LT-GEN SIBIYA: Yes, Commissioner.

ADV BALOYI SC: The text says he must show this to you.

LT-GEN SIBIYA: Yes, Commissioner.

ADV BALOYI SC: Okay. And you can comment if you want to, but I pick this up in the context of yesterday's discussion where we had a conversation about Mr Nkosi, or Sergeant Nkosi rather, appears to have been the go-between between
10 you and Mr Matlala. In this case, you decided, you explain, you say, I did not want to confront him, I did not want to raise it with him because I do not want it to look like I am confronting him. I think that is what you said earlier on.

You say you expected that he would, because they know each other, Sergeant Nkosi would raise this with Mr Matlala. Indeed, he does raise it with him, and that is why Mr Matlala responds and says, please forward this to him. I asked my lawyers to rectify this mistake, so obviously they have discussed this. It does lend itself to, in fact, Sergeant
20 Nkosi, when he says it was agreed that you would be the go-between, we see this consistent conduct where he is dealing with Mr Matlala on matters that concern you, and he reports to you, he conveys things between the two of you. It seems that his evidence that there was an agreement may well be the truth in this case.

LT-GEN SIBIYA: All I can vehemently deny to this Commission is that there was never a meeting, nor an instance where we sat down and we agreed that Mr Nkosi would be our go-in-between. Yes, I do accept that I actually was talking to him, and in most instances I did not even know that some of the things that I am talking to him, he would automatically just send to him. Some of the things were just meant for me and him maybe because of our usual communication. But what I just want to stress, Chair, is
10 that there was never an instance where we sat down and agreed that he would be a go-in-between, even though the circumstances and the whole picture being painted may seem like that, but a meeting never happened.

ADV BALOYI SC: Okay.

CHAIRPERSON: It is not being painted, General. It is emerging. There is a big difference. A picture that is emerging, not a picture that is being painted. Do you follow me?

LT-GEN SIBIYA: I follow what the Chair is saying. Chair
20 has experienced and has dealt with this for a very long time. So my putting of words may not be adequate enough or explain exactly how it emerged. So I respect that, Chair.

CHAIRPERSON: Thank you.

ADV BALOYI SC: Let me maybe then put it differently, General. You say there was never a meeting, so you differ

with Sergeant Nkosi on his account of what he says happened. But can I then put this to you for your comment, that there may not have been a meeting on your account. You say there was never such a meeting, but what appears is at least there was that kind of conduct.

So it may have happened because of how people were behaving amongst yourselves. You were behaving that way without having an agreement about it. But in the end, what seems to have happened is Sergeant Nkosi
10 became the go-between. Maybe by default, because you happened to talk to him about matters of concern. He is close to Mr Matlala, and he also has conversations with Mr Matlala, and then he feeds back to you.

That is the picture that emerges. And I am not insisting that you sat down and had a meeting. I am speaking more in practise. It seems that is what happened, in fact.

LT-GEN SIBIYA: What Commissioner is saying is 100% correct. What I just want to put on the table, Chair, is that,
20 yes, this was the case maybe with Sergeant Nkosi in terms of how we were talking and how it was happening. But what I want to put just on the table, whether it is accepted or rejected, is that let us take Sergeant Nkosi and put him in the centre. Let us draw the same communication to General Mkhwanazi, to General Senthumule, the attendance of the

events, the biking together, the communication, the same approach.

If we look at it, I am just trying to say I am going to be left in a picture where, yes, there was this agreement, there was this meeting, and there was this thing, but it was just a normal practice where he was socialite and talking to many senior officials. I was just putting that on the table there, Chair. That is all.

ADV BALOYI SC: Thank you, General. I put it to you
10 because that is what Sergeant Nkosi says. I think I want
you to understand that, that the discussion with you right
now is about what Sergeant Nkosi has said about you and
Mr Matlala. So to the extent that you do not hear me in my
engagement with you now mentioning anybody else,
because we are not discussing those other people. We are
discussing what Mr Nkosi said and these exchanges that
seem to confirm that, in fact, he did become the go-
between. You say no meeting like that, but at least you
accept that by conduct, maybe because of his close
20 relationship to both of you, by conduct he became the go-
between effectively. That is all I was checking with you.
Thank you.

LT-GEN SIBIYA: Thank you, Chair.

ADV BALOYI SC: Thanks, Ms Hassim.

ADV HASSIM SC: Thank you, Commissioner. We will

come back to the issue of the relationship and the important sort of role that Sergeant Nkosi appears to play, and perhaps we can look at it in relation to the next topic that I want to take you to, and that is at page, in the same file, page 232. Chair, I notice it is 11 o'clock. I am not sure if you want to take the adjournment now or later.

CHAIRPERSON: Let us continue until quarter past.

ADV HASSIM SC: Are you at page 232?

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** Okay. Again, we are back now to conversation between you and Sergeant Nkosi. And chat number 4 is what I want you to have a look at, and that is on the 22nd of March 2025, where you sent Sergeant Nkosi a copy of a – well, you forwarded to him this message from a journalist. Could you just read that message into the record, please?

LT-GEN SIBIYA: So I should kindly read this message?

ADV HASSIM SC: Yes, please.

LT-GEN SIBIYA: Of chat 4?

20 **ADV HASSIM SC:** Yes.

LT-GEN SIBIYA:

“Good morning, Nonkululeko. My name is Abram Mashego. I am a journalist working for the City Press newspaper. I am currently working on a story based on

the audit findings that recommended that Police Commissioner Fannie Masemola should terminate the contract with a company owned by a businessman, Vusimuzi Matlala. The recommendation was made in January, and it further recommends criminal charges to be laid. I would like to know from you what has happened since the recommendations at the City Press is aware that Matlala continued to receive payment from SAPS. My deadline is by 15:30 today.”

ADV HASSIM SC: Was this message sent to you by the journalist, or was this forwarded to you by – I think it might have been, and you might want to look at the following messages – by Major General Phokane? Do you remember? If not, we can just go through the next few messages.

LT-GEN SIBIYA: It might have been sent by Nonkululeko Phokane because she is in charge of communication at SAPS. Maybe I do not know for my response, or whether there is any way I fit in, I am not so sure, but I could really, maybe, if I was having my own gadget, say some things with absolute certainty. At this present moment, I am weak in coming out strong on some of the things.

ADV HASSIM SC: Okay, no, that is fine, but have a look at number 5. I think this is a forwarded message again, number 5, and then number 1 on the next page. So, number 5 says:

10 “Good morning, General, Lieutenant-Generals. Kindly find above media enquiry received from Abram Mashego at 10:21 this morning. I will engage the relevant division and share the response shortly. Regards.”

And then the next message on the next page is:

“Good morning, Mr Abram Mashego. This is an internal matter regarding SAPS and suppliers. We reserve our comments for now. Regards, Maj-Gen Nonkululeko Phokane”

So, these are a set of messages that are forwarded to you, it seems. Does that make sense to you?

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** Do you know anything about the audit findings against the audit into the contract that was awarded to Mr Matlala?

LT-GEN SIBIYA: No, I have never seen it in the report at this stage until now.

ADV HASSIM SC: Okay. Well, if you go a little further

down on page 233, you send to Sergeant Nkosi at chat number 2, the last page of the preliminary audit report recommending the termination of Mr Matlala's contract. Now, let me just tell you where you will find a clear copy of that. It is at page 300 in the same file. You can take a couple of minutes to look at it. You will see that it is the last page of the preliminary audit report. You see the heading at the top right of the page.

LT-GEN SIBIYA: Preliminary audit report, bid
10 19/1/9/1/94TP.

ADV HASSIM SC: That is right. And then it is the page with the recommendations, recommending that the expenditure be declared possible irregular expenditure for further assessment, that the bid should be terminated, that evidence of procurement irregularities were observed in the bid, et cetera. You see that. So you forwarded this to Sergeant Nkosi. But why do you share with Sergeant Nkosi this confidential preliminary audit report?

LT-GEN SIBIYA: I do not think it was a confidential
20 preliminary report because this thing, I think it was on the media. That is why you see Abram Mashego, I think, because it is not something that was given to me or that I had. It is not a confidential report. It has been in the newspaper.

Even now you see where there is IJI and maybe

certain places, Khumalo, General Khumalo, Masemola. So it is something that is on the newspaper. So when you share with a colleague that you work with closely, because I did send it to him, if I did, yes, and I do not say I did not. But it is because of the fact that this is something that we have always known that is happening or was going to happen at some point.

ADV HASSIM SC: You have always known. Since when did you become aware that this was happening?

10 **LT-GEN SIBIYA:** Remember, we come back from the chats where we were reading the thing that comes from Codwell, you see. I assisted Mr Matlala to have access to the college and all that.

ADV HASSIM SC: No, no, but that was different. That had nothing to do at all with the contract or any audit or any investigation into the contract. That affidavit was what Mr Matlala filed in December in an urgent application where he was seeking the return of what he alleged were stolen items when his office was raided. That is what that affidavit was
20 about.

LT-GEN SIBIYA: This one?

ADV HASSIM SC: Yes, the one that you just referred to. You said you referred to the affidavit we looked at earlier about the training college. I am saying that that is not correct because that was about a different issue. It was not

about the contract.

LT-GEN SIBIYA: You see, in today's world where we all know that you do know so-and-so, do know this kind of a person or this person, and you come across something like this from the media or from the newspaper or from wherever it was from, and then maybe I shared it with Nkosi. It was not really a confidential document. I do not see it somewhere marked confidential or secret or top secret.

ADV KHUMALO SC: General, the watermark.

10 **ADV HASSIM SC**: There is a watermark.

ADV KHUMALO SC: The watermark says it is confidential. So why do you say you do ...[intervenes].

ADV HASSIM SC: Across the page.

LT-GEN SIBIYA: My apology, my apology. Normally, because when you do it on top and below, so this one slipped my mind.

ADV KHUMALO SC: Do you accept that this one says it is a confidential document?

LT-GEN SIBIYA: It was a confidential document.

20 **ADV KHUMALO SC**: But it is not an excuse. You see, if somebody has leaked a confidential SAPS document to a journalist and you come into possession of that document, it is not an answer to say somebody leaked it before, so I can also leak it. That is not how it works. If it is confidential, it is confidential. So you do not perpetuate the leak.

LT-GEN SIBIYA: Here, once it is in the public domain, it is no longer confidential. I understand if it comes from everybody who is in this room who signed the confidentiality, and then this document leaked from inside here, and then one of us leaked it to outside, it is a leak. But once now it is something that is either in the newspaper or is going to be in the newspaper, then I think that is...

ADV HASSIM SC: No. Okay, finish, sorry.

LT-GEN SIBIYA: I see this document, and unfortunately
10 for me, is that because of the fact that I am operating where I could see, but when I look at my phone, I cannot find it, or I do not think it comes from me, but I am accepting it because I have been accepting all the communications that did come from me. And I am saying, to me, Sergeant Nkosi is a colleague. He is still in the police. And a confidential is not like a top-secret document that cannot be shared by any other person. Confidential within the police can still be shared within the police.

If I gave it to Nkosi, maybe I sent it to Nkosi, it is
20 possible that I might have sent it to him. And if I did, in my mind, I might have really not taken into consideration the fact that this is a confidential document. And even if it comes from a journalist, still, I cannot send it to any other person.

It is just like when there is social media saying

wrong things about a person, then you forward it also to another person and say, but why did you continue forwarding it? So I am just saying that.

CHAIRPERSON: I am sorry, Ms Hassim. Under normal circumstances, General, that would be a cogent explanation. But you have said a few questions back, I think you were being engaged by my co-commissioner, Commissioner Baloyi, you said that when you shared some communications with Sergeant Nkosi, you understood that
10 because of their proximity, he would probably share those with Mr Matlala. Do you remember saying that?

LT-GEN SIBIYA: I do, Chair.

CHAIRPERSON: Yes. So now you are saying that you were sharing this with Sergeant Nkosi, SAPS member to SAPS member. Do you confirm that?

LT-GEN SIBIYA: I do.

CHAIRPERSON: Now, bearing in mind your previous response to Commissioner Baloyi, surely then you must have expected that Sergeant Nkosi would probably share
20 even these communications with Mr Matlala. Correct?

LT-GEN SIBIYA: That is correct, Chair.

CHAIRPERSON: So it cuts across this idea that this was a SAPS member sharing with a SAPS member as if it would then be contained within the two SAPS members. Do you accept that?

LT-GEN SIBIYA: I do, Chair.

CHAIRPERSON: Thank you.

ADV HASSIM SC: Thank you, General. So when you shared this with Sergeant Nkosi, what is important is when you shared it, you did not say to him, well, let me take a step back. Are you aware of any national instructions or policy that governs the SAPS, that governs the manner in which confidential information is shared amongst members of the service?

10 **CHAIRPERSON:** General, think about that policy or those prescripts over the tea break and let us come back at half past. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV HASSIM SC: We are waiting for the witness, Chair.

CHAIRPERSON: We will wait until he comes in. Ms Killian, do you have any idea where the General is?

ADV KILLIAN SC: Thank you, I am informed by my instructing attorney that he deviated to the bathroom.

20 **CHAIRPERSON:** Thank you. General, we have just been informed that you went to the bathroom. For the future, please do the bathroom duties a good few minutes before the starting time.

LT-GEN SIBIYA: We do, and my apologies, Chair. I never thought you were already seated.

CHAIRPERSON: If I say 15:30, we usually come in 2 minutes before the time.

LT-GEN SIBIYA: I apologise profusely, Chair.

CHAIRPERSON: But this time we came in at half past.

LT-GEN SIBIYA: I really apologise, Chair.

CHAIRPERSON: Apology accepted, General. Thank you.

LT-GEN SIBIYA: It will not happen again, Chair.

CHAIRPERSON: Thank you.

EXAMINATION BY ADV HASSIM SC (CONTINUES):

10 General, before the adjournment, I was asking about whether you are aware of any prescripts that govern the SAPS and sharing of confidential information.

LT-GEN SIBIYA: Yes, Chair. I am aware. I am aware, Chair.

ADV HASSIM SC: Were you aware at the time when you did share this information?

LT-GEN SIBIYA: I was aware, Chair, but as far as I am concerned, I was aware that a confidential document that is already out in the public space is not really, it does not
20 carry the same weight as if it is not in the public space. Because once the cat is out of the sack, it does not carry the same weight. It is no longer really as confidential as it is.

ADV HASSIM SC: Is that according to your prescripts?

LT-GEN SIBIYA: It is the way it is.

ADV HASSIM SC: And would you agree that if a story is in the public domain, so, you know, a journalist writing about that there is an audit, that this journalist is aware that an audit has been conducted and that recommendations have been made, but there is a delay in acting on the recommendations, but does not actually circulate the journalist or the article, does not actually contain the audit report itself, right. If it does not do that, in those circumstances, is it appropriate? Is it still in the public
10 domain and can you still circulate it?

LT-GEN SIBIYA: Once it is with the journalist, it is already in the public domain.

ADV HASSIM SC: Once the report is with the journalist.

LT-GEN SIBIYA: Yes, and especially when the journalist is using it to make enquiries. The confidentiality thereof is already broken.

ADV HASSIM SC: But if the journalist has not circulated it in the public domain, so journalists often come across confidential documents that they report on, but they do not
20 share the actual documents. So, if the actual document is not shared, you are saying it does not matter, the fact that it is known.

LT-GEN SIBIYA: From the user, who was supposed to keep it secret. The user, the only person who marked it. And then they use it to the National Commissioner or to me,

or to any other person who is part of their discussion, or to whose attention it must go. That person, those people remain confidential. It remains a confidential document. But the moment it is let out now to a journalist, and the journalist who is beginning to make enquiries about it, already the confidentiality is broken. So as far as I am concerned, there was nothing wrong on my part to share with a colleague of the same organisation on a document whose confidentiality has already been broken.

10 **CHAIRPERSON**: Ordinarily, that would make sense somewhat. But in this instance, it cannot. In this instance, rather, it cannot. Because you have already accepted, when I engaged you earlier, that here you actually foresaw that probably Sergeant Nkosi would share this document with Mr Matlala. Do you accept that?

LT-GEN SIBIYA: Chair, please make me understand the question. I hear the question. I am just trying to understand properly, Chair.

20 **CHAIRPERSON**: When I engaged you earlier, do you remember asking that you did realise that in all probability Sergeant Nkosi would share this document with Mr Matlala because of their proximity? Do you remember saying so when I engaged you?

LT-GEN SIBIYA: Yes, Chair.

CHAIRPERSON: So now I am saying your response to Ms

Hassim cannot make sense because you cannot say this was sharing between two police officers. I say this would not make sense here because you actually foresaw the probability, not even just possibility, the probability of Sergeant Nkosi sharing this document with Mr Matlala. You have already admitted it.

LT-GEN SIBIYA: If the Chair says I foresaw that you would share it with Mr Matlala, it is something else.

CHAIRPERSON: Okay, maybe let me take out the
10 foreseeing and use words that are as close as possible to what I said when I engaged you before the tea break. I said probably Sergeant Nkosi, on your understanding of the proximity between Sergeant Nkosi and Mr Matlala, Sergeant Nkosi would probably share this document with Mr Matlala. You accepted that before the tea break, correct? Be careful not to change what you said earlier. N

LT-GEN SIBIYA: No, no.

CHAIRPERSON: You accepted that probability.

LT-GEN SIBIYA: No, no, Chair, remember, even if I said
20 that initially, it does not mean that in everything that follows that I shall have shared with Mr Nkosi, it means that everything was meant to be shared with Mr Matlala.

CHAIRPERSON: Please do not try to anticipate where I am going. Please do not try to anticipate. Do you accept that before the tea break you accepted the probability that

Sergeant Nkosi would share the document with Mr Matlala?

Do you accept that?

LT-GEN SIBIYA: Yes, Chair.

CHAIRPERSON: Yes. So now what I am saying is you cannot now, in response to Ms Hassim, say this was sharing SAPS officer to SAPS officer because you have already accepted that there was a probability that the document would be shared with Mr Matlala. So, you cannot just stop at sharing SAPS officer to SAPS officer because there is
10 the probability that you accept. Is that correct?

LT-GEN SIBIYA: It is correct, Chair.

CHAIRPERSON: It must be. Yes, Ms Hassim.

ADV HASSIM SC: Thank you, Chair. I mean, what makes it so dramatic ...[intervenes]

ADV KHUMALO SC: Can I add one thing to what Chair has said? The other thing about this document is that it concerned Mr Matlala himself. It concerned Mr Matlala's company. So, it is different from any other documents. This one, the expectation would be that because it is
20 dealing with Mr Matlala's company, Captain Nkosi would share it with him. You must have expected that.

LT-GEN SIBIYA: Can I ask, Chair? You know, Chair, if we are close, maybe in this case, Chair, I want to say if I am close with maybe the three Commissioners and one of you, of the Commissioners, is very close to a particular person

and then we know that here is something that we are reading on the news about this person and then I say, hey, see what is coming or what is happening on this person because it is from the newspaper.

This was going to be on Sunday newspaper, City Press and whatever. It has become a norm or normal for people to share something they see about a specific person. Many people see a lot of things about me. Sometimes they share it with my wife. Sometimes they will share among
10 themselves. But others know that it will reach me. So, I must just accept, Chair, that it happened.

It may be reckless or negligent or an oversight, but it happened that way and I do not want to waste time. I must say, as far as I am concerned, it is just that the risk is not as I was sharing it myself from a meeting that I was sitting in to Mr Matlala. It was a question of now it comes from the journalist. It is already in the public. The cat is already out. Sharing it with a colleague really would not carry the same risk as the original risk.

20 **ADV KHUMALO SC:** The answer is yes. I think before we leave this, the answer must be yes. You had no reason to believe that he will not share it with Mr Matlala.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: You see, General, here is my difficulty. With your insistence about sharing between police officers,

I would understand your point if you had shared with Sergeant Zulu of Matatia, whom you knew not to have any connection whatsoever with Mr Matlala. I would understand your point. But here you knew that you were sharing with Sergeant Nkosi, who has a certain proximity with Mr Matlala, and you have accepted that there was, to your knowledge, a probability that Sergeant Nkosi would share with Mr Matlala. That is the difficulty I have with your insistence about sharing between SAPS member and SAPS
10 member. You may comment if you wish to. I made the point earlier, and you accepted it. I was just making a follow-up to, again, your response to my colleague Commissioner Khumalo.

LT-GEN SIBIYA: Since the Chair said I may comment if I so wish to, can I take this opportunity to comment?

CHAIRPERSON: Yes.

LT-GEN SIBIYA: Chair, just to say that if I shared it with a Sergeant Zulu from somewhere that I do not know, it should be concerning. Why did you share it with Zulu? Because
20 you are not... What would be the reason with Zulu? Why Zulu?

CHAIRPERSON: That actually ...[indistinct] my point then. That does not assist you.

LT-GEN SIBIYA: I am trying to come somewhere, Chair.

CHAIRPERSON: All right.

LT-GEN SIBIYA: But Sergeant Nkosi, I do know that he knows Mr Matlala, and that is maybe probably why I sent it to him. But if an ultimate Chair, the Chair is going to rule, and even when the Chair, the access evidence is in the Chair's hands. It does not really matter. Mine is just to accept that the Chair's paintings, I must also regard it as guidance.

CHAIRPERSON: Let us leave it at your acceptance more than once. Your acceptance that there was, to your
10 knowledge, a probability that Sergeant Nkosi would share with Mr Matlala. Yes, Ms Hassim.

ADV BALOYI SC: Sorry, can I just ask my question? General, if it was in the public domain, as you say, why would you need to share it with Sergeant Nkosi? He has access to the same public space as you.

LT-GEN SIBIYA: It is because, Chair, Commissioner, it is because at that point in time, I think, I think, because it was at a point where it was still between whoever sent it to the journalist and the journalist and myself. And then I think
20 this is what could have happened because it was not yet in the Sunday newspaper.

ADV BALOYI SC: No, but you could not have thought that, General, because you got the question from the journalist, you forwarded it to Generals, and there was a response to it. Responding to the journalist, Mr Mashego, from your Ms

Nonkululeko Phokane, and all of that you forwarded to Sergeant Nkosi. So, you knew the SAPS communication was dealing with it, so your answer can be that because it was still between whoever and the journalist, you knew that the SAPS is officially dealing with it. And so that cannot be a reason. You could not have shared it for the sake of sharing it. You have to be sharing it for another reason because you knew that the SAPS is dealing with it.

LT-GEN SIBIYA: Commissioner, I thought I responded
10 when I said because it was with the journalist already, even though I knew SAPS was dealing with it. SAPS was responding. And the fact that it was with the journalist and SAPS responded to it, so really in a public space. If it was not the same topic, a different topic within a report, from my angle I would understand. But now we are talking about one and the same thing that was sent to a journalist, from the journalist to the SAPS communications. Now SAPS communications have communicated. Now I know that this thing is already public because it is going to come.
20 Normally when they run the story, they do not wait for Sunday. They also run it online. So that is what I am saying.

ADV BALOYI SC: No, but exactly my point. It is already in the public domain. Sergeant Nkosi has access to the same public domain. Why do you need to send it to him

unless you thought this is still internal, which is the problem that is being discussed with you, that you thought it is internal, he is not aware of it, and so you share with him to alert him to something that is still internal.

That is the one possibility. But going with your version, which is, well, it was in the public domain, so I was free to share it. I did nothing wrong because it was already out there. It necessarily raises the question, well, if it is in the public domain, as you say, why are you sharing it with
10 Sergeant Nkosi because he has access to the same public domain?

Remember your story is it was in the public domain, this report that is marked confidential. You say it was already in the public domain. So, you either correct it was in the public domain, and I am going to ask you, why do you say it was in the public domain? So, you either correct it was in the public domain, in which case you have to have had a good reason why you are sharing it with Sergeant Nkosi because it is in the public domain, this confidential
20 document.

Or it was not in the public domain, that is why you share it with Sergeant Nkosi, and you share it with the expectation he will share with Mr Matlala. In fact, I want to place it higher than that, that you share it with the anticipation that he will share it with Mr Matlala. But let me

go back and break it up. Why do you share it with Sergeant Nkosi if it is in the public domain already?

LT-GEN SIBIYA: I think, Chair, to be fair, people circulate messages, TikTok messages, that are in the public domain, but they share them anyway.

ADV BALOYI SC: General, I am not talking about people, and I am not talking about messages in general. I think you have to answer directly the question because otherwise we end up losing a lot of time. My question is a direct
10 question. You send a document marked confidential. It is an SAPS document. You say, but it was in the public domain. And I engage you on that basis to say, well, if it is in the public domain, why did you send it to Sergeant Nkosi, who has access to the same public space?

LT-GEN SIBIYA: The point I am also trying to raise, Commissioner, is that when there is a message that has been circulating that is out in the public domain, people share them anyway.

ADV BALOYI SC: General, you are avoiding to answer my
20 question. Let me ask you my next question. Why do you say this was in the public domain? Where do we see that it was in the public domain?

LT-GEN SIBIYA: If, to as far as I am concerned, if I am not the author of this document and none of us knew about this document, but this document found itself where the

confidentiality has been broken, sent to a particular journalist.

ADV BALOYI SC: Why do you say that? Why do you say this document was sent to a journalist? We have the question that was sent to you and maybe let me try and move it forward. The question does not include an attachment of this document. So, you do have the question from Mr Mashego. It does not have an attachment to it.

ADV HASSIM SC: Commissioner, can I just add to that?

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

ADV HASSIM SC: I just want to draw something to your attention.

LT-GEN SIBIYA: I want to raise a point as well that I want to raise. You know, Chair, Commissioner Baloyi asked me a question. And whilst I am responding to the question, just to proceed, then jumps in and then says, no, no, no, General, then takes it further and continues on this one. Now I am trying to also respond, then just as I am listening to this one, then she comes in and says just on the same
20 point. All I am asking is let me not be overwhelmed by the fact that now respond to this, respond to this, and then all the communication. Commissioner Baloyi, I am trying to be fair to you as well, as you are the person who is here to ask me a question. I am probe. I must respond. But I am just asking one favour, that when you ask me a question, allow

me to respond and finish as well.

ADV BALOYI SC: General, I gave you a chance to answer my question. I asked you the same question twice, thrice, and you are telling me about how people communicate and distribute things, even after I said to you, do not tell me about how other people communicate. Do not tell me about other things that get distributed. Tell me about this, which we are discussing.

You were repeating. We do not have the whole
10 day. I have only limited time to ask you questions. I accept your answer. If you do not want to answer a question and you prefer to go the long way, I do not think you have a licence to be indulged, to speak as long as you want, and to answer irrelevant things. I did not ask you about what people do.

I asked you about your explanation for distributing this to Sergeant Nkosi. It is a direct question, and if you repeat it the third time, I am sorry. I am not going to allow you to keep on doing that. And you can keep complaining
20 about me. I will ask you, my questions. I am going to repeat my question before we get to Ms Hassim, General. I am going to ask you my question again, and I will interrupt you if you do not give me a direct answer.

My question to you is, this document that you say, you circulated, you gave to Sergeant Nkosi because it was

in the public domain. My question to you is, if it is in the public domain to which Sergeant Nkosi has access to, why do you send him this document? That is my question. That is my first question to you, so maybe try and answer it. We will come back to Ms Hassim on my second question.

LT-GEN SIBIYA: My question is this, Chair. If the document is already out there, in the wild, I take it that the cat is already out of the ...[intervenes]

ADV HASSIM SC: The impalas.

10 **LT-GEN SIBIYA:** You see, I do not want to say I do not want to say she is being arrogant.

ADV HASSIM SC: I was just making a joke.

LT-GEN SIBIYA: No, you started it. Of course, but, Chair, we need to really respect each other and try to be modest with one another in a platform that is professional. So, if she goes there, I am going to take a different route as well, and it is not what we want. So please give me the same respect as well and let us do it professionally. Now, my answer is, sharing it internally with colleagues would not
20 really carry the same risk as it was initially.

So, I have shared it with General Nkosi. If the Chair rules that I was not supposed to, I will accept that as well, Chair, without me having to go deeper into the subject. If I was not supposed to have, as far as I am concerned, it was out in the public space and sharing it with a colleague

would not carry the same weight as if it never was.

ADV BALOYI SC: Okay, let me ask my second question then. Why do you say this document was in the public domain?

LT-GEN SIBIYA: Like I indicated earlier that the moment from the writer to the journalist and to the communicators already, and then back to the journalist, already the cat is out of the sack.

ADV BALOYI SC: Okay, we have the question from the
10 journalist here. It does not include an attachment, so we know that this document was not, at least from this message, the document was not attached to the question addressed to you. Why do you say it was in the public domain if it was not attached to the question?

LT-GEN SIBIYA: Personally, this document, this one, I never got it myself, because I still do not have a report even now. So, this document, the questions of the journalist I think relates to this, if I am sure, but I am not so sure, because I do not have anything that I can refer to
20 myself. I am just following the line of questioning with what I see. So, I say these questions were already in the public space, because there are those that I can show the report.

ADV BALOYI SC: Okay. Let me stop you. Maybe you have answered me. You are saying these questions were in the public domain. You are not saying the document was in

the public domain, because that is what you have just said now. You have just said these questions were in - I never got the document myself. That is what you say. You say, I never got the document myself. These questions were in the public domain. So, I want to clarify so that I am not unfair to you. You are saying these questions... When you say it was in the public domain, you mean these questions were already in the public domain. Is that what you mean?

LT-GEN SIBIYA: As you were asking a question,
10 Commissioner Baloyi, in my mind I was thinking of a report of the Inspector General of Intelligence on allegations against – he mentioned allegations on individuals, but it was out in the public domain. But in the meantime, you were asking, so I missed the question.

ADV BALOYI SC: My question is, and it is on the back of what you have just said. You have said now these questions – in fact, you have said two things. You have said you yourself never received this report, this audit report. That is one thing you say. And then you say these
20 questions from the journalist were in the public domain. So, I am seeking to clarify, therefore, that when you have been engaging with the Chair, with Commissioner Khumalo, with Ms Hassim, and you say it was in the public domain, you mean the questions were in the public domain. Is that what you meant?

LT-GEN SIBIYA: Yes, Chair. And the other concern that I am just having on this document, I wanted to see whether it is a forwarded message also to me, or where does it come from? Because it is just a clean page, but you do not see that it comes from a particular ...[intervenes]

ADV KHUMALO SC: Do this, General. Pull it out. Pull out that page. And then go to page 232. But remember to put it back once you have answered the question.

LT-GEN SIBIYA: Go to page?

10 **ADV KHUMALO SC:** Pull out that audit report recommendations page.

LT-GEN SIBIYA: Yes, page.

ADV KHUMALO SC: And then go to page 232 in the same file. That is where your WhatsApp's are.

ADV HASSIM SC: So, General, if you go to page 232, and this would have assisted you I was trying to assist you earlier when I said, let me add something here. If you look at those messages, go to page 232.

LT-GEN SIBIYA: Okay.

20 **ADV HASSIM SC:** You will see that there is a string of messages that are sent to you. The first is the query by the journalist, and that is in chat number 4. The second is in chat number 5, and this, which we dealt with, I took you to this from Maj-Gen Phokane. She says:

“Good morning, General, Lt-Gen.”

So, she is only addressing herself now to the senior management, right, within the service. And she says:

“Kindly find the above media query received. I will engage the relevant division, *et cetera*.”

And then over the page we went, and she says, she forwards then the message, her response to Mr Mashego. If you see that, number 1. Can you see that?

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** Okay, you are following the thread that I am taking you to, because it is a set of messages that Maj-Gen Phokane forwarded to you, including this one, her response to the journalist. She says:

“It is an internal matter, and we reserve our comments.”

And then, finally, an attachment, and that is in number 2, chat number 2, on page 233. If you have a look at it. Right.

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** Now, because that is hard to read, the attachment needs to be, it is an attachment, as you know, to a chat. And so, what you are looking at, the big page, is that image. Okay, so this was forwarded by General Phokane, and she is sending it to the senior management. General and Lieutenant Generals. Because she obviously

wants you to be put in a position to understand where these questions are coming from.

LT-GEN SIBIYA: Are we able to see to who the senior management was sent to?

ADV HASSIM SC: We do not know. All we know is that she sent it to Good Morning General and Lieutenant Generals. So, I suppose all of the Lieutenant Generals would have received it, and the General.

LT-GEN SIBIYA: Well, I am not sure to say all the
10 Lieutenant Generals, because to all the Lieutenant
Generals, even the one in the provinces are Lieutenant
Generals. So, I am just saying ...[intervenes]

ADV HASSIM SC: Oh, I am sure it was at head office that this was being dealt with.

ADV KHUMALO SC: But General Sibiya, we know it was sent to you. So, let us not worry about 20 other Generals. From this, we can tell that it is been sent to you. So, you are one of the Generals, however many. Maybe there were five, maybe there were 10, maybe there were 15. The point
20 is you were one of the recipients. And that is how it finds its way into this church that we are looking at. So, let us not go to the northwest. Let us stick to where we are.

LT-GEN SIBIYA: I wanted to check where you say Good Morning, Lieutenant Generals, whether my name is there.

ADV KHUMALO SC: General Sibiya, just looking at this

church, we can see that it reached you because you sent it to Captain Nkosi. You would not send it to Captain Nkosi if you did not have it. Sergeant Nkosi, sorry. Because the only way you can send it to Sergeant Nkosi is if you have it. If you do not have it, you cannot send it to him.

