

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

19 MARCH 2026

DAY 81



PROCEEDINGS ON 19 MARCH 2026

CHAIRPERSON: Good morning, Mr Chaskalson.

ADV CHASKALSON SC: Morning, Chair.

CHAIRPERSON: Good morning. You will correct me if I am wrong, Mr Malika. Oh, please correct me.

MR MALIKA: Morning, Chairperson.

CHAIRPERSON: Good morning. Good morning, Sergeant.

SERGEANT NKOSI: Good morning, good morning, Commissioners.

10 **CHAIRPERSON:** Sergeant Nkosi, yes. I was told there would be Ms Khethiwe Marais. Oh, oh, I am sorry. Good morning, good morning, Ms Marais.

INTERPRETER: Good morning.

CHAIRPERSON: I understand you have been sworn in to interpret. Thank you.

INTERPRETER: Yes, I am.

CHAIRPERSON: Sergeant Nkosi, I do not know, maybe when a difficult question or a question you do not understand, perhaps you should nod or give some signal to
20 Ms Marais for her to interpret. I am just thinking it will be a waste of time if, for example, Ms Marais were to interpret to you, was it a Thursday or a Monday, and that is interpreted will unnecessarily waste time. Am I making sense, or will that not work for you?

SERGEANT NKOSI: Can you repeat that, Commissioner?

CHAIRPERSON: I am saying I do understand that yesterday you asked that you should be assisted by an interpreter. Now, what I am saying is there will be some questions that are easy to understand or to follow, and I am giving the example of a question that says, was it a Monday or a Thursday, surely you understand that.

SERGEANT NKOSI: That is correct.

CHAIRPERSON: And you should just say it was a Thursday, it was a Monday, or I do not remember. Do you
10 see what I mean?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: And then you can just find a way or decide on a way to signal to Ms Marais that, now I do not understand that one, and then Ms Marais will interpret that.

SERGEANT NKOSI: That is correct. It is fine.

CHAIRPERSON: Will that work for you?

SERGEANT NKOSI: Definitely, Commissioners.

CHAIRPERSON: Oh, just a minute. Do you want perhaps to indicate whatever signal you will be using so that Ms
20 Marais will be on the alert and once you do that she will then interpret for you?

SERGEANT NKOSI: I will indicate with my eyes.

CHAIRPERSON: With your eyes?

SERGEANT NKOSI: Yes.

CHAIRPERSON: Okay. Okay. Mr Chaskalson, perhaps

before we start, there is the ruling in the Witness G matter that has already gone out, it is already in the public domain, but I never made a public announcement on this forum. Perhaps let me just say to the public and for the record that the ruling is now out there, it has been published on the usual media platforms and it has also been put up on the Commission's website. So anybody who is interested in it will see it on those platforms. Thank you. You may start, Mr Chaskalson.

10 **ADV CHASKALSON SC**: Thank you, Chair. Before I start, I should just record a conversation I had with Mr Ngoato this morning. He is unavailable and Mr Maleka is stepping in for him, but Mr Maleka is not as familiar with the documents that we are traversing today as Mr Ngoato was.

So I have undertaken to Mr Ngoato that where I ask questions where I think that there is a risk that the answer may be self-incriminatory, then I will flag the question at the time so Sergeant Nkosi can decide whether he wants to answer it or to assert a privilege against self-incrimination,
20 because I think in the circumstances, or certainly my view was that in the circumstances that was the way that would be proper to proceed because, just in fairness to Sergeant Nkosi.

CHAIRPERSON: I seem to recall, I forget which witness it was that you drew to that witness's attention the fact that

whatever a witness says that may incriminate the witness, will not be used in the criminal proceedings against that witness.

ADV CHASKALSON SC: Yes, Chair. I mean, there are two separate protections.

CHAIRPERSON: Yes.

ADV CHASKALSON SC: The one is that nothing that Sergeant Nkosi says in these proceedings can ever be used in a criminal trial against him.

10 **CHAIRPERSON:** Yes, yes.

ADV CHASKALSON SC: But over and above that, he also has a privilege against self-incrimination.

CHAIRPERSON: Okay.

ADV CHASKALSON SC: So if he does not want to answer a question because the answer may incriminate himself, he is not obliged to.

CHAIRPERSON: Okay. All right.

ADV CHASKALSON SC: He can choose to and then his answer is not admissible in any criminal proceedings. But I
20 just thought that it was important in the absence of Mr Ngoato to flag the questions that I think are potentially incriminatory.

CHAIRPERSON: All right, all right. All right, thank you. Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Sorry Sergeant, just to clarify

that, where I indicate that the answer to a question may be incriminatory, if you choose to answer it, whatever you say cannot be used against you in a criminal trial. But if you believe that your answer may incriminate you, you are also entitled to say I do not, I elect not to answer that question because I have a privilege against self-incrimination.

CHAIRPERSON: Just a minute. Mr Chaskalson, we have just discussed and agreed, but you may also, you and Mr Maleka may also have a say on this if you want to. We are
10 taking the view that this protection does not extend to issues relating to disciplinary matters but do not translate to the criminal process and criminal proceedings.

ADV CHASKALSON SC: I share that view and I think in fairness to Sergeant Nkosi we should make that clear as well.

CHAIRPERSON: Yes.

ADV CHASKALSON SC: So Sergeant, when I said that nothing you say here can be used against you in a criminal trial, that does not extend to other proceedings like
20 disciplinary proceedings. So answers here may be capable of being used in disciplinary proceedings. You do also have a privilege against self-incrimination, so you can choose to say I do not want to answer that question because the answer may incriminate me.

CHAIRPERSON: Mr Maleka, your take or your view on

this?

MR MALEKA: That is fine, Your Worship.

CHAIRPERSON: Oh, you agree. Thank you. Rather Chair than Your Worship. Thank you. Yes, Mr Chaskalson.

ADV CHASKALSON SC: And Chair, just in view of the practice of telling people which files we are going to go to, today is going to be the last three files. So most of today will be the last three files.

ADV BALOYI SC: We have file 2, plain file 2, it not being
10 2 of. Is that what you are saying?

ADV CHASKALSON SC: There ought to be an additionally paginated - are they in two files, not in three?

CHAIRPERSON: It is three, but I am still going to get the third one. It is the 1, 2, 3 without the of, of, of.

ADV CHASKALSON SC: Indeed.

CHAIRPERSON: We are ready, Mr Chaskalson.

ADV CHASKALSON SC: Thank you, Chair. Sergeant, we are going to spend most of today talking about Tshwane, and it is going to involve a new set of actors, as it were,
20 that the Commission does not know about. So I thought the best way to start was to identify the people who I am going to be asking you questions about so that the Commission understands who they are, what roles they occupy, and the like. So the first person is Mr Mnisi, and can you confirm that he is the CFO of Tshwane?

SERGEANT NKOSI: Yes, I confirm.

ADV CHASKALSON SC: And that he is recorded in your WhatsApp's as CFO Mpumalanga.

SERGEANT NKOSI: I confirm.

ADV CHASKALSON SC: And that he chaired the BAC in respect of tender 1/24-25, which was the security tender in relation to land invasions and land protection that was ultimately awarded to your brother's company, among others.

10 **SERGEANT NKOSI:** I can confirm that.

ADV CHASKALSON SC: Then the second person who we may mention is Mr Modise, who is sometimes referred to as Bonzo Modise. Was he the Deputy Mayor of Tshwane over this period?

SERGEANT NKOSI: He is still a Deputy Mayor.

ADV CHASKALSON SC: The third person is, is it General Dlamini, who is the Deputy of the Tshwane Municipal Police, Deputy Head of the Tshwane Municipal Police Department?

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

ADV CHASKALSON SC: And he is listed in your chats as General Dlamini undercover, is that correct?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And you often refer to him just as General.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: As does Mr Mnisi.

SERGEANT NKOSI: Can you repeat that?

ADV CHASKALSON SC: And Mr Mnisi also refers to him as General, so when Mr Mnisi says in the chats General, he is referring to General Dlamini.

SERGEANT NKOSI: That is correct.

ADV KHUMALO SC: Is General the name or the ...[intervenes].

10 **ADV CHASKALSON SC:** The rank, I would imagine. Sorry, Sergeant, I presume General is not his first name, it is his rank.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Then we ...[intervenes].

SERGEANT NKOSI: Before, sorry, before you proceed, I refer him as General, but he is a Deputy Chief. I do not know, their ranks they are different than with us.

ADV CHASKALSON SC: I see. So it may not be his, his officially designated rank, he is the Deputy Chief.

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

ADV CHASKALSON SC: Then there is a Mpho Lekukela, and he is recorded in your chats as Luka Nico. Is that correct?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: There is ...[intervenes].

CHAIRPERSON: And what is the position of ...[intervenes].

ADV CHASKALSON SC: Can you tell the chair what position Mr Lekukela holds?

SERGEANT NKOSI: I do not know currently what he holds, but he is working in Rustenburg in administration office there in Rustenburg.

ADV CHASKALSON SC: And at the time, was he employed by the Tshwane municipality in late 2024, early 2025? Had he moved to Rustenburg yet?

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

ADV CHASKALSON SC: No, had he already moved to Rustenburg by late 2024?

SERGEANT NKOSI: Yes, he had moved.

ADV CHASKALSON SC: Had he previously been employed by the Tshwane Municipality?

SERGEANT NKOSI: Yes.

CHAIRPERSON: And what position did he hold then, that is before he moved to Rustenburg?

SERGEANT NKOSI: I think he was still a senior admin.

20 **ADV CHASKALSON SC:** And if I remember yesterday, you mentioned that there was some tension between him and the CFO, and that you had tried to broke a peace between them.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Then there is someone recorded

in your chats as MMC Vivian Morodi. Is she a member of the Municipal Council of Tshwane?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Representing which party?

SERGEANT NKOSI: Action SA.

ADV CHASKALSON SC: Then the chats refer to Victor.

Would that be Victor Kgopa?

SERGEANT NKOSI: I do not know him.

ADV CHASKALSON SC: Do you know who Victor is when
10 the chats refer to Victor?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: There is also reference in the chats to Cain. Would that be Cain Mpofu, who is the Divisional Head of Supply Chain Management in Tshwane?

SERGEANT NKOSI: I do not know him.

ADV KHUMALO SC: Is it C-A-I-N?

ADV CHASKALSON SC: C-A-I-N.

ADV KHUMALO SC: Surname?

ADV CHASKALSON SC: Mpofu. And the chats also refer
20 to Nico and my question to you is, is that a reference to Mr Lekukela or to Nico Mathobela?

SERGEANT NKOSI: I would not know.

ADV CHASKALSON SC: Okay. When we come to, I may ask you when we come to specific chats that refer to Cain or Victor or Nico, whether you, whether when you see the

chat you remember who it is referring to. But obviously if you do not, you know, if you do not know, you do not know. So where I want to start is with your relationship with Mr Mnisi, and I am going to take you through your chats with Mr Mnisi, and remember that the times on these chats are set according to Greenwich Mean Time, so you need to add two hours to any time to understand what the South African time was at the time.

And the first chat that I want to take you to is on
10 page 29 of file 1, and there is a picture of Mr Mnisi at a shooting range. And did you take Mr Mnisi shooting on that day?

SERGEANT NKOSI: I confirm.

ADV CHASKALSON SC: And was that his first time ever shooting?

SERGEANT NKOSI: On the indoors, yes.

ADV CHASKALSON SC: And if we go down to page 30, you will see in the chat at, the time says 12:17, that would be in fact 14:17, it said:

20 "You did well on the range, my man."

And he said:

"Not too bad for the first time, my bro."

You recall that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And I presume he really enjoyed

himself on this shooting range experience.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Then on the, if you go down to page 42, you see at the foot of the page 42 and then going on to 43, you send him a series of pictures of, it is these three wheelers, like the three wheeler that you bought for Mr Msibi and Mr Mthakathi and you, those pictures continue all the way down to page 48, and you sent them to him on the 15th of November. Do you recall that?

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

ADV CHASKALSON SC: Why were you sending them to him?

SERGEANT NKOSI: I have sent these pictures to him because we share the same interest of biking.

ADV CHASKALSON SC: I see. Can I ask, when did Mr Mnisi come to Tshwane? When did he become the CFO?

SERGEANT NKOSI: I cannot be sure. Between maybe 2023 or 2022, I am not sure.

ADV CHASKALSON SC: Between 2023 or 2022. You say
20 you both share an interest in biking. I see that he then, at the foot of page 48, sends you back a picture of a bike that is more cut out for speed than for, than the three wheelers. And then he says, lower down on page 49, at, the time on the chat it says 1:27, that is 3:27:

“Definitely, my bro, I like the speed.”

Do you recall that exchange?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Then, on the 22nd of November, if you go to page 52, foot of 51, top of 52.

SERGEANT NKOSI: Page 52?

ADV CHASKALSON SC: Yes, 52. It starts just at the bottom of the preceding page. There is a picture of a letter sent to Tshwane by the Hawks, asking for information in relation to certain investigations. Do you recall this letter?

10 **SERGEANT NKOSI:** That is correct, I recall.

ADV CHASKALSON SC: And Mr Mnisi asked, from what I infer from the chats, is that Mr Mnisi asked you for advice in relation to how he should be dealing with the Hawks. Is that correct?

SERGEANT NKOSI: That is correct.

20 **ADV CHASKALSON SC:** And if we go down to page 65, we see on page 65 that he in fact sent you a draft of the letter that he proposed to write back to the Hawks and he asked you to read it and to confirm that it was in order. Is that correct?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And you responded to him:

“Send. We just saw it now. I am with Zungu.”

So, in fact, you were speaking to Warrant Officer

Zungu, who is in the Hawks, to get his advice also on how it would be appropriate to respond to this letter from the Hawks. Is that correct?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Then on the 7th of December, if we go down to page 78, we see that you sent Mr Mnisi a copy of the warrant of arrest for Mr Khawula. Do you see that?

SERGEANT NKOSI: That is correct.

10 **ADV CHASKALSON SC:** And initially when I read the chats, I thought that maybe Mr Khawula had come down, sorry, Mr Mnisi had come down with you to Kroonstad, but I think now that my initial understanding was incorrect, he did not come down with you to Kroonstad, did he?

SERGEANT NKOSI: Yes, that is correct.

ADV CHASKALSON SC: Yes, it is correct that he did not come down? He did not come down?

SERGEANT NKOSI: Now you are referring to Mr Mnisi?

ADV CHASKALSON SC: Mr Mnisi, yes.

20 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: But you were going to pick him up the next morning to do something together, is that not correct? Because if you go back to, if you go to the footer page 77, you see that at the time that says 7:50:23 pm, which is actually 9:50 pm, you say:

“Mfowethu tomorrow.”

He responds:

“Mfowethu: Yes please. I am going to that place. I have to be there by 9 am.”

And you say:

“Dress code, time to collect you at your place.”

