

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**16 MARCH 2026**

**DAY 78**



**PROCEEDINGS HELD ON 16 MARCH 2026**

**CHAIRPERSON:** Just making sure that my cell phone is off. Good morning, Mr Chaskalson.

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

**CHAIRPERSON:** Good morning, Mr Ngoato. Your microphone, please.

**MR NGOATO:** Thank you, good morning, Chair.

**CHAIRPERSON:** Please pull one of them closer to you, whichever. Ja, thank you, good morning. Good morning,  
10 Sergeant Nkosi.

**SERGEANT NKOSI:** Good morning, good morning, good morning, Chair.

**CHAIRPERSON:** Yes. Perhaps I should start because I do not think the presence of Sergeant Nkosi has been publicised. If it has been, that is not to my knowledge. So perhaps there is a need to explain that publicly. Well, on the 13<sup>th</sup> of March 2026, I made an order that recalled the order in terms of which Sergeant Nkosi has been testifying remotely and off camera. Reasons were to be given at a  
20 later stage, and these are the reasons.

On 13 March 2026, I made an order directing that Sergeant Fannie Ezekiel Nkosi, who until at some point between my order of 30 January 2026 and 13 March 2026, was identified as Witness F, should appear physically in open session when his testimony resumes before the

Commission today, that is Monday, 16 March 2026.

The order of 13 March 2026, which was not accompanied by reasons, varies the order I made on 30 January 2026 and repeated on 3 February 2026, in which I ordered that the testimony of Sergeant Nkosi be presented without mention of his name and publication of his image.

On 3 and 4 February 2026, Sergeant Nkosi gave evidence on the Microsoft Teams platform from an undisclosed remote location with the Evidence Leaders and  
10 Commissioners present at the commission's hearing. His evidence could not be finalised on those dates. This resulted in a postponement to 16 and 17 March 2026. Below are brief reasons for the order of 13 March 2026.

On 26 February 2026, Deputy National Commissioner for Crime Detection, Lt-Gen Shadrack Sibiya, testified before the Commission. At the commencement of his testimony, he sought a ruling that the Commission's Evidence Leaders should not examine him on issues relating to his relationship with Sergeant Nkosi until the  
20 latter had concluded his evidence.

I refused to make that ruling, as at the time, the Commission's term had not been extended and was to end on 17 March 2026, and I held the view that if General Sibiya's testimony regarding his relationship with Sergeant Nkosi was deferred to a later date, there was a real risk

that the Commission's term would end before General Sibiya testified on what I believed to be a crucial part of his evidence.

Previously, General Khumalo's testimony revealed that Sergeant Nkosi fetched a paper bag from the home of Mr Katiso Molefe, one of the accused in the murder of Mr Armand Swart. During the testimony, a video clip depicting this event was played, showing both Mr Molefe and Sergeant Nkosi. Sergeant Nkosi was identified by name.

10           The effect of that was that the public was put in the position of being able to connect the Sergeant's name and his face as depicted in the video clip. Crucially, the video clip was played during a public hearing, which was live-streamed. When Mr Ngoato, Sergeant Nkosi's attorney, subsequently made submissions in a postponement application, he inadvertently alluded to this video clip and mentioned that it depicted Sergeant Nkosi carrying a bag.

          In his submissions on that occasion, the Evidence Leader who was to lead Sergeant Nkosi also inadvertently  
20   mentioned the sergeant's name in so many words. If truth be told, the proverbial cat was out of the bag. That notwithstanding, Sergeant Nkosi was still allowed to testify off-camera and from a remote location.

          General Sibiya's witness statement was replete with mention of Sergeant Nkosi's name, and Sergeant Nkosi was

central to the events in respect of which General Sibiya was called upon to testify, including the meeting held at General Sibiya's office between him and Mr Vusi Cat Matlala during or about February 2024, and a party held at General Sibiya's house at which Mr Matlala was present on 14 September 2024.

This led to numerous references to Witness F in General Sibiya's testimony. In one of those references, the General accidentally mentioned Sergeant Nkosi's name. At  
10 that point, I took the view that it had plainly become farcical to continue with the facade of hiding Sergeant Nkosi's name. Thus, I directed that Sergeant Nkosi's name should henceforth be mentioned without qualification.

What remained of the order of 30 January 2026 was the question whether Sergeant Nkosi should continue to give his evidence from a remote location. On 26 February 2026, the Commission notified Sergeant Nkosi's legal representatives that I intended to recall the order of 30  
20 January 2026 and to issue a new order that Sergeant Nkosi attend physically at the venue of the commission hearings and testify in open session.

Sergeant Nkosi was invited to make representations showing cause why the order of 30 January 2026 should not be recalled and replaced as stated. On 3 March 2026, Sergeant Nkosi delivered an affidavit to the Commission. In

the affidavit, he set out reasons why his evidence should continue to be heard in *camera*.

I have considered Sergeant Nkosi's witness statement filed at the Commission dated 16 December 2024, as well as a transcript of his evidence given on 3 and 4 February 2026. The witness statement is only four pages long. In his witness statement, Sergeant Nkosi deals with his relationship with Mr Jothan Msibi, Mr Matlala, Mr Katiso Molefe, General Sibiya, and General Shibiri.

10 He does not implicate any of them or any other persons in criminal activity or wrongdoing, which falls within the Commission's terms of reference. In his testimony, he did not incriminate or implicate any person, and there is no suggestion that he intends to do so in his further evidence.

The fear expressed by Sergeant Nkosi, which was meant to justify testifying remotely and off-camera and without mention of his name, was that if this were not allowed, he could easily be identified by spotters who would then relay his whereabouts to persons that might want to  
20 harm him.

Based on what I have said above, Sergeant Nkosi's name and physical identity are now out in the public domain. Having heard his name, any would-be spotters need only look for the video clip that was played during General Khumalo's testimony. That will give them the

Sergeant's physical features.

Continuing with having Sergeant Nkosi testifying remotely and off-camera is no longer justified by the facts before the Commission. In the affidavit dated 3 March 2026, filed to show cause why the order of 30 January 2026 should not be recalled, Sergeant Nkosi states:

10                    “It is quite presumptuous to suggest that  
                         I have not implicated anyone yet, as I  
                         may implicate more people as the  
                         testimony progresses.”

He goes on to claim that since he last appeared before the Commission, his safety risk has increased tremendously after he allegedly received calls or texts from:

                         “The African National Congress,  
                         Parliament, Portfolio Committee, ANC  
                         Soshanguve Branch.”

20                    He also mentions a few high-ranking members of the ANC, an unnamed girlfriend of one of these members, an unnamed member of Parliament, and unnamed friends of some of these persons. Supporters and loyalists of two of the high-ranking members of the ANC, he says these persons have contacted him to discourage him from testifying further.

Sergeant Nkosi does not take the Commission into his confidence as to what he could possibly say about these

people and why they would not want him to testify further. I have taken the conscious decision not to mention the names of these people because mentioning them without any substance having been given on what Sergeant Nkosi says about them, that will serve no purpose other than being sensationalist.

Sergeant Nkosi also claims that as a result of his past relationship with the late Mr Jothan Msibi, whom he claims had a fair share of enemies, he met a lot of senior  
10 government officials, politicians, and parliamentarians who visited Mr Msibi and who had a close relationship with him. Sergeant Nkosi does not say that any of these relationships with politicians are relevant to the Commission's terms of reference.

His witness statement does not implicate any of these politicians in any wrongdoing, and he does not allege that he intends to implicate these persons when his evidence resumes. Accordingly, it is not apparent on what basis any of the grounds on which Sergeant Nkosi relies are  
20 relevant to the question whether he should continue giving evidence remotely and off-camera.

Importantly, he does not state how, if at all, attendance at the commission's venue poses any risk to his safety. This must be viewed in the light of the fact that he states nothing in his affidavit, witness statement, and oral

testimony so far that implicates any person in conduct which falls within the Commission's terms of reference.

The order of 30 January 2025 only serves to shield Sergeant Nkosi from the discomfort of testifying in public. This is not the purpose of full or partial *in-camera* hearings. The sergeant will be questioned about his visit to Mr Katiso Molefe's house, during which he was seen leaving with a paper bag, evidence already presented by an earlier witness who showed his face and identified him by name.

10 His image and name are, therefore, known to the public.

While the Commission takes the safety of its witnesses seriously and will take all reasonable measures to ensure that its witnesses are not put at risk, it is clear to me that Sergeant Nkosi is no longer justified to testify, or rather, the order that he continue testifying remotely is no longer justified.

There is no cogent basis for believing that any of the evidence he intends to present will place his life in danger. It was for these reasons that I made the order of  
20 13 March 2026. Thank you. Mr Chaskalson?

**ADV CHASKALSON SC:** Thank you, Chair. I am not sure if Sergeant Nkosi's been sworn in.

**CHAIRPERSON:** I do not think I should swear him in again. Sergeant Nkosi, you remember that you are still under oath.

**SERGEANT NKOSI:** I confirm, Commissioner.

**CHAIRPERSON:** Thank you.

**FANNIE EZEKIEL NKOSI:** (still under oath)

**EXAMINATION BY ADV CHASKALSON SC**

**(CONTINUES):** Good morning, Sergeant.

**SERGEANT NKOSI:** Good morning, good morning, Mr Chaskalson.

**ADV CHASKALSON SC:** Sergeant, when we left on the 4<sup>th</sup> of February, there were six topics that you undertook to consider, look at your records, and get back to us on. The first of those topics was why – sorry, five topics, was why you sent Mr Matlala the warrant of arrest for Mr Khawula on 21 October 2024, and in particular whether it was to ask his assistance in the arrest of Mr Khawula because you were on your way to arrest Mr Khawula on a Saturday and there was a shortage of SAPS officers. Would you like me to run through them all or do you want to take them one by one?

**SERGEANT NKOSI:** I think I will take them one by one.

**ADV CHASKALSON SC:** Okay. So ...[intervenes].

20 **CHAIRPERSON:** Before you do so, Mr Chaskalson, can you please advise us which files, because there are 10 files? Can you please advise us which ones we should have in front of us right away, please?

**ADV CHASKALSON SC:** Thanks ...[intervenes].

**MR NGOATO:** Commissioner.

**CHAIRPERSON:** Yes, yes, yes, yes, Mr Ngoato.

**MR NGOATO:** Thank you, Commissioner. Before we started, I spoke to Mr Chaskalson in terms of which matter that he intends to start with so that I can allocate the files to the witness. The witness has not been allocated files as yet as we do not know which file he is going to start with. I thought he was going to start with that aspect because as we are still busy with it, that is when the Commissioner started. Can I therefore be given an opportunity to provide  
10 the witness with the files that he might be referred to? Otherwise, where he is seated, he does not have any file.

**CHAIRPERSON:** May we perhaps just adjourn very briefly then and be advised when to come back?

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

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

**MR NGOATO:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Mr Chaskalson, you are still to advise us  
20 about the files.

**ADV CHASKALSON SC:** Yes, Chair. Unfortunately, I cannot be a great deal of help. There are, if I count them, eight files. I can eliminate two for now. The two that I will not refer to, certainly not this morning and probably not today, are Files 1 and 2 of 3 of the additional exhibits. But

unfortunately, I have to move between the other six files on and off today.

**CHAIRPERSON:** No, that is fine, Mr Chaskalson.

**ADV CHASKALSON SC:** Good morning again, Sergeant.

**SERGEANT NKOSI:** Good morning, good morning.

**ADV CHASKALSON SC:** As I was saying, there are five issues, not six, that you undertook to get back to us. The first one was why you sent Mr Matlala a warrant for the arrest of Mr Khawula on 21 October 2024. In particular,  
10 was it to ask his assistance in the arrest of Mr Khawula because you were on your way to arrest Mr Khawula on a Saturday and there was a shortage of police officials available? So if you can answer that question first, then we will get to the others.

**SERGEANT NKOSI:** Can you repeat that question, Commissioner?

**ADV CHASKALSON SC:** Which is why you sent Mr Matlala the warrant for the arrest of Mr Khawula on 21 October 2014. So that is the basic question. There is a sort of sub-  
20 question, which is the Chair had engaged you over the issue of whether it was, as you had earlier indicated, because you had been suddenly called to arrest Mr Khawula on a Saturday and there were not SAPS officers available for the arrest, and it was to secure the assistance of Mr Matlala if you needed it through his private security firm.

**SERGEANT NKOSI:** I did not say there were not enough police officials to arrest Mr Khawula. I said I sent the warrant to Mr Matlala because whenever he goes to the pubs or places to have fun, he sees or he might see Mr Khawula and then he will effect the arrest or call the cops and show them the warrant so that they must arrest Mr Khawula.

**ADV CHASKALSON SC:** Sorry, I just want to get your explanations now. I am not going to interrogate them, but I  
10 just want to find out what they are. So is your explanation that you sent the warrant to Mr Matlala because he was someone who frequented similar places or similar pubs to those that Mr Khawula was known to frequent and you were hoping that he might spot Mr Khawula at one of the places where he was attending and then that he could come back to you and the arrest of Mr Khawula could be effected?

**SERGEANT NKOSI:** That is true.

**ADV CHASKALSON SC:** Sorry, that is correct?

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** Then the second question that you said you would come back to is whether you had received any further payments from Mr Matlala beyond the R20 000 that Mr Matlala paid you, R20 000 on 27 October 2023, the R5 000 that he paid you on 23 May 2024 and various amounts drawn in cash on Mr Matlala's card for

repairs to his boat and the jet-ski of Mr Msibi that he was using. Did you receive any other payments from Mr Matlala beyond those payments?

**SERGEANT NKOSI**: Not that I remember.

**ADV CHASKALSON SC**: Not that you remember?

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: The third issue that you were going to come back on was the location of Mr Matlala's Limpopo farm.

10 **SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Do you have the location of Mr Matlala's farm?

**SERGEANT NKOSI**: That is correct. It is in one of the files. I will check it now. But I have got it in, not exactly in Limpopo, but before Limpopo is Mokopane.

**ADV CHASKALSON SC**: So it is in the Mokopane district?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: And you have an exact location?

**SERGEANT NKOSI**: That is correct.

20 **ADV CHASKALSON SC**: And how can we get that? I mean, can your attorney make that available to us at tea time?

**SERGEANT NKOSI**: Definitely.

**ADV CHASKALSON SC**: Thank you. The next issue that you were going to get back to us on was when you brought

Mr Msibi's jet-ski back from Mr Matlala's farm to Mr Msibi's farm.

**SERGEANT NKOSI**: Yes, it was around September, but I am not quite sure, but I will just confirm now with the attorney.

**ADV CHASKALSON SC**: When you say you are not quite sure and you need to confer with your attorney, are you capable of finding an exact date in the record somewhere, or why would you need to speak to your attorney?

10 **SERGEANT NKOSI**: I am not capable of finding an exact date, but the month I can try, yes.

**ADV CHASKALSON SC**: But your estimate is September 2024?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: And the last issue was the exact date that Mr Matlala came to visit General Sibiya at SAPS head office when you took him upstairs to see General Sibiya in his office.

**SERGEANT NKOSI**: Can you repeat that question?

20 **ADV CHASKALSON SC**: The date of what you said was the first meeting between Mr Matlala and General Sibiya. When Mr Matlala came to visit General Sibiya at SAPS head office, he met you downstairs and you took him upstairs to General Sibiya's office.

**SERGEANT NKOSI**: Ja.

**ADV CHASKALSON SC:** That date.

**SERGEANT NKOSI:** Okay. I think that was around August, September.

**ADV CHASKALSON SC:** 2024?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you are saying that that was the, to the best of your knowledge, the first time that Mr Matlala had met General Sibiya.

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** Let me then start with that last date, because your earlier testimony was that it was much earlier in 2024. I do not have my exact note here, but I seem to remember January or February 2024 was what you were saying. Let me get the exact date and come back also, but it was certainly much well before September 2024. Why did you establish, how did you establish that it was in September 2024?

**SERGEANT NKOSI:** Okay. As you recall, when I testified I said it was around 2023 or 2024 earlier, but when  
20 Commissioner Khumalo reminded me that the project was granted in around June, if I am not mistaken, then I went back and recalled that it must have been around September because that was when Mr Matlala had issues with his payments.

**ADV CHASKALSON SC:** So your memory, you do not –

you have determined that date inferentially with reference to the contract that Mr Matlala had with SAPS, not by any other means. So you have used the fact that his contract was only awarded in the middle of 2024 to estimate that this meeting must have taken place in September, because it was about problems with the contract?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You do not have any other means of specifying the date for this meeting?

10 **SERGEANT NKOSI:** No, I do not have.

**ADV CHASKALSON SC:** But you are clear in your mind that that was the first meeting?

**SERGEANT NKOSI:** According to my knowledge, it was the first meeting in my presence.

**ADV CHASKALSON SC:** And was that meeting before or after General Sibiya's Thanksgiving, what you described as a Thanksgiving celebration, what General Sibiya described as a celebration for his son?

**SERGEANT NKOSI:** I think it was before.

20 **ADV CHASKALSON SC:** Because we have a date for the Thanksgiving meeting. That date, if you bear with me for a minute.

**ADV KHUMALO SC:** 14 September.

**ADV CHASKALSON SC:** 14 September 2024. So would your – how much before 14 September 2024 would your first

meeting with, would Mr Matlala's first meeting with General Sibiya have been?

**SERGEANT NKOSI:** I would say the Thanksgiving came after the meeting because that is when I started to communicate more often with Mr Matlala after their first meeting that I was aware about.

**ADV CHASKALSON SC:** But how often, how much before, how much before that meeting at SAPS headquarters – sorry, how much before the Thanksgiving meeting would the  
10 meeting at SAPS headquarters have been?

**SERGEANT NKOSI:** I cannot be exact.

**ADV CHASKALSON SC:** Is it plausible that that meeting could have happened in September and already on the 14<sup>th</sup> of September General Sibiya was inviting Mr Matlala to a Thanksgiving celebration at his home?

**SERGEANT NKOSI:** There are possibilities that the meeting occurred before the month of September or in September, but I can confirm that the Thanksgiving came after the meeting.

20 **ADV CHASKALSON SC:** And we know also that as early as March 2024 you were making arrangements for impalas to be delivered at General Sibiya's home by Mr Matlala. Are you saying that the impala exchanges on the 21<sup>st</sup> of March 2024 were six months before Mr Matlala had met Mr Sibiya, General Sibiya?

**SERGEANT NKOSI**: Point of correction, Commissioner, I was not arranging for Mr Sibiya to get impalas.

**ADV CHASKALSON SC**: Sorry, you were not arranging?

**SERGEANT NKOSI**: For Mr Sibiya to get the impalas.

**ADV CHASKALSON SC**: Well, we have been through that previously. What happened is you got a voice call forwarded to you by Mr Matlala on the 21<sup>st</sup> of March asking for details as to where the impalas should be delivered. You then forwarded that voice note to General Sibiya and  
10 you then received back a saying, it is from Cat.

You then received a screenshot from Mr Matlala that reflected that the delivery would take place at General Sibiya's home address and said, okay, everything has been arranged. He will catch the impalas on Sunday and transport it Monday to that location. Is it good? That was re the farm manager on the screenshot and Mr Matlala said no problem.

So that exchange all took place on the 21<sup>st</sup> of March, six months before you say General Sibiya first met  
20 Mr Matlala. How do you explain that?

**SERGEANT NKOSI**: I am explaining that by saying, in my knowledge, Mr Matlala sent me the voice note. I sent the same voice note to General Sibiya. General Sibiya sent me feedback. I sent it to Mr Matlala, but I did not take part on the said arrangement as you are saying that I have

arranged.

**ADV CHASKALSON SC:** What was the feedback that General Sibiya gave you?

**SERGEANT NKOSI:** He gave me, he sent me a location to give to Mr Matlala.

**ADV CHASKALSON SC:** And you understood that to be the location at which the impalas were to be delivered?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And that happened in March  
10 2024. We know that. We have got the cell records and the WhatsApp records and the screenshot.

**SERGEANT NKOSI:** I will revert back to my files and just confirm.

**ADV CHASKALSON SC:** And your message to General Sibiya on the 21<sup>st</sup> of March at 07:25:24 in the morning was:

“Morning, it is from Cat.”

That was the message that went with the voice note that you sent 30 seconds previously. So you understood that on the 21<sup>st</sup> of March General Sibiya would know who Cat was?

20 **SERGEANT NKOSI:** I am not sure that I am getting what you are saying. Can you repeat that?

**ADV CHASKALSON SC:** Well, maybe we should go to the documents so that you can see what they are. It is page 214 of the exhibit file, File 1 of 4. 214.

**SERGEANT NKOSI:** I found it.

**ADV CHASKALSON SC:** So at 07:24:25 you forward the voice note and you recall what that voice note says. It broadly says, what address must we deliver the impalas?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Immediately after forwarding that voice note to General Sibiya, you say:

“Morning, it is from Cat.”

You see that at chat number 5?

**SERGEANT NKOSI:** Yes.

10 **ADV CHASKALSON SC:** So you assumed that General Sibiya knew who Cat was?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So by March, by the 21<sup>st</sup> of March 2024 General Sibiya knew who Cat was?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But you say the first time they met each other was six months later.

**SERGEANT NKOSI:** I have never said the first time they met each other. I said when I collected Cat downstairs. He  
20 was at General Sibiya to complain about his payment, not that they met for the first time.

**ADV CHASKALSON SC:** So you accept that they must have met quite some time before that meeting in September?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And in particular that they would have met before you sent this voice note on the 21<sup>st</sup> of March?

**SERGEANT NKOSI:** Possibilities, yes.

**ADV CHASKALSON SC:** Why would you refer to Mr Matlala as Cat if you did not know that General Sibiya and Mr Matlala were well acquainted?

**SERGEANT NKOSI:** If I understand the question correctly, you say, why do I refer Mr Matlala as Cat?

10 **ADV CHASKALSON SC:** Yes, you are sending a text to General Sibiya and you want to explain that the voice note comes from Mr Matlala. And you do not say, good morning, this is a voice note from Mr Matlala. You say, morning, it is from Cat, which suggests that General Sibiya knows who Cat is, which suggests that General Sibiya and Mr Matlala are well acquainted.

**SERGEANT NKOSI:** To just rectify that issue of Cat, Cat and Mr Matlala are one and the same person. And myself and General Sibiya know who Cat is, what the name Cat  
20 belongs to.

**ADV CHASKALSON SC:** But does that not suggest that he and Mr Matlala had met at some stage prior to the 21<sup>st</sup> of March 2024?

**SERGEANT NKOSI:** That is correct. It is possible.

**ADV CHASKALSON SC:** When you forwarded this voice

note to General Sibiya, you will see that he called you back at 08:39 in the morning.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** In the course of that call, did he ever say to you I do not want impalas?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Sorry, was that a no?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And did he say to you I certainly  
10 do not want anything from Cat because Cat is a supplier?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Can I take you to General Sibiya's evidence? It is in that additional File 3 of 3.