LT-GEN SIBIYA: No, it is why I am asking, it could have also been provided to me, not necessarily coming from General Phokane. It could have also been sent to me, but nevertheless, I take the point. Commissioners, I can
10 respond to the next question, or your question.

ADV HASSIM SC: What I am putting to you is that the, sorry. What I am putting to you is that Maj-Gen Phokane sent you the attachment, and it seems she probably sent it to all of the senior management. So why do you say it was in the public domain? This did not come from the journalist to you.

LT-GEN SIBIYA: I do not know. I do not know whether I received it from a journalist or from Major Phokane, but I will accept that I received it from Phokane. If I received it
20 maybe from General Phokane, and obviously having received an enquiry from the public, I mean an enquiry from the journalist, and maybe I shared it with Nkosi. To me, I never intended it to go there, or for him to disseminate. But if he did share it, I will also accept that one.

ADV HASSIM SC: Okay, I think we have already covered

the ground of you sharing, you know, you knew that he would communicate with Mr Matlala, and the worrying thing, which is where I wanted to go to with this, is that you are sending a document that is about the cancellation of a contract with a service provider to Sergeant Nkosi, knowing it will get to that service provider, so it is not just any member of the public that is receiving it, it is the person who is affected by that internal SAPS document, and that is the concern. Do you see that?

10 **LT-GEN SIBIYA**: I do.

ADV HASSIM SC: I am going to move off this to, well, not entirely off it, because what happens next is you will see that, let us get the right page, it is file 9, I am afraid.

CHAIRPERSON: I do not know if you are still going to touch on this, and if you are, please stop me, Ms Hassim. General, to my mind, the timing of this is quite important because the contract was cancelled in June of 2025. May, I am sorry, May of 2025. I am thinking of the award. The award was in June of the previous year. So, the
20 cancellation was in May 2025, and these chats are in March of 2025. So in a situation where you see the probability of these documents, these chats, these communications, reaching Mr Matlala through Sergeant Nkosi, you were basically sharing, and I suggest this to you, you were basically sharing with Sergeant Nkosi to alert Mr Matlala as

to what was happening, and what was happening with hindsight now eventually resulted in the cancellation of the contract. So, you are up front. You are up front alerting Mr Matlala through Sergeant Nkosi. You are basically saying, hey, be aware, there is trouble brewing. That is what I am suggesting to you.

LT-GEN SIBIYA: I am just trying to read what is contained in page 300.

CHAIRPERSON: The audit report suggests that there were
10 irregularities in the award of the contract.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: So naturally, that can quite easily lead to the cancellation of the contract. In fact, that audit report says in so many words that there should be a termination. So, I am suggesting to you that you were indirectly alerting Mr Matlala through Sergeant Nkosi that, look, there is trouble brewing here.

LT-GEN SIBIYA: In my case, Chair, I was not indirectly informing Mr Matlala. I was sharing with him Nkosi. That is
20 what I can say.

CHAIRPERSON: I will leave it at that because you have already accepted when I engaged you earlier that to your knowledge there was a probability that through Sergeant Nkosi these communications would end up reaching Mr Matlala. I will leave it at that.

ADV HASSIM SC: General, can you go to file 9, page 1040, please?

LT-GEN SIBIYA: File 9 page?

ADV HASSIM SC: 1040. Actually, it starts at 1039. Can we start there? It is at the bottom of 1039 is where it starts. It is chap number 5. Now, this is the conversation between Sergeant Nkosi and General Shibiri. What happens here is Sergeant Nkosi forwards the same set of messages we have already read that came from General
10 Phokane. The four, set of four messages, including the attachment of the last page of the audit report. I just want to make sure you see that.

LT-GEN SIBIYA: That General Shibiri sent to Nkosi?

ADV HASSIM SC: No, no, no. That Sergeant Nkosi sent to General Shibiri.

LT-GEN SIBIYA: Okay.

ADV HASSIM SC: Okay, so, he now forwards what you sent him. He sends it to General Shibiri. Okay, and then you will see at chap number 4 on page 1040, General
20 Shibiri says:

“Good morning is too bad.”

LT-GEN SIBIYA: Chap number?

ADV HASSIM SC: Four.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Is too bad. Now, I accept that this is a

conversation between Sergeant Nkosi and General Shibiri, but it is a theme that seems to be emerging here of the communications between you, the three players that are present as of 14 September 2024. General Shibiri, yourself, and Sergeant Nkosi, and of course, Mr Matlala, in the midst of all of it. So, I am pointing out to you that here is another pattern here of communication that is now going involving General Shibiri. And General Shibiri's response to this is that it is too bad. What knowledge do you have of
10 General Shibiri's involvement with Mr Matlala and his interest in this contract?

LT-GEN SIBIYA: I do not know if General Shibiri's got any interest in Mr Matlala's contract, but I do know that they know each other. Yes, but in terms of the pattern of the three of us, myself, General Shibiri, and Nkosi, I am not so sure whether in that what was found in Nkosi's phone only included me, Shibiri, and Nkosi, and no one else. Because now a picture has been painted here of only the three conspirators. Three people only. Whereas Nkosi had many
20 others.

ADV KHUMALO SC: Accept this. On matters relating to Mr Matlala, the pattern that emerges from the WhatsApp's is of the three of you. There may very well be discussions with other Generals on many other things, but on matters relating to Mr Matlala, that is what the pattern shows. Just

so that you are limited to that and we do not talk about every General at SAPS.

LT-GEN SIBIYA: I do not know if the Commissioner has the benefit of the communication of Mr Nkosi's phone and any other General.

ADV HASSIM SC: Yes, we do.

LT-GEN SIBIYA: In relation to the same matter.

ADV HASSIM SC: Well, we have everything from Sergeant Nkosi's phone, so we do have sight into his conversations
10 with other people, including other lieutenant Generals.

LT-GEN SIBIYA: That is fine. Let me leave it at that.

ADV HASSIM SC: You see, you sent this message to Sergeant Nkosi, and you know that, let me just put it this way, that he will probably send it to Mr Matlala. Or he may send it to Mr Matlala. You have not said why you sent it to Sergeant Nkosi. You say you just sent it to him. But there must be a reason why you sent it. There is an interest in that contract.

LT-GEN SIBIYA: I did respond. That is because I saw
20 something about someone that we all know.

ADV HASSIM SC: Okay, and then the same sharing of information involves General Shibiri and he says it is too bad. Now, one would think, I do not know if you would agree with me, that if you are a senior member of the police service and you see an audit report that raises very serious

concerns, well, let me start. Do you agree that the audit report raises very serious concerns regarding Mr Matlala's contract?

LT-GEN SIBIYA: I do.

ADV HASSIM SC: And if the recommendations should be acted upon?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: But what General Shibiri says here is it is too bad, suggesting that he has sympathy for Mr Matlala rather than maybe actually outraged that Mr Matlala would have conducted himself in a manner that brought him within the purview of the audit in the way it did.

LT-GEN SIBIYA: I am trying to understand your question in terms of the outrage.

ADV HASSIM SC: Well, what I am saying is General Shibiri says it is too bad.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Which sounds like he is sympathetic towards Mr Matlala's plight rather than concerned for the SAPS.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And the consequences of all of the irregularity that the audit report showed. That would be a problem, right?

LT-GEN SIBIYA: Yes, but when a person says that is too

bad, sometimes you empathise with the person, sometimes you sympathise with the person, sometimes it will be it is too bad that it happened, but if it must happen, let it happen. So, this is how he responded. I mean, we do not all have a channelled way of responding or same mindset that says under this situation this is how you must or you will react.

ADV HASSIM SC: So, you are saying that it is possible actually what General Shibiri meant here was just that this
10 is a bad outcome.

LT-GEN SIBIYA: So, it is too bad. It is unfortunate.

ADV BALOYI SC: Perhaps more importantly, General, you are very, very, very close to Sergeant Nkosi. You have told us so in your statement and we see from the kind of material that you are exchanging and things that you are asking him to do. Why would, and I ask the question because you are quite close to Sergeant Nkosi, why would he share this that comes from you and all of it is about Mr Matlala and his contract. Why would Sergeant Nkosi share
20 this with General Shibiri? They were all at your house, so you are clearly all close to each other. Why would he share this with Sergeant Shibiri who is not involved in this contract?

LT-GEN SIBIYA: I am not really in a position to answer why.

ADV BALOYI SC: I guess I am asking you to speculate if you do not know. Why do you think communication from you, firstly, I would expect you to be outraged that you share this stuff with Sergeant Nkosi and now you discover it went to General Shibiri. I would expect you to be outraged about it. You are not, or at least you have not expressed to us your disappointment, your anger with Sergeant Nkosi, that he disappointed you, he betrayed you.

You have not, so I assume you are okay with this
10 because they are all your guests at your house where you said Mr Matlala should take a turn, where General Shibiri asked, where is Matlala? She asked Sergeant Nkosi at your house, so you are all a circle. A circle of SAPS people who are more than just colleagues, clearly. So, you did not give him the go-ahead, you did not say to him, share this with Shibiri, so I am asking you to speculate. Why do you think, now that you know he has done this, why do you think he would have shared material from you about Mr Matlala with General Shibiri without your authorisation?

20 **LT-GEN SIBIYA:** I really do not know why, and I do not think I am in a position to speculate.

ADV BALOYI SC: Okay, that is a fair answer, thank you. I want to suggest that he shared it. Firstly, as the Chair says, you sent all of this, and most importantly, the audit page, that final page that you shared, which was given to

you by a SAPS official properly. You shared it with Sergeant Nkosi, understanding and expecting that he will share it with Mr Matlala, he will alert him that there is talk of termination of his contract, as the Chairperson says. And you shared it with him, with anticipation, and you are not surprised that he shared it with General Shibiri. It fell within your expectations of who would get this kind of communication. You say you do not know why. I am merely suggesting to you that I think that is what happened here.

10 You can comment.

LT-GEN SIBIYA: If the Commissioners will then rely on that speculation, it is still in the hands of the Chair.

CHAIRPERSON: It is called inferential reasoning, not speculation, General.

LT-GEN SIBIYA: Chair, I was using the words that were used by the Commissioner.

ADV BALOYI SC: I was inviting you to speculate, because you said, I do not know, and I said, okay, speculate then, and you said, I am not doing that, and I accept your answer.

20 I am not going to force you to speculate, and the Chair is explaining what is happening now. It is, we have these facts, as I have sketched them out. They were at your house, you invited Matlala, you invited Shibiri to your house.

Shibiri had an interest in Matlala being there, we

know from their communication, where he asks Nkosi where Matlala is. So, I have put these facts to you, and then I say, well, the conclusion to draw from that is that you knew, one, that Nkosi will alert Matlala, Mr Matlala, about this audit recommendation to terminate the contract. You knew that, that is why, that is the purpose you sent this to him. Two, you expected that he would share it amongst your secular friends, which is General Shibiri. And the Chair is saying, well, that is inferential reasoning from the facts that
10 we have.

LT-GEN SIBIYA: Yes, if the Chair is to make that inference, quite honestly speaking, that one is beyond my control, and I do not think it is something that I can also argue with, because the discussion all along has been consistent.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Can we put 9 away?

ADV HASSIM SC: Yes, Commissioner, we are going to go to file 8 next. General, can we go to file 8, page 632? File
20 8, 632. Are you there, General?

LT-GEN SIBIYA: Page 632.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Yes, I am there.

ADV HASSIM SC: Okay, so let me just explain to you, we have not looked at these before. This is a conversation

between Sergeant Nkosi and a person saved in his phone as Bra R Steve, and in brackets, Mswazi. When Sergeant Nkosi testified before the Commission, he confirmed that Bra R Steve is a person by the name of Steve Motsumi. Okay, do you know someone named Steve Motsumi?

LT-GEN SIBIYA: I do.

ADV HASSIM SC: Who is he?

LT-GEN SIBIYA: He is a businessman that I know.

ADV HASSIM SC: He is a businessman?

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

ADV HASSIM SC: In what business?

LT-GEN SIBIYA: I think he is in the business of construction and also lending money, and then also associated with the taxi industry somehow. I do not know in what way.

ADV HASSIM SC: How close are you to Mr Motsumi?

LT-GEN SIBIYA: Not close.

ADV HASSIM SC: Do you meet with him? Do you see him? Do you call him?

20 **LT-GEN SIBIYA:** I think I have met him twice.

ADV HASSIM SC: Do you recall when?

LT-GEN SIBIYA: No.

ADV HASSIM SC: Okay, so what do we see on this ...[intervenues]

ADV BALOYI SC: Before you do that, yes. In what context

and circumstances did you meet him? On both occasions that you say twice.

LT-GEN SIBIYA: When I met Steve, we were working on a project, extortions. Extortions in the construction, but mostly in the taxi industry. Now, I asked to meet, because the project of the taxi industry is the most dangerous one, because if you deal with what we call the bucket system, the bucket system is a system at the taxis where you find that there are certain monies that are being collected every
10 Monday.

I do not know whether it is still Mondays or how it happens. And that money is collected, and then we take it to either the Chairperson of the taxis, or I do not know whether it is the owner of the taxi rank, or how it works. But as we are dealing, considering different type of extortions that we are dealing with that we have to attend, and then we realise that and the advice that I got was that because now you are entering into the space of the taxis, which is dangerous, you need to find a way of how can you
20 get this thing in such a way that you can still address it without it bringing any danger to anybody, including yourself.

ADV HASSIM SC: Can you just explain what you mean by danger?

ADV BALOYI SC: Before that, General, I might have

missed it. You say you were advising Mr Motsumi?

LT-GEN SIBIYA: No. I said I was advised that before you embark on this one of the bucket systems, because it is another form of... And I have a document here that explains what a bucket system is. I think I will read it. We had it earlier, but I will find it. Now ...[intervenes]

CHAIRPERSON: Was this bucket system extortion?

LT-GEN SIBIYA: It is a form of extortion as well, and then within the taxi industry. And we are receiving a lot of
10 complaints. Some people are being killed within the taxi industry because they do not want to contribute to this. They do not agree with it. It is a form of extortion. So then, since we are to embark on this journey of fighting this bucket system, it was rather better to do it from the top in such a way that you get to understand who are the best role players that can assist you to deal with this situation. Then I asked Mr Nkosi, who I knew very well that he knows Mr Mswazi, that can I ...[intervenes]

ADV BALOYI SC: Nkosi, you mean Sergeant Nkosi?

20 **LT-GEN SIBIYA:** Sergeant Nkosi.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: Then he introduced me to Mr Mswazi. Now, I went to see Mr Mswazi ...[intervenes]

ADV HASSIM SC: Is that Mr Motsumi you are referring to?

LT-GEN SIBIYA: No, Mr Mswazi.

ADV HASSIM SC: Okay, I am asking because
...[intervenes]

LT-GEN SIBIYA: The late... The late Mswazi.

ADV HASSIM SC: The reason I am asking for clarity is because in the chats, Sergeant Nkosi has Mswazi in brackets next to the name Bra R Steve. So, I just want to be clear who you are referring to when you say Mswazi.

LT-GEN SIBIYA: Yes, I am referring to Mswazi. He was known as Mswazi.

10 **ADV HASSIM SC:** Is that Mr Msibi?

LT-GEN SIBIYA: Yes, because he is a person who was in charge of the taxi - I do not know whether to call it in charge of the taxi industry throughout the country or working with all the bigger structures throughout the country like KZN, all the provinces. But if we were to go and start challenging a system like this, there is the – you know, when you deal with something that affects the taxi and the word that says, nothing about us without us. We have to make sure that we engage. So I went, we went to meet with
20 him, with Mr Mswazi to say, we are receiving a lot of complaints on this issue. And we want to attend to this issue.

ADV HASSIM SC: When did you meet with Mr Mswazi?

LT-GEN SIBIYA: When?

ADV HASSIM SC: When? You said when we went to meet

with Mr Mswazi. When was that?

LT-GEN SIBIYA: It was within the six months before he passed on. Because I went to meet with him, and then he explained that, look, you cannot just jump into this thing that affects the taxis and is not understanding the circumstances under which this money is being collected. Because the problem is that in some instances the money is being collected to pay lawyers, as well as to deal with certain insurances and everything.

10 So now, he then suggested that, but I am not well. As you can see, I am not well. The person that I suggested you speak to will be this one, who I meet regularly. This is the person who I meet regularly. He was talking about Steve. Now, I then said, okay, I will then speak to, he referred me to Steve. That is when I met Steve on two occasions. Now, to meet Steve ...[intervenes]

ADV HASSIM SC: So just before you move on to that, was that the only meeting you had with Mr Msibi?

LT-GEN SIBIYA: With Mr Msibi if I remember, yes.

20 **ADV HASSIM SC:** Okay, you can continue.

LT-GEN SIBIYA: Now, I went and met Mr Msibi at that time, and then I started then meeting with Mr Motsumi. Mr Motsumi, I met twice or thrice. And why I say twice or thrice? Twice, I met him at the Inanda Hotel. That is when we were discussing the issues of the taxi issues. The last

one is another one where I met him now too. It is after I was also now working on these allegations that kept on coming about Mr Matlala. That Mr Matlala could be involved in Mr Boshoga's murder.

CHAIRPERSON: Kidnapping. Oh, murder, I am sorry. I am very sorry, General.

LT-GEN SIBIYA: So maybe I will address that at that time. But this is how I met Mr Steve. And for him, it was just to advise me that, look, in a situation like this, I think I can put
10 together a team of the senior people in the taxi industry that could advise you how a bucket system works so that you can understand it. He said to me, I am not that deep in the taxis, but if I can put people together, this is most probably the most sensible way of dealing with this situation, rather than you going to arrest that one, arrest that one, arrest that one for the bucket system. In the meantime, you are causing a lot of fights and confusion within the taxis. That is when he said, I will organise people that can talk to you about this. That is how it happened.

20 **ADV HASSIM SC:** Okay.

ADV KHUMALO SC: Sorry, Adv Hassim. The question you asked in relation to 632, I thought we wanted to know who Bra Steve, Bra R Steve, and then in brackets Mswazi is. And then General went on to explain that actually there are two different people. One is Mswazi Msibi, and then the

other one is Stephen Motsumi Bra Steve. What is still not clear is whose phone number this is, because it says Bra Steve and then in brackets Mswazi.

ADV HASSIM SC: At the outset, Commissioner, I said that it is Steve Motsumi, and we know that because I referred to Sergeant Nkosi's evidence here, that that is who this is.

ADV KHUMALO SC: So, we must disregard the Mswazi part in brackets.

ADV HASSIM SC: Yes, he explained it when he was here,
10 that this is Steve Motsumi.

LT-GEN SIBIYA: I think when you see a number sometimes, Chair, you find that you have got two Steve's or Stephens. Or for you to be able to remember a particular person, you also write where you know that person from.

ADV KHUMALO SC: Oh, is that the reason?

LT-GEN SIBIYA: I think so.

ADV HASSIM SC: Sorry, there is just one thing. You mentioned two meetings, one at Inanda Hotel. Do you know when that was?

20 **LT-GEN SIBIYA:** I said two at Inanda Hotel. I cannot remember the date.

ADV HASSIM SC: Oh, two at Inanda Hotel.

LT-GEN SIBIYA: Yes, I am not good with dates.

ADV HASSIM SC: And then you said the last one related to having a discussion with him about Matlala's alleged

involvement in the kidnapping.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And how would he know about that? Why would he be of assistance to you with Mr Matlala?

LT-GEN SIBIYA: What was happening is that we were investigating this thing of Mr Boshoga and the teams were running all over, everywhere, to the extent that they even went to Polokwane and they followed the car to Polokwane where he was going and hit a house in Polokwane.
10 Apparently, it was now the wife's home or him, I do not know, but somewhere there.

They followed and hit that place there. Every direction they were given by the family, so they were going. So, in my case, I then, because I wanted to find someone who can say to me, because when I asked the team who were sitting like this, the family kept on talking about Matlala and they tell the reasons why they say Matlala, but could Matlala be involved in this thing? Because to me, he appears to be a gentleman, a businessman.

20 Now, I then sought to speak to Steve, because remember, Steve knows Matlala, because apparently Matlala was the bodyguard of Mr Mswazi, so he will know him. Now, in my case, I wanted to know, in my case, I wanted to know whether, do you know, do you think this man is capable of this? Can he go to this extent? And if

you can talk to him, maybe even in our absence, can you, are you able to see if he can really assist in making sure that these people, if he knows about it? And it is not only about - it was not even only, if I remember very well, about this one alone. It was also there was another case where ...[intervenes]

CHAIRPERSON: General, General, can you please, please try to be as brief as possible? It cannot be that in response to each and every question, your answers are as long as
10 this one is. I am not saying you should not give explanations that are necessary, but it cannot be that in respect of each answer, you are as long as you always are. Can you please try to make your responses briefer?

LT-GEN SIBIYA: It is fine, Chair. It is just that she asked me under what circumstances, so I was trying to explain the circumstances, but if it is too long, I apologise, General, I will cut it.

CHAIRPERSON: But no, no, no, finish your, please do finish your explanation.

20 **LT-GEN SIBIYA**: I just wanted to say, where there was a mother and a child kidnapped, that one touched all of us, and at some point I also heard that there was a prayer session, but I cannot remember in terms of the timelines now, but I have had a meeting with the father of the missing wife and child. He also came to my office. And then the

name of Matlala was also still Fishery. And then I went to discuss with Steve and say, but, I mean, I have got ...[intervenes]

ADV HASSIM SC: When was that? When was that when this came to your knowledge and you ...[intervenes]

LT-GEN SIBIYA: I do not know the time when they came to my office, but I remember there was a point where we were looking for both, and it is around that time, and both relatives were in my office. So as to when was that, I
10 cannot commit to the timelines. I am lost.

ADV HASSIM SC: Was it in 2024 or earlier?

LT-GEN SIBIYA: It will be in 2024, I guess.

ADV BALOYI SC: General, it sounds like then that is the fourth time you meet with Bra Steve, because you said the first two meetings at Inanda were about the taxi issue, and then you met him again about the Mr Boshoga's matter, and then there is this other family kidnapping, and you had a discussion with him about it as well. That counts to 4.

LT-GEN SIBIYA: I think it was both. I think it was both.

20 **ADV BALOYI SC:** As in the same meeting?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: Yes, I know that it did not happen both at the same time, but Mr Matlala's name, initially we, the team investigated. Remember, it started a long time, first being

investigated by Gauteng, up until the relatives came, and then we jumped in. Then as we started working around that, now the team was now getting more involved in this thing. Then this other one was also kidnapped. So, where I am mixing issues, it is unfortunate on my side, but those meetings were around that.

ADV HASSIM SC: Right. I think I have got that for now, and we may return to it as we go on. But if we go back to what we were looking at, what we see is Sergeant Nkosi,
10 that same set of messages that came from Maj-Gen Phokane that you forwarded to Nkosi, including the audit report, gets sent to Steve Motsumi. If you have a look at the page I referred to, 632.

LT-GEN SIBIYA: Page 632, yes.

ADV HASSIM SC: Page 632, and then it goes over to the top of 633. That is where the audit report was sent. Now, you were aware that Sergeant Nkosi is close to Mr Motsumi, right? You have said so. Did you expect that he would forward this to Mr Motsumi as well, these documents?

20 **LT-GEN SIBIYA:** No.

ADV HASSIM SC: Do you, and again, based on your, as Commissioner Baloyi was asking, your relationship with Sergeant Nkosi, why do you think he shared this information with Mr Motsumi, given that it has to do with Mr Matlala's contract? What interest would Mr Motsumi have in this?

LT-GEN SIBIYA: I would not know, and Commissioners, quite honestly speaking, it is the same approach as that one of why Nkosi sent it to Mr Matlala. So even in this case, I never expected that he would forward it there.

ADV BALOYI SC: Just to ask more directly, did you ask or authorise Sergeant Nkosi to share this, your communication or the SAPS communication that you gave him to share it with Mr Motsumi?

LT-GEN SIBIYA: No.

10 **ADV BALOYI SC:** Did he report to you or tell you that he is going to share or that he has shared this with you?

LT-GEN SIBIYA: No, no.

ADV BALOYI SC: Now that you know, you did not authorise him to do this, now that you know, what is your comment about it? I mean, he has shared with you, I mean, with other people, your communication that was directed just to him. I expect you must have ways of disapproval or condemnation. Are you okay with it?

20 **LT-GEN SIBIYA:** Of course, I feel let down and disappointed that he did that. But it is something that already happened and that I find myself in, and it is so unfortunate for me at this point in time, but I feel let down.

ADV BALOYI SC: Thank you. Ms Hassim.

ADV HASSIM SC: General, do you know whether, because you have met with Mr Motsumi a few times, you have told us

that you discussed Mr Matlala with him and what he knows about Mr Matlala, *et cetera*. Do you know whether Mr Motsumi had any interest in Mr Matlala's business, Medicare 24?

LT-GEN SIBIYA: No, I do not know.

ADV HASSIM SC: And you would not know whether he had any interest in this particular contractor?

LT-GEN SIBIYA: No.

ADV HASSIM SC: Okay, so I am going to move to another
10 section of these documents.

ADV KHUMALO SC: Can I just ask one question before you leave this section? Did either General Shibiri or Mr Motsumi come back to you and say, hey, Nkosi has shared this document with me, what is it?

LT-GEN SIBIYA: It is possible with Shibiri, but with Mr Motsumi, I do not think so, because he might not even have wanted me to know that Nkosi shared something with him. But with General Shibiri, it is possible. I do not say it happened, but it is possible.

20 **ADV KHUMALO SC:** Thank you. Thanks, Adv Hassim.

ADV HASSIM SC: Thanks, I will come back to Mr Motsumi again. But for now, can we just – where I would like to take you is file 7, page 337. Do you have it?

LT-GEN SIBIYA: I got it, Chair.

ADV HASSIM SC: Okay, so we are back now to the chat

between Sergeant Nkosi and yourself. And if you have a look at number 5, chat number 5, on 21 April 2024, Sergeant Nkosi says to you:

“Indeed, good day, General.”

I think that is in response to a message, perhaps a greeting that you sent him earlier.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: He says:

10 “I have a meeting with Mtagati and others
in regard to Mama issue.”

And you respond at 12:49 on the same day:

“But I also want to meet them urgently. I am sitting inside the plane to Brazil and coming back on Friday. Please arrange the meeting.”

We go on to 3.38, chat number 2. Sergeant Nkosi says:

“Okay, when should I make appointment for the meeting?”

Chat number 3, you respond to say:

20 “Friday night.”

And he says:

“Sharp.”

Can you tell us who this meeting – who is Mtagati?

LT-GEN SIBIYA: Mtagati, I do not know whether it is Steve. I think it is Steve. Because when they say Mtagati,

I thought it is Steve because it was not the first time, I hear the name of Mtagati. So, I thought sometimes they call him RR, sometimes they call him Steve, sometimes Mtagati, I am not sure. So, in my mind, it was the same person.

ADV HASSIM SC: So, when Sergeant Nkosi says, I have a meeting with Mtagati and others in regard to Mama issue, you say Mtagati is Steve Motsumi.

LT-GEN SIBIYA: I do not say so, I say it could be.

ADV HASSIM SC: Well, did you have this meeting?

10 Because he sets it up.

LT-GEN SIBIYA: No, I never had that meeting.

ADV HASSIM SC: You never had the meeting?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, and who are the others when he says and others?

LT-GEN SIBIYA: Remember that the promise was that he is going to put the meeting for me to discuss this issue of the bucket system and then where possible construction might be an issue. That is where it happened.

20 **ADV HASSIM SC:** So, it was Steve Motsumi and other people from the taxi industry?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: That he was ...[intervenes]

LT-GEN SIBIYA: That is what I was expecting.

ADV HASSIM SC: Okay, and what is the Mama issue?

LT-GEN SIBIYA: I do not know.

ADV HASSIM SC: You do not know what it is? Sergeant Nkosi says in regard to Mama issue, you say, but I also want to meet them urgently.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: You did not ask what is the Mama issue?

LT-GEN SIBIYA: No, it could be his own private thing.

ADV HASSIM SC: It could be his private thing?

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

ADV HASSIM SC: Okay, so, he says, I want to meet them. You say, I want to meet them urgently. He says, when, Friday night. Are you saying that this did not take place, this meeting?

LT-GEN SIBIYA: I think so. I do not remember meeting those taxi people.

ADV HASSIM SC: This was in April last year. Did you meet them after April last year?

20 **LT-GEN SIBIYA:** What I know, I have never met a group of people other than Steve that I have met on the occasions I said I met. Because at some point, we were arranging to meet. And then as we were arranging to meet, I was still held up in meetings. And at the time I said, I am on my way and I am leaving, and they were already gone. And they said to me, no, we waited for too long and we could not wait

anymore. So, it did not happen.

ADV HASSIM SC: Let us go to that one. We are going to get to that. But before we get ...[intervenes]

CHAIRPERSON: I just need clarity on the identities, Ms Hassim. General, you appear not to be sure whom Mtagati is. Is my understanding correct?

LT-GEN SIBIYA: I am not sure.

CHAIRPERSON: You are not sure, thank you. And although you did respond to the question as to who the
10 others were, that is the other people referred to by Sergeant Nkosi, please just tell me again, who do you say the others were? The people that Sergeant Nkosi says he wanted to meet together with Mtagati.

LT-GEN SIBIYA: My request was that ...[intervenes]

CHAIRPERSON: No, no, no, I am talking about the people Sergeant Nkosi is referring to. Who are those people?

LT-GEN SIBIYA: Yes, I am basing it on my request that I wanted to meet them. I was still referring to the taxi people.

20 **CHAIRPERSON:** No, that comes after. That comes after. Who is Sergeant Nkosi referring to? Mtagati and others in regard to the Mama issue. Who in response to Ms Hassim did you say the others are? Or I should not confine you to that response. Let me just ask you broadly, who are the others?

LT-GEN SIBIYA: Is Nkosi saying and others?

CHAIRPERSON: Yes, yes, yes. Look at the chat, 337, chat number 5.

LT-GEN SIBIYA: I saw it.

CHAIRPERSON: Yes, yes, yes. Who are the others then?

LT-GEN SIBIYA: I think Nkosi is the one who can explain that, Chair, who are the others.

CHAIRPERSON: No, no, no, that poses a difficulty for you because you then say in chat number 6, you also want to
10 meet, 'them' urgently. So, you know who he is talking about. So, you cannot say that I should ask Sergeant Nkosi. You are referring to the same people. He is going to meet Mtagati and others about the Mama issue. And you then say, I want to meet them urgently. So, who are the people that you wanted to meet and who happened to be the same people that Sergeant Nkosi wanted to meet about the Mama issue?

LT-GEN SIBIYA: From where I am sitting, because when I wanted to meet and he said, I am going to meet, he said,
20 them and others. I do not know. And I said, okay, I want to meet them urgently. But I was on my way to the ...[intervenes]

CHAIRPERSON: But do you accept that that obviously means that you knew who those people were? You cannot want to have an urgent meeting with people whose

identities you have no idea of. So, you knew who Sergeant Nkosi was talking about. It is only logical, correct?

LT-GEN SIBIYA: This is correct, Chair.

CHAIRPERSON: So, who are the people you wanted to meet then?

LT-GEN SIBIYA: In my case, the only people that I know.

CHAIRPERSON: It cannot be other people. It must be the same people that Sergeant Nkosi wanted to meet. So, it cannot be my case, all of a sudden, my case, and you talk
10 about people who may not necessarily be the same people that Sergeant Nkosi was talking about. Sergeant Nkosi says, I want to meet Mtagati and others about the Mama issue. And you say, I also want to meet them urgently. So, there is a correlation. You are talking about the exact same people. So, I am asking you, who did you want to meet?

LT-GEN SIBIYA: Who I wanted to meet was Steve.

CHAIRPERSON: So, does that mean that Sergeant Nkosi also wanted to meet Steve?

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

20 **CHAIRPERSON:** And is Steve Mtagati or is Steve in the others?

LT-GEN SIBIYA: And the others, as far as I am concerned, I thought it could be those people still of the people that I wanted to meet.

CHAIRPERSON: So as at the time Sergeant Nkosi wrote

this to you, did you know who he was talking about? Because now you seem not sure who he was talking about. And you appear to be talking about the people that you wanted to meet who might not necessarily have been the same people that Sergeant Nkosi is talking about. Am I making sense?

LT-GEN SIBIYA: The Chair is making sense.

CHAIRPERSON: Yes, now as at the time Sergeant Nkosi wrote this to you, did you know the people that he was
10 saying, I want to meet Mtagati and these people? Did you know who he was referring to at the time?

LT-GEN SIBIYA: Chair, I cannot really, really, really think at that time who was it.

CHAIRPERSON: All right, they could. You say, but they could. Please finish your sentence.

LT-GEN SIBIYA: Chair, what I know, the people that I would always want to meet ...[intervenes]

CHAIRPERSON: No, no, no, I am saying as at the time, did you know those that Sergeant Nkosi wanted to meet?
20 Let us park you on the side for a minute. Did you know, as at the time, did you know the people that Sergeant Nkosi wanted to meet? You have already said, you have already given an answer, and I think you said you are not sure.

LT-GEN SIBIYA: Yes, I am not sure, Chair, but why I am saying I am not sure, I do know that I was going to meet

Steve.

CHAIRPERSON: Perhaps let us park you on the side for a minute. I am talking about Sergeant Nkosi. Do you not know now, or did you not know at the time, as to the people that Sergeant Nkosi was referring to? Do you get the difference?

LT-GEN SIBIYA: At the time, I did not know.

CHAIRPERSON: You did not know?

LT-GEN SIBIYA: Yes.

