

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

17 MARCH 2026

DAY 79



PROCEEDINGS ON 17 MARCH 2026

CHAIRPERSON: Good morning, Mr Chaskalson.

ADV CHASKALSON SC: Good morning, Chair. I think that there has been a misunderstanding with Sergeant Nkosi, because I think he was told that we are going to, that there would be the draft ruling, there would be the ruling in relation to Witness G's in camera application. I think, I understand he is about to be fetched and in fact he might be right here.

10 **CHAIRPERSON:** We will wait outside. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Good morning, Mr Chaskalson. Good morning, Mr Ngoato.

ADV CHASKALSON SC: Good morning, Chair.

CHAIRPERSON: Good morning, Sergeant Nkosi.

SERGEANT NKOSI: Good morning, good morning, Commissioner.

20 **CHAIRPERSON:** Yes, Mr Ngoato, it was explained to us that there was confusion regarding the possibility of the hand down of an order in another matter and that you were awaiting the making of that order. So we understand why we had to adjourn after 9:30. Thank you.

MR NGOATO: Sorry, Commissioner, I do not understand. Can you just repeat that, there was a?

CHAIRPERSON: Oh, at 9:30 you and Sergeant Nkosi were not here, but Mr Chaskalson explained that there was confusion with regard, or rather regarding the possibility of the hand down of an order in a totally different matter. So that to us explained why you and Sergeant Nkosi were not here at 9:30. So I was just mentioning that. I am not raising an issue with you at all in that regard.

MR NGOATO: I appreciate that, Commissioner, but that is incorrect and that is misleading the Commission. That is
10 not why I was not here.

CHAIRPERSON: Yes.

MR NGOATO: I arrived on time, Commissioner. I sat my bags, and nobody indicated anything to me and I went to go and pick up my client so we can proceed in here. And I found somebody consulting with my client in my absence, amending my files in my absence and I took serious exception to that.

CHAIRPERSON: So is that why you were not here at 9:30 then?

20 **MR NGOATO**: Yes, because now they are now amending my files in my absence and I had to go through the list and I found out the index that they are now amending include statements I have never seen before. And when I went through my emails, I found that this bank statement was sent to me last night at around 10 o'clock at night and I had

not sight of it. But the decency of handing the documents to me was not done and I have been here. They went and handed documents to my client in my absence and to put into the client's file. And that is what caught me up to say, to go through that particular statement.

But the issue that Mr Chaskalson and I have spoken about now was that there could not be any approach to my client, amend his files without me having had sight to it. Not even the decency of calling me and say, we would
10 like to amend the file, these are the additional documents, because that would caught me by surprise. I will not be able to guide the client if documents have been slotted in his file without me knowing about it.

CHAIRPERSON: Yes.

MR NGOATO: So it was never about any particular order that was, that does not, I am not even aware of such an order. I do not even know what the Commissioner is talking about. So whatever that has been said to the Commission is not what really transpired. I put my files here. They
20 have been aware that I am also, I am around. But only when I went to collect my client so we can come in, then I was confronted with the situation.

CHAIRPERSON: So does this mean at 9:30 you were in discussion with the person you are referring to regarding the issue that you have just raised?

MR NGOATO: Indeed.

CHAIRPERSON: All right, all right. Mr Chaskalson?

ADV CHASKALSON SC: Chair, I was not aware of this whole episode until after Mr Ngoato returned after 9:30. I had, what I had been told was from the security, the Commission security officer, was that he had anticipated that the ruling was going to be handed down first. If he had not anticipated that, he would have brought, he would have ensured that Sergeant Nkosi was here at 9:30, which is our
10 practice. So I assumed that was the reason for the delay. It turns out that there is this issue which was brought to my attention by Mr Ngoato when he came in after 9:30. The, from the Commission side, there was certainly no bad intent here.

The Commissioners will recall yesterday that I mentioned that certain bank statements were not, were in error, not included in the bundle and that we would make them available and I would not deal with them yesterday. I am not going to deal with them today either. Those bank
20 statements were emailed yesterday evening together with a handwritten statement of Sergeant Nkosi, which also ought to have been in the bundle and was not.

I understand that the attorneys were updating the witness file that Sergeant Nkosi uses and that he had with him in that room. I accept that the attorneys should not be

dealing with Sergeant Nkosi outside the presence of his attorney and it will not happen again. But there was certainly no ill intent on the part of the Commission and when I addressed the Commission at half past 9, I was under the impression that why Sergeant Nkosi was not here was because the Commission security thought that we would be dealing first with the ruling.

CHAIRPERSON: Thank you, thank you, Mr Chaskalson. Mr Ngoato, there is a concession by Mr Chaskalson that it
10 was wrong for the attorney to have done what they did and there is also an undertaking that it will never happen again. Is that in order?

MR NGOATO: I appreciate that, Commissioner. I have indicated to Mr Chaskalson, because I have not even had time to consult with my client on these things, I will not even have a look at it.

CHAIRPERSON: Yes.

MR NGOATO: There is also additional handwritten statements that are included in the bundle that I never had
20 sight of.

CHAIRPERSON: Yes.

MR NGOATO: So I will not even had a look at these documents today.

CHAIRPERSON: Yes, yes, thank you. At least there is the further undertaking that none of those will be used today as

well.

MR NGOATO: Thank you, Commissioner.

CHAIRPERSON: Thank you, Mr Ngoato, thank you.

ADV CHASKALSON SC: Thank you, Chair. May we begin?

CHAIRPERSON: Yes.

ADV CHASKALSON SC: Good morning, Sergeant.

SERGEANT NKOSI: Good morning, morning.

ADV KHUMALO SC: Sorry, before we start, you know that
10 drill by now, Mr Chaskalson, we have 10 files behind us.
Which ones, at least until tea.

CHAIRPERSON: If it is difficult to say, if the file
...[intervenes].

ADV CHASKALSON SC: It is essentially the same as
yesterday, but there may, I am just trying to, yes, certainly
to tea, it is the same as yesterday. If that changes and we
need to use the additional bundle files, I will alert the
Commissioner.

CHAIRPERSON: Thank you. Yes, Mr Chaskalson. Oh, let
20 us wait for Sergeant Nkosi.

SERGEANT NKOSI: Can you repeat that, Commissioner,
sorry?

CHAIRPERSON: No, I was saying we must wait until your
files are ready.

SERGEANT NKOSI: Oh, thank you, thank you.

CHAIRPERSON: Thank you. You are ready now?

SERGEANT NKOSI: I am ready, I am ready, Commissioner.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: Thanks, Chair. Sergeant, we were talking yesterday about meetings you had with Mr Motsumi, and I want to look at some of the press reports and SAPS materials that you sent to Mr Motsumi. Can we start with page 571 in the exhibit bundle. So that will be
10 file 2 of 4, 571. Do you have 571?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And you will see that on the 26th of January 2025, at 13:54, you sent to Mr Motsumi an article entitled “Breaking: SAPS KZN in crisis”, and it is a fairly lengthy article. I am not going to read it, but it makes a range of allegations against General Mkhwanazi and General Khumalo, accuses them of corruption, accuses them of posing a great threat to national security, and alleges that an intelligence report has said that they must
20 be charged. Why did you send this to Mr Motsumi?

SERGEANT NKOSI: Thank you, Commissioner. It was on the media. I sent it to Mr Motsumi because myself and Mr Motsumi support or love one person who is also mentioned here in this article.

ADV CHASKALSON SC: And who is that person?

SERGEANT NKOSI: Lieutenant General Mkhwanazi.

ADV CHASKALSON SC: So you and Mr Motsumi are fans of General Mkhwanazi?

SERGEANT NKOSI: Too much, Commissioner.

ADV CHASKALSON SC: And then you will see that on page 154, same file, on the 2nd of February ...[intervenes].

CHAIRPERSON: It cannot be. The same file starts at 314.

ADV CHASKALSON SC: I beg your pardon. It is file 1. File 1, 154. Do you have it?

10 **SERGEANT NKOSI:** 154?

ADV CHASKALSON SC: Yes.

SERGEANT NKOSI: I have it.

ADV CHASKALSON SC: And you will see there, on the 2nd of February 2025, you forward to General Sibiyi an article headed “Police Witnesses Change Statements for Promotion” and this article alleges that General Mkhwanazi promised witnesses that they would be promoted to Colonels in exchange for arranging or assisting the dismissal of General Khan. You see that?

20 **SERGEANT NKOSI:** Not as yet. I think my learned friend here opened a wrong page.

ADV CHASKALSON SC: 154.

SERGEANT NKOSI: 1?

ADV CHASKALSON SC: One five four.

SERGEANT NKOSI: Which file?

ADV CHASKALSON SC: File 1.

ADV KHUMALO SC: File 1 of 4. It is not that one. That one looks too thick.

ADV CHASKALSON SC: You have it?

SERGEANT NKOSI: Yes, I have it.

ADV CHASKALSON SC: And so this article suggests that General Mkhwanazi tried dishonestly to persuade witnesses to change their affidavits so that General Khan would be dismissed. You see that?

10 **SERGEANT NKOSI:** Is it 154?

ADV CHASKALSON SC: 154. Maybe I can read it to you.

“Police witnesses in the departmental case against Major General Feroz Khan, Crime Intelligence, deliberately changed their affidavits in exchange for promotion.”

SERGEANT NKOSI: I see it.

ADV CHASKALSON SC: -:

20 “It is confirmed by three key witnesses that they were approached by the appointed departmental Chairperson, KZN Provincial Commissioner, Lieutenant General Mkhwanazi, to change their affidavits so that Major General Feroz Khan be fired and

dismissed from the police on bogus and trumped up charges.”

So you sent that article to General Sibiya.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Is he also a fan of General Mkhwanazi?

SERGEANT NKOSI: They are colleagues.

ADV CHASKALSON SC: That was not my question. Does he like General Mkhwanazi?

10 **SERGEANT NKOSI:** He likes him.

ADV CHASKALSON SC: He likes him?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: I have to put it to you that you know that answer is false. He does not like General Mkhwanazi. All of the evidence we have seen thus far is that he does not like General Mkhwanazi.

SERGEANT NKOSI: I will elaborate on that. I am saying what you are saying to me is not true. He likes him.

ADV CHASKALSON SC: Ja, please elaborate

20 ...[intervenes]

SERGEANT NKOSI: ... my statement.

ADV CHASKALSON SC: Please elaborate on it. You said you will elaborate on it.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Well, explain why you say that he

likes General Mkhwanazi.

SERGEANT NKOSI: Okay, I am not defending General Sibiya on whether he likes General Mkhwanazi or not. I am saying this because General Sibiya once called me upon his office to go to General Mkhwanazi and try to make peace between them because they are not, they were not getting along in the line of work at that particular time. So to me, if General Sibiya did not like Mkhwanazi, he would not taken that effort. That is my answer. That is why I am saying he

10 likes him.

ADV CHASKALSON SC: So they were not getting along at a certain time, but General Sibiya wanted them to get along is what you are saying.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And were they not getting along at this time, February 2025?

SERGEANT NKOSI: Can you repeat that?

ADV CHASKALSON SC: This is February 2025, were they not getting along at that time?

20 **SERGEANT NKOSI:** They were getting along.

ADV CHASKALSON SC: They were getting along.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: When were you sent to improve relations between the two?

SERGEANT NKOSI: Around 2024.

ADV CHASKALSON SC: 2024?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: So by this stage, you are saying that they were getting along again. By February 2025, were they getting along again? They had previously not been getting along, but you say now, February 2025, they were getting along again.

SERGEANT NKOSI: According to me.

ADV CHASKALSON SC: I see. And did they continue
10 getting along together for the rest of 2025?

SERGEANT NKOSI: According to my knowledge, yes.

ADV CHASKALSON SC: I see. And if we go down two pages to 156, we see you send to General Sibiya another news article at chat number 2, at 20:14:53. It says:

“Breaking: Presidency sends out stern warning to Police Chiefs, National Police Commissioner, and Crime Intelligence Head. President Ramaphosa and GNU parties asked the ID and the Independent Investigative Director to probe the National police Commissioner, Lieutenant General
20 Fannie Masemola and Lieutenant General Dumisane Khumalo for corruption, fraud, and theft of crime intelligence funds.”

Why did you send that to General Sibiya?

SERGEANT NKOSI: I just sent it to him because it was something that was on the news. So I am just sending it to

General Sibiya, and I have also sent it to General Mkhwanazi again.

ADV CHASKALSON SC: You have sent it to General Mkhwanhazi, this piece?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: I see. I am going to take you through several of your pieces with General Sibiya.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And then let us look at who else
10 you send the same pieces to. Can we go to page 160. Before we go to page 160, can I ask you, how does General Sibiya get on with the National Commissioner, General Masemola?

SERGEANT NKOSI: I would not know that, according to me.

ADV CHASKALSON SC: And with General Khumalo?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: Do you not know, or do you know that they do not get on?

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

ADV CHASKALSON SC: Do you not know, or do you know that they do not get on?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: You do not know?

SERGEANT NKOSI: I do not know.

ADV BALOYI SC: Sergeant Nkosi, you are very close to General Sibiya, we know that. From all the evidence that we have looked at, you are very close to him. You would know. Even if it is just from your observation, you would know what kind of relationships they have, whether they get along very well, whether they avoid each other, what General Sibiya's view is of them. You would know that.

SERGEANT NKOSI: I do not think I got you clear, my Commissioner. Can you repeat that?

10 **ADV BALOYI SC:** What I am saying to you is, your answer that you do not know is not easy to understand, because you are very close to General Sibiya, very, very close, work and personal relationships. So, you would know how his relationship is with General Khumalo and with the National Commissioner. I guess what I am putting to you is, it cannot be true that you do not know.

SERGEANT NKOSI: It is the reason that I am saying, I do not know, Commissioner, is I have not seen them both on the same office or on the same place that not been getting
20 along. I am just avoiding to say something that I do not have proof of. I might have maybe heard, or maybe, you know *mos* the rumours in the passages of the police, they will just talk, these two are not getting along, or they are pretending. So, I do not want to mention that, because the next question I will be asked, how did you know? Then

when I say now from the passages, I do not have facts on that, but, yes.

ADV BALOYI SC: I am happy for you to give an answer of what you have heard from the passages. So, from the passages, what have you heard about the nature of their relationships?

SERGEANT NKOSI: Oh, as I just mentioned, I said the relationship is not that good. Sometimes it is good, sometimes it is not good. But I will only say what General
10 Sibiya told me ...[intervenes].

ADV BALOYI SC: Yes.

SERGEANT NKOSI: About his relationship with General Mkhwanazi, but he never mentioned his relationship with the National Commissioner.

ADV BALOYI SC: Okay, thank you.

ADV CHASKALSON SC: Well, maybe I can assist you in that regard, because let us go down to page 160, and there you see in chat 1, General Sibiya sends you another one of these articles.

20 “Breaking news: NPA ID guns for National Police rogue Unit. NPA Investigating Directorate, ID, raids National Police Commissioner, Fannie Masemola and National Crime Intelligence Head, Lieutenant General

10 Khumalo offices after serving them with notices of arrest. This comes after an investigation lodged by Parliament's Police Portfolio Committee. National Police Commissioner, Lieutenant General Fannie Masemola appeared weak and shaken when confronted by the ID. ID had served him with arrest notices for five senior officers within Crime Intelligence division, including its National Head, Lieutenant General Khumalo. When serving the arrest notices, the National Commissioner asked the ID for indemnity from prosecution if he cooperates with them. An investigator states, the National Commissioner was very nervous and appeared to be shaking. He then blamed the collapse of Crime
20 Intelligence at the hands of Lieutenant General Khumalo and KZN Provincial Commissioner, Nhlanhla Mkhwanazi. Developing.”

You remember receiving that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Your response was quite interesting. You sent three laughing emojis and then:

“Ziyakhala Manje.”

Now, my Zulu is not great, but I understand “Ziyakhala Manje” means it is happening now, or it is going down. Is that correct?

SERGEANT NKOSI: Oh.

ADV CHASKALSON SC: What does “Ziyakhala Manje” mean?

10 **SERGEANT NKOSI:** It would depend on one message or what was the intention there. When General Sibiya sent me this thing, I was shocked. I forwarded again to General Mkhwanazi. Then I was shocked. To me, when I am shocked, I say, “Ziyakhala Manje”.

ADV CHASKALSON SC: And what do you mean by “Ziyakhala Manje” when you are shocked?

SERGEANT NKOSI: I am shocked. I am shocked on what is happening, “Ziyakhala Manje”.

20 **ADV CHASKALSON SC:** But if you were just expressing shock, why did you attach three laughing emojis?

SERGEANT NKOSI: Okay, I am still going back to my answer. It depends on one's reaction on how they express their emojis. It is like that.

ADV CHASKALSON SC: Well, the question remains, why three laughing emojis?

SERGEANT NKOSI: This is how I express my shock. I have even sent this again to General Mkhwanazi. That is how I expressed myself at that time.

ADV CHASKALSON SC: The laughing emojis are your way of expressing shock, you are saying?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Are you unable to find another emoji that is better suited to expressing shock as opposed to finding it very funny?

10 **SERGEANT NKOSI:** Okay, maybe the issue of emoji, by that time, maybe it was this laughing emoji. Then I just sent it. But to me, it was shock. And if there was a problem with my emoji, General Mkhwanazi would have had a problem with these emojis, because of I contacted him after the messages.

ADV CHASKALSON SC: Well, the real question is whether you sent laughing emojis to General Mkhwanazi.

SERGEANT NKOSI: Everything as it is.

20 **ADV CHASKALSON SC:** Well, we can check that in due course. I want to put to you that you did not. I will take you to the reference. I am not sure it is in this bundle, but I certainly have the chats with General Mkhwanazi, and there were no laughing emojis in that chat.

SERGEANT NKOSI: But ...[incomplete].

ADV CHASKALSON SC: That you sent to him.

SERGEANT NKOSI: Okay. But did you also see this thing that I have sent to him?

MR NGOATO: Commissioner, just an objection to what my colleague indicated. In the entire bundle, there are no chats between Sergeant Nkosi and General Mkhwanazi. They have not disclosed that to us.

ADV CHASKALSON SC: We have certainly disclosed the chats, we just did not put them in the bundle. All of the chats have been put on a memory stick and given to my
10 learned friend.

MR NGOATO: Commissioner, I will not raise an objection if I had the documentation. That is why he is saying they put it into a memory stick but they are not in the bundle. Why have it in a memory stick and not have it in the bundle if you wanted us to be able to do it? Why have others in the bundle and not in the memory stick We cannot play dynamics here. Fact of the matter is, my client will not deny having a lot of chats with General Mkhwanazi. But the evidence leaders have not included that into the bundle.

20 **CHAIRPERSON:** I remember, Mr Chaskalson, when we started, there was mention of 4,000 plus pages and you said you are only going to be using, I think you said 1,300 plus pages. So are the chats between Sergeant Nkosi and General Mkhwanazi in the rest of the 4,000 plus pages?

ADV CHASKALSON SC: They are. How we proceeded is

we had a whole series of chats. We put them all on a memory stick, made them available to Mr Ngoato. We then indicated to him which were the chats to which we would refer in the meeting, in the hearing, and that is the difference between what is on the memory stick and what is in the bundle.

I did not intend going to General Mkhwanazi's chat. The witness referred to General Mkhwanazi's chat. He raised it, not me. He put forward a proposition that is in
10 fact contradicted by General, by his chat with General Mkhwanazi. If Mr Ngoato wants to see the chat with General Mkhwanazi, I can pull out the relevant extract, give it to him at lunchtime, and we can come back to this if it is necessary after lunch. For now, I just want to put to the witness that he never included laughing emojis when he forwarded this particular message to General Mkhwanazi.

ADV KHUMALO SC: Thank you, Mr Chaskalson. The questioning, at least, is fair because it arises from what Sergeant Nkosi has said. Likewise, I think it is fair to place
20 reliance on the chats between Sergeant Nkosi and General Mkhwanazi. Of course, fairness dictates that you should have sight of those and consult with the witness if you want to with regard to those chats. So I would imagine, how long would it take you, Mr Chaskalson, to share the chats, or by when, do you think?

ADV CHASKALSON SC: That is 35 pages. I can have them printed out by tea time.

CHAIRPERSON: By tea time, all right. That sounds quite fair to me, unless you want to make further submissions because it is the witness that says he sent chats of a particular nature, and Mr Chaskalson takes a different view and he says, but for what the witness has said, he would not have gotten there or he would not have gone there. It seems fairly fair to me. Your response?