And then you send the warrant, and then he
10 answers:

“Just normal, my brother, black t-shirt, I do not want to attract too many eyes.”

So from that I infer that you were taking, you and he were going somewhere together the next morning.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And do you recall where it was?

SERGEANT NKOSI: I cannot recall. It might be in one of the events that we usually go.

ADV CHASKALSON SC: And what sort of events were
20 that, were those?

SERGEANT NKOSI: I cannot recall.

ADV CHASKALSON SC: No, no, but you say the sort of events that we usually go, but what sort of events did you go to with Mr Mnisi?

SERGEANT NKOSI: The bike events.

ADV CHASKALSON SC: I see. Why did you send Mr Mnisi the warrant of arrest from Mr Khawula?

SERGEANT NKOSI: I sent it for him to see that I was busy at that particular time with this warrant.

ADV CHASKALSON SC: I see. I mean, he writes back to you on page 79 at, it is the second last chat on the page:

“This guy is in trouble.”

I presume he is referring to Khawula.

SERGEANT NKOSI: That is correct.

10 **ADV CHASKALSON SC:** And then you, if we go down to 80 and 81, you said, sorry, there is a chat. If we go to 80, at the chat time, 8:29 pm, which was actually 10:29 pm, you see, you explained to Mr Mnisi in relation to Mr Khawula:

“We are waiting for him at 23h00 to be on stage, then we arrest. He stopped to gossip about politicians.”

So did you, was that really expressing your view that the reason for this operation was to stop Mr Khawula gossiping about politicians?

20 **SERGEANT NKOSI:** Can you repeat that question? I just want to understand it clearly.

ADV CHASKALSON SC: Did you understand that the reason for this hunt for Mr Khawula was primarily to stop him gossiping about politicians?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: What did you mean when you told Mr Mnisi he stopped to gossip about politicians?

SERGEANT NKOSI: No, I think it was just a talk between myself and Mr Mnisi, not that he must stop to gossip about the politicians, as is seen here.

ADV CHASKALSON SC: You did earlier say that one of the reasons you understood General Sabiya to be so concerned about this case was that Mr Khawula had published material about Minister Mbalula. Do you recall
10 that?

SERGEANT NKOSI: Yes, I recall that.

ADV CHASKALSON SC: So stopping him publishing material about Minister Mbalula was probably quite high in General Sabiya's list of priorities, or not? You do not have to answer that one.

ADV BALOYI SC: Sorry, can I just ask, at page 79, you say that you were picking up, you were going to pick up Mr Mnisi the following day to go biking. But then at 79, there is that chat there where you had asked the dress code at
20 78. And then at 79, he says:

“Just normal, my brother, black T-shirt.

I do not want to attract too many eyes.”

Can you just explain why would it be an issue if you are just going biking, how he dresses? I mean, what environment do you bike in where there is opportunity to

attract attention to him from how he is dressed?

SERGEANT NKOSI: Okay, my answer to the evidence leader that time, I said, I do not remember which event exactly. Then he said, usually what kind of events do you attend? I said, biking. So in this matter, I was answering based on those facts.

ADV BALOYI SC: So you are not saying for sure that you were going biking.

SERGEANT NKOSI: That is correct.

10 **ADV BALOYI SC:** Okay, thank you. Thank you, Mr Chaskalson.

CHAIRPERSON: Just a matter of detail, Mr Chaskalson, around 2024, I think Mr Mbalula was by then the Secretary General of the African National Congress and no longer a Minister.

ADV CHASKALSON SC: Thank you, Chair. And by the end of 2024 ...[intervenes].

20 **CHAIRPERSON:** Sorry again, sorry again. Sorry again. I am very - Sergeant Nkosi, we are just thinking that what you indicated as how you would require that Ms Marais interpret may not always be visible. Perhaps you should just indicate to me I would like that interpreted, so you vocalize that.

SERGEANT NKOSI: Thank you, Commissioner.

CHAIRPERSON: We think that will work better.

SERGEANT NKOSI: Thank you, Commissioner.

CHAIRPERSON: Understood. Yes, but you are still comfortable with what you said at the beginning, which is that you do not want each and every question interpreted.

SERGEANT NKOSI: That is correct, Commissioner.

CHAIRPERSON: All right, thank you. Let us proceed.

ADV CHASKALSON SC: Thank you, Chair. And Sergeant, if you go down to page 96, you will see the New Year's greetings that you exchanged on New Year's Day 2025 with
10 the CFO. And those greetings reflect a friendship that has, a strong friendship that has now developed, I want to put it to you. He says:

“Mfethu, Happy New Year to you. Thank you very much for always being there for me. In you I found a brother. I hope we can move from strength to strength together. I also want you to know that I will always be there for you as well, my brother, no matter what.”

20 And you respond:

“Compliments, my brother. Indeed in you I found a true brother. Let this year be the year of more progress and happiness.”

So would it be fair to say that by the end of 2024,

you had a close friendship with Mr Mnisi?

SERGEANT NKOSI: By what?

ADV CHASKALSON SC: By the end, by New Year's 2025, you had a close friendship with Mr Mnisi.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Now, I want to take you to a chat with, that General Dlamini sent you in July 2025. That is the 12th of July 2025 and it is on page 552 in volume 2, and it is chat number 3 on page 552. And there General Dlamini

10 says to you:

“Morning Captain, I can see, Ukuthi, you have captured uMfowethu and he would not want you to leave him.”

And he is referring by Mfowethu to Mr Mnisi, is he not? When he refers to Mr, to Mfowethu, he is referring to Mr Mnisi.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: -:

20 “I can see, Ukuthi, you have captured uMfowethu and he would not want you to leave him. You should gear yourself to do so forever, my brother. uMfowethu is the best person to be with. uJuda wethu who will do great things for us compared to uBaba wakho

ongasekho.”

So he is saying, well, he is saying several things to you and I would like your comment on them. The first thing he is saying is you have captured Mr Mnisi. What is your comment on that?

SERGEANT NKOSI: What is my comment on his statement that the General sent to me?

ADV CHASKALSON SC: On, well, let me ask a separate question. Why do you think he has said you have captured
10 Mr Mnisi?

SERGEANT NKOSI: According to my understanding, it was I am close to Mr Mnisi.

ADV CHASKALSON SC: So you read this to mean that he was saying you are close to Mr Mnisi?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: -:

“You should gear yourself to do so
forever, my brother.”

Is he then saying you should stay close to Mr Mnisi
20 forever?

SERGEANT NKOSI: In terms of our relationship, myself and Mr Mnisi, that is how I understood him.

CHAIRPERSON: Please leave the second mic on, Sergeant Nkosi.

SERGEANT NKOSI: This file keeps on switching off this

mic. Thank you. Thank you, Commissioner.

CHAIRPERSON: Yes.

ADV CHASKALSON SC: And then he says:

“uMfowethu is the best person to be with. uJuda wethu who will do great things for us compared to uBaba wakho ongasekho.”

So he is saying to you that Mr Mnisi, and I presume when he refers to uBaba, he is talking about Mr Msibi, who
10 had passed away by that stage.

SERGEANT NKOSI: That is incorrect.

ADV CHASKALSON SC: Who is he referring to by uBaba wakho ongasekho?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: Our deceased father, who would he mean by that?

SERGEANT NKOSI: Can you come again?

ADV CHASKALSON SC: oBaba wakho ongasekho, who could he be referring to there?

20 **SERGEANT NKOSI:** I might not know, or I do not know. Let me be ...[intervenes].

ADV CHASKALSON SC: Can I ask, did General Dlamini know about your relationship to Mr Msibi?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And when he said that Mr Mnisi

will do great things for us, what do you think he had in mind? What great things would Mr Mnisi do for you?

SERGEANT NKOSI: I do not know what he meant by his message.

ADV CHASKALSON SC: Can I take you to a series of developments that were also taking place between that first, well not ...[intervenes].

CHAIRPERSON: Before you move on, Mr Chaskalson, you responded to the text that Mr Chaskalson has just read to
10 you. You responded with three emojis, and I do not know whether those squares are also emojis. What did you mean by that?

SERGEANT NKOSI: I am just acknowledging the message that he sent. I am, ja, at that time I was acknowledging.

CHAIRPERSON: Ja, can you explain what do you mean by acknowledge in that context?

SERGEANT NKOSI: Acknowledging the message that he sent to me, that I received it.

CHAIRPERSON: That you have received it.

20 **SERGEANT NKOSI**: Yes.

CHAIRPERSON: Surely if you merely acknowledge receipt in this context with no further response, question, query, it must mean you understood the content.

SERGEANT NKOSI: Yes, I understood.

CHAIRPERSON: You understood the content?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: So that must mean you knew the uBaba wakho ongasekho. You knew who he was referring to.

SERGEANT NKOSI: I would not know.

CHAIRPERSON: What would you not know?

SERGEANT NKOSI: I would not know when he said, uBaba wakho ongasekho. He might have maybe referred to his brother as well, uBaba wakho ongasekho.

CHAIRPERSON: uBaba is father, not brother.

10 **SERGEANT NKOSI:** Yes, his brother to me was uBaba.

CHAIRPERSON: But you have just said now, in response to my second last question, you have just said you understood what he meant by the text he had sent you.

SERGEANT NKOSI: Okay.

CHAIRPERSON: So you must have understood what he meant by uBaba wakho ongasekho.

SERGEANT NKOSI: Yes.

CHAIRPERSON: It is only logical, correct?

SERGEANT NKOSI: That is correct.

20 **CHAIRPERSON:** So who was the uBaba wakho ongasekho then?

SERGEANT NKOSI: I am trying to explain this so that maybe the Commission must get it.

CHAIRPERSON: Yes, yes, yes.

SERGEANT NKOSI: Like, when I explained that, he said, I

can see that ukuthi, you have captured uMfowethu, maybe the Commission can understand ...[intervenes].

CHAIRPERSON: You explained that ...[intervenes].

SERGEANT NKOSI: ... in other words.

CHAIRPERSON: No, no, no ...[intervenes].

SERGEANT NKOSI: And I ...[intervenes].

CHAIRPERSON: No, no, no, you explained that to Advocate Chaskalson.

SERGEANT NKOSI: Yes.

10 **CHAIRPERSON**: That is not where I am. My focus is right at the end of the text, the reference to uBaba wakho ongasekho.

SERGEANT NKOSI: Yes.

CHAIRPERSON: So I am saying, having responded to me and said, you understood the text, so I am asking, who did you understand him, that is General Dlamini, to be referring to when he said uBaba wakho ongasekho.

SERGEANT NKOSI: Okay. I would not understand when he said that part of uBaba wakho ongasekho. I just
20 responded that I have ...[incomplete].

CHAIRPERSON: Then I do not understand your response that you understood the text. You did not qualify your response that you understood the text. You did not qualify it and say that I understood parts and I did not understand other parts. You did not say that.

SERGEANT NKOSI: Okay, I, Commissioner, according to me, I responded the way I understood it that time.

CHAIRPERSON: Which was what?

SERGEANT NKOSI: Which was that myself and the CFO are close, even though here he wrote captured. But I did not understand this part of uBaba wakho ongasekho. But I kept on saying.

CHAIRPERSON: I am saying I do not understand that in the light of the fact that you did not qualify your earlier
10 response, which was that you understood what he meant and that your acknowledgement of his text signified your understanding of the text. That is what you said earlier. So I do not understand the qualification now. Do you care to comment?

SERGEANT NKOSI: No comment.

CHAIRPERSON: All right. And what were the great things that he was referring to that uMfowethu would do for you”

SERGEANT NKOSI: Great things. Just great things in life, you know, enjoy life and according to my understanding,
20 spend time together, having fun together. To me, those were great things.

CHAIRPERSON: This is the CFO of Tshwane Municipality. What great things would he do for you?

SERGEANT NKOSI: Bring happiness as friends.

CHAIRPERSON: Thank you, Mr Chaskalson.

ADV CHASKALSON SC: Well, I am now going to take you to a series of exchanges that happened in parallel with this period that we have talked about at the building of your relationship with Mr Mnisi. And again, if any of these questions, if the answers to any of these questions are answers that you do not want to answer because they are, you fear that your answer might incriminate yourself, you must say so and you do not have to answer. So the first parallel text I want to take you to is on page 1136. 1136.

10 **SERGEANT NKOSI:** File number?

ADV CHASKALSON SC: File 3. And there you will see in chat 5, on 2 December 2024, you send MMC Morodi an address in Theresapark. You see it?

SERGEANT NKOSI: That was 10-07-2025?

ADV CHASKALSON SC: No, 2:10:15 is my, 1136, are we on 1136? Do you see it, text number 5. There is an address there.

SERGEANT NKOSI: Yes, I see it.

20 **ADV CHASKALSON SC:** And I mean I may be completely wrong, so, what I have inferred from looking at what that address is and looking at the chats is that that was the address of a school field where you had organized a birthday celebration for her. Have I got it completely wrong? You can say yes.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Okay, what was the address? I do not even know, I do not, ja, what was the address? She says thank you when you give her that address. Why was she thanking you for that address?

SERGEANT NKOSI: Okay, it was an address of where there were, let me, orphanages. At that time they were visiting that address, and there were girls. It is a, if I can quite remember, it is a spa. I wanted her to address those ladies.

10 **ADV CHASKALSON SC:** Okay. If you go, she then sends you something on a screen, which we will get back to later. But then at 6:28:41 she says:

“Thank you for making my birthday special.”

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And so was this her birthday?

SERGEANT NKOSI: I cannot remember, but I guess so.

ADV CHASKALSON SC: And how did you make her birthday special? What was she thanking, what had you
20 done for which she was thanking you?

SERGEANT NKOSI: By giving her an opportunity to address young women who are unprivileged.

ADV CHASKALSON SC: Between the chats, just before she says thank you for making my birthday special, she sent you a picture, and that picture is at 1236. 1236. Sorry,

1169. 1169.

SERGEANT NKOSI: 11?

ADV CHASKALSON SC: 69 of the same file. And this looks like an internal City of Tshwane document dealing with tenders for land leases, which explains the specifications that were put out, the proposals that came in, which were recommended, which leases have been recommended for cancellation, and which proposals had been approved by the Bid Adjudication Committee.

10 Why did she send that to you? And again, if the question is potentially, if the answer is potentially self-incriminatory, you do not need to answer it and you can, but you do need to say why you want, you are not answering it.

SERGEANT NKOSI: Okay, we had a discussion about the land that were to be leased to the public, and she then sent this to me, that these are the kind of buildings that the city leased. So this one automatically, I think it has already been cancelled. It was on a public platform.

ADV CHASKALSON SC: So you say this was on a public
20 platform?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: How did you know that?

SERGEANT NKOSI: Because of she told me so.

ADV CHASKALSON SC: So she said this is a publicly available document.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: That will give you an indication of what the city's attitudes to land leases are, you know, what land is available, what prices they accept, what prices they reject.