10 **CHAIRPERSON**: Why did you not ask him? Why did you say, who on earth are you talking about?

LT-GEN SIBIYA: I really did not know. As I was saying, maybe I was in a flight now to Brazil. I think I was going on official duties, but when I say I want to meet them.

CHAIRPERSON: You want to meet them, them being people that you did not know, or rather whose identities you did not know at the time. I want to meet them. I do not even know who they are, but I want to meet them. Is that what you are telling us?

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

CHAIRPERSON: What are you telling us?

LT-GEN SIBIYA: What I am trying to tell the Chair is that I know that when you spoke about Mtagati, in my mind it was Steve. Or it was Steve, in my mind.

CHAIRPERSON: Did you know Steve to be known as

Mtagati?

LT-GEN SIBIYA: Interchangeably so. Sometimes he spoke about Mtagati, sometimes he spoke about RR. Sometimes he spoke about Steve. So, there were many names, sometimes referring to the same person. So, I do not know if there are different people. I am not so sure, because I cannot point out a person by the name of Steve.

CHAIRPERSON: How then should I understand your earlier response, which was that you were not sure who
10 Mtagati is, and that you also did not know who the others were? If now you say you know Steve to be also referred to as Mtagati, how should I take your earlier response? Or how should I understand your earlier response?

LT-GEN SIBIYA: I am lost a little bit, Chair.

CHAIRPERSON: Earlier you said that, and I think that was one of my earlier questions, and I was asking it on the back of a response you had given to Ms Hassim, and I asked you, are you saying that you are not sure who Mtagati is? Do you remember saying you were not sure?

20 **LT-GEN SIBIYA:** I am not sure, Chair.

CHAIRPERSON: Now all of a sudden you appear to be sure. So, you say that Steve is also referred to as Mtagati, and also as, did you say R as well?

LT-GEN SIBIYA: Yes.

CHAIRPERSON: Also, as R.

LT-GEN SIBIYA: Chair, I am not saying with absolute certainty that Steve is Mtagati. I am not saying that. But the name of Mtagati is not the first time I hear. Now when you say I will be meeting Mtagati and others, in my mind it came as, you know sometimes they can call you this name, but also call you Mtagati. So, it came like that to me. So, I am not saying it is the same person. When I am wrong, I will be wrong, that there are two different individuals. I am just saying to me it is how it came about.

10 **CHAIRPERSON:** To cut this short, General, I will suggest this to you, and please respond at the end. I will suggest to you that in ordinary communication, you would only say that I want to meet those people urgently if you know or if you knew the identities of those people. I am going to meet Mtagati and others about the Mama issue. And then you say, I also want to meet them urgently. In ordinary communication, you would only say that if you know the identities of those people. Otherwise, it simply does not make sense. I suggest that to you, your response.

20 **LT-GEN SIBIYA:** My response, Chair, is that when I said okay it is because he said I want to meet Mtagati and others. And then I knew he was referring to the same person or people who he would be with. I would want to meet them when I come back. And when I say them, I was referring to Steve and those that we agreed that he is going

to arrange for me. So, I was not really ...[intervenes]

CHAIRPERSON: Had you made an arrangement to have a meeting about the Mama issue?

LT-GEN SIBIYA: No.

CHAIRPERSON: No. So, Sergeant Nkosi was going to meet people about the Mama issue. Are you suggesting that the people that he was going to meet about the Mama issue were the same people that you wanted to meet?

LT-GEN SIBIYA: No, in my case, he was just telling me
10 that he is going to meet them.

CHAIRPERSON: About the Mama issue?

LT-GEN SIBIYA: It is fine. I understand that.

CHAIRPERSON: Yes, yes.

LT-GEN SIBIYA: But I am going to meet them about the Mama issue. He will be the one to explain about the Mama issue.

CHAIRPERSON: Then how do those people become the same people that you wanted to meet? The people that he wants to meet about the Mama issue, how do they become
20 the same people that you want to meet about something else altogether?

LT-GEN SIBIYA: I am not - from where I am sitting, I am not connecting the Mama issue.

CHAIRPERSON: Exactly.

LT-GEN SIBIYA: From where I am sitting, I am not

connecting the Mama issue with the meeting that I wanted to have.

CHAIRPERSON: Exactly.

LT-GEN SIBIYA: So, I am saying I also want to meet them as soon as possible.

CHAIRPERSON: Them being people that he is meeting about the Mama issue, and you want to meet these people about something else. Is that not correct?

LT-GEN SIBIYA: Yes.

10 **CHAIRPERSON**: Where is the correlation? How do they become the same people?

LT-GEN SIBIYA: Chair, I am trying to explain that. As Sergeant Nkosi, you are telling me about something and I say, but I also want to meet them urgently on something else.

CHAIRPERSON: Thank you. Thank you. Thank you, General.

20 **ADV BALOYI SC**: Can I raise another possibility that you can think about during lunch, General? I know it is lunchtime, about this engagement, and we can discuss it when we come back. There are two possibilities in this statement, in this exchange, and the Chair has discussed with you the one possibility. The other is that you did not know these people, as you say, you are telling us.

You did not know them, but you wanted to meet

whoever he is discussing the Mama issue with. So, it is about the Mama issue. I do not know if you understand what I am saying. There are two possibilities. You either knew whom Mtagati is and the others, and you wanted to meet them for whatever business.

Or if we go with your version where you say, I did not know who these people are, but I wanted to meet them urgently, because that is what your message says, then the emphasis is on the Mama issue, that you knew what the
10 Mama issue is, and you wanted to meet whomever he was meeting to discuss the Mama issue. You understand the distinction I am drawing? Yes, I think we can discuss it when we come back, because I am also interested in the discussion.

CHAIRPERSON: Let us adjourn, and according to my co-Commissioners, come back at 14:10. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

20 **ADV HASSIM SC:** Okay, thank you, Chair. So we were still on page 337 and it is the it is the chat referring to Mthakathi, right?

LT-GEN SIBIYA: Yes, sorry ...[intervenes].

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: Sorry, Chair, I do not know whether this

is the appropriate time to raise what I want to raise but it is just a correction. Over lunch I made a few calls to try and find out whether am I talking about one and the same person when I talk about Steve or Mthakathi and I was advised that those are two different people. So I just want to say I am correcting it, it is not one and the same person and whatever question that may follow I will follow that up, but I was just fixing that part.

CHAIRPERSON: Thank you.

10 **ADV HASSIM SC:** Okay, you say you over the lunch break established that it is not one and the same person.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Were you able to establish who it is?

LT-GEN SIBIYA: Yes, they say it is someone else, it is not the same Steve.

ADV HASSIM SC: Who is they?

LT-GEN SIBIYA: When I say they, I say I made a few calls and it is not one and the same person.

CHAIRPERSON: But Steve, you said “they” say, so Ms
20 Hassim wants to know who is “they”.

LT-GEN SIBIYA: Well, I made a few calls but I managed to find someone who says no, I know them both from, to say to me no, this one is not this one.

ADV HASSIM SC: Maybe I will come back to that but let me ask you this for now, do you know a person named

Ignatius Phelo Mthakathi?

LT-GEN SIBIYA: No, I do not know him.

ADV HASSIM SC: You sure about that?

LT-GEN SIBIYA: I am sure about it, I do not know him.

ADV HASSIM SC: Because the, what our, over the adjournment, over the lunch break, what I have been able to establish and our investigations have shown that in Sergeant Nkosi's phone right, this number that is saved as Mthakathi, spelt exactly the same way as you see it in the
10 text, the number he has saved under that name is a number for a person named Ignatius Phelo Mthakathi. So it seems to be that who he may be referring to is that person. He spells it exactly the same way in the text.

LT-GEN SIBIYA: I would not deny. It is a person I never met.

ADV HASSIM SC: So you accept that it could have been the person named Ignatius Phelo Mthakathi. You do not know who he is, but when Sergeant Nkosi says I am meeting Mthakathi, you say yes, I want to meet him too,
20 urgently.

LT-GEN SIBIYA: Well, when I said that, I was not necessarily meaning, remember, in my case, I had earlier asked for an appointment to meet Steven in relation to the project that we were working on. So when he was saying he was going to meet him and others, as far as I am

concerned, because of the fact that I thought he was talking to Steve, about Steve, that is when I said I want to meet them too.

ADV HASSIM SC: Okay, but why would you think Mthakathi is Steve, because in what context would that have come about? Why did you assume that that is Steve?

LT-GEN SIBIYA: I know someone who is been called a name and then also having a nickname.

ADV HASSIM SC: But why would Steve have the nickname
10 Mthakathi?

LT-GEN SIBIYA: It is possible.

ADV BALOYI SC: No, I think, General, what you are being asked is why do you say at that time that Mthakathi is Steve? The person referred to here, at the time when you say I also want to meet them urgently, why did you decide that Mthakathi there is a reference to Steve?

LT-GEN SIBIYA: As I said, I was under the impression that it is the same person. So I was wrong.

ADV HASSIM SC: And the other people were who?

20 **LT-GEN SIBIYA:** Is the people in terms of the meeting that I asked.

ADV HASSIM SC: Yes, but you did not know who they were.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Did you know who they were?

LT-GEN SIBIYA: No. From my side, I know that you are supposed to make me meet certain people of the Texas.

ADV HASSIM SC: Well, yes, except that the conversations do not happen one after the other. Your, unless you can show us something that on that day, at that time, you were talking to Sergeant Nkosi about meeting with Steve Motsumi, so that when you get this message, you assume that is what it is. If you can show us that, then I can understand where you are coming from, but I need you to
10 show us that.

LT-GEN SIBIYA: It is true I assumed and in my assumption, it happened that I was not correct. So I accept that part.

ADV BALOYI SC: No, General, it is not about you were not, you accept you were not correct and you made a mistake. It is not that. You are sitting in a plane flying to Brazil, so you will remember who you were talking about on that day. I suggested to you earlier that you either know who Mthakathi and others are, and you are not being open
20 with us to tell us who they are, or you do not know or remember, but then you know what the Mama issue is, because then this message does not make sense. From Sergeant Nkosi and your response to them, or to him rather, when you say, but I also want to meet them urgently, then it does not make sense at all.

You know who it is. You know who Mthakathi is, one. At least, that is what I am putting to you. You know who Mthakathi is. You know who the others are. That is the only way your response of, but I also want to meet them urgently, that is the only way it makes sense, underlining “them”, I want to meet “them” urgently. I also, so the “also” must be underlined, because he is telling you, I am meeting these people, and your response is, I also.

10 So just as you are meeting them, Sergeant Nkosi, I also want to meet them, but I want to meet them urgently. So you know who Mthakathi is, you know who the others are, but I actually go so far as to say, you also know what the Mama issue is about. He conveys to you something that he knows you would know. You would know what he is talking about when he says Mama issue. He does not elaborate, he does not do anything, so he expects you know the Mama issue, but I am proposing to you that these people are related to the Mama issue, and you want to meet them for your own business, or for the Mama issue.

20 **LT-GEN SIBIYA**: Chair, the, Mthakathi part of it, I have never met Mthakathi. I have never even spoken to Mthakathi. Even my phones, you can check them, I have never actually communicated with the person. I do not, I cannot point him out. So I do not know Mthakathi. I am putting it here now, no, I do not, I have never spoken to

him.

ADV BALOYI SC: So who did you want to meet with when you said, I want to meet Mthakathi? Who were you going to meet with?

LT-GEN SIBIYA: My explanation earlier was to say that I was under the impression that it is one and the same person.

ADV BALOYI SC: General, no, well, you know my position. I do not accept that you are being truthful with us about
10 this. I do not.

ADV KHUMALO SC: General, I will say this before you answer. Logic and common sense tells me that if you were mistaken, Sergeant Nkosi would correct you. But he goes along with your suggestion. He says, okay, should I set up the appointment. You say Friday. He says sharp. If you and him, or one of you thought you are talking about Bra Steve, he would have said to you, my General, that is not the same person. My General, why do you want to meet Mthakathi, because you and I have not had a discussion
20 about you meeting Mthakathi.

The fact that he goes along with your suggestion, suggests that he knows that you want to meet Mthakathi and you want to meet him urgently. He is even willing to set up an urgent appointment to which you agree and the conversation ends at it will be done. And that is basic

common sense. Even if you were not there and you do not know, from a neutral, that is basic common sense and logic.

LT-GEN SIBIYA: I really do not agree with that perspective, Commissioner, because the fact that I said, okay, I want to, I also want to meet them, it automatically goes without saying that it means that I know who he was with, who he was going to meet. In my case, I say, I want, coming from the impression that I am talking about one and the same person, that is when I said I also want to meet
10 them urgently because me, where I was, I was just thinking work, work, work, work, in terms of that project that I spoke about. So that is what I was referring to.

ADV KHUMALO SC: If that is your answer, let us leave it there. Thank you, Advocate Hassim.

ADV BALOYI SC: Maybe let me try. How did you think Sergeant Nkosi would know who you are talking about, because clearly he has his own idea, you have your own idea of who Mthakathi is. You also have your own idea of who the others are, because you want to meet them in the
20 plural. So you have your own idea. If you were thinking it is Mr Motsumi and the others that you are not telling us who you thought it was, how did you think Sergeant Nkosi would know who you are talking about when you say I also want to meet them urgently, because he has told you who he is meeting about that issue.

I think now you know you have been told that you are actually wrong. So I think it is a fair discussion to have with you. You have now been told you are wrong about who you say to the Commission you thought Mthakathi was. So I am asking you, how did you think Sergeant Nkosi would know who you have in mind? Somehow he knew, he came to know, because there he is arranging a meeting for Friday and you all agreed about it. But my question is more directed at you, how did you figure that he would know who
10 you are speaking about?

LT-GEN SIBIYA: Having responded to this question, Commissioner, I said because of the fact that I was under the impression or I assumed that we are talking about one and the same person, he never go to ask me who do you want to meet or why, do you know who they are. We never got to that part. I just said arrange a meeting and he said when and all that and then from there I was already in the flight. I was sitting inside maybe, so it is not a discussion where we are now toing and throwing.

20 **ADV BALOYI SC:** So you say he knew who you wanted to see, is that your evidence?

LT-GEN SIBIYA: May I have the question repeated again?

ADV BALOYI SC: So you are saying Sergeant Nkosi knew who you wanted to meet. From your response, he knew who it was you were talking about.

LT-GEN SIBIYA: I take it that he knew because he never asked me questions.

ADV BALOYI SC: Okay, thanks, General.

ADV HASSIM SC: Can I put it to you in a different way. You say you do not know who Mthakathi is as, that is where we started with this. You did not know. You made some assumptions but you did not know this name. Now, and you did not know the Mama issue, right. But if it was someone, Mthakathi, you did not know, and Sergeant Nkosi is sending
10 you this message, right. He is saying to you, I have a meeting with Mthakathi okay.

If it was someone you did not know about an issue you know nothing about, why would Sergeant Nkosi send you this message? He would not send you this message because it has got nothing to do with you.

You do not even know what the Mama issue is. You do not know who Mthakathi is. So I am putting it to you in a different way to say it does not make sense that Sergeant Nkosi would send you a message about things you know
20 nothing about.

LT-GEN SIBIYA: What will not make sense is when you look at this message in isolation and not taking into account maybe various other communications during the day or throughout the day, whether it be telephonic or a message. So if at some point we did speak with Nkosi and then later

he says to me, I am going to meet so and so and so and so, and then I respond, I say I also want to, so there could be a background or something that might have been discussed much earlier. So unfortunately for me, I do not know. I cannot remember that long back.

ADV HASSIM SC: Okay, so, but if there was a background, then you would have known who Mthakathi is and what the Mama issue is, if there was a background. You were saying as you sit here that you did not know.

10 **LT-GEN SIBIYA:** The Mama issue could be Nkosi's issue.

ADV HASSIM SC: Do you know what it is, or are you just not wanting to talk about it?

LT-GEN SIBIYA: No, I do not know. I think Nkosi is the one who can clarify.

ADV HASSIM SC: Okay. I am going to ...[intervenes].

ADV BALOYI SC: Well, General, before you move, you say that if you look at it out of context, it does not make sense, but can we then look at it in the context of page 337, because that is what we know, 337. That is that page. So
20 you have a communication with Sergeant Nkosi on the 19th of April, and the next communication on this page is on the 21st of April at 12:35.

LT-GEN SIBIYA: Which is file number?

ADV BALOYI SC: The one that we, file 7. It is the one that is in front.

LT-GEN SIBIYA: File 7, page 337.

ADV BALOYI SC: Ja, and that is where the text about, from General, from Sergeant Nkosi about Mthakathi and others and the Mama issue, that is where it is. So if you look at chat 3, chat 3 is on the 19th of April, and I think we have been told it is a call or something. And then chat 4 is a different date. It is the 21st of April.

So you spoke on the 19th. The next time you spoke is on the 21st, and it is, there is that picture there that is
10 sent at 12:35. And then the next thing at 12:37, so that is one and a half minute later, on the same day, he then sends you that chat that we are discussing now, the Mthakathi and others chat, and then you respond in chat 6 at 12:49 to say you are sitting in the plane.

So just on the context of this page, and I want you to underline the context of the page, because you said context, in the context of this page, there is no other communication. The last was on the 19th, and the next time you spoke is the 21st, according to this page. So you could
20 not, you did not have a conversation with him earlier in the day, we know from this, that would explain that message there.

So just in context of this page, is, he is reporting to you a meeting. We do not have anything before that. He reports to you a meeting, and then your response, there is

nothing intervening, your very next response is, I also want to meet them urgently. So there is no context for he knew and understood who you were speaking about, except Mthakathi and others and the Mama issue.

There is no other story on this page, on the 21st, that is what I am saying to you. And it is important, the sequence of conversations, that it is within minutes of each other, after you last spoke on the 19th. So what I am suggesting to you is the only context, there is no other
10 context other than he reports to you for the first time on the 21st about this meeting, and then your answer is, I also want to meet them. You must have been talking about the same people that he is talking about in his chat.

LT-GEN SIBIYA: When I look at the communication, the chat on the 19th of April, 2024, 11, which is chat number 3 ...[intervenes].

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: It is just two days ago.

ADV BALOYI SC: Yes.

20 **LT-GEN SIBIYA:** There is a difference of two days.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Now if maybe whatever that we might have discussed at that time, and then he now comes back to me on this time and say, I am going to meet Mthakathi, and then I have a meeting with Mthakathi and others in regard

to Mama issue.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: Now Mama issue, I do not know whether it could be the issue of whose Mama, whether it could be the wife of somebody or whose Mama, I do not know. But on my side, I then also said, I also want to meet them, hoping that, and urgently, hoping that, or thinking or assuming that it is the same person, Mthakathi Steve, hoping that it is the same person. So that is what I

10 requested.

ADV BALOYI SC: Right. Thank you, General.

ADV HASSIM SC: General, what was so urgent about the meeting that you wanted to have?

LT-GEN SIBIYA: What was urgent is the same thing that I, the issue that I discussed, because I know I was going to work, or I was working on a report that was in dealing with the project that we were dealing with.

ADV HASSIM SC: You were working on a report?

20 **LT-GEN SIBIYA:** Ja, we were working on this issue of the extortions.

ADV HASSIM SC: How long did you go to Brazil for?

LT-GEN SIBIYA: I am not sure whether it was three days or four days or a week, but it was not a night or two.

ADV HASSIM SC: Okay. The 21st of April was a Sunday, so when you are on the plane, and you want the meeting for

Friday, so it would have been one of the first things you wanted to do upon your return.

LT-GEN SIBIYA: On my arrival, yes.

ADV HASSIM SC: Okay. And that, that you wanted to do, you say, has to do with Motsumi, Mr Motsumi.

LT-GEN SIBIYA: With the meeting that I asked ...[intervenes].

ADV HASSIM SC: Yes, that was urgent.

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** That needed to happen urgently.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. Can we go to the same file, if you go to page 343. Okay, this is now in June 2024. It is still conversations between you and Sergeant Nkosi, but it is now in June, and he sends you a message, you will see in chat number 2, where he asks you, time for meeting? And you say, 6 to 7, I have a meeting at 7.30. He says, let me forward to them, and then he says to you, 6 o'clock, it is confirmed, okay. Now, just before we go further, he says,
20 let me forward to them, at 3:27:08. If you go to file 8, at page 605.

LT-GEN SIBIYA: I have got it.

ADV HASSIM SC: This is the chat between Sergeant Nkosi and Steve Motsumi. So, you will see in chat number 9, at 3:42, there is a message from Sergeant Nkosi to Steve

Motsumi saying, forwarding your message, 6 to 7, I have a meeting at 7.30. Do you see that?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So, he forwards that to Steve Motsumi, and they have a phone call. Okay, and then you have to go back now to the previous page, 343 in file 1. He gets back to you in chat number 5 to say, 6 o'clock, it is confirmed. So, he is arranging the meeting between you and Mr Motsumi.

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

ADV HASSIM SC: Okay. Let us just continue with this before I ask you questions about it, just so we have the complete picture.

LT-GEN SIBIYA: Can I raise just quickly something that I want to let the Commissioners also look into? Whilst I understand maybe the line of approach or the questioning, in between I look at the date and the month, it is not like it was a streamlined type of communication on a daily basis, every day, because it will be one message once in a month.

20 Another one, you will see that it is in April. Another one, it is in May. Another one, maybe it is in June. Because when you look at the month, they are scattered. I am just trying to say, let us bear that in mind, that whilst you read this message and that message, and that message where he set up appointment on different timelines, different days

altogether. So, I am just trying to put it in such a way that it should be that one was not working and just focusing on arranging meetings with Nkosi, with Mr Motsumi. I was just putting that.

ADV HASSIM SC: No, thanks. That is not what I am suggesting at all, so that is not my line of questioning. I am not making any suggestion about whether you were working or what your preoccupation was. I am not, that is not the reason why I am going to these chats. And in these chats,
10 the timeline I am putting to you is between, it is showing Nkosi as the, again, the middle man, arranging the meeting between you and Mr Motsumi and this is the context. I jump between the two because the chats are in one file, but it is all at the same time. That is why I showed you the time. The last message with you, I think, was, I think the message to, sorry, Mr Motsumi was around 15:48 or 15:47, and then 15:49, he comes to you and he says it is confirmed, okay.

CHAIRPERSON: And your point about different chats on
20 different dates does not apply to what Ms Hassim is taking you through now. All of these are on the 5th of June 2024. So the chats between you and Sergeant Nkosi are on the 5th of June 2024. And the chats between Sergeant Nkosi and Mr Motsumi are also on the 5th of June 2024.

And what Ms Hassim drew your attention to is the

fact that under chat number 9, Sergeant Nkosi is forwarding your message to Mr Motsumi, your message being the one where you said, 6 to 7, question mark, I have a meeting at half past 7.

That is your message to Sergeant Nkosi. Sergeant Nkosi is forwarding it to Mr Motsumi. All of that is on the 5th of June 2024. So you see that your point about different dates and so on and so on does not apply to what Ms Hassim is dealing with now.

10 **LT-GEN SIBIYA**: I respect what the Chair is saying.

CHAIRPERSON: Yes.

LT-GEN SIBIYA: But just to refer the Chair for an example, let us say to page 605 in file 8 of 10. And you may want to look at the different chats, of course, dating from, let us say 590, you will see it is March, and then we find in April, we find in May, now we are in June. I was just trying to rest that part and bring it home that says, I understand, Chair, I heard what the Chair said.

CHAIRPERSON: Yes.

20 **LT-GEN SIBIYA**: And I was just saying that most of the communications will be, if ever it will be once in a month, maybe, if it happens, not that it was like constantly. They are scattered. But now as it is being presented ...[intervenes].

CHAIRPERSON: I hear that, but I am not sure of its

relevance in the context of the point being made now. Perhaps let us just proceed there, General. Yes, Ms Hassim.

ADV HASSIM SC: Thanks, Chair. So let us just keep going down. Now we were, 6 o'clock, it is confirmed, right. That is still at page 343. The next message from you on the same page is at chat number 8 at 16:41, where you say, still with the National Commissioner, let us see how it goes, okay.

10 Then the next message is, and just to be clear, I am going to put all of the messages to you so you see the whole picture before I ask you questions. So I am not trying to bombard you. I am just trying to give you one coherent picture, okay. So he says to you, Sergeant Nkosi, at 16:42, should I let them know? You respond at 17:24, yes, but let us see. Okay, and then that is at 17:24. I have to take you then to that page we were at, 606.

 Again, that is the chat now with Mr Motsumi. Okay, and again he forwards your message, your messages to Mr
20 Motsumi. You will see that in chats number 4, 5, and 6. Should I let them know? Yes, but let us see. Senthumule is still presenting. And then there is a phone call between him and, is that Sergeant Nkosi and Mr Motsumi, okay. And then we go back to your timeline on page 344 at 18:27, page 344, chat number 4.

LT-GEN SIBIYA: Chat number?

ADV HASSIM SC: 4. At 18:27, you say, still here with the National Commissioner. And then at 16:57, there is a phone call that goes out from you to Sergeant Nkosi. At 18:58, you say, still, still here, I think you mean, with General Senthumule and the National Commissioner. And at 19:37, Sergeant Nkosi sends you a message saying, are you winning?

You respond at 19:39, we just finished now, are
10 they still there? Sergeant Nkosi responds, yes. And then he asks you at 19:45, how far? And you respond, we just, as you go down the chats, you see it is right, how far? You respond, give me 30 minutes, on my way. Okay, so that is the component, the full component of the chats on this.

So this is a meeting, obviously, that is being set up by Sergeant Nkosi between you and Mr Motsumi, right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: But in this chat, you see that he refers to, and you say, are they still there? You refer to they and
20 them. Who are the other people that you were meeting at this point?

LT-GEN SIBIYA: If I remember ...[intervenes].

ADV HASSIM SC: Or planning to meet.

LT-GEN SIBIYA: If I remember very well, the meeting that I asked to discuss the project that I wanted to discuss, is I

expected him to have put a team to, I mean, the people that I am going to actually be able to speak to that can guide me and assist me. That is what I know and that is exactly the meeting that was planned.

ADV HASSIM SC: This is the meeting that was planned. Okay, so this was, on the urgent, this was the urgent meeting you were wanting?

LT-GEN SIBIYA: I take it so.

ADV HASSIM SC: Okay. It is quite some time since April
10 to now in June, having this meeting.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So had the urgency worn away, or how do you explain the urgency now?

LT-GEN SIBIYA: It is because when I came back, I do not think it happened. It never happened because the meeting never happened, never took place. And even here, as you can see, there was a little bit of impatience, are you winning, how far, and because the time was supposed to be much earlier, and others had their own other arrangements.
20 So as I was saying, I am on my way then, and it was like, you know what, Chief, let us postpone.

ADV HASSIM SC: Oh, so did it never take place, this meeting?

LT-GEN SIBIYA: I do not remember. It never happened.

ADV HASSIM SC: So you took me down another, you went

down a different road. You did not answer the question I asked you, which is, what happened to the urgency that you had in April? You are telling me now that you were trying to get there and then this meeting got postponed. Okay, I hear that.

But what I asked you was, you said that this meeting was the meeting you were talking about on the plane to Brazil, right? And I am saying that was urgent. You said it was urgent, so urgent that you wanted to have
10 this meeting as soon as you returned from Brazil. And now we are in June. So what happened to the urgency? What made it lesser? Or why did this meeting not take place sooner then?

LT-GEN SIBIYA: It is just that, Chair, I am quite honestly speaking because I am talking, the timelines will hit me hard here, but remember that there are instances where I said I wanted to talk about the Boshoga matter, because from where I am sitting at this level, as the team is running, investigating and conducting investigation, but I think I can
20 assist by speaking to someone who can call Matlala or say to Matlala, but do you know anything about this thing? If yes, why can you not release the person? I mean, in my case, we spoke to him. I asked him and he denied, and yet the family was of firm view that he could be involved.

Now what I do not know, in terms of the timelines,

is whether it is around about the same time when he was already kidnapped or not, Mr Boshoga, but I have met them on two different matters. The first one is the one that I spoke about, and the second one is I had to meet him on the Boshoga matter and the other thing ...[indistinct] might forget, where the mother and the child was kidnapped, but it was on a different time.

ADV HASSIM SC: Okay, so first when I asked you what was the meeting about, you said it was about that, this is
10 the meeting you wanted to have, that is what you were referring to when you were on the plane to Brazil, right. It was about the report on extortion and the bucket system within the taxi, broadly speaking, industry, okay. And then when I asked you, but then if that was urgent, and it was a report you were preparing, what happened to the urgency? Now you are saying that actually what this meeting was about was about Jerry Boshoga, to talk about that topic. Is that what you are saying?

LT-GEN SIBIYA: Well, I am saying, I might say that was
20 the case. I am speaking from where I am speaking from, relying on my memory of something that happened in the past, until two years ago. Now, I am saying I know that I met him on two different issues, two or three different issues. When I say two or three different issues, I am saying whilst I am talking to kidnappings, and then also that

one of, I said he is in construction, but I also spoke about Jerry Boshoga, I mean, the taxi bucket system.

ADV HASSIM SC: Okay, I am just pointing out to you that at first you said it was about one topic, and then you said, well, maybe it could have been about this other topic. But also what you said is, when you met them, this is now not just, if it is about Jerry Boshoga, I would think that you would want to have that conversation with Mr Motsumi, not with a group of people.

10 **LT-GEN SIBIYA:** Not with a?

ADV HASSIM SC: Group of people, because when you first spoke about this earlier today, your explanation was that Mr Motsumi knows Mr Matlala well, and you wanted to probe him and to get information on what is going on, right, that, and what are these allegations all about? You want information. You would want to get information from Mr Motsumi.

LT-GEN SIBIYA: Not to probe him, but to check with him if he could really assist.

20 **ADV HASSIM SC:** That is fine, that is what I mean. It is to get information, to assist in understanding what was going on. Fair enough. But now, when I asked you about this meeting, you said, when I met with them, and if you were meeting with, if the topic of discussion was Jerry Boshoga, it would have been with Mr Motsumi alone, not with a

broader group, is that not so?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So, the meeting now is about what then? What is it about?

LT-GEN SIBIYA: Which one?

ADV HASSIM SC: This meeting in June.

LT-GEN SIBIYA: In June?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: At this present moment, I am not sure
10 whether it is still the same project we are working with,
working on, or at that point in time is when I was now going
to discuss the issue of Mr Boshoga. But the timelines are
the ones that would hit me there, but I do not know.

ADV HASSIM SC: Okay, well, I can tell you I am advised
that Mr Boshoga was kidnapped in November 2024, so it
could not have been about that.

LT-GEN SIBIYA: All right, so, which means it was still on
the bucket system.

ADV HASSIM SC: So, it was the bucket system.

20 **LT-GEN SIBIYA:** Ja, the ...[intervenes].

ADV HASSIM SC: The urgent issue.

LT-GEN SIBIYA: In the construction, yes.

ADV HASSIM SC: But, and then you say that meeting
never took place.

LT-GEN SIBIYA: It never took place, because when I

finished late, they were gone.

ADV HASSIM SC: So, did you, so let me just go back to that. You say we just, you say, are they still there, 19:39. And he says, Sergeant Nkosi, 19:45, yes, how far? Give me 30 minutes, on my way. And then you went to the venue. Sergeant Nkosi did not come back to you to say, sorry, it is too late, they have left?

LT-GEN SIBIYA: I think we spoke. We spoke over the phone and said, no, they said we must postpone.

10 **ADV HASSIM SC:** Okay.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So, if this meeting was about the report that you were working on, that is work-related. That is a work-related meeting.

LT-GEN SIBIYA: Yes, yes.

ADV HASSIM SC: Why is it that it is Sergeant Nkosi who is the person who sets up these meetings? Let me put it a different way. Normally, when you set up meetings, you have a professional environment where you are setting up
20 meetings with people, whoever it is, for this purpose, but for the purposes of work, you communicate through a PA, or you communicate directly with the person.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Why is it that you communicate via Sergeant Nkosi? And in all of these, I have taken you

through quite a few now of these meetings and arrangements that are being made, and it is always Sergeant Nkosi who is the person, who is the go-between.

LT-GEN SIBIYA: It is not in all instances where you have to communicate through the PA, because some meetings are meetings, like for an example, meetings with informers, it will not be with PA's. And in the underground, or underworld, or organized crime system, where you are able to get information from other criminals, you do get such
10 information.

I mean, we have met with criminals who are involved in cash-in-transits, and then who assist with information on other criminal activity that will tell you about the particular method that happened somewhere. So, in that kind of a scenario or a situation where you meet someone like that, it is not like a question can be asked as to why did not you arrange that meeting through the office, because it is not everybody who wants to be known to be talking to you.

20 **ADV HASSIM SC:** So, is Mr Motsumi involved in organized crime?

LT-GEN SIBIYA: I do not say he is involved in organized crime, but he is involved in assisting, and also if you need information to some, you do approach certain individuals, considering the fact that he was given to me by Mr Mswazi

to say, as I am ailing now, I am not well, I am giving you to this person that you can talk to. If needs be, he will be the one to contact me. That is how I went.

ADV BALOYI SC: But can I just ask differently the same question, General. You have met, you say you met Mr Motsumi through Mr Mswazi, Mr Msibi, so you have already had an engagement with him before. How is it that Sergeant Nkosi is the one that is arranging these work-related meetings now?