10 **MR NGOATO:** Thanks, Commissioner. As soon as they made them available, I will have a look at them.

CHAIRPERSON: Yes.

MR NGOATO: But what I was trying to stop is not to then insist on saying, but you did not send this and I can show it to you in the bundle, whilst he knows he did not send them in the bundle. Because now when you insist on saying, but I can prove it to you by showing into the bundle, whilst you know very well that the client never had an opportunity to reference on that one, you cannot insist on a documentation
20 that you have not disclosed.

And it is the same thing that goes back to yesterday on the bank statements. You want to question on the bank statements as you have not disclosed the bank statements.

CHAIRPERSON: I think the substance, the point of

substance is more reference to those chats. It does not matter much where exactly they are located. The point of substance is reference to the chats and as I have said, because of Sergeant Nkosi's response, it is perfectly fair to refer to those chats and to question the witness along those lines. I will close the debate now. Yes, Mr Chaskalson?

ADV CHASKALSON SC: Sorry, Chair, I have lost my place here.

CHAIRPERSON: In the meantime, whilst you are looking, 10 oh, you are there already. I just wanted to say, Sergeant, ordinarily one would not use laughing emojis to denote shock. Do you agree with that? Ordinarily. I am not talking about Sergeant Nkosi now. I am just talking ordinarily. The two do not seem to go together. Do you agree?

SERGEANT NKOSI: Yes, I agree, Commissioner.

CHAIRPERSON: How can it be then that in your case you would have used laughing emojis to denote shock?

SERGEANT NKOSI: As I have said earlier, Commissioner, 20 that it might have, at that particular time, maybe the laughing emojis were there.

CHAIRPERSON: Were where? You say were there. They were where?

SERGEANT NKOSI: In my phone when I was opening the emojis. So maybe it was the laughing stock. Maybe I might

have wanted to put the crying or the emoji that eyes being wide open. I think it was that matter. Not that I am changing my statement.

CHAIRPERSON: I am not sure I follow that, because there will be right at the top where the emojis are, right at the top, there will be those that you have used previously and from which you can then select. And you only go to the lot that is below when you are looking for an emoji that you have never used before. So there is a number of emojis at
10 the top. So I do not quite follow what you say, they were there. The laughing emojis were there as if they were there all by themselves. I do not get that.

SERGEANT NKOSI: My answer is still that one, because if I do not want to say something that will sound a bit bad to the Commission.

CHAIRPERSON: No, no, no, say anything. I have a thick skin. Even if it is bad, I will be fine.

SERGEANT NKOSI: I am still going back to my answer, Commissioner, that this is how I put it. This is how I
20 expressed it.

CHAIRPERSON: You expressed it with laughing emojis. You expressed your shock with laughing emojis.

SERGEANT NKOSI: At that time, it was me, yes.

CHAIRPERSON: What do you mean at that time?

SERGEANT NKOSI: Shocked.

CHAIRPERSON: At that time, because you were shocked, you denoted your shock with laughing emojis. And then my question, why, will still stand. You cannot explain it?

SERGEANT NKOSI: At that time, Commissioner, this is how I put it. I do not want to justify something that is unjustifiable.

CHAIRPERSON: You are quite right, it is not justifiable.

SERGEANT NKOSI: Yes, but at that time, I put it like that.

CHAIRPERSON: Thank you, thank you. Yes, Mr
10 Chaskalson.

ADV CHASKALSON SC: Do you ever send emojis to indicate shock, special emojis that indicate shock? Do you ever use them?

SERGEANT NKOSI: I am not sure.

ADV CHASKALSON SC: Are you aware that there are emojis that indicate shock?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Or surprise?

SERGEANT NKOSI: It depends on how one expresses him
20 or herself.

ADV CHASKALSON SC: But when you want to express shock or surprise, do you ever use an emoji that is designed for that purpose, yes or no?

SERGEANT NKOSI: Depends on how one expresses their shock.

ADV CHASKALSON SC: No, no, my question is different, is have you used an emoji that is specifically designed to express shock or surprise?

SERGEANT NKOSI: I cannot remember.

ADV CHASKALSON SC: Let me help you. Can you go to the new bundle, file 2, at page 435. It is your chats with someone who you have saved as “Galito EFF spokesperson”.

CHAIRPERSON: You said which page, Mr Chaskalson?

10 **ADV CHASKALSON SC:** It starts at page 434, in fact.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: And just to refresh your memory, I mean, we will get to this in some detail later when we deal with these chats. By the way, who is Galito EFF spokesperson? What is the name of this person?

SERGEANT NKOSI: It is Galito.

ADV CHASKALSON SC: No, what is his first name and what is his surname?

20 **SERGEANT NKOSI:** Okay, I do not know his first name or surname, but I know Galito because I know him from the farm. He was Baba's cook.

ADV CHASKALSON SC: Sorry, he was Baba's ...[intervenes].

SERGEANT NKOSI: Chef. Baba's chef.

ADV CHASKALSON SC: Chef?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Is his name Siyabulela Sibande?

SERGEANT NKOSI: I am not denying or admitting to that, but I know him as Galito.

ADV CHASKALSON SC: You know him as Galito?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And you are not denying that he is Mr Sibande?

SERGEANT NKOSI: Since I have known him, I have
10 addressed him as Galito. Everyone is addressing him as Galito.

ADV CHASKALSON SC: Ja, but you do not know his surname?

SERGEANT NKOSI: I do not know his surname.

ADV CHASKALSON SC: And you describe him as EFF spokesperson. Why is that?

SERGEANT NKOSI: I just saved him like that.

CHAIRPERSON: No, we went over this yesterday, Sergeant. It cannot be. It cannot be a thumb suck. You
20 used this for a reason.

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: Does Mr Sibande hold a position in the EFF?

SERGEANT NKOSI: No, no, no, he does not.

ADV CHASKALSON SC: Is he seen marching in a red

beret with the EFF in videos in your chats?

SERGEANT NKOSI: He is always with the EFF. I can say he is a member of the EFF.

ADV CHASKALSON SC: Why do you say he is, why do you have him as EFF spokesperson?

SERGEANT NKOSI: I might have saved him as EFF spokesperson, but he is not an EFF spokesperson. Maybe the problem is how I save these people.

CHAIRPERSON: Remember yesterday when I engaged you
10 on exactly this, because in response to questions by Mr Chaskalson, you suggested that Mr Zenzi ...[intervenes].

SERGEANT NKOSI: Nxumalo, yes.

CHAIRPERSON: Nxumalo.

SERGEANT NKOSI: Yes.

CHAIRPERSON: You said, you just, you said EFF and you just said that.

SERGEANT NKOSI: Yes.

CHAIRPERSON: And you are basically suggesting that that was for no reason whatsoever. But when I engaged
20 you, in the end you said that was because you had seen him with a cap written EFF.

SERGEANT NKOSI: Yes.

CHAIRPERSON: So eventually you gave a reason why you had EFF in brackets after his name. So surely there must be a reason here, and that is what Mr Chaskalson is trying

to establish. So please respond to the question by Mr Chaskalson, why EFF spokesperson in brackets?

SERGEANT NKOSI: I did respond to that Commissioner. I said he is a member of the EFF, but he is not a spokesperson of the EFF.

CHAIRPERSON: Why spokesperson then?

SERGEANT NKOSI: He is not a spokesperson. I do not know who is the spokesperson.

CHAIRPERSON: Yes, yes, I hear you on what he is not.
10 But why the descriptor “spokesperson”?

SERGEANT NKOSI: This is, I do not know that maybe my answer will be of satisfactory to the Commission. I said maybe this is how I saved him. I saved him wrongly.

CHAIRPERSON: You cannot, you cannot suggest to us that you just do things, or things just happen through your finger and you just type for the sake of it. It can never be. You are not automated, or you are not a machine.

SERGEANT NKOSI: Yes.

CHAIRPERSON: By the way, even machines are
20 programmed in a particular way to act in the manner they do because they are programmed in a particular way. So in your case, it should even be better because you use your mental faculties. So it cannot be that you just wrote spokesperson.

SERGEANT NKOSI: But Commissioner, we know that the

spokesperson of EFF is not Galito.

CHAIRPERSON: But why did you, you wrote? I said about one and a half minutes ago that I have heard you on what you say is not the position ...[intervenes].

SERGEANT NKOSI: Yes.

CHAIRPERSON: Is not the position.

SERGEANT NKOSI: Yes.

CHAIRPERSON: Why did you write that which you know not to be the position?

10 **SERGEANT NKOSI:** You know, when we interact with him most of the time, EFF things always come out of, from his mouth. So I just, I decided to save him as EFF spokesperson.

CHAIRPERSON: Okay. Why was it so difficult to say that? Right from the beginning when the question was first asked by Mr Chaskalson, what was so difficult simply saying that? It was the case with the cap and EFF on the forehead as well, it took forever for me to extract that answer from you. So it is the same now, it took forever for you to say you
20 wrote EFF spokesperson because he always talks about the EFF, not that he is a spokesperson of it. It took forever for you to say that eventually. Why is that so?

SERGEANT NKOSI: I am sorry about that.

CHAIRPERSON: And this is on a very simple and innocuous issue. I do not understand why you should be

cagey about it.

SERGEANT NKOSI: Understood, understood, Commissioners.

CHAIRPERSON: Mr Chaskalson.

SERGEANT NKOSI: Do you know if Galito is a friend of Mr Matlala?

SERGEANT NKOSI: They know each other because Galito was a chef at the farm. Mr Matlala was the head of security at the farm. Obviously, they know each other.

10 **ADV CHASKALSON SC:** And of Mr Molefe?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And of Mr Motsumi?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: If we look at this page, page 434, you will see at 10:48, chat.

SERGEANT NKOSI: Page, which page?

ADV CHASKALSON SC: Page, file 1 of 2, page 434.

SERGEANT NKOSI: Okay, I see.

20 **ADV CHASKALSON SC:** At 10:48, you will see that Galito sends you a screenshot.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And if you go down to page 455, you will see what that screenshot is.

SERGEANT NKOSI: Page, which page?

ADV CHASKALSON SC: 455.

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: And you see it is a call log.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And you will see that you seem to be on it because at 9:21, there was an outgoing call to 007. Does he also call you 007?

SERGEANT NKOSI: Where is that, 455?

ADV CHASKALSON SC: 455, yes.

SERGEANT NKOSI: Yes.

10 **ADV BALOYI SC:** So, you see 007 at 9:21?

SERGEANT NKOSI: Yes, that is correct, I see it.

ADV CHASKALSON SC: And that is what he uses for your number, is it not?

SERGEANT NKOSI: Okay, yes.

ADV CHASKALSON SC: And you will see that around the calls, the call that he made to you, he has highlighted two incoming calls, one before that call from Mr Motsumi at 8:40, and one after that call from Mr Motsumi at 10:47.

SERGEANT NKOSI: Yes.

20 **ADV CHASKALSON SC:** And then if we go back to the texts at page 434, can we go back to 434. Are you on page 434?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: You see that above the call log, there is a one-word message:

“Again”.

So was he, did you understand that message and the call log to mean that he was concerned that Mr Motsumi had phoned him again? He had phoned him twice now.

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: Do you recall what the issue was around which Mr Motsumi had called Galito twice around a call that Galito had made to you as 007?

SERGEANT NKOSI: I do not recall.

10 **ADV CHASKALSON SC**: Maybe your next message can jog your memory. You respond to Galito by giving a phone number and the name Tebogo.

ADV CHASKALSON SC: Yes.

SERGEANT NKOSI: Who is Tebogo?

SERGEANT NKOSI: I cannot recall who is this Tebogo.

ADV CHASKALSON SC: You cannot recall who Tebogo is?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: His response to you is:

“It is not working.”

20 And then if we go over the page, what is your response in chat 1? What do those emojis denote that you sent in chat one?

SERGEANT NKOSI: I want to see, but they are black and white man.

ADV CHASKALSON SC: Sorry, Sergeant, I did not hear

that.

SERGEANT NKOSI: Oh, ja.

ADV KHUMALO SC: Sergeant, it looks better there on screen.

SERGEANT NKOSI: Thanks, Commissioner Khumalo, I see.

ADV CHASKALSON SC: What do those emojis mean, wide eyes?

SERGEANT NKOSI: I cannot explain that emoji.

10 **ADV CHASKALSON SC:** You see, I want to put it to you, that is the emoji you send when you are shocked or surprised.

SERGEANT NKOSI: I am not denying it, but you know, I, no, that emoji, I cannot explain that.

ADV CHASKALSON SC: Well, what I want to put to you, Sergeant, is that as long ago as 2022, you knew what emoji to use when you were shocked and surprised. It was a very different emoji from a laughing emoji. What is your response to that?

20 **SERGEANT NKOSI:** I do not know how to respond to you because I have explained the understanding of the emojis. Like now, you know, this 2022 emoji and 2026 or 2025 emoji, I do not know what.

ADV CHASKALSON SC: Well, let us leave it there. Let us go back to what you send, what you have been exchanging

with General Sibiya.

ADV BALOYI SC: [Indistinct]... [microphone off].

ADV CHASKALSON SC: We can close this file for a while. It was a lengthy diversion, but we are back with file 1. And now on file 1, can I ask you to go to page 185. Do you have page 185 in file 1?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And if you can go to chat number 5 at 15:01:15.

10 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: There you send a photograph, and I have lost my cross-reference, but do you recognize what this photograph is?

SERGEANT NKOSI: That is correct, I recognize it, Commissioner.

ADV CHASKALSON SC: What is that photograph? I will get you the cross-reference to the big photograph in the bundle in due course, but ...[intervenes].

20 **SERGEANT NKOSI:** It is someone who is in the police cells.

ADV CHASKALSON SC: And which someone is it? Is it General Khumalo?

SERGEANT NKOSI: No, this does not look like him.

ADV CHASKALSON SC: Is it one of the Crime Intelligence officers who was arrested with him?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Why did you send that to General Sibiya?

SERGEANT NKOSI: It was on public news and it was on the public platform, one, and it was circulating amongst police officials, then I sent it to General Sibiya as well.

ADV CHASKALSON SC: Why would General Sibiya be interested in it? What did you think his interest in it would be?

10 **SERGEANT NKOSI:** It was not the matter of General Sibiya's interest, it was something that was circulating on police platforms, so I sent it to him.

ADV CHASKALSON SC: Can I ask you to go to page 190, where the bigger picture is in the bundle.

SERGEANT NKOSI: 190?

ADV CHASKALSON SC: Oh, sorry, it is 190 of the annexure bundle. It is a separate bundle. It is file 3 of 4. File 3 of 4, page 190.

20 **ADV BALOYI SC:** Mr Chaskalson, are you still going to come back to this page 180?

ADV CHASKALSON SC: I will come back to file 1.

SERGEANT NKOSI: What page is that?

ADV CHASKALSON SC: 190.

SERGEANT NKOSI: 190.

ADV CHASKALSON SC: You see it on page 190. Can you

identify the person now?

SERGEANT NKOSI: No, I cannot. He is facing the back.

ADV CHASKALSON SC: And you say this photograph was circulating already?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Where was it circulating?

SERGEANT NKOSI: In police chats, police groups.

ADV CHASKALSON SC: I see. And to whom did you circulate it when you received it? To whom other than
10 General Sibiya did you circulate it?

SERGEANT NKOSI: I cannot remember, but it was quite people that had that photo and I circulated it to as well.

ADV CHASKALSON SC: Sorry, General, Sergeant, I did not hear you. You said you could not remember, but I did not hear what came afterwards.

SERGEANT NKOSI: I said I cannot remember, but many people had this circulation photo.

ADV CHASKALSON SC: No, no, my question was to whom did you circulate it, not who else had it. To whom did you
20 circulate it?

SERGEANT NKOSI: General Shibiri.

ADV CHASKALSON SC: And who else?

SERGEANT NKOSI: General Mkhwanazi, if I am not mistaken, but we have spoken about this on that day, this particular picture or particular scene.

ADV CHASKALSON SC: And to whom else that you remember?

SERGEANT NKOSI: I cannot remember.

ADV CHASKALSON SC: Did you circulate it outside police circles?

SERGEANT NKOSI: I cannot remember. I cannot remember. Maybe if, I do not remember.

ADV CHASKALSON SC: Well, if you go to file 2 of 4 at page 603, you see that you circulated it to Mr Motsumi at
10 15:01:15.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Mr Motsumi did not understand why you were doing this or who this was because he said back to you:

“Ke Mang.”

My Sotho is good enough to know that he is asking who is this.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And you called him back.

20 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: Presumably to tell him that it was General Khumalo, or General Khumalo, people arrested with General Khumalo in Crime Intelligence. Do you recall that?

SERGEANT NKOSI: I do not recall myself telling him that it was General Khumalo or General Khumalo's people, no.

ADV CHASKALSON SC: Well, what would you have told him?

SERGEANT NKOSI: I have never told him anything.

ADV CHASKALSON SC: Well, when he said “ke mang”, you phoned him back at 15:51. That is that call at 15:51, presumably to explain why you had sent this picture.

SERGEANT NKOSI: I would not say that because Mr Motsumi is someone that I talk to more often, so I would not necessarily remember what did I say. But one of the things
10 that I do remember is that I did not discuss General Khumalo or his people.

ADV CHASKALSON SC: Well, is Mr Motsumi someone you respect?

SERGEANT NKOSI: Definitely.

ADV CHASKALSON SC: And if he asks you a question, would you ordinarily answer it?

SERGEANT NKOSI: If I know yes, I would answer.

ADV CHASKALSON SC: And so if he says in a text, “ke mang”, would you not answer that?

20 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: And what would you say to him?

SERGEANT NKOSI: It is the people who were arrested.

ADV CHASKALSON SC: And presumably he would say, well, which people, why are you sending this to me?

SERGEANT NKOSI: I would explain which people.

ADV CHASKALSON SC: And which people would you explain? Which were the people who were arrested?

SERGEANT NKOSI: The same people who were arrested there, Commissioner.

ADV CHASKALSON SC: The people in Crime Intelligence?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Including General Khumalo?

SERGEANT NKOSI: Yes, because of he is there, he is there, yes.

10 **ADV CHASKALSON SC:** And you knew that General Khumalo was one of the people who had been arrested there?

SERGEANT NKOSI: That is correct, it was breaking news on that day.

ADV CHASKALSON SC: Why did you send this picture to Mr Motsumi?

SERGEANT NKOSI: Okay, to explain it further, I did not send this picture specifically that because it is a, it is members of Intelligence. Something that is happening, maybe the, it is breaking news. There is something that is
20 happening, I just sent, he sent.

ADV CHASKALSON SC: But this is not sending a breaking news story, it is sending a picture of one person being taken into custody, or being held in custody. What is the value of that picture in terms of breaking news?

SERGEANT NKOSI: To myself, it had no value, and I do not even think that it had any value to Mr Motsumi. As you see there, he even asked, “ke mang”, who is that? It is because of, even himself, he does not know who is that.

ADV CHASKALSON SC: But why did you send it to him then if it would have no value to him?

CHAIRPERSON: And if it had no value to you too, that is how I understand you. Please respond to Mr Chaskalson’s question.

10 **SERGEANT NKOSI:** Hey, Commissioner, your question took me off. I do not know, maybe ...[incomplete].

CHAIRPERSON: Maybe forget about my question then, please respond to Mr Chaskalson's question.

ADV CHASKALSON SC: Why would you send it to him if it had no value to him?

SERGEANT NKOSI: I just sent it to him, because if it was something that was flying in all over the news, News24 had it, then I just forwarded it to him.

20 **ADV CHASKALSON SC:** I have to assume that you intended to communicate something to him by sending this picture to him. It is just a picture, it is no message, just a picture. What were you wanting to communicate to him?

SERGEANT NKOSI: Nothing that I can remember of, nothing.

ADV CHASKALSON SC: Let us leave it for there and let

us, can I just go back ...[intervenes].

ADV KHUMALO SC: Sorry, before you move on, can I just ask my question. Sergeant Nkosi, Mr Motsumi is not a member of the SAPS, so you have to have an explanation why you are sending him information about SAPS members being arrested, and these particular members. It is not good enough to say it was of no interest to you. It was of interest to you, that is why you are distributing it. It had a particular interest to you.

10 You considered it to be of interest to Mr Motsumi, that is why you are giving it to him. He is not a member of the SAPS, so this is not a random distribution. You have to share with us the reason why you thought he might or he will be interested in this.