SERGEANT NKOSI: By the time she sent this to me, this project, according to my understanding then, it was already closed.

ADV CHASKALSON SC: The bids were already closed?

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

ADV CHASKALSON SC: What I want to put to you is, as we will see later, the fact that bids have already been closed does not seem to be that much of a problem in your dealings in relation to Tshwane tenders. But for now, let me just ask, what was your interest in land leases from the Tshwane Municipality? Why were you interested in what land they were putting out to lease?

SERGEANT NKOSI: Can you repeat that?

20 **ADV CHASKALSON SC:** Why were you interested in land that Tshwane was putting out to lease, in leases offered by the Tshwane Municipality over municipal land? What was your interest in that?

SERGEANT NKOSI: I did not have any interest.

ADV CHASKALSON SC: Why did she send this to you?

ADV BALOYI SC: It was just a topic between myself and

her.

ADV CHASKALSON SC: And what was, if you had no interest in municipal leases, why had you been discussing it with her?

SERGEANT NKOSI: It was just a discussion.

ADV CHASKALSON SC: But why, who raised the discussion, you or her?

SERGEANT NKOSI: I cannot remember.

ADV CHASKALSON SC: But if you had no interest in
10 municipal land leases, you would not have raised a discussion of that nature, can we accept that?

SERGEANT NKOSI: I cannot comment on that because I cannot remember exactly who raised that between myself and her.

ADV CHASKALSON SC: All right. Well, it is not clear to me, I mean this is a matter that is right at the fringes of our terms of reference. I do not want to spend too much time on it. But let us go to the next topic. If we then go back to page 59.

20 **SERGEANT NKOSI:** Which file?

ADV CHASKALSON SC: File 1. And you see this is in the period where you are assisting Mr Mnisi in how to respond to the Hawks. And you see the top message on page 59 is a message where, I think you are forwarding a message that you have sent to Warrant Officer Zungu. You are

forwarding that to Mr Mnisi and it says:

“Zungu, I think I mistaken office of DPCI Judge. I think I wrote Sammy Marks. It should be Tramshed. Please confirm before the guys send message.”

Is that correct, you were sending to Mr Mnisi a message that you had sent to Warrant Officer Zungu in relation to the assistance that you were both giving him on
10 how to deal with the Hawks query.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: He then sends us his next message to you.

“What is his vendor number?”

And then he says:

“My brother, can I have Bheki's vendor number at Tshwane? Thanks, my guy.”

And in those messages he is asking for your brother's vendor number at the municipality, is he not?

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

ADV CHASKALSON SC: And if we go down to 7:25:36, you send back the vendor number of your brother's company. You send a text saying:

“17454 Ngaphesheya.”

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Why was he interested in your brother's company's vendor number at the city?

SERGEANT NKOSI: Actually, he was not interested. I was interested because I phrased it with him that my brother is busy applying in different jobs there by Tshwane and is not getting any. Then he said, no, maybe something is not okay, can you please send his vendor number so that I must check what is it? No problem.

ADV CHASKALSON SC: And what jobs was your brother
10 applying for?

SERGEANT NKOSI: Supplying.

ADV CHASKALSON SC: And when you say your brother's company was applying for jobs, is this competing for tenders?

SERGEANT NKOSI: Short supplies.

ADV CHASKALSON SC: Short supplies without tenders?

SERGEANT NKOSI: Yes, anything that might have come or been advertised at Tshwane.

ADV CHASKALSON SC: So, were you talking now in
20 particular about tenders or non-tender procurement? Well, tenders or non-tender procurement, what were you discussing?

SERGEANT NKOSI: I cannot be saying non- or tender procurements. I was just referring that this is the vendor number, check on what is happening, why is my brother not

getting anything.

ADV CHASKALSON SC: No, but that is, you see, I want to understand the context in which your brother expected to get jobs. Was it that he was putting in bids for tenders but not winning the tenders? Was it that? So, can we deal with that first. Was that a problem that your brother had?

SERGEANT NKOSI: As I have said, the reason that I sent that vendor number to Mr Mnisi, I was making enquiries with him that hey, can you check for me what is happening with
10 my brother's company, because of he has been applying for jobs there and he does not get anything. Then Mr Mnisi said, send me his vendor number so that I must check what is happening.

ADV CHASKALSON SC: So, I am genuinely just not clear what the situation you are describing is. So, if he has a vendor number, it means he already has been appointed in some sort of capacity by the city, is it not? Was he on a panel of suppliers that the city would rotate? Was that his position?

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

ADV CHASKALSON SC: Was he on a panel of suppliers that had been appointed by the city and the work was going to other members of the panel? I mean, had he already been appointed, is the question that I am asking, or was he wanting to be appointed?

SERGEANT NKOSI: It was an enquiry on what is the problem, why is he not getting jobs?

ADV CHASKALSON SC: Ja, but I think we are at cross purposes here, because I need to know what the status of your brother's company was in relation to the city. Was it that his company had been appointed as one of several companies to do a particular kind of work and the work should be rotated through those companies but he was not getting any? Was it that?

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

ADV CHASKALSON SC: And what had he been, what was the panel to which his company had been appointed? What was the work that he had been appointed to do by the city?

SERGEANT NKOSI: I do not know exactly but I will take it from the discussion with my brother that is that I am being frustrated, I am busy applying for things there in Tshwane and I do not get any response. So I said no, I will check what might be the problem. But specifically I did not ask him on what exactly did he applied for.

20 **ADV CHASKALSON SC:** Because, sorry again, we may still be at cross purposes, because if he is applying that suggests it is not a panel appointment because if you have been appointed to a panel, you apply to be on the panel, you get put on the panel and then the city decides how to rotate work across the panel.

If you are applying it suggests that there are bids or invitations put out by the city or requests for quotations put out by the city, you respond but the city does not accept your application on response. Are we talking about the second category where the city invites bids or quotations, your brother applies but the city rejects him.

CHAIRPERSON: Do you understand the distinction Sergeant Nkosi? Do you understand the distinction that ...[intervenes].

10 **SERGEANT NKOSI:** I want to understand it clearly but it seems I failed because ...[intervenes].

CHAIRPERSON: Ms Marais, did you hear the question or would you like to have it repeated?

INTERPRETER: Thank you, Commissioner, if it could be repeated.

CHAIRPERSON: Yes.

INTERPRETER: We have gone round and round in circles now. Thank you.

20 **ADV CHASKALSON SC:** So there are two different types of situations that I want to distinguish between in relation to procurement. The first is where the city invites applications for suppliers to be appointed to a panel and if you are successful, you become one of the suppliers on the panel. And then what the city will do is it will rotate its contracts among the suppliers.

CHAIRPERSON: [Vernacular]... There was nothing wrong you said, I just wanted to add more. Yes, yes.

ADV CHASKALSON SC: So that is the first situation. I will call it the panel situation. The second situation is where the city invites a bid or a quotation for a particular contract and you apply by submitting your bid or your quotation and the city chooses which application to accept. So those are the two situations. I am just trying to understand, was your brother in the panel situation or in the
10 bid application or quotation application situation?

SERGEANT NKOSI: I am not in a position to comment on that. All I was doing was to enquire from the CFO why my brother was not getting any success in terms of the task or whatever required to be done.

ADV CHASKALSON SC: Okay, well, let us move on from this specific exchange. Can I then take you to page 99, and you see at chat time, it is the 7th of January, it is that white box that is on screen. It was at 10:55 in the morning, although the chat says 8:55. Mr Mnisi sends you details of
20 a tender that has a compulsory briefing session on the 21st of January. It is for the supply, delivery and offloading of refuse bags for the city for three years and he says underneath:

“Mfethu, I have sent the above to Bheki, we need to regroup on it.”

And you say:

“Thank you, Mfethu.”

And again, you are, I mean, if you feel that your answer to any of the questions I am now going to ask may incriminate you, you are entitled to refuse to answer them. But my first question is, why did he send you this tender, the details of this tender?

ADV BALOYI SC: I think, as I have asked him, if there is anything that my brother can apply on work on, he must
10 send to me.

ADV CHASKALSON SC: In his message to you, he says:

“I have sent the above to Bheki, we need to regroup on it.”

What did he mean by, what did you understand him to mean by, we need to regroup on it?

SERGEANT NKOSI: Okay, my understanding was maybe we must meet together, myself and my brother.

ADV CHASKALSON SC: Did you know if, as CFO, he was going to play any official role in relation to the award of this
20 tender?

SERGEANT NKOSI: He was not.

ADV CHASKALSON SC: So he was not going to be on the Bid Adjudication Committee? Is that what your evidence is?

SERGEANT NKOSI: I am answering that question that you asked me, that if I knew that the CFO would be involved.

ADV CHASKALSON SC: Okay, let us take ...[intervenes].

SERGEANT NKOSI: [Indistinct]... [cross-talking].

ADV CHASKALSON SC: Take it back a step. Did you know whether he was going to play any official role? Did you know?

SERGEANT NKOSI: He was not going to play anything.

ADV CHASKALSON SC: So you knew that he was not going to play a role?

SERGEANT NKOSI: That is correct.

10 **ADV CHASKALSON SC:** And your evidence is that he did not play a role?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And what was he going to do with you and your brother in relation to this tender? What was the meeting going to be about?

SERGEANT NKOSI: Okay, as he replied, he said:

“Mfethu, I have send to Bheki. We must regroup on it.”

20 I think, according to my understanding, if Bheki qualified, he was supposed to apply like any other one.

ADV CHASKALSON SC: Again, this is an issue at the fringes of our terms of reference. I am going to move on from this tender. Can I take you to page 113.

SERGEANT NKOSI: 113?

ADV CHASKALSON SC: 113. And we are now at the 29th

of January 2025. And if the second last chat on the page, Mr Mnisi says:

“Okay, my brother, can I request that we meet tomorrow? I have to get our report ready for you. Is that fine?”

Do you see it?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And report is in inverted commas.

Do you see it?

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

ADV CHASKALSON SC: What was he referring to when he referred to our report in inverted commas?

SERGEANT NKOSI: I cannot recall.

ADV CHASKALSON SC: Would you have known at the time?

SERGEANT NKOSI: I cannot recall.

ADV CHASKALSON SC: Your response was:

“Okay, cool, my man, see you tomorrow.”

20 So you must have known at the time what he was referring to.

SERGEANT NKOSI: When I look at my chats here, I cannot really recall what was the report all about.

ADV CHASKALSON SC: Well, what was Mr Mnisi doing for you at the time that could conceivably have been referred to

as a report? What documents was he sharing with you? What documents was he giving to you? Can you think of anything that might have been a report, our report, that had to be ready for you?

SERGEANT NKOSI: I would not say what was Mr Mnisi or what kind of reports or documents that he gave me. We do not usually share documents with Mr Mnisi.

ADV CHASKALSON SC: But he definitely anticipated that he was going to share a document with you, a report, that
10 had to be ready for you. So what documents, you know, what could he have been referring to?

SERGEANT NKOSI: I cannot recall.

ADV CHASKALSON SC: I will play open cards with you, I do not know what he was referring to. So, but I am going to ask questions.

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

ADV CHASKALSON SC: Could it have been the report that the Hawks were waiting for and that you had been assisting him to respond to together with Warrant Officer Zungu?
20 Could that have been what he was referring to?

SERGEANT NKOSI: Okay, thank you. Let me just go back to explain that so-called report that is seen here. It was an attempt to extort the CFO by the members of DPCI Stock Exchange.

ADV CHASKALSON SC: Sorry, the report related to an

attempt, an extortion attempt by members of the DPCI?

SERGEANT NKOSI: I am answering you now when you say to me it was not about the report that I have assisted him with together with Warrant Officer Zungu. So now I am taking you back to that thing that you have seen there that myself and Warrant Officer Zungu and the CFO were talking about.

ADV CHASKALSON SC: Sorry, you have lost me here. Where was the extortion and who was trying to extort what
10 from Mr Mnisi?

SERGEANT NKOSI: Okay, I am answering the question that you said is it not that the CFO wanted to give me the report about what I have helped him together with Warrant Officer Zungu. So now I am taking you to that report, what is it all about according to you.

ADV CHASKALSON SC: Who was trying to extort something from Mr Mnisi?

SERGEANT NKOSI: Okay, in the previous pages there was something that has to do with police work.

20 **ADV CHASKALSON SC:** Yes, a request from the Hawks to assist with an investigation into certain procurement, alleged procurement irregularities in Tshwane.

SERGEANT NKOSI: That is the same page that I am talking about.

ADV CHASKALSON SC: Yes, and where was the

extortion?

SERGEANT NKOSI: At Tshwane.

ADV CHASKALSON SC: Who was doing the extortion?

SERGEANT NKOSI: The same people that are on this report, the previous page that you just opened now.

ADV CHASKALSON SC: Well, that is at page 52, so maybe we can go to page 52 so that you can just explain to us what you are referring to.

SERGEANT NKOSI: Yes.

10 **ADV CHASKALSON SC:** So that letter says:

“This office is investigating alleged case of corruption against City of Tshwane municipal officials attached to Supply Chain Management together with Finance officials. It is alleged that about four entities were awarded tenders without following proper Supply Chain Management processes leading to the City of Tshwane municipal department suffering financial loss.”

20

And then they ask confirmation first of whether four entities, four named entities ever did work for the City, the bid advertisement of the contracts received by those entities, the procurement policy during the periods, the written delegation of authority by the accounting officer,

and the original submission of all of the entities that were recommended by the BEC and the BAC. So that is what the letter says. Where was the extortion?

SERGEANT NKOSI: Okay, I am taking you to this page because of what transpired on the, following your next question that you just raised now that is it not that the CFO wanted to give us a feedback about how or what you helped him about with Warrant Officer Zungu.

On the mentioned date, that is 2024 date, it will be
10 the 22nd of November, there was a visit by the member or the so-called member of Hawks into the City of Tshwane. They then came with a brown envelope. They left this note to the securities downstairs for the securities to call or to give it to the CFO.

Because the CFO knew me, he found it very odd that if those members were legit and something that they had was legit, why did not they come to his office or follow proper procedures if they have any inquiry about Tshwane, about him representing Tshwane, following the proper
20 procedures. Why did not they do that? Then they go to the security personnel and leave this note to them.

ADV CHASKALSON SC: Sorry, just for clarification, this note, are you referring to the letter that we see at page 52?

SERGEANT NKOSI: That is correct. Then he phoned me and forwarded this to me.

ADV CHASKALSON SC: So, his concern was that members of the DPCI had delivered this letter at security and had not, as it were, asked for a meeting with him and hand-delivered it to him.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And where was the threat of extortion that you referred to earlier?

SERGEANT NKOSI: I think maybe the evidence leader is quick to come to the threat of extortion. Can maybe you
10 leave me a bit to explain how ...[intervenes].

ADV CHASKALSON SC: Sure, explain further.