**SERGEANT NKOSI:** 3 of 3?

**ADV CHASKALSON SC:** 3 of 3. So the additional file, and it starts at page 1258. Let us go to 1261.

**SERGEANT NKOSI:** I am on it.

**ADV CHASKALSON SC:** So at 1261 ...[intervenes].

**ADV KHUMALO SC:** Just bear with us, Mr Chaskalson.  
20 Yes?

**ADV CHASKALSON SC:** And he is talking about the meeting where you brought Mr Matlala up to General Sibiya's office. He has got that date as December 2023. And the Chair asks him:

“Are you saying that in December 2023,

you called Witness...”

Sorry, either December 2023:

“...you called Witness F to your office and asked him to fetch someone who was downstairs? Are you saying that did not happen?”

He says:

“That did not happen.”

Lower down, he says, he denies that he asked Witness F,  
10 who is yourself, to be the go-between between you and Mr  
Matlala. He says, I never made such a request. Over the  
page, Commissioner Khumalo, at about line 15:

“So when Witness F says on my arrival to  
General Sibiya's office, I delivered Mr  
Matlala, then General Sibiya said to  
me...”

I am reading line 20 on 230:

“...that never happened.”

General Sibiya says that never happened:

20 “He is not being truthful when he says  
the three of you were in the office  
together and you gave him this  
instruction. From where I am sitting, I  
say that never happened, Chair.”

And then over the page on 1263, at line 16:

“Witness F was never in my office. He was not working in my office.”

So can we take this evidence of General Sibiya one step at a time? Let us start at the end, where we just picked up. 1263, he says you were never in his office, you were not working in his office. Is that true or false?

**SERGEANT NKOSI:** That is false.

**ADV CHASKALSON SC:** How often have you been in his office?

10 **SERGEANT NKOSI:** Many times, more than I can count.

**ADV CHASKALSON SC:** And when he says, let us go back up a page, 1262, Commissioner Khumalo puts to you:

“On my arrival to General Sibiya's office, I delivered Mr Matlala. Then General Sibiya said to me, and he says that never happened.”

So he says you never delivered Mr Matlala to his office. Is that true or false?

**SERGEANT NKOSI:** That is false.

20 **ADV CHASKALSON SC:** Let us then move to what he says about the impalas. And you have answered some of it already. If you go to page 1267, same file, lines 9 to 11.

**SERGEANT NKOSI:** I am here.

**ADV CHASKALSON SC:** He says he never allowed the impalas to come to him because even if he said, and if you

said, when you said from Mr Matlala to me, I realised, look, I do not want anything from anybody. Did General Sibiyi ever say to you he does not want to receive anything from Mr Matlala?

**SERGEANT NKOSI:** He never said anything.

**ADV CHASKALSON SC:** If we go down the page, or actually to 1271.

**SERGEANT NKOSI:** One?

**ADV CHASKALSON SC:** 1271.

10 **SERGEANT NKOSI:** I am here.

**ADV CHASKALSON SC:** Line 12:

“If the message proceeds immediately, say from Cat, and it was about that because I do not have any devices over and above, I was not going to receive anything from a service provider.”

Did General Sibiyi ever tell you that he did not want to receive anything from a service provider?

**SERGEANT NKOSI:** No.

20 **ADV CHASKALSON SC:** Then on 1272.

**SERGEANT NKOSI:** I am here.

**ADV CHASKALSON SC:** Line 9:

“I think I indicated earlier that when they sent the pin drop to where the animals, the impalas must be delivered, I did send

it.”

So he admits that he sent the pin drop. Is that correct?

Did he send the pin drop to you?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:**

10 “I also said, but when I got a break, or  
during lunch, or whatever the case may  
be, I called Nkosi and I said please make  
sure it is not impalas because I do not  
need impalas, I cannot keep them and  
they die.”

Did he ever say that to you?

**SERGEANT NKOSI:** He said he called me?

**ADV CHASKALSON SC:** He said he called you and he  
said make sure that it is not impalas because I do not need  
impalas, I cannot keep them and they die. Did he ever say  
that to you?

**SERGEANT NKOSI:** No.

20 **ADV CHASKALSON SC:** So what he says in this passage  
is also false?

**SERGEANT NKOSI:** Correct.

**ADV CHASKALSON SC:** Can we then go to a further part  
of General Sibiyi's evidence? Now he is talking about the  
Thanksgiving celebration or the function for his son on the  
14<sup>th</sup> of September 2024. And his evidence was that when

he asked you to ask Cat to make a turn, he was asking you to ask Cat not to come to his Thanksgiving celebration, but rather to fetch his wife who was drunk. Is that correct?

**CHAIRPERSON:** At which page are you now?

**ADV CHASKALSON SC:** I am at page 1281.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** And you can see the record of what General Sibiya says in his statement is not completed in its quotation there, but his version in his statement and  
10 indeed in his evidence was that he did not want Mr Matlala to attend the function, he wanted Mr Matlala to fetch his wife who was drunk and that is why he asked you to ask Cat to make a turn. Is that correct?

**SERGEANT NKOSI:** That is his vision, but to me he never stated that. He just said tell Cat to make a turn, and I did that.

**ADV CHASKALSON SC:** So he never communicated to you that he needed Cat to come to the function to pick up his wife who was drunk?

20 **SERGEANT NKOSI:** I do not recall him saying that.

**ADV CHASKALSON SC:** If we go to page 1306.

**SERGEANT NKOSI:** 1306?

**ADV CHASKALSON SC:** 1306.

**SERGEANT NKOSI:** I am here.

**ADV CHASKALSON SC:** And if you start at line 15, Ms

Hassim says okay, and this is about the Matlala urgent application and the exchange of WhatsApps between yourself and General Sibiya in relation to that urgent application and what Mr Matlala had said about General Sibiya. So Advocate Hassim says:

10                    “So the content of this message to you is about Mr Matlala naming you in the court documents? Yes. Why did you forward it to Sergeant Nkosi? I might have to say look what this man is saying and it is not true. Did you have any conversation with Sergeant Nkosi about it?”

No, he says. When he says he never discussed with you what Mr Matlala had said in his affidavits in the urgent application, is that true or false?

**SERGEANT NKOSI:** Can you repeat that question, Commissioner?

20                    **ADV CHASKALSON SC:** When he says that he never discussed what Mr Matlala discussed with you, what Mr Matlala's affidavit in the urgent application said about him, is he being truthful or untruthful?

**SERGEANT NKOSI:** Untruthful.

**ADV CHASKALSON SC:** Can we then go to page 1292?

**SERGEANT NKOSI:** I am here.

**ADV CHASKALSON SC:** There you will see that Advocate

Hassim at line, around line 15 says:

“You would agree that it is improper for Sergeant Nkosi to be sending this to Mr Matlala.”

He is talking about the warrant for the arrest of Mr Khawula.

So the question is put to Lieutenant, to General Sibiya:

“Would you agree that it is improper for Sergeant Nkosi to be sending the warrant for Mr Khawula's arrest to Mr Matlala?”

10 And the answer is, fully agree, says General Sibiya. Did General Sibiya ever communicate to you that he thought it was improper for you to have forwarded the warrant of arrest to Mr Matlala?

**SERGEANT NKOSI**: No.

**ADV KHUMALO SC**: Sorry, Mr Chaskalson. In fact, you said when you testified previously that it was General Sibiya who instructed you to forward it to Mr Matlala, correct?

**SERGEANT NKOSI**: I still confirm.

20 **ADV KHUMALO SC**: Thanks.

**ADV CHASKALSON SC**: So can I, just picking up from Commissioner Khumalo's question, that is put specifically to General Sibiya, page 1288, line 18, and it is from Commissioner Khumalo:

“When Sergeant Nkosi says to this

Commission you told him to forward the same warrant to Cat Matlala, you are saying Sergeant Nkosi is lying, he is not telling the truth. Did I understand you correctly?”

And Lt-Gen Sibiyi says yes. And he then repeats that two pages down.

**CHAIRPERSON:** Sorry, Mr Chaskalson, we are not picking that up at 1288.

10 **ADV CHASKALSON SC:** 298. 1298.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** Line 18.

**SERGEANT NKOSI:** 129?

**ADV CHASKALSON SC:** 1298. Did I say 1288?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** I apologise. I apologise. 1298.

Let us do it again. If you go to 1298, line 18.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:**

20 “When Sergeant Nkosi says to this Commission you told him to forward the same warrant to Cat Matlala, you are saying Sergeant Nkosi is lying, he is not telling the truth. Did I understand you correctly?”

And General Sibiya says yes. And if you can read that with 1300, where your evidence is put to General Sibiya, line 7:

10                   “On our way we received a call from  
                      General Sibiya telling me that I must  
                      forward this warrant to Mr Matlala,  
                      because at that time Mr Matlala had a  
                      security company. According to General  
                      Sibiya, Mr Matlala and his security  
                      company always have the provision  
                      where Musa usually goes on the  
                      weekends.”

Now, do you stand by that evidence?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And it was General Sibiya who told you that Mr Matlala will know where Musa goes on the weekends?

**SERGEANT NKOSI:** That is correct.

20                   **ADV CHASKALSON SC:** And lower down, you see that in 252, so let me not misquote anybody. I have read it for you. This is the reason Sergeant Nkosi gave us the instruction that was coming from you, and he says:

                      “I deny the allegations made by Sergeant  
                      Nkosi. It is not correct, Chair.”

So is Lt-Gen Sibiya giving false evidence when he makes that denial on page 1300 and when he says on page 1298

that you were lying when he said that he told you to forward the warrant to Mr Matlala?

**SERGEANT NKOSI**: Maybe he forgot, but according to me, he did give me that instruction.

**ADV CHASKALSON SC**: Then in relation to your evidence, let us start on 1294, line 20, so you can see your evidence.

Your evidence was:

10                    “After 45 minutes I received again a call  
                         from General Sibiya telling me that or  
                         confirming to me about what already  
                         General Ramangwa had said to me, that  
                         this is a matter of importance. The  
                         person involved there, he did not mention  
                         who he was, but he mentioned to me he  
                         is getting pressure from head office.  
                         Head office, the office of the Deputy  
                         Minister, he is getting pressure from  
                         them. I then asked Deputy National  
20                    Commissioner what is so important about  
                         this charge, because according to me  
                         there is no sense of urgency. He said  
                         this guy insulted a member of Parliament.  
                         He told me now the member that he  
                         created a crime against is Fikile Mbalula,  
                         the secretary of the ANC. The other is

Mr Ze. So basically they were the complainants. So this matter was putting him under pressure. That is the reason we had to leave everything and attend to it.”

So at 1296, lines 18 to 20, he says:

“Sergeant Nkosi at his level, he is five levels below me, five. He will never ask me a question that says what is so  
10 important about this thing.”

What is your response to that?

**SERGEANT NKOSI**: That is not true.

**ADV CHASKALSON SC**: You are saying it is not true?

**SERGEANT NKOSI**: No, that is not true.

**ADV CHASKALSON SC**: Have you asked him on other occasions what is so important about a particular operation?

**SERGEANT NKOSI**: Many occasions.

**ADV CHASKALSON SC**: Many occasions?

20 **SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: And then on 1297 ...[intervenes].

**ADV KHUMALO SC**: Before you leave that, Advocate Chaskalson, still on the same point, 1295.

**SERGEANT NKOSI**: 12?

**ADV KHUMALO SC**: 95. Remember Advocate Chaskalson

read the quotation and then where General Sibiya responds, he says:

“I think, Chair, that I must tell you that Mr Nkosi is not telling the truth.”

Do you see that?

**SERGEANT NKOSI:** That is 1295?

**ADV KHUMALO SC:** Yes, 1295 from line 18.

**SERGEANT NKOSI:** Okay.

**ADV KHUMALO SC:** So you see, remember Advocate  
10 Chaskalson read the quotation for you?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** And then General Sibiya is asked to respond. So the question is, what is your response to this? And General Sibiya says:

“I think, Chair, that I must tell you that Mr Nkosi was not telling the truth.”

Do you see that?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** What is your response to that?

20 **SERGEANT NKOSI:** I have got no reason to lie about General Sibiya.

**ADV KHUMALO SC:** So it is General Sibiya who is not being truthful?

**SERGEANT NKOSI:** To put it in a respectful manner, I would say maybe he forgot.

**ADV KHUMALO SC:** Okay.

**ADV CHASKALSON SC:** Then on 1297, line 11:

“All I am saying is I do not remember calling Nkosi specifically and say I had pressure from the Deputy Minister. It never happened.”

What is your response to that?

**SERGEANT NKOSI:** When he called, I was with Captain Zungu in a vehicle and General Sibiyi was on speaker. I  
10 still maintain the words. He said that.

**ADV CHASKALSON SC:** And Captain Zungu would confirm that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** While we are on the saga of the arrest of Mr Khawula, when you testified in February, you said you were not aware of Ze's surname. You said Ze was one of the complainants but you did not know his surname. Do you stand by that evidence?

**SERGEANT NKOSI:** Can you repeat that?

20 **ADV CHASKALSON SC:** When you testified in February, you said that there were two complainants. One was Mr Mbalula and the other one was Ze.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you knew Ze but you did not know his surname.

**SERGEANT NKOSI:** I was not sure about his surname.

**ADV CHASKALSON SC:** Okay. You were not sure about his surname.

**SERGEANT NKOSI:** Yes, but I knew him. This is what I said.

**ADV CHASKALSON SC:** Yes. Are you now sure about his surname?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And what is his surname?

10 **SERGEANT NKOSI:** Nxumalo.

**ADV CHASKALSON SC:** Ze is in your phone book, is he not?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you communicate with him on WhatsApp?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And what name do you use for him in your WhatsApp communication?

**SERGEANT NKOSI:** Ze, Zenzile EFF.

20 **ADV CHASKALSON SC:** Zenzile EFF?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Why Zenzile EFF?

**SERGEANT NKOSI:** This is how I saved him, as Zenzile EFF.

**ADV CHASKALSON SC:** But why would you associate him

with the EFF in how you say that?

**SERGEANT NKOSI:** I just felt like that. Zenzile EFF.

**ADV CHASKALSON SC:** Come, Sergeant Nkosi, you must have a reason.

**SERGEANT NKOSI:** No, Commissioner. That is Zenzile EFF.

**ADV CHASKALSON SC:** I hope I am not saved in your phone book as Chaskalson ...[intervenes].

**SERGEANT NKOSI:** I will tell you how I saved you.

10 **ADV CHASKALSON SC:** Let me not name a party. Why Zenzile EFF?

**SERGEANT NKOSI:** Zenzile EFF. No, I just saved him like that. Zenzile EFF.

**ADV CHASKALSON SC:** I see.

**CHAIRPERSON:** But Sergeant, what I sometimes do, say I am meeting somebody for the first time and I am not sure that I would remember their name down the line. What I will do is save the name, but also save something that will remind me of who they are.

20           And when I search and I have indeed forgotten the name, I will search for what I used to remember the person. Surely, surely, it must be because you were doing something similar. And what Mr Chaskalson wants to know is why your something similar refers to the EFF.

**SERGEANT NKOSI:** No, I think Mr Chaskalson is pushing

me somewhere. No, I think, no, I saved him Zenzile EFF because I once saw him wearing an EFF hat.

**ADV CHASKALSON SC:** I see.

**ADV BALOYI SC:** Is his full name Zenzile?

**SERGEANT NKOSI:** I think so, Commissioner. I know him as Ze, but I know this Ze they call him Zenzile.

**ADV BALOYI SC:** Or some people call him Zenzile?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Okay.

10 **CHAIRPERSON:** For the record, perhaps we should spell Zenzile, because we have seen that the transcript usually misspells some names. Zenzile, Z-e-n-z-i-l-e.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** Yes, Mr Chaskalson?

**ADV CHASKALSON SC:** What nickname does he use to address you?

**SERGEANT NKOSI:** Zero-zero.

**ADV CHASKALSON SC:** Zero-zero or 007?

**SERGEANT NKOSI:** No, zero-zero or double.

20 **ADV CHASKALSON SC:** Can I ask you to go to 1177, the same file? 1177.

**SERGEANT NKOSI:** 11?

**ADV CHASKALSON SC:** 77.

**MR NGOATO:** Sorry, you said 1177 on the same file.

**ADV CHASKALSON SC:** Same file. Same file. Do you

have it?

**MR NGOATO:** Just wait for me. Thank you.

**ADV CHASKALSON SC:** Can I ask you to look at chat 2? Not chat 2, chat 3. 17 March 2023. There Mr Nxumalo says 007. And you respond, my man.

**SERGEANT NKOSI:** I see it.

**ADV CHASKALSON SC:** So, he calls you 007, does he not?

**SERGEANT NKOSI:** Here he called me that.

10 **ADV CHASKALSON SC:** And we saw last time out that Jerry Kazi and the nephew of former Deputy President Mabuza also called you 007. You remember that?

**SERGEANT NKOSI:** I remember.

**ADV CHASKALSON SC:** Why do you seem so reluctant to admit that people call you 007?

**SERGEANT NKOSI:** I think it is because the way you painted the word, or the name 007. You are saying a licenced killer and you painted this name on a script, acting script that says 007, it says a licenced to kill person. So I  
20 do not want to distance – I do not want to associate myself with a licenced to kill person, no.

**ADV CHASKALSON SC:** But I think ...[intervenes].

**SERGEANT NKOSI:** On those basis.

**ADV CHASKALSON SC:** You are right, I did mention that, but it was only after you showed some reluctance to admit

that people call you 007. So your reluctance preceded my reference to licenced to kill. Who is 007?

**SERGEANT NKOSI:** I do not know. Who is 007?

**ADV CHASKALSON SC:** You do not know that 007 is James Bond?

**SERGEANT NKOSI:** Can you repeat that?

**ADV CHASKALSON SC:** You do not know that 007 is James Bond?

**SERGEANT NKOSI:** Yes, I know it is James Bond.

10 **ADV CHASKALSON SC:** And what is James Bond?

**SERGEANT NKOSI:** It is an actor.

**ADV CHASKALSON SC:** No, he is not an actor. The character James Bond, what is that character's profession?

**SERGEANT NKOSI:** I do not know because I do not watch that movie.

**ADV CHASKALSON SC:** You have never seen a James Bond movie?

**SERGEANT NKOSI:** I do not know. No, Commissioner, I do not know.

20 **ADV CHASKALSON SC:** You see, James Bond is an undercover agent of military intelligence in Britain with a licence to kill. The 00 means licenced to kill. And undercover agent is what James Bond is.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** So why would people call you

007?

**SERGEANT NKOSI:** Maybe it will – in my profile there, I have set myself as zero tolerance to crime. So now these people, they take this zero, add another zero, and say 007.

**ADV CHASKALSON SC:** And where does the seven come in all of this?

**SERGEANT NKOSI:** You know, Commissioner, some, they call me 10111. Some, they call me 458. You will see the chats as it goes. So I would not control on how people call  
10 me, even though I do not object to that. As long as it is not an insult to me, I – but 007 is not me.

**ADV KHUMALO SC:** You are also a night rider.

**SERGEANT NKOSI:** Night rider, that is correct, Commissioner.

**ADV CHASKALSON SC:** Well, let me put to you that Zenzile EFF seems to have regarded you as his secret agent. What do you say to that?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Well, let us look at your chats  
20 with him. Can we go down to 1178?

**SERGEANT NKOSI:** 11?

**ADV CHASKALSON SC:** 78, the next page.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** And 18 March 2023, at 02:49:14 Mr Nxumalo, as Zenzile EFF, sends you two documents.

And you will find those documents on page 1219 and 1220.

So can you go to 1219 and 1220?

**SERGEANT NKOSI:** 1?

**ADV CHASKALSON SC:** 219.

**SERGEANT NKOSI:** On the same file?

**ADV CHASKALSON SC:** Same file.

**SERGEANT NKOSI:** Let me be sure. Is it 112?

**ADV CHASKALSON SC:** No, 1219.

**CHAIRPERSON:** If there is nothing to be redacted, can  
10 you please project it? The lettering is very small on here.

**ADV CHASKALSON SC:** So 1219 is particulars of a  
vehicle. You see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And 1220, there may be a need to  
redact here because particulars of an individual. They may  
have been redacted already. 1220 is particulars of a  
person.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** It has got his cell number, his  
20 date of birth, full name and address. It says move or merge  
restricted. Allowed to move or merge. It has got a home  
address. So after he sent you this, these two clips, Zenzile  
EFF says, go back to 1178. You are there?

**SERGEANT NKOSI:** 11?

**ADV CHASKALSON SC:** 78.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And at 02:49:35 in chat 5.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** He says to you:

“Let us please get them intercepted and  
dealt with ASAP.”

You see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So on what basis does Zenzile  
10 EFF give you instructions to intercept vehicles and people?

**SERGEANT NKOSI:** Okay. He did not necessarily maybe  
give me the instructions. I think it was people, if I can  
recall better. It was suspicious people that were roaming  
around. It was suspicious people that were roaming around  
his area. He suspected that they might have been following  
him for quite some time. So he took note of that particular  
registration, then he sent it to me.

**ADV CHASKALSON SC:** Why would he send it to you?

**SERGEANT NKOSI:** Because he knows that I am flexible,  
20 or to ask or seek help around the nearest police in that area  
where he was at that time.

**ADV CHASKALSON SC:** He knows that you are flexible.  
What did you mean by that?

**SERGEANT NKOSI:** I am flexible in my work. I am flexible  
in responding to things of urgency during my line of work,

obviously. So I think he sent me on those basis.

**ADV CHASKALSON SC:** So if I ever need urgent help from the SAPS, I should call you?

**SERGEANT NKOSI:** Definitely.

**ADV CHASKALSON SC:** Let us look at other aspects of your chats with him.

**ADV BALOYI SC:** Before you do that, Mr Chaskalson. Sergeant, at which point would he have told you or explained to you that these people are following him? I  
10 mean, you look at the chats in 117. This is on the 17<sup>th</sup> of March. Then the chats at page 1178, they are on the 18<sup>th</sup> of March and there is no telephone call in those exchanges on the 18<sup>th</sup> of March.

So at which point? In fact, at 1177, the very last chat is you have called him and you say no answer. Right at the bottom. So we know from chat, in fact all those chats at 1177, there is no telephone call between the two of you. At least not on this number, on the 17<sup>th</sup>. And then on the 18<sup>th</sup>, by the time he sends you those personal and motor  
20 vehicle details, there has still not been a telephone call between the two of you. So at which point would he have explained to you that these vehicles are following him?