 You did not send this to other members of the SAPS. You did not send it to Brigadier Matjeng. You did not send it to General Senthumule. You did not send it, you can tell us you sent it to them as well, but he is not in that category of people.

20 He is an outsider. The only reason you would have sent it to him, and I put this to you, the only reason you would have sent it to him is because you knew he would be interested in this story. Now the question is, why would he be interested in this story?

SERGEANT NKOSI: I would not know, Commissioner.

ADV BALOYI SC: No, you know, Sergeant. You can say you have given your answer, you are not prepared to say more, and that is what we have to live with. The answer is not you do not know. You know why you sent it to him, you are just not telling us.

SERGEANT NKOSI: No, no, no, no, Commissioner. I am telling you everything to the best of my understanding. But that picture, to be honest with the Commission, Mr Motsumi had no interest in that picture.

10 **ADV BALOYI SC:** Why did you think he would have interest in it? He may or may not in the end have had an interest in it, but you decided he would be interested to know this. And the question is, why did you think he would be interested in this? What were your considerations? What is it about this story that made you think that Mr Motsumi would be interested in this story? You share a lot with him of SAPS matters. This is one of them.

SERGEANT NKOSI: Yes.

20 **ADV BALOYI SC:** Why did you think I sent this to him because he will be interested? What was your reason for thinking he would be interested, and there is a reason, Sergeant.

SERGEANT NKOSI: I do not know if the Commission can allow me to park that question and then I will answer maybe the later stage when I have got a clear answer.

ADV BALOYI SC: I would like to get the answer now. And for now, I am going to say you have given your best answer. If you want to come back to it later on, that is on you. But as matters stand, you have failed or refused, made a decision not to give us the reason. That is where it stands now. Thank you. Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Well, in anticipation of a possible answer to Commissioner Baloyi, let us go back a little bit. Let us go up to page 573.

10 **SERGEANT NKOSI:** Page?

ADV CHASKALSON SC: 573. And there you will recall that press report, “Police witnesses changed statements for promotion” that we saw you exchanging with General Sibiya. You also forwarded that report to Mr Motsumi.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: If we go down to the foot of the next page, 574.

“Breaking. Presidency sends out stern warning.”

20 You recall that report, the developing story that General Masemola and General Khumalo were being probed for corruption. You sent that to Mr Motsumi.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And if we go down to page 160.

SERGEANT NKOSI: 160.

ADV CHASKALSON SC: Sorry, sorry 577. You see that the “ID guns for National Police rogue unit”, you also sent that to Mr Motsumi.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: What did you understand Mr Motsumi's interest to be in all of these investigations into General Khumalo and General Mkhwanazi?

SERGEANT NKOSI: My answer on that is that Mr Motsumi and myself, we are the fans of General Mkhwanazi. Each
10 and everything, whether it is bad or it is good about General Mkhwanazi, we share it and we discuss it.

ADV CHASKALSON SC: So this was because Mr Motsumi was a fan of General Mkhwanazi.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: But some, at least one of these pieces, if you go back to 574, does not mention General Mkhwanazi. It is just about an investigation, an alleged investigation into General Masemola and General Khumalo for fraud. So why would you send that one? That is chat 6
20 on page 574.

SERGEANT NKOSI: Okay, I see it.

ADV CHASKALSON SC: Why would you send that chat that does not mention General Mkhwanazi, it just mentions General Masemola and General Khumalo?

SERGEANT NKOSI: Because it mentions - no, this one,

sorry Commissioner, I just sent it. But most I sent where General Mkhwanazi is involved. But this one, I sent it.

CHAIRPERSON: The question is why?

SERGEANT NKOSI: I just took it like those ones that I have sent to him, so I sent it to him.

CHAIRPERSON: You said General Mkhwanazi is a mutual friend of yours and Mr Motsumi's, and that is why you would share something relating to General Mkhwanazi with him, that is with Mr Motsumi. So the question is, this has
10 nothing to do with General Mkhwanazi.

SERGEANT NKOSI: Yes.

CHAIRPERSON: Why did you share it with Mr Motsumi? I do not quite follow what you are saying in response.

SERGEANT NKOSI: Okay, because of it has got General – okay, let me just maybe explain it so that the Commission can understand it better. It is because that is my view now, or that is what transpired, General Khumalo is close with General Mkhwanazi. So now, each and everything that we think that it might affect the emotions of General
20 Mkhwanazi, we just share it. If it affects him directly, we share it *viz-a-viz* to him, General Mkhwanazi now.

And to go back to the issue of, not an issue *per se*, the statement that says we are friends with General Mkhwanazi. Mr Motsumi is not a friend with General Mkhwanazi, he just likes him. I am the one who is close.

CHAIRPERSON: Oh, fans, F A N.

SERGEANT NKOSI: Oh.

CHAIRPERSON: Did you say fans?

SERGEANT NKOSI: I thought you said friends, I am sorry.

CHAIRPERSON: Oh, I thought – no, no, no, I thought you had said friends.

SERGEANT NKOSI: Fans, yes.

CHAIRPERSON: Commissioner Khumalo is correcting me and says you had said fans, F A N.

10 **SERGEANT NKOSI:** Yes.

CHAIRPERSON: My apologies, my apologies. Thank you. Mr Chaskalson.

ADV CHASKALSON SC: Can we go down to page 604. And there you will see, this is now after General Khumalo and the Crime Intelligence officers have been arrested. It is later on that day of the 26th of June, and at 22:40, you send to Mr Motsumi a screenshot of a conversation, of a WhatsApp chat that you had with General Mkhwanazi. You will find that WhatsApp chat on page 191. So maybe let us
20 go to 191.

SERGEANT NKOSI: I see it.

ADV KHUMALO SC: Can you give us the page number again?

ADV CHASKALSON SC: 191. It may be in the original, sorry, let me just check. I have got, if it is the right – yes, I

apologize. It is at page 191 of the annexure bundle. So it is at, that would be file 3 of 4. File 3 of 4. I apologize. And it is a screenshot that just shows an exchange of voice calls, mainly from you to General Mkhwanazi, but too, from General Mkhwanazi. And the significance of the WhatsApp seems to me that, bear in mind that you have sent it around about 22:11 on the 26th, and at half past 10 you were called by General Mkhwanazi, and then immediately after your call at 22:32, he sends you a link, a YouTube link to a song of
10 Tupac with a great title that unfortunately I cannot mention publicly. But that track, what are the words to that track, do you know it?

CHAIRPERSON: I suppose the best you can do is to flight the screenshot, then people can see it for themselves without you saying anything, Mr Chaskalson.

ADV CHASKALSON SC: Well, I, if, Chair, if you are willing for me to say it, I am happy to say it myself. But if it is going to be flighted, I may as well say it. It is “Last motherfucker breathing”. Now, what is “Lost motherfucker
20 breathing” about? What do the words say? Why would General Mkhwanazi send it to you? What does that rap communicate?

SERGEANT NKOSI: I think the reason is myself and General Mkhwanazi, we love the same artist, that is Tupac. So now on the day when we were discussing about this

arrest, my man, how are you feeling about this thing? He said, no, I am feeling nice. I am even cruising. This is what I am listening, so he forwarded it to me. He said, no, do not worry, because I was worried that General Mkhwanazi was stressed about what happened earlier. So I phoned him that time, hey my man, how are you feeling? He said, I am fine, I am good. Listen to what I am, I am listening, we are listening to our song. So he sent me this.

ADV CHASKALSON SC: Now, as a Tupac fan, you will
10 know the words to “Last motherfucker breathing”, will you not? Do you?

SERGEANT NKOSI: Can you repeat that question?

ADV CHASKALSON SC: Do you know the words? I am not going to ask you to rap it for us out here, but ...[intervenes].

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Do you know this song?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And what is it about? What is
20 Tupac saying in “Last motherfucker breathing”?

SERGEANT NKOSI: He said, I am the last man standing.

ADV CHASKALSON SC: He is saying, I am the last man standing.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: I am going to fight until I am the

last man standing. Is that not what that that is about?

SERGEANT NKOSI: That is Tupac, yes.

ADV CHASKALSON SC: Yes, that, and General Mkhwanazi is sending that to you on the day that General Khumalo has been arrested.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And is General Mkhwanazi not saying to you, I am going to fight to the bitter end on this one. General Khumalo may have been arrested, but I am
10 going to fight to the bitter end.

SERGEANT NKOSI: I do not want to put words in his mouth, but at that time, it was someone who was cruising at night. He sent me this thing and this is how I understood it because of ...[incomplete].

ADV CHASKALSON SC: Well, if you were just exchanging your shared sort of fondness for Tupac, why would you share this screenshot with Mr Motsumi?

SERGEANT NKOSI: Mr Motsumi was also worried and the reason I sent it to Mr Motsumi, on Sunday that time, you
20 remember now, his bike and my bike, they have got music, so I was playing Tupac all day. So he was getting irritated. So now when General Mkhwanazi sent me this, I sent it to him and said, no man, look, even our – you know, he is playing the same music. Tupac is the go.

ADV CHASKALSON SC: No, that is a great story,

Sergeant, but I want to put it to you that it is not a true story.

SERGEANT NKOSI: No, it is a true story.

ADV CHASKALSON SC: You see, what it seems to me ...[intervenes].

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Is that for several months now, you have been sharing with Mr Motsumi stories about the demise of, let me describe it as a faction in the SAPS,
10 General Khumalo, General Masemola, and General Mkhwanazi. And on the day that the position of that grouping within the SAPS probably looks weakest because General Khumalo has just been arrested, you speak to General Mkhwanazi and his response is to come back to you with Tupac and essentially say, I am going to fight to the bitter end. And you were sending that to Mr Motsumi because Mr Motsumi needed to know that General Mkhwanazi was going to fight to the bitter end. What is your response to that?

20 **SERGEANT NKOSI**: I, no. I differ with your statement. One, Mr Motsumi, he love General Mkhwanazi with everything. So there is no way that I would send Mr Motsumi for Mr Motsumi maybe to celebrate or what. No, no, no.

ADV BALOYI SC: Sergeant, you corrected the Chairperson

and said Mr Motsumi is not a friend of General Mkhwanazi but a fan.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: Did I hear you correctly?

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: Why would he be worried about how General Mkhwanazi is feeling if they are not friends, he is just a fan? Why would he be worried about how, and he, General Mkhwanazi is not arrested. General Khumalo is
10 arrested. Why would Mr Motsumi be worried or concerned how General Mkhwanazi is responding to the arrest of Lieutenant General Khumalo? It does not make sense.

SERGEANT NKOSI: Can I answer?

ADV BALOYI SC: You may try.

SERGEANT NKOSI: According to me, Commissioner, you know when you care about someone and someone is in, or you think that those, or that person is not, you know, emotionally okay, and whether you are not, whether you are friends or not, but for the mere fact that you care about that
20 person because you are a fan, you would have interest, man, how is this person feeling after all.

ADV BALOYI SC: You have said they are not friends. You said ...[intervenes].

SERGEANT NKOSI: Fan.

ADV BALOYI SC: He is not a friend. He is a fan.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: Yes, so why would he care? In fact, let me use your language. Why would he be worried how General Mkhwanazi is responding to the arrest of Lieutenant Khumalo, unless there has been other conversations that you are not sharing with us, but you telling us this simple story, he is a fan. That is all he is. That is why I am sharing all of these stories with him about what is going on.

10 **SERGEANT NKOSI:** Yes.

ADV BALOYI SC: Why would he be worried? To be worried, there has to be more to the relationship. Or you are sharing this for another reason, not because he is worried about General Mkhwanazi.

SERGEANT NKOSI: Commissioner, that man loves General Mkhwanazi, so I do not want to add something that did not happen that particular time. That man, the way I love General Mkhwanazi, he love General Mkhwanazi. So that is why I am sending him because of myself and him, we
20 are worried. That is the reason I even called him that time that my man, are you okay.

ADV BALOYI SC: So after ...[intervenes].

SERGEANT NKOSI: That is my answer.

ADV BALOYI SC: After the arrest, you did discuss with Mr Motsumi. I thought earlier on when WhatsApp exchange,

when that WhatsApp exchange about the picture that you sent to Mr Motsumi, which was followed up by a telephone call from you. You remember that exchange where you sent a picture and then Mr Motsumi said, “ke mang”.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: You then did a call and I thought you said you did not discuss these arrests with him. So at which point do you get to know and how do you get to know that Mr Motsumi, a fan, is worried about how General
10 Mkhwanazi is responding to this if you did not discuss the arrests with him?

SERGEANT NKOSI: Maybe, maybe I am, okay, can I answer? Maybe there is, along my answering line, there is a misunderstanding. I said the reason that I am sending Mr Motsumi Tupac's lyrics is because on that weekend we were riding and I was busy annoying him with Tupac's songs. So when this thing happened, when General Mkhwanazi sent me this, I sent it to him. I said, you are just criticizing me, even our man is listening to the same thing.

20 **ADV BALOYI SC:** You see, Sergeant, you are changing your reason for sending this to Mr Motsumi. You first said you sent it to Mr Motsumi because he was worried about General Mkhwanazi, how General Mkhwanazi is reacting to this. That is why I have had this engagement with you, it is because of that answer. Now you say I sent it to him

because the previous day he was annoyed that I am playing Tupac and I just wanted to show him that even General Mkhwanazi plays Tupac. They cannot both be true. They cannot both be true. In fact, I want to suggest to you both attempts at explaining this are untruthful. They are not the reason you sent this to Mr Motsumi. You sent this stuff and all the exchanges to Mr Motsumi because you knew he has an interest in what is happening to what Mr Chaskalson refers to as a faction in the SAPS. That is the only
10 explanation that makes sense, it is because he had an interest in it, and you are not being truthful in your answer. Comment if you want to. Otherwise, Mr Chaskalson, thank you.

SERGEANT NKOSI: I, no comment.

CHAIRPERSON: Perhaps at that point, let us adjourn and then resume at 11.25.

ADV CHASKALSON SC: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **CHAIRPERSON:** Yes, Mr Chaskalson.

ADV CHASKALSON SC: Sergeant, can we go to page 161 of file 1, file 1 of 4? And there you will see that on the 12th of February 2025, General Sibiya sent you a document, and the document is in file 3 of 4 at page 104.

SERGEANT NKOSI: Sorry, what is the file number?

ADV CHASKALSON SC: 104, file 3 of 4.

SERGEANT NKOSI: 3 or 4?

ADV CHASKALSON SC: 104.

CHAIRPERSON: Are you there, Sergeant?

SERGEANT NKOSI: Yes, according to my – yes, thank you.

CHAIRPERSON: 104, yes.

ADV CHASKALSON SC: And the document is an email from a journalist, not actually addressed to General Sibiya, 10 but addressed to a third party. And the email says:

“It has come to our attention that you have had a relationship with alleged kidnapping kingpin Esmael Nangy. Can you confirm if you have ever dealt with Nangy, and if so, in what capacity? Did you ever receive money from Nangy? If so, how much, and what was this money for? We understand that Maj-Gen Shadrack Sibiya was briefed by you about donations received from Nangy as a donation, about monies received from Nangy as a donation. Can you explain, do you or your company have any memorandum of understanding with SAPS? Please note my deadline for

comment is Thursday, 13 February 2025
at close of business.”

Do you recall this email?

SERGEANT NKOSI: Yes, Commissioner.

ADV CHASKALSON SC: Do you know why General Sibiya sent this journalist's query to you?

SERGEANT NKOSI: I think he wanted me to send it to Mr Matlala.

ADV CHASKALSON SC: He wanted you to send it to Mr
10 Matlala?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Why would he want you to send it to Mr Matlala?

SERGEANT NKOSI: For Mr Matlala to see it, I think.

ADV CHASKALSON SC: Why would he want Mr Matlala to see it?

SERGEANT NKOSI: I think General Sibiya would be in a better position to answer that. But the reason he sent it to me it was based on that instruction that I sent to Mr
20 Matlala.

ADV CHASKALSON SC: Does Mr Matlala to your knowledge have any relationship with Esmael Nangy?

SERGEANT NKOSI: Can you repeat that question?

ADV CHASKALSON SC: Does Mr Matlala to your knowledge have any relationship with Esmael Nangy?

SERGEANT NKOSI: No, I do not know.

ADV CHASKALSON SC: Do you know who Esmael Nangy is?

SERGEANT NKOSI: I heard about him. I do not know him personally. That he is a Mozambican Kingpin.

ADV CHASKALSON SC: Now you have been part of an anti-kidnapping task team. Is that not correct?

SERGEANT NKOSI: That is correct. And is it in that context that you heard about Mr Nangy?

10 **SERGEANT NKOSI:** No.

ADV CHASKALSON SC: Where did you hear about Mr Nangy?

SERGEANT NKOSI: I heard about Mr Nangy when I started to work closely with Brigadier Ramangwa. Mr Nangy's name was being discussed time and again, even not directly with me, that there is this person by the name of Nangy who is busy with the kidnappings. But unfortunately, by the time when we discussed it, or when it was discussed, the kidnapping case was already moved
20 from Brigadier Ramangwa, where we were being investigated by Maj-Gen Khan.

ADV CHASKALSON SC: So, it was while you were working with Brigadier Ramangwa after he had been taken off kidnappings. Is that correct, that people spoke to you about Mr Nangy?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And were the people who told you about Mr Nangy people who had worked in Brigadier Ramangwa's team when they were investigating kidnappings?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And now, did any of those people speak to you about Mr Matlala in the context of their kidnapping investigations?

10 **SERGEANT NKOSI:** Can you repeat the question.

ADV CHASKALSON SC: Did the people who had been investigating kidnappings and who spoke to you about Mr Nangy, those people, did they also speak to you about Mr Matlala?

SERGEANT NKOSI: I do not know if it would be right to say a point of corruption. I said, by the time I heard about Mr Nangy, it was when the kidnapping docket was no longer being investigated by Brigadier Ramangwa, it was taken to Maj-Gen Khan.

20 **ADV CHASKALSON SC:** No, I understood that, but there were people in Brigadier Ramangwa's unit who were speaking to you about Mr Nangy from their past investigations. Is that not correct?

SERGEANT NKOSI: I would not say by past investigations, they were just talking about him.

ADV CHASKALSON SC: And has any of those people mentioned Mr Matlala to you in the context of kidnapping investigations?

SERGEANT NKOSI: During Mr Nangy's conversation?

ADV CHASKALSON SC: No, no, in any conversations. Are you aware of allegations against Mr Matlala in relation to kidnapping?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And what allegations are you
10 aware of?

SERGEANT NKOSI: There were allegations that he kidnapped Mr Jerry Boshoga.

ADV CHASKALSON SC: Are you aware of the allegation that when Mr Matlala's house was searched for Jerry Boshoga ...[intervenes]

CHAIRPERSON: Sorry, sorry, before you move there, if you are able to assist at all, Mr Chaskalson, who was the addressee on this email? One cannot tell from the email address.

ADV CHASKALSON SC: I can refer you, I do not want to
20 mention the name, but if you go to the preceding page, you will see who the addressee is.

CHAIRPERSON: I do see it there too, the address ending with .net, I do see it.

ADV CHASKALSON SC: That is the addressee?

CHAIRPERSON: It was more an interest in who that person is, but if you do not want to mention it.

ADV CHASKALSON SC: I would rather not mention the names of those people.

CHAIRPERSON: All right.

ADV KHUMALO SC: Can we maybe do this for the transcript, just say that it is an email of 11 February 2025 at 15:45?

ADV CHASKALSON SC: Indeed, Chair, and we can give
10 the page reference as well.

ADV KHUMALO SC: Yes.

ADV CHASKALSON SC: It is page 103 of the Annexure Bundle, file 304.

ADV KHUMALO SC: 304.

ADV CHASKALSON SC: 304.

CHAIRPERSON: Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Are you aware of an allegation that when Mr Matlala's house was searched for Jerry Boshoga, that Jerry Boshoga had in fact been moved to Mr
20 Nangy's house? Are you aware of that allegation?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: Was General Sibiya aware that there were allegations against Mr Matlala that he was involved in kidnapping?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Why then would he invite you to send an enquiry about an alleged kidnapper to Mr Matlala?

SERGEANT NKOSI: Can you repeat that question?

ADV CHASKALSON SC: Your evidence was when General Sibiya forwarded this document enquiring about Mr Nangy.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: He forwarded it to you so that you could give it to Mr Matlala?