SERGEANT NKOSI: Yes. So, what happened is, when he forwarded this to me, immediately I contacted the Warrant Officer Zungu, because at the time he was still working at the DPCI. I said to him, there is this strange thing that I received from the City of Tshwane, can you please verify with your office.

Then Zungu, together with some Colonel, I cannot remember exactly his surname, they checked this enquiry,
20 they checked these people, they found out that this enquiry number was something of theft of cable or something, something that has nothing to do with what it is written here on this note.

Then they further told me that, what must the CFO ask these people so that he will come now to a conclusion

that, indeed, this thing is valid or not. While we were still busy about that, the CFO then received a call, I do not know whether it was from somebody known to him or unknown to him, but I think it is known, I will have to clarify that with him, telling him that no, there are members of Hawks there, they were looking for you, but I can talk to them, then you will make a plan.

As a result, now the CFO comes back to me with that report, I took it then back to Warrant Officer Zungu. I
10 think he was with Lieutenant Colonel Maluleka. Then they advised that, what must the CFO say about this response to these people.

Then that is how now it comes to this page, where the CFO was writing back to this office, requesting their email number, so that when he responds, he must respond to the direct people. Then we came to a conclusion that, indeed, it confirmed that this thing it was a scam, or it was an extortion, based on what the information received by the CFO, and when these people started to respond.

20 One, they said the person who responded he said, no, this email does not belong to him, but it belong to someone who is working under him. Then the CFO further explained to that person that, this is what happened, can you explain further, so that I want to lay a formal complaint with your office on what really transpired.

On the very same numbers that those people left in the reception, those people responded by saying, good morning sir, please confirm, this now it is – okay, now this is CFO writing to those people:

“Good morning, sir. Please confirm if this email address belongs to Captain Carlo.”

This one said, correct.

ADV KHUMALO SC: Are we on page 60 now?

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

ADV KHUMALO SC: Yes.

SERGEANT NKOSI: He said, this so-called DPCI member said correct. Then the CFO further writes:

“Apologies for inconvenience, who is ...[indistinct] and what is their relationship to this matter? The reason I am asking this is because we want to send sensitive information, and it is a must that it reaches the person as per the letter which was sent.”

20

Then the DPCI member respond:

“Do not worry, it will come straight to me, or you can deliver it to my office, 165 Meyer Street, Germiston. I can come to your office when they are

ready.”

Then the CFO noted:

“Sir, just for my comfort, please confirm that the email address for Captain Carlo is indeed, that is the email below.”

ADV CHASKALSON SC: Sorry Sergeant, I am familiar with all of these documents, but I simply wanted to check with you, if you could possibly have been referring to a report
10 arising out of the DPCI enquiry when you, or not you, the CFO could have been referring to that sort of report, when he said on the 29th of January, I have to get our report ready for you. I do not want us to go down much further in relation to the DPCI matter, I just wanted to know possibly what this report was about, that he was referring to in January.

SERGEANT NKOSI: I think it was about that.

ADV CHASKALSON SC: You think it did have to do with the DPCI scam that you have described?

20 **SERGEANT NKOSI:** Okay, as I said that, I am not sure, but it might be.

ADV CHASKALSON SC: It might be. Lete us not take it further than that. What I do want to go to now, is a series of interactions between yourself, the CFO and General Dlamini, in relation to invoices issued by the security

department, for payment by the City in March 2025. It is going to be a topic that will take at least 15 to 20 minutes to deal with, and maybe we should start with it after the tea break.

CHAIRPERSON: Let us adjourn and resume at 11:25.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Sergeant, I am going to take you
10 through a series of exchanges between yourself, the CFO
and General Dlamini in March in relation to invoicing, but
before I do so, because it will be relevant to some of my
questions, I need to take you to page 86. You will see at
the foot of page 86, this is now the 16th of December 2024,
at what would have been 10:26 am, you were responding to
a query from Mr Mnisi about your wife. You said:

“She is great, thanks, I have got a call at
06:30 to come see number 1.”

Over the page he says:

20 “Who my bro? Number 1, JS.”

And you say:

“JS, we will handle with him, let you
know.”

And he says:

“Eish, should we be worried?”

And you say:

“Not at all, he sounded in a good mood around afternoon time, we will give you feedback.”

Now, who was JS, who was the number 1 to whom Mr Mnisi was referring?

SERGEANT NKOSI: I think it was General Sibiya, but this J, I do not know, but it was General Sibiya. I call him number 1.

10 **ADV CHASKALSON SC:** Why would you respond JS if it was General Sibiya? General Sibiya does not have a first name beginning with J, does he? Because you see it, at the time stamped 08:28:45, you respond JS. Now, if it was General Sibiya, you would not have said JS, would you?

SERGEANT NKOSI: I take it because it is number 1, and I usually have interactions with him about General Sibiya.

ADV CHASKALSON SC: You see, Sergeant, I think you know and I know that JS is J Sibanyoni, and that is the number 1 to whom the CFO was referring.

20 **SERGEANT NKOSI:** If it was Sibanyoni, he was going to write Joe Sibanyoni, but because of myself and others, I refer General Sibiya as number 1, so I am taking from that.

ADV CHASKALSON SC: Why did he use JS and why did you use JS?

SERGEANT NKOSI: I really do not know.

ADV CHASKALSON SC: Well, you must know why you used JS.

CHAIRPERSON: Please respond, Sergeant Nkosi. You must know why you used JS.

SERGEANT NKOSI: I have responded that to me, who was JS?

CHAIRPERSON: No, why, why you call him JS? Why do you call General Sibiya JS?

SERGEANT NKOSI: I take it, Commissioner, it is because
10 I saved him as ...[intervenens]

CHAIRPERSON: I am sorry, number 1, number 1.

SERGEANT NKOSI: Number 1.

CHAIRPERSON: What is it JS?

ADV CHASKALSON SC: So, JS is what you used in response to the query, JS question mark. You said JS.

CHAIRPERSON: Why do you call him JS?

SERGEANT NKOSI: I will stick to that number 1 thing, Commissioner.

ADV CHASKALSON SC: But number 1 does not mean JS.

20 **SERGEANT NKOSI:** No. Number 1 in reference to why I say General Sibiya is because we call him number 1.

CHAIRPERSON: But why is he JS then?

SERGEANT NKOSI: That is my answer that I gave to the Commission. I am sorry about that.

CHAIRPERSON: I do not remember you giving an answer

as to why he is JS. Let us forget about number 1 for a second. Why is he JS?

SERGEANT NKOSI: Okay, maybe as it goes, or as the question goes, I will remember clearly. But for now, let us stick to that number 1.

CHAIRPERSON: No, the question is here, and it is on JS now. Why do you refer to him as JS?

SERGEANT NKOSI: I - my answer is still that one, Commissioner.

10 **CHAIRPERSON**: Sorry?

SERGEANT NKOSI: My answer is still that one.

CHAIRPERSON: The only answer I remember is about number 1. I do not remember an answer about JS. Why do you call him JS?

SERGEANT NKOSI: I do not know.

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Well then, can I take you to page 277?

SERGEANT NKOSI: Okay, 277?

20 **ADV CHASKALSON SC**: 277. Let us start on 276.

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: These are chats. It is your chat with Mr Mnisi. It is the 30th of April 2025. And on 276, you will see a message where you send a PIN to Mr Mnisi. That message has the timestamp 03:28:33. It would have been

05:28 in the afternoon on the 30th. Looking at that PIN and the lake to the right of the PIN, can you identify what the location of the PIN is?

SERGEANT NKOSI: What page is that, Commissioner?

ADV CHASKALSON SC: It is 276.

SERGEANT NKOSI: I see it.

ADV CHASKALSON SC: Whose address is being indicated on that PIN?

SERGEANT NKOSI: I cannot remember.

10 **ADV CHASKALSON SC**: Could it be Mr Sibanyoni's address?

SERGEANT NKOSI: I cannot remember.

ADV CHASKALSON SC: Maybe if you go over the page, it will assist you. Because you see that straight after sending that PIN, you send a screenshot of your chats with Mr Sibanyoni to Mr Mnisi. And it says – well, you have an exchange with Mr Sibanyoni from the day before, where you say:

“I am ready. I am ready.”

20 Is a voice call. He sends back an access code to Centurion Residential Estate. And you say:

“Copied, see you at 4.”

And that message, that screenshot, is sent to Mr Mnisi. If you go up to the top of page 277, it is sent on the 30th of April. Timestamp says 03:29, but it is two hours out, so it is

05:29 pm. So, at the bottom, it says:

“Copied, see you at 4.”

And at 05:29 pm, your message to Mr Mnisi was still here. So why would it be important for you to tell Mr Mnisi that you were still at the location of Mr Sibanyoni?

SERGEANT NKOSI: I cannot remember as to why did I tell him. But the possibility is that maybe myself and Mr Mnisi were supposed to be, or to go somewhere. Then something came up, then I informed him that this thing has come up, I
10 have to go somewhere.

ADV CHASKALSON SC: Yes, but you did not just say, I have to go somewhere. You actually sent him a screenshot that identified the person where you were as Mr Sibanyoni and identified that you had been communicating to set up the meeting with Mr Sibanyoni the previous day. Let us go up a page, that might help you. In fact, let us go up lots of pages. Let us go to page 230, which is still the previous day.

SERGEANT NKOSI: 200 and?

20 **ADV CHASKALSON SC**: 230.

SERGEANT NKOSI: 230.

ADV CHASKALSON SC: 230.

SERGEANT NKOSI: I am on it.

ADV CHASKALSON SC: And there at the foot of the page at 230, you will see half a picture of a red bakkie, a sort of

fairly impressive looking red bakkie, or red SUV. 29th of April at, it says, 06:22 pm. And then we see many, many pictures of this car that you are sending to Mr Mnisi. Go down many pages. And if you go all the way down to page 252, you will see that in addition to the red SUV, you also sent him a picture of a Dodge Ram. Several pictures of the Dodge Ram, with its price. And then you gave specs of the vehicle. At the top of page 257, you say:

10 “This vehicle is a 2022 model with around
60 000 K. It is a Longhorn Edition, 5.7
litres, available at 2.35 million.”

He says:

“Which one is this?”

And then you go back to the red vehicle. Down you go. And more and more pics of the red vehicle. And eventually we reach page 275, where you confirm that this is the 2022 vehicle after several more pictures of the vehicle. And he says:

“This is the one.”

20 And he points his finger at it. Now, you have sent 45 pages of pictures of vehicles. You must remember what that was about. Why were you exchanging pictures of vehicles with Mr Mnisi?

SERGEANT NKOSI: I sent him because he is more knowledgeable about cars. And my brother and I were

looking for a bakkie.

ADV CHASKALSON SC: And were you wanting to spend in the region of R2 million on the bakkie?

SERGEANT NKOSI: No, I do not have that money.

ADV CHASKALSON SC: Then why were you sending him a picture of a bakkie that retailed at 2.3 million?

SERGEANT NKOSI: Something that was very beautiful, so I had to ...[incomplete].

ADV CHASKALSON SC: Sorry, it was something?

10 **SERGEANT NKOSI:** Look that bakkie was beautiful. So, I had to show him what is his view, what kind of bakkies are here.

ADV CHASKALSON SC: Yes, I know, but you sent him, gosh, 45 pages of pictures of that bakkie and the price. Why did you do that?

SERGEANT NKOSI: For him to have a view about that bakkie.

ADV CHASKALSON SC: To what end?

SERGEANT NKOSI: To what end?

20 **ADV CHASKALSON SC:** Yes, what view were you looking for, or why were you interested in his view?

SERGEANT NKOSI: It is like when you do the window shopping and you see maybe a Ferrari. Then you start to send it to people there. Look at this bakkie, how beautiful it is. What do you think about it?

ADV CHASKALSON SC: Now, Sergeant, I have seen lots of your chats. And I have seen you send lots of pictures of motorbikes. When you are thinking of buying them for someone or advising someone on whether they need to buy them. But even those motorbike pictures never run more than five or six pages at a time. This is 45 pages, principally of one vehicle. Why were you so interested in this vehicle?

SERGEANT NKOSI: My answer is to that one that I gave
10 before.

ADV CHASKALSON SC: And so, after sending 45 pages of this vehicle, at the end of it all, Mr Mnisi says:

“This is the one.”

Was he thinking that this 2022 vehicle was the one that you should get?

SERGEANT NKOSI: No, no, no. According to my understanding, this is the one that is beautiful than the other white one.

ADV CHASKALSON SC: Yes, so you were exchanging
20 many, many pictures of expensive vehicles just to get Mr Mnisi’s view on which one was the more beautiful.

SERGEANT NKOSI: Can you repeat that?

ADV CHASKALSON SC: There are 45 pages of photographs, principally of this red vehicle, with maybe more than 40 pages of the red vehicle, two or three of the

white vehicles. Were you sending those pictures to Mr Mnisi just to get his view on the aesthetic qualities of both vehicles? Which was the more beautiful?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Sergeant, I have to put it to you that that is not truthful evidence. You stand by that answer.

SERGEANT NKOSI: Okay, I stand by my answer.

ADV CHASKALSON SC: And did those vehicles have nothing to do with the screenshot from Mr Sibanyoni and the
10 location PIN at Mr Sibanyoni's address that immediately follows them in your chats? Are they wholly unrelated?

SERGEANT NKOSI: I do not know if I get you.

CHAIRPERSON: You want it interpreted. Ms Morin[?].

SERGEANT NKOSI: Correct.

CHAIRPERSON: Can you please repeat the question, Mr Chaskalson?

ADV CHASKALSON SC: The question was, were those 45 pages of photographs of vehicles wholly unrelated to the screenshot of Mr Sibanyoni's chat with you that follows
20 them immediately in the chats and to the PIN of Mr Sibanyoni's address that follows those photos immediately in the chats? Was there no relationship between the photographs and the chats that came straight after them in the WhatsApp's?

CHAIRPERSON: And the PIN. And the PIN.

ADV CHASKALSON SC: Yes, the PIN and the screenshot.

SERGEANT NKOSI: Correct.

ADV CHASKALSON SC: And if we go to your - they are unrelated.

CHAIRPERSON: They are unrelated.

ADV CHASKALSON SC: And if we go to your chat with Mr Sibanyoni, the screenshot of the chat. The screenshot at page ...[intervenes]

CHAIRPERSON: Let me just send an apology. I did not
10 notice that the interpreters have swapped. This is - can you please pronounce it for me, Ms Phitswane[?]. Or how do you pronounce it? Sorry.

INTERPRETER: Phitswane.

CHAIRPERSON: Phitswane.

CHAIRPERSON: Phitswane. Apologies. Apologies.
Thank you.

ADV BALOYI SC: Sergeant, maybe before Mr Chaskalson comes in. This motor vehicle, the red bakkie, you obviously were very close to it when you took the pictures. It was in
20 your presence when you took these pictures.

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: Who does it belong to?

SERGEANT NKOSI: To the dealership.