10 And keep in mind that you have said to us, Sergeant Nkosi is not in your office. He is five levels down, he is not in your office. How is he playing this role where you were referred by Mr Msibi, not by Sergeant Nkosi, to Mr Motsumi, and yet Mr Nkosi, Sergeant Nkosi is so inserted in arranging meetings between you and Mr Motsumi. Explain how that comes about.

LT-GEN SIBIYA: I really did not see anything wrong to ask Sergeant Nkosi, because these are the people that he knows very well. And to say to him, I would like to have
20 this meeting, please assist me in getting an appointment, I saw nothing wrong.

ADV BALOYI SC: So, and ja, I think there is also, I do struggle with what appears to be a conflation between his role in your life. At some point, you are dealing with him as a SAPS officer, and hence my question now. When you

share documents with him, you say, well, I was sharing with a SAPS officer, so I ask the question in that context, that you have a SAPS officer who is significantly your junior, who is not in your office, how is he arranging business meetings with you when you have got other people who are closer to you in terms of how they work by rank and in other respects?

This is not a social gathering or get-together, you are telling us. It is a work-related meeting. You may not
10 see anything wrong with it, but please explain it so that it makes sense to us, because we are investigating these relationships where serious allegations have been made. So we do need to understand from you why is Sergeant Nkosi arranging meetings for you with a person that you have been introduced and you have already met, and so presumably you have his number.

And I do not want to suggest yet what I want to propose to you is happening, because I really would like to hear an explanation that, for lack of a better word, that
20 makes sense. Why is Sergeant Nkosi involved in arranging work meetings for you?

LT-GEN SIBIYA: I preferred talking to him about these people Nkosi was close to, so it was easy for him to call them any time and to arrange meetings. So that is how I preferred to work.

ADV BALOYI SC: You were not using him to communicate because he is your dedicated go-between, between you and the people that are involved with Mr Matlala.

LT-GEN SIBIYA: No.

ADV BALOYI SC: Or that are in Mr Matlala's world.

LT-GEN SIBIYA: No, he made it easy for me. It was easy for me to say, please arrange a meeting between myself and so-and-so. It was not with any other person. Each and every one of them had his own role. If, let us say, for
10 instance, one was to deal with a problem in Witbank mining area, I knew who to contact.

ADV BALOYI SC: So are you, is your, ja, okay, was Sergeant Nkosi involved with those Witbank meetings? I mean he is only, it is what you are starting now is only relevant if you want to show that Sergeant Nkosi, you did not just use him for the Mr Matlala-related group of people. You also used him with other groups, and he was the communicator. If that is what you are saying, and you are going to give us evidence of that, then that is fine. Maybe
20 it proves your point. But if it is to tell us about you had other people who were the go-between in other communities, it does not help us understand why Sergeant Nkosi is involved here.

LT-GEN SIBIYA: It is unfortunate that the focus is on Sergeant Nkosi and Sergeant Nkosi alone, but I had many

people in the office that I worked with that could, or that assisted in many other directions. But to just give another practical example, there was a, he is from Soshanguve, or he has got, he grew up, I think he testified he grew up from there. Now there was a lady whose car was stolen at some point and I also got a call that says, hey, so-and-so's car has been stolen, please assist.

I called a number of people to assist within Organized Crime that would know the syndicates that steal
10 cars or maybe where cars that are stolen are being taken to.

ADV BALOYI SC: But Sergeant Nkosi is not one of those people.

LT-GEN SIBIYA: He is the one who assisted, in fact.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: He is the, I called him. He was one of the people who actually assisted to trace that car that day.

ADV BALOYI SC: Yes, we do have text about you and him talking about tracing somebody's car, and the car has been
20 found. In time, I guess it will be discussed. But there is something like that. But please keep in mind the discussion we are having now is you have an undeniable group of people who are a Mr Matlala kind of group. You have General Shibiri who is, you know, we have what connects him or apparent connections to Mr Matlala.

You have, you are speaking to Mr Motsumi about Mr Matlala because you thought he could speak to Mr Matlala, so there is a connection that you are giving us there. So Sergeant Nkosi comes up in that way, in the context of this particular group of people. And the question is, why is he so in the middle of making arrangements for you when you could be dealing with these people directly?

He is not an informant. You are not dealing with Sergeant Nkosi as an informant. You are not dealing with
10 Mr Motsumi as an informant unless that is what you tell us. You have met him before, you have his number.

Why are you not arranging your own meetings with Mr Motsumi? He will pick up your phone. You have met. You have exchanged numbers. Why are you not calling him, arrange your own meetings?

LT-GEN SIBIYA: I think this question is coming, it is more than, I do not know, many times now and we kept on responding to say that I preferred to tell him to assist me to arrange a meeting and then he would do it.

20 **ADV BALOYI SC:** Okay, General, if you feel you have answered it, let us leave it at that. I am happy to leave it.

LT-GEN SIBIYA: All right.

ADV HASSIM SC: I will just add one thing, and it is, because we have gone through a few of these examples and each of them have their own features. And this particular

exchange, what is happening is you are in a meeting and it is sort of a fluid environment, okay. And meaning it is fluid in the sense that you are not sure exactly what time you are going to finish and you know, only you know when once you are ready, once you are done and you are on your way.

The easiest way of communicating in that kind of scenario is to communicate directly with the person you are meeting rather than via an intermediary because you cannot even be sure that the person you are going through will
10 receive your message fast enough, will communicate with the other party fast enough. Then they have to come back, you know, via, via back to you.

So it is, to me, it is a strange - I hear what you are saying that Sergeant Nkosi did this for you, you know, many, many times. But this is a situation where it would have been much easier if you just called Mr Motsumi directly and said, or sent him a text directly, you were able to text, because you were texting Sergeant Nkosi, to just send Mr Motsumi the text directly to say, this is where I am,
20 this is what is happening, and I will need another ten minutes, another half an hour, etcetera, etcetera, until such time as you get to the meeting, in which case maybe the meeting would have happened. Do you understand what I am saying? It is unusual.

LT-GEN SIBIYA: I do understand, but I think it is the same

question repeated many times still, and I am still saying it is a matter of preference. I preferred to just tell him because it made it easier for me to just tell him and then he will do the rest. So to me, that is how I preferred.

ADV BALOYI SC: You say you preferred to communicate through Sergeant Nkosi?

LT-GEN SIBIYA: It was easy for me when I told him to say, I am trying to secure an appointment with so on, so on, so on, so on, please see if he is available or he can meet
10 me.

ADV BALOYI SC: Yes. On these issues, have you had communication directly with Mr Motsumi, or was it always through Sergeant Nkosi because he knows them, as you say?

LT-GEN SIBIYA: I might have one or two times or three times. It might have happened. I cannot say it never happened. It is just that some of the people, you do not prefer to talk to them all the time directly simply because of the fact that you do not want to have that talking
20 relationship. I used to speak to Mr Nkosi simply because of the fact that to me it was easy when I am sitting in a meeting or when I come to the office, I say, man, I have an issue that I need to discuss, maybe he can assist me, please talk to so and so.

ADV BALOYI SC: And then the same question about Mr

Matlala. Do you, have you, have you had a record of communicating, when I say record I mean do you have a history of communicating directly with him or not?

LT-GEN SIBIYA: If I have, it would be less than five times, less than four times. I have never really, there is never been a person that I communicate to.

ADV BALOYI SC: Thank you.

LT-GEN SIBIYA: Why I am saying it is because I do not want to say never in the meantime you find two or three.

10 **ADV BALOYI SC:** You say in the meantime we find.

LT-GEN SIBIYA: Ja.

ADV BALOYI SC: No, we rely on you, General to tell. We should have to search for it. Thank you, General. Thank you, Ms Hassim.

ADV HASSIM SC: Okay, I still maintain, General, that while I hear you when you say it might be easier sometimes to say arrange an appointment for me, it is not easy in this scenario to go via somebody because it is this kind of constant communication which is easier to be done direct.

20 But I am leaving it at that.

ADV KHUMALO SC: Unless, of course, General, Sergeant Nkosi was already there with them, because if he was there with the people you are going to meet, then it makes sense that you communicate with somebody who is there. But if he is in another location, Advocate Hassim's point is that

why go through a third party to communicate with people who are waiting for you? Was he there with them, Sergeant Nkosi?

LT-GEN SIBIYA: No, no, not necessarily like that, Chair, Commissioners. Of importance is that when, I have few people that I am relying on in the office.

ADV KHUMALO SC: General, let us do this. Let me interrupt you. I am asking about this specific day, not generally. So generally you have a few people that you are
10 relying on. On this specific day, there were people waiting for you somewhere because you were supposed to meet with them, and the question you are being asked is why you are communicating with them via a third party. So I am raising a possibility. I am not saying this was the case. I just need to know, was Sergeant Nkosi there with the people you were supposed to meet? Is that why you were communicating through him? And the answer can be yes, he was there, or no, he was not there.

LT-GEN SIBIYA: I do not know. I would not have asked
20 him, are you there. But if he arranged a meeting for me, and then maybe communicate with them, and even if he asked me how far, maybe he would not have been there himself, but he is just asking me how far so that he can tell them.

ADV KHUMALO SC: And the reason I am asking is some

of your questions are, are they still there, as if he is sitting there with them waiting for you. And I could be wrong, that is why I am posing it as a question and not putting it as a fact.

LT-GEN SIBIYA: It is also possible that when I ask him that are they still there, then he will ask them, are you guys still there, can you still come? Then he will say, no, are they still there or not.

ADV KHUMALO SC: All right, thank you.

10 **ADV HASSIM SC:** Just before we leave Steve Motsumi in this context, when General Senona came to the Commission, he expressed, in fact he requested, that he does not mention Mr Motsumi's name in his evidence. That was in the context of a text message that Lieutenant General Mkhwanazi sent him, okay, where Mr Motsumi's name was mentioned, and your name, but we will get there. But it was particularly Mr Motsumi's name that General Senona said he fears for his security, for his own physical safety, if he were to mention that name. Do you have any
20 idea why that would be the case? Is Mr Motsumi a dangerous person?

LT-GEN SIBIYA: I really do not know.

ADV HASSIM SC: Okay, all right, I will leave it at that. I just wanted to put it to you that this seems to be somebody who causes some discomfort and fear. It was a very clear

request from General Senona, please do not make me mention that name, and it actually took a ruling from the Chair for General Senona to mention Mr Motsumi's name. You are not aware of anything circling around Mr Motsumi, any reason one should be afraid?

LT-GEN SIBIYA: I do not have any reason.

ADV BALOYI SC: General, what do you know about the nature of the relationship, the relationship and its nature between Mr Motsumi and Mr Matlala?

10 **LT-GEN SIBIYA**: Mr Motsumi, as I was referred to Mr Motsumi by Mr ...[intervenues].

ADV BALOYI SC: Msibi.

LT-GEN SIBIYA: Msibi, and also having heard that Mr Matlala was Mr Msibi's VIP protector. This takes me to the next point of saying that, but if everybody says this man is involved and he is denying it, who I can speak to, who can actually sit him down and say, are you involved in this thing, do you know about this? So, it was, that is me applying my own approach and my own mind into making
20 sure that I get assistance in being assisted to get this man released in case Mr Matlala is involved.

ADV BALOYI SC: So is your answer that you did not know what relationship they have, other than you were referred by Mr Msibi to Mr Motsumi and you knew that Mr Matlala is a VIP protection of Mr Msibi? You did not know anything

about their relationship?

LT-GEN SIBIYA: I do not know about their relationship other than the fact that they know each other from Mr Msibi.

ADV BALOYI SC: Okay. So when you spoke to Mr Motsumi, as you say you did, about Mr Boshoga and Mr Matlala, what was being said, the questions you were asking, what you were doing it blind, what did you expect, why did you think that Mr Motsumi can be of assistance if you do not know anything about their relationship other than
10 that they are both connected to Mr Msibi?

LT-GEN SIBIYA: It happened many times in this type of work that I am doing where you find that sometimes you find someone who can speak sense to somebody, who can assist in the investigation or even give guidance and say, I think I will call him and I will sit down with him and I will tell you whether he knows, he did it or not.

ADV BALOYI SC: So you thought that Mr Motsumi has the ability to call Mr Matlala and sit him down and talk about this?

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

ADV BALOYI SC: That is what you knew about their relationship?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay, so you knew that he is got that kind of ability?

LT-GEN SIBIYA: That kind of proximity.

ADV BALOYI SC: Okay. And did he speak to him?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: I mean you, and did you get the kind of answers that you wanted?

LT-GEN SIBIYA: He said the man is denying, he says he is not involved.

ADV BALOYI SC: Okay. I think somewhere in your evidence you then also say you did speak to Mr Matlala
10 about Mr Boshoga. Am I correct?

LT-GEN SIBIYA: Correct.

ADV BALOYI SC: In what context? Were you in your office, did you call him in? This is now you are a police detective now, I am assuming you are not being friends now. Where does this happen and in what context?

LT-GEN SIBIYA: If you remember, Chair, at some point he did say that he came to my office when I called, he did come to my office. He said, it is when I was asking him about that. I do not remember when in terms of the
20 timelines, but ...[intervenes].

ADV BALOYI SC: When you say do I remember he said that, he has not appeared before us, so maybe be a little more specific where you are recollecting him. I mean, we have not followed all of his evidence wherever he is spoken.

LT-GEN SIBIYA: He was talking, he was speaking at the

Ad Hoc Committee, that at some point I called him. I did call him to ask him.

ADV BALOYI SC: Into your office?

LT-GEN SIBIYA: Into my office.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: And then he categorically denied about his involvement in this thing. Instead he assisted me with further information that actually assisted the team further.

ADV BALOYI SC: So this was a formal thing when you
10 called him to your office?

LT-GEN SIBIYA: It was a formal thing that when I called him in the office, but having denied and in realising that, but this man sitting in front of him, when I look at him like this, he appears normal, he appears like a gentleman, and he says he does not know, but still the family is of a firm view that this man is the one. And rumours and many is saying hey, but this man could be involved. Then that is when I said, you know what, let us look into other.

ADV BALOYI SC: So there would be a record of this
20 interview or this discussion with him, because you did this, you were performing your duties, he came to your office, that is the clearest sign that you were executing your duties. There has to be a record.

LT-GEN SIBIYA: There will be a record somewhere, whether it is at head office, I do not know at head office

security how they do it.

ADV BALOYI SC: No, I am not asking a record of did he come, I am asking a record, I imagine you would have taken notes. There has to be a record that this person was called in, you had a discussion with him, there is a record of a note somewhere of your discussion with him, the questions you asked him, even if not point by point, but this is what was discussed with him, these are the answers he gave, that is the kind of record I am asking about.

10 **LT-GEN SIBIYA:** There will be a record because he gave me of three scenarios, and say I am not involved here, and the reason why I stopped assisting these people is because, remember I know Jerry, and I have grown up with Jerry, even a close friend of mine, but let me tell you, Jerry does not have money, he did not have money, I have more money than Jerry, so I would not be involved in the kidnapping of Jerry, that is the first scenario.

The second scenario he gave, and the third scenario he gave, those scenarios I gave all of them to the
20 investigating officers, because it was a team, and the scenarios, those scenarios that he also gave, some of them he testified about in the Commission. There is another one that is a little bit, which is a scenario that he gave, but I gave it to the team, but it is sensitive.

ADV BALOYI SC: Okay, do not disclose anything that you

should not. Just finally, I just want to be sure that I understand your answer, and we are talking about the same thing. I am specifically limiting myself to the day he came to your office, when I say there is a record, so someone in your office should be able to pull, if we wanted a record, would be able, should be able to pull a record that shows on this day you met with Mr Matlala in the office, and it has a date to it, and this was the subject of discussion. I am asking you that kind of question.

10 **LT-GEN SIBIYA**: It should be, although I no longer have an office, because ...[intervenes].

ADV BALOYI SC: Yes, no, I know you are not in the office, but sure, these are SAPS records, right. So even if you are not in the office, there is, there should be a document there somewhere.

LT-GEN SIBIYA: I so pray.

ADV BALOYI SC: Okay, so if we ask for it, we will be able to find something like that, that records you had a meeting with Mr Matlala on this date in your office, and this was the
20 discussion, and you asked him this, and this is what he said to you.

LT-GEN SIBIYA: I do not know who the Commission will ask from, but looking at the kind of relationship that I have with my employer, current assistants, I do not expect anything positive to come out of that. So ...[intervenes].

ADV BALOYI SC: But the principle is there is a record there. You are saying you did have a record. You did not just sit over a cup of coffee and have a chat, is what I am asking. It was an official meeting.

LT-GEN SIBIYA: There should be.

ADV BALOYI SC: You asked him questions, you recorded it, and if everyone did their job to keep records, there is, and they are honest about it, they will give us a record of that discussion if we ask for it.

10 **LT-GEN SIBIYA:** There should be Commissioners, but I want to say do not bank on the fact that if it does not get produced, then it is like I never told the truth.

ADV BALOYI SC: Do not anticipate that. You and I hope that we will get it. Let us for now leave it at that. Your answer is there is a record, it was an official meeting, and if the Commission were to ask for it, we will say on this day you testified and you said you met with him, you just do not remember the date you say.

20 **LT-GEN SIBIYA:** I do not remember the date, but I am asking to give one example of what I am talking about, Commissioner, if I could be allowed.

ADV BALOYI SC: If, maybe you can make an example, but let me say ...[intervenes].

LT-GEN SIBIYA: One example.

ADV BALOYI SC: Ja, let me say this, that for purpose of

our discussion, please do not focus on we may not get it. I understand what you are saying, we may not get it because maybe there are shenanigans. Maybe it is not there for whatever reason. So that part I understand. That is what you are saying.

LT-GEN SIBIYA: What I know is that I asked my legal team to ask for information from the SAPS. It was never provided, including the minutes of the meeting of the 1st of November, wherein the National Commissioner actually was
10 heard saying this is just a task team, it was never meant to ...[intervenes].

ADV BALOYI SC: They fear the Chairperson more than your legal team, so do not worry. The Chairperson has more power than your team has.

LT-GEN SIBIYA: Ja, what I am saying is that we asked, and to date I do not have anything that I could also play here and say, listen to the National Commissioner, but we asked, we never received.

ADV BALOYI SC: Okay.

20 **LT-GEN SIBIYA:** Now I am saying I am not hopeful. If it is not there, I am also not, the Chair must not hold it against me if they say there is no record, because I do not expect anything positive.

ADV BALOYI SC: Thank you, General. I hear your answer. Thank you. Ms Hassim.

ADV KHUMALO SC: I want to ask you a question that requires a yes or no answer, and I am prefacing it so that we do not get a long explanation. Has there ever been an occasion where yourself, Mr Matlala, Mr Motsumi, and Mr Msibi were together in one place?

LT-GEN SIBIYA: Not at all, not even once.

ADV KHUMALO SC: At a farm, somebody else's farm?

LT-GEN SIBIYA: Not at all.

ADV KHUMALO SC: You have never been with the three
10 of them together?

LT-GEN SIBIYA: Not at all.

ADV KHUMALO SC: Thank you.

ADV HASSIM SC: Okay, let us move on. Can I ask you please, General, to have a look at, I think, the same file that you have in front of you, it is page 321, though, page 321. Do you have it?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So, there is just one message here that I want to draw your attention to before we move,
20 and that is chat number 5, where you sent to Sergeant Nkosi the following message, the National Commissioner of Eswatini just died here at OR Tambo. I am going there now. Right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: You sent that to Sergeant Nkosi. Now,

if we were to look on the same day, I am going to need you now to open file 8 and go to page 730.

LT-GEN SIBIYA: Page 7?

ADV HASSIM SC: File 8.

LT-GEN SIBIYA: Page?

ADV HASSIM SC: Page 730. So, that is a chat between Sergeant Nkosi and a number that he has saved in his phone as Mswazi Taxi Boss. When Sergeant Nkosi testified before the Commission, he confirmed that Mswazi Taxi Boss
10 is actually Mr Msibi, okay. He forwards the message you sent to him about the National Commissioner of Eswatini having just died at OR Tambo. He forwards that early in the morning, half an hour after you sent it. So, he sends it at 5 a.m. to Mr Msibi, and then he follows it with a message saying, Morning, Baba. It was SMS from number one this morning. So, the reference to number one here is you.

LT-GEN SIBIYA: I am not sure about it. I know I am in trouble, but I can laugh about it. I am not sure whether I am number one. Number one is the President. That is what
20 I know.

ADV HASSIM SC: Okay, so, that is why I first went to your message to Sergeant Nkosi. You send it to him. He forwards it to Msibi and says it came from number one, which means that it also assumes that Mr Msibi calls you number one, or that he knows who you are.

LT-GEN SIBIYA: I wish I was number one, but I am not number one. I assume, let us, let me accept that maybe perhaps it was me, I did not know they called me number one, but I accept maybe it is me, because ...[intervenes].

ADV KHUMALO SC: In that circle. In that circle, not above.

ADV HASSIM SC: Did you know that Mr Msibi and these people, the circle, as Commissioner Khumalo puts it, called you number one? Were you aware of that?

10 **LT-GEN SIBIYA:** I was not aware because Mr Msibi is a well-respected person in such a way that he is not the one that to call me number one. So, I did not know I am being called number one.

ADV HASSIM SC: Is there any reason why you think they would call you number one, even if it is behind your back?

LT-GEN SIBIYA: The National Commissioner would be number one, but this one I do not know the reason why.

ADV BALOYI SC: General, the National Commissioner would be number one in other communities, maybe in the
20 SAPS.

LT-GEN SIBIYA: In the SAPS.

ADV BALOYI SC: Ja, but here it is a completely different community that he is discussing your being number one, and it seems that it is fair to suggest to you that Mr Msibi seemed to have known that you are referred to as number

one, because that is all that that Sergeant Nkosi says on forwarding your message, it is from number one. He does not say who is number one, and so it is reasonable to assume that Sergeant Msibi expected, rather Sergeant Nkosi expected Mr Msibi to know who he is talking about. I see you nodding. Do you accept that it is a fair ...[incomplete].

LT-GEN SIBIYA: I accept, Chair.

ADV HASSIM SC: My question is really, why, what reason
10 would they have to call you number one?

LT-GEN SIBIYA: Maybe Sergeant Nkosi can explain that better.

ADV HASSIM SC: Okay, you do not have anything more to say on that?

LT-GEN SIBIYA: That in other instances they call me Sgqoko.

ADV KHUMALO SC: I saw that. I wanted to ask you about that.

LT-GEN SIBIYA: And then Sgqoko I thought always was
20 referred to as to the Minister, former Minister, because he wears a hat. I have got a communist hat that I wear all the time, and then I do not know whether that was the reason I am being called Sgqoko, because that is the hat I wear. Now, one moment it was Sgqoko, and then this one of number one, I saw it for the first time here.

ADV HASSIM SC: Okay, I am going to leave it at that.

ADV BALOYI SC: General, you said number one would be the National Commissioner.

LT-GEN SIBIYA: Number one of the police is the NASCOM.

ADV BALOYI SC: Maybe they were projecting that for you.

LT-GEN SIBIYA: Not at this stage.

ADV BALOYI SC: Ja, you are, you would be number one.

LT-GEN SIBIYA: Not at this stage.

10 **ADV BALOYI SC:** Okay.

ADV HASSIM SC: Okay, so, you know, what we have seen so far is, are these communications and a pattern, as I explained to you, what I see as a pattern of communication between you and other people via Sergeant Nkosi and the role that Sergeant Nkosi plays in doing things for you. On that theme, I want to turn to a different topic within that theme though. So I am going to take you to a series of pages, but let me begin first at page 339, so it would be file 7. Right, so it is page 339, and it is chat number 3. It is
20 from Sergeant Nkosi to you, 6 May 2024, at 15:39.

LT-GEN SIBIYA: Where are we? I was still reading at 340. 339?

ADV HASSIM SC: 339. It is chat number 3. So it is Sergeant Nkosi to you, on 6 May 2024, at 15:39. He sends you a notice of payment, saying it is done.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Now, I just need you to go to see that proof of payment. You need to go to page 440 in the same file.

LT-GEN SIBIYA: 300 and?

ADV HASSIM SC: 440, four four zero. Let me know when you are there.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, I want to handle this with care, so
10 I am not going to mention names. But what this is, is a proof of payment for a school, right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And it is for a beneficiary whose name is there.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay, so what is this payment about?

LT-GEN SIBIYA: It is a person who asked for assistance because the person wanted to assist, I mean for the child at school, and then asked for assistance, and then I said,
20 okay, let me give you the money to give. And then I said, so normally I would either give you money. Now, from where he is sitting, he will just pay it over himself and then, but in my case, I gave him money to assist.

ADV HASSIM SC: No, this is not a payment from you. This is not you making a payment.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: This is Mr Nkosi making a payment.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Right. So, explain that again, because he is making a payment to this person for the school, and he is sending it to you, the proof of payment, to say it is done.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Right.

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

ADV HASSIM SC: So, that does not help me. Your answer was, sometimes you assist. How are you assisting if it is Sergeant Nkosi who is making the payment?

LT-GEN SIBIYA: What would happen is that he will say to me, I paid it, and, or I shall have said to him, please pay for me, and I will give it to you, and I will give it to him.

ADV HASSIM SC: Oh, I see.

LT-GEN SIBIYA: Sometimes I sit with a person and say, I have to send a E-wallet to this person, but I have got cash,
20 can you please send the E-wallet, and I give the cash.

ADV HASSIM SC: Okay. So, this is an example of you asking him, can you please make the payment, and you will pay him back.

LT-GEN SIBIYA: Yes, and there is records in that regard.

ADV HASSIM SC: There are records of you paying him

back for this?

LT-GEN SIBIYA: Ja, ja.

ADV HASSIM SC: Okay, I would appreciate it if you could provide us with that record. Do you know who this, who is this person?

LT-GEN SIBIYA: Yes, I do.

ADV HASSIM SC: The reference on the beneficiary statement.

LT-GEN SIBIYA: I do know the person.

10 **ADV HASSIM SC:** How was your relationship with this person?

LT-GEN SIBIYA: The person used to work for me as a manager. When I was fired, I opened a security company, and then, because I was also working, and also operating a security company, I asked the person to run the security company for me, but now, the monies I owe the person, the person felt that, look, you still owe me money in terms of the salaries, and then, I am also suffering because of my child must be at school, and then, I had to then pay, assist
20 with the school fees where I needed to assist. So, as a result, when I came back to the police, I resigned from the company, that company, and left the person to run with the company.

ADV HASSIM SC: This person runs the company?

LT-GEN SIBIYA: Ja, but finally, she could not proceed

because he died, but she ran that company.

ADV HASSIM SC: So, you opened a security company in what year, 2017 or when?

LT-GEN SIBIYA: Somewhere around there, and it came, it pushed through for quite, I do not know until when.

ADV HASSIM SC: What was the name of the company?

LT-GEN SIBIYA: High Tech Special Operations and Risk Management.

ADV HASSIM SC: Okay, and you say you resigned.

10 **LT-GEN SIBIYA:** I resigned because even when you check records, it is there.

ADV HASSIM SC: You resigned as what? Are you still a director of the company?

LT-GEN SIBIYA: No.

ADV HASSIM SC: Are you sure about that?

LT-GEN SIBIYA: I am sure about that because I resigned a long time ago. When I had to go back to the police, I had to make sure that I am clean.

20 **LT-GEN SIBIYA:** Right, so when I ask, are you a director, if you say, I no longer run the company, I do not manage it, I am not the boss, the CEO, the executive director, I appreciate that, but are you still registered as a director?

LT-GEN SIBIYA: No.

ADV HASSIM SC: Are you still, do you know what I mean, are you still linked to this company?

LT-GEN SIBIYA: No.

ADV HASSIM SC: Okay. Now your explanation for having to make payments is because this person was complaining that the salary was too low and you know, she needed money to pay for school fees, but why are you still, if you had resigned, what is your responsibility? Why is it your responsibility?

LT-GEN SIBIYA: I owed the person money because of the salaries that could have been paid that was not paid, were
10 not being paid at some point.

ADV HASSIM SC: When did you resign from the company?

LT-GEN SIBIYA: I do not have a record of that now, but if the investigators can check, because I give them the name, and then, or given an opportunity, I can ask the person to check.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: But with, I do not know whether it is PSIRA or where the registrar of companies, they can check for us.

20 **ADV HASSIM SC:** Okay, but I am asking you, and yes, we can check, but do you recall, you know, did you resign when you started working at the City of Johannesburg? No.

LT-GEN SIBIYA: I am not sure. I do not want to ...[intervenes].

ADV HASSIM SC: Did you resign when you started?

LT-GEN SIBIYA: I do not want to commit to a date, but I know I resigned.

ADV HASSIM SC: I know, but you said earlier that you resigned because you had to resign. You could not have the company anymore, so there is an event that you can at least tell us about that caused you to resign.

LT-GEN SIBIYA: Ja, I did resign. The only problem is that I struggle to get to a, to give a firm date.

ADV HASSIM SC: I do not need a firm date, even if it is a
10 month or a year, this month, in that year, or even just the year.

LT-GEN SIBIYA: Chair, I think it is sufficient if I say we can get the record, and the record, I will not speculate. I will not be giving a missed date. I will give, I will be giving the date that shows that you resigned on this date.

ADV HASSIM SC: No, I accept that. I do not need an exact date. Give me a year, what year did you resign?

LT-GEN SIBIYA: I do not want to make a mistake. What if I say I resigned 2020, before I went back to the police.

20 **ADV HASSIM SC:** Okay, no, that is I think what I am trying to say. I thought that maybe that is what you were wanting to say, is when you, when you returned to the service, that was 2022, you would have resigned at that point, is it not?

LT-GEN SIBIYA: Not at that point, before that, long before.

ADV HASSIM SC: So before 2022.

LT-GEN SIBIYA: Ja.

ADV HASSIM SC: Okay, that is fine. But now this is 2024, so it is some time since you have left the company, and you still owe the person money, you say according to this?

LT-GEN SIBIYA: Yes, yes, yes, yes, and then, or sometimes if a person ask and say I am asking to be assisted, child must go to school, and then I assist, and I assist many, so ...[intervenes].

10 **ADV HASSIM SC:** Okay, I accept that.

LT-GEN SIBIYA: I then assist.

ADV HASSIM SC: Well, what you said was that you owed this person money because of the salary was low, etcetera, and so because you owed her money, this is what you were doing to assist.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Right. So if you resigned before 2022, and you no longer had anything to do with the company, my question was a few years later, you still owed this person
20 money.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: That you were still paying off in this way.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: That is what you were doing, so that is

not assisting, that is just paying back what you owe.

LT-GEN SIBIYA: What is important to note, Commissioners, and you can send the investigators to go and verify, there is a relationship with Mr Nkosi and this person, as they are from the same place. They are all close relatives, so they know each other very well, so that is why it is easy to work with Mr Nkosi on this one, and you can, they can go and verify independently. They will see in terms of how they relate and how they know each other,
10 they will come across that information.

ADV HASSIM SC: Okay, so there is this payment, I am going to take you to another, and it is at page 158.

LT-GEN SIBIYA: File?

ADV HASSIM SC: 158. It will be file 7. I think that this is the same transaction. It is the same, I think it was sent to two numbers. Do you have more than one phone, right, so this was sent to your other phone. Can you confirm that?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, then can I take you to page 341,
20 still in the same file.

CHAIRPERSON: May, sorry, sorry, Ms Hassim. May we see counsel outside very briefly, please?

ADV HASSIM SC: Yes.

LT-COL MANGENA: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: General, I took you to a page that was a page of another payment, like the first one. I am not going to go through each one of the payments, but could you just have a look at page 441.

LT-GEN SIBIYA: Which file?

ADV HASSIM SC: File 7, the one that you have open, file 441.

10 **LT-GEN SIBIYA:** Thank you very much, Chair.

ADV HASSIM SC: Okay, 441, 442, 443, and 262.

LT-GEN SIBIYA: 262?

ADV HASSIM SC: 262.

LT-GEN SIBIYA: Yes, I have got it.

ADV HASSIM SC: Okay. Now, I am not going to display the next page, but I would like you to go to page 163.

LT-GEN SIBIYA: 163?

ADV HASSIM SC: Ja. And that is chat number 7.

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** You read that, and then if you can read the next page, chat number 1 and 2 and, actually, 1, 2, 3, and 4.

LT-GEN SIBIYA: Which page, 163?

ADV HASSIM SC: So, sorry, I think I took you to 163, and I asked you to read chat number 7, okay. The chat

continues on to page 164, if you could just read that exchange of messages on page 164 between you and Sergeant Nkosi.

LT-GEN SIBIYA: What I want to ask, Chair, I will read. Do I have to repeat this name here, or can I skip the name?

ADV HASSIM SC: No. No, no, the reason I am not displaying it and I am not asking you about the contents right now is because I do not want you to read the names.

10 **LT-GEN SIBIYA:** Oh, I thought you said I must read it loud.

ADV HASSIM SC: No.

LT-GEN SIBIYA: I have got it.

ADV HASSIM SC: No, we have got the pages for the record. I really just want you to read it so you are familiar with the contents here, and then I will just have a question at the end.

LT-GEN SIBIYA: I have read it.

ADV HASSIM SC: Okay. You have read the whole of page 164?

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

ADV HASSIM SC: Okay. Can I take you then to page 196. And at 196, actually before we go here, the payments and the chats that you have just looked at, those are all for the same person, is that correct?

LT-GEN SIBIYA: Page 196?

ADV HASSIM SC: No, no, before you look at 196, I just want to pause. Remember, I took you to a series of payments?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And then those chats that we did not read.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: All of those payments that are reflected there, is that all for the same person you were talking
10 about?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. And those payments were made by Sergeant Nkosi on your behalf?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And you say you repaid him?