SERGEANT NKOSI: Yes.

10 **ADV CHASKALSON SC:** Why would he want you to give it to Mr Matlala if he knew that Mr Matlala was an alleged kidnapper?

SERGEANT NKOSI: Thank you. I take it, even though I did not ask him then, but because previously I communicated between myself and General Sibiya together with Mr Matlala, that anything that he wants from Mr Matlala or Mr Matlala wants from him, and he cannot get hold of General Sibiya, it must go via me. So, when General Sibiya sent that said document, I knew he said it was for Mr
20 Matlala. So, he would be in a better position to answer that, why did he send such a document, but I can confirm it was from him. The instruction was to send it to Mr Matlala.

ADV BALOYI SC: Did he not say to you why this was being sent, why you were sending this to Mr Matlala?

SERGEANT NKOSI: No, he did not.

ADV BALOYI SC: You did not ask?

SERGEANT NKOSI: Most of the time I would not ask, I would just forward it to the Commissioner.

ADV BALOYI SC: What did you think was the reason that you were sending, I mean you have read it?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: What did you think was the reason you were being asked to send this to Mr Matlala?

SERGEANT NKOSI: My understanding, I think maybe he
10 was asking Mr Matlala what this is now, that is me thinking to myself because of the way the questions were raised here. So, this is how I understood the document, so I immediately forwarded it.

ADV BALOYI SC: When you say you thought, he may have been asking Mr Matlala what this is about, is it because, if you look at page 103, it tells us who this is addressed to. Is it because of who it is addressed to? Do you know the person that is the addressee there?

SERGEANT NKOSI: Where is that Commissioner?

20 **ADV BALOYI SC:** 103.

SERGEANT NKOSI: Yes, yes Commissioner.

ADV BALOYI SC: There is a name there of who this is addressed to, the media enquiry. You see the name there?

SERGEANT NKOSI: Yes, I know, I know.

ADV BALOYI SC: Do you know the person?

SERGEANT NKOSI: Yes, I know the person.

ADV BALOYI SC: Okay.

SERGEANT NKOSI: This person is working in - when I came to organise crime, when we were still working on kidnappings, this is the person whom we were given to work with. According to the head office, he is an expert in kidnapping cases, this person.

ADV BALOYI SC: Okay. All right, thank you.

ADV CHASKALSON SC: An expert in kidnapping cases?

10 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: And who at head office instructed that you should work with him?

SERGEANT NKOSI: No, no, I found him there in head office, everybody was using him.

ADV CHASKALSON SC: And using him for all cases or just kidnapping cases?

SERGEANT NKOSI: Kidnapping cases.

ADV CHASKALSON SC: And was he, as it were, a kidnapping negotiation expert?

20 **SERGEANT NKOSI:** Mostly he would work closely with General Khan and some members of intelligence kidnapping team.

ADV BALOYI SC: When you say to work with him, is it because he helped to solve problems of kidnapping or he himself was considered to be part of the kidnapping

community?

SERGEANT NKOSI: Okay, can you - I want to give you a straight answer, can you repeat that my, Commissioner please?

ADV BALOYI SC: Yes, my question is, when you were told or when you found that he is actually the person that the SAPS works with on kidnapping cases, in what capacity was he? They worked with him to solve kidnapping cases, and so he is sort of like an expert, advisor to the SAPS, or he is
10 an informant, if you like, an informer, because he himself is involved in that community of kidnapers, if there is anything like that.

SERGEANT NKOSI: If I may put it this way, he was a so-called advisor to SAPS.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Just, Sergeant, remember a few minutes ago, Mr Chaskalson told you about the allegation that Mr Boshoga may have been moved to Mr Nangy's house on the date that the police raided Mr Matlala's house,
20 on the 6th of December 2024, you remember that?

SERGEANT NKOSI: That is correct, Commissioner.

ADV KHUMALO SC: Yes. One of the allegations, or maybe I should say it is a suspicion and not put it higher than that, based on the evidence that we have heard in this Commission, there is a suspicion that on the day, the 6th of

December 2024, Mr Matlala was tipped off by somebody within SAPS that GCI ops will be raiding his house. And there is a suspicion that you or somebody else may have tipped him off, and I want to give you the opportunity to respond to that. Did you tip off Mr Matlala that police are coming to his house?

SERGEANT NKOSI: No.

ADV KHUMALO SC: But we have seen from the chats that the day before, on the 5th and the 4th of December, you
10 were in constant contact with Mr Matlala. I counted about four phone calls the day before they raided his house. What were you talking to Mr Matlala about the day before, and I think on the day that his house was raided, on the 6th of December 2024? Do you remember?

SERGEANT NKOSI: Very clear, Commissioners.

ADV KHUMALO SC: Yes.

SERGEANT NKOSI: Firstly, to explain further about my constant communication with Mr Matlala on that particular day, I remember very clearly. It was the 4th, 5th, 6th, 7th.
20 There was a kidnapping, Commissioners, in Copperleaf, of a kidnapping of a child there, and his mother. I was phoned by the complainant, together with my unregistered informant. They gave me a pin.

I quickly responded. I went there, on that particular scene of crime. So, as the scene was processed, the

investigation carried on, where I received information that the victims are kept in Atteridgeville. I immediately contacted General Sibiya and said, hey, there is this case here. I have got the location, I have got the victim, we need to act swiftly.

By then, we did not know who the suspect was. General Sibiya said to me, he is in Cape Town, but as soon as he lands, he will make a plan. Indeed, as soon as he landed, he instructed Brigadier Ramangwa to form a team.
10 The team was formed. We followed up the information. Then we went to the said address, maybe after two or three days.

And then, it was around those times. And then, but unfortunately, with the task force and NIU, but we did not get anything in those said address. But as we were continuing, because I was personally involved there, Mr Matlala's name kept on popping out. But unfortunately, the complainant was, you know, sceptical to talk exactly what is happening, because he was also a closer.

20 He was Mr Matlala's friend. I then advised the complainant that the relevant person here is Brigadier Ramangwa. I even, maybe, prefer if you do not even give me anything, because there are a lot of police officials here. We cannot trust that who is leaking information to who and how. That is how I connected the complainant

directly now to Brigadier Ramangwa.

Telling the complainant now that it is best and better to, whatever that you have, give it to Brigadier Ramangwa, so that the information must not leak in any how, because we will not know what is happening. On the same breath, Commissioner, I informed General Sibiya that his name kept on popping. We need to move. Now we need to move on him.

We must investigate further what is happening. I
10 went again to inform Brigadier Ramangwa about that. Then Brigadier Ramangwa said, no, we are going to go and obtain the statements, and then we will take it from there. Now, the issue of Jerry Boshoga pops in now. So, there was a team that was investigating this Jerry Boshoga issue and what so forth.

But according to what they were just investigating, maybe verbally, but on the docket, there was nothing. Then Brigadier Ramangwa and another Colonel, I will just remember him now, they moved in. They met with the
20 family. They interviewed the family. That is when they decided to take the docket. And then from there, they interviewed the mother thoroughly, the wife.

The docket started to move. So now, as it moves, now it starts to be between 4 and 5 of December now. Brigadier Ramangwa said to me, we must call in Cat. He

must come in for the interview. That is when I communicated with Cat. You are wanted in our office. You need to be interviewed, Brigadier Ramangwa and this Colonel.

But I will remember this, Colonel. Colonel Mashabela. They were having the docket. I said, come in, you need to be interviewed. When you are supposed to be interviewed, the following day, Brigadier Ramangwa and Colonel Mashabela were summoned again to the family.

10 So, the meeting had to be cancelled. Then on the following day, Mr Matlala phoned me and said, hey, I seated and waited for those people to come and interview me.

Then I said to him, no, it was wrong of my part of not saying it was human error that I did not inform you that there were changes. Then on the 6th, that day, Brigadier Ramangwa phones me. He said, tell Cat that we are waiting for him in the meeting. I said, but you have never made an appointment. He said, no, tell him we do not need appointments. He must come here.

20 So, during my call with Mr Matlala, I heard him. He said, hey, drop the phone. Task force is in my house. Task force is in my house. I will come back to you. I will come back to you. Then the phone went mute. Immediately, I called General Sibiya. I said, hey, I was talking to Cat making an appointment for the following day. This is what

he said. I phoned Brigadier Ramangwa informing him that when you have tasked me, during my tasking, this is what I have encountered. That now is the 6th.

And then after that, I am putting it there. Now I am coming back on the tip issue. The only reason that I have been communicating with Mr Matlala on that day is those particular reasons, the cases. And then two, I did not know that there was another team that was investigating Mr Matlala parallel. The people who were there is special task
10 force. And most of them is from KZN. I do not know anyone from KZN except General Mkhwanazi. And officer General Mkhwanazi is not that low to tell me to defeat the ends of justice. So, I put it there.

ADV KHUMALO SC: Let me then ask you this question. Based on your answer, it would mean either on the 4th or the 5th of December, you told Ket Matlala that the police want to interview him in relation to the Jerry Boshoga kidnapping.

SERGEANT NKOSI: Yes.

20 **ADV KHUMALO SC:** So, he would have known from you that the police regard him as a suspect in the Jerry Boshoga case.

SERGEANT NKOSI: I want to put it in a more understandable and decent manner.

ADV KHUMALO SC: Put it in your own words.

SERGEANT NKOSI: Yes, because now when my Honourable Commissioner says he might have heard it from me, it was on the basis of investigation. Because now, he is a businessman. I cannot be saying to him, come to the police station without any reasonable explanation why. So, I had to inform him ...[intervenes]

ADV KHUMALO SC: So, you told him that the police want him to come in for an interview in relation to the Jerry Boshoga kidnapping.

10 **SERGEANT NKOSI:** Not Jerry Boshoga kidnapping. The Dikgale kidnapping. Even though there was a Jerry Boshoga on the back. But I did not inform him about that. So, I do not want this to be taken out of context that maybe I was tipping him. It was on the basis of the investigation that was in process at that time.

ADV KHUMALO SC: And because we also heard, I cannot remember if it is from Witness A or Witness B, that when the task force arrived at Mr Matlala's house, he was on the phone with a SAPS member. And their suspicion is that
20 that SAPS member would have tipped off Mr Matlala. Do you understand that?

SERGEANT NKOSI: I understand.

ADV KHUMALO SC: And you have just confirmed that when you were speaking to Mr Matlala on the 6th, he told you to drop the phone, put down the phone, because the

task force is at his house. Which means they would have already identified themselves by then. Is that correct?

SERGEANT NKOSI: It is not correct but not coming from you.

ADV KHUMALO SC: Yes, correct me, correct me, so that I do not get it.

SERGEANT NKOSI: Yes. He said, I am watching them through the window.

ADV KHUMALO SC: All right.

10 **SERGEANT NKOSI:** And now I think when they say it was a SAPS member, no, no, no, no, no. They knew it was me, because when he was instructed to lie down, they have taken the phone. Who are you? I have identified myself from head office on that particular day. They did not know whether it was SAPS or not, it was me.

ADV KHUMALO SC: So, they knew that it was you who was talking to Mr Matlala, because they took his phone, and from his phone they could see that he was talking to you.

SERGEANT NKOSI: Yes.

20 **ADV KHUMALO SC:** And they even spoke to you, and you identified yourself.

SERGEANT NKOSI: Definitely.

ADV KHUMALO SC: And you said you are from where?

SERGEANT NKOSI: Head of organised crime under the immediate supervision of Brigadier Ramangwa.

ADV KHUMALO SC: So, let us forget the tip off then, but let us just accept that they are correct, that on the day and at the time when they raided Mr Matlala's home, he was talking to you. On that score they are correct. That on the 6th of December 2024, when they were raiding Mr Matlala's home, he was talking to you.

SERGEANT NKOSI: On work relating.

ADV KHUMALO SC: No, no, I said forget what you were talking about, and forget about the tip off. Let us just focus
10 on the day and at the time when they raided Mr Matlala's house, he was talking to you on the phone. Yes or no? You will give me a reason after.

SERGEANT NKOSI: Yes.

ADV KHUMALO SC: Yes, give me a reason then. I will be fair to you I will not ridicule you.

SERGEANT NKOSI: Yes, he was talking to me. I just want to distance myself from this tipping off, not to say that he is painting me bad. So, but you understand that it was on the basis of work. As I explained, I even gave reference, even
20 to those people that was Brigadier Ramangwa.

ADV KHUMALO SC: No, Sergeant Nkosi, I am trying to be fair to you because an allegation has been made at this Commission.

SERGEANT NKOSI: It is true, that is correct.

ADV KHUMALO SC: And it became clear to me that the

people who are making the allegation are saying it was either you or General Shibiri. And since you are here and we were dealing with this topic, I wanted to give you a chance to address that allegation. And you have addressed it, Mr Chaskalson might still come back to it and I will leave it there for now.

SERGEANT NKOSI: Thank you.

ADV KHUMALO SC: Yes.

ADV BALOYI SC: Just to follow up on this discussion, so
10 you were involved as part of the team under Brigadier Ramangwa?

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: To investigate the allegations against Mr Matlala or the possible involvement of Mr Matlala in the kidnapping of Mr Boshoga.

SERGEANT NKOSI: Okay, to put it in this manner, they were investigating that docket of a missing person of Mr Boshoga. So, Mr Matlala's name kept on popping, so that is when they said, I must invite him. But at that time, he was
20 never informed that it was about Mr Boshoga. I only informed him that it was about that kidnapping of the child and the mother.

ADV BALOYI SC: So, my question really is, when they say you must invite him to come for an interview, it is because you are a member of their team?

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: Now, given your close relationship with Mr Matlala, which you have described, you go biking together, you visit each other, did you not see a problem of a conflict between, in your role as his close friend or brother, whatever relationship, which you have described it as a very close relationship and we have no reason to not accept that. And you are intimately involved and therefore have access to SAPSs information relating to that which the
10 team is investigating or the allegations against him. Did you not see the conflict position that you held and therefore that it was inappropriate that you should be involved at all in the investigations to do with Mr Matlala?

SERGEANT NKOSI: At that particular time, Commissioner, I was not directly, directly involved. I would pop in and help because I was caught up there in Masina on another matter. So, I did not see it as a conflict because of the docket carrier. It was Colonel Mashabela and I would not know what a real contest or how close are they maybe to solve a
20 particular matter. So, at that time, I did not see any conflict of interest.

ADV BALOYI SC: But you would have had a discussion. You know, for example, and this is from your evidence, you knew that the team, the original team that had the docket relating to Mr Boshoga did not do much. That is what you

said earlier that the docket, there was nothing in the docket.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So, you have got that kind of access to information. And if you wanted to, you could tell Mr Matlala, do not worry, there is nothing in the docket, if you wanted to, because you have access to that kind of information.

SERGEANT NKOSI: Yes.

10 **ADV BALOYI SC:** And then now it is with Brigadier Ramangwa and when they say call him so that he comes to an interview, there has been a discussion.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: You say the interview, the family, you know what they have said to the family because you are part of that. You are not part of the interview, maybe, but because you are part of a team, you know how Brigadier Ramangwa gets to a point where he says to you, call him to come in. So, you do have information about what is
20 happening in this case. That places you in a conflict position already against your brother. And I refer to him as your brother only because he is so close to you. I am not saying, I am not putting anything to it other than you have this obviously very, very close relationship.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So, you are put in a conflict position. You did not see or think that you should actually not be involved with this. You did not see the problem. I see the problem and I would have seen it from day one and I would have said, please excuse me from this investigation. I do not want to be involved, but you do not see that is what I am asking. Are you sure you did not see this conflict position?

SERGEANT NKOSI: I did not.

10 **ADV BALOYI SC:** Okay. All right, thank you. And thank you on that. Let me ask you a question, a follow-up arising from what Mr Chaskalson put to you earlier. He asked if you were aware of the allegation that on the day of the operation against Mr Matlala at his house, the allegation is that by the time the police arrived, Mr Boshoga had been moved to Mr Nangy's house. You remember that you asked of that, and I think you said yes, you are aware of the allegation being made.

SERGEANT NKOSI: Yes.

20 **ADV BALOYI SC:** Now, we have had evidence from General Senona that Mr Nangy lived, I do not know if he still does, lived in the same complex, I think, or estate as Mr Matlala. Do you know that to be a fact? It was about a discussion about why certain warnings about Mr Nangy being released were sent to Mr Matlala by General Senona,

and he said, I just wanted him to know that this dangerous person has been released because they live in the same neighbourhood.

SERGEANT NKOSI: I do not know.

ADV BALOYI SC: You do not know where Mr Nangy lives?

SERGEANT NKOSI: No.

ADV BALOYI SC: You know where Mr Matlala lives? You must know, you have a very close relationship with him.

SERGEANT NKOSI: You know, some relationships, they
10 are very different.

ADV BALOYI SC: Is your answer that you do not know where Mr Matlala lives?

SERGEANT NKOSI: No, I am trying to answer you to the best of my ability.

ADV BALOYI SC: No, you either know or you do not, Sergeant. You do not need to think hard about it.

SERGEANT NKOSI: No, I am not thinking hard. The house that I know of Mr Matlala is not a complex, it is a standalone house. So that is the reason I am saying, I
20 would say I do not know. You find out, I know that it is a standalone house.

ADV BALOYI SC: So, you do not know that he has a house in Midstream?

SERGEANT NKOSI: No.

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

SERGEANT NKOSI: Thank you.

ADV BALOYI SC: Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Can I take you, just flowing from those questions to File 3 of 3? 3 of 3. It is the additional exhibits file.

ADV BALOYI SC: We have 3 of 4, not 3 of 3.

ADV CHASKALSON SC: 3 of 3, it is the last additional chats and annexures. 3 of 3.

ADV KHUMALO SC: But our problem is, our files are just
10 marked 1, 2, 3. It is not 1 of 3, 2 of 3, 3 of 3.

ADV CHASKALSON SC: And do they go up to 8 or 7?

ADV BALOYI SC: Not the numbering.

ADV KHUMALO SC: Yes.

ADV CHASKALSON SC: It is the file that has pages 861 to 1320 on it.

ADV KHUMALO SC: Yes, it is File 3.

ADV CHASKALSON SC: File 3. Okay. And can we go to page 1032?

SERGEANT NKOSI: Page?

20 **ADV CHASKALSON SC:** 1032. Do you have 1032?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And these are your chats with Mr Joe Sibanyoni?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And are you aware of the

allegation that Mr Matlala had tried to kill Mr Sibanyoni?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And did Mr Matlala and Mr Sibanyoni ever make peace after that?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: But you were in communication with both of them?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Can I take you to the top of page
10 1032?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: At 02:14 in the morning, and this is a forwarded message.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: You forward to Mr Sibanyoni a message saying:

“Sure, STF have arrived at the address awaiting results.”

Do you remember who sent you that? Do you remember
20 which address that related to?

SERGEANT NKOSI: That is 2 am.

ADV CHASKALSON SC: 2 am on the 6th of December 2024.

SERGEANT NKOSI: I cannot recall.

ADV CHASKALSON SC: Who would have forwarded you a

message, who would have sent you a message telling you that the STF have arrived at an address? Which commander of yours?

SERGEANT NKOSI: Which one?

ADV CHASKALSON SC: Which commander of yours would have sent you a message at 2 am on the 6th of December 2024, saying the STF have arrived at an address?

SERGEANT NKOSI: I cannot, I cannot recall. I cannot recall.

10 **ADV CHASKALSON SC:** Would it possibly have been Brigadier Ramangwa?

SERGEANT NKOSI: To send me this message?

ADV CHASKALSON SC: To say, STF have arrived. Sure, STF have arrived at the address awaiting results. Let me maybe refresh your memory a little bit.

SERGEANT NKOSI: Okay.

20 **ADV CHASKALSON SC:** On the night of the 5th of December, 6th of December, you had injured your foot, and you were at a Netcare hospital. Does that refresh your memory? You were at a Netcare hospital getting treatment to your foot. I think it was your left foot. Do you remember when that happened?

SERGEANT NKOSI: I get injured more often. I want to remember. Netcare.

ADV CHASKALSON SC: It was a Netcare hospital, I am

not sure which one. You can probably find out which one it was. That is not helping you remember?

ADV KHUMALO SC: Sergeant Nkosi, a person is only at a hospital so many times. It is not a place you go to every week. Surely you would remember if you were in a hospital because you had injured your foot.