ADV BALOYI SC: So, this was at a dealership. It looks like a residential area. Was this at a dealership?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: And you had just gone there to look for vehicles, to look for a beautiful vehicle to share with the CFO?

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: And you even asked the price just to share with the CFO to show him this beautiful vehicle?

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: You just happened to do this. You did
10 not think he was interested in it or someone that you know
or you are interested in a bakkie?

SERGEANT NKOSI: No, my brother was looking to purchase a bakkie.

ADV BALOYI SC: Okay.

SERGEANT NKOSI: So, we were just shopping around.

ADV BALOYI SC: Okay.

SERGEANT NKOSI: So it happens that our eyes grabbed that.

ADV BALOYI SC: Okay, so this was not just a random
20 sharing. It is a vehicle that you and your brother were
looking at, and you wanted the CFO's opinion. Is that what
you are saying?

SERGEANT NKOSI: That is correct at that time, yes.

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

ADV CHASKALSON SC: And if we go back to the screenshot of Mr Sibanyoni's message to you, of chats with you which you sent to Mr Mnisi on the 30th of April. You see that on the timeline, you ...[intervenes]

ADV KHUMALO SC: Just a moment. Are you there, Sergeant?

SERGEANT NKOSI: I want to first clear which page is that.

ADV CHASKALSON SC: 277.

10 **SERGEANT NKOSI:** Okay, I see. I am here.

ADV CHASKALSON SC: You see that on the screenshot where it says yesterday. Now we know that the screenshot is date stamped the 30th of April. So yesterday would have been the 29th of April. You say to Mr Sibanyoni at 18:31:

“Kgotsong Sion, I am ready.”

You see that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: What were you ready for?

SERGEANT NKOSI: I do not remember.

20 **ADV CHASKALSON SC:** But the next day, he sent you an access code, entry code, to a residential estate for a 4 o'clock meeting. You see that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Was that 4 o'clock meeting held at his personal residence?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And is that personal residence in the location at the PIN that we see on page 276?

SERGEANT NKOSI: That PIN, I can I am not sure. I am not sure about it. That PIN, but I am sure about this.

ADV CHASKALSON SC: And what was your meeting with Mr Sibanyoni about on the 30th of April 2025?

SERGEANT NKOSI: I cannot remember.

ADV CHASKALSON SC: Do you have many meetings with
10 Mr Sibanyoni at his home?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: About how many have you had at his home?

SERGEANT NKOSI: One or two, I am not sure.

ADV CHASKALSON SC: Well, if this was one of possibly only two, maybe the only one, surely you remember why you went to visit Mr Sibanyoni for a meeting at his home?

SERGEANT NKOSI: I cannot remember.

ADV CHASKALSON SC: And why would you have sent
20 details of your conversation with Mr Sibanyoni together with the PIN to Mr Mnisi?

SERGEANT NKOSI: I cannot remember as in why, but I assume because I usually, when I have got another commitment and I was supposed to go to another one or something to do, the person that I am supposed to meet, I

would send them the current situation, that this is where I am caught up, I am supposed to be here or I am here. I think it was on that basis.

ADV CHASKALSON SC: If we go up to page 256, and we look at the Dodge Ram.

SERGEANT NKOSI: 200 and?

ADV CHASKALSON SC: 56, the white vehicle that retails for a million and ninety-nine.

SERGEANT NKOSI: Page 36?

10 **ADV CHASKALSON SC:** 256.

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: And it will It starts at page 252, and it runs through to 256. Do you recognise that vehicle?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Whose vehicle is it?

SERGEANT NKOSI: My brother's vehicle.

ADV CHASKALSON SC: It is your brother's vehicle?

SERGEANT NKOSI: That is correct.

20 **ADV CHASKALSON SC:** I see. So, your brother bought this vehicle for R1 000 099 at the time?

SERGEANT NKOSI: No, it was advertised as R1 000 099. But he got it, if I am not mistaken, plus minus seven or six, I cannot remember.

ADV CHASKALSON SC: So, your brother managed to bargain the price down from 1 000 099 all the way down to

700 000 or 600 000?

SERGEANT NKOSI: Can you repeat?

ADV CHASKALSON SC: So, your brother managed to bargain down the price from 1 000 099 all the way down to 600 or 700 000?

SERGEANT NKOSI: I think so.

ADV CHASKALSON SC: I see. And you do not know who bought the red vehicle that was retailing for 2.2 million?

SERGEANT NKOSI: I do not know.

10 **ADV CHASKALSON SC:** You do not know?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: You stand by that?

SERGEANT NKOSI: I stand by that.

ADV CHASKALSON SC: Let us go back to the invoices for now. We will come back to the vehicles at a later stage.

SERGEANT NKOSI: Okay.

ADV BALOYI SC: So maybe before you do the invoices, let us go back to that page 87. I had a question that I wanted to ask and I forgot. Page 87.

20 **SERGEANT NKOSI:** Of the same file, yes?

ADV BALOYI SC: Yes. Now, you have said this is where the JS appears and you say number one JS. It is General Shibiri - General Sibiya. Now if you look at the third chart from the bottom where Mr Mnisi says:

“Eish...”

In fact, let us go up first. You say at the top, maybe let us do it this way:

“Who my bra.”

Then he says:

“Number one.”

He says:

“”JS.”

And then you respond:

“”JS.”

10 And you say to us JS is General Sibiya. And then you say:

“We will handle him with let you know.”

And then he says:

“Eish, should we be worried?”

And then you answer:

“Not at all. He sounded in good mood.

Around afternoon time we will give you feedback.”

Now, where the CFO or Mr Mnisi asks - firstly, what do you say you will handle? Where you say we will handle him with
20 let you know. I think your word is missing there. What were you going to handle with this person that you say is General Sibiya?

SERGEANT NKOSI: Commissioner, I really cannot remember.

ADV BALOYI SC: You cannot?

SERGEANT NKOSI: I cannot.

ADV BALOYI SC: And when he says:

“Eish, should we be worried?”

This is in December 2024. When he says:

“Eish, should we be worried?”

What is he concerned about that relates to General Sibiya?

SERGEANT NKOSI: I think it relates whereby I said I am summoned. So, then he said, should we be worried? I think he took it from that phrase.

10 **ADV BALOYI SC:** And you say:

“Not at all. He sounded in a good mood.”

What did you think that Mr Mnisi was thinking when he says, should we be worried? What is he thinking about when you say not at all?

SERGEANT NKOSI: I would not remember, my Commissioner. I do not want to give you a cocky answer. I want to give you a straight answer.

ADV BALOYI SC: Did you and Mr Mnisi have any dealings at all of any nature with General Sibiya?

20 **SERGEANT NKOSI:** No.

ADV BALOYI SC: That would cause him to first initiate, when you say number one, for him to say you mean JS. And then for you to say I will handle it with him. And then him to ask, should we be worried? And then you say not at all. What was the relationship, if at all, in your dealings

between you, General Sibiya, and Mr Mnisi?

SERGEANT NKOSI: There were no dealings, Commissioner.

ADV BALOYI SC: There were no dealings.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So, when he asks, should we be worried, he is just talking out of the air. There is no basis for him to say this because there are no dealings whatsoever.

10 **SERGEANT NKOSI:** I think maybe to him it came a bit skew when I said I am someone. So maybe he automatically thought there was a problem.

ADV BALOYI SC: Yes, you see, that is not all that happened. You said I will handle it. I will handle him.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: So, you are conveying something very specific, whether JS is Sibanyoni or Sibiya. And I am happy for our discussion to leave it at General Sibiya. When you say I will handle him, you know he knows something that
20 would cause you to be summoned in the way that you have been summoned, or at least about this person, JS, and your dealings with JS. That is why you say I will handle him. You can only say that because there is something to deal with between you, Mr Mnisi, and JS. That is why you say I will handle him.

SERGEANT NKOSI: As it goes along, I wish I would remember, and then I will maybe pause and come back to my Honourable Commissioner with that question.

ADV BALOYI SC: All right, but for now, your answer is you do not remember.

SERGEANT NKOSI: For now, my answer is I will come back to the Commissioner with that answer.

ADV BALOYI SC: Okay, well, let me say to you in fairness that my take from your response is you do not want to tell
10 us what this is about. There is very specific communication here. You just do not want to tell us what it is you said you will handle with him. And when he asks you should we be worried, you do not want to tell us what it is about.

SERGEANT NKOSI: I think my Commissioner, there is no reason why I would not tell you what it was.

ADV BALOYI SC: All right, thank you.

ADV CHASKALSON SC: Can I ask you to go to page 141? And there at the foot of page 141, with the time stamp 07:38, which would be 09:38 in the morning, you will see
20 that Mr Mnisi sends you a message:

“Is General winning?”

And you say:

“Morning, my brother, I am onto him.”

And maybe for this portion of the questioning, you should have files 1 and 2 open simultaneously, because we are

going to look at your chats with General Dlamini at the same time as we look at your chats with Mr Mnisi.

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: So, if you can then go to 584.

SERGEANT NKOSI: 84?

ADV CHASKALSON SC: 584. And you will recall that at 09:46 you had said to Mr Mnisi, in response to is General winning, you had said:

“I am onto him.”

10 And then at 9.46 we see that you WhatsApp a screenshot of your conversation with Mr Mnisi to General Dlamini. You see that screenshot?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: What was Mr Mnisi worried about in relation to whether the General was winning or not? What did the General have to be winning on?

SERGEANT NKOSI: I think maybe for now, I cannot remember. But as it goes, maybe during your questioning I will remember.

20 **ADV CHASKALSON SC:** Sure, fair enough. Let us go back to page 142.

SERGEANT NKOSI: Of file 1?

ADV CHASKALSON SC: Of file 1. We are going to be jumping backwards and forwards all the time, so please keep them both open.

SERGEANT NKOSI: Yes, okay.

ADV CHASKALSON SC: So, 142, at 09:48:45, it says 07:48 but remember in your chats with Mr Mnisi you have to add two hours. 09:48:45, you say:

“He confirmed it will be sorted now. Now he will give feedback soon before 12 o'clock.”

And then at 09:55, Mr Mnisi says:

“Okay, it is not yet in my system.”

10 Does that help you remember what this was about? Mr Mnisi was expecting General Dlamini to do something that would be reflected in his system. Should we go further?

SERGEANT NKOSI: Go further.

ADV CHASKALSON SC: So, if you go to 585, do not bother, but if you were to go there you would see that this chat again is then screenshot and sent to General Dlamini. You can go there if you want to.

SERGEANT NKOSI: Yes, I can see it.

ADV CHASKALSON SC: Let us stay on page 142. At 20 10:07, it says 08:07, that is 10:07, you send the CFO a picture of, sort of an image of fingers crossed, and underneath it says:

“He said he will not disappoint.”

CFO responds:

“Thanks, Mfowethu”

Then, if we go to 05:08, 05:08.

SERGEANT NKOSI: 05:08.

ADV CHASKALSON SC: 05:08. You have it. Chat number 4, 20 past 12, General Dlamini writes to you:

10 “Morning, Captain. Please just confirm from Mfowethu Ukuthi, I am processing the issue, and I have spoken to Cain and Vusi also to increase the target value as the amount is a bit higher. And as soon as all of them are released, I will let you know for his intervention to ensure that Tommy makes payment urgently.”

Let us take this one step at a time. Cain would be Cain Mpofo.

SERGEANT NKOSI: I do not know him.

ADV CHASKALSON SC: You do not know him. Do you know who Vusi is?

SERGEANT NKOSI: I do not know him.

ADV CHASKALSON SC: Do you know who Tommy is?

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

ADV CHASKALSON SC: We will have to ask those questions to the General. You say:

“Please confirm from Mfowethu Ukuthi, I am processing the issue.”

What was he processing?

SERGEANT NKOSI: I think, carry on with your questions so that when I answer, I will be in a position to answer in one package.

ADV CHASKALSON SC: Okay, so, the first question is, what was he processing? He then says:

“I have spoken to Cain and Vusi to increase the target value as the amount's a bit higher.”

What was the target value? That is the second question.

10 And as soon as you know all of them are released, what is got to be released:

“I will let you know for his intervention to ensure that Tommy makes payment urgently.”

Now is he saying at the end that when the first steps have been done, he will get the CFO to intervene to ensure that Tommy pays urgently? Let us start at the end. Is that what he is saying at the end? When everything else has been done, he will let you know, in other words you, Sergeant
20 Nkosi, for the CFO's intervention to ensure that Tommy makes payment urgently.

SERGEANT NKOSI: Ok, yes.

ADV CHASKALSON SC: So, when everything's been done, he is going to come back to you, and you will secure the intervention of the CFO to ensure that Tommy pays

urgently. Is that what he is saying he wants to happen?

SERGEANT NKOSI: Okay.

ADV CHASKALSON SC: Now let us get back to the earlier questions. What was the issue that he was processing?

SERGEANT NKOSI: Thank you. One at some stage I was with the CFO in the car. The CFO received a call from a person whom I did not know. And he said he was complaining about the payments that were not made to his company or her company. And her company worked. So,
10 as a result, I think it was a lot of money that was owed to them. As a result, they complained to CFO, threatening to take the city to court if they do not get their payment.

When the CFO hangs up the phone, I then ask him what was that all about, because it sounded like there was very, very not nice words between the two. He said there is this company that has been owed by the city, and it is long overdue, that is according to the CFO now. So, they are frustrated.

They are threatening to take the city to court. They
20 have also engaged or conveyed the same message to the city manager of Tshwane. I then said, how long? I cannot remember what he told me, but I know someone who can make a speed payment. Even though he is a CFO, he is working there, but from outside, I am telling him that I have got a brother there who can intervene and help you. Then,

okay. Mr Chaskalson, I think maybe you wanted to interject.

ADV CHASKALSON SC: No, no. Continue. I do not want to interrupt you.

SERGEANT NKOSI: Then, I have engaged with General Dlamini Umashi. Then I said, the CFO has got this crisis of payment, and the company that they are owing, they are threatening to take the city to court. Then General Dlamini said, let him send you that invoice on the particulars of the
10 company. Then I took the same and forwarded it to General Dlamini. General Dlamini made a follow-up with that effect. He found that - my interpreter is distracting me.

CHAIRPERSON: Please continue, Sergeant Nkosi.

SERGEANT NKOSI: She is taking me off tune now. I have to start afresh. Thank you. Okay, now.

ADV KHUMALO SC: You said the invoice was sent to you, you then gave it to General Dlamini?

SERGEANT NKOSI: Yes, I think let them sit down, they are distracting me. But on the same note, can I just I am
20 pressed, can I just ...[intervenes]

CHAIRPERSON: Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Sergeant Nkosi, I cannot resist making this observation. When you were testifying remotely, not

once did you ever announce that you were pressed. But from Monday up to today, probably tomorrow as well, you have been saying it, and you will probably be saying it fairly frequently. What is happening? Please, please, I am not suggesting that when you are pressed you should not tell us that you are pressed, but I just want to understand.