**SERGEANT NKOSI:** It was never a WhatsApp call, but it was a straight line. Straight call.

**ADV BALOYI SC:** When was that?

**SERGEANT NKOSI:** On the very same time.

**ADV BALOYI SC:** On the 18<sup>th</sup>?

**SERGEANT NKOSI:** Yes, I cannot just recall, but we spoke telephone call on the phone.

**ADV BALOYI SC:** So he was saying these cars on that day are following him, on the 18<sup>th</sup>?

**SERGEANT NKOSI:** He said it was a car, not cars, yes.

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

**ADV CHASKALSON SC:** So how would you have called  
10 him? Would you have used your cell phone or your SAPS  
phone?

**SERGEANT NKOSI:** I cannot recall.

**ADV CHASKALSON SC:** And where would you have called  
him? Would you have called him on his cell number or on a  
different number? Do you know any other numbers for him?

**SERGEANT NKOSI:** No, I only know this one.

**ADV CHASKALSON SC:** Well, we are not in a position to  
check that answer now, but maybe tomorrow. Because we  
can see if there were calls between you and him on that  
20 day. Your evidence is that there would have been.

**SERGEANT NKOSI:** Yes, because of I know I do usually  
talk to him a lot.

**ADV CHASKALSON SC:** Have you visited Mr Nxumalo at  
his home?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** For what purpose?

**SERGEANT NKOSI:** He is my brother.

**ADV CHASKALSON SC:** And you were not sure of his surname?

**SERGEANT NKOSI:** That is correct. Maybe I can elaborate on that. You know, we are African males. I can call you my friend, my friend, for a long time not even knowing your name. In our nature, it is like that. Most, the one that I know. So to me, the surname was not an issue.

10 **ADV CHASKALSON SC:** As long as I call him my brother, I am free to do that. That is how we address each other.

**ADV CHASKALSON SC:** You see, Sergeant, I would accept that if we were dealing with someone who does not have a high public profile, but Mr Nxumalo does. So your evidence is still that despite the fact that Mr Nxumalo, his face is all over the media, you did not know his surname?

**SERGEANT NKOSI:** I was not sure. Not knowing, I was not sure. So I was just avoiding to give ...[intervenes].

20 **ADV CHASKALSON SC:** So when you saw his face in the media, did you think that looks like Ze, but it may not be?

**SERGEANT NKOSI:** I do not know.

**ADV CHASKALSON SC:** Have you seen his face in the media?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And did you recognise it as Ze?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But you did not notice his surname at the time?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** I have to say that sound extremely implausible to me.

**SERGEANT NKOSI:** To me, it is possible. You just check a face, I know this face, then you do not even bother to check what is below that.

10 **ADV CHASKALSON SC:** Let us go back to why you visited him at his home. He was your brother, when, how often have you been to his home?

**SERGEANT NKOSI:** I cannot remember.

**ADV CHASKALSON SC:** One time, five times, 10 times, 50 times? What are we talking about?

**SERGEANT NKOSI:** I am just sceptical in saying how many times because I will be closing myself in, when I say three times or 10 times, you find that I went there 10, 80 times. So, I ...[intervenes].

20 **ADV CHASKALSON SC:** I just want to get a sense of it. You know, is his house a place you visited often? Is it on a very rare occasion only? Give me an estimate. I am not going to hold you to it.

**SERGEANT NKOSI:** I cannot give you.

**CHAIRPERSON:** But many times?

**SERGEANT NKOSI**: Yes, ...[indistinct] I can say that, Commissioner.

**CHAIRPERSON**: I do not know myself what many times is.

**ADV KHUMALO SC**: Sergeant, when I am not sure, I usually say between 10 and 20.

**SERGEANT NKOSI**: I am afraid, Commissioner, that it will bind me, that you said – so I am not sure, Commissioner.

**ADV CHASKALSON SC**: Well, let me ask you about one time. Can we go to 1180? It is the 22<sup>nd</sup> of March 2023.

10 **SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: And if we start at – let us actually start on the previous page, 1179, chat 5, 22<sup>nd</sup> of March, 09:22 in the morning. He says:

“I will call you shortly.”

Your response is:

“Agent.”

What do you mean by agent?

**SERGEANT NKOSI**: I cannot recall what did I meant.

**ADV CHASKALSON SC**: Then he says ...[intervenes].

20 **CHAIRPERSON**: Did you mean urgent, perhaps?

**SERGEANT NKOSI**: That agent, I cannot recall what that agent all about, Commissioner.

**ADV CHASKALSON SC**: Having regard to the rest of the chat, I think the Chair’s suggestion makes a lot of sense. Is it possible that you meant urgent and it was just misspelt

agent? Is it possible? I put it now higher than that.

**SERGEANT NKOSI**: I do not know.

**ADV CHASKALSON SC**: Okay. Well, let us continue. At 10:24, he says:

“Send.”

At 10:57, you said:

“Got it.”

10:57, over the page on 1180, you send you a question mark. 10:59, he says:

10 “Nowhere?”

11:03, you send another question mark. 11:06, he says:

“One minute.”

That is 11:03. Sorry, 11:06. At 01:03, he says:

“Can I call you later?”

And by this stage you are getting a bit irritated. You say:

“You said 20 minutes an hour back.”

That is at 01:03. At 05:06, he says:

“Can I call you later?”

20 Did you have the sense he was trying to avoid you?

**SERGEANT NKOSI**: Can you repeat? The sense of what?

**ADV CHASKALSON SC**: Did you have a sense that he was trying to avoid you?

**SERGEANT NKOSI**: No, no, no, no, no. You know why? Because he is always busy. Sometimes I would pester him

and he is always busy. So, I would not say he was avoiding me.

**ADV CHASKALSON SC:** Well, let us continue. He says, you say to him when he says can I call you later:

“On my way to your house.”

So, he wants to call you later and you are saying I am coming to your home. You see that?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** His response is:

10 “Wait, *boetie*.”

At 05:25. You say:

“*Eish*.”

An hour later he is saying:

“Wait, *boetie*.”

At 06:13:

“Just awaiting delivery.”

He says, at 06:13:37:

“Did you speak to Ndlondlo?”

Okay. Who is Ndlondlo?

20 **SERGEANT NKOSI:** It is Jothan Msibi.

**ADV CHASKALSON SC:** So, it is Mr Msibi?

**SERGEANT NKOSI:** That is correct.

**CHAIRPERSON:** Ndlondlo is spelled N-d-l-o-n-d-l-o.

**ADV CHASKALSON SC:** So, he is saying:

“Just awaiting delivery. Did you speak to

Mr Msibi?”

Your response is:

“I am with him when I call you.”

So, you were with Mr Msibi as you were calling.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Mr Nxumalo says he is awaiting delivery. What was he having delivered?

**SERGEANT NKOSI:** Okay. At that time, Mr Msibi was suffering from Itrist [?]. Ja, if I am not mistaken, if I  
10 pronounce it correctly. So, Ze had ordered a medication in Cape Town. So, he promised Mr Msibi that he would deliver. But I think according to him, due to unforeseen circumstances, then I had to collect.

**ADV CHASKALSON SC:** Sorry, what was the condition for which this medication was necessary?

**SERGEANT NKOSI:** He could not eat. When he was eating, he was vomiting. So, that is the reason I was pestering him.

**ADV CHASKALSON SC:** So, Ze has sourced medication  
20 from Cape Town for Mr Msibi's condition?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Is he a doctor?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Is he a pharmacist?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** But he deals in medication?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** How did it come about that he was offering to source medication for Mr Msibi?

**SERGEANT NKOSI:** I would not know. Maybe he might have had a similar or known someone with a similar sickness to Mr Msibi. Then that is when maybe he made calls so that they might find such medication in Cape Town. I do not know exactly what was the arrangement all about.

10 All I know is that I was ready to collect such to Mr Nxumalo.

**CHAIRPERSON:** Let us take the adjournment at this point and come back at 20 past. Let us adjourn.

#### **INQUIRY ADJOURNS**

#### **INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** So, if we pick up that chat, it is still on page 1181. You have said that you were with Mr Msibi when you called. Ze said, okay. And then he says, he, in other words, Mr Msibi said he told you to come back  
20 in the morning. I will call you, and that is at 06:57 pm on the 22<sup>nd</sup> of March. Then you hear nothing from him for four more days. Now, this medication that Mr Msibi needed, presumably he needed it quite urgently. Why did he not go to his doctor to get it?

**SERGEANT NKOSI:** I would not know.

**ADV CHASKALSON SC:** Did he ask you to organise it through Mr Nxumalo?

**SERGEANT NKOSI:** I do not understand you, Commissioner.

**ADV CHASKALSON SC:** Well, how was it that you came to be involved in the delivery of medication dispensed by Mr Nxumalo for Mr Msibi's condition? How did this happen?

**SERGEANT NKOSI:** I am always with Mr Msibi. Mr Nxumalo frequently come to Mr Msibi on those bases.

10 **ADV CHASKALSON SC:** And did he offer to find the medication on one of those frequent visits to Mr Msibi?

**SERGEANT NKOSI:** I would not answer that, because when they were arranging, I was not there. I just came in the part where they said, I must just go and collect that medication.

**ADV CHASKALSON SC:** So, how was it that you ended up being involved in this collection of medication? Who gave you the instruction? Who asked you to do it?

20 **SERGEANT NKOSI:** Okay, as I said, I am always with Mr Msibi. Then they just say, Ingaria[?], go to Ze, collect medication for me.

**ADV CHASKALSON SC:** But you have now been unable to get the medication on the 22<sup>nd</sup>, and he has not come back to you for another four days. But on the 26<sup>th</sup> of March, at 4 pm, he says:

“I will call you in two hours.”

What happened over those four days with Mr Msibi and his need for medication? Did he not ask you to ensure that the medication was collected?

**SERGEANT NKOSI**: I do not know what really happened to him, but I believe maybe he got the temporary medication to keep him going before this medication could be collected.

**ADV CHASKALSON SC**: So, Mr Msibi had access to medication from ordinary medical practitioners?

10 **SERGEANT NKOSI**: Definitely, yes.

**ADV CHASKALSON SC**: And you speculate that in those four days he was depending on medication dispensed by medical professionals?

**SERGEANT NKOSI**: I am just assuming, yes.

**ADV CHASKALSON SC**: So, on the 26<sup>th</sup>, he says:

“I will call you in two hours.”

Your response is:

“I am so frustrated.”

Why were you frustrated?

20 **SERGEANT NKOSI**: I cannot recall why I was frustrated. I remember I was frustrated, but I cannot recall.

**ADV CHASKALSON SC**: Well, let me put a possibility to you. You have been waiting for something for over four days. It was fairly urgent, and you were still waiting. Would that not cause frustration?

**SERGEANT NKOSI**: I would not confirm that.

**ADV CHASKALSON SC**: Anyway, his response at 05:07 pm is:

“Please wait, I will call you back.”

You say:

“Okay.”

At 07:02 pm, he still has not called you back. And you say:

“My man, till what time?”

What was going on then?

10 **SERGEANT NKOSI**: I cannot remember.

**ADV CHASKALSON SC**: Can I suggest that you were getting increasingly irritated with Ze who kept on putting you off, kept on avoiding you?

**SERGEANT NKOSI**: I would not say that.

**ADV CHASKALSON SC**: Well, he continues with that pattern at 07:03 when you say:

“My man, till what time?”

He now says:

“Please come in the morning tomorrow.

20 The guy will only drop off late tonight.”

So now you have got progress, and you say:

“I will be there at 9 o'clock in the morning.”

He says:

“No, come around 11 please.”

1181 you say:

“Sharp 11, same place.”

And lo and behold, the next morning, at 11, you get a message saying:

“Running late. Let us say 1 o’clock.”

11:26 you say:

“Okay, will be around the area.”

And then he pushes you back further. He says at 12:49:

“I will tell you once drop-off is done, and then you can come.”

10 Eventually, the drop-off finally takes place. It is at 02:23 on the 28<sup>th</sup> of March, he sends you a text saying:

“It is ready.”

Did you collect the medication?

**SERGEANT NKOSI**: I cannot remember, but I think I did.

**ADV CHASKALSON SC**: You think you did. And what did it look like? What was the size of the package?

**SERGEANT NKOSI**: Something like this, something like this big.

20 **ADV CHASKALSON SC**: Can you just describe the dimensions, because the record will not show the distance between your hands.

**SERGEANT NKOSI**: Let me say, a box half of this, because it was couriered, if I am not mistaken.

**ADV CHASKALSON SC**: So, it was a couriered box, half the size of a file.

**SERGEANT NKOSI:** I am thinking, yes.

**ADV CHASKALSON SC:** And when did you deliver it to Mr Msibi?

**SERGEANT NKOSI:** I cannot remember whether on the same day or on the following day, because now it was no longer urgent, because this is why I said that I assumed that he might have got another.

**ADV CHASKALSON SC:** So, you say it was no longer urgent, because he now had got different medication.

10 **SERGEANT NKOSI:** I assume that he might, because I cannot remember if I delivered it the same day, or the following day.

**ADV CHASKALSON SC:** Let us move to a different topic now, but still, with Zenzile EFF. And let us look at the Khawula arrest. Can I ask you to go down to 1188? And now we are on the 16<sup>th</sup> of October 2024. Maybe go up one page, because the conversation starts at the bottom of 1187. Ze writes to you, brother, at 09:02 pm on the 16<sup>th</sup> of October.

20 **SERGEANT NKOSI:** What page is that? It is 1188?

**ADV CHASKALSON SC:** 1187, the bottom line on 1187. Brother, at 09:02 pm. You got it?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** 09:05, you say:

“My man.”

And at 09:05, he says:

“How far is, and there is a military helmet icon.”

Does that military helmet mean general?

**SERGEANT NKOSI**: I think so.

**ADV CHASKALSON SC**: I think you are right. Let us see what the chats say. You say:

“Let me check him.”

Were you checking with General Sibiya?

10 **SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: And your answer is in fact confirmed. Because if we go to file 4 of 4 of the original, no, file 1 of 4, at page 254. Do you have it?

**SERGEANT NKOSI**: Yes, I have it.

**ADV CHASKALSON SC**: You will see that on the same day, at 21:08:03, chat number 1, that is barely a minute after you said, let me check him, in fact it is less than a minute, it is 30 seconds, you phone General Sibiya.

**SERGEANT NKOSI**: That is correct.

20 **ADV CHASKALSON SC**: And then at 21:08:37, you send him a screenshot. And that screenshot you will find in file 3 of 4, at page 132.

**SERGEANT NKOSI**: What?

**ADV CHASKALSON SC**: File 3 of 4, page 132. Do you have it?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And you will see what you have sent him, what you have sent to General Sibiya, is your screenshot with Zenzile EFF, which ends with how far General is, and you have said, let me check him. Do you see that?

**SERGEANT NKOSI:** Wait, wait.

**ADV CHASKALSON SC:** Page 132.

**SERGEANT NKOSI:** Yes, I see it.

10 **ADV CHASKALSON SC:** So why was Mr Nxumalo so keen for you to contact General Sibiya?

**SERGEANT NKOSI:** I do not know, I do not know.

**ADV CHASKALSON SC:** Well, let us look at what happens the next day. And for that we need to go back to the new file 3, new file 3 of 3, on 1188.

**SERGEANT NKOSI:** Okay.

20 **ADV CHASKALSON SC:** Okay, you see at 01:54 pm he calls you. At 01:57 he sends you a contact card for Mr Khawula. If you want to check that contact card, you will see it at the same file, page 1222. But maybe before you check them, let me tell you, I will take you through all of the stuff that he sends you, because you can then check them sequentially, without jumping backwards and forwards. At 01:57:42, he sends a profiling report for Mr Khawula. At 01:57:44, over the page, on 1189, he sends a consumer

trace report for Mr Khawula.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** And then at 01:57:45, he sends a document providing identity details of Mr Khawula, including an address. And underneath that message, at 01:57:58, he says:

“He works from this address.”

Now you will find all of the documents that he sent you from page 122 to - sorry, 1122. No, 1222. 1222 to 1231 of that  
10 same file. 1222 to 1231 of the documents that he sent you. And while you are at it, look also at 1232, which is a contact card for Sergeant Mabunda, who was the investigating officer in Mr Khawula's case, because that is going to be sent to you a little later. You have them all? Have you seen all of those documents?

**SERGEANT NKOSI:** Yes, I have.

**ADV CHASKALSON SC:** And those were what Mr Nxumalo sent you on the 17<sup>th</sup> of October 2024.

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** The contact card for Sergeant Mabunda was sent, in fact, on the 21<sup>st</sup> of October 2024. You will see that at the foot of page 1189, chat number 6.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** And you confirm that Sergeant Mabunda was, in fact, the investigating officer in the case

against Mr Khawula.

**SERGEANT NKOSI:** I confirm.

**ADV CHASKALSON SC:** Then over the page, also on the 21<sup>st</sup> of October, Mr Nxumalo sends you a copy of the warrant of arrest, 1190.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And he helpfully points out to you, in case you could not recognise what the document was, that it is warrant of arrest.

10 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So, this, in fact, is how you received the warrant of arrest. You received it from Mr Nxumalo.

**SERGEANT NKOSI:** I received it from Brigadier Ramangwa. Nxumalo was an extension, but Brigadier Ramangwa.

20 **ADV CHASKALSON SC:** Sorry, you received it from Brigadier Ramangwa?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But you, at the very least, you also received it from Mr Nxumalo.

**SERGEANT NKOSI:** I confirm.

**ADV CHASKALSON SC:** And you received it from him at

11:39 in the morning.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Of the 21<sup>st</sup> of October.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And if you go to the warrant, you see that it was only issued by a magistrate on the 21<sup>st</sup> of October.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So, on the day that the warrant  
10 was issued, Mr Nxumalo had it, and he sent it to you.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Do complainants normally have access to warrants of arrest?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** They do?

**SERGEANT NKOSI:** That is correct, if they are complainants, according to me.

**ADV CHASKALSON SC:** Which other complainants have you seen in possession of warrants of arrest?

20 **SERGEANT NKOSI:** None.

**ADV CHASKALSON SC:** None?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** This is the first time you have come across a complainant who had a warrant of arrest?

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** What is your answer? Sorry?

**SERGEANT NKOSI:** This was my first time, Commissioner.

**ADV CHASKALSON SC:** Can we go down to 1193? And there you will see that on the 22<sup>nd</sup> of October, at 08:04:56 pm, you sent Mr Nxumalo details of a phone number for Mr Khawula with the heading Natasha SABC Presenter. Can you go to 1253 to see that document?

**ADV KHUMALO SC:** Number?

**ADV CHASKALSON SC:** 1253.

10 **ADV KHUMALO SC:** 1235.

**ADV CHASKALSON SC:** Sorry, 1235. 1235.

**SERGEANT NKOSI:** One?

**ADV CHASKALSON SC:** 1235.

**SERGEANT NKOSI:** Yes, I see it.

**ADV CHASKALSON SC:** Is the number there a phone number for Mr Khawula?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** The number that says Musa, and then there is a number.

20 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And why does it say Natasha SABC Presenter above it?

**SERGEANT NKOSI:** I think it is the person that gave the number. She is a friend to Mr Khawula.

**ADV CHASKALSON SC:** So, Natasha the SABC presenter

who is a friend of Mr Khawula gave you that number for Mr Khawula?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: How did you get it from her?

**SERGEANT NKOSI**: Through WhatsApp.

**ADV CHASKALSON SC**: Through WhatsApp?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: And what is her name apart from we know the first name and her status as an SABC  
10 presenter.

**SERGEANT NKOSI**: I know her as Natasha.

**ADV CHASKALSON SC**: I see. So, you have now established a contact number of Mr Khawula and you share that with Ze? Is that correct?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Why?

**SERGEANT NKOSI**: I cannot remember exactly why, but I think it was in connection with this investigation. He wanted to give it to the investigation officer.

20 **ADV CHASKALSON SC**: But if he wanted the number to go to the investigating officer, he could have asked you to send the number to the investigating officer. Why are you sharing details of a suspect with a complainant as opposed to with the investigating officer?

**SERGEANT NKOSI**: I think the reason Mr Nxumalo or Ze

felt that the investigation is not going according to him, so most of the things he wanted to do by himself. So, each and every information that he would get, he would just send in, please verify. I have spoken to the IO, and I think that is the reason.

**ADV CHASKALSON SC:** But I want to put to you a difficulty with that. You are using police powers or police status to gather certain information, which you are then making available to a complainant to drive his own  
10 investigation. Do you not see a problem with that?

**SERGEANT NKOSI:** I did not use any police powers on this contact or on this investigation to give it to the complainant.

**ADV CHASKALSON SC:** Well, do you think Natasha of the SABC would have given you that information if she did not know you were a police officer?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You think she would have?

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** On what basis? How would you have asked for it?

**SERGEANT NKOSI:** I would ask her because if I know her.

**ADV CHASKALSON SC:** And she would just hand out somebody else's cell phone number to a civilian or to a non-police officer for the purposes of investigating that person.

Do you think she would do that?

**SERGEANT NKOSI:** I think it will depend on the circumstances of the request of those particular numbers.

**ADV CHASKALSON SC:** But ...[intervenes]

**ADV BALOYI SC:** When you say you know her, in what capacity do you know her?

**SERGEANT NKOSI:** She used to be a student in TUT, and I know her from there.

**ADV BALOYI SC:** But my question really is, do you know  
10 her, you as a police officer, or socially is the kind of distinction I am looking for?

**SERGEANT NKOSI:** No, just as a civilian, not as a police officer. I knew her even before I was a police officer.

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

**ADV CHASKALSON SC:** Did you pay her for this information?

**SERGEANT NKOSI:** Can you repeat that message?

**ADV CHASKALSON SC:** Did you pay her for this information?

20 **SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Are you sure about that answer?  
Are you sure about that answer?

**SERGEANT NKOSI:** I am sure about the answer.

**CHAIRPERSON:** Why did you hesitate?

**SERGEANT NKOSI:** The way she is asking, this gives me

doubt on.

**ADV CHASKALSON SC:** You see, we have not given you your chats with Natasha SABC, so I will not put anything to you, but I would invite you to go back and look at your chats with Natasha SABC and see if you did pay her.

**SERGEANT NKOSI:** What page is that, Commissioner?

**ADV CHASKALSON SC:** I do not want to confront you with materials that we have not given you, but I would invite you to look at your chats with Natasha SABC presenter to see if  
10 you did pay her for this information or not, and we can maybe go there tomorrow.

**SERGEANT NKOSI:** Okay.

**CHAIRPERSON:** Sergeant, can you please pull the mics closer to you and also speak up? We just received word that you are not that audible.

**SERGEANT NKOSI:** Sorry, sorry, sorry, Commissioner. I am just afraid that this mic is too loud and my voice is higher.