ADV BALOYI SC: Also, Sergeant Nkosi, a lot happened, very important things happened in that period. That must remind you something. Mr Matlala was arrested, or there
10 was an operation on Mr Matlala. It is 2024, the PKTT was disbanded. So, it is all about that same period. You must remember where you were, what you were doing in December, including were you ever injured or not in hospital.

ADV CHASKALSON SC: I can maybe narrow it down a little bit. Netcare Akasia Hospital.

SERGEANT NKOSI: Sorry, can you repeat the question?

ADV CHASKALSON SC: The hospital was the Netcare Akasia, A-K-A-S-I-A, hospital.

20 **SERGEANT NKOSI:** You know, Commissioner, I have seen this and I get injured. Hands, legs. So, I am just trying to remember exactly what might have been the problem.

ADV CHASKALSON SC: The hospital's a side issue. Someone sent you a message saying, a commander would have sent you a message saying, STF Special Task Force

have arrived at the address, awaiting results.

ADV BALOYI SC: Mr Chaskalson, maybe it is a reminder also, is it not preceded by a message at 1031?

ADV CHASKALSON SC: Let us go where Commissioner Baloyi has taken you. Your previous message, on the 5th of December at 11:08 pm, you messaged Mr Sibanyoni:

“Today, it is today, La Douma, and there are some fists there.”

SERGEANT NKOSI: Which bit is that?

10 **ADV CHASKALSON SC:** That is 1031. Do you see that? Yes. At the foot of 1031.

SERGEANT NKOSI: Yes, I see.

ADV CHASKALSON SC: Can I put to you what it looks like to me?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: It looks like you did not leak this to Mr Matlala. Because what it looks like is that you were pre-emptively celebrating with Mr Sibanyoni that the Special Task Force were about to raid Mr Matlala. That is what it
20 looks like. Do you want to respond to that?

SERGEANT NKOSI: No. No, I cannot respond to that. You know why? Honestly, I did not know. And there is no way that I would have celebrated with Mr Sibanyoni about Mr Matlala. I did not know.

ADV CHASKALSON SC: Why would you have sent a

message to Mr Sibanyoni saying the Special Task Force have arrived at the address and you are awaiting results, or someone is awaiting results?

SERGEANT NKOSI: No, I would not.

ADV CHASKALSON SC: What matter is relating to the Special Task Force have you discussed with Mr Sibanyoni?

SERGEANT NKOSI: Okay. Most of the time when Mr Sibanyoni would travel, especially to KZN, he would send a message that I am travelling to KZN, I do not trust that
10 place. Can you inform the PC that I am coming that side? For in case, he must know in terms if I need help. You know the taxi industry how does it goes. I will be helped quickly.

Then I would inform the PC that Mr Sibanyoni, they are having a meeting there and they are requesting their assistance. Then General Mkhwanazi said it must be a formal request. Then I will reflect back to Mr Sibanyoni, and I will write a formal request from the Santago offices. Then that is when they will be provided whatever they want.
20 So, I would assume maybe it was on those bases that they were talking about the task force. But I cannot quite remember.

ADV CHASKALSON SC: At the time of the raids on Mr Matlala on the 6th of December 2024, was Brigadier Ramangwa involved in any other matters relating to the

Special Task Force, to your knowledge?

SERGEANT NKOSI: When was Mr Matlala raided?

ADV CHASKALSON SC: Indeed.

SERGEANT NKOSI: No, no, no. You are talking about when it was alleged that I tipped him off?

ADV CHASKALSON SC: No, no, I am not saying you tipped him off.

SERGEANT NKOSI: No, no, no, I am just asking that it was that time, yes or no?

10 **ADV CHASKALSON SC:** Yes, that time, the 6th of December.

SERGEANT NKOSI: No, no, no. Brigadier Ramangwa had no clue at all.

ADV CHASKALSON SC: Sorry, had?

SERGEANT NKOSI: He had no clue that there was another investigation on Mr Matlala. So, he had no knowledge about this.

ADV CHASKALSON SC: Was Brigadier Ramangwa aware that there was going to be a raid on Mr Matlala's house on
20 the 6th of December?

SERGEANT NKOSI: According to me, he did not know.

ADV CHASKALSON SC: Who was in charge of the Special Task Force in relation to the raid on Mr Matlala's house?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: We will come back to Mr

Sibanyoni much later, but for now, let us go back to Mr Nangy.

SERGEANT NKOSI: Yes, can I close this file?

ADV CHASKALSON SC: The Sibanyoni file can be put away. This whole line of questioning started when you said that General Sibiya forwarded that email about the Nangy enquiry to you because he wanted you to send it to Mr Matlala. Did you send it to Mr Matlala?

SERGEANT NKOSI: I think so.

10 **ADV CHASKALSON SC:** Did you send it to anybody else?

SERGEANT NKOSI: I might have sent it maybe to General Shibiri.

ADV CHASKALSON SC: And to anybody outside the SAPS?

SERGEANT NKOSI: I cannot remember.

ADV CHASKALSON SC: If you can then go to page 578 in file 2.

SERGEANT NKOSI: Five?

20 **ADV CHASKALSON SC:** 578 in file 2. It is the Mr Motsumi file because you sent it to him.

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: Do you have it?

SERGEANT NKOSI: Yes, I have it.

ADV CHASKALSON SC: You will see that on the 12th of February 2025 at 17:25:57, you forwarded that same email

to Mr Motsumi, and you will find that email on page 188 of file 3. That is the email that was attached to your chats with Mr Motsumi.

ADV KHUMALO SC: The email about Nangy?

ADV CHASKALSON SC: It is the Nangy email. It is the same email. It appears twice in the bundle. At 103 – three times in fact. At 103 with the email header at 104 where it comes from General Sibiyi and at 188 where it is sent to Mr Motsumi.

10 **SERGEANT NKOSI:** 104, yes, I see.

ADV CHASKALSON SC: So why did you forward this email about Mr Nangy to Mr Motsumi?

SERGEANT NKOSI: Oh, can I answer?

ADV CHASKALSON SC: Sorry?

SERGEANT NKOSI: I am saying, can I answer?

ADV CHASKALSON SC: Please do.

SERGEANT NKOSI: Okay, maybe to put it on a bigger scale. I might have not maybe explained at first, thorough. One of the reasons that I constantly, other than General
20 Mkhwanazi's things and whatsoever, the reason that I am sending some of the stuff, especially on crime, to Mr Motsumi, one is because he is a businessman and being a businessman, he also has interest on the safety and security of the inheritance of South Africa.

So, most of the time when I am with him, we

discuss about crimes that are happening in South Africa, specifically maybe most is KZN, Johannesburg, and whatsoever. So sometimes I feel the importance that whenever there is something that is happening, I forward to him, we discuss it, and I send him on those bases that, hey, there is this thing that is happening again of the kidnappings.

And, okay, one of the things that Mr Motsumi is always concerned about is when police are implicated in
10 wrongdoing. So, his interest is there. He does not want when police are implicated in wrongdoing because according to him, he is got the best interest of South Africa in its inheritance. So, when a police official is mentioned in wrongdoing, he gets worried and we discuss about it. Sometimes it is a matter of what is happening around.

ADV CHASKALSON SC: What is the police wrongdoing here?

SERGEANT NKOSI: Because now, as you see this file, you understand that Maj-Gen Shibiri was briefed by you
20 about monies received from Nangy as a donation. Where police are usually implicated in wrongdoing.

ADV CHASKALSON SC: But the allegation here, as I read it, is not that the police were paid by Nangy. It is that this expert so-called advisor who the police were engaging was paid by Nangy. Does that indicate police wrongdoing?

SERGEANT NKOSI: Can you repeat that question?

ADV CHASKALSON SC: So, you said this was about Mr Motsumi's concern about police wrongdoing. But this email does not raise any police wrongdoing. The email, remember, was not addressed to the police at all. It was addressed to this advisor. And the allegation was that the advisor had received money from Mr Nangy.

SERGEANT NKOSI: I am not particularly talking about this document per se. I am just explaining why do I always send
10 Mr Motsumi sensitive information or something. Before you proceed, Commissioners, I am pressed.

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV CHASKALSON SC: Sergeant, you were talking about your reasons for your general practise of sharing material involving police wrongdoing with Mr Motsumi, but I am interested in this specific example. Why did you send this email about Mr Nangy and the so-called expert? Why did
20 you send that to Mr Motsumi?

SERGEANT NKOSI: It goes back to that statement that I was referring to, that to be knowledgeable about what is happening around.

ADV BALOYI SC: You wanted him to know that the media is asking questions because this is a media enquiry. When

you say to be knowledgeable about what is happening around, all it is, is a media enquiry. You wanted him to know that the media is asking questions about this.

SERGEANT NKOSI: Not that I wanted him to know about what the media is asking. I just wanted to have information about what is happening around the area.

ADV BALOYI SC: The email has got questions.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: It is asking for comment on this, but you
10 want him to know that the media is asking the addressee in what capacity the addressee has dealt with Mr Nangy. Is that what you wanted Mr Motsumi to know? That is the first question. You wanted Mr Motsumi to know that, that the media is asking that person what his dealings are with Mr Nangy.

SERGEANT NKOSI: I think so, Commissioner.

ADV BALOYI SC: And you wanted him to know that the media is asking the addressee whether he received money from Nangy. Your answer?

20 **SERGEANT NKOSI:** I think so.

ADV BALOYI SC: Okay. You wanted him to know that the media wants the addressee to explain where they say that Maj-Gen Sibiya had briefed the addressee about monies received from Nangy as a donation. You wanted Mr Motsumi to know that. You thought he was interested in

something like that, what I have listed.

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: And also, whether the company or the addressee has a memorandum of understanding with SAPS. You wanted him to know the media is asking those kinds of questions.

SERGEANT NKOSI: Yes, Commissioner.

ADV BALOYI SC: Then it brings us to why. Why did you want him to know the media is asking these kinds of
10 questions? You say you wanted him to know what is happening around. And we have just gone through what it is that is happening around. It is that the media is asking these specific questions. And I am asking you why did you want him to know that the media is asking these specific questions?

SERGEANT NKOSI: Because of the statement that I said before.

ADV BALOYI SC: Which is what?

SERGEANT NKOSI: I sent to him because he is got an
20 interest in what is happening in the country.

ADV BALOYI SC: Yes. You see, I am sure you did not send him everything that is happening in the country that came to your attention. Otherwise, you would not have been sleeping. You would be WhatsApp-ing him quite a lot.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: Many hours in a day. I think it is fair, and you can say to me I am wrong. I think it is fair to assume that you were selective in what you sent to him. You did not send him everything and anything, right? That is a fair assumption to make. You chose what it is that you sent to him. Of everything that comes to you or in your way or in the public space, you chose what to send. You did not just send anything and everything.

SERGEANT NKOSI: Yes.

10 **ADV BALOYI SC**: Yes, so this was quite a deliberate choice of this message. It does not make reference to him. It does not say anything to him. And it is not clear because I do not know anything about him and his life. It is not clear that any of this stuff here is his business. It does not look like it, that it involves his business. And I may be wrong. It is for you to say that, well, he was interested in the topic of Mr Nangy, in fact, for reasons A, B, C, D.

20 He was a fan, like he was of General Mkhwanazi, maybe. Maybe you and him have discussed Mr Nangy in some context. Maybe they know each other. There has to be an explanation why you sent this. Sergeant, it is a very specific line of enquiry here that has nothing to do with the SAPS. It is not addressed to the SAPS. So, there has to be an explanation.

You did not just share it for the sake of it. And

your answer that you are just sharing because he is interested, no, it is not the real answer. It is not the correct answer. Let me not say correct. It cannot be. It is improbable. That you shared this because he is interested in what happens in the country. Do you want to try again with an explanation?

Or you stand by the unsatisfactory, and I want to say it is an unsatisfactory explanation, that you were just sharing with him because he is interested in the safety of
10 the inhabitants of this country. This does not deal with safety of inhabitants of this country.

SERGEANT NKOSI: Commissioner, if I may say now, let me try again or let me come out. I do not want to create stories because stories, they go and bite you there, so.

ADV BALOYI SC: You have heard me, that your answer is not satisfactory. It is improbable, the reason you give, why you shared. But also, it is an unsatisfactory answer.

SERGEANT NKOSI: I will take it.

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

20 **ADV CHASKALSON SC**: You see, there is quite a lot of information you share with Mr Motsumi that raises questions. We have been through all of those press reports describing the troubles of the grouping within SAPS linked to General Khumalo, General Masemola, General Mkhwanazi. Back in February, we looked at that fingerprint

kit relating to the cash-in-transit case in Masina.

You will see it at page 556 of your chats with Mr Motsumi. You remember that this was the fingerprint kit in relation to a cash-in-transit case, and you forwarded to Mr Motsumi a copy of the fingerprint kit and a copy of the letter identifying the particular forensic examiner to whom that fingerprint kit would be sent. Do you recall that?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: We have just seen this email
10 about Mr Nangy. Yesterday, we were looking at the audit report in relation to Mr Matlala's contract that you also sent to him. If you go to 595 of that file, file 2, you will see that you forward to Mr Motsumi an internal SAPS report about a series of arrests relating to business robberies in Mooinooi in the Northwest, an internal SAPS report.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: There are a lot of materials from inside SAPS that you are sharing with Mr Motsumi. Why?

SERGEANT NKOSI: Can I answer?

20 **ADV CHASKALSON SC:** You have explained them one by one, but what I want to put to you is that there is a great deal of confidential SAPS information that you share with Mr Motsumi. And certainly, from the outside, it looks like you are leaking SAPS information to him. And you are leaking SAPS information to him so that he can take

advantage of it in his own activities. That is what it looks like. What is your response to that?

SERGEANT NKOSI: That is not true.

ADV CHASKALSON SC: We have been through them one by one. I do not want to take them further. But what I do want to do is to go back ...[intervenes]

MR NGOATO: Commissioner, the witness requested that can I answer. And he was not afforded that opportunity to then answer.

10 **ADV CHASKALSON SC:** Sorry, did you want to amplify your - I did not hear you say I wanted to answer. If you do want to say more, please do.

SERGEANT NKOSI: I wanted to say that it is not as it looks that I am sending sensitive information to Mr Motsumi. Mr Motsumi has got no interest in these criminal reports that I send him, whether they are from SAPS or from the media. According to me, Mr Motsumi is an old man with his various businesses. He is got no interest. I am just sharing with him because of the love for the country and his
20 concern about the safety and security of the Republic.

ADV KHUMALO SC: That is not the answer you gave yesterday in relation to the audit report. You said you shared the audit report with Mr Motsumi because you knew that Mr Matlala owed him money and that he would be concerned if Mr Matlala's contract with SAPS is terminated

because there was a risk that he would not get paid. And I specifically asked you for whose benefit were you sharing that audit report and you said for Mr Motsumi's benefit. So, the answer you are giving now that when you are told about these examples you say he had no interest, it differs from the answer you gave yesterday.

SERGEANT NKOSI: Thank you, Commissioners.

ADV KHUMALO SC: Yes.

SERGEANT NKOSI: It did not differ. It is additional.

10 **ADV KHUMALO SC:** It is additional.

SERGEANT NKOSI: Yes. I am just elaborating further that some of the different meanings, this one is owing, this one is because of ...[intervenes]

ADV KHUMALO SC: But for the audit report, I have summarised your response correctly.

SERGEANT NKOSI: Yes.

ADV KHUMALO SC: And you stand by that response.

SERGEANT NKOSI: That is right.

ADV KHUMALO SC: Thank you.

20 **CHAIRPERSON:** Regarding the issue that was raised by Mr Ngoato, may I say this to you? You do not have to ask for permission to answer questions. So, once you have been asked a question, you should just answer the question, Sergeant Nkosi. Do not say, may I answer? Just answer. So, the issue raised by Mr Ngoato would not arise

at all if you just simply answered the question. Do you understand?

SERGEANT NKOSI: Thank you, Commissioner.

CHAIRPERSON: Now is your answer to Mr Chaskalson that you shared this because Mr Motsumi has a particular interest in what goes on with regard to criminality in the country? Did I understand you correctly? Is that what you said or not really? Or what was your answer? What was your answer?

10 **SERGEANT NKOSI**: My answer is because Mr Motsumi is concerned about what is happening around the country as a business ...[intervenes]

CHAIRPERSON: With regard to crime?

SERGEANT NKOSI: Any crime, Commissioner.

CHAIRPERSON: There are so many South Africans who are interested in that. Why do not you then just post publicly? Because they too have an interest. Why do not you publicise such documents for all those South Africans who have a particular interest in what goes on in the
20 country with regard to criminality? Why Mr Motsumi only? Or let me take out the only. Why Mr Motsumi?

SERGEANT NKOSI: I think it is on the basis that I often discuss with him about these things that are happening around. We discuss crime, we discuss progress, we discuss growth and so forth. That is the reason sometimes

I see it fit to only send to him. Even though I know that there are many people who are concerned about crime in South Africa. But because this particular one is the one that I am always interacting with, that is why I am ...[intervenes]

CHAIRPERSON: Was this not a confidential SAPS document?

SERGEANT NKOSI: Come again, Commissioner?

CHAIRPERSON: Was this not a confidential SAPS
10 document?

SERGEANT NKOSI: No.

CHAIRPERSON: Page 595?

SERGEANT NKOSI: No, no.

CHAIRPERSON: What was it?

SERGEANT NKOSI: It was already flying on social media.

ADV BALOYI SC: Sergeant, it is addressed to a General. Good morning, General. This is not a media publication. It is internal SAPS communication. Somebody reporting to someone internally. You did not pull this from the media. It
20 is an internal SAPS-write-up.

CHAIRPERSON: It is a communication to a General.

ADV BALOYI SC: Yes.

CHAIRPERSON: Good morning, General. Was that not a confidential SAPS document?

SERGEANT NKOSI: Commissioners, on each and every

scene of crime, major scenes, and there are reports like this. Let me just make an example. If, let us say, the scene happens at 10 in the morning, and then there are photos there, and then there is a report maybe, let us say, by 12 being addressed to the General. Good morning, General. This and this and this happened. By 3 o'clock, that thing is no longer a confidential document. Because of now, it is all over the news.

CHAIRPERSON: Let us leave out leaks. Was this not a
10 confidential SAPS document? Please answer the question directly.

SERGEANT NKOSI: At that time, when I received it, or when I sent it to you, it was not.

CHAIRPERSON: No, no, no, no, no, no, no. When the writer wrote this to whoever the General written to was, was it not a confidential document? Just leave out what had happened by the time that you picked up the document from wherever it is you picked it up from. Was it not a confidential SAPS document?

20 **SERGEANT NKOSI:** I do not want to shy away from answering, but when I sent it, it was no longer.

CHAIRPERSON: No, no, no, no, that is not my question. And towards the end of my question, I made it clear to you that what you are answering is not what I was asking.

SERGEANT NKOSI: Yes.

CHAIRPERSON: So, at the time of writing, was this not a confidential SAPS document? Not at the time of sharing.

SERGEANT NKOSI: I do not know if, can we park it and ...[intervenes]

CHAIRPERSON: No, no, no, no, no, no, General. I mean Sergeant. I do not know how many times you have said that. I am asking you the question now, and I want a response now, please.

SERGEANT NKOSI: But I was never given an opportunity
10 to park issues. Maybe this time you can give me the opportunity to park this one.

CHAIRPERSON: No, no, no. Look at the document, its nature, and I am sure from the time Mr Chaskalson drew your attention to the document, you saw what the document is. You know what this document is. Surely you should be able to say, yes, it was, no, it was not. Was it a confidential SAPS document?

SERGEANT NKOSI: Can we park it, Commissioner?

CHAIRPERSON: Why? Why should we park it? Why
20 should we park it? Is it because you are not able to glean from the nature of the document whether or not it was confidential? Why should we park it?

SERGEANT NKOSI: So that when I answer, I must answer to the satisfaction of the Commissioner, because I ...[intervenes]

CHAIRPERSON: I will actually be satisfied if we do not park the question. If we park it, I am probably not going to be satisfied. I will take the attitude that you are avoiding the question.

SERGEANT NKOSI: And I do not want to answer as well for the sake of passing the question because ...[intervenes]

CHAIRPERSON: Is it because you cannot tell from the nature of the document whether or not it was confidential, which is why you may require time? I just want to
10 understand your thinking.

MR NGOATO: Commissioner.

CHAIRPERSON: Yes.

MR NGOATO: If I may.

CHAIRPERSON: Yes, Mr Ngoato.