SERGEANT NKOSI: I think it is a matter of, you know, we tall guys, we need more water. So it is that issue that when we get dehydrated, we feel dizzy, you know, so I think that
10 is why I drink more water.

CHAIRPERSON: Because are drinking too much water, okay.

SERGEANT NKOSI: But not that maybe I am deliberately wasting the Commission's time and of which I understand that we are under pressure. We must finalise, we must finish, especially today. So, the more I go to the toilet, I delay time, especially on my side.

CHAIRPERSON: Okay, that makes me feel good about being short. Thank you very much.

20 **SERGEANT NKOSI**: Thank you.

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Sergeant, it was not clear to me that you had finished your explanation yet, but if you had, I am happy to ask the next question.

ADV KHUMALO SC: Do you remember where we were?

You were explaining about the invoice, that there was this phone call, you heard about it, and you said you were going to intervene because you know somebody, you then asked them to send the invoice to you, you were going to give it to the General, and then it was that phone call.

SERGEANT NKOSI: No, thank you, Commissioner. You remind me well. Okay, thank you. As I was proceeding. Now, I took the same to General Dlamini. General Dlamini checked the invoice, and he also found that indeed that
10 company worked, and it was never paid. Then he came back to me, he said, indeed, this complaint is valid because of this company, never worked. And at some stage I had issues with it or whatsoever, but I know about that company. Tell Mfowethu, tell Mfowthu that I will see what I can do. So now, all what I have said, it answers according to me what my Honourable Commissioner was asking about here.

ADV CHASKALSON SC: So, this was a complaint about one invoice?

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

ADV CHASKALSON SC: One invoice that had been unpaid for a while, and did you know the company from which the invoice came?

SERGEANT NKOSI: Yes, if I remember clearly, I think it was about Gubis[?].

ADV CHASKALSON SC: Gubis. And had you had any prior dealings with Gubis? Were you familiar with the people who owned Gubis?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: Had you heard about Gubis before?

SERGEANT NKOSI: Not that I can remember.

ADV CHASKALSON SC: Did you have any dealings with Gubis afterwards?

10 **SERGEANT NKOSI:** No.

ADV CHASKALSON SC: And did you receive any information about Gubis afterwards?

SERGEANT NKOSI: I think that payment was made to them. They were paid.

ADV CHASKALSON SC: They were paid, that is all that you knew, and the sum total of your knowledge of Gubis is that they had this problem with payment that came to a head on the 5th of March 2025, and you assisted to have General Dlamini and Mr Mnisi sort that out. Is that the sum
20 total of your dealings with Gubis?

SERGEANT NKOSI: I, maybe it is a point of correction, I did not have the CFO and General Dlamini. I was helping the CFO.

ADV CHASKALSON SC: You were helping the CFO?

SERGEANT NKOSI: By giving the document to General

Dlamini.

ADV CHASKALSON SC: By giving the document to General Dlamini. Why could not the CFO give it to General Dlamini himself? Do they not speak to each other?

SERGEANT NKOSI: Okay. I think it was not an issue for the CFO, I am just assuming, to give it to General Dlamini, but at that time when the information was received, it happened that I was driving on one vehicle with the CFO.

ADV CHASKALSON SC: Sorry, at the time you were
10 handling it because you were driving with the CFO?

SERGEANT NKOSI: When I heard that thing over the phone.

ADV CHASKALSON SC: You heard it over the phone? Who was driving the car, you or the CFO?

SERGEANT NKOSI: It was me.

ADV CHASKALSON SC: So, you were driving the vehicle. You heard the CFO taking a call in the car from a disgruntled supplier?

SERGEANT NKOSI: That is correct.

20 **ADV CHASKALSON SC:** And whose car was being driven, yours or the CFO's?

SERGEANT NKOSI: The CFOs.

ADV CHASKALSON SC: So, you were driving the CFO in his car?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Do you often drive the CFO in his car?

SERGEANT NKOSI: That is - can you come back again?

ADV CHASKALSON SC: Do you often drive the CFO in his car? I mean if it is his car, why are you driving, not him?

SERGEANT NKOSI: Not often. Sometimes when we are together.

ADV CHASKALSON SC: Is he happy for you to drive his car?

10 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: What kind of car does he have?

SERGEANT NKOSI: X6.

ADV CHASKALSON SC: And so, I presume that because it was his car, the Bluetooth went on to the car so you could hear the speaker?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: No. So, it was off Bluetooth and he was just having a conversation in the passenger seat in the car on his phone?

20 **SERGEANT NKOSI:** Yes.

ADV CHASKALSON SC: But you could still hear it?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And around when was this conversation? I mean what time of day was it? Do you recall?

SERGEANT NKOSI: I cannot remember clearly when or time.

ADV CHASKALSON SC: And how long were you driving the CFO? I mean how long did this continue?

SERGEANT NKOSI: I think we were going to his place of residence in Mpumalanga.

ADV CHASKALSON SC: You were going to Mpumalanga, so this was a long drive?

SERGEANT NKOSI: Yes.

10 **ADV CHASKALSON SC:** And inside the car, did you hand over the wheel to the CFO at any given point? You are driving, you overhear this conversation, you now want to help. Did you say, let me make a few calls for you, can you start driving and I will be the passenger now?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: No. So, while you were driving, you made some calls to General Dlamini to try and sort all of this out?

SERGEANT NKOSI: That is correct.

20 **ADV CHASKALSON SC:** How did you do that?

SERGEANT NKOSI: I phoned him.

ADV CHASKALSON SC: You phoned him, so you were sort of, you may want to plead your privilege against self-incrimination in relation to using a cell phone while you are driving. That was not what I had in mind.

SERGEANT NKOSI: I think that day I violated.

ADV CHASKALSON SC: So, you phoned him while you were driving?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And then you sent through an invoice to him from the supplier. Is that what happened? Well, it is certainly what happened on the chats.

SERGEANT NKOSI: I cannot remember that I sent it on the very same day or when, but I remember I sent it to him.

10 But I cannot remember.

ADV CHASKALSON SC: So, what we see on the 30th of April may be the day that the call came? Sorry, not the 30th of April the 5th of March. What we see on the 5th of March maybe a different day from when you were in the car and overheard the call?

SERGEANT NKOSI: I cannot deny or nor agree, but I remember something like that.

ADV CHASKALSON SC: Well, if it did not happen on the 5th of March, why was this not, you know, when you were
20 driving, why was this not something that the CFO could sort out without your intervention? Why could the CFO not speak to Mr Dlamini? Why did he need you to intervene?

SERGEANT NKOSI: The CFO did not need me to intervene. I volunteered. I do not want to push a narrative that it seems the CFO wanted me to intervene. I

volunteered because I overheard.

ADV CHASKALSON SC: So, you overheard the CFO speaking to a disgruntled supplier of the city?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Who you did not know, you did not know Gubis?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: But there is a call from Gubis. They are angry because they have not been paid. You
10 overhear it. And you decide that you are going to help out here and sort out the problems of Gubis, the CFO, and the security department by just ensuring that payment takes place. Is that what happened?

SERGEANT NKOSI: Can you repeat that?

ADV CHASKALSON SC: You overhear a complaint from a supplier you do not know about. You then decide that, and you realise that this supplier is complaining that they have not been paid and it has been a long time. You take it upon yourself to assist the CFO to sort out this problem by
20 speaking to General Dlamini, the head of security, to ensure that, I presume, invoices or purchase orders can be issued so that the supplier can be paid. Sorry, the invoices have been issued. Purchase orders can be issued so that the supplier can be paid. Is that what was going on?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: But what business of yours was it to start sorting out disputes between the city and its suppliers? Do you have any relationship to the city?

SERGEANT NKOSI: No, I do not have a relationship with the city.

ADV CHASKALSON SC: Other than being a resident of greater Tshwane?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: So, ...[intervenes]

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

ADV CHASKALSON SC: Continue.

SERGEANT NKOSI: Okay, I was only helping the CFO with the frustration that the service provider was threatening to take the city to court. So, as a result, the CFO was getting frustrated. Now it is my friend, I am getting worried here, my friend, now the route is going to be long. He is not himself now. That is how I intervened.

ADV CHASKALSON SC: But the problem, as I understand it, lay with the TMB, the security department. They had not
20 done what needed to be done to ensure that the CFO could pay. Is that what the problem was? They had to do something before the CFO could pay - they had to sign off on the invoices. Is that what the problem was? Do something to process the invoices.

SERGEANT NKOSI: I think, to save time, Chair, can I use

the services of the interpreter so that I must hear clearly the question, then I will come back to ...[intervenes]

ADV CHASKALSON SC: Sure. The problem lay with the I have called them the security department, let us call them the TMPD. The problem lay with the TMPD. Do you need interpreting or can I continue?

SERGEANT NKOSI: I need interpreting.

ADV CHASKALSON SC: The problem lay with the TMPD. They needed to sign off on invoices or process them in
10 some way before the CFO could pay.

INTERPRETER: Before?

ADV CHASKALSON SC: Before the CFO could authorise payment.

SERGEANT NKOSI: No, I do not think it is what the evidence leader is saying.

ADV KHUMALO SC: Sergeant, let us try this. Why did you need to involve General Dlamini in this process? So, we know that you are with the CFO. As the call comes in, the disgruntled service provider is complaining about non-
20 payment. What was the reason for you involving General Dlamini in that process?

SERGEANT NKOSI: Okay. I was just helping the CFO because I know that General Dlamini is head of - he works in finance as well or finance falls under him. He might resolve the issue, save the reputation of Tshwane and the

disgruntled between the CFO and the service provider.

ADV KHUMALO SC: What would General Dlamini need to do in order for the payment to take place?

SERGEANT NKOSI: I think he will need to verify all the documents submitted before him. And then that is when now he is going to instruct or he is going to follow necessary or do necessary arrangement for the payment to be done.

ADV KHUMALO SC: So General Dlamini needed to sign
10 documents and submit them to the CFO in order for the CFO to pay the service provider.

SERGEANT NKOSI: At that time of submission of that particular document, it was the matter of the General to verify that indeed the document is valid. And to check if those people were owed, did they work the hours or whatsoever that they claim to have worked. And then he will take it from there.

ADV KHUMALO SC: Mr Chaskalson, I do not know if you are covered or ...[incomplete].

20 **ADV CHASKALSON SC:** I think I am. Now why could not the CFO do this himself? Why did he need you to intervene to speak to a fellow executive in the city? And the CFO is the head of finance in the city. The General is the head of finance in the TMPD according to your evidence. Why did he need you to come in the middle? Why could not he

1 speak to the General directly?

SERGEANT NKOSI: The CFO did not need me. I think in my language ...[speaking in vernacular] I just jumped in and volunteered to help.

ADV CHASKALSON SC: Because it seems to me that your intervention made things more complicated. Because if we go to the chats, what we see is instead of a simple conversation between the CFO and General Dlamini, what we have is a conversation that has to be mediated through
10 you entirely. So General Dlamini speaks to you, you send a screenshot of what he says to the CFO. The CFO sees the screenshot, sends a response, you convey the response to General Dlamini. This goes backwards and forwards for about 4 or 5 hours. Would it not just have been simpler for the CFO to speak directly to General Dlamini?

SERGEANT NKOSI: Can I use the services of the interpreter? I hear you.

ADV CHASKALSON SC: So, it would have been simpler.

SERGEANT NKOSI: Even my way was simpler.

20 **ADV CHASKALSON SC:** Your way was simple. You were speaking to the General conveying the General's words to the CFO, speaking to the CFO, taking a screenshot of your exchange with the CFO, sending it to the General, getting the General's response, relaying it to the CFO. What was simple about that?

SERGEANT NKOSI: According to me, I took it as the right way, the right simple way to do it.

ADV BALOYI SC: Let me ask. Sergeant, what is the nature of your relationship with General Dlamini?

SERGEANT NKOSI: I have known him since youth stage.

ADV BALOYI SC: So, he is your friend?

SERGEANT NKOSI: No.

ADV BALOYI SC: Yes, I am asking, I mean, I know many people from when I was a child and adult. They are not my
10 friends some are my friends. I would like to know what is the nature of your relationship with him at the time that you start engaging with him on these payments?

SERGEANT NKOSI: Okay, General Dlamini can never be my friend. Maybe it will sound a bit awkward, he played a father figure role in my life.

ADV BALOYI SC: Yes.

SERGEANT NKOSI: Because at some stage when I was in primary, I was staying at his house and that is how I knew him up until today.

20 **ADV BALOYI SC:** So, is it fair to say the nature of your relationship with him is such that you thought if you intervened in these payment issues, you will get better response from him? He will respond because it is you better than if it is a CFO.

SERGEANT NKOSI: I would not say he will respond better

to me than a CFO. At that stage I saw him as an easy tool to use at that particular time. He forwarded this thing to me and then I will forward it to him.

ADV BALOYI SC: Sorry, you saw him as easy what?

SERGEANT NKOSI: Okay, I saw that it will be much easier for me to send it to him. I thought at that time maybe it will be a long stride for the CFO to take it, whatever process it was. At that time, we were on the road, he was being stressed, then I took advantage of him. Let me send it to
10 my brother, he might be of good help. So, by then, that is how I thought.

ADV BALOYI SC: You see, when Mr Mnisi asks you a question, is General winning, he is not in the same car with you. So, this process happened over time. If you were in the car, he would not have had to send you a message to say, is he winning. So, it is not the answer to say at the time we were together, he was driving and I thought let me do this.

You carried on to be involved in this exchange
20 instead of just sending off the invoice or making the enquiry and then leave the CFO to deal with it. You become very much involved you are actually the go-between. Hence my question, did you consider that because of your relationship with General Dlamini, as you describe it, or whatever form it is, that you will have influence over him to process these so

that payment is made urgently?

Because that is what it looks like from the chats. It looks like you are using your relationship with him to get payments, you are monitoring step by step, you are getting feedback, where are things, and you are forwarding them and discussing them with the CFO as you are getting responses. So, you are well past we were travelling together. You are past that.

You have gone your separate ways. With the CFO
10 as you now keep exchanging these messages. And it seems to me that you would have been that involved, or been the middle person, because of your relationship with General Dlamini. Otherwise, it does not make sense that the CFO who works with General Dlamini in Tshwane, both of them heads of department, they cannot speak directly. You must have brought something into this picture, and you understood it, that you are bringing the weight of your relationship with General Dlamini. Do you want to comment?

20 **SERGEANT NKOSI**: I do not know if it will be a suitable answer for me. I just want to cancel this thing of a breach because I am here today because of that thing of being a breach between people. So, the only time that I got involved is because Commissioner, at that time that this happened, I was with the CFO. Then I took advantage of

me knowing General Dlamini, not that I would maybe influence him better than the CFO. And indeed, I agree or I admit that when he sent me this message, he was not with me at that time. But I also did say that I cannot remember exactly when this document was sent.