LT-GEN SIBIYA: Ja, money come from me.

ADV HASSIM SC: Okay, and you will be able to show us that there was a reimbursement?

LT-GEN SIBIYA: I think so.

20 **ADV HASSIM SC:** Okay. Could you check?

LT-GEN SIBIYA: Not now, immediately.

ADV HASSIM SC: No, that is fine, you can let us know through your legal representatives afterwards. Okay, now we are at 196 and we have at chat number 6, you will see there is an attachment there.

LT-GEN SIBIYA: Which page?

ADV HASSIM SC: Page 196.

LT-GEN SIBIYA: I am at 196, chat number?

ADV HASSIM SC: Sorry, 5.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. That is on 24 December 2024.

Now that attachment is at page 271. So you need to just flip forward a bit to page 271. This is an invoice, do you see that?

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

ADV HASSIM SC: Is this a payment that Sergeant Nkosi also made on your behalf? It is for a fridge.

LT-GEN SIBIYA: It is not for a fridge. It is the people that fixed my fridge at home that I know that normally are the one that services my fridge. He does not even know them himself.

ADV HASSIM SC: Okay. So was this for servicing the fridge?

LT-GEN SIBIYA: Ja, it is three fridges.

20 **ADV HASSIM SC:** Right. Three fridges, your fridges?

LT-GEN SIBIYA: Yes, it is the one in the house and the deep freezer, and then the one for the gardener. His fridge was not working so they had to refill the gas and all that.

ADV HASSIM SC: Okay.

LT-GEN SIBIYA: But it is one person who comes and fix

the fridge.

ADV HASSIM SC: Okay. So these, so let us just look at each invoice. The first is at page 271. That is what we were looking at. The second is at page 272. So the first one is for R9,100.00. The second is for R2,535.00. And then there is a proof of payment on page 273.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And that payment was made by Mr Nkosi.

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

ADV HASSIM SC: Okay. And you say this was done on your behalf and you reimbursed him.

LT-GEN SIBIYA: I gave him money. Or you may find that I was not even around maybe when I asked him to go in and do it for me. But I paid for it. He would not be in a position to pay for me all these things. I was giving him money.

ADV HASSIM SC: But the payment, the proof of payment, if you look at page 273, is a payment that is made by Sergeant Nkosi.

20 **LT-GEN SIBIYA:** Ja.

ADV HASSIM SC: So you reimbursed him, is that what you say?

LT-GEN SIBIYA: Yes, I do give him money.

ADV HASSIM SC: Okay, and you would have proof that you reimbursed him.

LT-GEN SIBIYA: Even if, as we are sitting here, Commissioners, and we give the telephone number of the person now, and they communicate with him, he will actually better tell them what happened. Then they can ask him any question they want to and consult with him, because this is what he has been doing over years. He is the person, it is a kind of a fridge that needs, it is a Samsung fridge, and it only needs certain experts. It is a person I have been working with over a period of time. So
10 now, due to my schedule, the person that I relied on was him to help me with certain, you cannot bring everybody into your space. But the person that I could rely on to assist me in case I am not able to get there, it was him. So sometimes you give him, let us say I gave him money. I never knew that he is using or he is transferring from his own account. But quite honestly speaking, they can, even the person now, the investigators now can go out now and speak to the person for however long, they will get what they want. So I am just saying I was the one paying.

20 **CHAIRPERSON:** General, I heard you say, I gave him money. He would not have been able to pay. Did I hear you correctly?

LT-GEN SIBIYA: Yes, I mean all this payment continuously for me.

CHAIRPERSON: Okay.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: Would you give him the money before so that he could pay using that money, or would you only give him the money afterwards?

LT-GEN SIBIYA: Many a times it would be vice-versa. Sometimes you find that he will say, General, I paid this thing, and then you will give me.

CHAIRPERSON: Okay.

LT-GEN SIBIYA: Or I will say, please pay for me, come
10 get the money. Or sometimes I will send a PA from the office when I am not there. And then sometimes I have cash, but I cannot send E-wallet and then I ask someone, I say, can you please E-wallet for me, he is the money.

CHAIRPERSON: And what do you mean when you say he would not have been able to pay?

LT-GEN SIBIYA: When I say he would not be able to pay, let us say 9,100, to ask from a junior person to pay 9,100 is a lot of money. So I gave him money to pay. And then even now, this person, they can confirm how it was done.
20 In fact, I thought I paid cash because I gave cash.

CHAIRPERSON: Thank you. Thank you, General.

ADV HASSIM SC: You say you normally pay him back in cash?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So you would not have then a record of

the reimbursement?

LT-GEN SIBIYA: Of the?

ADV HASSIM SC: Reimbursement. There would not be a record if you, he pays these amounts and then you give him the cash.

LT-GEN SIBIYA: Ja, I do not think so, because they do not give a receipt that shows it is investment. But in his case, if I gave it to him, I did not need a receipt.

CHAIRPERSON: And why did you not do electronic
10 transfers? Why did you have to give him cash?

LT-GEN SIBIYA: Why would I give him cash, Chair, is that coming back to the police, my salary went down very bad to an extent that if I, even when I get salary, I have to wait until certain debit orders go through, otherwise, if I do not, and I start using money, I find that a lot bounced back. Now, the cash I have, because I have other businesses that actually are declared that some of them are cash-based, in such a way that I will get that amount of money in my own hand.

20 **CHAIRPERSON:** Thank you, General. Yes, Ms Hassim.

ADV HASSIM SC: Can you go to page 274. It is another payment, it is for R5,000.00, and I take it this is for the same person.

LT-GEN SIBIYA: This one is like the previous ones that we are reading, yes.

ADV HASSIM SC: Okay. So again, you are saying how would you have paid Sergeant Nkosi back for this payment of 5,000? This is on 24 December 2024 as well.

LT-GEN SIBIYA: I gave him money. As you can see in the reason down there, what was it for, but I did pay the money. It was coming from me.

ADV HASSIM SC: Okay. So these payments, this you say that he does, this you say is part of what he just normally does for you and it is sort of a favour that he does for you.

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

ADV HASSIM SC: He helps you out.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. And if you could, if there are records of reimbursement, initially I thought you said there would be if we asked the investigators, and then you said, well, actually you pay cash. So I am not sure which one exactly it is, but if there are records, could you provide it to the Commission?

20 **LT-GEN SIBIYA:** To say, because as far as I am concerned, these are some of those transactions that really you want to see it through and if I gave money, it pays, paid. I did not expect that he, Sergeant Nkosi, would give me a receipt, because it would not be of any assistance if it is in his name anyway.

ADV HASSIM SC: Okay, so all of your payments to him

were in cash?

LT-GEN SIBIYA: This one, in these instances, yes.

ADV HASSIM SC: In all of the instances I put to you.

LT-GEN SIBIYA: Yes. If, let us say, for instance, it was a big transaction, then I would understand if maybe the Commissioners would be worried and say, so much money to buy this cash. But now this is a small amount of money that I have, because I have livestock in the family. I have to keep on buying food for this, food for that, food for this,
10 this person coming to fix this and that.

Some of them you find that they are people from outside the country, they want cash. So I will have that type of cash. These are small, relatively small amounts of money, so it is doable, and unfortunately it is how it happened.

ADV HASSIM SC: Okay. I am not going to ask you any further questions on these payments, so unless the Commissioners have. What I want to ask you is, you mentioned the company, High Tech Special Operations and
20 Risk Management, I believe. Do you have any other companies, or are you a director in any other companies?

LT-GEN SIBIYA: Chair, because of the fact that I have been knocked down different times in life, and as you go out, you register a company, you start something. Then you go back to the police, you fix your life again, and then you

resign. And then you get knocked down again, you have to start something again. So I know very few.

I also, we also owned a bus, a bus that was transporting school kids to school. We also had an Uber. We also we have rooms. I am just trying to say, this is how I would get to some of this. So the question was very simple, do you have any other company? Now, you will have a company, that transportation business will report under a particular company. So ...[intervenues].

10 **ADV HASSIM SC:** You said we. Who is we?

LT-GEN SIBIYA: It will be me and my wife, but sometimes it will be my wife alone. In some instances, I owned, Chair, I owned a jazz cafe and a tuckshop and I have had a number of businesses along the way as I go along, real businesses.

ADV HASSIM SC: Are you currently a director in any companies other than High Tech?

LT-GEN SIBIYA: I am not. I am not a director at any company as far as I can remember. I know of different
20 trading companies that I have had and then as far as I know, I am resigned, I have resigned. If ever there could be one, it will be just, it must have been deregistered by now. But I do not remember. I am not a director of any company now other than working for the South African Police Service.

ADV HASSIM SC: And the other companies that you were a director of, what was the name of those companies?

LT-GEN SIBIYA: I remember Mongresh Trading Enterprise. I remember High Tech Special Operations. Some I do not remember really. I may have one or two more, but they all did not happen all at the same time. Each one of them do have his own time period, and not necessarily meaning that they all operated or were in active business. Sometimes you start something with the hope
10 that it is going to take off. Then you secure the name. Then you do not get there.

I have tried to register one not so long ago, but I do not think we got to a point where now it is fully registered. I have paid SARS, I have paid all the dues. It is in my name. So there it is something that I cannot really, with my whole weight, say I have one or I do not have one. All I know I do not have. If ever there can be some or one more, that I am still a director, it will be a negligence on my part that I was not, I did not cancel it, but, or removed myself as a director,
20 but I do not know of any.

ADV HASSIM SC: So the companies would have to, in order for you to have registered these companies, you would have had to open bank accounts for these companies, right?

LT-GEN SIBIYA: Ja.

ADV HASSIM SC: So those bank accounts, are they still in existence or did you close those bank accounts if you say the company is no longer ...[intervenes].

LT-GEN SIBIYA: Personally, I do not have any bank account of any particular company.

ADV HASSIM SC: You do not?

LT-GEN SIBIYA: Yes.

CHAIRPERSON: Besides companies, what about sole proprietorships?

10 **LT-GEN SIBIYA:** I do not have any, Chair. I tried at some point also to even register a trust. It is such a long and tedious process and then you end up nowhere in between. So I even ended up, I have paid money, but I ended up not knowing how far it went.

ADV HASSIM SC: Do you know the name of that trust?

LT-GEN SIBIYA: It will be the same, I think, the one that ...[incomplete].

ADV HASSIM SC: Mongresh, is it a trust?

20 **LT-GEN SIBIYA:** Ja, family trust, something like that. But it never took off.

ADV HASSIM SC: Okay. I am going to move to a different topic.

ADV BALOYI SC: Here is my question. General, your explanation for Sergeant Nkosi making these payments on your behalf, can you just repeat that? I may have missed

something that you say why it is that he is making these numerous repeated payments on your behalf instead of you making them directly? I think you said something about debit order, your salary, and I just do not want to misrepresent what your answer is.

LT-GEN SIBIYA: It was easy for me to use him and my staff officer, not my staff officer, my driver/protector, the two of them. So mostly you find that now I am with the driver where I am and then Nkosi will be the one that I
10 could call and say, please assist me with one, two, three. Then as and when, whether when I come back or whatever, but I will make sure that he gets his money back.

ADV BALOYI SC: Okay. You said something about your salary having dropped when you rejoined the police and with the consequence that some of your debit orders, you would have to wait for debit orders to go through before you pay. Was that part of your reason to have Sergeant Nkosi do this for you?

LT-GEN SIBIYA: Not because I do not have money to pay
20 that, my salary dropped, no. I am saying just to avoid bouncing back of certain transactions, you end up making sure that when it is month-end exactly, you do not rush to start paying and then later you find that you are on the minus and then some bounce back. So I do not use that mostly, but I would use on a cash base.

ADV BALOYI SC: So you would allow debit orders to go through and then Sergeant Nkosi is making these payments for you and then you pay him in cash. Is that ...[intervenes].

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Is that what you say?

LT-GEN SIBIYA: Yes, I would pay him cash.

ADV BALOYI SC: And this cash you say drawn from where? Did you have other, what kind of other income did
10 you have?

LT-GEN SIBIYA: I did explain that I have, firstly we, I have rooms for rental.

ADV BALOYI SC: Sorry, you had a?

LT-GEN SIBIYA: Rooms for rental.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: We have got a flat. I had an Airbnb. So that is why I will have cash most of the time that I have.

ADV BALOYI SC: But, but ...[intervenes].

LT-GEN SIBIYA: And it is not large sums of cash.

20 **ADV BALOYI SC:** Ja.

LT-GEN SIBIYA: Like now as we speak, as we speak, I do have a lot of egg-laying chickens and we do sell eggs as well. We can go and check, or it is there as we speak.

ADV BALOYI SC: Yes. Sorry, do you want to say something?

ADV HASSIM SC: Just on the egg-laying, because that I understand how it could be a cash transaction in the sale of eggs. Sorry, Commissioner Baloyi.

ADV BALOYI SC: No, please carry on.

ADV HASSIM SC: Just the, but the other businesses you say you have on the side, Airbnb, rooms for rent and Uber, the scholar transport, those kind of things would not normally be cash-operating businesses. An Airbnb, it would be EFT.

10 **LT-GEN SIBIYA:** Not always.

ADV HASSIM SC: You would be paid in cash for ...[intervenes].

LT-GEN SIBIYA: No, I do find walk-ins. I do find walk-ins, that is people who walk in and say, do you have a room? You say yes. They say, then can I book a room for tonight? Yes. It happens.

ADV HASSIM SC: And then they would just put cash down?

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** Okay. I would imagine it does not happen often, though.

LT-GEN SIBIYA: It does not happen often, but I have rooms at home that I have and ...[intervenes].

ADV HASSIM SC: In your house where you live?

LT-GEN SIBIYA: No, at the village. From home where I

come from.

ADV HASSIM SC: Ja.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And that is what you rent out?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And you get paid in cash?

LT-GEN SIBIYA: Per month. Well, some will deposit in the cash, someone will give the money to my mother.

ADV HASSIM SC: And the scholar transport?

10 **LT-GEN SIBIYA:** Scholar transport, although we sold the bus, because some will pay in cash, some will pay in deposit, but it is something that is no longer there. Remember, I was just mentioning the lifestyle, a different lifestyle that I have passed through.

ADV HASSIM SC: So it does not exist anymore, that business?

LT-GEN SIBIYA: No, no.

ADV HASSIM SC: And the Uber?

20 **LT-GEN SIBIYA:** Even the Uber, the Uber was more problematic, actually, and then we tried it and then realized that this one is problematic.

ADV HASSIM SC: Your business interests, the Airbnb and things like this, would you have disclosed this in your register of financial disclosures?

LT-GEN SIBIYA: I would have disclosed it at the City of

Johannesburg, because remember at the City of Johannesburg when I resigned, knowing that I am now coming back to the police, I then sold the Airbnb, the one in Sandton, before coming to the police, and then it was bought by a businessman who took occupation immediately, so that is when it all stopped.

ADV HASSIM SC: So you sold all the businesses when you went back to the SAPS?

LT-GEN SIBIYA: I sold what belongs to me, yes.

10 **ADV HASSIM SC:** So you would not have had anything to disclose, you say?

LT-GEN SIBIYA: Anything?

ADV HASSIM SC: You would not have had anything to disclose?

LT-GEN SIBIYA: Yes. What I have disclosed to the police is what I have, what I own. This business of the rooms for rental that I am talking about, they are disclosed.

ADV HASSIM SC: That you have disclosed, okay. And that is your cash business?

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

ADV HASSIM SC: And then the eggs are also your cash business?

LT-GEN SIBIYA: The eggs. Well, animals, it does happen that the person comes and says, I am looking for a white goat for a specific traditional something, and then they will

come and I will sell it. I also buy a lot of them and then keep as well. I do not make it my habit to sell them. I keep them to slaughter for the family and just to own them. But sometimes it happens that the person says, I am sick, or so-and-so is sick and then we need this, and then they buy again.

ADV HASSIM SC: Okay. Sorry, Commissioner Baloyi, I interrupted you.

ADV BALOYI SC: I think you have covered quite a bit of
10 what I was going to cover. General, I think what I wanted to point out or to clear with you was, and you have now clarified it in your engagement, that the payments that you have been discussing with Ms Hassim, they are in 2024 and, I think, 2025. And I wanted to say to you, well, at this point, you are now the Deputy National Commissioner. This is at this point. So your debits and your explanation, as I thought I had understood it earlier, that the reason Mr Nkosi was carrying these for you, on the basis that you refunded him, was because your salary was not as good as it used to
20 be, so you were managing your debit orders *viz-à-viz* your daily expenditure. I had understood you to say that. So can we just clarify, in the period that you make these payments that Ms Hassim is discussing with you, or has just discussed with you, in that entire period, your only source of, other source of funds, other than your salary, is your

egg-selling business and the rooms that you say you have.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: That was the only two sources of income?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay. All right, thank you. Thanks, Ms Hassim.

ADV KHUMALO SC: Just a moment. Can you please look at page 180 of file 7? Are you there?

10 **ADV HASSIM SC:** Yes ...[indistinct] [microphone off].

ADV KHUMALO SC: I needed to ask you, are you going to deal with it, because I want to leave it for you if you are going to deal with it.

ADV HASSIM SC: No, you may deal with it.

ADV KHUMALO SC: I have a question on this.

ADV HASSIM SC: You may deal with it, Commissioner.

ADV KHUMALO SC: All right. General, are you on page 180?

LT-GEN SIBIYA: Exactly, yes.

20 **ADV KHUMALO SC:** Remember when we put to you what Nkosi's version is about the meeting you had at the office with Mr Matlala?

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: And his version was that you asked him to go collect Mr Matlala and bring him up to your office.

You remember that?

LT-GEN SIBIYA: That is correct.

ADV KHUMALO SC: And you said that is not possible because in your office you have PA's, so you could not have asked him to bring Mr Matlala up to your office. Do you remember that?

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: Now, if you look at chat number 3, starting from chat 2 to chat 3 on page 180.

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

ADV KHUMALO SC: Just read chat 3 into the record. You can read it loud.

LT-GEN SIBIYA: -:

“This guy Imran wants to see me. He is downstairs. Can you please go get him and let Brigadier Ramangwa interview him? You beg even bring him at the National Commissioner's boardroom so that he can see that I am
20 busy with shortlisting.”

ADV KHUMALO SC: Yes, so is this not an example of you asking Sergeant Nkosi to go fetch somebody for you downstairs and bring him to your office?

LT-GEN SIBIYA: I do not deny that, Chair, and I do not mean that it never happened before. I was not really saying

it never happened at all. But what I mean is that it was not my practice that he will be the one to go fetch people because Sergeant Nkosi is an investigating officer. He is mostly outside. So I take it ...[intervenes].

ADV KHUMALO SC: So the reason I was using this example was to show you that what he says about what happened on the day you met Mr Matlala is actually possible because it has happened in the same year that you have asked him to go fetch one of your guests downstairs
10 and bring them to your office, and this chat is an example of that.

LT-GEN SIBIYA: But because I consulted with my PA on that specific day, the one of Mr Matlala, they said, no, General, we are the ones who went to fetch him, and from there we took him to Brigadier so-and-so when they were done. And I guess the Commission can still call her to come and explain that part.

ADV KHUMALO SC: So on the issue of the specific meeting with Mr Matlala, you stick to your story that it never
20 happened ...[intervenes].

LT-GEN SIBIYA: I stick to my story.

ADV KHUMALO SC: That Sergeant Nkosi went to pick him up?

LT-GEN SIBIYA: I stick to my story, Chair.

ADV KHUMALO SC: All right, thank you.

CHAIRPERSON: But, General, I have a difficulty with this response now. My impression when you testified earlier in relation to Mr Matlala, you said you do not do this. You do not send Sergeant Nkosi to fetch people for you because you have your own staff. And I did not hear you to say that, but there are exceptions. You just said, I do not use Sergeant Nkosi to fetch people for me from downstairs and bring them up to my office, and you even gave a reason.

So you did not just say, I do not do it. The reason
10 was because you have your own staff, PA's and so on, and that those are the people who do this for you. Now, suddenly when you are confronted with this, and you asking Sergeant Nkosi to do exactly this for you, but in respect of someone else, now you suddenly suggest that there are exceptions where you would ask him to do this for you.

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

CHAIRPERSON: From where I am sitting, you appear to be contradicting yourself.

LT-GEN SIBIYA: No, Chair, no.

20 **CHAIRPERSON:** Yes.

LT-GEN SIBIYA: No, no. Chair, in a normal course of duty, it happens that sometimes even the staff, the PA's are all busy. Sometimes you, I have sent, even Brigadier Ramangwa, even Sergeant Shangule, have sent many people to go fetch someone. Or sometimes they have sent

a messenger. So it is possible that it can happen. It is not ...[intervenes].

CHAIRPERSON: But did you say so when you were engaged a couple of days back, when you were engaged on this by Ms Hassim? Did you say this? Did you say, but there are exceptions?

LT-GEN SIBIYA: I might not have said it, Chair, but it happens everywhere, especially in the police, in our office to find someone who is, one of them could be standing
10 there and I say, please bring so-and-so, he is downstairs. It happens, Chair.

CHAIRPERSON: You even said, if I am not mistaken, I hope it was in the same context, you even said that he does not work in your section or something like that, and that he works elsewhere, even though in the broader scheme of things, he is still within your section. But you said he does not work with you or for you, and that is even way down in terms of the hierarchy. And if I am not mistaken, I think it was exactly in the context of what Ms Hassim was engaging
20 you on with regard to Sergeant Nkosi fetching Mr Matlala from downstairs to your office upstairs.

LT-GEN SIBIYA: In my case, Chair, honestly speaking, I do not see a contradiction because I am being honest when I say anybody can be asked to go fetch somebody who is in the office and it happens all the time. It has happened

many times. It can be confirmed.

CHAIRPERSON: But do you accept, though, that there would be a contradiction if you did not suggest in the earlier engagement that there are exceptions, and you only now suggest an exception upon being confronted with an instance where you do ask Sergeant Nkosi to fetch someone for you. Do you accept that there would be a contradiction?

LT-GEN SIBIYA: No, I do not, Chair.

CHAIRPERSON: No, no, no, if, General, you did not
10 suggest that there are exceptions, if your answer was categorical and it was that, no, no, no, I would never send Sergeant Nkosi, and the reason for not doing so is that I have my own staff. I have my own PA and other people who work closely with me, no exception. So there would be a contradiction if you did not suggest exceptions or an exception. Do you accept that?

LT-GEN SIBIYA: I do not, Chair. I do not, because I know that, let us say, failure to elaborate further when I could, let us say I gave a short answer that says, no, I have staff
20 ...[intervenes].

CHAIRPERSON: You never give short answers. You hardly ever.

LT-GEN SIBIYA: My apologies, Chair. What I am saying, Chair, is that in my office there are always people that comes in and out. Sometimes even in between the staff

themselves, the support structure themselves, someone is typing something or is on the phone or something, and they say, there is so-and-so down there, can you please go fetch him, then my staff will ask or arrange with one of the guys that are around, roaming around in the office to go.

CHAIRPERSON: You see, General, that now is articulating an exception. I am saying to you, suppose you had never suggested that there are exceptions and that your answer was categorical that you would never send Sergeant Nkosi
10 because you have your own staff, PA, etcetera, now, if your answer was that categorical, do you accept that that would be contradictory to a situation where you later suggest that there are exceptions? It is a very simple question.

LT-GEN SIBIYA: It is a very simple question, Chair, but where it hurts me is when the Chair says to me, now when I am confronted, now all of a sudden I say ...[intervenes].

CHAIRPERSON: Let us forget, let us – all right, continue, please respond.

LT-GEN SIBIYA: All I can say, Chair, is that in all our
20 offices, even the National Commissioner, it is not only one person ...[intervenes].

CHAIRPERSON: That is not what I am asking ...[intervenes].

LT-GEN SIBIYA: Who goes fetch ...[intervenes].

CHAIRPERSON: That is not what I am asking, General.

That is not what I am asking. I am saying, suppose your answer is categorical and it says that there is no way I would ever send Sergeant Nkosi because I have my own staff, my PA, and other people who work closely with me. And then there is, so that categorical answer does not admit of any exception, but later you give an answer that suggests that in fact there are exceptions. My question is, do you not accept that the two would be contradictory, one that says there are exceptions, one that is categorical and says
10 I would never send Sergeant Nkosi? Are those not contradictory? It is a simple question.

LT-GEN SIBIYA: If the Chair calls it a contradiction, I guess the Chair ...[indistinct] normally would rule on it and say, I say it is a contradiction. And whether I say yes or no, it will not change the Chair's perception.

CHAIRPERSON: Thank you very much, thank you very much.

ADV BALOYI SC: General, that exception that you speak of does not apply in this case at page 180, because Mr
20 Nkosi is obviously not standing next to you. He is not the people who are walking around. That is why you text him. That is why you SMS him. And you say, I am busy shortlisting, go and get him, bring him up here so that he can see, I am in the boardroom. So we know from that text that he is not one of the people that fall within your

exceptional circumstances where they happen to be walking around and you stopped him. You got him from wherever he was in the building.

So the question still stands that Commissioner Khumalo asks, that your evidence is he is not in my office. He does not work in my office. He is five levels down. So even before you get to your explanation about PA's, you have already said, he is not in my office, he is further down, he is a detective, whatever. He goes out to do work, I could
10 not have asked him to bring Mr Matlala, so he is not telling the truth.

But here we are. We have evidence here where you text him because he is not next to you. You text him from wherever he is to come and bring this gentleman to you. That is really the important point here, at least for me, that says you do, after all, send him. Even when he is not within your sight, you call him from wherever he is by text and you say, go get that person and bring him here. So even the exception that you are describing, it does not
20 answer what we see at page 180 and the contradiction that the Chairperson talks about. Do you have a response?

LT-GEN SIBIYA: No, no, no. The worry that I have is to really create an impression about something that is, that looks like wrongdoing even where there is no wrongdoing. It is such a problem that I have.

CHAIRPERSON: Do not anticipate where questions are going or what they are calculated to achieve, General. Answer questions on the basis of the facts that you know. Do not try to anticipate because sometimes that is probably what causes you to give us very long answers is because you are trying to anticipate where you think we are going. So can you please respond to Commissioner Baloyi's question?

10 **LT-GEN SIBIYA:** I take what the Chair said and what the Commissioner said.

CHAIRPERSON: And may I conclude this by making this observation or suggesting this to you for your comment. What we see now with regard to this example and you asking Sergeant Nkosi to fetch someone for you actually gives credence to what Sergeant Nkosi says about you having asked him to get Mr Matlala for you. It is not outside of the realm of possibility. If you have done it now, then this instance gives credence to what Sergeant Nkosi says. Your comment?

20 **LT-GEN SIBIYA:** Can I have half a minute to say something specific on this one, Chair, please?

CHAIRPERSON: Will that be responding to my question?

LT-GEN SIBIYA: No, Chair, but it is relevant to the fact that, it is very much relevant in a sense that it shows the other side of what I am talking about on the same issue.

CHAIRPERSON: I am not sure, General. Maybe just at some point, maybe later, even before we adjourn, you may make your point. For now, I want you to respond to what I have suggested to you and invited a comment on. Can you please respond to that?

LT-GEN SIBIYA: The Chair said I must not anticipate the questions. I just want to ask the Chair maybe to really repeat it for me, because ...[intervenes].

CHAIRPERSON: I said, General, this instance, the
10 instance that Commissioner Khumalo drew your attention to, which is that you actually did ask Sergeant Nkosi to fetch someone for you from downstairs and to take him upstairs to your office, I said that instance actually, which you do not deny, by the way. In fact, it comes from you. It is your request here in writing in black and white in chat number 3, page 180. I am saying that instance gives credence to what Sergeant Nkosi has said, which is that you asked him to fetch Mr Matlala for you. I am suggesting that to you, and I am inviting your comment.

20 **LT-GEN SIBIYA:** I have asked him to go fetch someone for me.

CHAIRPERSON: No, I am saying that request, for him to fetch someone for you, actually gives credence to what Sergeant Nkosi says, which is that with regard to Mr Matlala, you asked him to fetch Mr Matlala for you. Your

comment?

LT-GEN SIBIYA: I am pushed to actually say yes.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: Just two quick observations still on this chat, because I do not know if we will come back to it. This Imran is a businessman called Imran Butt, the same one you spoke about on the second day.

LT-GEN SIBIYA: Yes.

10 **ADV KHUMALO SC:** Yes. And he was coming to see you.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: So just like Mr Matlala, he is a businessman coming to see you.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: And another observation I make, if you look at the last chat, chat 7 on that page, it looks like Mr Imran was bearing gifts.

20 **LT-GEN SIBIYA:** Yes, and that is why I wanted to talk to it and I would hope that the Chair will allow me, because it gives a bad impression. As we speak, Imran is attacking me over, because I, he came with a gift in my office.

ADV KHUMALO SC: General, do not anticipate. You are going to get the opportunity. That is why I opened this up, because I sensed that you had something to say.

LT-GEN SIBIYA: Yes.

ADV KHUMALO SC: Remember, the Chair warned you not to anticipate. So allow us to finish, then you get your opportunity to answer. So the reason I am now raising this specifically because I got the sense that you want to address it.

LT-GEN SIBIYA: You are helping me, Commissioner.

ADV KHUMALO SC: Because we have to be fair to you.

LT-GEN SIBIYA: I want to cough out on this thing, and I feel like I am being forced to keep.

10 **ADV KHUMALO SC:** Now, this is the opportunity I am giving you, that is why I was opening that up to say he came bearing gifts. Now I am going to invite your response, but I am going to ask that it does not take five minutes. You answer ...[intervenes].

LT-GEN SIBIYA: It will not take two minutes.

ADV KHUMALO SC: Go ahead.

LT-GEN SIBIYA: All I am saying, Chair, and thanks for this. I did not, I forgot about this instance. I knew that he once came to my office. He was carrying a paper bag. He
20 wanted to see me badly and then I said, there is this man who wants to see me, bring him up. But I said, and let Brigadier Ramangwa be the one to interview him as to why does he want to see me. Then he says, no. He says, I am with Imran. He said he is comfortable to be interviewed by you, General, what must I do, or tell him you are busy till

late, he can come back tomorrow. So I did not even want him to come back tomorrow. I said, no, tell him that I am busy. You can even bring him to see that I am busy.

And then he came in the office, in the boardroom. He was carrying a paper bag and he said he wanted to see me. I said, no, I do not want to see you. I said, please take this guy out with his paper bag. Let him go. And then they took him out with his paper bag and that is when we say here you handled him well.

10 So I just want to say, because out there he is making a lot of TikTok's and everything that - how we got to fight with him is that he was always the complainant of the human trafficking. And then at some point we said, but this guy is a complainant and withdrawing case, human trafficking of people who are coming in. And we said, no, interrogate this one.

That is when me and him started fighting at that time. So now he is making a lot of allegations. But at least, Commissioner Baloyi, for this one, thank you very
20 much. It shows that I chased him away. Thank you very much.

ADV BALOYI SC: His surname is still Khumalo.

ADV KHUMALO SC: It is the second time you are doing that.

LT-GEN SIBIYA: [Indistinct]...

ADV BALOYI SC: I say his surname is still Khumalo.

LT-GEN SIBIYA: What did I say?

ADV BALOYI SC: Commissioner Baloyi.

ADV KHUMALO SC: And it is the second time.

CHAIRPERSON: Yesterday as well.

LT-GEN SIBIYA: I am confused, Chair. It is not easy sitting here.

ADV KHUMALO SC: But I am glad you now think we are fair and you can see that we are, because we have given
10 you the opportunity to address something which you regard as burning.

LT-GEN SIBIYA: Thank you very much.

ADV KHUMALO SC: And current.

LT-GEN SIBIYA: Thank you very much.

ADV KHUMALO SC: Thank you. Advocate?

ADV HASSIM SC: Thank you. General, the Commissioners took you far away from me and where I was with you.

CHAIRPERSON: Apologies, Ms Hassim.

20 **ADV HASSIM SC:** Which was on finance. So ...[intervenes].

LT-GEN SIBIYA: At least they gave me a break.

ADV HASSIM SC: They gave you a break?

LT-GEN SIBIYA: A break from this intense ...[incomplete].

ADV HASSIM SC: Well, I am glad you thought that was a

break. Let us get back to it. I was asking you about these businesses and you explained. And you explained that you know, the rooms for rent and the eggs, animal business. It sounds like a small business. It is cash. You get cash. What amount of income do you get from those businesses, and I do not expect you to be precise about this.

LT-GEN SIBIYA: Do I have to say it honestly?

ADV HASSIM SC: A rough amount per month, what do you earn from these?

10 **LT-GEN SIBIYA:** My first to respond on this one, I can give it to the Commissioners, because I do not know how the other people outside and what impact it can do to me and my career, my business outside.

CHAIRPERSON: Please write it down. It will be shown to the evidence leaders, your legal representatives and to us.

LT-GEN SIBIYA: Ja. What I must say, indicate, is that in anticipation of the fact that one day I will be on pension, when the police fired me the first time around I built up to 20 rooms at home. Remember, from where I come from at
20 Rustenburg it is a mining area. You can see the money as it comes in, but you can also see the spending. I built 20 rooms, because you have got many people that come, the labourer that are coming to work at the mines and then they rent. When the City of Johannesburg also fired me, not fired, when I resigned from the City to go back to the police,

I also make sure that when I get the large sum of money, I build some as well in another land that I bought.

CHAIRPERSON: In addition to the 20?