MR NGOATO: May I request a two-minute stand-down just to provide an advice to the client?

CHAIRPERSON: Not in the middle of a simple question like this, Mr Ngoato.

MR NGOATO: And especially for that, that is why, just so
20 that I can assist the Commissioner.

CHAIRPERSON: No, no, then you can say right across us and say, it is a fair question for you to answer right in front of us, Mr Ngoato.

MR NGOATO: I find it ...[intervenes]

CHAIRPERSON: Especially if you say, oh, yes, yes, yes.

MR NGOATO: I think he struggled to understand what you are saying. You are not saying at the time of him sending, was it a confidential ...[intervenes]

CHAIRPERSON: No, no, no, that is exactly - what you have just said is exactly what I am not asking. I am asking at the time this document was written. I am going to move on. I am going to move on to the stage when he then shared the document.

MR NGOATO: That is it?

10 **CHAIRPERSON**: Yes.

MR NGOATO: That is what I wanted to assist the Commissioner on, so that he can have the distinction between ...[intervenes]

CHAIRPERSON: I am sure you understood my question. If Sergeant Nkosi says he does not understand the question, then I would not understand, because I have asked the question a good few times, Mr Ngoato.

MR NGOATO: Commissioner, I will leave it there.

CHAIRPERSON: Thank you.

20 **MR NGOATO**: That is, it. I will move on.

CHAIRPERSON: Thank you. Sergeant Nkosi, not once did I understand you to suggest that you did not understand my question. My question is, as at the time of writing and transmission of this email from the writer to the General to whom it is addressed, was this a confidential SAPS

document? Or was this the sort of document that the writer would have intended to be posted out there for public consumption? I am talking as at the time of writing and transmission.

SERGEANT NKOSI: Eish, I want to be honest with you, Commissioner.

CHAIRPERSON: You see, I will tell you why you have difficulty. The difficulty you have is the function of you having shared this document. I suggest to you that you are
10 not able to answer my question exactly because of that. It is because now, after the event, you have to try to justify why you shared what is obviously a confidential document. So, you are having the difficulty you are having because you shared it when you ought not to have shared it. Do you wish to respond?

SERGEANT NKOSI: Eish, I cannot respond, Commissioner.

CHAIRPERSON: Thank you. Yes, Mr Chaskalson.

ADV KHUMALO SC: Can I ask a follow-up question? Is it
20 not practise that suspects are not identified in public before they appear in court? Is that not SAPS practise?

SERGEANT NKOSI: It is.

ADV KHUMALO SC: Do you identify suspects before they appear in court?

SERGEANT NKOSI: Can you repeat the question so I can

understand?

ADV KHUMALO SC: Is it SAPS practise that suspects are identified publicly before they make their first appearance in court?

SERGEANT NKOSI: No.

ADV KHUMALO SC: No. Now, looking at this document, it identifies suspects. And remember it is the 27th of May when you shared it with Mr Motsumi.

SERGEANT NKOSI: Yes.

10 **ADV KHUMALO SC:** Now, look at the bottom of that email on 596. Having identified the suspects, the last part of it says all suspects will appear in Brits Court on the 29th of May 2025. But you, on the 27th of May, have already shared this document including the details of the suspects with Mr Motsumi. So, you cannot be correct when you say it was already in the public domain because the public would not be notified of the suspects and their identities before they appear in court. Do you want to comment? Do you now accept that it was confidential?

20 **SERGEANT NKOSI:** Commissioner Khumalo, can we park it and I will answer?

CHAIRPERSON: And to add to what you have just said, to be parked, looking at the nature of the document, which as Commissioner Khumalo says to you, was confidential.

SERGEANT NKOSI: Yes.

CHAIRPERSON: Now, assuming that you are correct that somehow it was in the public domain, must you, as a SAPS officer, perpetuate an unlawful leak? Assuming that you are correct, I am not saying you are, but assuming that you are correct that this had been leaked and it was now in the public domain, must you, as a SAPS officer, then perpetuate the leak by sending to, for example, Mr Motsumi?

SERGEANT NKOSI: No, the question is valid, but I just
10 want to find the right way to answer my Honourable Commission. I do not want to answer for the sake of answering, so I must answer to the satisfactory of the Commission.

CHAIRPERSON: So, when will you answer? Because I want an answer now.

SERGEANT NKOSI: I am – no, I will answer. I will answer.

ADV BALOYI SC: Do you want to answer now or can I ask my question? Because I have a question on this same
20 document. Do you want to answer the Chair first? No, I am not saying you should answer. Sergeant, I am just checking. Can I go ahead and ask my question? Which I will not do if you are still thinking about your answer to the Chair and you want to answer him first.

SERGEANT NKOSI: I think maybe you may.

you say yes.

SERGEANT NKOSI: Okay, Commissioner. Indeed, SAPS cannot disclose ...[intervenes]

ADV BALOYI SC: Yes. Okay. Let us go further down with that document. It lists - there is a heading there. Properties stolen. In the middle of the page. You see where I am reading?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: It lists the details of what exactly was
10 stolen. The truckloads of chrome. Pistols. It even gives serial numbers of pistols. And the number of rounds. It is two pistols and both of them have serial numbers in the rounds. And then you go to three it lists cell phones that were taken. And how much they are worth. And then when you go to the last paragraph, which is what Commissioner Khumalo raises with you, it has names and dates of birth of suspects following their arrests.

And it tells you some are Lesotho national some are South African. It also says they are involved in certain
20 case numbers, and it gives those case numbers. It lists them at the bottom of that page and then at 596. And as Commissioner Khumalo says, it also says when the suspects will appear, it says investigations will continue to track the buyer and tracking of the stolen chrome.

So, you are telling a civilian that police are tracking

the buyer and where the stolen goods ended. You give all of that information, which is obviously internal information of the SAPS. And the question is, why would you give this information to Mr Motsumi? And I want to put to you that you have not been open with us about why you have shared this information with Mr Motsumi, this kind of information.

This is internal SAPS information that is never shared with the public. Names of witnesses. I think it does not require much debate to say, well, you know, witnesses
10 are protected. The public cannot know who is going to be testifying about these things. Here you are you have shared with Mr Motsumi. It cannot be because of his interest in crime that is happening in the country that you give him the name of a witness, for example, and the cell phone number and the address of a complainant and of a witness. There is another reason you gave it to him, and you are not open and frank about why you gave him that information. Do you want to comment, if at all?

SERGEANT NKOSI: Yes, Commissioners.

20 **ADV BALOYI SC**: Yes, go ahead.

SERGEANT NKOSI: I am requesting that I make it one package. Commissioner Khumalo, the Chair and - one, I am not shying away from sending a classified document. It is alleged now. Here, in another way, I am sending this to Mr Motsumi to praise the good work that the police have done

because of he has concerns that police are not working, people are not protected, the inheritance of the republic.

I am sending this in the sense that even though I send allegations against the police, I am also sending you good things that the police have done. And this was already in public, but for me, I am sending it in that sense that the police have done a good job, or at least they have arrested people and whatsoever.

ADV BALOYI SC: Why did you need to know the witness' name? And where they are to be found? Why did you need to know the complainant's name and cell phone number and address? Why did you need to know that? Why did you need to know that the police have recovered pistols with serial numbers? Why did Mr Motsumi need to know that kind of information?

SERGEANT NKOSI: As I have said earlier, Commissioners, I just sent it to him as raw as it was, where I got it from the public, and I sent it.

ADV BALOYI SC: That is your answer. Thank you, Sergeant. Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Chair, we have run past 2 o'clock. Sorry, 1 o'clock. Can we take the break at this point?

CHAIRPERSON: Yes, let us adjourn. And I will not say which one of my co-Commissioners said so, but one of them

had suggested that we resume at 14:10. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Thanks, Chair. Before we leave the topic of Mr Motsumi, I would like us to go back to a screenshot that I raised with you back in February. It is the screenshot from Jerry Kazi that is in the chat with the man saved as Comrade DD Mabuza Deputy President. Now the
10 screenshot, if one goes to page 697 of the chat file, which would be File 2, 696, on the 17th of January 2024 and it is the screenshot, it is two versions of the same screenshot sent at 05:36 and at 05:57. So the screenshot itself is at page 230 in File 4. And maybe we can just look at the screenshot just remembering that it is sent on the 17th of January 2024. So if we can go to file – sorry it is File 4 of 4, File 4 of 4.

ADV KHUMALO SC: You said 230 of 4 of 4?

ADV CHASKALSON SC: 230 in File 4 of 4. It should be
20 near the front of the file. Sergeant, you have the screenshot?

SERGEANT NKOSI: Yes, I have it.

ADV CHASKALSON SC: So when I asked you about the screenshot last time, firstly you explained that this was not the late Deputy President who was involved in these chats,

it was his nephew. Do you recall that?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And you said it was his nephew Siphwe and I said was that Siphwe Mabuza and you said yes, but in fact, we have now established that it is actually Siphwe Mashile. Is that correct? That Siphwe's surname is Mashile, not Mabuza.

SERGEANT NKOSI: I do not know that. but I assume it was Siphwe Mabuza. I know that it was Siphwe Mabuza
10 according to him.

ADV CHASKALSON SC: Well, we can, if you do not know, then ...[intervenes].

SERGEANT NKOSI: I will not deny it.

ADV CHASKALSON SC: You will not deny it?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Then Jerry Kazi, we zoomed into the profile picture of Jerry Kazi and I knew I had seen that face somewhere before. Can we just display it because I think you will recognise it if we zoom in.

20 **SERGEANT NKOSI:** No, I recognise it.

ADV CHASKALSON SC: Who is Jerry Kazi?

SERGEANT NKOSI: It is Gareth Mnisi.

ADV CHASKALSON SC: The CFO of Tshwane, the current CFO of Tshwane?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Yes. And he is saved in your chat says Mpumalanga CFO, or CFO Mpumalanga, is he not?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: Sorry, sorry. They are zooming in, or is that for the consumption of ...[intervenes].

ADV CHASKALSON SC: It is just for ...[intervenes].

CHAIRPERSON: For Nkosi only?

ADV CHASKALSON SC: I mean, people want to see, that
10 is the zoomed in picture.

COURT: Thank you, thank you.

ADV CHASKALSON SC: But Sergeant has confirmed that it is in fact Mr Mnisi.

CHAIRPERSON: Thank you.

ADV CHASKALSON SC: If we go, if we hold that screenshot available, not the zoomed in one, just the regular full screen one ...[intervenes].

CHAIRPERSON: Are we not able, there is a person that looks like a child, are we not able to what, hide the face or
20 we could shade over it or something like that?

ADV CHASKALSON SC: Well, we do need to identify that person. That is Mr Mnisi.

CHAIRPERSON: I meant right across the face.

ADV CHASKALSON SC: Okay.

CHAIRPERSON: It looks like a child.

ADV CHASKALSON SC: Sorry, apologies to Mr Mnisi.

CHAIRPERSON: Yes.

ADV CHASKALSON SC: I mean he has a very young face. Well, let us not display it, but let us not display it, but do you have five, three, do you have that screenshot at page 230 to hand, as it were? Because I am going to take you somewhere else, but I want you to still have access to 230 at the same time. So maybe just put a marker on it.

SERGEANT NKOSI: Ja.

10 **ADV CHASKALSON SC:** And then if you go to 533, 533 which will be in File 2.

SERGEANT NKOSI: What page is that?

ADV CHASKALSON SC: 533.

CHAIRPERSON: File 2 of 4.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: So there you will see that shortly after receiving the screenshot from the late Deputy President's nephew, you forwarded it to Mr Motsumi. You see that at the top of 533? 24:01, 17:00, 17:39, 29:00.

20 **SERGEANT NKOSI:** I see that.

ADV CHASKALSON SC: Now, if we go back to the screenshot, let us look at what it was that you were forwarding to Mr Motsumi. So we have a message that says:

“Okay, Kazi, I have got an issue.”

So that is Mr Mashile or Mr Mabuza saying to Mr Mnisi, I have got an issue. Sorry, other way around, Mr Mnisi saying to Mr Mashile I have got an issue. Then there is a voice note and a voice call. Then Mr Mnisi sends back a picture of his calendar saying:

“I have an urgent special EXCO now at 6.”

And Mr Mashile says:

“You will indicate.”

10 And then Mr Mnisi says:

“Let us meet 007 tonight after my meeting. It is urgent.”

And then there is a fist to confirm a sent from Mr Mashile. Why would you send this screenshot involving an exchange between Mr Mnisi and Mr Mashile, or person who you knew as Mr Mabuza, concerning a meeting with you? Why would you send that to Mr Motsumi? What was Mr Motsumi's interest in that meeting?

SERGEANT NKOSI: Mr Motsumi had no interest in this meeting. The reason that I sent to Mr Motsumi, if I can recall better, it was I was supposed to go and meet him. So I am sending this message that I am caught up in a way. I have to attend this one.

ADV CHASKALSON SC: So this is just a message to Mr Motsumi to apologise for standing him up as it were.

SERGEANT NKOSI: Because yes, I confirm that.

ADV CHASKALSON SC: And do you recall why Mr Mnisi wanted to meet you and Mr Mashile in January 2024?

SERGEANT NKOSI: Yes, I recall.

ADV CHASKALSON SC: And what was that about?

SERGEANT NKOSI: It was a peace meeting where I was supposed to coordinate between Mr Mnisi and Mr Lekukela.

ADV CHASKALSON SC: Sorry, Mr? The second name, Mr Mokopela?

10 **SERGEANT NKOSI:** Lekukela.

ADV CHASKALSON SC: Lekukela?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Mpho Lekukela?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: In relation to what?

SERGEANT NKOSI: When Mr Mnisi started to work at Tshwane, Mr Lekukela was already there. So they were not getting along. So it happens that Mr Lekukela, I grew up with him in Soshanguve and I know Mr Gareth Mnisi, and I
20 had to intervene in their conflict.

ADV CHASKALSON SC: And were you able to make peace between them?

SERGEANT NKOSI: Yes, at that time, yes.

ADV CHASKALSON SC: Then if we can move off the screenshot and go to page 797, which is in new File 2. No,

no, sorry, old File 2, old File 2.

CHAIRPERSON: It should be the same file then if it is 2 of 4.

ADV CHASKALSON SC: Same file that you were in, page 797. And I do not want us to display this, but what we see at page 797, do you have it?

SERGEANT NKOSI: No, I am still opening it.

ADV CHASKALSON SC: Do you have it now?

SERGEANT NKOSI: Yes, I have it.

10 **ADV CHASKALSON SC:** What we see at page 797 is a photograph that was on your phone, and it is a photograph of a picture on another phone and the picture on the other phone looks like an extract from a SAPS record, some sort of personnel record for an individual who is employed by SAPS.

And I do not want us to mention that person's name, But I do want to know how you came to get this photograph, from whom did you get this photograph to begin with? Well, let us start there. From whom did you get this
20 photograph?

SERGEANT NKOSI: I got this photograph from the informant that was brought to me by General Shibili. The informant's name is, I do not know if I can mention it, but ...[intervenes].

ADV CHASKALSON SC: Do not mention that name, but

maybe put it down on a piece of paper that the Commissioners can see, and that I will be able to see.

SERGEANT NKOSI: Can I have a piece of paper?

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: When did this informant bring you that information, or that picture? Not that information, that picture?

SERGEANT NKOSI: During the collection of information.

ADV CHASKALSON SC: Yes, but when? When are we
10 talking about? When did this happen?

SERGEANT NKOSI: I cannot remember exactly when, but if maybe the Commission can just allow me to explain when did it started. That is why they must just get a clear picture.

ADV CHASKALSON SC: Certainly. If you cannot give me an exact, or even an approximate date now, maybe explain the context of what you wanted to say, and then we can ask further.

CHAIRPERSON: But be careful not to mention the name
20 on that picture.

ADV CHASKALSON SC: Or the name of the informant.

CHAIRPERSON: Yes.

SERGEANT NKOSI: Not my informant, General Shibiri's informant.

ADV CHASKALSON SC: Even so, one should not mention

the name.

SERGEANT NKOSI: Yes. Okay. Commissioners, I was sitting in my office when I received a call from General Shibiri, telling me to come to his office. On my arrival to his office ...[intervenes].

ADV KHUMALO SC: Just, do you mind speaking up? There is a complaint that you cannot be heard, so.

CHAIRPERSON: Please, please just pull them closer to you.

10 **SERGEANT NKOSI**: Okay. On my arrival to General Shibiri's office, he introduced me to this one-one. And then upon introduction, it was vis-à-vis, and then and there he informed me that this one has got information of the kidnappers. That was according to General Shibiri. And he also got the information about the illicit cigarettes that had been sourced from Zimbabwe to South Africa. He said, he is sending that informant to me and then that informant will show me or point me the addresses of the said people who are involved, some who are kept, and the said cigarettes.

20 Immediately, myself and the informers, we went out from General Shibiri's office, because automatically that was all ...[indistinct] to the introduction. Then the first operation was in Limpopo, when I went to verify or spot the address, where there were Pakistanis who were kept there against their will, and the illegal cigarettes from Zimbabwe.

Immediately, when I arrived, as I was observing, I took the photo to General Shibiri. I sent the pin location as well to General Shibiri, so that to prove that I did follow up the said address. On the very – no, no, then we came there very late because of it was filed there in Limpopo.

On the very same week, the same informant contacted me about this alleged kidnappers, or who kidnapped one Chinese guy. One of the addresses now was this, the 797, but then I did not have this. I went there, I
10 did the same what I did in Limpopo, I took picture, location, send it to General Shibiri.

I went to another address again in Centurion, I took picture, location, send to General Shibiri. Now, after two or three days, this informant sent me now this. I go back to the sender now, who is General Shibiri. I said this is what I received from the informant.

But before I could go to him, I also sent it to him. As I received it, I forwarded. So I went there to explain to him now, personally, that this is what I have. What do you
20 know about it? He said according to what the informant is telling you, that people are kept against their will there. But I said to me, according to me, that address, it needs the Intelligence to make an observation because there is no movement.

I have spent plus minus an hour or two on two of

the addresses, that one of this, and the other one in Centurion. So it was different than the one in Limpopo, where you will see that it is a shop that people are working there. So I recommend to General Shibiri that no, there must be an observation here, the intelligent one. According to me, it is not something that we can act upon it. So that is why I stopped, that it came up like that.

ADV CHASKALSON SC: So this informant, with the name that we saw on the piece of paper, was an informant who
10 was given to you by General Shibiri.

SERGEANT NKOSI: I confirm.

ADV CHASKALSON SC: And the informant came from Pakistan. Sorry, is that a yes?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Do you have more than one informant with that name who comes from Pakistan? Or is there just one informant with that name that you have who comes from Pakistan?

SERGEANT NKOSI: I am not sure that I get the question.

20 **ADV CHASKALSON SC:** So let us call the informant John, because we know his name is not John.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And you say John comes from Pakistan.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Do you have another informant called John from Pakistan, except not John, the real name of this informant? Do you have several informants from Pakistan all with the same name, or just one?

SERGEANT NKOSI: This one was not my informant, but that John name, according to my knowledge, is only one in my phone, the John name.

ADV CHASKALSON SC: Yes.

SERGEANT NKOSI: Yes.

10 **ADV CHASKALSON SC:** Okay. So there is only one informant by that name who comes from Pakistan?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And that informant, you say, was assisting with investigations into kidnapping and into illegal cigarettes?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And in that context, the informant gave you a – well, first pointed out an address where people were being held against their will, on one occasion.

20 And you then took a picture of that address, or you sent a pin of that address. How did you record the address on the first occasion?

SERGEANT NKOSI: I wrote it on a diary, and I took the same picture and sent it to the General.

ADV CHASKALSON SC: So you wrote it in your diary, and

you sent a picture of it to General Shibiri?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Talking about diaries, I presume you carry a pocketbook with you when you are on police business?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And do you have a pocketbook for the period 2024 and 2025?

SERGEANT NKOSI: I will check when I arrive home, but
10 the last time I checked, I had the pocketbooks
...[intervenes].

ADV CHASKALSON SC: Because we would like to see those pocketbooks if they still exist.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Can we arrange through your attorney to get a copy as soon as possible?

SERGEANT NKOSI: Yes, once I find them, I will do that.

ADV CHASKALSON SC: But now we are talking, going
20 back to this address and your informant. The first occasion,
he gives you an address. Did he give you the address
already? Did he say the address, or did he show you a
written record of the address? You had to write it down in
your diary, and that is what you sent to General Shibiri.
How did you know what to write down in the diary? How
was it conveyed to you?