ADV BALOYI SC: Yes. You see, what is curious is that you are an outsider, completely outsider, as in you are not employed in the city. You have not told us that Mr Mnisi knew that you have a relationship with General Dlamini. He
10 knows how close you are. You have not told us that. So here you are an outsider who happens to be friends with a CFO who gets a call from a service provider for payment, and you pretty much take over.

And he actually, the CFO makes enquiries with you. He does not make enquiries with the General. He makes enquiries, how far is he? Is he winning? I am looking at my system, it is not yet come in. He is speaking to you, not to General. It must be that you said to the CFO, I will fix this. I will get the payment to be sorted out urgently. You have
20 to have said that to him.

And you would have said that because of the weight of your relationship. At least that is what it looks like to me and that is what I am suggesting to you. That you would have said to the CFO, I will speak to Dlamini, I will sort it out. And you said that because you understood the weight

of your relationship with General Dlamini, whatever it is that when you step in and say payment and you follow up, you knew that he would respond. He will make it happen. Do you have any comment to my suggestion?

SERGEANT NKOSI: I think your suggestion, Commissioner, is too deep. It is way too deep. The way it transpired towards the Commission, but with due respect, the way I have seen it, it was just me trying to help the CFO through General Dlamini, that is all.

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

ADV CHASKALSON SC: Now you said this was about one invoice. One invoice that you sent to the General to assist the CFO. That was what your evidence was earlier.

SERGEANT NKOSI: If I can recall, I am not sure, but if I can recall.

ADV CHASKALSON SC: You think it was about one invoice. And ...[intervenes]

CHAIRPERSON: Your response, Sergeant Nkosi? Do you agree that you think it was about one invoice.

20 **SERGEANT NKOSI:** I am not sure. I cannot deny or admit.

ADV CHASKALSON SC: You see, it definitely was not about one invoice. It was about multiple invoices and probably several suppliers. Can I take you to some of the chats in this regard? Let us start at page 143. This is the

CFO's message to you at chat time 02:33, which is actually 04:33 in the afternoon. It is forwarded from the General:

10 “Yes, we have won. Busy with creating requisitions, plural, and at the same time releasing them, plural, in order for buyers, plural, to create purchase orders, plural. The process is long, as invoices, plural, have to be scanned and uploaded individually. And our trust will include the entire process before 17H00. As soon as the buyers, plural, have created purchase order, we will create service entries and submit them for payment.”

So, there are multiple invoices that have to be processed here. Do you accept that?

SERGEANT NKOSI: No comment on that.

ADV CHASKALSON SC: No?

SERGEANT NKOSI: I cannot comment on that because I am not sure.

20 **ADV CHASKALSON SC**: Well, this text, which comes from the General and you forwarded to the CFO, refers to everything in the plural. Then if we go to the invoice which you describe, or which you refer to, which is the invoice on the following page, 144. This invoice was special. And you see that from the message below, which is from the

General:

“This one is for the previous financial year. We will engage later Mfowethu on how to address it in order to avoid *post facto*.”

So why this one was sent was it came from a previous financial year. It was special. And they needed special arrangements to process it to avoid an *ex-post-facto* using this year's budget to spend on last year's money.

10 **SERGEANT NKOSI**: I do not know exactly, but the invoice that I was talking about is this one.

ADV CHASKALSON SC: Yes, but this process relates to multiple invoices.

SERGEANT NKOSI: Okay, I cannot comment on that, but the only thing that I remember, it was to intervene on this one invoice.

ADV CHASKALSON SC: So, you were just intervening on one invoice as you understood it.

SERGEANT NKOSI: That is correct.

20 **ADV CHASKALSON SC**: But all of the texts that you forward back and forth between the General, and the CFO relate to multiple invoices. You were not aware that you were indirectly dealing with multiple invoices. Is that correct? You just were not aware that these texts that you send backwards and forwards relate to multiple invoices?

SERGEANT NKOSI: Yes.

ADV BALOYI SC: But Sergeant, if it is an invoice from the previous financial year, which is even doubtful because when I look at these dates it is not clear to me, but even if it is, what could you possibly be intervening about? An invoice from the previous financial year, which the General says, I will engage with Mfowethu on how to address it. If this is the only invoice you say you are intervening on, what could you possibly be required to do about that problem of
10 an invoice from a previous financial year, which the General seems to recognise that he needs to speak to his CFO to sort out the problem?

SERGEANT NKOSI: Maybe I put a wrong word to say intervene, but it was a matter of the CFO sending it to me, then I send it to the General so that he must look at it. Not that I was intervening in the way it sounds, how would I intervene? So it was that on those bases.

ADV BALOYI SC: No, but we know from the chats that you were intervening.

20 **SERGEANT NKOSI:** Yes.

ADV BALOYI SC: You forwarded it according to you, your stories.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: You spoke to the General, you forwarded him this invoice, you were reporting back, we see

from the chats. So, you were fully intervening in this and updating the CFO and taking questions from the CFO and sending them to the General. So, I do not think you can avoid the description that you were intervening, you did intervene in this. My question is, if this was the only invoice, if all these chats that we have seen related only to one invoice, because that is what you are saying now. Your evidence is, well, this is the only invoice I got involved with.

SERGEANT NKOSI: Yes.

10 **ADV BALOYI SC:** So, my question is, if all these chats, the back and forth that we are seeing, which involves you, related to just this invoice, which is of a previous financial year, and we, the CFO - it must be discussed with the CFO how do we solve it. What could you be intervening to deal, I mean, what is your intervention on this kind of invoice, which still requires the CFO to be engaged, remember? Because that is what the message says, how we deal with it to address so that it avoids being a *post facto*. And as I understand it, so that it avoids to look like it was authorised
20 after the fact.

SERGEANT NKOSI: My intervention in this matter was to give General Dlamini and to make follow-ups with that effect.

ADV BALOYI SC: That is your answer. I will accept that is your answer. Thank you.

ADV CHASKALSON SC: Then there are other strange features about this correspondence. Can we go back to a question that I have already asked you, but you did not answer it at the time. It is about the target value. It is at, in your conversation with the General, at page 508. This is now at 12 pm. It is relatively early in the day's processing of invoices:

10 “Morning, Captain. Please just confirm from Mfowethu Ukuthi I am processing the issue. I have spoken to Cain and Vusi also to increase the target value as the amount is a bit higher. And as soon as all of them are released, all of them, more than one, I will let you know for his intervention to ensure that Tommy makes payment urgently.”

So, what was he referring to when he said Cain and Vusi were going to increase the target value because the amount is a bit higher?

20 **SERGEANT NKOSI:** Okay, according to my understanding about that message, it was for the General to inform me that they will adjust the budget and the payment will be made. It was the message that he sent to me to send it to the CFO.

ADV CHASKALSON SC: So, you understood this, that the

General was now telling you I am going to adjust the budget so that we can make this payment. And you must tell the CFO we are adjusting the budget.

SERGEANT NKOSI: No, no, no. This is how I understood it. I do not know what the General meant at that time. I am explaining the message that he wrote to me.

ADV CHASKALSON SC: At the time, you understood it like that?

SERGEANT NKOSI: Yes.

10 **ADV CHASKALSON SC:** But of course, your understanding may be wrong because you are not involved in municipal finance. Do you accept that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Which again raises the question of why the two could not speak together. Two people who did understand municipal finance would operate more efficiently if they spoke to each other directly rather than through you. Would you not accept that?

20 **SERGEANT NKOSI:** I am not sure if I understood your question.

ADV CHASKALSON SC: Would it not be more efficient for two people who understand municipal finance and are dealing with a municipal finance issue to talk to each other directly rather than to talk through a third party who does not understand municipal finance?

SERGEANT NKOSI: I was just passing the message. So, I did not think that it would be a problem for them to communicate through me. So, I took it from the General to the CFO. My understanding was that they were going to adjust the budget so that the outstanding invoice would be paid.

ADV CHASKALSON SC: And your evidence was that this was the first time you had ever heard of Gubis and you did not have any dealings relating to Gubis ever again. Can
10 you stand by that evidence?

SERGEANT NKOSI: I never said it was my first time, or I do not know Gubis. I do not know if you raised that question with me.

ADV CHASKALSON SC: No, I did. I did. So, you do know Gubis?

SERGEANT NKOSI: Yes, I know Gubis.

ADV CHASKALSON SC: Who is Gubis?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: Who are the people who
20 represent Gubis?

SERGEANT NKOSI: I do not know them.

ADV CHASKALSON SC: What do you know about Gubis?

SERGEANT NKOSI: I know that Gubis is a security.

ADV CHASKALSON SC: It is a security company.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And what else? What else do you know about Gubis?

SERGEANT NKOSI: I only know that it is a security company.

ADV CHASKALSON SC: That is all you know?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Have you had any other dealings that have involved Gubis?

SERGEANT NKOSI: Not that I know of or I remember.

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

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: Let me take you to a few of the other chats. Page 516 chat number 1, 23 March:

20 “Afternoon, Captain. I trust you well and your family. I thought we could meet up today so I could get clarity on something called Mfowethu. Cain called me on Friday and asked if Gubis wanted to meet up with me on Saturday. I then pushed the meeting to Monday with a view of getting direction from Mfowethu first, today. Please check with him on this and his advice. If I should go or drop them. I do not want to make a mistake on such matters because I believe the centre

should be one.”

What was that message about?

SERGEANT NKOSI: I think the General was informing me that there was a meeting that was to be held by Gubis and Cain and him now. That is the General. So, the General declined that meeting because according to me, understanding this message, he wanted the centre of communication to be one.

ADV CHASKALSON SC: What was the communication
10 about that there had to be one centre? Why would this even involve the CFO?

SERGEANT NKOSI: I do not know what he meant by that.

ADV CHASKALSON SC: You did not know what he meant by that?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: I want to put it to you that you did know what he meant by that.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And that this communication was
20 on which bidders were going to be awarded TMPD contract 1 of 2024-25. The contract in respect to which your brother's company was ultimately successful. One of the successful bidders. That is what this communication was about. What is your response to that?

SERGEANT NKOSI: That is not true.

ADV CHASKALSON SC: I see. We will get there when we get to that contract. What about page 547? If you go to page 547, you will see that on the 26th of June at 10 in the morning, you were sent a document which is described in the chats as termination letter COT ad hoc. That document is at page 647. And what that is, is a letter from Mr Revo Spies to Gubis terminating their services at Tshwane. Do you recall seeing that?

SERGEANT NKOSI: Yes.

10 **ADV CHASKALSON SC:** Sorry, I must correct what I put to you earlier. I said you were sent. In fact, what I showed you was the chat where you sent that to General Dlamini. Where you were sent it is on page 331. Just slightly earlier, it was at 09:57 in the morning, chat time.

SERGEANT NKOSI: Page?

ADV CHASKALSON SC: Page 331.

ADV KHUMALO SC: In the earlier file.

ADV CHASKALSON SC: File 1. File 1.

SERGEANT NKOSI: Sorry, thank you, Commissioner.

20 **ADV CHASKALSON SC:** There you will see that this termination letter was sent to you at chat time 07:57 am, 09:57. And the CFO said:

“Call him Mfowethu.”

You then, if you go back to page 547, forward the message to General Dlamini at 10:12 am. He calls you at 10:13.

And then if you go back to 331, you will see that at the bottom of the page, chat time 08:21, actual time 10:21, you say:

“I found him. What time can we meet today?”

And then immediately below that, when there is no response in eight minutes, you send two question marks. And then the CFO says:

10 “I will confirm Mfowethu. I need to call him urgently in the meantime. Can I have his number? That cannot wait for the meeting, my bro.”

And so, you send the CFO the General's number. Now why was it so urgent for you, the CFO, and the General to meet in relation to the termination of Gubis' services at the city?

SERGEANT NKOSI: I cannot remember as to why was it so urgent.

20 **ADV CHASKALSON SC**: And why were you being involved at all in relation to the termination of Gubis' services at the city?

SERGEANT NKOSI: Okay, my answer is I think the CFO sent me this termination letter to show the General. Indeed, I did that. I forwarded it to the General. The General confirmed that, indeed, he is the one who instructed – who is this one? Spies because this company

was working without any approval process or something. But I remember along those lines, he informed me that, that he recognised this company and he alleged that he is the one who informed that this company is not compliant, so they must terminate.

ADV CHASKALSON SC: But why was the CFO so anxious about this letter that he needed a meeting with you and the General so quickly? What was the CFO's concern about Gubis?

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

ADV CHASKALSON SC: Can I ask you if you are aware of Mr Sibanyoni has an indirect interest in Gubis?

SERGEANT NKOSI: Not that I know of. I do not know.

ADV CHASKALSON SC: Not that you know of. We have gone long past 1, Chair. I mean there is one – to round off this topic there is a question that may lead to a couple of minutes which I would like to canvas with the witness, but I am aware I am already long past my cut off time.

CHAIRPERSON: Perhaps we could do that when we come
20 back. Or you want to go ahead now?

ADV CHASKALSON SC: No, no, I am in your hands. I can do it either way.

CHAIRPERSON: No, when we come back then. Let us adjourn and resume at 10 past 2.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Thank you, Chair. I was threatening to round off that previous topic when we went away, and what I would like to do in that regard is just to find my notes first. If we go to the screenshots of the exchanges between yourself and the CFO and the General, and we look at pages from 584. We start on 584, and we see that the first screenshot of the day is at 09:46. These
10 are all screenshots relating to the day that you got involved in the issue of the invoices.

The second one is at 10 o'clock. The third one is at 14:20. It is only after you have been there three times that the invoice from Gubis materialises. And then the last one is the next day at 11:41. So over a period of essentially 24 hours in relation to this matter, in fact more than 24 hours, 25 and a half hours, the CFO and General Dlamini have been communicating in relation to this matter through you and through screenshots that have been
20 passed through your phone.

Now, Commissioner Baloyi suggested that one reason that this may have happened is that you had an old family relationship with the General and the CFO knew that you could invoke your family relationship to get the General to act in circumstances where maybe he could not. I want

to put to you that there is in fact a more sinister reason for this, which is that if this whole process of increasing target values, extending budgets and the like to facilitate payment of invoices is being done irregularly to extract money out of the City, then the General and the CFO would not want to communicate in this regard in the manner in which officials normally communicate, which is either by email on the official email or by phone and text on the official phones.

They would not want to leave an electronic trail, an
10 obvious electronic trail of their direct involvement in this process. And by sending screenshots through you so that they are never seen to communicate directly with one another, what they do is obscure the fact that they together are driving this process, a process which they do not want to be seen to be driving. That is what I am putting to you. What is your response to that?

SERGEANT NKOSI: Commissioner, can I use the services of the interpreter?

ADV CHASKALSON SC: I am not sure if I am going to be
20 able to repeat that in the same terms, but it may not be exactly the same.