**CHAIRPERSON:** I want exactly that loud voice.

20 **SERGEANT NKOSI:** Thank you.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** If we go back to your chats with Ze, we see he does seem to have taken over the investigation. If you go down to 1194, 10:23:20 am, chat number 7, he tells you, presumably referring to Mr Khawula,

he is now in PMB. Do you see that?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Was he referring to Mr Khawula?

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: Did you do anything about the fact that Mr Khawula was in PMB? Pietermaritzburg?

**SERGEANT NKOSI**: I have contacted the IO to check with him that he does know that Mr Khawula is in Pietermaritzburg. He said he is following that up.

10 **ADV CHASKALSON SC**: And then on 1201?

**SERGEANT NKOSI**: 12.

**ADV CHASKALSON SC**: 1201. If you go down to 1201, you see chat 6. He sends you Mr Khawula's status on X, and that status reflected the fact that he was at an awards ceremony the previous night. And Mr Nxumalo says:

“Were you scared of Musa? He was busy presenting awards yesterday.”

You could have fetched him. Do you recall that?

**SERGEANT NKOSI**: Yes, I recall it.

20 **ADV CHASKALSON SC**: Were you scared of Musa?

**SERGEANT NKOSI**: No.

**ADV CHASKALSON SC**: And then on 1202, the 1<sup>st</sup> of December, he sends you a number and says:

“This is Musa Khawula's number that he is using.”

You see that? Chats 1 and 2.

**SERGEANT NKOSI:** Page still on 1202?

**ADV CHASKALSON SC:** 1202.

**SERGEANT NKOSI:** Where is that? I cannot see.

**ADV CHASKALSON SC:** Top two chats of the page, 1 and 2.

**SERGEANT NKOSI:** Okay, yes, I see it. The one of 0 what-what, yes.

**ADV CHASKALSON SC:** What did you do with that  
10 information?

**SERGEANT NKOSI:** Nothing.

**ADV CHASKALSON SC:** Did you not send it to the investigating officer?

**SERGEANT NKOSI:** No, I do not recall sending it. I was too busy at that particular time. I cannot just recall.

**ADV CHASKALSON SC:** Did you at any stage tell Ze that he should actually deal with the investigating officer, not you?

**SERGEANT NKOSI:** No, I did not tell him.

20 **ADV CHASKALSON SC:** Why not? This was not your case.

**SERGEANT NKOSI:** Even though it was not my case, but as a police official, I felt that if there is a case open that I am aware about, I could assist where I can, or where I could.

**ADV CHASKALSON SC:** You have been called upon to assist a great deal here. He is phoning you on a regular basis.

**SERGEANT NKOSI:** Can you repeat again?

**ADV CHASKALSON SC:** You are being called upon to assist a great deal here. He is phoning you on a regular basis.

**SERGEANT NKOSI:** I do not know what maybe the Commission means when they say I assist on a great deal.

10 **ADV CHASKALSON SC:** Well, he is making a great – very and many request of you. He keeps on pushing you with information about Mr Khawula which he expects you to act on. Is that not correct?

**SERGEANT NKOSI:** I do not feel, I never felt that he was pushing me. I felt maybe he was just venting out the frustration that you open a case and there is no movement, then you cause people that think might help. So, I took it in that fashion.

20 **ADV CHASKALSON SC:** I see. Did you discuss this matter with General Sibiya at all?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And what was General Sibiya's attitude to the matter?

**SERGEANT NKOSI:** Okay, maybe to start back. When Ze started to communicate me about this matter, automatically

the team, Brigadier Ramangwa and the team, were also investigating this matter. So, because I am part and parcel of Brigadier Ramangwa's team reporting to General Sibiya, that is the reason I got this information.

**ADV CHASKALSON SC:** So, were you part of Brigadier Ramangwa's team?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** On this case?

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** And Brigadier Ramangwa would report regularly to ...[intervenes]

**SERGEANT NKOSI:** To General Sibiya ...[intervenes]

**ADV CHASKALSON SC:** On this case.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And did you feed all of your information to Brigadier Ramangwa?

**SERGEANT NKOSI:** Each and everything that I get from Ze, General Sibiya, Brigadier Ramangwa.

**ADV CHASKALSON SC:** And how does Brigadier  
20 Ramangwa's team interface with the investigating officer, Sergeant Mabunda.

**SERGEANT NKOSI:** They were communicating regularly.

**ADV CHASKALSON SC:** So, although there is an investigating officer, there is a separate team under Brigadier Ramangwa investigating Musa Khawula.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Why? Did you ever find out?

**SERGEANT NKOSI:** Musa Khawula had many cases. He had, I think, three or four warrants on him other than this one of Ze. I think it was on those bases that maybe they should address it. That is according to me, but I did not ask why.

**ADV CHASKALSON SC:** I see. Can I take you back to your evidence in February?

10 **ADV BALOYI SC:** Can I just ask a question, Mr Chaskalson? Sergeant, what made this, if at all, an organised crime case that falls within that category of cases?

**SERGEANT NKOSI:** I do not know if I will be answering correctly. In my level, we do not ask. We execute.

**ADV BALOYI SC:** I accept that, and now I am asking you, as an organised crime police officer, you fall under that unit.

**SERGEANT NKOSI:** Yes, Commissioner.

20 **ADV BALOYI SC:** Was this, according to you, forget what you have been instructed to do.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** According to you, understanding the functions of the organised crime unit. I think that is what it is called.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Was this one of those kinds of cases? This complaint by Mr Nxumalo against Mr Khawula, does it fall in the category of organised crime cases?

**SERGEANT NKOSI:** No, no, no, no. It does not fall on organised crime. But according to me, based on Mr Khawula, he has been arrested, given bail does not appear, warrant of arrest is issued, and then he is not arrested. Arrested somewhere again, does not attend, and then  
10 another warrant of arrest is issued. Then, as organised crime, we start to think, why is this one not being arrested? Then we start to get involved. That is according to me.

**ADV BALOYI SC:** So, you suspected him, because he has been missing appearances, you suspected him to be involved with organised crime?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Is that what it is?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Okay. And was this a provincial or  
20 national matter, the docket that was with Sergeant Mabunda?

**SERGEANT NKOSI:** It was a station.

**ADV BALOYI SC:** It was not at national?

**SERGEANT NKOSI:** No, no, no it was at the station.

**ADV BALOYI SC:** Thank you.

**SERGEANT NKOSI:** Thank you, Commissioner.

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

**ADV CHASKALSON SC:** Sergeant, I just want to take issue with your answer that you do not ask questions, you just execute. Because that was essentially General Sibiya's statement about you that you said was false. Remember, when he denied that you had asked him what was so important about this investigation into Mr Khawula, he said he had never asked me that, he never asks, he is five ranks  
10 below me, he would never ask me a question like that. And you said, no, that is false, I often ask him a question like that.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, you do ask questions about what is the purpose of this sort of investigation when you think that you need to know what the purpose is?

**SERGEANT NKOSI:** It depends on the relationship. My relationship with General Sibiya was a relationship where I could ask. And now my relationship with Brigadier  
20 Ramangwa is the relationship that I just take instruction that because of it took instruction from somewhere. So, I am answering on that basis. That the reason that this docket came to national office, I did not ask. It was just like that.

**ADV CHASKALSON SC:** But you knew that General Sibiya

was interested in this case? You knew that General Sibiya was interested in this case against Khawula?

**SERGEANT NKOSI:** I do not know how to answer that.

**ADV CHASKALSON SC:** Well, your evidence earlier was that General Sibiya had said he is under pressure in relation to this case because the complainants are Minister Mbalula and Ze, and they carry political weight.

**SERGEANT NKOSI:** That was the time now we started to execute, but I did not know that he had an interest on that  
10 before.

**ADV CHASKALSON SC:** Sorry, you did not know that?

**SERGEANT NKOSI:** I did not know that he did have an interest before. I only knew when we started now to push him. That is when I said I got instructions from him.

**ADV CHASKALSON SC:** Yes, but you recall that that conversation was on the 21<sup>st</sup> of October?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And we are now long past the 21<sup>st</sup> of October.

20 **SERGEANT NKOSI:** Pardon?

**ADV CHASKALSON SC:** We are in December.

**SERGEANT NKOSI:** I cannot hear you clearly.

**ADV CHASKALSON SC:** We are long past the 21<sup>st</sup> of October. We are already in December now.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And throughout the period from the 21<sup>st</sup> of October onwards, you are getting constant pieces of information from Ze wanting you to act on it.

**SERGEANT NKOSI:** I am not avoiding the question.

**ADV CHASKALSON SC:** This was not really a question there, I must confess.

**SERGEANT NKOSI:** I do not know, I do not know. Maybe you can repeat it.

**ADV CHASKALSON SC:** Sure. Throughout this period  
10 from 21<sup>st</sup> of October into December where we have now landed, you are aware that General Sibiyi has an interest in this case?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And you are aware that he is under pressure because of the identities of the two complainants? Minister Mbalula and Ze?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Let us continue through  
20 December. On the 7<sup>th</sup> of December, you send Ze a message saying:

“Morning brother, we are waiting for you  
in terms of the tickets.”

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** What was that about?

**SERGEANT NKOSI:** Now he phoned, he received the

information that Musa Khawula was going to perform somewhere. And then as a result, he contacted the IO to also go there. And then I phrased the issue that if he is performing in an event, there are two possibilities. One, we might be refused entry as the police. Two, the information might leak that we are looking for him because he is a public figure. So, the best way, then he suggested, let me get the tickets so that you might, if the issue of the appointment certificate being rejected, use the tickets. Or  
10 the best way is to use the tickets to be undercover, then you call them, do our work.

**ADV CHASKALSON SC:** Now, presumably you have got a budget for eventualities like this. If you can justify buying tickets to a concert for an operation to go undercover, SAPS will pay for it. Is that correct?

**SERGEANT NKOSI:** I do not know if I understand your question correctly or your comment.

**ADV CHASKALSON SC:** So, your answer is, we needed to go undercover at this concert?

20 **SERGEANT NKOSI:** No, no, not per se as undercover. Maybe you came out wrongly. There are two things. When we get to the event, there are possibilities that we might be rejected entry, one. Two, the information might leak when we produce that we are the police, we are working on this case. Because we did not know who is who on that

particular day. So, we said, no, the best way is to get the ticket for in case.

**ADV CHASKALSON SC:** So, the plan is that you are going to go to this concert with tickets dressed like ordinary members of the public coming to a concert.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And that way, nobody will know that you are police actually coming to arrest Mr Khawula.

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** My question to you is, if that is the plan, why does not the SAPS pay for the tickets?

**SERGEANT NKOSI:** It was on weekend that day and we did not think, to be very honest with you, we did not think that there would be any problem.

**ADV KHUMALO SC:** Mr Chaskalson, my question is, why is it you who is effecting the arrest? Why is it not the investigating officer and his team?

**SERGEANT NKOSI:** The investigating officer was already in his way there, according to the information that I  
20 received from Mr Khawula. And as part and parcel of our project in head office, I explained to Commissioner Baloyi that there were other dockets that they were working on there. So, we decided, no, let us also as well and go.

**ADV CHASKALSON SC:** Your exchange with Mr Khawula in relation to the tickets takes place at 06:18 in the morning

on Saturday the 7<sup>th</sup> of December 2024.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Are you saying to me that between 06:18 in the morning and when the concert begins that afternoon or evening, it is not possible to arrange for SAPS to buy tickets themselves?

**SERGEANT NKOSI:** It is the weekends, usually finance offices, they are open during the course of the week. And at that particular time, I am just being honest, we did not  
10 think it is a problematic thing to do.

**ADV CHASKALSON SC:** So, what happens then is Mr Khawula gives you tickets, does he not? Sorry, Mr Nxumalo gives you tickets.

**SERGEANT NKOSI:** Yes, he sends them.

**ADV BALOYI SC:** Can I just ask this? You have this conversation about tickets at 06:18:45 am. So, the conversation would have started earlier. So, this is a Saturday morning, you say. The conversation about Mr Nxumalo giving you tickets must have happened earlier than  
20 06:18, and I want to suggest on a weekday such as Friday.

**SERGEANT NKOSI:** No. No, no.

**ADV BALOYI SC:** When did this happen?

**SERGEANT NKOSI:** On the very same day.

**ADV BALOYI SC:** On the Saturday itself?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** That he told you before 06:18?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** And how do we see that in these chats?  
That you would have had an earlier conversation?

**SERGEANT NKOSI:** When we, myself and sometimes it is through the WhatsApp, sometimes it is a straight phone call. I do not recall, Commissioner, how did we communicate, but on Friday, we did not communicate about it.

10 **ADV BALOYI SC:** This would have been a straight call, one of those straight calls, if it is not in your chats.

**SERGEANT NKOSI:** Yes, I am just assuming, but it was on that day that we communicated.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** So, he gives you the tickets.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And we see the tickets at page 1238.

**SERGEANT NKOSI:** 1238, yes.

20 **ADV CHASKALSON SC:** 38. And you see there are, it starts with a general admission ticket for R200.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Then there is a VIP ticket for R1 000.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Another VIP for R1 000.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Another VIP for 1 000.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And then two more generals for R200. So, you had three generals and three VIPs. Which one did you take?

**SERGEANT NKOSI:** I took the general one.

**ADV CHASKALSON SC:** You did? Can we go to page  
10 1244?

**SERGEANT NKOSI:** 1?

**ADV CHASKALSON SC:** 1244. There is a picture of somebody's wrist with one of those concert bracelets that you get for admission.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Is that your wrist?

**SERGEANT NKOSI:** Hey, this one is too black, man. I am not that ...[incomplete].

**ADV CHASKALSON SC:** You sent it to Mr Nxumalo. Do  
20 you remember whose wrist you sent to Mr Nxumalo? Was it yours or somebody else's?

**SERGEANT NKOSI:** Hey, I am trying to check my wrist and that one.

**CHAIRPERSON:** No, no, Sergeant, Sergeant, the complexion may sometimes even depend on the lighting, so

you cannot lay too much stress on that.

**SERGEANT NKOSI:** I am also checking the size, Commissioner. You see, mine is big. This one is too big.

**CHAIRPERSON:** I am looking at your shoulders. Your wrist must be quite big as well.

**SERGEANT NKOSI:** No, let me say this one might be mine. Thank you, Commissioner.

**ADV CHASKALSON SC:** Let us go to the next picture that you sent him 1245. It is a picture of the stage.

10 **SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did you take this picture or did somebody else take it?

**SERGEANT NKOSI:** I took it.

**ADV CHASKALSON SC:** You see, I want to suggest to you that you can only take a picture like this if you have got VIP access, because a general admission is not going to get you to the side of the stage.

**SERGEANT NKOSI:** I had a general admission, but because there was no order here, we just closed in and  
20 came back. But I had a normal ticket, not this one, VIP.

**ADV CHASKALSON SC:** So, you sort of wandered in and out of the VIP area too. Can I ask, was this operation to arrest Mr Khawula successful?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** No, why not?

**SERGEANT NKOSI:** He was not there.

**ADV CHASKALSON SC:** He was not there.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did the SAP ever reimburse Mr Nxumalo for the 3 600 that he paid for these tickets for you to go to the concert?

**SERGEANT NKOSI:** I advised him to write a short statement that he assisted with his personal finances on this particular investigation. Then they must send it to the  
10 office of the Brigadier Ramangwa and then we will make an application to reimburse him. I do not know. I did not make a follow-up if he did that or not.

**ADV CHASKALSON SC:** I see.

**ADV BALOYI SC:** The docket in this matter, where did it end up? Does it remain in the station? Did it ever become an organised crime docket? Because now you have organised crime seriously involved in this matter.

**SERGEANT NKOSI:** It was still there.

**ADV BALOYI SC:** You mean it was still there?

20 **SERGEANT NKOSI:** It was still there in the station, but the plan was once he is arrested, the docket is going to be called.

**ADV BALOYI SC:** So, as matters ended, organised crime never had this docket? Just explain what has happened. Where is a record of this matter kept? Is it in the station?

It was kept at the organised crime head office.

**SERGEANT NKOSI:** It is kept at the organised crime head office. I think it was now taken over by Sergeant Makapane, yes.

**ADV BALOYI SC:** At organised crime?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** I still ask the question, what is it about this matter or Mr Khawula that was organised crime? Maybe as you carry on with Mr Chaskalson, it will become  
10 clearer. It is not clear to me why organised crime as a unit would have gotten involved with this. Thank you. Thank you, Mr Chaskalson.

**ADV KHUMALO SC:** Sorry, who did you allocate the other five tickets to? So, it is three VIP, two general, and the one general that you have. Who did you allocate the other five tickets to?

**SERGEANT NKOSI:** Captain Zungu, the one that I was with, and three other members from the tracking team that we found there.

20 **ADV KHUMALO SC:** So, you had a team of six, including you?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Thank you.

**ADV CHASKALSON SC:** And was Brigadier Ramangwa there?

**SERGEANT NKOSI:** No, Brigadier Ramangwa was not there.

**ADV CHASKALSON SC:** So, you said three other members of the team, Captain Zungu, yourself, who is the sixth?

**SERGEANT NKOSI:** We are six, right?

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** The other ones are the tracking team, but I will provide their names shortly. I cannot recall them.

**ADV CHASKALSON SC:** So, it was you and Captain Zungu  
10 and then four members of the tracking team?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Was the investigating officer there, Sergeant Mabunda?

**SERGEANT NKOSI:** No, he was not there as yet when we arrived there.

**ADV CHASKALSON SC:** So how was he going to get into the concert without a ticket?

**SERGEANT NKOSI:** No, if he was going to come in, obviously we were going to make other arrangements.

20 **ADV CHASKALSON SC:** Sorry, what arrangements would you make?

**SERGEANT NKOSI:** For him to get in.

**ADV CHASKALSON SC:** So, he would arrive in uniform at the concert and get in.

**SERGEANT NKOSI:** I do not understand.

**ADV CHASKALSON SC:** You see, I am the one who is struggling here. I also do not understand. I thought that the whole purpose of this operation was to have SAPS members at the concert not identifiable as SAPS members so that they could establish where Mr Khawula was and arrest him. That was the purpose.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But none of the six tickets are given to the investigating officer who is going to effectively  
10 perform the arrest.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** So how is he going to arrest Mr Khawula without a ticket?

**SERGEANT NKOSI:** No, it is us who are going to arrest him.

**ADV CHASKALSON SC:** So, you are going to do the arrest and then what? How does the investigating officer fit in here? Is he going to play no role?

**SERGEANT NKOSI:** Okay. According to me, when I  
20 phoned him that the information said or suggested that Mr Khawula is at the concert, the investigating officer promised to follow us there. But on that particular time when we arrived, he was not there. So, it was a pleasant discussion because of the tickets were six, we were six. I gave them and they took mine.

**ADV CHASKALSON SC:** But why would not you provide a ticket for the investigating officer if the plan was for him to come there with you?

**SERGEANT NKOSI:** He is not there.

**ADV CHASKALSON SC:** No, but you did not know that when you got the tickets in the morning and you decided who was going to come to the concert.

**SERGEANT NKOSI:** He is not there.

**ADV CHASKALSON SC:** I do understand that, but you said  
10 the plan was for him to follow you there and be at the concert.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And how would he get into the concert without a ticket?

**SERGEANT NKOSI:** If he arrived there, we would have made arrangements for him to get in.

**ADV CHASKALSON SC:** But you were expecting him to be there, were you not?

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** So, one of those six tickets should have been dedicated to him.

**SERGEANT NKOSI:** At that time, we were prioritising the members are here, we give those who are there. This one did not come, or at that time maybe he was late. Then we decided that if he comes late, we will see what to do with

him but just proceed. That is what we did.

**ADV CHASKALSON SC:** So now the investigating officer is going to arrive at the concert without a ticket. How is he going to get in?

**SERGEANT NKOSI:** I think we were going to make a plan once he arrived there.

**ADV CHASKALSON SC:** And what sort of plan would that have been?

**SERGEANT NKOSI:** I cannot say what is the plan,  
10 because he did not arrive there, so we did not make any plan. So, we thought we would, as a team, make a plan for him to get in when he is there.

**ADV CHASKALSON SC:** Was he going to arrive in civvies or in uniform?

**SERGEANT NKOSI:** He is a detective he does not wear a uniform.

**ADV CHASKALSON SC:** I see. He would arrive in civvies, and he would have to get a ticket at the gate. Could you buy tickets at the gate?

20 **SERGEANT NKOSI:** I do not know how to answer it. We were going to make a plan when he arrived there. So, the plan, I do not know what was going to be the plan. Maybe one of the team members would come up with another plan. So, by that time.

**CHAIRPERSON:** This suggests to me, Sergeant, that you

had not even applied your minds to that. That is how he would get in. Is that not correct? I am saying your response suggests to me that you had not even applied your mind as to how he would get in if he did arrive.

**SERGEANT NKOSI:** That is correct, Commissioner.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV KHUMALO SC:** I am assuming you could have asked Ze to buy a ticket online and send you the ticket on WhatsApp. That was one of the possibilities.

10 **SERGEANT NKOSI:** Ai ...[intervenes]

**ADV KHUMALO SC:** You did not think that far.

**SERGEANT NKOSI:** I do not know how to say it.

**ADV KHUMALO SC:** That is fine. Thanks.

**ADV CHASKALSON SC:** Look, we have spent quite a long time on this. Maybe we can just take you to the end. And the end is on ...[intervenes]

**ADV BALOYI SC:** Maybe before you do the end, Mr Chaskalson. Did the investigating officer ever arrive at the scene?

20 **SERGEANT NKOSI:** No, he did not, Commissioner.

**ADV BALOYI SC:** He never did?

**SERGEANT NKOSI:** No, Commissioner.

**ADV BALOYI SC:** So - no, thank you.

**ADV CHASKALSON SC:** So, the end starts on page 1207 when Mr Khawula is arrested on the 8<sup>th</sup> of January 2025.

**SERGEANT NKOSI:** 120?

**ADV CHASKALSON SC:** 1207.

**SERGEANT NKOSI:** 1207?

**ADV CHASKALSON SC:** 1207. And there you will see at chat number 6 you get sent by Mr Ngunwalo a picture of Mr Khawula in custody at Sandton Police Station. You see that?

**SERGEANT NKOSI:** Yes, I see it.

**ADV KHUMALO SC:** It looks like a club to me, Mr  
10 Chaskalson, or a tavern.

**SERGEANT NKOSI:** It is a tavern actually, Commissioner.

**ADV CHASKALSON SC:** Apparently, it is a tavern, not Sandton Police Station. My apologies to the policemen at Sandton Police Station.

**ADV KHUMALO SC:** 1246.

**ADV CHASKALSON SC:** 1246.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** The picture itself is at 1246. Do you want to go to 1246? Can you check on 1246?  
20 Heavens, it is most definitely not the Sandton Police Station. 1246. But then, at 03:29 pm, you get sent a SAPS14 number. It says SAPS14 is 30-01-2025.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** What are a SAPS14 number?