LT-GEN SIBIYA: In addition to that.

CHAIRPERSON: Is this also in Rustenburg?

LT-GEN SIBIYA: In Rustenburg, home. They are next to each other.

CHAIRPERSON: And how many are these? I am sorry, Ms Hassim ...[intervenes].

10 **LT-GEN SIBIYA:** How many is going to result into the amount. I will write the amount, Chair. But the bottom line is that each time I get a large sum of money, moments like this when the police turned against you, you know that at least you do not go hungry at home.

CHAIRPERSON: Yes. May I say this though. We are going to be shown this confidentially, but if down the line the questioning has to touch on this for whatever reason, you know maybe access to whatever financial issues, if there be, I do not know as I sit here, the evidence leaders
20 know best, it may well happen that it may be necessary to divulge.

LT-GEN SIBIYA: It is fine.

CHAIRPERSON: So I do not want you to say but I gave this to you confidentially, why am I suddenly divulging it.

LT-GEN SIBIYA: No, it is okay.

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: I do not have any other ...[intervenes].

CHAIRPERSON: Thank you.

LT-GEN SIBIYA: Ja, that I can say myself ...[indistinct].

CHAIRPERSON: Thank you. Thank you, General.
General, it looks like that is a lot of money.

LT-GEN SIBIYA: No.

ADV HASSIM SC: It just begs many more questions, I am
afraid, Chair. I will ask you to pass it to - maybe I could
10 just write my questions here. It is incomplete.

CHAIRPERSON: Let us just, let us all see it, so we do not
...[intervenes].

ADV HASSIM SC: Okay.

CHAIRPERSON: Oh, you want to write your questions
before you pass it on?

ADV HASSIM SC: I will do it after you have seen it, Chair.

CHAIRPERSON: I do not know what Ms Hassim's
questions are going to be, but here is an issue I want to
raise. When you first mentioned building, you said you built
20 20 rooms at home in Rustenburg. Now here, I do not see a
reference to 20, I see 16 and 15. Can you explain that?

LT-GEN SIBIYA: Ja, Chair.

CHAIRPERSON: Site 1, 16, site 2, 15.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: So I would have expected to see 20

somewhere.

LT-GEN SIBIYA: The only problem is that in one of the rooms, it became a double room, and then it is a ...[indistinct] for rental. Then it makes a double room. It is things like those, Chair. And then in some, you know, sometimes I will be thinking that it is 15, in the meantime I find that it is 18. But this is what I own them, I build them.

CHAIRPERSON: Ms Hassim, I hope your questions will not relate to the amounts.

10 **ADV HASSIM SC:** I think I can ask a question without referring to the amount.

CHAIRPERSON: All right, all right.

ADV HASSIM SC: You, Chair, have already referred to 16 and 15.

CHAIRPERSON: Yes, yes.

ADV HASSIM SC: And then, General, you said there is an amount for each of those rooms, that amount.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Is that a monthly amount?

20 **LT-GEN SIBIYA:** Monthly.

ADV HASSIM SC: A monthly amount. Okay, no, that helps. There is another entry below that, and it would help to get more detail, like how many of those, you referred to your wife. So it will help to just know how many and what the income is from that.

CHAIRPERSON: And the income, again, confidentially.

LT-GEN SIBIYA: I will ask, I am sure she is watching, she can WhatsApp me now, so that I can respond. She is watching wherever she is, I think, Chair.

CHAIRPERSON: You have made the request ...[indistinct] already.

ADV HASSIM SC: Thank you. So, I mean, I hear you want this to be treated confidentially. From my perspective, for now, only for now, that is okay. But you would have had to
10 disclose this, right?

LT-GEN SIBIYA: May I ask, Chair, it is disclosed with the police.

ADV HASSIM SC: Yes, okay.

LT-GEN SIBIYA: It is disclosed, it is there.

ADV HASSIM SC: Right.

LT-GEN SIBIYA: But what I want to just check, is this still
in the Commission's mandate in terms of us working with
the drug cartels, or is this something else in terms of the
lifestyle audit and whatever, so that I know in which field I
20 am now, because now, it is focusing on me and my lifestyle,
and in the meantime, I thought I was going to be asking
more questions about the drug cartel. I am bearing my
being here from the July 6 press briefing and then I thought
I was going to be asked about how I fit in into Katiso
Molefe, Mr Swart who was murdered and I wanted to know

what role did I play.

Now, the questioning is far from those things. It is just based on my communication with Nkosi, communication with that one, communication with this, my lifestyle. So it is just, I am just, I do not know whether I am still really on the same railway line or it is just broad.

ADV HASSIM SC: Let me explain. It is not far at all, because there have been allegations and evidence of witnesses that have come or that have presented evidence
10 here about payments to you. You know, allegations of links with cartels is not unrelated to money, frankly. So that is why I am asking you this. And the other chats that were put to you and the meetings and why Sergeant Nkosi is the go-between is because there have also been allegations that some of these individuals with whom meetings are set up, and I will give one example, Mr Msibi, the allegation was that he is the head of this cartel.

So these questions, maybe you do not realize, but they are completely related to the terms of reference of the
20 Commission. And I am glad ...[intervenes].

CHAIRPERSON: Ms Hassim said the cartel, it is the Big Five cartel. Of course, at this stage, as Ms Hassim correctly says, they are allegations at this stage. What we will make of them at the end will depend on the totality of the evidence that we will get. Sorry for that, Ms Hassim.

ADV HASSIM SC: Thanks, Chair. They are allegations and we are testing it.

CHAIRPERSON: Yes.

ADV HASSIM SC: And it is allegations that have been made, you know, amongst others against the witness and so we must test those with the witness, including the issue of payments of money and cash and so on. So that is where I am coming from with these questions.

CHAIRPERSON: Before you continue, Ms Hassim, do we
10 give this an exhibit number?

ADV HASSIM SC: Oh, yes, definitely. It would be CJC84.

CHAIRPERSON: Thank you. May the attorneys please make copies and stick these where they should be. Thank you.

ADV HASSIM SC: Okay.

CHAIRPERSON: Not now, not now.

ADV HASSIM SC: So to get back to that, so for example, you know, there is this, and again, I am not saying it is true or not, please accept where I am coming from, allegations
20 of large amounts, payment of cash. You have, like R300,000.00 was mentioned. You have said that you never received cash payment from Mr Matlala, right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Have you received cash payments from anybody else in that amount, in that kind of large amount,

the 300,000?

LT-GEN SIBIYA: I think so, in the bank.

ADV HASSIM SC: You think you have?

LT-GEN SIBIYA: In the bank, yes.

ADV HASSIM SC: When would that have been?

LT-GEN SIBIYA: It would have been from the businessman that bought my property, the one in Sandton.

ADV HASSIM SC: When? When was that?

LT-GEN SIBIYA: Either it is last year or a year before last,
10 but you will come across an amount of 300,000 that paid by
a businessman who is, by the way, he is a soccer boss. So
sometimes you find that he did not pay for occupation over
a period of time. And then the electricity, the rates and
taxes, and then he will deposit that money. It is there. It
can be seen. It can be noted.

ADV HASSIM SC: Okay. It says ...[intervenes].

LT-GEN SIBIYA: Because I am mentioning it so as to, I
will be saying, was it the first amount that you received, the
only amount, only to find out later, then you say, but what
20 about this. Then the Commissioner say but do you see, it is
another contradiction. You said this and that.

ADV HASSIM SC: Well, okay, so this is the, you said this
was the one payment. So you are saying there may be
other payments in these large amounts?

LT-GEN SIBIYA: If there is, they can surely be explained.

I can promise you where I am sitting, I have never received any amount of money that I cannot explain into my bank account.

ADV HASSIM SC: Okay. So there would be, you are saying there could be other big amounts like this?

LT-GEN SIBIYA: Ja, and straightforward.

ADV HASSIM SC: Okay.

ADV BALOYI SC: But it is also your evidence that you have received amounts in, given, not into your bank
10 account.

LT-GEN SIBIYA: In cash.

ADV BALOYI SC: Cash given to you in the hand.

LT-GEN SIBIYA: No.

ADV BALOYI SC: Well, we spoke about the egg business and these rentals of rooms.

LT-GEN SIBIYA: Oh, in that regard, yes.

ADV BALOYI SC: So at least we have got two examples of you having received cash in hand.

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** Have you ever been subjected to a lifestyle audit?

LT-GEN SIBIYA: Many times. I can bring one tomorrow where they went through everything and they came to nothing. That is when they were investigating me for my, when they were investigating me for my, that time when I

was being charged for the Porsche or the X6 and the house and everything. So they went, I will bring the whole file. They did it upside down.

And then the second time around, obviously, is when I was applying for security clearance, top clearance certificates. You complete your form and you see everything that you own. They went and they investigated everything they have to investigate. So the lifestyle, even now, they can still continue. I am not worried about the
10 lifestyle audit.

ADV HASSIM SC: Okay. Thank you for offering to provide it to us. If you could, that would be helpful. Thank you. So you do not, I mean, from what it sounds like, from what you are telling us, you do not have a financial problem. I mean, I know you have complained about how your salary has gone very much down at the SAPS, but you really do not have financial problems.

LT-GEN SIBIYA: No one can say they do not have a financial problem. I am sure even the Chair will have at
20 some point.

CHAIRPERSON: As they say, General, speak for yourself.

LT-GEN SIBIYA: What I am saying, Chair, it is on a lighter note, Chair, on a lighter note. But what I want to say is that at this present moment where I am sitting, having been subjected to a lot of processes running simultaneously,

Madlanga, *Ad Hoc*, disciplinary, criminal, it is a lot of things. So I find myself running to different lawyers, different people to assist me. They have been here, my legal team, for the whole week and it is on my shoulders and the police refuse to assist me. Now, I cannot look like someone who says I do not have a financial problem. I am in a financial crisis.

ADV HASSIM SC: Okay, that is fair enough. You know, one other reason why this is relevant is there is, there have
10 been claims that you have, in fact, maybe what we should do is just play the video clip. I believe, General, it was sent to you, a video clip of an, I think an ENCA interview? An ENCA interview with Mr Stuart Sharnick.

LT-GEN SIBIYA: Ja.

ADV HASSIM SC: In which he talks about a rental agreement with you, a lease, sort of a lease agreement. But if I could just show that to the Commissioners, and then you can respond to it, please. We are not going to play that entire interview. We will just go to the segment that is
20 relevant. And maybe if you just start a few seconds before, so there is ...[incomplete].

VIDEO CLIP PLAYED

“Mr Scharnick: We would have applied,
and if it was rejected, that is the end of
the case.

Mr Abramjee: Let me make 100% sure I understand what you are saying, Stuart. You offered General Sibiya your vehicle, correct?

Mr Scharnick: At a cost, yes.

Mr Abramjee: At a cost. How much was ...[indistinct].

10 Mr Scharnick: So we were working on an average of about 60K, 70K per month to utilize the bulletproof vehicle. You must remember the bakkie that you saw is a B6 bulletproof vehicle.

Mr Abramjee: And General Sibiya is paying you that fee?

Mr Scharnick: That is what he has to pay in terms of what we had signed.

Mr Abramjee: And how were the payments made, was it in cash, was it EFT?

20 Mr Scharnick: So currently we have not finished more than a month with the vehicle, but it should be via EFT.

Mr Abramjee: And is he paying you for your services?

Mr Scharnick: I have no services,

Yusuf. You are asking me the same question, and I have explained I am not a security guard. I do not have PSIRA registration. I was not in the convoys. I was not a security person when ...[end of clip].”

ADV HASSIM SC: I think that is the relevant part, Chair. So what Mr, is it Mr Scharnick?

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** Is saying, is that he had an agreement with you that you would pay 60 or 70 thousand rand a month for the use of the vehicle. Now, that vehicle, I believe, is the white Toyota that was shown here last year.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: That prompted him to go and give this interview.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So, first of all, is that correct, that you pay 60 to 70 thousand rand a month for the use of the
20 vehicle?

LT-GEN SIBIYA: The agreement that this is what I will pay.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, so that was, I think, in November

2025. So have you been making payments since then?

LT-GEN SIBIYA: Not yet.

ADV HASSIM SC: You have not yet?

LT-GEN SIBIYA: Not yet and not, yes, not yet.

ADV HASSIM SC: Okay, and why is that? It is not really an agreement. It is just a loan.

CHAIRPERSON: Are you using the vehicle?

LT-GEN SIBIYA: No, it is ...[incomplete].

CHAIRPERSON: Did you ever use the vehicle?

10 **LT-GEN SIBIYA**: I did use the vehicle.

CHAIRPERSON: For how long?

LT-GEN SIBIYA: Almost, I think, I do not know whether it is two months or three months, but I did use it.

CHAIRPERSON: Please continue, Ms Hassim.

ADV HASSIM SC: Okay. So you do not use the vehicle, so that is why you have not made any payment. Is that right?

20 **LT-GEN SIBIYA**: No, no, not because that is why I have not made payment. It is just simply because of the fact that I am not in a good financial position at this present moment. My focus is in making sure that I keep the legal teams. There are those, some who have already withdrawn from assisting because of legal. So anybody who I owe money and then I try to make sure that I keep them also, I keep them here and there. I rob this one to pay this one. I must

leave this one and go and pay the one for disciplinary. And then as I am doing for discipline, this one says, I did not sleep the whole weekend working on your paper.

I also have bills to pay. So this is how I live my life. But I also want to say even before Mr Scharnick's one I was using the one that was rented to me for almost a month and then I still owe them. It was a bulletproof. It was a Fortuner. And then when they took it because I could not pay, I was left vulnerable.

10 And then when I approached Mr Stuart Scharnick to say that at this present moment, I am engaged in a very serious fight and my life is in danger and can we sign, can we agree to sign on a piece of paper that this is how much you will want and maybe I will pay and when I get money. So I did not actually say when I get money, I will say I will pay, but it has not been easy to pay because of the fact that I just get my salary and all the lawyers want their money and I am struggling at this present moment.

ADV HASSIM SC: Okay. You said prior to that you were
20 renting another bulletproof vehicle.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And what was the rental on that?

LT-GEN SIBIYA: What was it?

ADV HASSIM SC: What was the rental?

LT-GEN SIBIYA: It was a security company initially that

said they will send their bill. I do not have their bill yet because I said to them, I know I owe you, I am still facing this thing, let me face this fire, I will still revert back to you.

ADV HASSIM SC: So you have not paid that company?

LT-GEN SIBIYA: I have not.

ADV HASSIM SC: Which company is it?

LT-GEN SIBIYA: It is a person who was actually recommended by my lawyer at that time because at some point as the helicopters were hovering over my house and
10 then cars of Intelligence parked all over the site, my kids, everybody were afraid and they were saying, do not go home. And then my lawyer was saying, I have got a brother that I can ask for you to go and sleep at my place. But I said to them, I am not going to leave my family alone and then run away. They rather kill me in my house. Then I did not go.

But at least they said, okay, let us see what we can do. That is when they gave me that car to say, okay, in the meantime, let us keep you at this one. I have driven that
20 car for quite some time. I think the record is there. And then they also came, brought me some security at the wrong time. There were some break-ins where they cut a fence, tried to come in.

There were some instances where life-threatening instances were happening. But lucky enough, the security

that I had at that point in time was able to reinforce in such a way that I ended up surviving up until I got the one of Mr Scharnick. So the one of Mr Scharnick I kept. Even when they attacked me for using that and the Commissioners ...[indistinct] General Sibiya security, at that time I did not have, but they provided.

But when they provided, they provided the ones, they gave me six static and transit. But then the problem is that they brought me. Then I get a call that says, no, no, 10 they brought you the ones that must actually come and surveil you. Whoever comes in, they write a registration number. They check these people and then the others, they follow them. What is your relationship with this person? Why were you going there? And then I ended up, you know, one of them, in fact, came to see me and said to me, General, they gave you their own people. This one is so-and-so's bodyguard. This one is so-and-so's bodyguard. Then I had to release them and say, I cannot trust you guys.

20 That is when they allowed me to say, can I call people that at least I can trust? Then that is when I asked for the team that I sent to the borders of Mozambique to go and fight organized crime there, I asked. They then sent me two people that I have currently. But I could not, even when that car was supposedly saying it is controversial, I

still held onto it. For as long as I still wanted to be alive, I kept holding on to it, Chair, but I have not, I am not using it anymore.

ADV HASSIM SC: So you approached Mr Scharnick. You knew him already?

LT-GEN SIBIYA: Yes, I knew him.

CHAIRPERSON: Just before Mr Scharnick. So the first one, you were given without an amount being fixed for it, the Fortuner?

10 **LT-GEN SIBIYA:** They were saying, this car is R5,000 a day but under these circumstances, we understand what you are sitting with and the lawyer said, I will speak to them to see how best we can come up with a deal. For now, let us focus on your case. And then I closed my eyes to just focus on traveling between my home and the lawyers, my home and the lawyers to have that car and then from there it goes. It was not really full time and all day long there.

CHAIRPERSON: Oh, thank you. You answered me, General. Yes, Ms Hassim.

20 **ADV HASSIM SC:** General, you said you approached Mr Scharnick, so you knew Mr Scharnick already?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. I must put this to you because it has been, one, because there were allegations made in this Commission and because it is been circulating. It is known

that Mr Scharnick has a criminal record, right?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And the question is, for me, how it is that you come to associate with somebody with a criminal record and it is not just a single instance, but there were multiple instances, as we saw. And I just like you to explain that as somebody in your position, because, and I am certainly not saying that someone with a criminal conviction should not have any friends thereafter. But it is
10 very different when it is a top cop in the country. So that is why I am asking you the question.

LT-GEN SIBIYA: Number one, I did not know at that stage that Mr Scharnick could have been or might have been in conflict with the law. It does not always happen that when you meet a person, you have to vet a person. And the circumstances under which I met Mr Scharnick, he was coming to complain at the office about the murders that are taking place and organized crime that is taking place in KZN. I then called General Kumalo, the Divisional
20 Commissioner of Crime Intelligence. I said, here is this man, he is from KZN, listen to him, go with him. They left my office, the two of them, Intelligence and Mr Scarnick.

Now, Intelligence was supposed to say to me, we know this guy. Or they were supposed to, because

everybody gets vetted from Intelligence. They went there. They did not agree there. And then the next semester, Scharnick also left, because apparently, instead of helping him, they said they wanted more information about me from him.

So he came to my office. I called General Khumalo to my office and say, here is this man with information, go with him. He left with him.

ADV BALOYI SC: When was this, General?

10 **LT-GEN SIBIYA:** Oh, you know, Chair, when you ask me about the date, I forgot even the day when I got married, Chair. So I really ...[intervenes].

ADV BALOYI SC: Two years, three years, four years, five years ago?

LT-GEN SIBIYA: I will say five years, four years.

ADV BALOYI SC: That he came to you for the first time?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay.

20 **LT-GEN SIBIYA:** So in between, we lost touch. We lost touch in between, so up until now, when we saw him again. But of importance is that when he came to me the first time, I called the relevant person, the most relevant person who could have been the one to firstly vet him, check on him. The purpose of Intelligence is not only to gather, collect, collate and it is also to support.

They are the ones who must also be able to support the top management and the leadership of the police and say, we can see you are interacting with this person, but please do know, be aware that this person, we are watching him, or this person is involved in 1, 2, 3, 4, so that I know and I am pre-warned. If I continue, then I am in trouble. But now, if I do not know, Crime Intelligence cannot really hold it against me or anyone if they failed to advise themselves.

10 So now, I did not know that Mr Scharnick has been in conflict with the law previously and to me, at that point in time, it was not even a priority.

ADV BALOYI SC: Can I just ask you, you said, in answer to my question, you said about five, we settled on five years. You said about five years, maybe. But then you then said we lost touch until now. Maybe there is something that is missing there.

20 So, he comes to the office and he raises this concern with you. You refer him, you call, General Khumalo comes to your office. That is five years is about 20 ...[intervenes].

LT-GEN SIBIYA: May I apologize, Chair. Five years, General Kumalo was not the Head of Intelligence for five years. He was not the Head of Intelligence for five years, and I was not a DNC for five years. So, it is between 2023

after the 1st of July, because it is in between that period. So, I am changing the five years thing because I remember, I mean, if I was the one who was able to call General Khumalo to my office, which means I was already a DNC. So, it is between that time.

ADV BALOYI SC: That would be after July 2023.

LT-GEN SIBIYA: That is correct.

ADV BALOYI SC: Because you became DNC in July 2023.

LT-GEN SIBIYA: That is correct.

10 **ADV BALOYI SC:** Yes. But then you say that we then lost touch until recently. So, there is something missing in your answer. You, he came to your office, laid a complaint. What happens after that in your relationship that makes you say we then lost touch until recently? How does the relationship develop? At which point do you now keep in contact with this person who came to your office as a complainant?

LT-GEN SIBIYA: The information that he was giving was of a sensitive nature and too complex in such a way that I
20 did not want to give it to any investigator on the ground. I wanted it to be handled from Counterintelligence approach or from Intelligence approach. That is why I called General Khumalo to my office and the two of them sat in front of me and I introduced Stuart to General Khumalo. I did not know they know each other. They are all from KZN. So, I

introduced this one to this one and then I asked him and said, please listen to him and they left together from my office.

So, I did what I was supposed to do and I take it that if there is anybody who was supposed or who ought to have really brought light or vetted Mr Scharnick, it would have been General Khumalo.

ADV BALOYI SC: Yes. General, you are not answering my question. My question was, you met him after July
10 2023. We have said that. And my question was, then what happens? How does your relationship develop after that? At which point do you have a relationship with him? And I say relationship because you said we lost touch with each other after that first meeting. We lost touch with each other until recently. So, I am trying to understand, beyond him being a complainant that first time you met him, what happens that in your evolving, does the relationship evolve, when, into what?

LT-GEN SIBIYA: We did not have a relationship at all. He
20 left with General Khumalo. It was the first time, he was introduced to me, in fact, by Robert McBride, and said, so and so and so will come see you, he has got information that can assist you in KZN. Then he came. Then coming to see me, we spoke. I then called General Khumalo. Then we lost touch. Now, when we got to meet, now it was when

I was hitting the storm. And as he saw it happening, he says, he approached, actually, he called, in fact, the first time and said to me, General, I know these guys, they might kill you.

ADV BALOYI SC: Ja, I am more interested in the timeline, General, because at some point you get into this transaction with him, where he lends you his vehicle or he leases it to you for this huge amount of money because he is concerned. He gets concerned. You approach him. You
10 get – you were concerned. You approach him, and he helps you out. We know that somewhere in October, November, according to what you are saying and what he is saying, because he is on TV in November, and he says it is about a month. So on his version, you would have had this vehicle in about October 2024. 2025. 2025, let me correct myself.

But you first met him in 2023 at some point after July. So I want to understand, between the time that he gives you this vehicle for rental and when you first met him, what happens with your relationship in that period? Did you
20 become friends? From which point did you become acquaintances? Or you had nothing to do with each other until when you now ask for a vehicle from him?

LT-GEN SIBIYA: We had nothing to do, absolutely nothing to do with each other. We never contacted each other. We never met. We never even visited each other. Even when

we can check, you can check my phones, there was no point where we called each other.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: I never hid my relationship with or my communication with him, because to me, at a point now where it was now about the survival of me, my life, I had nothing to really hide.

ADV BALOYI SC: So when, as things are happening, we now know we are in 2024. We have moved to 2024, we are
10 talking about 2025. When in 2024, 2025, does he, do you resume now the contact? And this would be for the second time, according to you, because you first met him as a complainant and then as an information sharer. And then you went your separate ways. So what I am asking you is at which point, and I would like you to be specific, it is 2024, 2025, and about when in any of these two years do you next have a connection with him?

LT-GEN SIBIYA: After my suspension, I think I was still using the security, the private security car for a month. And
20 thereafter, it was that one now of Mr Scharnick. So how it happened is that there came, there was a group of four guys that came that we heard that they are in Johannesburg. These are the ...[indistinct] from KZN. And pictures were also sent to me. They came to kill someone, or, but at the same time it was local. There were photos as

they were leaving a restaurant.

Those things were sent to me by a member of the South African Police Service, who was also running away from them, from KZM, but they came for him here. And then they said, hey, do not only think that they are here for me, they could also be here for you. But it was the policeman, I have his name. And then as a result, I knew that anything can happen, even to me. So we, I received a call from him that says, hello, General, I need to meet with you, because

10 ...[intervenes].

ADV BALOYI SC: This is after your suspension?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay, so what period are we talking about here and this is ...[intervenes].

LT-GEN SIBIYA: I was suspended, I think, late July.

ADV BALOYI SC: 2024?

LT-GEN SIBIYA: 2024.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: No, 2025.

20 **ADV BALOYI SC:** 2025.

LT-GEN SIBIYA: 2025.

ADV BALOYI SC: So you first met him in, after your appointment as DNC, and the next time you have an interaction with him is in 2025, when he calls you.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: All right, and then, so that is the second time you have an interaction with him.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: All right. And is it in that interaction with him, he called you, I would like to see you, is it in that interaction that you then get to discuss the vehicle, him lending you or leasing to you his motor vehicle?

LT-GEN SIBIYA: No. Yes, but I am not at this point in time able to say exactly when the security pulled out their
10 vehicle because they were losing more money because the car is with me, so they started pulling it out actually. That is when we discussed this one with Mr Scharnick, to say, can you borrow me, because he made it available from initially. Now, and he told me ...[intervenes].

ADV BALOYI SC: I guess what I am seeking to clarify, General, is it when you meet him or when you speak to him the second time, remember your evidence is the first time you spoke to him is when he came to you to tell you about what is going on in KZN, and then you did not have anything
20 to do with him, that is your evidence. The next time you had anything to do with him is after your suspension, and he reached out to you. So all I am trying to clarify with you is, is it in this second time that he reaches out to you that you then discuss the vehicle?

LT-GEN SIBIYA: In his second time.

ADV BALOYI SC: Okay. And did the vehicle, was the vehicle made to you, available rather, to you, immediately or shortly after the second meeting? And I am trying to see whether we can put a time period to it.

LT-GEN SIBIYA: It took quite some time because initially I was trying to say to him, borrow me the car, and then he said to me, General, this is an expensive car, and then even the insurance, even this and this and this, and then this is the car that he is using. I then offered to borrow him my
10 car. I gave him my one, and then I took his. Of course, his is more expensive. I was going to have to pay it.

ADV BALOYI SC: And he would use yours for free?

LT-GEN SIBIYA: Me, I did not mind.

ADV BALOYI SC: No, no, no. Ja, I am not yet at the point whether you mind or not. I am just checking what was the arrangement. The arrangement was, he gives you his motor vehicle, you will pay rent, as he says, on TV, and then you, in exchange, you give him your vehicle to use, but he uses it at no cost.

20 **LT-GEN SIBIYA:** Yes, but it was not in exchange. He gave it to me, and he said to me, this is how we can maybe do it. Now, only to find that he was using his girlfriend's car all the time. He was struggling himself, but sacrificing the car for me. And then I realized that this man, he sacrificed his car, because he said to me, you need it more.

And then I said ...[intervenes].

ADV BALOYI SC: And that is why you gave him your vehicle.

LT-GEN SIBIYA: Yes, I said, no, keep this one.

ADV BALOYI SC: Okay, all right. And that would have been, so when he gave you his vehicle, we know you met him after your suspension, so we have a date of, or the earliest would have been immediately after your suspension, in 2025, and it is the second half of 2025. And
10 according to him, on that interview, the interview is in November, and then he says you have already had the car for a month, so you would have had it, say, September, October, if he is correct in November, that you have had it for about a month now. So that would be September, October.

LT-GEN SIBIYA: Ja, I think I had it for two, three months, I am not sure.

ADV BALOYI SC: Before November 2025.

LT-GEN SIBIYA: It could be November, December, and
20 January.

ADV BALOYI SC: Ja, okay.

LT-GEN SIBIYA: But January, I think he had already taken it, because remember, I am not able to pay as well.

ADV BALOYI SC: Ja. Okay, so in November, when he says you have had, the arrangement, rather, is about a

month now, that is all I am saying to you, that if he is correct, that as of the date of his interview, the arrangement that you have with him is about a month old or so, that would mean you took the vehicle in about October, maybe late September, but maybe more, actually, October, because he says it is a month. That is what I am checking, the timeline.

LT-GEN SIBIYA: I am asking not to commit to the timelines. I do admit and accept that I did use it. When the
10 security pulled out, I took this one. In terms of the timeline, Commissioners, you may actually find yourself having to say to me, you see now, General, you lied here, or you did not, you are not being truthful here. I do not know the timelines, really, that I can say, unless it is something that I have to confirm, so that I then give the exact date.

ADV BALOYI SC: Okay, no, that is fair. I am happy to leave it at this point at that. Thank you. Ms Hassim?

ADV HASSIM SC: Just a question about, you said that Mr Scharnick came to you in about July, said he wanted to
20 meet you. What did he want to meet you about?

LT-GEN SIBIYA: When he came to see me the first time?

ADV HASSIM SC: No. No, you have explained that, and then you said there was a gap, and then you said in July 2025, Mr Scharnick contacted you.

LT-GEN SIBIYA: No, he came and, ja, he contacted me

and say, General, I can see you are now going through the heat.

ADV HASSIM SC: Okay, so he contacted you specifically to say, to talk about what was going on in your life.

LT-GEN SIBIYA: Yes, because it was all over.

ADV HASSIM SC: I see, okay. And then your answer to, you said you did not know at the time when you first met him, and that he had a criminal record.

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** So when did you come to know?

LT-GEN SIBIYA: After, when we came back from Parliament, when General Khumalo made, when he was testifying, and he showed a list, a whole list of records. And then that is the very first time we all got to know. But he also then went and said, but this is not true, and he provided the true reflection. But for me, whether it was a whole list, or he went and fixed it, it is neither here nor there. The only problem that I wanted to just explain to me was that it was irrelevant for me. Whether he has a
20 criminal record, or he does not, the fire that I am facing for my life, and this man comes and say, here is my car, you can use it.

We are at war now and I need this car, Commissioner, and this is what I did. And I must say, pull out Imran's bat, and then you see how Imran's bat looks,

and you see the Commissioners that are with him. So I am just saying, it is normal. You do not investigate a person criminally when you meet him the first time. I do not know if Commissioner Khumalo will meet me and then, before we begin to like acquaint myself, then he will vet me. It is not how life works.

ADV KHUMALO SC: Your problem, General, is you assume that we have already arrived at certain conclusions. We are far from that. We are at a stage where allegations
10 have been made, and they are being tested. And questions that are being asked, their purpose is to test those allegations, not to say they are true. We are at the stage where they are still being tested. So I think if you understand that, then you will be able to answer questions freely. Just assume that we are there.

LT-GEN SIBIYA: The heat is on here, Chair. I understand. I will hold on. I understand that part.

ADV HASSIM SC: Okay, in any event, you have answered that it did not matter to you that he had a criminal record,
20 because you needed help, and he was willing to help, and you wanted to take that help.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: So it did not matter, you said it is irrelevant.

LT-GEN SIBIYA: I did not know, but having learned, I say

to me, it really did not matter.

ADV HASSIM SC: Okay, thank you. Now, in the course of answering that, you spoke about being at war, which takes me to the next topic that I want to go to. Who are you at war with?

CHAIRPERSON: May I just deal with the question of the lease of the Hilux?

ADV HASSIM SC: Oh, apologies, Commissioner.

CHAIRPERSON: No problem at all. No problem at all.
10 General, you say you used the bulletproof Toyota Hilux for two or three months and you say there is a written agreement in terms of which the car was hired out to you. You do say that you did not pay for it because you are in financial difficulties. But what I want to find out from you is when you signed the agreement to pay R60,000.00 to R70,000.00 for the vehicle, for the bakkie, you seriously intended to pay, not so?

LT-GEN SIBIYA: I seriously intended to pay, but he understood that I will pay when I am in a position to, not
20 immediately, per month, because per month, I was not able to.

CHAIRPERSON: All right. No, I just wanted to understand that you concluded that agreement seriously, seriously intending to pay.

ADV BALOYI SC: So, General, if that was the agreement,

why would he take his vehicle on the basis that you are unable to pay? I may have misunderstood you, but I think I heard you to say you had the vehicle for a period, but he took it back, or you gave it back because you could not afford it. In fact, you said he took it back because you were not paying, you could not afford to. But if the arrangement is what you have just described to the Chair, why would he take it back on that basis that you are not paying?

LT-GEN SIBIYA: The fact that no money is coming
10 through, number one. Number two, it had a, the other rim cracked, and now it was using, we put a spare wheel of a smaller rim. Now the car was like, now I had no money to even buy a new rim for the vehicle and then each time we meet, and he says to me, General, you are going to damage this car because now it is heavy, and it is unbalanced, and it is cracking there, he was talking about it, then he said to me, I am taking it, I am going to fix it. And then he took it, and then it never came back. But I also realized that I understand if he is not bringing it back, and I told myself I
20 am not going to ask him about it and I did not.

ADV BALOYI SC: Have any payments at all been made on this agreement that you had?

LT-GEN SIBIYA: No ...[intervenues].

ADV BALOYI SC: At all.

LT-GEN SIBIYA: No, no, no, no. I have not made any

payments, but when I, let us say for instance, I found myself in possession of, let us say, R10,000.00, and sometimes I will give him R5,000.00.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: And then I would not say it is towards the payment of the car, it is just to try and show him that I try.

ADV BALOYI SC: And this agreement was in writing?