SERGEANT NKOSI: Okay. Firstly, about these addresses, General Shibiri briefed me first in the presence of the informant, that this informant is going to show you the said addresses that he alleges that there is irregularity there. So now after that, I go to it with the informant to those addresses.

ADV CHASKALSON SC: So when he briefed you, it was not in the presence of the informant? Do you have to go to see ...[intervenes].

10 **SERGEANT NKOSI**: No, it was in the presence of the informant.

ADV CHASKALSON SC: So then you did not have to go to meet the informant, you had to go with the informant somewhere?

SERGEANT NKOSI: Can you...

ADV CHASKALSON SC: So if it was in the presence of the informant, then you and the informant were together?

20 **SERGEANT NKOSI**: When we were formally introduced, I was briefed about what the informant is going to do with me.

ADV CHASKALSON SC: So you have a meeting, you, General Shibiri, and the informant. General Shibiri says this informant is going to point out some addresses to you?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: When does the informant point

out the addresses? On the same day, another day?

SERGEANT NKOSI: On the following day. The first address was in Limpopo. I will check my chats with General Shibiri, where I sended him the location and the pictures of that address.

ADV CHASKALSON SC: So that is the first address, and approximately when would this have been?

SERGEANT NKOSI: Can you repeat that again?

ADV CHASKALSON SC: Approximately when would that
10 first meeting with this informant for the first time be, and then you go off with the informant to Limpopo to see an address?

SERGEANT NKOSI: The first meeting I was introduced in head office, in General Shibiri's office.

ADV CHASKALSON SC: But approximately when? Are we talking 2025, 2024, 2023? What is it looking like? How do you remember when that meeting was? Sorry, not how do you remember. Have you got a recollection of when that first meeting was?

20 **SERGEANT NKOSI**: I cannot really remember whether it was 2024 or 2025. But if it was 2024, it might have been maybe let us say around December. If it was 2025, it might have been around January. So I am not quite sure.

ADV CHASKALSON SC: And you then go off to Limpopo, the address is pointed out to you, and you make a note of

what the address is. Is it an address in a town, or is it an address out in the rural areas?

SERGEANT NKOSI: Rural areas.

ADV CHASKALSON SC: And so how would you have described it when you write it down? How do you describe an address that is just out in the rural areas? It is not going to be a street name and a street number. How would you have described it?

SERGEANT NKOSI: Rural areas got addresses.

10 **ADV CHASKALSON SC**: So this is out in the countryside, but you have a street name and a street number?

SERGEANT NKOSI: Out in the countryside?

ADV CHASKALSON SC: Ja.

SERGEANT NKOSI: It is in Limpopo.

ADV CHASKALSON SC: No, no, I understand it is in Limpopo, but maybe we are at cross purposes with rural areas. Is it in a town, or is it just a farm in the countryside?

CHAIRPERSON: [Vernacular].

SERGEANT NKOSI: [Vernacular].

20 **ADV CHASKALSON SC**: Okay, so we can have a house number, as it were, to describe the address.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And you then WhatsApp that address on a piece of paper to General Shibiri?

SERGEANT NKOSI: Not WhatsApp.

ADV CHASKALSON SC: You photograph it?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: You do not WhatsApp it to General Shibiri?

SERGEANT NKOSI: I photograph, send pin location.

ADV CHASKALSON SC: And you sent a pin location to General Shibiri?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Okay. So, you did not actually
10 need to, you know, you had a very precise position for that address.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Now that is the first occasion.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Out in Limpopo. Now, I understand that your evidence was that this witness came back to you on a second occasion to say I now have found another place where kidnappers are holding people against their will.

20 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: How soon after the first occasion was this?

SERGEANT NKOSI: I think soon after General Shibiri went to a Pakistani Embassy, there was a complaint against some Pakistani asylum who were kept against their will. So

it was a complaint from Embassy to the head office. Then General Shibiri was tasked, because he is the one who attended it there. And he had a memorandum about that as well. Maybe he can ask. And then, okay.

ADV CHASKALSON SC: My question is slightly different. It is, how long after the first trip with a witness to an address where kidnappers were holding people did the witness come to you a second time with the address that we see in the photograph? How long passed between your two
10 meetings with this witness at which the witness disclosed addresses where kidnappers were holding people?

SERGEANT NKOSI: It might be maybe a week, subjected to being corrected, based on what I have sent to General Shibiri. But I think a week or six days, something like that.

ADV CHASKALSON SC: So it was relatively quick?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Now, this witness, sorry, this informant, he was introduced to you by General Shibiri. You said approximately a day before the first trip to Limpopo.
20 General Shibiri called you in with the witness and said, this is my informant, he has information, this is what he is going to do. And then you said the next day you went off to Limpopo to find the house.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And you had had no contact with

this witness before you were introduced by General Shibiri?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: And then approximately a week later, this witness gave you the second address. And that second address is what you photographed on your iPhone. Well, not on your iPhone. I do not know what phone you had, but you took a picture of that second address on your phone.

SERGEANT NKOSI: That is correct. I did, as I did on the
10 first address.

ADV CHASKALSON SC: Well, the first time you were not taking a picture on your phone, you were taking a picture of some writing in a diary.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Now, where were you when you took the picture of the informant's phone?

SERGEANT NKOSI: In Pretoria.

ADV CHASKALSON SC: And where? At police
headquarters? At somewhere else? I mean, where in
20 Pretoria?

SERGEANT NKOSI: Pretoria CBD.

ADV CHASKALSON SC: So you had a meeting with the witness not at your office, but at some venue in Pretoria?

SERGEANT NKOSI: Just in CBD.

ADV CHASKALSON SC: Just in the CBD?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And the witness shows you this picture?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Sorry, the informant. And you then decide, well, you photograph it so that you have a record of it yourself?

SERGEANT NKOSI: Yes, that is correct.

ADV CHASKALSON SC: You see, Sergeant, I have to put
10 it to you that that story's false for several reasons. The most fundamental one is that the photograph, as we will see on page 798, was taken on the 13th of June 2025. Your photograph was taken on the 13th of June 2025. And what your WhatsApps will show is that you have been communicating with this informant since the 14th of February 2024.

So if the informant was introduced to you by General Shibiri for the first time a day before the first trip to identify an address, and the second encounter where you
20 took this photo was a week later, that would all have happened in the course of June 2025. And it would not have been possible for you to be in communication with this witness some 14 months previously in February 2024. What is your response to that?

SERGEANT NKOSI: I might have made a mistake when it

comes to the dates, but I still stick to my guts when I say the said informant was introduced to me by General Shibiri. I might maybe have done a mistake, human error, by not being sure about the dates. But I started to communicate with the said person on the date.

ADV CHASKALSON SC: But, Sergeant, I do not think it is possible to make a mistake of this nature. I do not think one can make an innocent mistake of thinking that you had two meetings with this witness one week apart. When, if
10 your story is true, those meetings would have to be 14 months apart, not one week apart. Can you respond to that?

SERGEANT NKOSI: I have no reason to lie, especially about General Shibiri or about the said informant. And I still put it to the Commission that what I say is what transpired. I would not, no matter how evil I might be or I might look and start to paint someone for something that you do not know or is distanced from. This issue that is here by my right-hand side, I did discuss it with General
20 Shibiri because he is the one that we introduced to meet this person.

ADV CHASKALSON SC: You see, Sergeant, there is a second aspect of your story which does not add up as far as I am concerned. Because if we look at this photograph, this photograph is of someone, is of a picture taken by someone

who has access to an internal SAPS personnel computer. If you look at the picture, it is a SAPS screen. It has the service number of a SAPS officer. It has the home address of a SAPS officer. It has the SAPS email address of a SAPS officer. So whoever took the original picture that you photographed would have to have been someone with access to a SAPS computer. You accept that?

SERGEANT NKOSI: Yes, I do agree.

ADV CHASKALSON SC: So how would your informant
10 from Pakistan have ended up providing you with this picture?

SERGEANT NKOSI: Not my informant.

ADV CHASKALSON SC: General Shibiri's informant?

SERGEANT NKOSI: Yes. I would not know. That is the reason I raised it up with him.

MR NGOATO: Commissioner, Mr Chaskalson, we have not been provided with the chats or cell phone records of the informant to verify the dates on our records.

ADV CHASKALSON SC: I am sorry, my microphone is just
20 stopped. Can we just switch around here?

CHAIRPERSON: Perhaps we should adjourn. My co-commissioners' mics are also not working, just very briefly.

ADV CHASKALSON SC: This microphone does work.

CHAIRPERSON: Perhaps, please respond to that and then we will have to take a short adjournment.

ADV CHASKALSON SC: Yes. Mr Ngoato is correct. This informant chats with Sergeant Nkosi certainly are not in the bundle. They may or may not have been on the first memory stick. I did not realise they had any relevance whatsoever until this evidence was given. When this evidence was given, I went online, or not online, I went to our record, and went to see, one, whether this witness, the witness with a name that I remembered came from Pakistan and indeed the informant does, and two, when those chats
10 started. I am happy to download those chats and Mr Ngoato can re-examine on the basis of it. I did not realise the chats were going to be relevant until this evidence was given.

CHAIRPERSON: Please remind me again, Sergeant Nkosi is scheduled to testify until when?

ADV CHASKALSON SC: Until released. And then we will ...[intervenes].

CHAIRPERSON: No, I am asking in the context of we usually have two, three or four days. I am asking in that
20 sense, Mr Chaskalson.

ADV CHASKALSON SC: I am not sure what the arrangement was. We still have to get to a huge number of chats about the Tshwane Police Department which were provided to Sergeant Nkosi about three weeks ago.

CHAIRPERSON: Thank you. And ...[intervenes].

ADV CHASKALSON SC: And it will certainly be more than a day.

CHAIRPERSON: Okay, thank you. Mr Ngoato?

MR NGOATO: Chair, I have a serious problem with the response that Mr Chaskalson just indicated, and I am getting, you know, every day surprised with new information, new documents. And now he says to you there is still a lot of questions to come about Tshwane on documents that were provided to us three weeks ago. That
10 is not correct. The documents on Tshwane were only delivered on my office this Friday. And I did not make an issue about it. That forced me to then change my entire weekend to then accommodate it.

And now it comes to that these documents were given to us three weeks ago, which is not correct. They were delivered to my office just this Friday, and I made peace with it. Yesterday, new documents were now surprisingly brought up and I raised that issue. I was promised to get the documents during last time, which I did
20 not. They sent it to me 9 o'clock at night.

Now, just as we are continuing with it, new documents tried to slip in into my files this morning. And now there is suddenly another file of documents. This cannot be accepted. It cannot be that, you know, they were not aware that this matter would come up. But if they knew

and they planned their line of questioning in terms of this witness, they should have then provided us with the necessary information.

How do I then consult and guide this witness with information from time to time as we proceed? New documents have been raised. Documents have been delivered at night. How do we then continue to be able to assist if I do not have the necessary documentation? Thank you, Chair.

10 **CHAIRPERSON**: Thank you, Mr Ngoato.

ADV CHASKALSON SC: Chair, I do need to put something on record.

CHAIRPERSON: Just a minute. I will come to you just now. Yes, Mr Chaskalson?

ADV CHASKALSON SC: Chair, these documents, the Tshwane documents which Mr Ngoato now says he saw for the first time on Friday, the documents were provided electronically. I am about to get the exact date, but it is, to my memory, it was three weeks ago. I may be wrong on
20 three weeks, but it was certainly not Friday. I am going to get the exact date.

CHAIRPERSON: Were they part of the 1300 and something?

ADV CHASKALSON SC: No, the 1300 were back before February.

CHAIRPERSON: Yes.

ADV CHASKALSON SC: These were a supplementary batch that were given once we realised the relevance of the Tshwane documents. And when we did, we made them available electronically.

CHAIRPERSON: I wanted my co-commissioners to just check their mics. Are they still not working? Yes, sorry about that.

ADV CHASKALSON SC: They were made available then,
10 but we did not print out a hard copy bundle. What Mr Ngoato got was the paginated bundle on Friday. The documents forming part of the paginated bundle had been sent to him electronically weeks before Friday. So his complaint that he has not seen these documents before is factually incorrect.

If it is correct, it is because he chose not to look at the documents sent electronically. What he got on Friday was the paginated bundle. In relation to this ...[intervenes].

CHAIRPERSON: A pagination of what was given to him
20 electronically already?

ADV CHASKALSON SC: Indeed. The bundle was sent to him on 3 March. It is two weeks, it is not three weeks. Why I refer to this set of chats now is until the witness explained the photograph with reference to this informant, I had no inkling that what this informants, that the chats with the

informant were going to be of any relevance at all.

Now, what we choose to give to a respondent is in part governed by concerns of fairness and relevance. If I were to give – I mean, I am quite happy to give Mr Ngoato everything that we have downloaded from Sergeant Nkosi's phone. But that will be thousands and thousands of documents which he will not be able to work through in a systematic way.

So we exercise some sort of filtering process based
10 on what the witnesses said in the statement and what we believe to be relevant. This chat that we are talking about is relevant only to disprove the answer that the witness has just given now, which we could not possibly have anticipated. And I am not going to refer to the chat for any other purpose.

The fact that the informant comes from Pakistan is evident from one page of the chats. The starting date of the chats is evident from another page of the chats. I can give two pages to Mr Ngoato and he can have all of the relevant
20 information upon which I depend in relation to the chat between Sergeant Nkosi and this informant.

But unless Mr Ngoato wants us to give everything, and he has never asked for that, we have to exercise some sort of filtering principle, otherwise what we would dump on him would preoccupy him for weeks before he could be on

top of it. So that is what I wanted to place on record.

CHAIRPERSON: Thank you, Mr Chaskalson. Mr Ngoato, I think we must separate issues. When you first raised an issue, it related to the questions that Mr Chaskalson is putting to Sergeant Nkosi. But then you also raised another issue, and that is what I am saying should be separated from the issue relating to the questioning now.

That other issue is about the documents that you say were given to you only about a week or so ago. It
10 seems to me that that issue is different, but also there is the question that Mr Chaskalson puts before us, which is that those documents were actually given to you electronically quite some time back. I think he said three weeks ago ...[intervenes].

ADV CHASKALSON SC: Electronically. The electronic link to all of the documents in the bundle was given two weeks ago.

CHAIRPERSON: Two weeks ago, electronically. And that is only later that they were given to you in a paginated
20 form. So I am saying all of that should be treated differently to the questions being asked now. Let me start with the questions being asked now.

The questions being asked now, that issue to me is similar to what arose this morning, if you remember that related to, was it a bank statement? I think it was. And

how I resolved that was that that is an issue that arose because of answers given by Sergeant Nkosi. And it is those answers that took Mr Chaskalson to the documents that you had not heard sight of.

And there is no way that we would then gag Mr Chaskalson from going to documents that are relevant to answers given by the witness. And he had not shared those documents with you because, but for those responses, there was never an intention to use those documents. So it
10 seems to me that what is a reason now with regard to this questioning is similar to that and that it should be resolved in the same way, which is that you should be given.

In fairness, you should be given those documents, but that can never stop Mr Chaskalson putting the questions that he has been putting to the witness. And the witness has been able to respond. But the main issue aside of the responses that the witness has given, the main issue is that Mr Chaskalson is following that line based on responses that have been given by the witness.

20 And I think it is only fair that he should be allowed to ask those questions. And that is the same ruling that I took this morning with regards to the other issue that arose this morning.

Now, coming to the second issue, if you were given those documents electronically, the question that arises is

what did you do with them? You say you are seeing them for the first time now. So it means when they were given to you electronically, maybe you chose not to have a look at them all together because you would not be saying you are seeing them for the first time now if you had had a look, unless you are saying those were never even given to you electronically as Mr Chaskalson says they were.

So if they were given to you, it is not the same if they were given to you electronically two weeks ago, and
10 not only, did you say Friday last week? So the two are simply not the same? It looks like you want to respond.

MR NGOATO: I do, Commissioner.

CHAIRPERSON: Yes, yes.

MR NGOATO: I do. I will not raise an issue with you if I am not sure what I am talking about. The documents were never shared with us. On the 3rd of March is when I responded to the affidavit that the Commissioner requested that I should submit.

CHAIRPERSON: The new thing is sharing electronically.
20 So are you saying they were never shared electronically?

MR NGOATO: They were never shared with us at all. I printed everything that I received from them and over the weekend, I took an effort to make sure ...[intervenes].

CHAIRPERSON: Perhaps we should adjourn and let us see if there will not be proof of an exchange of emails, an

exchange which does show that the documents were indeed shared electronically.

MR NGOATO: But can I at least maybe finish?

CHAIRPERSON: Yes, yes, yes. Please finish, Mr Ngoato, yes.

MR NGOATO: And the reason I raised this issue is the continuing trend that every single time a line of questioning comes up, I allow the witness to finish answering it, but then becomes an issue of credibility at the end of the line of
10 question to say, no, you are actually lying or what you are saying is false. Because if we pull out the following documents, we will prove you wrong.

And this is what led to the bank statements as well yesterday. This is what also came about Natasha yesterday to say, well, you have you not paid up any money to Natasha. It is the same thing that also falls on today, Commissioner.

Now what I am raising now is that in as much as accommodative as I want to be, it is getting too much that
20 as we continue with the process, new documents are revealed and revealed. This morning I indicated to you, it was not just a bank statement. It was also written statements and again it was a manner in which it was trying to sneak into my file, giving somebody who is not even a member of the law firm to go and edit my files. And now I

am continuing with this type of a situation ...[intervenes].

CHAIRPERSON: Was it was it really sneaking in? Let me tell you what happens to our files all the time, our files as Commissioners. Because sneaking has negative connotations. What sometimes happens with our files is that the attorneys will come and will insert documents with us being aware, sometimes not, but that then gets brought to our attention.

Was it not something similar where perhaps the
10 attorneys perhaps not putting in additional documents to your files? I know for example that I think it was this morning as well, this morning as well with our files additional documents were inserted into our files. Is that not what was happening with your and your witnesses files or your client's files, or perhaps your client's files?

MR NGOATO: The ...[intervenes].

CHAIRPERSON: Just to see whether it was indeed sneaking in, as you put it.

MR NGOATO: The decency and the collegiality will require
20 you come to me as an attorney of record. These are the additional records that we want to have. You do not go to my files without my knowledge and want to put it in there. If I am going to raise to say ...[indistinct] this what is in your file, then it looks like I am failing in terms of my functions.

And I also do not accept the comment to say had I been given that these documents, I will not have had time to go through it. The same complaint I raised with you, Commissioner, right from the beginning. If you give me 4000 pages, I am going to have to go through those 4000 pages. Do not tell me I am only going to focus on 100. I am dutybound once you give me 4000 pages to go through all of them so I do not have surprises.

And this is what I kept on complaining from the
10 beginning. Now, the issue that I am simply raising right now was to say, I have allowed the questions to go, but it was the statement that was issued or that was made to the witness at the end, that what we are saying is false because you have been communicating with this witness for the last 14 months, and this is based on the cell phone records, which I do not have.

The witness could not have been in a position to answer that question because he has not been given the records. And if they wanted to make such a narrative, they
20 should, in fairness, give the witness such a record first.

CHAIRPERSON: In practical terms then, Mr Ngoato, how do you suggest this should be resolved, that is with regard to your access to documents? If you recall, let me again refer, I have been referring to the 4000 pages from yesterday already, but let me focus on that again for

purposes of seeing how best this could be resolved in practical terms.

You were given the 4000 pages. And as part of your application for a postponement when we first started, you referred exactly to the fact that you had been furnished with 4000 pages of documents. But Mr Chaskalson said of those, he was going to use only 1300 and something pages.

Now, if you had not only been given the 4000, but the indication was also that all 4000 pages would indeed be
10 used, we would probably have started much, much later than we actually did. So what Mr Chaskalson is saying is that they often use their own discretion with regard to what they consider to be relevant.

I assume that that will be based on what the witness has said in their statement and also on what other additional documents, in addition to the statement, the witness will have provided the evidence leaders, and also whatever it is the evidence leaders themselves consider to be relevant.

20 But that does not mean that that will be all that they will be having in their possession. They may be having a lot more. It does not make practical sense for them to then dump everything that they have on the attorney or the client where the client is not represented.