**SERGEANT NKOSI:** It is a constitutional right.

**ADV CHASKALSON SC:** A constitutional right?

**SERGEANT NKOSI:** No, I think it is a book to receive the prisoner, if I am not mistaken. Cell register.

**ADV CHASKALSON SC:** It is the arrest register, is it not?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And then, at 03:29, there is a picture of Mr Khawula in custody.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** 1247. Do you see that? At page  
10 1247.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Now, and then at 1248, you will see that Mr Nxumalo has not just sent you a picture of Mr Khawula in custody, he is also sent you a picture of the arrest register itself.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** With all names other than Mr Khawula sort of half crossed out. You can see some of the names, you can work out some of the names because it is  
20 not fully crossed out.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Now, can I ask, is it consistent with SAPS practise for pictures of accused persons to be - accused persons in custody and their arrest registers to be provided to complainants? Do you normally send pictures

of arrested persons in custody and the arrest register to the complainant in each case?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Is it lawful?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Do you know who sent this picture to Mr Nxumalo?

**SERGEANT NKOSI:** I think it is the arresting officers from KZN.

10 **ADV CHASKALSON SC:** The arresting officers from KZN.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Is it lawful for Mr Nxumalo to distribute this information?

**SERGEANT NKOSI:** I am not sure.

**ADV CHASKALSON SC:** Would it be lawful for you to distribute it further?

**SERGEANT NKOSI:** It depends on whom do I distribute it to. Sometimes maybe if I can, I cannot even distribute, maybe send it to the IO or to the team that are investigating  
20 that.

**ADV CHASKALSON SC:** I see. Then, if we continue down the chat, we see at 04:36 pm on the 8<sup>th</sup> of January, 12:09, Mr Nxumalo says:

“Please send the numbers.”

Whose numbers is he referring to? He asks you to send

numbers. Whose numbers did you understand him to be referring to?

**SERGEANT NKOSI**: I cannot recall.

**ADV CHASKALSON SC**: Let me help you. The first number you sent him at 04:41 is Brigadier Ramangwa's number.

**SERGEANT NKOSI**: Okay.

**ADV CHASKALSON SC**: So why would you send him Brigadier Ramangwa's number?

10 **SERGEANT NKOSI**: Why would I send Ze Brigadier Ramangwa's number?

**ADV CHASKALSON SC**: That is correct.

**SERGEANT NKOSI**: Yes, Brigadier Ramangwa was the leading investigator on the project.

**ADV CHASKALSON SC**: So, he wanted you to send him the numbers of the lead investigator on the project is what you thought?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Then he says:

20 "Thanks and Sguoko Koko."

Excuse my pronunciation.

**SERGEANT NKOSI**: No, it is fine.

**CHAIRPERSON**: Sguoko Koko. That is S-G-U-O-K-O and Koko means hat.

**ADV CHASKALSON SC**: The man with the hat. Who is the

man with the hat?

**SERGEANT NKOSI:** The man with the hat?

**ADV CHASKALSON SC:** Yes, who is the man with the hat?

**ADV KHUMALO SC:** General Sibiya said it is him. They sometimes call him Sguoko because of his communist hat.

**SERGEANT NKOSI:** I just wanted to see it in the chat, but I will answer, however. It is the general.

**ADV CHASKALSON SC:** It is the general. So why would you want the general's number?

10 **SERGEANT NKOSI:** No, no, no, you are confusing me now, Commissioner.

**ADV CHASKALSON SC:** He wants you to send him the number of the general. That is what he is asking for.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why would he want it?

**SERGEANT NKOSI:** I do not know.

**ADV CHASKALSON SC:** Well, is the answer not in your evidence on the 4<sup>th</sup> of February that this was an investigation that General Sibiya was taking very seriously?

20 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And Mr Khawula knew it.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And you will recall right at the start of this process, shortly before the warrant was issued, the warrant was issued on the 21<sup>st</sup> of October and on the

16<sup>th</sup> of October, he was asking you how far away General Sibiya is. You remember that when we showed you the screenshot?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So General Sibiya seems to have been involved in this process from shortly before the warrant was exercised to the point at which, at the end of the process, he was thanked by Ze. Would that be correct?

**SERGEANT NKOSI:** I am not sure.

10 **ADV CHASKALSON SC:** All right, I have reached the end of this topic.

**ADV BALOYI SC:** Mr Chaskalson, if you look at page 1210, and chart 1, it seems that the thanks was to request the number of Dr Spock, not to thank him so much. Because you have that chart 1 at the top.

**ADV CHASKALSON SC:** Indeed. And the number that you send at 1210 is in fact General Sibiya's number. You will see that at 1251.

**CHAIRPERSON:** Is that correct?

20 **SERGEANT NKOSI:** It is correct, Commissioner. It is just that I am quiet because I did not know whether he is asking or he is commenting. But it is correct.

**ADV BALOYI SC:** Maybe before you leave this, Mr Chaskalson, this trip to KZN, this festival or music show, it was in KZN.

**SERGEANT NKOSI:** No, no, no.

**ADV BALOYI SC:** Where was it?

**SERGEANT NKOSI:** It was somewhere in Vereeniging, there in those farms there.

**ADV KHUMALO SC:** You said De Deur, I think.

**SERGEANT NKOSI:** De Deur, that is correct.

**ADV BALOYI SC:** Is that where it was? Yes, and why does DPCI, Tom's, Captain Zungu, get involved with this? It does not seem like a DPCI matter.

10 **SERGEANT NKOSI:** Yes. Thank you, Commissioner. He was recently appointed now in our office. So, I was no longer referring to him as DPCI, even though we call him or we address him like a DPCI. So, he was working in our office then.

**ADV BALOYI SC:** So, at the time of this operation, he was now in your office?

**SERGEANT NKOSI:** That is correct.

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

20 **ADV CHASKALSON SC:** Just to clarify an issue, the tickets for the concert where you failed to find Mr Khawula, if one goes to that ticket at page 1238, and one sees that the concert was held at Kroon Park Holiday Resort.

**SERGEANT NKOSI:** 1?

**ADV CHASKALSON SC:** 1238.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** That is correct. Now that is in Kroonstad, is it not? That is in Kroonstad, Kroon Park Holiday Resort.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, this operation took six policemen from Gauteng to Kroonstad?

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** With the possibility of a seventh, the investigating officer.

10 **SERGEANT NKOSI:** Yes, Commissioner.

**ADV CHASKALSON SC:** But at least you got to go to a concert. I do want to move to another topic, and we may not finish it before lunch, but let us start.

**CHAIRPERSON:** May I quickly make the suggestion, Sergeant? I want to suggest to you that it was never, ever intended for the investigating officer to be there.

**SERGEANT NKOSI:** Can you repeat that, Commissioner?

**CHAIRPERSON:** I am suggesting to you that it was never intended for the investigating officer to be there.

20 **SERGEANT NKOSI:** No, no, no, it was. It was intended.

**ADV BALOYI SC:** I mean, you said earlier that Mr Nxumalo was frustrated about the investigation not going anywhere, but it seems that, in fact, Mr Nxumalo was directing this investigation. If you look at 1209, page 1209, where now Mr Nxumalo is asking you for numbers, he, in

fact, at chart number 5, tells you that the investigating officer will call you.

So, he is in touch with the investigating officer, and he is now arranged with the investigating officer to call you. It suggests that, and all the facts about tickets, him providing you with information about where Mr Khawula is, and giving you tickets, and then concluding in this chart 5, where he says, my Mabunda will call you, it gives the impression, the unavoidable impression, that, in fact, you  
10 had a complainant who was directing this investigation and telling the police what to do, where to go. That is the impression I get from this. Is that not a fair impression?

**SERGEANT NKOSI:** Maybe I can say 50-50 from the suggestion of the Commission, but to me, I think, maybe it was desperation, because it was affecting him in his marriage, he is a public figure as well, so I think it is desperation and direction. Maybe let us say, take 50, I take 50, and then we will make one thing. I am suggesting.

**ADV BALOYI SC:** No, Sergeant, the important point I am  
20 making is, you have a civilian who is a complainant, who is basically telling police what to do, when, where. That is the important issue I am raising with you.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Yes, clearly, his motives or the reasons for doing what he is doing, maybe it is he is desperate

because it is affecting his marriage, but this sequence of WhatsApp texts and the action that follows on that, you have a complainant who is really directing and telling the police what to do. That is the picture that has emerged from these WhatsApp exchanges.

**SERGEANT NKOSI**: I think it is the issue with Zulu men, they like to take over, take control be ...[intervenes]

**ADV BALOYI SC**: I think that is what he did because, you say, because that is what Zulu men do, but I am more  
10 interested in that is what he did. Okay, thank you.

**CHAIRPERSON**: Now ...[speaking in vernacular].

**ADV CHASKALSON SC**: It does beg the question, why does SAPS let a Zulu man, in this case, take over an investigation?

**SERGEANT NKOSI**: The Zulu men referring to who? Mabunda is not a Zulu man it is a Tsonga man.

**CHAIRPERSON**: No, no, no.

**ADV CHASKALSON SC**: Well then, your earlier  
20 explanation that this is what Zulu men do does not really wash up.

**SERGEANT NKOSI**: I am just answering that thing of why it seems that Mr Nxumalo is directing the investigation on how it should be conducted. I said maybe, you know, this Zulu man is an authority. So, but we do not see it like that, Commissioner. We saw it as, to me, as desperation, and

the Commissioner is directing, so that is why I am suggesting.

**ADV CHASKALSON SC:** Look, I mean, I do not think we want to get into any ethnic stereotypes here, but I - the question remains, why was this individual allowed to take over the investigation? Not why did he want to take over the investigation, why was he allowed to take over the investigation?

**SERGEANT NKOSI:** Who is that? Now, is Mr Nxumalo?

10 **ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** We did not allow him. I think it was a matter of assistance. You know, sometimes police officers will run from here to there, then from there we need another assistance. We took advantage of that. We did not see it as – but I leave it at that.

**CHAIRPERSON:** He facilitates your presence at the concert in order for you to arrest Mr Khawula.

**SERGEANT NKOSI:** Yes.

20 **CHAIRPERSON:** And there is a whole lot of other exchanges culminating in him saying Mabunda, the investigating officer, will call you.

**SERGEANT NKOSI:** That is correct.

**CHAIRPERSON:** So, he is basically there again, playing a facilitative role.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** So it is in that sense that it is being suggested to you by Commissioner Baloyi and Mr Chaskalson that he was in the driving seat, as it were, with regard to effecting an arrest. And the question is, why was that so?

**SERGEANT NKOSI:** Commissioner, with due respect, I still go back to that thing of desperation.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV BALOYI SC:** Maybe just finally, also that in fact the  
10 reason that Mr Khawula is arrested in the end is for contravening the Cybercrime Act and crimen injuria, not because of murder or the other many things that you have said fail to appear in court. It is in fact for the simple crime of contravening the Cybercrime Act and crimen injuria. You accept that? Because that is what this cell register says. It states why he was arrested, and that is what the warrant was about.

**SERGEANT NKOSI:** Yes, at that time, this cell register, those people arrested him on these charges. But once he  
20 was transported from KZN to Sandton now, that is whereby all the charges of attempted murder, malicious damage to property, their warrants were executed.

**ADV BALOYI SC:** Which did not involve Mr Nxumalo.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Thank you.

**ADV KHUMALO SC:** But my issue, Sergeant, is what appears to be abuse of state resources. I mean, the fact that there is six of you, I am not sure whether you are travelling from De Deur or from Pretoria, but from here to Kroonstad is about three hours, right? More or less.

**SERGEANT NKOSI:** Let us say one and a half, because it is not exactly Kroonstad. This member is intimidating me. When I talk, he is shaking his head.

**ADV KHUMALO SC:** Do not look at him. Look at me.

10 **MR NGOATO:** Yes, please. Sorry, Commissioners. I was actually very concerned about that kind of conduct because it is quite intimidating to the witnesses if he is saying wrong and makes him to change his mind. Can the colleague then stop with that, please?

**ADV KHUMALO SC:** Just, Sergeant, just look at me. Do not look at the people on the other table. So ...[intervenes]

**CHAIRPERSON:** Sorry, I did not see what Mr Ngoato is complaining about. What are you complaining about, Mr Ngoato?

20 **MR NGOATO:** Okay, I will be very specific. There is one of the team evidence leaders, I cannot remember. I met him the last time when he was introduced. I am on that side. He is doing this when the witness is answering, so the witness starts bothering by saying something wrong, and therefore he is interfering with the witness giving

evidence, as if what he is saying is wrong, and that makes him to not start thinking twice. So, he should keep his opinion about the matter to himself, but not to then do gestures that affect the witness in terms of his evidence and testimony.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: To the extent that, yes, gestures me may be intimidating for him, so let us try to avoid them. But I am sure that can never suggest, for example, that if something  
10 that we all find funny is said, we should not laugh. I hope it does not go that far. But, no, no, no, I take your point, Mr Ngoato.

**MR NGOATO**: Chair, it is important that the witness be given a comfortable environment to present his evidence.

**CHAIRPERSON**: I take your point. But I am just saying sometimes there will be those natural responses that sometimes testimony will evoke, especially amongst all of us. There will be those moments where you yourself would have heard everybody either responding with a laughter or  
20 whatever else. I am sure your point cannot relate to all of those. But I have already made the point, and that is because I take your point, that let us avoid those responses or gestures that may make the witness to feel intimidated. I take your point.

**MR NGOATO**: Thank you, Chair.

**ADV KHUMALO SC:** Thank you, Chair. Sergeant Nkosi, see if you look at me and you avoid those people, you will not run into this difficulty.

**SERGEANT NKOSI:** I take that.

**ADV KHUMALO SC:** Remember my starting point was, this seems to me to be an abuse of state resources. And I had suggested to you that depending on where you are travelling from, you could have been in Pretoria or De Deur in De Vaal. It is about three hours travelling to Kroonstad,  
10 and you say, no, maybe one and a half.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** I will take your word that it is one and a half, so do not look at the heads that are shaking. Still, six people, six police officers, including their trackers or tracers, as you call them, are sent by Mr Ze to Kroonstad to go look for a suspect, and he is not there, and they then come back empty-handed. To me, it is abuse of state resources for the benefit of a single individual. Do you want to comment on that?

20 **SERGEANT NKOSI:** Yes, I want to comment on that. According to me, I would not see or suggest it is a state funds abuse, because one, Mr Khawula is a public figure. Sometimes you go there and want to affect arrest them, and then the community, they start to turn against you. What are you going to do? It is another problem. And then,

number two, I think that the reason that maybe - let me leave it to that. Let me not add more.

**ADV KHUMALO SC:** Because there is no reason why the police in Kroonstad cannot assist. If Mr Khawula happened to be in Kroonstad, there is no reason why six resources from Pretoria had to be sent there and come back. The police in Kroonstad could have assisted with the arrest if Mr Khawula happened to be there, just as in the case of KZN, when he was eventually arrested.

10 **SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** You did not have to travel to KZN on Mr Ze's instructions. The police in KZN, in fact, effected the arrest. Is that not so?

**SERGEANT NKOSI:** That is correct, Commissioner.

**ADV KHUMALO SC:** Thanks.

**SERGEANT NKOSI:** Thank you.

**ADV CHASKALSON SC:** Just before leaving this topic, there is one issue that I want to raise. If one looks at this warrant at page 1133, the primary count is contravening  
20 section 13 of the Cybercrime Act. Now, section 13 of the Cybercrime Act does not create an offence.

**ADV BALOYI SC:** Mr Chaskalson, you said 1123?

**ADV CHASKALSON SC:** 1233.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** You are saying, Mr Chaskalson?

**ADV CHASKALSON SC:** The primary count is contravening section 13 of the Cybercrime Act. Section 13 of the Cybercrime Act does not create an offence. It is, in fact, a definition section. There is no offence of contravening section 13 of the Cybercrime Act. Have you ever looked at the Cybercrime Act?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Can we then or can I ask further? Did you know what the allegation against Mr Khawula was in  
10 relation to the Cybercrime Act? Because I have looked at the Cybercrime Act. I cannot really identify with any certainty what he was alleged to have done to have contravened that Act. It certainly was not contravening section 13. Did you know what the allegation was that created an offence here?

**SERGEANT NKOSI:** Yes, I know. I have noted them down. I will tell you maybe after ...[incomplete].

**ADV CHASKALSON SC:** Thanks.

**SERGEANT NKOSI:** Yes.

20 **ADV BALOYI SC:** When you went to Kroonstad, this is the warrant that you were going to execute?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** This is the warrant that you were going to execute?

**SERGEANT NKOSI:** That is correct, Commissioner.

**ADV BALOYI SC:** Okay, so, you were not executing the other warrants that you say had brought him within the scope of organised crime. You did not have a murder warrant to execute. You did not have a warrant for not appearing in court when you went to Kroonstad. This is the warrant you were going to execute?

**SERGEANT NKOSI:** No, I had them. They are in my phone.

**ADV BALOYI SC:** No, what I am asking is on the day that  
10 you went with Captain Zungu ...[intervenes]

**SERGEANT NKOSI:** Yes, Commissioner.

**ADV BALOYI SC:** To Kroonstad.

**SERGEANT NKOSI:** That is correct, Commissioner.

**ADV BALOYI SC:** This is the warrant that you had?

**SERGEANT NKOSI:** Yes, and the other one.

**ADV BALOYI SC:** You had other warrants?

**SERGEANT NKOSI:** That is correct, Commissioner.

**ADV BALOYI SC:** And you say you have them your attorney has got them for us?

20 **SERGEANT NKOSI:** Yes, I will switch on my phone and I will give it.

**ADV BALOYI SC:** And we will see from that that you had those warrants on the day that you went to Kroonstad.

**SERGEANT NKOSI:** Yes, I think it is a copy of that warrant.

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

**ADV CHASKALSON SC:** Now moving to a completely different topic. You told us earlier that you retrieved Mr Msibi's jet ski from Mr Matlala's farm approximately in September 2024.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Do you recall that?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Now, and you took it back to Mr  
10 Msibi's farm in Hammanskraal?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, after the jet ski was brought back to Hammanskraal, did you effectively exercise control over it?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** So, who controlled the jet ski?

**SERGEANT NKOSI:** There are securities there in the farms.

**ADV CHASKALSON SC:** Okay. And did you use the jet ski  
20 after it was brought back to Hammanskraal?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** When would you use the jet ski?

**SERGEANT NKOSI:** I do not know the exact date.

**ADV CHASKALSON SC:** And what arrangements would you make to use the jet ski? If you wanted to use it, what

arrangements would you make?

**SERGEANT NKOSI:** I would phone my brother Sthembiso Baba's other son and then I will make arrangements that he must inform the security that I am coming to pick up the jet ski.

**ADV CHASKALSON SC:** And do you know if Mr Matlala used the jet ski?

**SERGEANT NKOSI:** I know that he used it.

**ADV CHASKALSON SC:** After it had gone back to  
10 Hammanskraal?

**SERGEANT NKOSI:** I do not know that.

**ADV CHASKALSON SC:** Who would have records of who used the jet ski when? Would security at Hammanskraal keep any records of who was taking the jet ski?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Now, if we go to your statement, you describe ...[intervenens]

**SERGEANT NKOSI:** Sorry, Chair, I am pressed. Can I?

**ADV CHASKALSON SC:** Sorry?

20 **SERGEANT NKOSI:** I am pressed. Can I use the restroom?

**CHAIRPERSON:** Let us take the lunch adjournment and resume at 2 pm. Thank you.

**SERGEANT NKOSI:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Chair. Sergeant, you will recall just before we broke, I was asking you about the jet ski and you indicated that you had brought the jet ski back to Mr Msibi's house approximately in September, that the, that you had used the jet ski after it had been brought back, not house, farm in Hammanskraal, after it had been brought back to the farm in Hammanskraal, and that Mr  
10 Matlala, you think, may also have used it after it came back to Hammanskraal, but you, you were not sure whether and when that would have happened. Is that correct?

**SERGEANT NKOSI:** I said, I do not know if Mr Matlala used it after.

**ADV CHASKALSON SC:** You do not know if he used it.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Ja. Now, I want to come to your statement when you, where you explain the credit card belonging to one of Mr Matlala's companies that you found  
20 in the jet ski. And if we go to your statement file, that is, that is the small file, on page 1, you say that on the 23<sup>rd</sup> day of December, you found that Mr Matlala left a Luxo African Brand Investments business gold card in the jet ski boat of Mr Msibi. Now, can you explain the circumstances in which you found it? Did you find it, was the jet ski at

Hammanskraal when you found it? Was the jet ski somewhere else?

**SERGEANT NKOSI:** I found it on my way back.

**ADV CHASKALSON SC:** Sorry, on your way back?

**SERGEANT NKOSI:** To collect it, yes. On my way back to collect the jet ski.

**ADV CHASKALSON SC:** To collect the jet ski from where?

**SERGEANT NKOSI:** From the farm where it was, at Mr Matlala's place, Mr Matlala's farm.

10 **ADV CHASKALSON SC:** So you, on the way back from Mr Matlala's farm ...[intervenes].

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You found the card in the jet ski?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Was this when you collected the jet ski to bring it back to Hammanskraal?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But then that would have been in September 2024, not December.

20 **SERGEANT NKOSI:** I think maybe you can, maybe I was quicker to answer. Maybe can you repeat your question so that must be clear.

**ADV CHASKALSON SC:** Where did you, where were you when you found the card inside the jet ski?

**SERGEANT NKOSI:** I was in the dam.

**ADV CHASKALSON SC:** Which dam?

**SERGEANT NKOSI:** Hartebeespoort dam.

**ADV CHASKALSON SC:** Hartebeespoort dam. And when was that?

**SERGEANT NKOSI:** When or where was that?

**ADV CHASKALSON SC:** When, when?

**SERGEANT NKOSI:** I cannot remember the exact date.

**ADV CHASKALSON SC:** In your statement you say it was the 23<sup>rd</sup> of December 2024.

10 **SERGEANT NKOSI:** Yes, it is possible.

**ADV CHASKALSON SC:** Well, why would you have said in your statement, which is a statement under oath, that it was the 23<sup>rd</sup> of December if you are not sure that it was? The statement reads like you were certain that you found the card on the 23<sup>rd</sup> of December.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why are you doubtful now?

**SERGEANT NKOSI:** Why am I doubtful now?

**ADV CHASKALSON SC:** Yes.

20 **SERGEANT NKOSI:** I am not doubtful.

**ADV CHASKALSON SC:** So you found the card on the 23<sup>rd</sup> of December?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But earlier you said you found the card on your way back from Mr Matlala's farm when you

were bringing the jet ski to Mr Msibi's farm.