LT-GEN SIBIYA: This agreement, if I remember very well, it was in writing, if I remember very well. I may not know
10 where it is now.

ADV BALOYI SC: Thank you. [Indistinct]...

LT-GEN SIBIYA: It is in writing.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Thank you. So, General, I was asking you about what you have characterized as being at war, just to understand who you are at war with, to start.

LT-GEN SIBIYA: I am at war with the system.

ADV HASSIM SC: Sorry, say that again?

LT-GEN SIBIYA: I am at war with the system. I find
20 myself, I find myself, I was working, all was normal. I was going to work every day and having done nothing wrong. All of a sudden one day, boom, there is a press conference, my name is mentioned and then I am, my name is mentioned also in allegations that do not need me and the next thing, I am suspended and now the stress, the stress

also against me, so I find myself in that situation. To me, and when we say we are at war, as we speak, I am at war fighting for my career now. I describe it that way. Even sitting here, it is war.

CHAIRPERSON: No, please, I see it is 2 minutes to 6. Are you, oh, you are still continuing with a new point.

ADV HASSIM SC: Yes, Chair, I am going to continue with the new point.

CHAIRPERSON: Yes. Just a minute. Please, are we
10 waiting for an answer?

ADV HASSIM SC: No, the General answered in his way.

CHAIRPERSON: All right. Perhaps, let us adjourn until 10
past 6.

ADV HASSIM SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Hassim.

ADV HASSIM SC: Thanks, Chair. The question I had
20 asked the witness was who he at war with and he is says he
is at war with the system and then he gave a long answer
about the war that he is waging with the system. Now, the
reason I asked you that question, General, is because you
said you are at war, but it is also apparent to, I think,
anyone who is watching the Commission and the Ad Hoc
Committee that there appears to be a war or serious conflict

within the top management of the SAPS. Would I be right to say that? That there are factions, let me use the word that others use, that there are factions.

CHAIRPERSON: Your mic, General, your mics.

LT-GEN SIBIYA: What I like is the fact that you also could avoid the word war before she goes to faction and the other one. We are at war. There are factions, I do agree. There are conflicts in the police that led to a situation where we are. This is what is unfortunately going on.

10 **ADV HASSIM SC:** And it also is clear from your evidence and some of your answers over the past days that there is hostility that you have towards Lt-Gen Mkhwanazi.

LT-GEN SIBIYA: There was no hostility. There was no hostility because even when he made the press briefing or before the press briefing, just to give one example, I am not going to be long, Commissioner. You remember when he made a statement that says the minister called for a meeting in an attempt to broker peace between myself and him.

20 In fact, it was him who asked for a meeting, but in that meeting he says in his press briefing, he said, Minister, there can never be peace between a policeman and a criminal. But when you look at a week or two thereafter, he invites me in writing to the Police Excellence Awards and Police Day. He invited me and then we were communicating

also. So, there was no real conflict.

I tried several times to make a relationship work, to build a relationship. I even sent Brigadier Sergeant Nkosi to KZN, to go sit down with General Mkhwanazi and say, the General wants to know why we are fighting because personally I am left with two years to go home and I do not want to spend the remaining years of my life fighting. So, I sent him and why I sent him is because of that close relationship, their back has both of them as well, with
10 General Mkhwanazi. So please go down there and try to say, but I am not fighting, we are not fighting, can we fix? So, I tried even myself.

ADV HASSIM SC: Okay, so now let me go back to the record of chats that we have to open this up further with you. So, it is still those files 7, 8 and 9. Can you go to file 7 at page 336?

LT-GEN SIBIYA: Page 336.

ADV HASSIM SC: Yes, page 336. So here Sergeant Nkosi, if you look at chat number 3 all the way to chat
20 number 1 on the next page, do you see that Sergeant Nkosi is sharing some clips with you? Some audio video clips?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, so let us just, this is now, let me say 10 April 2024. Okay, so let us just go to that first clip.

LT-GEN SIBIYA: Page?

ADV HASSIM SC: Yes, it is going to have to be played because they are audio and video files. So, this is a TikTok video.

[AUDIO CLIP PLAYED BACK]

Were you able to hear that?

CHAIRPERSON: I did not

ADV HASSIM SC: Are there a way to get the volume up?

[AUDIO CLIP PLAYED BACK]

10 “Okay, which day are we talking about?
Because the number of days - during the
day you say there were barricades.
Chair, the barricades stood in Phoenix
for a couple of days, they were not there
in one day. Do you know when were they
erected? I do not know. What do you
know? I know that I am General
Mkhwanazi and I am a police officer.”

Okay, were you able to hear that, Chair? Were you able to hear that General?

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

ADV HASSIM SC: You have seen this before, this clip?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Yes, why was Sergeant ...[intervenes]

ADV BALOYI SC: Perhaps Ms Hassim, if we could be told what it is because we have heard it differently, it is not

similarly audible to everybody. So maybe someone can say what it is.

CHAIRPERSON: Is there not a transcript?

ADV HASSIM SC: There is not a transcript, Chair. It was audible when I heard it, when I listened to it myself at home. What I can say is it is the South African Human Rights Commission hearings into the July unrest. That is where General Mkhwanazi is speaking, and he speaks about the barricades, whether there were barricades.

10 **ADV BALOYI SC:** It is in July 2021.

ADV HASSIM SC: Yes, yes, and so the question is about whether there were barricades or there were not barricades. He seems to be denying that the barricades arrived, and it ends with, what do you know? And he says, I know I am Lt-Gen Mkhwanazi and I am a cop. A police officer. Yes, so, that is basically what is the content of the clip. Now, what I would like to know from you, General, is why did Sergeant Nkosi share this with you and what was the interest in this clip?

20 **LT-GEN SIBIYA:** Maybe something that he came across TikTok and said, listen to this.

ADV HASSIM SC: What did you make of it?

LT-GEN SIBIYA: Well, I was listening to the way he is responding to the Commissioner of Human Rights when he was asking a question. What do you know about this? And

then he said, I do not know. And then they ask him a question. What do you know? Then he says, I know that I am General Mkhwanazi and that I am a police officer. So that is what I know. So now as to why he sent it to me at that time, in this frame of mind where I am now, after so many months, I am not able to really know the mood and the space we were at, at that point in time.

ADV HASSIM SC: Okay, can we go to the next clip, please? So that is not a, there is nothing spoken there, but
10 it is just a clip which says that General Mkhwanazi reports to Minister Cele and has some qualifications. What was the purpose of sharing that with you?

LT-GEN SIBIYA: You see, I quite honestly do not know. And because I do not have my devices, I am also in a position, not in a position to accept or deny where I am sitting. I do not know. But to me, it is an irrelevant thing for me.

ADV HASSIM SC: And I am not sure what you mean by, for you, it is irrelevant. So, what I am showing you here is
20 a series of clips that are shared, that Sergeant Nkosi shares with you that specifically concern Lt-Gen Mkhwanazi. And that is in April 2024, 10 April 2024. Maybe we could just play the remainder and then you can respond to all-in-one go.

[AUDIO CLIP PLAYED BACK]

“The essence of me, you need to get me the name of the person I am talking about. Mkhwanazi, Mkhwanazi, yes, Mkhwanazi. It must be the Commissioner of police, that guy, or anyone similar to that guy. I told the ETL when we are in that place where the whites were trying to destroy a police station. Senekal. Senekal, where it was me and Mkhwanazi came. I said to them, this is the guy who must be a police Commissioner. All these things you are offering to us all the time, you are driven by corruption. And not to protect the streets. I must say on record, one of the things that I requested the Minister to cease from doing, because a day before coming here, she was on television and telling South Africans that over 800 SANDF members were already deployed. And I warned the Minister, you do not go public and tell lies, and say these numbers are deployed because they are not. Did you say that in those words? Exactly, in that closed meeting. That is the only one thing I can

say. Please say it again on record. No, I said, Minister, you cannot go in front of television and communicate things that are not happening on the ground. It is a lie that there are 800 soldiers here. They are not. What was her response? Well, she did not respond, she kept quiet. Just was a telephone discussion between you and the minister. That was a very bad communication in that closed meeting that she said, I started telling them about things that had nothing to do with an operation. Which was accusing me on what she appeared here. Criminals, they live amongst us. You will have this youngster from this house who drives expensive cars. He wears expensive clothes, but he is unemployed. So, the word is going to go around that, no, this one is getting his money from criminal activities and the like. So, a police station, station commander must know about that person. So, once you know about that person, then we employ what we call man marking. So, we start

following that individual. Just to be interested to know, how does he make a living? So it is that that leads us in arresting those criminals. It leads us into confrontation with them. Because we make it our business to get to know who is a troublemaker. So that is by so doing, we prevent. Obviously, when we get to know that these are the people, we go into a mode of getting them arrested so that you can remove them from society. But in the process of us trying to arrest them, as you asked earlier, they start fighting. And it is the fight that we end up winning with.”

I think that was the last one, Chair. That was the last one, General. So those are a series of video clips that involve Lt-Gen Mkhwanazi that Sergeant Nkosi shared with you. Why would he think you are interested in seeing the series of video clips of Lt-Gen Mkhwanazi? And they are not all about one issue. It is different issues from different points in time. So, it has been harvested from the internet, obviously.

LT-GEN SIBIYA: Well, in some instances, I would say it is extrajudicial killings where you find that there is a scene

and then it will be like, yet another murder committed by the police or another subject killed by the police in KZN. And all these videos that have been shown, they have got good or bad, or good and bad, in the sense that when I say good and bad, bad in the sense that you see the extrajudicial killings or the way that a person has been killed. But also, where you hear, you see, as human beings, we must respect authority. You cannot go on national TV and then tell the nation and say, Minister, I told the Minister that,
10 minister, you do not go out there and lie. There must be a more decent way of being able to put something like that.

ADV BALOYI SC: General, let me just ask maybe to try and get you back to the question. You have already said it is a mix of good and bad. And the extrajudicial killing that you referred to is not apparent from the videos, at least from the one video we saw, police vehicles. We see, I think, the forensic pathology vehicles. But when you say extrajudicial, you are speaking to something that you know, or that a conversation that is not before us.

20 And maybe that is really the nub of the question that you must have been discussing General Mkhwanazi with Sergeant Nkosi for him. And maybe not just General Mkhwanazi, but in this case, because we are looking at video clips that were sent to you and all of them about General Mkhwanazi. So, it would seem there would have

been some discussions between you and Sergeant Nkosi. And Sergeant Nkosi sending you these videos and clips to see what they say about him. There has to be that context to it. Otherwise, it does not make sense that he would have sent these things to you.

LT-GEN SIBIYA: Yes, as far as I am concerned, looking at these videos, that is why I said good and bad, in the sense that I still believe that, for me, and I know that the Chair did not agree with me when I say, for me, these loads and loads
10 of TikTok's on or about General Mkhwanazi out there every day, and a series of them in different accounts. It is something that should not be encouraged, because when you look at all the provincial Commissioners, all of them, they do not have the same thing.

Not because of they cannot, but simply because of the fact that they are restricted from doing it. Now, whether directly or indirectly, I say I do not have an account. It is not me and I am not an account. But all my pictures of camouflage, my pictures of every meeting of this and this,
20 they all end up in the media, everything. Someone is investing in PR, and others are investing in hardware.

ADV BALOYI SC: General, let me ...[incomplete].

CHAIRPERSON: General, maybe my interpretation of what happened between you and me when we had that exchange, maybe my recollection may not be accurate, but this is what

I remember. And I do not think you can interpret it as disagreement. What I did was to test what you were saying. You said your prescripts, police prescripts, do not allow the social media presence that General Mkhwanazi has. Am I correct?

LT-GEN SIBIYA: Correct, Chair.

CHAIRPERSON: I then asked you whether General Mkhwanazi's presence is as a result of accounts, social media accounts that he himself holds, and that he then
10 posts on his own social media accounts, and maybe there are then responses to his posts and so on. Do you remember that I asked you that?

LT-GEN SIBIYA: I do, Chair.

CHAIRPERSON: Yes. And I went further and said, is it not more a case of others posting General Mkhwanazi on social media? I do not remember what your answer was to that. But all I am trying to demonstrate is it was not a case of me disagreeing, but it was more a case of me testing what you were saying. Do you agree?

20 **LT-GEN SIBIYA**: I agree, Chair.

CHAIRPERSON: Thank you.

ADV BALOYI SC: Thanks. Yes, General, I interrupted you at a point where you were going a bit but not answering the question that I had asked. My question was that you have got these messages, these things that is being sent to you

by Sergeant Nkosi, and you describe them as good and bad. There is a mix of good and bad. And what I was putting to you was the context in which he sent this, because there is nothing, there is no text in all of this.

He does not say, he does not explain why he is sending them. It is not obvious to the reader why he would have sent this. And so, I am suggesting to you that the context must have been that you and he were discussing about General Mkhwanazi. What do you say to that, to that
10 direct question? I may be wrong by placing that context, by suggesting that is the context, and you can say I am wrong and maybe explain why you say that was not the context.

LT-GEN SIBIYA: It is possible that it is something that he came across on TikTok, then he forwarded them, not because of we were discussing it. But I do not, I do not deny that I had a lot of discussions with Sergeant Nkosi about General Mkhwanazi, because we, I mean, for me to be able to send him down to meet General Mkhwanazi, he was also sending him to talk to me. So, we were actually
20 trying to mend the relationship.

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

ADV HASSIM SC: Thank. Let me take you to the next part of these chats that, again, was sharing of information on Lt-Gen Mkhwanazi, and that is on page 204.

LT-GEN SIBIYA: I have got it.

ADV HASSIM SC: Okay, so, you will see at page 204 from chat number 1, all the way down to chat, to the next page, and then page after, the third page, which is page 206, there are screenshots that are sent to you by Sergeant Nkosi. You see that?

LT-GEN SIBIYA: Yes, I do.

ADV HASSIM SC: So, let us just go to those screenshots. It is at page 280.

10 **LT-GEN SIBIYA:** 218.

ADV HASSIM SC: 280.

LT-GEN SIBIYA: 280, thank you. Same file?

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: Okay.

ADV HASSIM SC: You will see it is, sorry, and this is just for the date. It is 12 January 2025 when Sergeant Nkosi shares this with you. You will see it is a City Press article about Lt-Gen Mkhwanazi being suspected of defeating the ends of justice. And it is very long. If you look, if you just
20 page through it, it is screenshots of this article. So, it goes on for quite a number of pages. Okay, do, you see that?

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: Do you remember receiving this?

LT-GEN SIBIYA: I do not remember, but I will not deny it either.

ADV HASSIM SC: So, after, and you see what the article is about. Do you see that story? It starts off with Lt-Gen Mkhwanazi being suspected of defeating the ends of justice. I think it is got to do with the Empangeni case. So, at the end of all of this, you respond to Sergeant Nkosi on the 12th of January 2025. You say:

“Well, explained, I think.”

Do you see that?

LT-GEN SIBIYA: Yes.

10 **ADV HASSIM SC:** And then he responds saying:

“He is furious. We will talk to you tomorrow when we meet.”

What did you mean by that? Well, explained.

LT-GEN SIBIYA: Well, explained.

ADV HASSIM SC: Yes.

LT-GEN SIBIYA: I could have referred to what I see, maybe here, and say it is well explained here.

ADV HASSIM SC: But what did you, what was your interest in this article? And why was Sergeant Nkosi sharing it with you? You respond saying, well explained. It sounds like the article is, I am not sure, I do not want to put words in your mouth. Well, explained. And then he says, he is furious. I assume that is Lt-Gen Mkhwanazi.

20

LT-GEN SIBIYA: Yes, when he says well explained, it is the way I read it here. Let us say, for instance, this is how,

what was written. And I do not even know if it is in the same article, one in the same article, continues from start to finish. And or maybe when I say:

10 “Lituanda[?] said the Provincial
 Commissioner was perplexed as he was
 not aware of any arrest of an area
 Commissioner in his province. The
 provincial Commissioner then took it
 upon himself to investigate the matter,
 only to find that a team deployed by the
 national head office to safeguard the
 Richards Bay minerals was behind the
 intended.”

Now, I could have been saying well explained, referring to this explanation.

ADV HASSIM SC: Okay, but what was your interest in this? Why were you and Sergeant Nkosi interested in this?

20 **LT-GEN SIBIYA:** I thought we passed that stage because
 the previous answer was the same question. That is, why
 were you exchanging these things? And then we said it is
 maybe the message that we are circulating. And then the
 next question was, okay, but is it not that maybe the two of
 you were discussing Lt-Gen Mkhwanazi. I then said, okay,
 it is possible also because we are in those types of
 discussions. So, the same question will apply basically.

Why were you discussing?

ADV HASSIM SC: That was April 2024. This is January 2025. Your answer remains the same.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay, then on 28 January 2025, if you go to page 217. Specifically, chat number 6.

LT-GEN SIBIYA: Sorry, Chair. I want to respond. I am going to respond. But what worries me, Chair, quite honestly speaking, is that you see, I have lots and lots that
10 I could also put forward. But where you find that it was not accepted or maybe, like the Chair said, no, put in a supplementary. But at some point, I go feeling like it looked like the evidence leader is General Mkhwanazi's lawyer. Not really probing.

But if ever I am wrong, it is his job to really maybe probe and ask these types of questions. I apologise for that. But the only thing is that it is like I feel here standing like I am speaking to a lawyer of General Mkhwanazi asking me questions. Why did you do this? And when in fact, I
20 cannot account sometimes for some of the things that were said or sent to me by General Nkosi. But unfortunately, if I am wrong, I will accept it. I was just raising it as a concern that it is like I am sitting, I am standing in front of General Mkhwanazi's lawyer and not really being probed by the Commission. So, I was just raising that concern.

ADV HASSIM SC: Can I respond first?

CHAIRPERSON: Ms Hassim.

ADV HASSIM SC: No, I am an evidence leader. I am not here representing anybody. I do not have a dog in this fight. I am here to put to you what evidence we have. As I have said to you many times, the relevance of all of this is about the faction fight within the top management of the police service.

LT-GEN SIBIYA: But I feel that it is one-sided because my
10 side of the story in terms of faction fighting is really not on the table. Whether I supplemented or could have supplemented, I did not know that if this is about faction fighting, I could balance the chairs in such a way that as I am being approached with this, my side of the story covering where I am coming from will also be covered.

But the way the line of questioning came, it came through the way that I was led by the evidence leader. Read your statement and then from there we went to different files. From this file, we moved from this file, from
20 that file to that file. Now I am just worried that, Chair, I am not running away from this. I am going to respond to this. But all I am saying is that I am sitting here feeling just a pity that one side is being played and then the other side, not much is coming from the other side.

As much as witnesses were called from 7 July after

this Commission was formed, many times one narrative has been pushed and then I come here at the last minute, I feel like an accused person where I am sitting. And then one narrative has been pushed over a period of time. So, I do not want to talk too much on this, Chair, but I am just cutting myself before the chance is too much.

ADV HASSIM SC: General, you did have an opportunity to put any evidence you wished before this Commission. You did provide a 90-page affidavit with many, many annexes
10 and then a supplementary affidavit. Nothing stopped you from putting anything you wished to regarding this faction. It is a very serious issue because it is what seems to have brought about this Commission. So, you know, there was nothing preventing you from doing that. And I do not think I should be curtailed in my questioning because you are not comfortable with it. Chair, that is all I have to say about that.

CHAIRPERSON: Perhaps just on the aspect that the faction is what led to the establishment of the Commission.
20 My understanding is that it was because of the allegations that were made by General Mkhwanazi and I do not think, or rather, a substantial portion of those do not necessarily have anything to do with the faction.

ADV HASSIM SC: I take that point, Chair. It has become an issue as it is developed.

CHAIRPERSON: Yes, yes, yes. Thank you. Thank you, Ms Hassim.

ADV BALOYI SC: Maybe in the meantime, let me say what my interest is in these exchanges or what piques the interest.

LT-GEN SIBIYA: I wanted to raise the second point before that. I do not want to stop. I cannot. I do not have that authority. But the second point, and I want the Chair to hear, is still, you see, the second point that I wanted to
10 ...[intervenes]

ADV BALOYI SC: Wait, General, so that the Chair can hear you. Just hold for a minute.

CHAIRPERSON: I listened just now, General.

LT-GEN SIBIYA: Okay.

CHAIRPERSON: Yes, General.

LT-GEN SIBIYA: The second point that I just wanted to raise, as a much serious concern to me, is that a press briefing was made. The next thing, my devices were taken. Then I got suspended, never allowed any access to
20 anything, and then being overwhelmed, like a shock and awe type of approach, where we are being overwhelmed from different directions.

Now, I am being told now by the Commission, I do not mean Chair, by the Evidence Leader, that you had ample time to do 1, 2, 3, 4, 5. Now, what they do, they

paralyse you. They take your devices. After they take your devices, they see what is in your devices. They use it against you. What is in their devices, they took that. What is against them, let us say Sergeant Nkosi's phone is removed, it is been removed.

The same way applies, let us say, when Cat Matlala's phone was found. Certain charts were deleted and deleted and deleted. Now, you have got a complainant who is a complainant who investigates, and then who is the
10 one now running all the investigations. The PKTT, the same PKTT that I am being accused of attempting to disband is the one that is running, investigating me now. Now, the report that came from Maganga that went to the President, the people that must investigate is still cc Mkhwanazi again.

So now, I feel really helpless and pushed in a corner. That is why I am saying, Evidence Leader, I understand you are Evidence Leader, but the problem is that the answers that I am answering here, you are more
20 prolific, more of a very vicious advocate that is defending or representing General Mkhwanazi. It is not like coming out on both sides, because there is no good side of mine that has been brought up from whatever that I am, because I have nothing to show.

I do not have a device, I have nothing. He is

strong because now he is got all these things, he is got all the devices, he is got all the experts, he is still in the office. I am outside out there in the wilderness, no device, nothing, and I am being put in a corner with these things. So, quite honestly speaking, the playing field is not levelled. So, that is my point.

CHAIRPERSON: General, what is happening now is a function of how these proceedings have been structured. If I may use that term, the allegers, I do not even know that
10 there is such a noun, were led first, and this was done after an explanation was given right at the beginning, that is how the process would unfold. Thereafter, the people implicated by the allegers, and you are one of them, would then be called.

They would testify, give their side of the story, and would then be questioned by evidence leaders, and obviously by us as well. And then, right at the end, the allegers would come back. They would respond to what the implicated persons say, but, and importantly, and I hope
20 this will go some distance towards addressing what you raise, which you see as being one-sided.

When they come back, and after responding to what the implicated persons say, they too will be subjected to cross-examination. So, that is how the Commission has chosen to structure the process. It is not going to be, right

at the end, you will see that it will not be as you see it, one-sided. So, Ms Hassim is doing what was throughout envisaged, which is, you tell your story, and then you get questioned. Call it cross-examined. That is what is happening here. It is not one-sided, I assure you. Thank you.

LT-GEN SIBIYA: Thank you, Chair.

ADV HASSIM SC: Thank you, Chair. I would only add, General, that it would go more smoothly if the answers were
10 direct and we could move on. So, there would not need to be a constant back and forth on one issue all the time. So, I am going to continue.

CHAIRPERSON: And perhaps one crucial thing I thought of touching on, as you were speaking, and I forgot now when I was responding to you, was I did not get a sense that you are not in a position to deal with these chats. Naturally, if you feel in respect of some that you are not able to, you are perfectly entitled to tell us so. But, by and large, you have been able to deal with these chats and
20 other evidentiary material for that matter. I am touching on that in the context of you saying, I am subjected to this process after all my devices were taken away from me. So, because your devices were taken away from me, perhaps you may not be able to respond to some of these things in that event. Feel free to tell us so. But, as I say, overall,

you appear to be able to deal with these chats and other evidentiary material.

LT-GEN SIBIYA: Can I comment, Chair?

CHAIRPERSON: Yes, yes, General.

LT-GEN SIBIYA: It is my wish that immediately after General Mkhwanazi has made a press briefing and they say, everyone must stop. Give us the evidence of what you get. You can give your statement and everything. But then what then happened? Then they started the investigation and
10 start seizing people, securing evidence now after effect. Now, after effect, now they start seizing ours and now arming themselves and deleting what needed to be deleted.

That is what I felt. There is that unfair advantage on that side because now you go out there in public, you make some allegations. It was often referred to by the SGE or the ANC to say that a senior officer going out there making some disparaging allegations against people. Now, from there, then the investigation process starts. After making those allegations, now every little thing that was
20 found in phones is being used.

When people's phones have been taken, theirs are not taken. So that is why I feel that. I feel really that the playing field is not. But I am prepared and I want to respond to these questions. Let us maybe perhaps proceed. I just wanted to register that uncomfotability of

the fact that the playing field is not levelled because I am thrown into the boxing ring with my hands tied at the back. I have nothing that I can refer to.

I have no document that I can show. I do not have access to the office. I do not have access to any employee that I can talk to. Everything has been pushed in front of me here. Yes or no. What do you remember about this? Why were you discussing this? I have nothing to show. I wish we were all operating from the same strong points.

10 Now I am operating from a weak point of view from where I am sitting.

So, I just wanted to say, I do not want to waste time really, Chair. But let us go according to this. I will respond to all of them. But I just wanted the evidence leader to also know that you are talking to a man who is blind now. Another one can see. Another one is blind. And that is not a fair play.

CHAIRPERSON: Thank you, General. I have given the explanation that I deserve. Thank you. Yes, Ms Hassim.

20 **LT-GEN SIBIYA**: Thank you.

ADV HASSIM SC: Thank you, General. Let me say to you also that we do have this evidence. And I want to give you an opportunity to comment. If you do not want to answer, then you do not. But you have said now you wish to respond to it. And I think we can get through this

expeditiously. Let me just take you to ...[intervenes]

CHAIRPERSON: Just a minute. And perhaps for purposes of fairness and indeed even transparency for that matter. Ms Killian, as a matter of law, I do not think that there is any bar to the General being assisted by his legal representatives, of course, having access to his devices for purposes of whatever responses he may want to give. I do not think there is any bar to that.

And it is something that could and should, if it was
10 seen as something necessary, have been done beforehand for the General to use for purposes of his responses and indeed even for purposes of his own story, which he gave in the 90-page affidavit, which if there was anything to be gleaned from those devices, there would possibly even have been more than the 90 pages.

Nothing stood in the way of the General being assisted, as I say, by his legal representatives. So, I am raising this just to address the issue of the fairness, the issue of him being blindfolded, the issue of his hands being
20 tied to his back, and him having to fight in that position. It is just an issue I am raising, Ms Killian. You may comment on it if you wish to.

ADV KILLIAN SC: I am indebted. The devices referred to by the witness are currently subpoenaed in terms of an application that was launched to decide the validity of the

search warrants and the seizure itself. We then subsequently learned that those devices were moved out of the control of the police to an independent third party to assess. So that is the status at this point in time. We can attend, but I have a dim hope that we will be granted access.

CHAIRPERSON: Ms Hassim.

ADV HASSIM SC: Thanks, Chair. Can I continue?

CHAIRPERSON: Yes, you may comment if you want to, or
10 continue, whichever you want.

ADV HASSIM SC: I think the General is legally represented, and his legal representative is the best place to address the concern that the General has. What I can say is the evidence that we are going through now is the evidence that is relevant to the witness. It is not that we are only picking out certain parts of the evidence. There are obviously conversations that there will be others to come who are going to have to answer questions, even from the contents of the devices that were obtained from
20 Sergeant Nkosi. So just on the issue of what is still to come. But on access to the devices, I think that I agree with the position of the Chair, and I think it is in the hands of the General's legal representatives to deal with.

CHAIRPERSON: I have been given to understand that the General will not, his testimony will not be finalised today,

and that the General will be coming back at some future stage. I am mentioning some future date. I am mentioning that in the context of the possibility, Ms Killian, that by then perhaps the devices may be back from this third party that you refer to, so that you and the General have access to them for purposes of extracting whatever material you may want to extract for the General's use.

ADV KILLIAN SC: I am indebted to the Chair. We will attempt everything we can in order to gain access.

10 **CHAIRPERSON:** Because I would be loath to see a situation where the General's testimony is finalised with the General feeling that he was treated unfairly because he did not have access to his devices, when he feels that something useful to his testimony could have been gleaned from those devices.

ADV KILLIAN SC: Thank you, Chair.

CHAIRPERSON: You may continue with your questions, Ms Hassim.

20 **ADV HASSIM SC:** Thank you, Chair. Okay, let us try to get through this as quickly and painlessly as possible. We really are in the homestretch, I think, General. So, the next page I am taking you to is at page, where did I go, 217. It is 28 January 2025, and it is chat number 6, okay. You will see it is a press release but let me go to see the actual press release.

LT-GEN SIBIYA: Two and 7 of file number?

ADV HASSIM SC: Seven.

LT-GEN SIBIYA: Number 7, yes, I have got it.

ADV HASSIM SC: Yes, it is chat number 6. You forward this press release to Sergeant Nkosi. You will find the press release at page 296. If you do not want to go there, it is up on the screen.

LT-GEN SIBIYA: I have gone through it.

ADV HASSIM SC: Okay, so you forwarded this to Sergeant
10 Nkosi. Do you want to say why you forwarded it to him, or do you have any comment to make on it?

LT-GEN SIBIYA: Yes, let us go back to it. Now, to start with, I am looking at the level of arrogance on the side of a disciplined police official who says, we will challenge them legally and deal with them, but if they want to come physically, we will meet on the field. You cannot say that as a disciplined member of police, we are not criminals, we are not street fighters.

Maybe perhaps it was just around about the
20 comment. Now, when they talk about a smear campaign against him originating within the organisation, but Mkhwanazi insists on his team that are not breaking down. Now, the smear campaign that he is talking about, when there is an issue mentioned about General Mkhwanazi, he regards it as a smear campaign.

But when he raises something about the person he is investigating, and I want to give an example. Let us look at Qalakabusha Prison Correctional Service, where members went to conduct a search at Qalakabusha Correctional. And they went because they received information. As they went inside, and they searched the house, they found nothing.

But as they leave the house inside the yard, but next to the door, there is a dustbin, they found drugs. Now, 10 as to how General Mkhwanazi gets to call the policemen on the scene and speak to the policemen on the scene through the suspect's phone, and to me, it is wrong. Whether he was preventing a civil claim or whatever, I have listened carefully to the Commissioners when they were raising about when General Lebeya sent the police at Mr Katiso Molefe's house.

And then the question was, why did not you send local police officials? How long did you stay there? Now, in this case, General Mkhwanazi is a provincial 20 Commissioner. He is not supposed to be involved. Not even once. Not even a call. Let the police do their work. Or rather, let them do their work, call them in and say, are you sure about this?

Are you sure about this? Are you sure about this? But for him to say, I do not want that woman arrested. You

leave that person there, and then you bring the docket. To me, it was interference. And this is what I wish the Commissioners could also look at it and begin to also ask questions really as intensely so, like the way I am responding to those that affects me.

So, looking at that part, and it is not the only one. But I am just saying that, look, let us balance the equation here. If there is any wrong, he has done, he must also account to it. Not him referring it as a smear campaign, but
10 when it goes to others, he is investigating. When he meets certain people, like when he met Cat Matlala, he was investigating. When we speak or meet Matlala, no, we are a cartel. So, I was just saying, let us approach this thing in a thin, fair, and square manner.

ADV HASSIM SC: Okay, I have got that answer. Thank you. Let us just go to the next one. It is page 219 of file 7. Page 219. This is also sort of a press or some sort of story saying:

20 “Breaking police witnesses, change statements for promotion, police witnesses in the departmental case against Maj-Gen Feroz Khan, prime intelligence, deliberately changed their affidavits in exchange for promotion.”

And then there is this long story about it, which Sergeant

Nkosi forwards to you. That is on 2nd of February 2025. Is there any comment you have on that?

LT-GEN SIBIYA: It is long. I am trying to read. It is long. I was reading it, but I am afraid that it may take the Chair and the Commission's time. So, I see the chat. What is the question around it?

ADV HASSIM SC: Well, really, it is an article about this disciplinary enquiry that General Khan was subjected to. Sergeant Nkosi sends it to you. And my question to you is
10 merely, you know, what is your comment? What is your interest in this? Why did he send it to you?

LT-GEN SIBIYA: It has got a number of issues, the way I see it, because in some instances they also talk about the witnesses who said they will be promoted and given, they will be promoted to the next level if they give statements against Khan. Something like that. I saw that. And if I am to offer a comment, I have a matter now in the DPCI where that involved, a matter that involved, I think it is General Mkhwanazi, but where someone was promoted so that they
20 can take him out of the environment.

So, it is something that is not in my affidavit. So, I cannot raise it now. But I am just saying maybe the context of this is to say there were witnesses, there were witnesses who were promised to maybe be promoted. I do not know the, I am not the author of this document, so I do not know

even at that time what was the context. Because sometimes a person says, read this, this is what I came across. It can be anything.

ADV HASSIM SC: Okay. And that same article, sure, sorry. And I think it is probably better if we just display it rather than getting the general to go to the page. It is page 1031. I am sorry, 1030...

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

LT-GEN SIBIYA: 10?

10 **ADV HASSIM SC:** 1030. We will display it on the screen so you do not have to flip through the files. 1030, that is the same article that Sergeant Nkosi is sharing with General Shibiri and on the same date, 2 February 2025.

LT-GEN SIBIYA: It is the same message that we read.

ADV HASSIM SC: Same article.

LT-GEN SIBIYA: Ja.