It is for practical reasons and also to expedite

proceedings that they will choose what in their judgment they consider to be relevant. But proceedings being what they are, it may sometimes arise that other documents suddenly become relevant. In that case, fairness does dictate, and as you have correctly pointed out, that the documents should then be shared if and when that arises.

So it is in that context that I am asking you, practically, how do you suggest this should be resolved? Are you saying everything should be dumped on you? If
10 not, how should this be resolved in practical terms?

MR NGOATO: Chair, dumping will not be the solution.

CHAIRPERSON: Yes.

MR NGOATO: Simply what I am required is that if you are to refer to a particular document and you are aware that you have not shared that document, just give me a heads-up to say this document I have not shared with you, and share the document with us. But to continue, and I continuously have to raise this aspect.

CHAIRPERSON: Yes.

20 **MR NGOATO**: I was very clear when I met with them yesterday. I went back to them and say I have noted that we have shared the following bank statements, but in your analysis you included extra years which you have not included in your bundle. Would you be so kind to provide us with that? And they said we made a mistake. I expect

the same collegiality from them, but I do not appreciate and it cannot be fair that my client is being ambushed on documents that he had never had sight of and he is being told you are not telling the truth, because this goes into his credibility in terms of answering.

He said from the beginning I cannot remember the dates, but I can give you a context in which I obtained that issue. The end of that aspect then becomes you are not telling the truth because in our records, which records we
10 do not have. How do we argue against that because we do not have the records?

CHAIRPERSON: I agree with you 100% on the point you make with regard to documents that the evidence leaders can practically give you a heads-up, but they do not do so. So I agree with you 100% on that, but I will get Mr Chaskalson to respond on that. That is with regard to whether they have indeed not given you a heads-up where it was practical for them to do so.

But I assume that you are not – in making that
20 point, I assume that you are not referring to situations like the one that arose this morning and the one that has just arisen now, both of which arose from responses given by the witness in testimony, which then led to the evidence leaders making a follow-up and discovering that there are documents that relate to the answers that the witness has

given. So there is a difference between the two. Mr Chaskalson?

ADV CHASKALSON SC: Chair, the situation is in fact, well, different. On the 22nd of January, we gave Mr Ngoato a memory stick with every chat we have, every single chat, including the chats that I have referred to today and hundreds of other chats. He has had every single chat we have since the 22nd of January.

If he looks at that memory stick, he will find the
10 chat with this informant. He needs to look for it by name. He will find also the chats with General Mkhwanazi. He has had all of these documents. We did not believe they were going to be relevant until the witness presented certain answers.

The answers of the witness rendered these chats relevant and therefore, we referred to them. The bundle was prepared on the basis of what we intended to canvas in cross-examination. Everything in the bundle was made available to Mr Ngoato two weeks ago. The paginated hard
20 copy versions of the bundle were only made available to him on the Friday. That is the situation. There is no prejudice to him.

A witness cannot be entitled to testify with impunity in relation to documents which his attorney has and which I have, but which are not in the bundle. Because until the

witness testified down a particular line, we did not anticipate the documents were going to be relevant.

I am happy to leave this topic overnight and come back to it tomorrow morning if Mr Ngoato needs to consult his own memory stick and look for the chat of the individual. If he wants us to print it out for him after proceedings, we can do that. But this complaint of prejudice is with respect completely unfounded.

CHAIRPERSON: May we, unrelated to this, take a comfort
10 break? But perhaps, like we did this morning, my direction would be for the questioning to continue. If after Mr Ngoato has had a look at this, purely on the basis that this arises from the witnesses' responses, and I do not think we should stop the cross-examination. If Mr Ngoato picks up something when he does have sight of the documents, then Mr Ngoato may raise a point or points that he may be minded to raise at that stage. That of course will also, that is the documents may also assist with the re-examination.

But the stop, start, stop, start with the cross-
20 examination is affecting progress negatively. So I rule that the cross-examination should continue, but let us take the short, short adjournment.

INQUIRY ADJOURN

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Sergeant, going back to this photograph on page 797, you will accept it is a photograph of the SAPS computer with personnel information?

SERGEANT NKOSI: 799?

ADV CHASKALSON SC: 797 or 799, it is two photographs that you received. They are the same, essentially the same image.

SERGEANT NKOSI: Yes, I accept.

ADV CHASKALSON SC: So, did you ask your informant
10 how he had access to a SAPS personnel computer?

SERGEANT NKOSI: Yes, I did.

ADV CHASKALSON SC: And what did he say?

SERGEANT NKOSI: He said he also knows people. He knows people.

ADV CHASKALSON SC: He knows people inside SAPS who are going to leak SAPS personnel details?

SERGEANT NKOSI: He knows people, yes.

ADV CHASKALSON SC: Well, he would have to know people inside SAPS who are leaking SAPS personnel details
20 because this is a personnel screen that is being ...[intervenes].

SERGEANT NKOSI: I agree.

ADV CHASKALSON SC: And did you ask him who inside SAPS was leaking personnel screens?

SERGEANT NKOSI: Yes, I did ask.

ADV CHASKALSON SC: And what did he say?

SERGEANT NKOSI: He just laughed, he refused to tell me.

ADV CHASKALSON SC: So, your informant, according to you, according to what he said to you, was essentially in possession of information from SAPS, which he should not be in possession of. Is that correct?

SERGEANT NKOSI: Not my informant, but the informant.

ADV CHASKALSON SC: The informant who had been
10 referred to you by General Shibiri, you say?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And that informant is in possession of information that he should not be in possession of?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Did you take any steps to find out who was giving the information to him?

SERGEANT NKOSI: Yes, I did.

ADV CHASKALSON SC: What steps did you take?

20 **SERGEANT NKOSI:** I informed the matter to General Shibiri.

ADV CHASKALSON SC: Did you take any steps against this informant?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: Why not? I mean, it is one thing

to have someone who is spying on criminals, it is another to have someone who is spying on the SAPS itself.

SERGEANT NKOSI: Because I referred the matter back to General Shibiri, because of who was the one who referred this informant to me, I was expecting such to be done by him, because he said to me he would make a follow-up.

ADV CHASKALSON SC: Did it not strike you as rather odd that this informant who wanted to give you an address chose not to write the address down, take you to the place,
10 tell you what the address was, but instead to provide you with a screen of a SAPS personnel system?

SERGEANT NKOSI: I am not sure if I understand the question.

ADV CHASKALSON SC: Well, the purpose of this exchange of information, as I understand it, was for the informant to give you an address where the informant said he had heard kidnappers were holding people against their will. Is that not correct?

SERGEANT NKOSI: That is correct.

20 **ADV CHASKALSON SC:** He wanted to communicate an address. And how he chose to communicate this address, on your version, is by providing you with a SAPS personnel screen, giving the address details of a SAPS officer. That is how you say he did it.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Did you not ask him why he just did not give you the address, write it down on a piece of paper?

SERGEANT NKOSI: No, that time I did not.

ADV CHASKALSON SC: You see, Sergeant, what I want to put to you is that this story is just simply false. And earlier on in your testimony you suggested that you had no reason to obtain this address other than the reason given to you by the informant. Do you recall that? You said something
10 along those lines. I did not record your words exactly, but you were suggesting that you had no incentive or no reason to get this address beyond what the informant had told you about what was happening at this address.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: You agree? Well, did you have a reason to want to know about this address beyond what the informant had told you?

SERGEANT NKOSI: I had no reason because of I ...[intervenes].

20 **ADV CHASKALSON SC:** You see, I want to put it to you that that is false too, because this address, as you well know, is the address of an officer, the home address of an officer, who was investigating Mr Matlala and Mr Molefe. Do you deny that you knew that?

SERGEANT NKOSI: At that time, I did not know. I only

knew that when this information was provided to me by the Commission. But at that time, I did not know, nor make a follow-up on it.

ADV CHASKALSON SC: When was this information provided to you by the Commission? I do not want you to mention any names, but when did you learn from the Commission that this officer was investigating Mr Molefe and Mr Matlala?

SERGEANT NKOSI: I cannot remember.

10 **ADV CHASKALSON SC:** And your evidence is that the only person you gave this address to was General Shibiri?

SERGEANT NKOSI: That is correct, according to my knowledge.

ADV CHASKALSON SC: Nobody else?

SERGEANT NKOSI: I assume, yes.

ADV CHASKALSON SC: No, I am asking that you gave this address to. Did you give this address to anybody else?

SERGEANT NKOSI: Not that I can remember of.

ADV CHASKALSON SC: How did you give this address to
20 General Shibiri?

SERGEANT NKOSI: I went and consulted with him at his office.

ADV CHASKALSON SC: And what did you say to General Shibiri?

SERGEANT NKOSI: I said to General Shibiri, this is what

the informant has shown to me.

ADV CHASKALSON SC: And did you write anything down for General Shibiri? Or did you just have an oral conversation with him?

SERGEANT NKOSI: I did not write anything down.

ADV CHASKALSON SC: Did you WhatsApp this picture to General Shibiri?

SERGEANT NKOSI: I must have. I cannot remember. But usually what I do, when I talk, I also send it.

10 **ADV CHASKALSON SC:** Sorry?

SERGEANT NKOSI: When I hear something or I see something, I also send it to him.

ADV CHASKALSON SC: You see, we have looked through your phones and that certainly is your usual practice. But in relation to this address, it was not your practice. This address does not appear on any WhatsApp. Why is that?

SERGEANT NKOSI: Can you repeat again?

ADV CHASKALSON SC: This address was not WhatsApp'd to anybody. It does not appear on any WhatsApp chat in
20 your phone. It is saved on your phone. It is a picture taken by your phone, but it is not linked to any WhatsApp.

SERGEANT NKOSI: This picture, General Shibiri is aware about this one. I have sent him. I might not be sure, but I went and discussed with him personally. And I might have sent it to him.

ADV CHASKALSON SC: Well, you did not send it to him by WhatsApp. Do you use other platforms to communicate with General Shibiri?

SERGEANT NKOSI: We use WhatsApp. We use calls.

ADV CHASKALSON SC: Because it is not on your WhatsApps between you and General Shibiri. It is not there.

SERGEANT NKOSI: I stand by my statement. I did.

ADV CHASKALSON SC: You say your original statement
10 was you might have WhatsApp'd it to him. Is it now that you definitely did WhatsApp it to him?

SERGEANT NKOSI: You are putting words into my mouth.

ADV CHASKALSON SC: No, no. I am not. I am trying to clarify. Is your evidence now that you did WhatsApp it to General Shibiri or just that you might have?

SERGEANT NKOSI: I might have.

ADV CHASKALSON SC: In response to that, I put it to you that even though you think you might have, as a matter of fact, you did not because there is no trace of this picture in
20 any of your WhatsApps to General Shibiri. What is your response to that?

SERGEANT NKOSI: I have got no reason to lie about what I did with my phone and whom did I do it with or to.

ADV CHASKALSON SC: You see, Sergeant, my concern is that you may have a reason to lie. And what that reason

may be is that there are several people who were not happy with what this officer of the SAPS was doing in his investigations. Those investigations extended to Mr Matlala, Mr Molefe, and other people alleged to be involved in criminal activities with Mr Matlala and Mr Molefe. And those people would not like what that investigating officer was doing. And if you were leaking information to those people, you would have a huge incentive to lie about what you were doing. What is your response to that?

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

ADV BALOYI SC: Sorry, Mr Chaskosan. Sergeant, you say, why did you send this to General Shibiri?

SERGEANT NKOSI: Commissioner, to inform him about what his informant showed me.

ADV BALOYI SC: Yes. Why? Why are you sending him this to show him what his informant has sent to you?

SERGEANT NKOSI: I wanted him to make a follow-up. As in, where did the informant find that particular information?

ADV BALOYI SC: But you did ask the informant, and you
20 say the informant told you. According to your evidence, the informant told you that he has got his own people in the SAPS.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So what was there for General Shibiri to follow up?

SERGEANT NKOSI: Because the informant refused to tell me about the particulars of those people who were giving him information. That is the reason I was referring the matter to General Shibiri, with the mind that the informant might have maybe a better comfort with him to tell him who are those people who gave him such.

ADV BALOYI SC: And when this information, when the informant, as you say, gave you this information, it was to what end? What did he say this is and what you are
10 supposed to do with it?

SERGEANT NKOSI: As according to me, it was with the follow-ups of those addresses that the informant alleged that there are people who are kept against their will.

ADV BALOYI SC: And what did you do with that information that he gives you, to follow up this particular one? What did you do about it?

SERGEANT NKOSI: I gave it to General Shibiri.

ADV BALOYI SC: No, apart from – he gave – the informant gave it to you, you say, for a specific purpose, to
20 tell you this is a place where kidnapped people are kept.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: That is how I understood your evidence.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: I am asking, what did you do with that information? The information that this is where kidnapped

people are kept, what did you do about it, if anything? You now have an address, you have a name, which was why you were speaking to this informant, so that he can give you information that you can follow up on. I am asking, what did you do with that information once you know, or once you are told that this is where people are kept?

SERGEANT NKOSI: I went back to General Shibiri to report back, because he was the one who tasked me that the places or the addresses, they do not show that there
10 are any persons who reside there. What would be the best is to deploy the Intelligence to survey the place. So in a manner, I was telling General Shibiri on what is expected to be done on those addresses. So I gave feedback to him.

ADV BALOYI SC: Who said the best thing is to get Intelligence to look at it? Is it General Shibiri, is it the informant?

SERGEANT NKOSI: No, that is me now.

ADV BALOYI SC: So you went to this address?

SERGEANT NKOSI: That is correct.

20 **ADV BALOYI SC**: You did?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So there must be a record in your books that shows that you executed this, I call it an operation for lack of a better word, that you did follow up on this?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: And we will find a record of you having followed up on this.

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: And then you report back to General Shibiri. What do you report back to General Shibiri? What do you say to him about that operation?

SERGEANT NKOSI: I said those addresses compared to that one of Limpopo, they look quite the same. Nobody had been staying there for quite some time. We need
10 observation to have a successful operation. It had to be in it.

ADV BALOYI SC: Okay. You did not raise any issue when you received this from General Shibiri's informant? You did not raise any issue with him before you visited this address? You did not raise an issue with him to say it looks like one of our guys is involved in this kidnapping, keeping of kidnapped people?

SERGEANT NKOSI: Remember now, Commissioner, I got this after I went to the address. So this I got it after. That
20 is when I went to General Shibiri. I said hey, this informant showed me this. So he must make a follow up that how did he get it.

ADV BALOYI SC: So when you went to this place that you say you went to, how had you obtained the address of the place? What did the informant give you?

SERGEANT NKOSI: The informant showed me the place.

ADV BALOYI SC: Physically took you to see the place?

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: Okay?

SERGEANT NKOSI: And then he took me to another place. So wherever I went, I would take a photo, pin drop to General Shibiri. Then after that informant, I think maybe according to me, he was making follow-up. He was doing his own investigation. That is when he sent me this.

10 **ADV BALOYI SC:** But then you already had this address?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: By the time he sent you this?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So you did not need him to send you this? Because you went to the place, you had the address, you say you take pictures of it, so we will assume that you did take pictures of this address.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So you did not need this from him? This
20 picture that we are looking at?

SERGEANT NKOSI: Yes, I did not need it.

ADV BALOYI SC: You did not need it if it came from him?

SERGEANT NKOSI: Yes, he provided it to me. So for me it was advantageous. That means we are getting more information on the addresses that we visited.

ADV BALOYI SC: Yes. Did he say to you why after you had been to the address physically with him, why he is now sharing a screenshot like this with you? I mean you do have the details, you have the physical address. Does he explain why he is sending it to you?

SERGEANT NKOSI: He did not.

ADV BALOYI SC: And you did not ask?

SERGEANT NKOSI: I only asked, I want to be honest. I only asked how did he obtain such, but I did not ask why he
10 is making a follow-up about that.

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

ADV CHASKALSON SC: Can I take you to page 443, which I think is probably in File 2? And you will see on page 443, this is the chat between yourself and General Shibiri.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: On the 12th of February 2024, there are a series of photographs of a property which was in Jane Furse in Limpopo.

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

ADV CHASKALSON SC: Is this the property that the informant pointed out to you on the first occasion?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: There are two observations that I want to make in this regard. The first is that the date is

February 2024. And if we compare the date of the photograph at what you say was the second meeting with the informant, that date is June 2025. So it is 16 months later. Do you accept that? 16. It is the next year. So the properties on page 798, and they record that this picture was taken on the 13th of June 2025. How do you explain that?

SERGEANT NKOSI: It might have been an error on my side because I did not have in my possession the
10 communication between myself and the informant, but I do stick by my statement that the address I went there with the informant, and this was my first address that I went with, and then followed by another one. It might have maybe a human error due to that I do not have the necessary document before me.

ADV KHUMALO SC: But you accept that it was not two weeks apart, it was 14 months apart?

SERGEANT NKOSI: Yes, I accept, Commissioners.

ADV CHASKALSON SC: The second issue I would put to
20 you is that these photographs are in fact sent from General Shibiri to you, not the other way around. You see they are sent by General Shibiri to you. What is your response to that?

SERGEANT NKOSI: It is false information that is in these pictures.

ADV CHASKALSON SC: What is the false information?

SERGEANT NKOSI: I am the one who sent these pictures to General Shibiri, this one of Limpopo, because I am the one who went there. I was with another colleague of mine. So now I am amazed why this album saying General Shibiri sent it to me. Now it makes me suspicious that if this album can say, or the photograph can say General Shibiri sent these photos to me, there are possibilities that other things that I might have sent, they were not sent by me, they were
10 sent by the same person who downloaded these pictures and made them vice versa.

ADV CHASKALSON SC: You see the chats are consistent with the fact that you went there, just not that you sent the pictures to General Shibiri. Because if you look at the bottom of page 444, after he sends you these pictures, he says the property is 200 metres from the tar road, which is main road R579 of the town. So he is essentially giving you directions to the property. He is anticipating that you will go to the property, but he is the one sending you the
20 pictures. You see that?

SERGEANT NKOSI: I see that.

ADV CHASKALSON SC: I do not have any further questions at this stage. Chair, we have run past four. Sergeant, do you want to amplify the answer?

SERGEANT NKOSI: Yes. I think there is a problem with

the person who downloaded this album. Even in future it is going to be a problem, because I know I am the one who went there. The vehicle that I used had an AVL, and I had a witness with that effect that indeed I was there. I even made calls when I was getting lost that this road is a bit skew or kooky. So I still confirm that General Shibiri did not send this to me. I am the one who sent it.

The AVL of the vehicle can put me on the scene. Even my phone, the tower or the dumping can put me on the
10 scene, that I am the one who went there. I am the one who was giving him feedback. That is the reason I told the Commission from the first that when I arrive, I took the picture and sent the location.

Even the person that I was with can come and testify with that effect. That means the problem here might be the downloader of this phone.

ADV CHASKALSON SC: You see, Sergeant, the fact that you were there is not in dispute. General Shibiri's text makes clear that you are going to be there. He is giving
20 you directions. He says the property is 200 metres from the tar road, which is the main road R579 of the town. So the AVL is not going to help us. We accept that you were there. I am just putting to you that these pictures of the location were actually sent from General Shibiri to you and not the other way around.

SERGEANT NKOSI: These pictures are false. As much as the AVL will not help us, even these pictures will not help us because they are false. I am the one, whether I was there or you believe it, but I am the one who sent him the pictures.

ADV CHASKALSON SC: Well, I have to take issue with that answer. The chats reflect that the pictures were sent to you, not by you. I do not propose to take this further at this stage.

10 **ADV BALOYI SC:** Sergeant, maybe just with the hope of getting some clarity, if you look at page 442.

SERGEANT NKOSI: Page?

ADV BALOYI SC: 442. Just one page back. You see there is chat number 4, and it indicates to come from General Shibiri.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: Do you accept that comes from General Shibiri to you?

SERGEANT NKOSI: Yes.

20 **ADV BALOYI SC:** You do?

SERGEANT NKOSI: I accept.

ADV BALOYI SC: Okay. So he gave you, General Shibiri WhatsApp'd you the address in Jane Furse Limpopo, and he says, he gives you a name, a foreign national, he is renting property, he lives there and also keeps his cigarette stock

on the premises. You accept that is the details that came to you from General Shibiri?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: Okay, thank you. Thank you, Chair.

CHAIRPERSON: Thank you. Let us adjourn and resume at 09:30 tomorrow.

INQUIRY POSTPONED TO 18 MARCH 2026

INQUIRY ADJOURNS

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