**SERGEANT NKOSI:** I think I was quick to answer on that.

**ADV CHASKALSON SC:** Slow down with your answers. Now you say you found it at Hartebeespoort. How did the jet ski get to Hartebeespoort?

**SERGEANT NKOSI:** I took it there.

**ADV CHASKALSON SC:** So you collected it from Mr Msibi's house, farm, and you took it to Hartebeespoort.

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** And when you collected it from Mr Msibi's house, did you check whether there was anything in the, you know, in the compartment of the jet ski or not? Do you do a check on the jet ski before you collect it or not?

**SERGEANT NKOSI:** I did not do. I did not check.

**ADV CHASKALSON SC:** So when did you, so how did you find that there was a credit card inside the jet ski's glove compartment, whatever one calls it in a jet ski?

**SERGEANT NKOSI:** It was when I arrived in Hartebees, 20 searching for the key in the compartment, it is when I realized there is a card there.

**ADV CHASKALSON SC:** So when you searched for the key, you realized that there was a card left there.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And was Mr Matlala with you at

Hartebeerspoort?

**SERGEANT NKOSI:** No, no.

**ADV CHASKALSON SC:** Not that day. So, had you taken the jet ski to Hartebeerspoort previously, between the time that you returned it from Mr Matlala's farm and the 23<sup>rd</sup> of December? So that would be between September and 23<sup>rd</sup> of December had you been to Hartebeerspoort with the jet ski before?

**SERGEANT NKOSI:** No.

10 **ADV CHASKALSON SC:** So that card may have been there since you collected the jet ski from Mr Matlala's or when you collected the jet ski from Mr Matlala's farm in September.

**SERGEANT NKOSI:** I think so.

**ADV CHASKALSON SC:** It may have been.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And do you know if Mr Matlala used the jet ski between September and December when you found the card?

20 **SERGEANT NKOSI:** I do not know if he might have used it, but I know that he had an access to it as well.

**ADV CHASKALSON SC:** He also had access to it. So it is possible he used it.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You see, there are several cash

withdrawals on that card between September and December 2024.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** So, if the card was left in the jet ski when you collected it from Mr Matlala's farm, then it is not possible that Mr Matlala would have made those withdrawals. Well, let me take that back. It would only be possible for Mr Matlala to have used, made those withdrawals if he found the jet ski in Hammanskraal, found  
10 the card in the glove compartment, took it out of the glove compartment, withdrew some cash, put it back in the glove compartment and then forgot about it again. That is the only way it would be possible for Mr Matlala to have withdrawn that cash. You accept that?

**SERGEANT NKOSI:** I am not sure if I understand you clearly.

**ADV CHASKALSON SC:** You see, if the card was in the jet ski when you collected it, and between the time that you collected the jet ski and 23 December, when you say you  
20 found the card, cash was withdrawn on that card. Then those cash withdrawals would not have been made by Mr Matlala, because the only way they could have been made by Mr Matlala is if the card was in the jet ski in September, it then went back with the jet ski to Hammanskraal, Mr Matlala then took the jet ski, found his card that he had left

behind once before, used the card to withdraw cash, put the card back in the jet ski, forgot about it again, and left the card in the jet ski while you, well, where you ultimately found it on the 23<sup>rd</sup> of December. That is the only way Mr Matlala could have withdrawn that cash.

**MR NGOATO**: Commissioner? Chair?

**CHAIRPERSON**: Yes, Mr Ngoato.

**MR NGOATO**: I do not recall if the witness has the bank statement of Mr Matlala to confirm if there are withdrawals,  
10 number one. Number two, I have not heard of any evidence where it was indeed confirmed that when the jet ski was taken from the farm, there was no card inside or there was a card inside, because he never checked it.

**CHAIRPERSON**: I understand the first part about withdrawals. I will ask Mr Chaskalson to respond. But the latter part, you should leave to the witness to respond to. That is factual or evidentiary matter, so, the witness can give a response, whatever that response may be.

**ADV CHASKALSON SC**: Chair, I am happy to leave this  
20 topic for now, because Mr Ngoato is right. Due to an oversight, we have not included the Luxo African Brand bank statements. We will give them to Mr Ngoato and the witness now, and we can come back to this either tomorrow or if later, later, if necessary.

**CHAIRPERSON**: Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** So, if I move to a completely different topic, Sergeant, can I ask you to go to page 56 in file 1 of 4.

**ADV KHUMALO SC:** Mr Chaskalson, can we ...[intervenes].

**ADV CHASKALSON SC:** 1 of 4, 56.

**ADV KHUMALO SC:** Should we close the statement file, put it away?

**ADV CHASKALSON SC:** The statement file can go away  
10 for now.

**CHAIRPERSON:** And where do we go on this file?

**ADV CHASKALSON SC:** To page 56.

**CHAIRPERSON:** Five six.

**SERGEANT NKOSI:** There you will see that on the 25<sup>th</sup> of November 2024, Mr Matlala at 13:48 sends you three SAPS payment screens. Do you see them?

**SERGEANT NKOSI:** That is correct, I see them.

**ADV CHASKALSON SC:** Underneath, he sends a text saying:

20 "Maybe it will reflect tomorrow."

And then he sends a text below that and it appears to be forwarded to him and says:

"Yes, it is paid on 24 November 2024,  
but deposited into account will  
probably be tomorrow, but I will

monitor.”

Did you understand that second text to be Mr Matlala speaking himself or him forwarding a text from somebody else who said they would monitor?

**SERGEANT NKOSI:** It was Mr Matlala forwarding the message.

**ADV CHASKALSON SC:** So he is forwarding a message from someone saying they will monitor.

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** Now, who would be monitoring, who would be able to monitor payments out of SAPS?

**SERGEANT NKOSI:** I would not know.

**ADV CHASKALSON SC:** Presumably someone within SAPS is the only person who can monitor if payments are going to be deposited the next day.

**SERGEANT NKOSI:** I would not know.

**ADV CHASKALSON SC:** Your response is:

“Please, my brother.”

What did you mean by please, my brother?

20 **SERGEANT NKOSI:** I do not know what really I meant, because of this payment and these messages, according to me, they had nothing to do with me. So I cannot remember what was this, please my brother, all about.

**ADV CHASKALSON SC:** So these statement screens had nothing to do with you, and you do not know why you were

sent them?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why then did you forward them all to General Shabiri? Can you go to page 384?

**SERGEANT NKOSI:** 384 or 284?

**ADV CHASKALSON SC:** 384, and that would be in file 2 of 4.

**SERGEANT NKOSI:** 284.

**ADV CHASKALSON SC:** 384, file 2. 384 file 2.

10 **SERGEANT NKOSI:** Okay. Yes, I see.

**ADV CHASKALSON SC:** Well, if they had nothing to do with you, why did you forward them to General Shibiri?

**SERGEANT NKOSI:** I assumed it was for him, that is why I have sent it to him.

**ADV CHASKALSON SC:** Well, why would you assume it is for him?

**SERGEANT NKOSI:** Okay, if I recall, Mr Matlala had an issue with the payment from SAPS and this was one of the reasons I have sent it to General Shibiri, because I know for  
20 a fact he was talking about same with General Shibiri and General Sibiya. That is the reason when he sent to me, immediately I pushed them to General Shibiri.

**ADV CHASKALSON SC:** So you thought they had nothing to do with you, but you thought they might have something to do with General Shibiri?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why? What would the payment screens, why would that be of relevance to General Shibiri?

**SERGEANT NKOSI:** I know that Mr Matlala also complained to him about the payment that were late from SAPS. So when he send me those proof of payment, I forwarded to General Shibiri.

**ADV CHASKALSON SC:** Before you forwarded them to General Shibiri, you respond to Mr Matlala saying, please,  
10 my brother. Are you not saying you are really hoping he is going to get paid tomorrow?

**SERGEANT NKOSI:** No, no, no.

**ADV CHASKALSON SC:** Well, you are, his messages to you are, maybe it will reflect tomorrow, and then a forwarded message, yes, it is paid on 24 November, but deposited into account will probably be tomorrow, but I will monitor. And you say, please, my brother. What meaning could please, my brother, have other than, I hope this happens?

20 **SERGEANT NKOSI:** No, no, no, it did not mean that to me.

**ADV CHASKALSON SC:** Well, can you give me a plausible meaning for your message, please, my brother, that you sent on 25 November at 13:49.

**SERGEANT NKOSI:** I do not know what I meant by that, but I believe that if men, maybe I wanted something from

him, I was going to specify that I want this or that, please, my brother. So I do not know where it is, where did I take it from, this please my brother. But it was from me.

**ADV CHASKALSON SC:** So it was not that you wanted something from him.

**SERGEANT NKOSI:** No, I would have written if I wanted something.

**ADV CHASKALSON SC:** Ja. But then if it was not that you wanted something from him, it was that you wanted him  
10 to be paid, as his messages said would probably happen. What is your response to that?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Well, so, you cannot offer us any plausible meaning of what you had in mind when you said, please, my brother?

**SERGEANT NKOSI:** No.

**CHAIRPERSON:** What I find strange with that response, Sergeant, is that you say you do not know what you were talking about when you said, please, my brother, but you  
20 categorically deny that you may as well have been wishing for payment to take place soon. How can you not know what you meant, but at the same time be sure what you did not mean? I find it difficult to understand that response.

**SERGEANT NKOSI:** I did not I recall what I meant, Commissioners.

**CHAIRPERSON:** But you know what you did not mean.  
That is my difficulty.

**SERGEANT NKOSI:** That is an unfortunate part.

**CHAIRPERSON:** Sorry?

**SERGEANT NKOSI:** I said that is an unfortunate part that I  
cannot remember what I meant.

**CHAIRPERSON:** Is it not because you actually know what  
you meant, but you do not want to tell us what you meant?

**SERGEANT NKOSI:** No, no, no, I am not like that. If there  
10 is something to tell, I will tell the Commissioners as it  
transpired.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Can we then go to page 167 in  
file 1 of 4.

**ADV KHUMALO SC:** Before you leave. Sergeant Nkosi,  
you say the reason you were forwarding these screenshots  
to General Shibiri is because you knew that Mr Matlala was  
discussing the issue of non-payment of his invoices with  
both General Shibiri and General Sibiya. Did I hear you  
20 correctly?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** How do you know that he was  
discussing the issue of non-payment of his invoices with  
General Shibiri and General Sibiya?

**SERGEANT NKOSI:** Okay, because of at some stage I

knew, even though I cannot give you the dates, that I have once taken him up to the office of General Sibiya to complain about his payments and non-cooperative from the SAPS procurement.

**ADV KHUMALO SC:** But wait a minute. I thought the only time you had taken him to General Sibiya's office was when he was going to complain about not being given access to the clinic.

**SERGEANT NKOSI:** Yes.

10 **ADV KHUMALO SC:** Now you are saying on another occasion you took him to General Sibiya's office to complain about non-payment of invoices.

**SERGEANT NKOSI:** No, it is in addition. Remember now, sorry to say remember now, Commissioner, this, when they do not give him facilities, it affects his payment. So the issue of the payment and the facilities is one thing, it is a package. And the issue of General Shibiri, General Shibiri himself told me that Cat complained that he is not being paid on time. That is the reason when Cat sent me such, I  
20 do not even hesitate to send it to General Shibiri. I know he has got knowledge about it.

**ADV KHUMALO SC:** So, let us keep it short then. You are aware of a specific instance where Cat Matlala came to General Sibiya's office to complain about non-payment of his invoices. Is that what you are saying?

**SERGEANT NKOSI:** Ja, but not the exact date, but I know that.

**ADV KHUMALO SC:** No, no, I am talking about the subject matter of the discussion.

**SERGEANT NKOSI:** Yes, yes.

**ADV KHUMALO SC:** You are aware that at some point Matlala came to General Sibiyi's office to complain about issue of non-payment.

**SERGEANT NKOSI:** Yes, that is correct.

10 **ADV KHUMALO SC:** You are just not sure when it was.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Okay.

**ADV BALOYI SC:** Sergeant Nkosi, you are not involved with finance and payment of invoices. Why does Mr Matlala share this with you?

**SERGEANT NKOSI:** Okay ...[intervenes].

**ADV BALOYI SC:** If you are not discussing with him about his invoices, why would he share this with you?

20 **SERGEANT NKOSI:** I think even though I am not involved, but when it is something to do with issues of his project there in college, he would send me those things. So I think I took it from that angle that this is one of the things that why is he sending me is because of the previous complaint. And then the person who are relevant to these things, I just send it to them.

**ADV BALOYI SC:** So he sends you this so that you know he is getting paid, because this is what these texts are about.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** They, he is telling you that I am getting paid.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Why would he tell you that I am getting paid? Have you, before this, been discussing with him  
10 about payment of his invoices, and why would you be discussing it with him, because you are not involved in payments?

**SERGEANT NKOSI:** I think to answer that, it was a matter of giving feedback that at least after my complaint, now they have paid. I then felt to send it to relevant people that he complained to.

**ADV BALOYI SC:** And if he is giving you feedback, why do you pass this on? If this is feedback to you, why is this being passed on to General Shibiri, who is not involved with  
20 payments? It is not his job. It has nothing to do with his job, in the same way that it has nothing to do with your job. Why are you passing it to General Shibiri?

**SERGEANT NKOSI:** I think as I have answered is that maybe he was giving feedback that my complaint at least is attended to. So he sent to me, then I sent to General

Shibiri.

**ADV BALOYI SC:** You and General Shibiri had discussed this contract and the payments to Mr Matlala?

**SERGEANT NKOSI:** No, no, I did not.

**ADV BALOYI SC:** So why would you send this to him? Why did you think he has an interest in knowing that Mr Matlala is going to be paid and the money is going to be in the account on the 24<sup>th</sup>, that kind of detail?

**SERGEANT NKOSI:** General Shibiri had an interest.

10 **ADV BALOYI SC:** What was his interest in this? He is not the one that is using, that is buying the service or using the service. He is not the one that is making payments or authorising payments. What would be his interest?

**SERGEANT NKOSI:** I think his interest, it was based on the complaint from Mr Matlala, the same complaint that he informed ...[indistinct] Cat phoned me and told me that they are giving him problems with his payment. So that is the reason I said he has got, he had an interest because maybe it was because of that complaint.

20 **ADV BALOYI SC:** Is he not sharing this with you because you have used your position internally to assist him get payment and he is now showing you that it is bearing fruit? Is that not why? I mean, he has complained to you, he obviously expects you to do something about it. And if he has complained to General Shibiri, he obviously, otherwise

he is a silly man. He sends this or he complains, as you say, because he wants you to do something about it and he expects you to do something about it. And now he is reporting to you to show you that that which I asked you to do for me, it is now delivering. That seems to be the picture here.

**SERGEANT NKOSI**: Can I answer that?

**ADV BALOYI SC**: Yes, yes.

**SERGEANT NKOSI**: Commissioners, with regards to the  
10 payment, with my rank, I am far from those things. And there was no way on earth that Mr Matlala will personally complain to me, because I know for the fact that Mr Matlala in finance, he had Brigadier Bokaba, he had General Fannie, those were his people. So there was no way that he could complain to me. And Mr Matlala was somebody who always wanted to flex his muscles towards the police. When he is communicating with this person, he will tell you that, no, I have got this one, he is going to do this thing for me. I have got this one, he is going to do this for me. I  
20 have complained to this one, he is going to do it for me. That is the reason I did not even wait for him to instruct me that forward this message to who and who, because for the fact when he send me this thing, I personally phoned him, hey, where did you get this? He said, I got it from Brigadier Bokaba, I got it from General Fannie. So I did not have a

problem. I just forwarded it as it is to where it is supposed to go.

**ADV BALOYI SC:** But you see, Sergeant, it is still, maybe your answer actually opens another enquiry. If you received this from, if he has told you ...[intervenes].

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** That he has received this from General Fannie, I think you say ...[intervenes].

**SERGEANT NKOSI:** Yes, yes.

10 **ADV BALOYI SC:** And General Bokaba, both of whom are in finance.

**SERGEANT NKOSI:** Ja, Brigadier.

**ADV BALOYI SC:** Yes, Brigadier Bokaba.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** If he tells you I got this information from people in finance, then why are you sending it to General Shibiri, because the people with standing and first-hand information, Mr Matlala tells you, they gave me this information.

20 **SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Why would you be sending this to General Shibiri? What is his interest in knowing that Mr Matlala has been paid?

**SERGEANT NKOSI:** Okay, his interest, Commissioner, is because he complained, according to me now, and maybe at

some stage maybe he wanted General Shibiri to push this tool, to push his payments, that is according to me. So as a result, he sent to me, sent it to him, even though he did not say it, but because I have got that knowledge, that is reason I did that.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Can I just follow up something that you said in that in that answer to Commissioner Baloyi. You said that Mr Matlala would, as it were, drop the name  
10 of General Fannie and, is it Brigadier Bokaba?

**SERGEANT NKOSI:** Hm.

**ADV CHASKALSON SC:** In what context did he refer to General Fannie and Brigadier Bokaba?

**SERGEANT NKOSI:** [Indistinct]...

**ADV CHASKALSON SC:** In what context did he refer to General Fannie and Brigadier Bokaba to you? What did he say about them?

**SERGEANT NKOSI:** What did he say about them?

**ADV CHASKALSON SC:** Yes.

20 **SERGEANT NKOSI:** No, no, he said he got these things or this proof of payment from Brigadier Bokaba and General Fannie.

**ADV CHASKALSON SC:** Is it Mokaba or Bokaba?

**SERGEANT NKOSI:** Bokaba. Brigadier ...[intervenes].

**ADV CHASKALSON SC:** Mokaba with an M.

**SERGEANT NKOSI:** I will just remember her name now. Brigadier, it is a woman.

**ADV CHASKALSON SC:** So, you understood that these payment screens that we see in the chats were given to Mr Matlala either by General Fannie or by Brigadier Mokaba?

**SERGEANT NKOSI:** Bokaba.

**ADV CHASKALSON SC:** Bokaba.

**SERGEANT NKOSI:** Bokaba. Maybe I will through you, Chair, my attorney there can just give me the exact name of  
10 the Brigadier so that I must be sure which Brigadier, because there are many Bokaba's. I want to exert one.

**ADV CHASKALSON SC:** Thank you.

**CHAIRPERSON:** Or you can give us the name later. You may confer with the ...[intervenes].

**SERGEANT NKOSI:** You have got the name, Mr Ngoato, of that Brigadier there? It is written there in my notes.

**MR NGOATO:** It is referred into General Sibiya's transcripts.

**SERGEANT NKOSI:** Yes.

20 **MR NGOATO:** And it is referred into your chat with Cat Matlala as well. It is Brigadier Glenda Bokaba.

**SERGEANT NKOSI:** Brigadier who?

**MR NGOATO:** Glenda Bokaba.

**SERGEANT NKOSI:** That is correct.

**MR NGOATO:** So that is Sibiya's transcript ...[intervenes].

**CHAIRPERSON:** Glenda. Glenda.

**SERGEANT NKOSI:** Glenda, yes. And to add on that, that is what, it was indeed Brigadier Glenda Bokaba. In one of the newspapers, he was quoted that she advised Mr Matlala to go to Mr, to General Sibiya to push her to give her facilities of the training. So I am just adding that indeed it was this Glenda, Brigadier Bokaba, yes.

**ADV CHASKALSON SC:** So Brigadier Bokaba is reported as having advised Mr Matlala to approach General Sibiya to  
10 arrange facilities.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And would those be the facilities at the police college?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But in relation to the payment screens on the contract itself, as opposed to the question of facilities, did you understand that those payment screens were provided by General Fannie or Brigadier Bokaba or someone else?

20 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Who?

**SERGEANT NKOSI:** These two.

**ADV CHASKALSON SC:** These two.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** They gave him the payment

screens?

**SERGEANT NKOSI:** That is correct.

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

**SERGEANT NKOSI:** He is the one who told me.

**ADV CHASKALSON SC:** Mr Matlala told you that he received these payment screens from General Fannie and Brigadier Bokaba.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Can I then take you to page 167.

10 **ADV KHUMALO SC:** Are we going back to 1, file 1?

**ADV CHASKALSON SC:** File 1. File 1 of 4.

**SERGEANT NKOSI:** Of the same file, né? 167 of the same file?

**ADV CHASKALSON SC:** You may just have been in file 2, but it is file 1 of 4.

**SERGEANT NKOSI:** Yes. It is this one, né? Ja.

**ADV CHASKALSON SC:** And there you will see at page 167, on the 22<sup>nd</sup> of March 2025, General Sibiya forwards you, and I think we discussed this when you were last here,  
20 he forwards you three documents.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Actually four. The first is an enquiry from a journalist, Abram Mashego.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Asking about the Matlala contract

and whether it was going to be terminated. The second is a message circulated from General Phokane to the National Commission and all Lieutenant Generals, alerting them to the enquiry from Mr Mashego. The third is General Phokane's response.

“Good morning, Mr Mashego. This is an internal matter regarding SAPS and supplies. We reserve our comments for now.”

10           And the last is the final page of an internal audit report done by SAPS, which recommends termination of the contract and that recommendation, if you want to see it to refresh your mind, is, or refresh your memory, it is file 3 of 4, page 105. It is being displayed actually.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** And it has the recommendation at the end of it.

20           “Based on the findings above, we recommend that the National Commissioner should consider the following. The expenditure incurred should be declared as possibly regular expenditure for further assessment and determination. Test investigation is required by the framework of the

10 National Treasury. The bid should be terminated. The accounting officer should seek legal counsel on how to proceed with the termination. The termination of the bid is consistent with section 23(1)(c) of General Condition of Contracts, which states that the purchaser without prejudice to any other remedy for breach of contract by written notice of default sent to the supplier, may terminate this contract in whole or in part if the supplier in the judgment of the purchaser has engaged in corrupt or fraudulent practices in competing for, or in executing the contract.”

You recall receiving that from General Sibiya?

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** Now, if you go to page 413, you will see that later on the ...[intervenes].

**SERGEANT NKOSI:** Page 413 on the same file?

**ADV CHASKALSON SC:** 413. It is now going to be file 2 of 4, file 2 of 4. Well, maybe while you are looking for 413, can I ask, an earlier question is why would General Sibiya send these messages to you? What was the relevance of

all of this to you, the fact that Mr Matlala's, that a journalist was asking about termination of Mr Matlala's contract and that there was an internal audit report recommending termination?

**SERGEANT NKOSI:** Just a minute. I am multitasking. Sorry, sorry.

**ADV CHASKALSON SC:** Sure. You have 413 now in front of you?

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** So you will see in 413 you forward these materials to General Shibiri. But before we get there, why would General Sibiyi send these messages to you, an internal message from General Phokane to all Lieutenant Generals about the journalist's enquiry, the response to the journalist, and the recommendation page of the internal audit report that said that the contract should be terminated for fraud and corruption? Why would General Sibiyi send that to you?