ADV HASSIM SC: Okay. He sends it to you. He sends it to General Shibiri, as we see there. And then on page – and again, you do not have to go there because we can just
20 display it. On page 623, you will see that Sergeant Nkosi also shares that article with Steve Motsumi.

LT-GEN SIBIYA: 6?

ADV HASSIM SC: 623.

ADV KHUMALO SC: It is now in File 8, General.

LT-GEN SIBIYA: File 8?

ADV HASSIM SC: It is there.

LT-GEN SIBIYA: 623. I have got it. Yes, I have got it.

ADV HASSIM SC: Okay. So this is another story that is sort of doing its rounds. And it goes not only to you, but it goes to General Shibiri and to Steve Motsumi. Do you have any comment on that?

LT-GEN SIBIYA: I do not have any comment. I do not know why Nkosi sent it there.

ADV HASSIM SC: Okay. Can we go to page 225?

10 **LT-GEN SIBIYA:** The other...

ADV HASSIM SC: File 7. And this time I think you should go to the file, 225. Okay.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So 225, it is the first chat on that page. It is another sort of breaking news story that you forward to Sergeant Nkosi.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: About a National Police rogue unit. And what it says is:

20 “The NPA Investigative Directorate, ID, raids National Police Commissioner Fannie Masemola and National Crime Intelligence Head Lt-Gen Khumalo officers after serving them with notices of arrest. This comes after an investigation

lodged by Parliament's Police Portfolio
Committee. National Police
Commissioner appeared weak and
shaken.”

Et cetera. You see it. That is the article. You forward that
to Sergeant Nkosi and he responds to you saying:

“*Ziyakhala manje.*”

What did he mean?

LT-GEN SIBIYA: Well ...[intervenes].

10 **ADV HASSIM SC**: What are you talking about with him
here?

LT-GEN SIBIYA: Well, firstly, I think when this message
was circulating, I do not know whether I was with the
National Commissioner or not. I know that he never – there
is nothing like the National Commissioner appeared weak
and shaken. I do not think it was true. I did not believe in
it. But if I did send it also maybe to Sergeant Nkosi, and he
says *ziyakhala manje* it is his response. Not for any other
reason.

20 And sometimes you find yourself sending something
not because you are circulating it, but because you want to
confirm whether it is in fact true or not from where we are
sitting, because there are officials who are in a position to
just get that information or to confirm whether it is true or
not.

Because remember that cases of IDAC or IPID, we will not know about them and we will not have internal information about them. So sometimes when you find something like that, the same applies when we all heard that maybe General Khumalo was arrested. Now, firstly, we are not sure whether it is true or not. And then when you send someone, someone can also say, yes, it is true or it is not true, or I also heard that. So it just happened like that, unfortunately, but it does not mean anything.

10 **ADV HASSIM SC**: But the response by Sergeant Nkosi is, *ziyakhala manje*. Who is he referring to? Who are they?

LT-GEN SIBIYA: He says, *ziyakhala manje*, which means ...[intervenes].

ADV HASSIM SC: Who? Who is crying?

LT-GEN SIBIYA: No, there is no they here.

ADV HASSIM SC: So what is he saying to you?

LT-GEN SIBIYA: He says, *ziyakhala manje*.

ADV HASSIM SC: Okay.

ADV BALOYI SC: Any word, General?

20 **LT-GEN SIBIYA**: No, I wanted her to say it because ...[intervenes].

ADV HASSIM SC: No, no, why do you not tell us what it is saying? What does he mean? What is he conveying to you?

LT-GEN SIBIYA: In simpler terms, I would say it is now

happening. My interpretation, Chair, that it is now happening. That is the simplest way of explaining it from my side.

ADV HASSIM SC: And what did he mean by that? What did you understand by that? What is happening?

LT-GEN SIBIYA: Something is happening.

ADV HASSIM SC: What is happening?

LT-GEN SIBIYA: Something is happening now.

ADV HASSIM SC: Okay.

10 **ADV BALOYI SC**: General, did the raid that is described there happen? Was there such a raid? And this article is on the 8th of June, of February. Was there such a raid by the time you distributed this thing to Sergeant Nkosi?

LT-GEN SIBIYA: I do not think so. It never happened to me. I think it was wrong.

ADV BALOYI SC: Yes.

LT-GEN SIBIYA: It never happened, I think.

ADV BALOYI SC: Where did you get this from, to be able to send it to Sergeant Nkosi?

20 **LT-GEN SIBIYA**: I think it is something that was in circulation.

ADV BALOYI SC: What do you mean by that?

LT-GEN SIBIYA: It was being circulated. If I had my device or somewhere, I was going to be able to say this is where I got it from.

ADV BALOYI SC: So it was being circulated by people on their phones?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Is that what you mean?

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay, and it was sent to you and then you forwarded it?

LT-GEN SIBIYA: I am one of the recipients. Maybe we might have received it from anywhere.

10 **ADV BALOYI SC:** Okay. And why did you think it was necessary to share it with Sergeant Nkosi?

LT-GEN SIBIYA: Like I said, Chair, I think earlier when I responded, is that sometimes when you send it, you are not sure whether it is true or not, but you hope that someone can actually tell you something and say it is not true or it is true.

ADV BALOYI SC: You did not think to ask whoever sent it to you? I mean, someone sent it to you. Why did you not think to ask them?

20 **LT-GEN SIBIYA:** I might have. I do not know because I do not have the device, but I might have.

ADV BALOYI SC: Thank you.

ADV HASSIM SC: Okay, can we go to the next page, page 229? It is chat number 3. It is another one of these news that I called breaking news, but it does not say what news

outlet it comes from. You forward this to Sergeant Nkosi, another one of these press releases, breaking news, SAPS Crime Intelligence Tops Book Not Guilty, and Sergeant Nkosi then responds to you with emojis of laughing faces and hands praising. What was this exchange about? What were you trying to say to Sergeant Nkosi?

LT-GEN SIBIYA: I was not saying anything to him.

ADV HASSIM SC: Why did you share this?

LT-GEN SIBIYA: Because he is a person that I normally
10 would also send to him because we find that we have spoken about it maybe because this has got history. This thing has got history. The history behind this, the context here, it is important to put it. General Khan was implicated together with General Kadwa of the DPCI, but when they were being charged, the DPCI does not charge General Khan, but they charge General Khan.

They do not charge their General Khan, but CI charges General Khan. Then I say to General Khumalo, are you sure you want to charge General Khan, and especially
20 expeditiously? On the matter of 2021, expeditious, when a person has been working and you want to deal with this matter expeditiously, I suggest that why do you not take the normal route? He did not agree. Then he charged General Khan expeditiously.

As he charged General Khan expeditiously, General

Khan went to court, approached the court. Then I said to General Khumalo, do not go to court because you are going to lose. He did not listen. Then General Khan went to court, and then he won. So General Khumalo lost. So I said, but we told you not to go to court because you are going to lose, and he lost.

Now, based on that, maybe perhaps I have had maybe a discussion, of course, or maybe it was just something that shows that he lost, or he was cleared. So
10 that is why I know, the question is, but why was it important for you to share it with General Khan? I mean, with Nkosi. I have shared many with Nkosi of similar nature, in particular where it also involved General Mkhwanazi because we were mostly talking about it.

ADV BALOYI SC: What was this matter about, General? What was General Khan being disciplined for?

LT-GEN SIBIYA: He was being disciplined for being involved in an operation together with the DPCI that involved people who were found to have been in possession
20 of drugs. So General Khan was one of the people who were called, and then he apparently called the DPCI, and then I do not know who also he called. I am not so familiar with the facts of that particular matter, but safe to say that apparently General Khan called the DPCI, the DPCI took over the matter, or whatever that happened, I do not know

the facts. But in my case, when it reaches my desk, was to say I do not suggest that you should – because I first called General Lebeya and say, General, how do you intend dealing with this report from IPID that says these people must be charged?

ADV BALOYI SC: There was a report?

LT-GEN SIBIYA: There was a report.

ADV BALOYI SC: So you would know the facts because you must have read the report, which is also indicated in
10 you being able to discuss it with General Khumalo not to charge, but you got the report, you read it, so you know the facts.

LT-GEN SIBIYA: Ja, there is a report that says they were supposed to be charged ...[intervenes].

ADV BALOYI SC: And the facts are what? Are the facts not, because we have had another witness testifying, are the facts not that drugs got lost in an operation that General Khan was involved with and he was being accused of a role or involvement in the disappearance of the drugs? I mean,
20 you know those facts.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: Okay.

LT-GEN SIBIYA: I do not know the exact facts. I read the report, of course, some time ago. I know the facts. My bone of contention was if General Lebeya, I was saying, I

am also disciplining him expeditiously, I say what happens on the left-hand side, let it happen on the right-hand side. Let us also then deal with him in that way.

Then if General Lebeya has said no, this is an old matter of 2021 and I do not think I agree with this report of IPID. So I say to General Khumalo, it would be unfortunate if you were to charge General Khan expeditiously so when General Kadwa in the DPCI has not been dealt with the same way.

10 **ADV BALOYI SC:** Okay. General, I am the one that asked you the question, so allow me to interrupt you because you have answered. In this page 229, so now we have cleared with you that you knew the facts and the facts involved allegations and a charge that General Khan had a hand or a role involvement in the loss or disappearance of drugs in an operation he was involved with.

20 You have there, so you forward this to Sergeant Nkosi and then he responds with emojis. I must say I am not an expert in emojis, but he is laughing. He sends you laughing emojis and hands that ordinarily, in my limited experience with emojis, indicate celebration. He responds, you send him this, and he responds with that kind of celebratory, what I say is a celebratory response. What do you make of it when Sergeant Nkosi responds this way to General Khan has been acquitted in what was serious

allegations of misconduct?

LT-GEN SIBIYA: If the news is that Sergeant Khan has been acquitted, and then the Commissioner feels that maybe it was in a celebratory move, I think maybe to say someone has been acquitted and someone is in a celebratory is also ...[intervenes].

ADV BALOYI SC: I guess what I am asking you is when you receive this WhatsApp which is a celebratory message, symbols, it has celebratory symbols, when you receive this, 10 what I am asking is what you share the celebration, you are not concerned that a police officer who may or may not be guilty of misconduct has been acquitted of such serious misconduct? And he has a junior officer who is celebrating about it, your friend of course, but a junior officer finds cause to celebrate about it. You were okay with that reaction from Sergeant Nkosi?

LT-GEN SIBIYA: I was not celebrating as far as I am concerned.

ADV BALOYI SC: I am asking him, I am saying about him. 20 You are communicating with Sergeant Nkosi. There is a reason why you are sharing this, General.

LT-GEN SIBIYA: Yes.

ADV BALOYI SC: And then you elicit or you evoke a response from him which is a celebratory reaction. And I am saying you are DNC Crime Detection and here is a

junior officer who celebrates something like this. You were okay with it? And really, you can say yes or no?

LT-GEN SIBIYA: No. As far as I am concerned, because of the fact that he was already involved, him, between me and General Mkhwanazi, I did not have a problem sharing with him. Similarly, so even General Mkhwanazi had no problem to share with Nkosi. But the fact that I have been reminded, Commissioner, as you were talking, is that the other thing that is a background that I was fighting with
10 General Khumalo in relation to Khan's discipline was that my problem, General Khumalo, is the fact that you might be accused how you are handling this matter.

Firstly, you are doing it expeditiously when it is a very old matter of almost four years, three years old. Secondly, you go get General Mkhwanazi to be the Chair, you go get General Khumalo, also from KZN, who was in the task force from KZN. I said, why do you not balance this thing? At least go get one of them from a different province.

20 And as a result of that, that is how it happened that I ended up arguing with General Khumalo. But Nkosi was always aware because me and him discussed a lot with General Mkhwanazi. We were working together in trying to make sure that the relationship is sound between ourselves.

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

Hassim?

ADV HASSIM SC: Thank you, Commissioner. Let us just, I am going to move on to page 224. Here at chat number 6. This is 8 February 2025 and it is a message, it is from you to Sergeant Nkosi and you say:

“Confirm that Investigating Director told NASCOM today they are investigating Khumalo and his team re a list of offences.”

10 Do you want to comment on that?

LT-GEN SIBIYA: I was reading, Chair. What questions was that?

ADV HASSIM SC: Do you want to comment on that? You are informing Sergeant Nkosi of the investigation into Khumalo and his team.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: You are letting him know what information you have gleaned from either the National Commissioner or from the Investigating Directorate.

20 **CHAIRPERSON**: Did you want to please repeat the question? Sorry. He is still reading, sorry.

LT-GEN SIBIYA: You see why I take a little bit of time, Chair, is that I am drawn to chat 6 straight and I try to look at the previous above so that I can follow logic. And then it must flow as to how did we get here. Now I see up there it

was like when you look at chat 3, it says she was informed this morning, either it happened last night or this morning, he was stabbed by a 23-year-old boy of next door. Then which means someone was stabbed and died or whatever, something like that.

Now I am here at chat number 6 where it is confirmed that Investigating Directorate told NASCOM today they are investigating Khumalo and his team re list of offences.

10 So like I am saying, I cannot deny that I sent this. I am operating from a position of weakness. Just to say that I do not deny I sent it, but I am not sure whether all this chat, I must have sent them all of them, whether there were some that could have been inserted. Why I am saying this, when you remember when the Head of IDAC was in Parliament at the Portfolio Committee, she did confirm that when she received Mr Matlala's phone there were messages that were deleted and some were inserted.

20 Now I am sitting with a situation where I do not see and I do not want to run away to that corner of saying maybe messages were inserted. If I did send them, I will take them. If they were inserted at this point in time, because I am operating blindfolded at this point in time. I am flying in darkness now. I am just saying if I did send it, your question is why did you send it? I do not know. But

all I can say is that maybe I was just sharing to a person that I know that will know about this thing.

ADV HASSIM SC: Okay.

ADV BALOYI SC: General, the concern that I have with these messages, and maybe this makes the point very clearly, is that we have seen from evidence so far, as you have been testifying, that Sergeant Nkosi is speaking to Mr Matlala, speaks to Mr Motsumi. You can say, well, there is nothing wrong with him speaking to General Shibiri because
10 they are all in the SAPS, but you get information like this about a colleague of yours, and then you share it with somebody who is very close to people that are, at least let me say Mr Matlala, one of them at least, is very much the subject of serious allegations against, before us.

This is in February 2025, and you, a senior person who gets this kind of information, I accept there is no context to it here, but there has been telephone calls. I want to assume that it is information you get by virtue of your position and then you go and share it with a junior of
20 five levels lower than you. Obviously not in a work context. It is not because of your job, because it has nothing to do with him.

You are sharing with a friend, but that friend, on the evidence before us, until he answers, he will come back and maybe he will be able to explain, give us innocent

explanations. But that friend so far as we sit here is someone who is close to Mr Matlala, and it is problematic that you are sharing information like this with him, for me.

LT-GEN SIBIYA: Ja, I understand, Commissioners. The only concern that I have still is that you are sitting with WhatsApps or chats that are condensed into a series of chats that are coming from this one to that one. Where I am sitting, I am reading about a document that has been presented to me as evidence about a chat that supposedly
10 took place between either certain individuals or myself being involved with my device, not in my possession myself. So I really do not know how to say how it came about or why.

I may be able to respond in some. In some, I may have to fall back and say but look, I see this message, but whether I really send it or share this information, in the absence of my devices as well, I will accept because the bottom line is it shows a chat between General Shibiri and Nkosi. I will accept, but I am not so 100% sure as to
20 whether could there have been any interference or inserted. I do not know.

ADV BALOYI SC: I guess, for what it is worth, when Sergeant Nkosi testified, I think right at the beginning he accepted that these chats are from his telephone. So he did not raise the issue with that. In fact, he was asked

specifically do you accept these chats from your telephone, you being Sergeant Nkosi's, and he accepted that. So he has not placed any particular chat in dispute.

LT-GEN SIBIYA: I do not have a comment.

ADV BALOYI SC: Thank you, General. Back to you, Ms Hassim.

ADV HASSIM SC: Thank you, Commissioner. Can I take you to page 250? 250, chat number 2. You there?

LT-GEN SIBIYA: 250, chat number 2.

10 **ADV HASSIM SC:** Yes, 26 June 2025. And here Sergeant Nkosi shares with you a News24 article on the arrest of General Khumalo. You will find the article. It is too small in that chat box, but you will find the actual article on page 303. So that is the article that Sergeant Nkosi sends to you on 26 June. This is about General Khumalo's arrest. And then immediately after sending you the article, in chat number 3, he says, are you there?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: He says to you:

20 "We are the ones effect arrest."

And then he follows that immediately with another message saying:

"We still here."

What did he mean by that? What did you understand by that?

LT-GEN SIBIYA: I quite honestly speaking do not believe that Sergeant Nkosi could say we are the ones effecting arrest because it does not work for IDAC. And I know that General Khumalo was arrested by IDAC. I do not know under what circumstances would he be the one to have been there to effect the arrest.

ADV HASSIM SC: Could it mean that he is saying we can take credit for the arrest because of the role that he played by saying we are the ones effecting arrest, we still here, he
10 is saying to you?

LT-GEN SIBIYA: Does this come from the evidence leader or does the evidence leader suggest that it comes from Sergeant Nkosi? Because to say ...[intervenes].

ADV HASSIM SC: No, I am asking you. You are saying it cannot be that he is saying we are the ones effecting arrest because it was not Sergeant Nkosi that effected the arrest.

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: I am saying to you, could it be that what he is trying to say is that we, whoever we are, take credit
20 for it because of some role that he played that led to the arrest?

ADV BALOYI SC: Maybe, Ms Hassim, before the General answers. I am trying to find in my notes, I am sure there is a set of WhatsApp exchanges where Sergeant Nkosi appears to be speaking to somebody else and that

somebody else is the one that is saying we are still here, we are the ones that effected the arrest. So this may well be forwarded messages. I am working through my notes and I am trying to find where because I did note it.

ADV HASSIM SC: It is possible.

ADV BALOYI SC: Ja.

ADV HASSIM SC: It is possible that Sergeant Nkosi forwarded that message to you to say we are the ones effected the arrest, we still here. So let us take it at that,
10 that they were forwarded messages that Sergeant Nkosi forwarded to you. Meaning it was somebody else who wrote those texts. What did you understand by it?

LT-GEN SIBIYA: The way I understand it, I cannot say what did I understand. What I understand now, he was telling me that we are the ones effecting the arrest, we are still here. Let us say for instance, because it came as a shock to everybody when they said General Khumalo is being arrested at the airport or has been arrested. And then I was not told.

20 I did not know. He reports to me, I did not know. The National Commissioner did not know. And then all of us did not know. We were all trying to find out and I did not know who to find out from. Then I also asked him and then maybe he also asked somebody and then somebody then said we are still here, we are the ones effecting the arrest.

So it is just possible for that.

ADV HASSIM SC: Okay. So he is sharing information with you about the arrest.

LT-GEN SIBIYA: It is possible.

ADV HASSIM SC: Okay, so I think it is on the same page. It is at chat number 5 at 15:01. He sends a picture of General Khumalo, I think, being arrested. If you look at page 3, do not go to 304, you can just look at the screen. It might be easier than flipping back and forth. So you are
10 saying he is just sharing that with you to keep you abreast.

LT-GEN SIBIYA: Yes, but I cannot see the people displayed there.

ADV HASSIM SC: Okay. Let us just go to the one, the chat below that. You will see it is number 6 at 16:59. He sends you an image and the larger version of that image is at page 305, and we will just – okay, you might need to look at it because it is redacted. Page 305. Do you know what that is an image of?

LT-GEN SIBIYA: It is someone's diary, but I see the diary
20 on top beneath the piece of paper where the list of names of the individuals that were arrested, and this could simply mean that maybe someone had to go and obtain a list of the people arrested and their names, SAP number, something like that. SAP14 number.

ADV HASSIM SC: Okay, so this is an image of the people

who were arrested. Firstly, it includes General Khumalo. You see that?

LT-GEN SIBIYA: Yes. And then others who were arrested with General Khumalo, is that right?

LT-GEN SIBIYA: That is correct.

ADV HASSIM SC: And the CAS numbers?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: And do you know where that image comes from that Sergeant Nkosi is sharing with you?

10 **LT-GEN SIBIYA**: I really do not know because it is not my handwriting.

ADV HASSIM SC: Okay.

ADV BALOYI SC: Ms Hassim?

ADV HASSIM SC: Yes?

ADV BALOYI SC: If you look at 479, I think that is where I was reading and if you look at this, when I said that he may have been forwarding from somebody else, 479, when you look at the timestamps there is a sequence of communication which culminates in this document that you
20 were looking at now, the diary. So 479 to 408. That is where I drew from. That someone else made the arrest and may have informed Sergeant Nkosi for whatever reason.

ADV HASSIM SC: Well, maybe we can go there, General, to page 479. Okay, and if you have a look at those exchange of messages on 479 between you and Sergeant

Nkosi. So this is a fuller version of the exchange. If you start at...

ADV BALOYI SC: It actually starts in the preceding page.

ADV HASSIM SC: The preceding page. There is an image.

ADV BALOYI SC: Yes.

ADV HASSIM SC: And you will see in that image, you cannot see the image very clearly, it is a picture of somebody that Sergeant Nkosi sends to you, and then he
10 makes a call to you. You respond to him saying:

“It is not him.”

He responds to you saying:

“People who arrested him, they were getting in cells in front. Just zoom.”

Meaning, I assume, zoom into the picture. And then it goes on with the picture of the article by the News24 arrest and then he says to you, General Mkabela and Brig Madondo, General Khumalo, are those the three who were arrested?

LT-GEN SIBIYA: Yes.

20 **ADV HASSIM SC:** And then again:

“We are the one effect arrest, we still here.”

And then that picture that we saw earlier from behind, and then he says to you:

“They are seven.”

And then he sends to you the list of the seven with the case numbers.

LT-GEN SIBIYA: These are forwarded messages.

ADV HASSIM SC: I think so too.

LT-GEN SIBIYA: Quite honestly speaking, because if he got something and maybe he sends to me, this could have been because when you work with a person, you also know the language of a person. So I do not think this was just ...[intervenes].

10 **ADV HASSIM SC**: No, I think there are forwarded messages. Why is he forwarding all of these messages to you?

LT-GEN SIBIYA: If let us say I said I heard that this is happening, can you please check for me or find out? Or, I do not know how because under normal circumstances, I have – I could speak to the DivCom, I could speak to any of the senior officials to tell me, not Nkosi per se, but also, it is also possible that Nkosi came across it and just sent to me without me really interacting with him.

20 Because sometimes even when you get something, it is not like you invited it and he just sent. So I cannot explain at this point in time and create an impression like we were really sitting, me and him, waiting for the arrest and we were just – I was asking, he was coming back to me. It is something that he might have gotten and also

forwarded.

ADV HASSIM SC: And did you have any conversation with him about this after he forwarded it to you?

LT-GEN SIBIYA: I am not sure at this point in time.

ADV HASSIM SC: Okay. I am going to go to one last page. Well, one last ...[intervenes].

ADV BALOYI SC: Maybe before that, while we are still at 478, General, do you know at 478, the very first chat, there is a long chat. You may read it if you wish, but the part that
10 I am interested in to hear your comment is where Sergeant Nkosi says:

“All this is an obstruction to your new position waiting for you. Whether they like it or not, you will resume that position.”

Do you know what he is talking about? What conversations were you having with him about the new position?

LT-GEN SIBIYA: 478?

ADV BALOYI SC: [Indistinct]... now with Ms Hassim. 478.
20 If you have, you may not have a comment, but I would like to hear what conversations were being had and why he would say what he said. It is chat number 1, and it is the third paragraph from the bottom or from the top. All these.

LT-GEN SIBIYA: This message must have been coming from, as you see, do not worry much, General, which means

somebody was talking to me and saying:

“This too is under the control of our father. The Lord is watching when your name is being dragged and teared apart for no apparent reason. Look and watch the end of this God wants to glorify himself with, because you said it publicly that you must trust and love the Lord. He will protect you publicly, and for God shall deliver you from the foulest experts and traps and arrows planned against, for God is with you. Family and prayer warriors, it is time to get to our winning corner and pray with our brother. Victory is certain. All this is an obstruction to your new position waiting for you. Whether they like it or not, you will resume that position. I have so much faith in you, my brother, you will make it. We are praying and we will never be deterred.”

So this one ...[intervenes].

ADV BALOYI SC: Maybe firstly, you are saying this was forwarded, Sergeant Nkosi was forwarding to you from somebody.

LT-GEN SIBIYA: No, I do not think it comes from Nkosi.

ADV BALOYI SC: No, but this is – you are forwarding to Nkosi.

LT-GEN SIBIYA: I must have forwarded to Nkosi.

ADV BALOYI SC: I see.

LT-GEN SIBIYA: All the people that are praying for me will say to me, this is difficult, as difficult as it is, we will pull through, let us keep on praying. So I am saying ...[intervenes].

10 **ADV BALOYI SC:** I was more interested ...[intervenes].

LT-GEN SIBIYA: Even this one, it could be that because there was a time where the battle was fierce, where things were happening and my name, you know, my name is not the first I am being associated with corruption, but when you look at what is it that is corrupt that this man has done, you will never find any. Wherein ...[intervenes].

ADV BALOYI SC: General, I understand the prayer part. I was asking about that paragraph which speaks about a new position waiting for you, whether they like it or not, you will
20 resume that position. I was simply asking what was this reference to, what conversations were happening about you having a new position? That is all I am asking.

LT-GEN SIBIYA: You see, Chair, I am a Christian and when – let us say for instance during my Thanksgiving ceremony and those that were praying and it was a church

service, Thanksgiving, it was a big church service, then some of them will say to you in fact you are still going to experience more where God wants you to be. It will be in that context your new position.

ADV BALOYI SC: That is fine, that is an answer. Thank you, General.

ADV HASSIM SC: Okay, the last page on this on this chats, General, it is page 254. Okay, chat number 1 and 2, you forward two screenshots to Sergeant Nkosi, but the
10 actual screenshots you will find on page 312. Are you at 312?

LT-GEN SIBIYA: Yes.

ADV HASSIM SC: Okay. So, can you help us with this? Because you have sent these screenshots. It looks like a screenshot between – it is a conversation between someone and the National Commissioner. Again, it is forwarding that same News24 article and then it says, the person says to the National Commissioner:

20 “Just so you know, I opened the case against this crook. I understand you have privately stated you will not suspend him or any of the others going down with him. You are given until Monday to suspend them or I will launch an urgent application in the High Court

and also call for your suspension. Louis Vuitton bag for the wife or not.”

And then the next message on the next screenshot is:

“Any response, Fannie, please?”

And then again:

“Fannie, why you do not respond? I have another query.

10 It is known that Khumalo flatly refused to report to DNC saying he would only report to you. Why? Further, it has been alleged that when you signed off on the R2 000 000 property purchases by CI, you not only failed to ensure a proper competitive process was followed, but you also received a substantial kickback for your flexibility. Would this explain the fact that when you were appointed as Commissioner, you were in substantial debt but are now 100% debt free and living a life of luxury beyond your means.

20 Please advise. I have requested Cyril to fire you in the interest of cleaning up the police.”

So these are the two screenshots that you forward to Sergeant Nkosi. Right? He responds *ziyakhala manje*, et cetera. So, where did you get these screenshots? Who is

the person who is sending this to the National Commissioner?

LT-GEN SIBIYA: I guess at this point in time, the evidence leader was the one that is supposed to say and to show me that this thing comes from your phone and this is what is written on top. Now, at this present moment, you are asking me, who did I receive from? I do not know if I ever received it because I do not have my phone.

ADV HASSIM SC: Okay, if that is your answer, that is your
10 answer. I do not have your phone either. That is why I am asking you because you forwarded these messages to Sergeant Nkosi. If you do not remember who sent this to you, that is fine.

LT-GEN SIBIYA: All I know is that I am not the author of this and as to where did I receive it from, at this point in time, I am not in a position to say and whether this was an inserted message or not, I do not know. The only disadvantage with me is that I am dealing in a situation
20 where my phones are in some people that are accusing me's[sic] hands and what they are doing with my devices, I do not know.

Whether all these communications come from me or were inserted or someone was saved as General Sibiya at this time, someone was saved as General Nkosi at this time, this exchange is being sent and then posted here, I

also do not know. I am just saying where I am sitting, I am talking from a position of weakness.

ADV HASSIM SC: Do you have any comment on what Sergeant Nkosi said in response to you after sending those WhatsApps?

LT-GEN SIBIYA: Well, ja, I see *ziyakhala manje*.

ADV HASSIM SC: And then the next one.

LT-GEN SIBIYA: Now is the time. I also do not know whether it is just a forwarded message or not, but
10 personally, *ziyakhala manje*, normally it is today's lingo when something is happening and someone would say *ziyakhala manje* in many ways. Even myself, where I am sitting right now, someone is writing something to somebody saying *ziyakhala manje*. Even when you listen to TikTok, someone is saying, hey, *ziyakhala manje*. So what I am saying is that *ziyakhala manje* is the language of the day. So it is not specifically designed only for this one. *Ziyakhala manje*, I am just sitting here.

ADV BALOYI SC: But, General, in context, *ziyakhala* does
20 not mean TikTok or anything like that. It is about the arrest that is contained in these messages. Well, it is about the arrest picture. It is about the messages that are being sent to General Masemola to say, Louis Vuitton, I will also go to court, and, and, and. This *ziyakhala*, its context is this. I mean, I do not know if it is capable of a direct translation.

But what it does mean, I think we do understand it, it means this person is saying it is now happening.

LT-GEN SIBIYA: It is now happening.

ADV BALOYI SC: Yes, it is now happening.

LT-GEN SIBIYA: I was suspended, someone said *ziyakhala manje*. So I am just saying, it is a language loosely used.

ADV KHUMALO SC: If Sergeant Nkosi said that to you, let us just forget about TikTok or the general public. If he said
10 that to you, what would you understand him to mean?

LT-GEN SIBIYA: It is now happening.

ADV KHUMALO SC: So that would be the context?

LT-GEN SIBIYA: That would be the context.

ADV KHUMALO SC: Between the two of you?

LT-GEN SIBIYA: In all instances.

ADV BALOYI SC: The Chair says *ziyaduma*.

LT-GEN SIBIYA: Yes.

CHAIRPERSON: Old lingo, old lingo.

LT-GEN SIBIYA: Ja, even now it is that one, Chair.

20 **ADV HASSIM SC**: Okay, I am going to leave that there. There is probably more we could ask you about it, but I think we have got the gist of your answer. So, General, there is only now one last topic that remains for me to address with you. And, again, I must do this. It is my job. And I need to go back to your statement for this purpose. If

you, and it is in relation to Mr Brown Mogotsi, because you have given us a statement in which you deal with allegations of – in fact, your heading is allegations of a potentially corrupt relationship with Brown Mogotsi and then you have four paragraphs on it. So you have given us your version on this. But Mr Mogotsi has come here and has said things. So I am going to say to you what his version is.

ADV KHUMALO SC: Advocate Hassim, I have suggested
10 that they remove Files 7, 8, 9. Are we done with them?

ADV HASSIM SC: Yes.

ADV KHUMALO SC: And then they put his statement file next to him, just so that he can follow.

ADV HASSIM SC: And 10A, which is the transcript of 10A. The transcript of Mr Mogotsi.

ADV KHUMALO SC: So, General, next to you is File 1, your original statement, and 10A. And you can remove the rest.

ADV HASSIM SC: You ready?

20 **LT-GEN SIBIYA:** Yes, Chair. I just wanted to just ask an honest question. I have been here since this morning responding to four different senior counsels, and all of them answer asking difficult questions, responding. I sleep late, I wake up late, and I was told that, okay, today let us go up until 7 o'clock. We are now after 8. And I do not mind

really having to respond to this, but I still believe that it gets to a point where a man's brain can only consume or absorb up to a certain pressure. And I can go, but it is not a question of me proving to the country that I can go up until 12 o'clock midnight. But I am just saying, at some point, I feel exhausted under the circumstances and I can go read this thing, and then when we come back and deal with it. But if it is the Chair's ruling that, look, *ziyakhala manje*, you are here, let it be. I will go.

10 **CHAIRPERSON**: All I will say, General, is you referred to four senior counsel. I will say these are the three senior counsel. I used to be a long time ago. I am even rusty now because I am no longer senior counsel.

LT-GEN SIBIYA: It is a serious, honest mistake, Chair.

CHAIRPERSON: No, no, no. I am just kidding, General. How long do you think this is going to be, Ms Hassim?

ADV HASSIM SC: I have about four or five questions. It is not a lot. So, subject to interventions from the Panel, I will put each of those and ask the witness to respond. Maybe
20 15/20 minutes.

CHAIRPERSON: Ms Killian?

ADV KILLIAN SC: Speaking for myself, I am exhausted, but it is not about me. If we can maybe just have a comfort break to continue after that?

CHAIRPERSON: Yes.

LT-GEN SIBIYA: We would rather pull through rather than having another comfort break and coming back again. I feel I am, mentally I am exhausted and I have to pull through.

CHAIRPERSON: Let us meet counsel outside. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: General, we understand what you have said. You have said in so many words that you are
10 exhausted now. We do not think it would be fair to you to continue under the circumstances. So your testimony or the hearing of your testimony is adjourned to a date to be determined at a later stage. We will adjourn and resume at 10:00 tomorrow. Let us adjourn.

ADV HASSIM SC: Thank you, Chair.

INQUIRY POSTPONED TO 25 FEBRUARY 2026

INQUIRY ADJOURNS

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