**SERGEANT NKOSI:** I do not know.

20 **ADV CHASKALSON SC:** We will have to ask him if he comes back. You do not have any idea?

**SERGEANT NKOSI:** No, I do not know.

**ADV CHASKALSON SC:** But you forwarded it to General Shibiri.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** We see in 413. Why did you forward it to General Shibiri?

**SERGEANT NKOSI:** What I get from this side, I forward it to this side. I think my answer still goes back to that one that I said earlier, that maybe because Mr Matlala was also complaining to General Shibiri, that is why I felt that I should send it to General Shibiri.

**ADV CHASKALSON SC:** And do you think General Sibiya intended for you to send it to General Shibiri?

10 **SERGEANT NKOSI:** I would not know, because of myself and him, pass messages, then I forwarded to this General Shibiri or vice versa.

**ADV CHASKALSON SC:** So, you knew that Mr Matlala had complained about termination of his contract, about problems with his contract to General Shibiri, and that is why you forwarded these messages to General Shibiri.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But he had also been complaining to General Fannie, had he not?

20 **SERGEANT NKOSI:** He also been controlled by ...[indistinct].

**ADV CHASKALSON SC:** Complaining about non-payment to General Fannie.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And you chose, you did not

choose to forward to General Fannie.

**SERGEANT NKOSI:** I do not have his numbers.

**ADV CHASKALSON SC:** You do not have his number?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** I see. Did you forward to anybody else?

**SERGEANT NKOSI:** I forwarded to, ja, I forwarded to many people ja.

**ADV CHASKALSON SC:** This message about termination  
10 of the contract?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Who else did you forward to?

**SERGEANT NKOSI:** I forwarded to Cat himself. I forwarded to Mr Motsumi. These are people that I remember.

**ADV CHASKALSON SC:** So to Cat and to Mr Motsumi.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Why did you forward to Cat?

**SERGEANT NKOSI:** I just assume, even though it was  
20 never said by General Sibiyi, to send it to Cat.

**ADV CHASKALSON SC:** But why?

**SERGEANT NKOSI:** I do not know.

**ADV CHASKALSON SC:** And this was internal SAPS communication in relation to what SAPS internally was debating to do with Mr Matlala's contract.

**SERGEANT NKOSI:** Yes, I agree, but by the time I forwarded and then I called, he said, hey, I have seen it or on, he said, he said Instagram or TikTok somewhere there, that his contract has been terminated.

**ADV CHASKALSON SC:** So when you forwarded it, he said, this is not news to me, I have seen on TikTok that the contract has been terminated.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But you did not know that when  
10 you forwarded it to him.

**SERGEANT NKOSI:** I did know that.

**ADV CHASKALSON SC:** You did know that. How did you know that?

**SERGEANT NKOSI:** Because it was in all the Facebooks.

**ADV CHASKALSON SC:** So Facebook is now saying that the contract is terminated. Is that what you are saying?

**SERGEANT NKOSI:** Can you repeat the question again?

**ADV CHASKALSON SC:** You said that before you forwarded it to Mr Matlala, you knew that he knew that the  
20 contract was going to be terminated. And I asked you why, and you said, if I heard you correctly, that it is on Facebook.

**SERGEANT NKOSI:** No, no, I did not say that.

**ADV CHASKALSON SC:** Then I misheard you. What did you say?

**SERGEANT NKOSI:** I said, I forwarded to Cat, Mr Matlala.

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** Mr Matlala responded, he said he already saw that on Facebook or on Instagram.

**ADV CHASKALSON SC:** Or TikTok was what you said first time.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Yes, but then my question to you was, at the time that you decided to forward it to Mr  
10 Matlala, you did not know that he already knew.

**SERGEANT NKOSI:** I knew.

**ADV CHASKALSON SC:** Well, how did you know?

**SERGEANT NKOSI:** Facebook.

**ADV CHASKALSON SC:** So, then you knew that because of what was circulating on Facebook, Mr Matlala already knew?

**SERGEANT NKOSI:** That is correct. Actually, General Sibiya was sending me old news because of I knew.

**ADV CHASKALSON SC:** So you knew, before General  
20 Sibiya sent you these documents, that the contract was going to be, that a decision had been taken to, or a recommendation had been made to terminate the contract.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Where did you find it on social media?

**SERGEANT NKOSI:** On some page. I cannot remember, but it was on Facebook. I remember, no, let me just leave it at that, in Facebook.

**ADV CHASKALSON SC:** Why did you wait until General Sibiya had sent you this correspondence to tell Mr Matlala?

**SERGEANT NKOSI:** You know, Facebook has got a lot of false stories, so I could not run with something that is not even confirmed or verified. So when General Sibiya sent me, then I realized, oh, that means that thing of the  
10 Facebook is ...[indistinct].

**ADV CHASKALSON SC:** So you had seen something on Facebook, but you did not know whether it was fake news or not?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** By the same token, Mr Matlala would not have known whether it was fake news or not.

**SERGEANT NKOSI:** I would not know.

**ADV CHASKALSON SC:** Well, if he said he only saw it on Tikbook and Facebook, by your reasoning, he would not  
20 have known whether he could rely on it or not.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** Mr Chaskalson. Sergeant, I am interested in what you said, I remember, but then you said, no, no, and you stopped yourself from saying whatever it is you remembered. I am interested, what do you remember?

**SERGEANT NKOSI:** I wanted to add more, but I then realised, I think it will be unnecessary for the Commission to waste the Commission's time.

**CHAIRPERSON:** All right. All right. Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** So when you sent this information to Mr Matlala, you were providing confirmation that he could rely on, that the contract was subject to a recommendation of cancellation. You knew that when you sent this to Mr Maklala, he would be in a position now to  
10 know that there was actually a recommendation that his contract be terminated.

**SERGEANT NKOSI:** I am not sure if I understand you. Maybe you ...[intervenes].

**ADV CHASKALSON SC:** So, before Mr Matlala gets this message from you, all he can depend on for his source of information is TikTok and Facebook. And he, like you, must know that there is a possibility of fake news on TikTok and Facebook.

**SERGEANT NKOSI:** Okay.

20 **ADV CHASKALSON SC:** So when you send him this message, this is the first time that Mr Matlala gets confirmation on which he can depend that this news is not fake, it is true.

**SERGEANT NKOSI:** You see, now I understand it clearly. I would not say Mr Matlala heard it from me that this thing

is not fake, it is real, because Mr Matlala have, or had his own people within the SAPS. I think already he knew, as he said, but I was not the bearer of the bad news. His own people was.

**ADV CHASKALSON SC:** Who were his own people inside the SAPS?

**SERGEANT NKOSI:** I have mentioned earlier.

**ADV CHASKALSON SC:** Are you referring to General Fannie and Brigadier Bokaba?

10 **SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And why did ...[intervenes].

**SERGEANT NKOSI:** And more I do not know.

**ADV CHASKALSON SC:** Sorry?

**SERGEANT NKOSI:** And more than I do not know.

**ADV CHASKALSON SC:** Well, have you mentioned any more? Who are the more to whom you refer?

**SERGEANT NKOSI:** Pardon?

**ADV CHASKALSON SC:** Who are these more?

**SERGEANT NKOSI:** I do not know.

20 **ADV CHASKALSON SC:** So you know about General Fannie and Brigadier Bokaba, but you do not know about other members of SAPS who were Mr Matlala's people in SAPS.

**SERGEANT NKOSI:** Yes, I am not sure, ja.

**ADV CHASKALSON SC:** And how do you know that

General Fannie and Brigadier Bokaba were his people inside SAPS?

**SERGEANT NKOSI:** One, from him directly.

**ADV CHASKALSON SC:** And what did he say in this regard?

**SERGEANT NKOSI:** Two ...[intervenes].

**ADV CHASKALSON SC:** Sorry, let us take them one step at a time. One, from him directly.

**SERGEANT NKOSI:** Yes.

10 **ADV CHASKALSON SC:** What did he tell you about Brigadier Bokaba and General Fannie?

**SERGEANT NKOSI:** Not exact words, what did he tell me, but I know that sometimes he will say he is coming to head office to meet with Brigadier Bokaba and to meet either with General Fannie and even on the news, it is seconded that when he filed his court papers that he was advised by Brigadier Bokaba that he must approach the Deputy National Commissioner, General Sibiya. By then he was acting as a National Commissioner, to help him with the  
20 training facilities. So that confirmed that indeed Brigadier Bokaba and General Fannie were his people.

**ADV CHASKALSON SC:** So he would tell you from time to time he is coming to head office to speak to Brigadier Bokaba and General Fannie?

**SERGEANT NKOSI:** Not time to time, as in when.

**ADV CHASKALSON SC:** Sorry, I am not sure what you are saying. Are you saying often or one or two times, what?

**SERGEANT NKOSI:** Four to five times, or like Brigadier, Commissioner Khumalo said, maybe more or less five or ten, ja. Let me measure it like that.

**ADV CHASKALSON SC:** And was there innocent, any innocent reason for him to be speaking to Brigadier Bokaba and General Fannie as far as you were concerned?

**SERGEANT NKOSI:** Can you repeat that? I just want to  
10 be sure before I answer.

**ADV CHASKALSON SC:** When you thought that he was coming to head office to speak to Brigadier Bokaba and General Fannie, was there an innocent reason for him to be speaking to these two SAPS senior officials?

**SERGEANT NKOSI:** I would not, I would not know.

**ADV CHASKALSON SC:** You would not know?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** What did you think he was coming to speak to them about?

20 **SERGEANT NKOSI:** His contract.

**ADV CHASKALSON SC:** And what in particular? What was he asking from them?

**SERGEANT NKOSI:** I would not know.

**ADV CHASKALSON SC:** And were they in a position where they were obliged to deal with him in relation to his

contract? Was that part of their official duties at SAPS?

**SERGEANT NKOSI:** I would not know.

**ADV CHASKALSON SC:** You would not know?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And apart from that, you say that you infer that they were his people inside SAPS because Brigadier Bokaba was the one who suggested that he approach General Sibiyi as Acting Commissioner, Acting National Commissioner, when he wanted to get access to  
10 the facilities. Did I understand your evidence correctly?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So it is really just those two elements that makes you think that Brigadier Bokaba and General Fannie were his people inside of the SAPS, is that correct? Is there anything more?

**SERGEANT NKOSI:** Not that I can prove, but there is. Not that I can prove, but ...[incomplete].

**ADV CHASKALSON SC:** Not that you can prove?

**SERGEANT NKOSI:** No.

20 **ADV CHASKALSON SC:** What can you not prove?

**SERGEANT NKOSI:** Pardon?

**ADV CHASKALSON SC:** What can you not prove?

**SERGEANT NKOSI:** That there is more of them meeting Mr Cat, but I – okay, no.

**ADV CHASKALSON SC:** When, sorry, there are more

people meeting Mr Cat or there is more to the relationship between Brigadier Bokaba and General Fannie with Mr Cat?

**SERGEANT NKOSI:** I am saying within the office of General Fannie and the office of Brigadier Bokaba, there are people there.

**ADV CHASKALSON SC:** So when you forwarded all of this, all of these messages from General Sibiya to Cat, or to Mr Matlala, you thought that he would probably already know this from General Fannie and Brigadier Bokaba.

10 **SERGEANT NKOSI:** I am not sure about that, but I just assumed.

**ADV CHASKALSON SC:** You assumed that.

**SERGEANT NKOSI:** Ja, I just wanted to clarify that part of saying I am the one he heard it from me, no, no, not from me.

**ADV CHASKALSON SC:** He might have heard it from somewhere else.

**SERGEANT NKOSI:** Ja.

**ADV CHASKALSON SC:** But why then did you send it to  
20 him? What was the purpose of sending it to him?

**SERGEANT NKOSI:** I was just sending it.

**ADV CHASKALSON SC:** But he is about to get involved in a dispute with your employer, SAPS. SAPS are threatening to terminate his contract. That is correct, is it not?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So why do you think it is appropriate to give him advance notice of the fact that SAPS are threatening to terminate his contract?

**SERGEANT NKOSI:** I would not say it is advance notice. It was in public domain, so that is the reason I said I did not see any problem to send it to him, and knowing that he also communicate with General Sibiya and General Sibiya sent it to me, I just assumed that I must just pass it. Sorry, I did not think the worst of it.

10 **ADV KHUMALO SC:** What was in the public domain? Are you saying this document on page 105?

**SERGEANT NKOSI:** The one that was here.

**ADV KHUMALO SC:** The audit report.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Where did you see this audit report before you received it from General Sibiya?

**SERGEANT NKOSI:** In a Facebook. I remember I was in, I was at head office in my office at that particular, when I saw it.

20 **ADV KHUMALO SC:** And are you aware that it is marked confidential?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** So why do you think it is okay to share it with anybody else if it is marked confidential? I mean, that must tell you that it is a confidential official

document. Why do you deem it appropriate to share it with anybody else, especially people outside of SAPS?

**SERGEANT NKOSI:** Because, to be very honest with you, Commissioner, I did not see the danger of it or the problem about it because I thought it is already in public and in public it came as ...[indistinct] to me it was no longer confidential. That is the reason I send it.

**ADV KHUMALO SC:** But why do you deem it appropriate, because other people could have stolen it and leaked it and  
10 illegally circulated it on Facebook. You are a police officer, you come across an audit report belonging to SAPS and it is marked confidential. Why do you, I am not talking about people who put it on Facebook.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Why do you deem it appropriate to share it with somebody outside of SAPS? Can I give you an example?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Say you give a statement to this  
20 Commission.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** And then I see it on Facebook, but I am a member of this Commission. Are you saying because I see it on Facebook, I am now entitled to share your statement with members of the public?

**SERGEANT NKOSI:** No.

**ADV KHUMALO SC:** No. So why did you deem it appropriate to share an internal confidential SAPS document with somebody outside of SAPS? You do not know?

**SERGEANT NKOSI:** I do not know.

**ADV KHUMALO SC:** Do you accept that it was wrong?

**SERGEANT NKOSI:** I do not accept that it was it was wrong because of even General Sibiya send it to me.

10 **ADV KHUMALO SC:** I cannot hear you. General Sibiya sent it to you, you are within SAPS. I am asking you a specific question. Why did you send it to somebody outside of SAPS? This is a SAPS document.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Now, do you accept that it was wrong to send a SAPS document to somebody outside of SAPS? That is my simple question.

**SERGEANT NKOSI:** Eish, can I, can we park that one and then ...[intervenes].

20 **ADV KHUMALO SC:** No, I do not want to park it.

**SERGEANT NKOSI:** I am begging you, Commissioner.

**ADV KHUMALO SC:** No, I do not want to park it. I want you to answer me. I am asking you a simple question. Why did you deem it appropriate to send it to somebody outside of SAPS when it is clearly marked confidential? You think it

was correct, because it is either it was correct or it was wrong, and I am giving you those two options. Do you think it was correct?

**SERGEANT NKOSI:** Or not sure.

**ADV KHUMALO SC:** No.

**SERGEANT NKOSI:** Let them be three, not sure.

**ADV KHUMALO SC:** Mr Chaskalson ...[indistinct].

**ADV CHASKALSON SC:** I have got a slightly different question. Leaving aside the rights and wrongs of doing it,  
10 what was your purpose in giving it to Mr Matlala? Why did you want Mr Matlala to know this information?

**SERGEANT NKOSI:** He is a service provider there. Now, the other thing that I also assumed at the time, I thought as a service provider, he was also issued with such officially, so, so I took it on that level.

**ADV CHASKALSON SC:** No, but my question is, why did you think he was entitled to receive this information? Why did you give it to him? What were you trying to achieve?

**SERGEANT NKOSI:** I think the word achieve is a bit  
20 ...[indistinct].

**ADV CHASKALSON SC:** What was your purpose in giving it to him?

**SERGEANT NKOSI:** I was just passing the message.

**ADV CHASKALSON SC:** So you were just passing the message?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** In other words, you are giving him, as it were, a heads up, your contract may well be terminated.

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** But then what is passing the message, if not that?

**SERGEANT NKOSI:** Passing the message, just forwarding the document as I received it.

10 **ADV CHASKALSON SC:** So did you think that when General Sibiya gave it to you, he wanted you to pass the message to Mr Matlala, is that what you are saying?

**SERGEANT NKOSI:** I cannot say that in words that indeed he said I must send it. He just sent it to me. I sent it to Mr Matlala. But bear in mind that the information that General Sibiya, sometimes it is meant for Mr Matlala, even that specific one, even though it did not say it. I just assumed on my own that maybe said pass it. I am just ...[incomplete].

20 **SERGEANT NKOSI:** You mentioned that you also sent this information to Mr Motsumi.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Can you go to page 580.

**SERGEANT NKOSI:** Of the same, 580?

**ADV CHASKALSON SC:** 580, five eight zero, and that

would be file 2 of 4.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** And these are your chats with Mr Motsumi, and we see that on the 24<sup>th</sup> of March at 7:49pm, chat number 3, 4, 5, and 6.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You forward all of this, the same messages that you received from General Sibiya, you forward to Mr Motsumi. Why did you forward them to Mr  
10 Motsumi?

**SERGEANT NKOSI:** Sorry, sorry, Commissioner, you said 5?

**ADV BALOYI SC:** 580.

**ADV CHASKALSON SC:** 580, over the page to 581.

**SERGEANT NKOSI:** 580, okay. I am on it.

**ADV CHASKALSON SC:** Why did you forward these messages to Mr Motsumi?

**SERGEANT NKOSI:** I wanted him to know what was happening in that said project.

20 **ADV CHASKALSON SC:** I am sorry, I must apologize. I did not hear that answer. You wanted him to know?

**SERGEANT NKOSI:** Okay, I sent it to him to know what was happening on that contract.

**ADV CHASKALSON SC:** What was his interest in that contract that he needed to know about what was happening

on that contract?

**SERGEANT NKOSI:** Mr Matlala owed Mr Motsumi money, so I was warning him that, hey Baba ...[vernacular], your money will never come back because he invested in Mr Matlala's company, so I was making him aware that his contract is about to be terminated.

**ADV CHASKALSON SC:** So, when you say he invested in Mr Matlala's company, was that Medicare 24? Was he a silent partner in Medicare 24?

10 **SERGEANT NKOSI:** I think not Medicare 24 *per se*, but I know that Cat owed him money long before Medicare and he promised that he is going to start making payment when this Medicare start to function properly.

**ADV CHASKALSON SC:** And how did you know that Cat owed Mr Motsumi money?

**SERGEANT NKOSI:** Pardon?

**ADV CHASKALSON SC:** How did you know that Mr Matlala owed Mr Motsumi money?

**SERGEANT NKOSI:** Mr Motsumi told me.

20 **ADV CHASKALSON SC:** And when did he tell you?

**SERGEANT NKOSI:** Okay, during our biking, when we bike with Mr Motsumi he said hey, that Cat must start paying me.

**SERGEANT NKOSI:** And approximately when would this have been, would it have been before the contract was awarded, after the contract was awarded?

**SERGEANT NKOSI:** I think before the contract is awarded.

**ADV CHASKALSON SC:** So you knew from Mr Motsumi from before the contract being awarded that he was owed money from Mr Matlala?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And do you know if Mr Matlala had started paying Mr Motsumi back once the money flowed on the contract?

**SERGEANT NKOSI:** Can you repeat that?

10 **ADV CHASKALSON SC:** Once the SAPS contract started paying Mr Matlala, do you know if he had started to pay Mr Motsumi back?

**SERGEANT NKOSI:** No, I do not know.

**ADV CHASKALSON SC:** You do not know. So you do not know whether Mr Matlala had paid anything to Mr Motsumi?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And did you ever raise this with Mr Matlala, the fact that he owed money to Mr Motsumi?

20 **SERGEANT NKOSI:** No, no, no, I think it was a matter of myself and Mr Motsumi gossiping about Matlala.

**ADV CHASKALSON SC:** So you were giving Mr Motsumi this information about the Medicare 24 contract to let him know that Mr Matlala was not going to be able to pay him back.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Can I just ask a different question. The, and this relates to your forwarding these messages to different people, not just Mr Motsumi. You sent to Mr Matlala and you sent to General Shibiri. Now, you, maybe let me start with General Shibiri. What you testified earlier is that the discussion, why you forwarded the payment, WhatsApp messages ...[intervenes].

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** To General Shibiri is because you knew  
10 that there had been an enquiry to him for assistance. In fact, there had been an approach to him for assistance.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Yes. Now, I do not understand if that is all that you knew about the interaction between Mr Matlala and General Shibiri, if that is all there was that you knew of, why would you send General Shibiri this enquiry from the media, and it is forwarding the next WhatsApp message where it is being forwarded or it is, a message is being sent by Phokane to Generals and then her response as well to  
20 Mr Mashego, this is General Phokane, that it is an internal matter. Why would you share this with General Shibiri, because it has nothing to do with payment?

**SERGEANT NKOSI:** Okay, thank you, Commissioner. I think being used to share information with this cycle of Generals, General Shibiri, General Sibiya, I just forwarded

it as it came.

**ADV BALOYI SC:** The thing though is this is not just any other information. It is very specific and we do have evidence now ...[intervenes].

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You would have heard that Mr Matlala paid monies to General Shibiri, which he says was a loan. So, you we now know that monies have passed between Mr Matlala and General Shibiri.

10 **SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** So we know that he has got an interest in, at least where I am sitting, General Shibiri would have an interest in Mr Matlala keeping that contract at the SAPS or what is happening with the contract. This suggests to me that you knew that General Shibiri has an interest more than just helping with payments. That is why you are sharing, look at what the media is now asking. That is what this is. It suggests to me, he was saying, look at the media is now asking questions. Look at the response of the SAPS  
20 and see that extract from the investigation or audit report.

You share them because you know that there is a deeper involvement or interest that General, between General Shibiri and Mr Matlala, not just a random, oh, I am not getting paid, help me out. That is the only way it makes sense to me that you would share this information with

General Shibiri is because you know something more than just an enquiry or a request for assistance to be paid.

Otherwise, it does not make sense that you sent this, and I do not see that this is just a random sharing of information that you do on a regular basis with Generals. This is very specific. So I think what I am asking you is there has to be a better explanation for why you are sharing this with General Shibiri for one, other than, well, I am used to sharing information with Generals.

10 **SERGEANT NKOSI**: To comment on that, maybe it came out wrong that I said I am used to sharing information with Generals. With General Shibiri, let me be direct with him, with General Shibiri, Commissioner, I share everything that I come across, whether it is relevant to him or not. Sometimes he will not even comment or say anything on it. But according to me, I just share it because I am used to share information with him. And any other than sharing information, he never mentioned to me that he has got maybe personal interest in coming to benefit in Mr Matlala's  
20 contract. So, on that part, I would not be in a position to answer.

**ADV BALOYI SC**: Why did you think he needed to know that Mr Abram Masheho is making those enquiries? Why did you think that General Shibiri needs to know that?

**SERGEANT NKOSI**: I think, Commissioner, I took it from,

on the basis that Cat also complained to him about the payment. So that is why now the information about Cat, I also forwarded to him.

**ADV BALOYI SC:** Let me suggest to you what it looks like.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** It looks like you were alerting him that look at the media, it is enquiring about our contract. That is what it looks like. But in addition to that, you were alerting him, if he did not know, that there is in fact an intention to  
10 terminate our contract, and underline our contract. I say underline, I call it our contract because you, your conduct here and his conduct suggests that you are much more interested in Mr Matlala's contract than just random SAPS police officers who are assisting a member of the public. It suggests that you have a greater interest in this contract and that is why you are sharing this out of concern. That is what it looks like to me. Do you want to comment?

**SERGEANT NKOSI:** It is not like that, Commissioner.

**ADV BALOYI SC:** Sorry, say that again?

20 **SERGEANT NKOSI:** It is not like that. It is not like that.

**ADV BALOYI SC:** Yes. And when you share with Mr Matlala, it is the same thing. It is, you appear to me to be warning him that, look, journalists are now asking questions about our contract, or your contract, but in fact, in addition to that, they are aware that there is a recommendation or

instruction to terminate the contract. You are alerting him to that. Do you have any comment to that?

It is what it looks like to me and it is what I am suggesting was the whole point of you sharing these WhatsApp screens. If you were not instructed by General Shibiri to forward them and you just forwarded them out of your own initiative, then I am suggesting to you that you were forwarding them because you were alerting them about the media is on to this. And secondly, the SAPS has, rather  
10 there has been a recommendation to General Masemola to terminate. You are alerting him about that. Do you have any comment?

**SERGEANT NKOSI:** Yes, Commissioner.

**ADV BALOYI SC:** Yes.

**SERGEANT NKOSI:** I think in my position, even on the structural level of SAPS, I would not even, even when the media comes, they would not even come even nearer to me because of there is procurement, there is HR.

**ADV BALOYI SC:** Yes, yes.

20 **SERGEANT NKOSI:** The people who will be concerned and more worried are there in HR and procurement.

**ADV BALOYI SC:** Yes.

**SERGEANT NKOSI:** So now taking out that issues, our contracts, before the news could come to me, his people over there would have got that information. So I am just

talking of that thing and said I was worried that, oh, our money is going now, or our tender is going now. No, no, no, I was just doing that, even saying ...[indistinct] this one sent me, and then I sent. But I had no interest at all.

**ADV BALOYI SC:** Yes. You see, my suggestion, and maybe you assist me by what you are saying, that my suggestion is based also on ordinarily you have no interest, you should have no interest whatsoever in this.

**SERGEANT NKOSI:** Yes.

10 **ADV BALOYI SC:** And when it comes to you from General Sibiya, unless he instructed you to forward it, It is something that you read and you forget about it. You pass it on because it is not in your station. It has nothing to do with you.

**SERGEANT NKOSI:** It is true.

**ADV BALOYI SC:** But it comes through and you quite actively send it to different people. So it is either you were acting on instructions to forward it to other people because you have a direct instruction or you know that is how it works, when General Sibiya gives you stuff, he is really  
20 saying to you, pass it on.

And maybe you have said that when you say I was passing on a message. It is either that is what was happening or it is, I do not know if it is worse than that, which is, well, you were alerting them that the media is

going to be reporting about this. That is what you are reporting.

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: But also the contract is under threat. I am suggesting it is one of the two. It is not, it is not as innocent as you saying I was just sharing, that is all there is. It is not.

**SERGEANT NKOSI**: But the Commissioner, I understood a bit about what I just explained, that there was no way that  
10 media could come to me or I would be worried that, hey, the contract is, the people who would be worried is those ones who approved that project.

**ADV BALOYI SC**: Yes.

**SERGEANT NKOSI**: So to me, when it was send it to me, I thought because of previous communication that I take this and send it to one, even though at that time they did not send it. I thought, I took it as a norm as ...[indistinct] take it, I should pass. That is what I did.

**ADV BALOYI SC**: Okay. Okay, all right. Thank you.

20 **ADV KHUMALO SC**: Can I sneak in one question and steal your time, Mr Chaskalson? Sergeant, when you were sharing this page of the internal audit report to Mr Motsumi, whose interest were you advancing?

**SERGEANT NKOSI**: Mr Motsumi.

**ADV KHUMALO SC**: Because you knew that he had an

interest in this contract?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** And it would be adverse to his interests if this contract was terminated by SAPS.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Thank you.

**ADV CHASKALSON SC:** Can I ask you about meetings that you have had with Mr Motsumi. Now, I have been through the chats and I can identify from March 2024 to  
10 September 2025, you have 12 different meetings with Mr Motsumi that we can see on the chats. I can take you to them if you want, but I can assure you that there are 12 different meetings with Mr Motsumi that I see either from invitations, you know, sort of waterfall gates, codes.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Or communications where you say you are at the gate or give me a code.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Beyond these 12 meetings, did  
20 you have other meetings with Mr Motsumi that you are aware of over that period, and the period is March 2024 to September 2025?

**SERGEANT NKOSI:** Okay. You said you have seen 12?

**ADV CHASKALSON SC:** I have seen 12 in relation to entry codes or messages about, you know, saying I am at the

gate or send a code. I can give you the dates if that would help. I can take you through them.

**SERGEANT NKOSI:** No, no, no need.

**ADV CHASKALSON SC:** And one of those 12 is the meeting that we discussed last month with General Sibiya when you appeared to be waiting with Mr Motsumi, that he was stuck in a meeting with the National Commissioner and General Senthumule kept on talking longer than he expected. You remember that one?

10 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So I have identified these 12 from the chats. Are there meetings that you have had with Mr Motsumi that would not be reflected in the chats over that period?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And where would those meetings be?

20 **SERGEANT NKOSI:** It is not necessarily meetings. I meet him on weekend, either we go for boating or we go for biking. The reason that maybe you see 12 presumably be that it was meetings, it was not meeting, it was visits.

**ADV CHASKALSON SC:** It was visits?

**SERGEANT NKOSI:** Visits.

**ADV CHASKALSON SC:** In fairness to you, I should say three of the 12 are on weekends, but nine of the 12 are not.

**SERGEANT NKOSI:** Pardon?

**ADV CHASKALSON SC:** Nine of the 12 are not on weekends. Three of the 12 are on weekends.

**SERGEANT NKOSI:** Okay. I am saying you have seen that I have met him 12 times, right?

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** And you are asking if are there any meetings that you are not aware about that are on those chats, right?

10 **ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** Now I am saying to you, I am meeting Mr Motsumi regularly. So that means it can be more than 12 that you are meeting, reason being ...[intervenes].

**ADV CHASKALSON SC:** I understand your answer now.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So you also meet him regularly to ride, you are meeting to go on the boat, and that will not be reflected in entry codes that the waterfall ...[intervenes].

**SERGEANT NKOSI:** Because if we meet on the road, yes.

20 **SERGEANT NKOSI:** Why are you meeting him so often?  
Why are you visiting with him so often?

**SERGEANT NKOSI:** Why do I meet him so often?

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** I ride with him. I mentioned earlier that I was mentoring him, I was teaching him how to ride

after I assisted him to buy his first bike. So coming again, we will ride, we will do classes on the rides, but on those bases.

**ADV CHASKALSON SC:** So you meet him frequently to ride and I presume to also to go on the boats.

**SERGEANT NKOSI:** Even, even to chill. Okay, let me just take you through this. Mr Motsumi was Mr Jotham's friend. So I ...[intervenes].

**ADV CHASKALSON SC:** Sorry, he was Mr Msibi's, I did  
10 not get ...[intervenes].

**SERGEANT NKOSI:** Friend.

**ADV CHASKALSON SC:** Friend.

**SERGEANT NKOSI:** Family friend. So, as I grew up, Mr Motsumi was on the picture as well with Mr Msibi. So when they bought bikes, when I assisted them, I assisted them with bikes, it was both of them. So, Mr Motsumi was more eager to learn faster and all. So, after Mr Msibi died, I became closer with Mr Motsumi. So, we were doing rides and just social, sitting and just talking like a father and son,  
20 not that there was anything specific that we would phone each other, hey, let us have a meeting. No, no, no, there was nothing like that. It was a father and son.

**ADV CHASKALSON SC:** Can I ask you about two of the 12 meetings that I have identified. On the 19<sup>th</sup> of May 2025, if you go to page 591, and that would be file 2 of 4.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** If you, you see there on the 19<sup>th</sup> of May there is, he sends you an entry code at, for the first time at 14:20, he sends it twice at 14:20.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Two different codes. If you then go to page 762, 762. Do you see it? 762, at the same time, 2:21:03pm, chat 6.

**SERGEANT NKOSI:** Okay.

10 **ADV CHASKALSON SC:** You see you forward a code to Sergeant Moraka.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And you have saved him as Sergeant Moraka K9, is that ...[intervenes].

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Because he is a K9 unit sergeant.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And if you go down to page 780.

**SERGEANT NKOSI:** 780.

20 **ADV CHASKALSON SC:** Seven eight zero. On the same day you, at the same time, essentially, you also forward a code to see Mr Motsumi to someone who you have saved as Mphela K9. Is that Sergeant Mphela of K9?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** What were you organizing for

yourself, Sergeant Moraka and Sergeant Mphela, to do, to meet at Mr Motsumi's house on the 25<sup>th</sup> of May, which was a Monday afternoon, sorry, the 19<sup>th</sup> of May 2025, which was a Monday afternoon. Why were the three of you meeting with Mr Motsumi?

**SERGEANT NKOSI:** We were just meeting, not say meeting, we were just sitting there.

**ADV CHASKALSON SC:** But this is a Monday afternoon. You are all presumably on duty.

10 **SERGEANT NKOSI:** Afternoon?

**ADV CHASKALSON SC:** Yes, if you look at those codes, they are codes, let us just look at the one at 780. They are codes that are sent at 2:35pm and they stop being valid at 17:30.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So it was just a social meeting of the three of you, of the four of you?

20 **SERGEANT NKOSI:** Sergeant Moraka K9 is also a biker too. I usually go with him wherever I go on a bike. Same applies with other colleagues who are bikers that are not there. But on this one, I was with Sergeant Moraka. I got my code, he got his code. I think I was going to drop off the bike for service and then Mphela was coming behind with the car. That is why I have send him the coat as well. But these two, they have got no relationship with Mr Motsumi. I

am the one who has got the relationship with him.

**ADV CHASKALSON SC:** But this is on a Monday afternoon. What are you doing with two colleagues going to Mr Motsumi on a Monday afternoon?

**SERGEANT NKOSI:** It is social life. It is after work.

**ADV CHASKALSON SC:** No, no, we looked at the Sergeant Mphela code, which was valid until 5:30, and you said he came later. Take a look at the codes that are your codes and Sergeant Moraka at, let us go to Sergeant  
10 Moraka at page 762. Can you go to 762.

**SERGEANT NKOSI:** 762.

**ADV CHASKALSON SC:** And you will see Sergeant Moraka's code expired at 2:30 in the afternoon.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And your code also at 584, you will see, sorry, at 591, you will see also expired at 2:30 in the afternoon.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** So you were, the two of you were  
20 going off to visit Mr Motsumi on a Monday afternoon between 2:00 and 2:30.

**SERGEANT NKOSI:** And, Chair, maybe to rectify, it is a clubhouse. You know, in the estates, there are clubhouses where everybody gets in.

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** So usually here, I might, we might not have met or seen Mr Motsumi, I am just saying, but I remember it was, we, myself and Moraka, Sergeant Moraka, we go often to eat on the clubhouse. There we would phone Mr Motsumi ...[vernacular] then he give us the code for the clubhouse. These are the codes for the clubhouse, and there might, there might be numerous because we went numerous times there.

**ADV CHASKALSON SC:** Yes, but if you look then at the  
10 Mphela code, the Mphela code is set to expire at 5:30 in the afternoon. So if Sergeant Mphela is coming with a car to pick you up later, it means that you contemplate that you will spend the entire afternoon at Waterfall Clubhouse, at the very least, even if you are not meeting Mr Motsumi.

**SERGEANT NKOSI:** Ja, I would not be sure about that, but something like that.

**ADV CHASKALSON SC:** So are you saying that you and Sergeant Moraka took the afternoon off, as it were to go to Waterfall Clubhouse for lunch?

20 **SERGEANT NKOSI:** Afternoon off?

**ADV CHASKALSON SC:** Yes, because you went to the clubhouse on an entry code that would only let you in latest 2:30, and you had Sergeant Mphela picking you up much later, with a code that expired at 5:30. Is this just taking the afternoon off? There is no meeting with Mr Motsumi.

What is going on?

**SERGEANT NKOSI:** I cannot be sure about that. As I explained that to me, and between myself and Mr Motsumi, there is no template time when he stipulate, let us have a meeting at 2 or at 5. So whenever that he feels he wants to see me, make a turn, or I want to see ...[vernacular] I will pass there, and then, so I cannot comment, I cannot be sure, so that I must not say, misquote, to be misquoted.

**ADV CHASKALSON SC:** Well, let me ask the question  
10 differently. Was this visit to Mr Motsumi relating to police business with Mr Moraka?

**SERGEANT NKOSI:** Police?

**ADV CHASKALSON SC:** Let me assist you here, possibly. If you go to 763, you will see that early in the morning the next day, so this visit is on the 19<sup>th</sup> of May.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And at the top of the page on 763, on the 20<sup>th</sup> of May at 7:53 in the morning, you send a license plate to Sergeant Moraka.

20 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Do you know why you would, presumably you are sending it to him for him to trace it?

**SERGEANT NKOSI:** No, I cannot remember.

**ADV CHASKALSON SC:** Well, why would you send a license plate to Sergeant Moraka?

**SERGEANT NKOSI:** Okay. I have got, I have got, in my phone, I have got the app that we usually use, we call it MCD, where you usually circulate vehicles and cellphone and what so forth. Now, at that time I was revoked. Then when I am revoked, I usually ask Sergeant Moraka to check for me. If he is not revoked, then he would. But in this matter, I cannot recall on why did I send this registration, but I do send if there is a need.

**ADV CHASKALSON SC:** But what possible reasons are  
10 there for sending Sergeant Moraka a license plate, a license registration number? What have you ever sent license registration numbers to him, for what purpose? You see, when I look at your chats, I see you often seem to be sending him license plates to trace the registered owner. Even the very next chat on the 29<sup>th</sup> of May, you send a picture of a man sitting on a car with a message, who is the registered owner of this vehicle?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So is there any other reason why  
20 you might have sent this license plate number to Sergeant Moraka other than trying to find out who the registered owner is?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Well, then let us get back to the previous question then. Was this meeting with Sergeant

Moraka at Waterfall, well, first of all, was it a meeting just the two of you or was it with Mr Motsumi? What I understood your evidence to be earlier was that you may have gone in early and had lunch together before proceeding to Mr Motsumi.

**SERGEANT NKOSI:** Okay, I cannot quite remember clearly if Mr Motsumi was there, but at the guest house, when we want to go there at the clubhouse, I usually phone him that send the code, we are three or we are four. So the person  
10 that I am close with most, that is the reason you will see most of the time, even when I do my other piece jobs, is Mr, I am with Mr Moraka. So most of the time, my chat and Mr Moraka will appear.

**ADV CHASKALSON SC:** No, I understand that, but my question is, would this have been a meeting just the two of you for lunch, or would it end with Sergeant Mphela picking you up later, or was it planned for you to meet for lunch and then go to see Mr Motsumi? Have you ever met with Mr Motsumi in the Waterfall Estate with Sergeant Mphela?

20 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And this particular occasion on the 19<sup>th</sup> of May, do you have any recall about it?

**SERGEANT NKOSI:** No, no, no. Okay, to add on that, I do meet Mr Motsumi more often. It will depend on that particular day who am I driving with. But Mr Mphela and

Moraka, they are my friends. Wherever I go, they are there. Sometimes there is not, maybe this code is seen, is because of he was driving a different vehicle.

**ADV CHASKALSON SC:** But would this be police business, because you are meeting him during working hours? I mean, are these, is this meeting to do with police business or is it just taking the day off?

**SERGEANT NKOSI:** No, no, these ones are working shifts, Sergeant Moraka and Sergeant Mphela. So, you will find  
10 that most of the time they are not working on that day or they are working night shift, then I would call, hey gents, let us go eat, gents, let us go play, so.

**ADV CHASKALSON SC:** So, your assessment of the situation is that the two of you may not have been on duty. You may have been working shifts and off duty and you phoned up Mr Motsumi to arrange to let you into the estate to have lunch at the clubhouse and you may or may not have met Mr Motsumi afterwards together, the three of you. Is that correct?

20 **SERGEANT NKOSI:** I am not sure if I understand your question.

**ADV CHASKALSON SC:** I am trying to understand the nature of these, I will call the meetings.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Where you go with more than one

colleague and you are all given entrance codes by Mr Motsumi and you all enter. But your evidence seems to be that maybe you just go to the clubhouse and have lunch and have a long afternoon lunch together, and then, even though it is a Monday, that you can do that because maybe you are not on duty. Is that what you are saying?

**SERGEANT NKOSI:** Sort of, yes.

**ADV CHASKALSON SC:** Can I ask you another one, about another one. If we go to the 25<sup>th</sup> of June, and that one is  
10 on, it starts on page 602 in the same file.

**ADV BALOYI SC:** Before ...[indistinct] Mr Chaskalson, let me ask my question so that I do not forget it. When you answered a question earlier about Mr Moraka, you said when you do your piece jobs, you are with him, or what are these piece jobs you are referring to?

**SERGEANT NKOSI:** I do bike events, not exactly bike events, matric dance on bikes. I do funerals, I do – yes.

**ADV BALOYI SC:** So it is not SAPS business that you are referring to when you say piece jobs.

20 **SERGEANT NKOSI:** Yes.

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

**ADV KHUMALO SC:** And I am assuming these people that you teach to ride, such as Mr Motsumi, they pay you for that? So when you teach him to ride a bike, when you give him lessons, I think maybe that is a better term, does he

pay you for that?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Why is it funny, Sergeant Nkosi?

**SERGEANT NKOSI:** No, I am trying to find a way to put it nicely.

**ADV KHUMALO SC:** You are giving people lessons. I mean, it is some expertise that you have. You are sharing it with other people. It is your time, which is valuable to you. I am assuming they would be paying you for your time  
10 and the lessons.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Thanks.

**ADV CHASKALSON SC:** Can we look at 25 June on page 602. You see there at 18:03:42 again, there are two codes that are sent to you, which will give you access.

**SERGEANT NKOSI:** 603?

**ADV CHASKALSON SC:** 6:03pm, 18:03, 6:03pm.

**ADV BALOYI SC:** Page 602.

**ADV CHASKALSON SC:** That is on page 602. 602, sorry,  
20 I thought you were asking about time. 602, and the time is 6:03pm, 18:03. And you see Mr Motsumi sends two codes to you and then if you go down to 764, you will see you send one of those codes again to Sergeant Moraka. This is at chat number 5, 10 past 6 in the afternoon.

**SERGEANT NKOSI:** Page ...[indistinct] oh, sorry.

**ADV CHASKALSON SC:** 764.

**SERGEANT NKOSI:** 764.

**ADV CHASKALSON SC:** And then you will see on 775 that you also send a code to Constable Mathule.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And, sorry, who is Constable Mathule? You have explained who Sergeant Moraka is.

**SERGEANT NKOSI:** He is also my friend. I train with him.

**ADV CHASKALSON SC:** You train in the gym with him?

10 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And then if you go back to 764, you will see just like the last meeting where there were several police officers and yourself going to Waterfall Estate with an entry code from Mr Motsumi, the day after that event, you send a license registration plate to Sergeant Moraka.

**SERGEANT NKOSI:** Sergeant who?

**ADV CHASKALSON SC:** Sergeant Moraka. If you go to 764.

20 **SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** So you see the entry code is chat number 5, chat number 6 the next day is yet again a license plate. And the following day there are two more license plates. So let me tell you what it looks like from the outside, and you need to disabuse me if I have got it wrong.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** What it looks like is that these are meetings at which, just like Mr Nxumalo asked you to trace vehicles, coming out of these vehicles, Mr Motsumi, coming out of these meetings, Mr Motsumi is asking your assistance to trace vehicles, because on both of the occasions where we see you and Sergeant Moraka meeting pursuant to entry codes sent by Mr Motsumi, the very next message that you send to Sergeant Moraka the next day  
10 just happens on both occasions to be a license plate, nothing more. What is your response to that?

**SERGEANT NKOSI:** My first response is Sergeant Moraka does not necessarily need to go to Mr Motsumi if Mr Motsumi wants Mr Moraka to check his number plate. He would do that telephonically, either through me or through Mr Moraka, but, because if he does not know Mr Moraka, he would do that through me, obviously. And Mr Motsumi, he would not use us or tell us to check registration for him. It is just a coincident that after the code of Mr Motsumi, then I  
20 send the registration to Mr Moraka, but Mr Motsumi has got nothing to do with that, *viz-a-viz*, I would, if Mr Moraka send me feedback on the registration that I have sent to him, I would send it back to Mr Motsumi on the very same time. So, I ...[incomplete].

**ADV CHASKALSON SC:** So this is just an unfortunate

coincidence that on both of these occasions, the next day you asked Sergeant Moraka, well, you sent a license plate to Sergeant Moraka.

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: What does, what did, what do you expect Sergeant Moraka to do with these license plates that you sent him? Are you asking him to trace owners?

**SERGEANT NKOSI**: To check circulation, yes. Sorry, sorry, Chair, I am pressed, can I ...[incomplete].

10 **CHAIRPERSON**: Let us adjourn. We will see you as you come back down and we will come in. Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: Sergeant, I reacted instinctively once you said you wanted a comfort break. I did not even look at the time. Seeing that it was close to 4pm, and we normally adjourn at 4, I should have just said we adjourn for the day. Does that suit you, Mr Chaskalson, Mr Ngoato, for us to adjourn now?

20 **ADV CHASKALSON SC**: Thank you, Chair. I mean, I do not want to proceed.

**CHAIRPERSON**: Mr Ngoato?

**MR NGOATO**: I have no objection, Chair.

**CHAIRPERSON**: Thank you.

**MR NGOATO**: It is an opportune time.

**CHAIRPERSON:** Let us adjourn and resume at 9:30 tomorrow.

**INQUIRY ADJOURNS TO 17 MARCH 2026**

-----