SERGEANT NKOSI: No, I understand it, the interpreter, I think. Not that I do not hear you, but I just want to understand. So the best and better way is to use the interpreter's services.

ADV CHASKALSON SC: So where I started ...[intervenes].

CHAIRPERSON: Ms Marais, did you hear the question?

INTERPRETER: Yes, Commissioner, I did catch the question.

CHAIRPERSON: Do you want it repeated?

INTERPRETER: Yes, let us repeat it.

CHAIRPERSON: All right.

ADV CHASKALSON SC: So, Commissioner Baloyi put to you that a possible reason why the CFO was using you as
10 an intermediary between himself and the General was that the CFO knew about your family relationship with the General. Let us stop there, otherwise we will reach the end and have the same problem. And so the CFO thought that because of your family relationship with the General, you would be to persuade the General to do things that he as CFO might not be able to persuade the General. That was what Commissioner Baloyi put to you.

I want to put to you that there is a more sinister explanation. And the sinister explanation is this, that if
20 what is going on here is a process of securing irregular payments to suppliers, by changing budgets and increasing target values, the CFO and the General would not want to leave the electronic communication trail that is left by ordinary communications within a municipality between senior officials.

Their ordinary communication channel is on official emails or through messaging on official phones. And by interposing you between all of their communications, they leave an electronic trail that suggests that they never speak to each other. So they are able to communicate in relation to irregular conduct within the municipality without leaving an electronic trail that suggests that they have done so. And I put it to you that that is the reason why all of these messages were sent through you in relation to these payments. So I would like your comment, if any, on that.

SERGEANT NKOSI: That is not true.

ADV CHASKALSON SC: Are you happy to leave it at a simple denial?

SERGEANT NKOSI: That is correct. That is so.

ADV KHUMALO SC: Assuming your initial explanation for why you got involved in the issue relating to Gubis Security's payment, assuming that your initial explanation was that you were in the car with the CFO, a call came and you were trying to assist. What were you still doing three months later when there is a termination of that contract? What was the reason for your continued involvement with Gubis Security affairs?

SERGEANT NKOSI: I did not see any reason, I did not see any problem for me to continue even beyond that three months of continuing to be involved in this process.

ADV KHUMALO SC: And why Gubis Security specifically? Why not other service providers? Why Gubis Security? What was your interest in Gubis Security?

SERGEANT NKOSI: The reason is that other security issues were not brought to me. That is why I did not involve myself in them as much as I was involved with Gubis.

ADV KHUMALO SC: Thank you, thank you, Mr Chaskalson.

ADV CHASKALSON SC: Well, at least some security
10 procurement issues were brought to your attention. Let me take you to one. It starts on page 500.

SERGEANT NKOSI: Page?

ADV CHASKALSON SC: 500. And there you will see that on the 28th of November 2024, the General sent you in chat number 7 a document headed TMPD01-2024-25. And that document we will see at page 500. Sorry, not at page 500, we are at page 500. At page 566. And what we see at page 566 is a list of all of the tenders that have been received in respect of tender 1 of 2024/25. And there is a date, 02-10-
20 2024. Was that the deadline for submissions of bids in respect of that tender? 2 October 2024. Are you aware that that was the deadline for the submission of bids in that tender?

SERGEANT NKOSI: I was not.

ADV CHASKALSON SC: But you accept that by 28

November, if there is a list of all of the tenders received with their bid prices, then the deadline for submission must have passed. You will accept that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: So by 28 December, all bids had to be in. You accept that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And are you aware of the principle of public procurement that you are bound by your
10 bid and that after you have submitted your bid, you may not alter it? You aware of that principle?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: While we are on this document, let us go down to page 571 and we see at number 26 Gubis appears again. So Gubis must have submitted a bid for this tender. 571. And we see at 572.

CHAIRPERSON: Are you still looking for 571?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: You WILL see Gubis is number 26.

20 **SERGEANT NKOSI**: Okay.

ADV CHASKALSON SC: Then at 572, number 32, is reflected as Elshadia [sic] Security and Training. But you may recall that the correct name for this entity is Elshadai. It is a-i, not i-a at the end. And you may recall from our questions yesterday that that was one of the two bidders

who the General, yourself, and Mr Mnisi identified as the preferred vehicles for this tender. You recall that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: If we go down to 573, we see at number 34 an entity that is spelled T-r-i-o-t-r-i-c, Triotric Protection Services. I imagine that that should have been Triotic, T-r-i-o-t-i-c. And are you aware that Triotic is a company group associated with Mr Modise, the Deputy Mayor?

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

ADV CHASKALSON SC: And then at 95 we see a misspelling of your brother's company, Ngaphesheya Construction and Projects.

ADV KHUMALO SC: At 35?

ADV CHASKALSON SC: At number 35, immediately after Triotic. I do not even want to try to pronounce n-c-t-a, but it should be Ngaphesheya. You see it?

SERGEANT NKOSI: No, I see it, but it cannot be Ngaphesheya.

20 **ADV CHASKALSON SC:** It cannot be?

SERGEANT NKOSI: This one is Nctaphesheya, this is not Ngaphesheya.

ADV CHASKALSON SC: I see, and you are saying that this is not a contract for which your brother's company bid?

SERGEANT NKOSI: I am disputing the name.

ADV CHASKALSON SC: The name is wrong, it is spelled wrongly on this list. But are you denying that that company on page 573, number 35, was actually your brother's company? But whoever wrote this list spelt it wrong.

SERGEANT NKOSI: I deny it was my brother's, my brother's Ngaphesheya.

ADV KHUMALO SC: But does the full name of your brother's company goes Construction and Projects? Is it Ngaphesheya Construction and Projects, your brother's
10 company?

SERGEANT NKOSI: I am not sure about this. It might be Ngaphesheya Security, or I am subject to be corrected once I see the full document of Ngaphesheya.

ADV BALOYI SC: Can I ask a different question? Do you deny that your brother submitted a tender?

SERGEANT NKOSI: I do not deny my brother submitting a tender.

ADV CHASKALSON SC: And was your brother a successful bidder for this tender?

20 **SERGEANT NKOSI:** Yes, according to me.

ADV CHASKALSON SC: Well, let us see how he got there. Can we then go to page 133?

SERGEANT NKOSI: 100 and?

ADV CHASKALSON SC: 33.

SERGEANT NKOSI: Same file?

ADV CHASKALSON SC: File 1. You have it?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And there you will see that the CFO asks you on 26 February 2025, at the foot of the page, foot of 133, who is Siphon Nkomo or Joe Mabunda from TMPD? You see that question?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And you respond by sending a photo of Mr Nkomo. And the CFO then says underneath:

10 “Okay, taking him off this one, pointing
 up at that photo.”

You see that? It is over the page. It is 134 at 26 February.

The chat time is 11:17, which would be 01:17 PM.

SERGEANT NKOSI: I see it.

ADV CHASKALSON SC: You then below that say:

 “I am sending Joe Mabunda, but he is
 going on pension this year.”

And you send a photograph with a Facebook link to a picture of Mr Mabunda. Is that correct?

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

ADV CHASKALSON SC: Now, do you know why Mr Mnisi was interested in who Mr Nkomo and Mr Mabunda were?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: Did you know that they were the two departmental representatives from the TMPD on the Bid

Evaluation Committee for this tender?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: If we then go to page 512.

SERGEANT NKOSI: Same file?

ADV CHASKALSON SC: 512, no, it is File 2.

SERGEANT NKOSI: 512.

ADV CHASKALSON SC: We see the messages that I took you to yesterday. It is the messages of the 9th of March that the General sends you. The first is at 07:35 PM:

10 “Afternoon, my brother. I trust you are well and your family. My sincere apologies for the delay in sending these messages. The two vehicles for land are one Ngaphesheya Securities and two Elshadai Security Services. Have a blessed Sunday and lots of love.”

Do you remember that one?

SERGEANT NKOSI: Yes, I remember.

20 **ADV CHASKALSON SC:** And then two days later, he sends you a list of seven companies at 11 March, 03:06 PM, and he explains immediately below that:

 “Afternoon, Captain. I trust you are well and your family. The above is from the Red Berets. Please check with Mfowethu if it is the same with his from CIC Juju to

verify the authenticity.”

We went through that yesterday. I do not propose to go through it again. What I will show you is that if you go to page 148, you will see that all three of the messages that General Dlamini sent to you on the 9th and on the 11th, you forward to the CFO on the 11th at chat time 01:21 PM, which is actually 03:21 PM. You see those three messages, afternoon my brother. The two vehicles, and then the seven entities allegedly identified by the Red Berets. You see
10 those three?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Now, let me pause here and ask, why was it necessary for General Dlamini to communicate with the CFO through you in relation to these three messages?

SERGEANT NKOSI: Okay. Thank you. The three messages, I will start with that one of seven companies. At that time, according to the General, that he was approached, I do not know by who, but some individuals
20 knowing that he is working at Tshwane, or he once worked with them before, but I think he was working at Tshwane on security issues.

Then they gave him these seven companies. Then they further said to him these companies belong to CIC Juju. And then they further elaborated that the same

companies were also given to the CFO. So he sent me the same companies to send to CFO to verify, as in he knows about these companies, and are these companies legit or is it true the way they are saying that they were sent by Juju?

ADV CHASKALSON SC: Now, who is the Juju or CIC to whom you are referring here?

SERGEANT NKOSI: I took it as they sent it to me, CIC Juju.

ADV CHASKALSON SC: Who did you understand CIC Juju
10 to be?

SERGEANT NKOSI: At that time, I did not need maybe to understand on who it was, but I just took it as it came, that it is CIC Juju.

ADV CHASKALSON SC: What legitimate purpose could there be of checking with the CFO that a list of companies allegedly coming from CIC Juju had in fact come from CIC Juju? Could there be any legitimate purpose?

SERGEANT NKOSI: Commissioner, can I use just on that question, the services of my Honourable Interpreter? The
20 reason was to ascertain if indeed these names, these companies' names did come from Juju so that the CFO could be assured of that.

ADV CHASKALSON SC: Why would the CFO need to know if these companies' names came from CIC Juju?

SERGEANT NKOSI: The reason was that ...[intervenes].

CHAIRPERSON: Can you please turn this mic towards Ms Marais as well? Please, please, switch both of them on.

INTERPRETER: Now I have lost the trend of the thought.

SERGEANT NKOSI: I think the reason was that also needed to assure that these names did indeed come from CIC Juju, and that is why he needed to establish this from Mr Dlamini.

INTERPRETER: I am not sure if I have got it right, Commissioner.

10 **ADV CHASKALSON SC**: And did you understand ...[intervenes].

CHAIRPERSON: Sorry, sorry. Can you please repeat the question and let us get the answer again?

ADV CHASKALSON SC: What legitimate reason could there be for the CFO to need to know whether this list of companies came from CIC Juju?

CHAIRPERSON: Mr Chaskalson, I think ...[intervenes].

INTERPRETER: Just finish off the question.

20 **ADV CHASKALSON SC**: No, that was the question. What legitimate reason could there be?

SERGEANT NKOSI: The reason was that Mr Dlamini did have this name, but he was not sure if they are just names dropping to say that they came from Juju CIC. He wanted definitely to ascertain with Mr Mnisi that fact.

ADV CHASKALSON SC: But my question is a different

question. Is anybody, Juju or anybody else, entitled to influence tenders by indicating who their preferred bidders are?

CHAIRPERSON: Sorry, Ms Marais, you did not interpret the part about influencing.

INTERPRETER: Sorry.

CHAIRPERSON: Yes.

INTERPRETER: No, they did not have that right.

10 **ADV CHASKALSON SC:** Let us move forward then to the 18th of March and page 513.

ADV BALOYI SC: Before you forward, let me ask. I think the question was asked. I just need to be reminded the answer. Still at that page 512, why did you send that list of the two companies on page, the same page 512, but you also find it at 148 of the first file. The very page that you were looking at with Mr Chaskalson. So before you forward at 148, it is you and the CFO, not Mnisi. You send him

20 You sent him Ngaphesheya and Elshadai. Why did you send him those?

SERGEANT NKOSI: The reason for giving this name of Ngaphesheya was to assist my brother to secure the contract.

ADV BALOYI SC: What about Elshadai? Is it also your brother's company?

SERGEANT NKOSI: The reason is that he went to read Ngaphesheya's ...[intervenes].

CHAIRPERSON: Please repeat the part that you, Ms Marais, did not mention, please repeat it. Just the part that you say Ms Marais did not interpret.

SERGEANT NKOSI: I sent the name of the company to Mr Dlamini so that he could assist my brother's company Ngaphesheya to secure the job or the contract. Then Mr Dlamini said he would not be in a position to do so because
10 that would create a conflict of interest. He did say that there was a person who could assist my brother but that person does not work at Tshwane. That person is the person who works with the paperwork or the tender documents.

CHAIRPERSON: Who is a specialist with tender documents.

ADV CHASKALSON SC: And who is that person?

SERGEANT NKOSI: I have not yet finished explaining. Mr Dlamini then said he would assist my brother by linking him
20 to this other person who works with the paperwork or tender documentation but that person does not work for the Tshwane.

ADV BALOYI SC: Okay, you talk about conflict relating to your brother's company. Why did you say that? And then what about Elshadai? What did General Dlamini say or do

after you sent him this?

SERGEANT NKOSI: Sorry, Commissioner, I think I will keep on maybe going back because if I feel at some stage maybe my interpreter is misinterpreting me. So I will mix there and there. As Mr Dlamini now intervened by connecting my brother with this individual from outside Tshwane, then he found that that individual is also helping other companies.

Then after that individual was done with all the
10 things that were necessary to be complied with, he sent it to Mr Dlamini. Then Mr Dlamini sent those documents to me that now it is Ngaphesheya and Elshadai. And Elshadai is a company that my brother usually works with in terms of the joint venture when they are working in stadium or in big events.

So Elshadai is known to me like that. And then he said to me send this company to Mfowethu. These are the companies that are verified by this certain individual. Check for me if they are compliant with regards to the
20 requirement of that project.

ADV BALOYI SC: So when you sent to the CFO, to Mr Mnisi, the name of Ngaphesheya and Elshadai, you wanted the CFO to verify that they comply with the requirements of the tender?

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: All right, thank you.

ADV KHUMALO SC: So yesterday you did not know who Elshadai is, but today you know that they usually participate in joint ventures with your brother's company.

SERGEANT NKOSI: Yesterday the question was, do I have interest? What is my interest, if I understood clearly in Elshadai, then I said no.

CHAIRPERSON: You said that you requested General Dlamini to do something to ensure that your brother got the
10 job. Do you remember saying that?

SERGEANT NKOSI: No.

CHAIRPERSON: When you spoke in IsiZulu, something that led him to say that there would be a conflict of interest. I have paraphrased and made it much, much shorter than what you said, but I think the substance is the same.

CHAIRPERSON: Can you repeat that so that maybe I am misunderstanding?

CHAIRPERSON: You requested General Dlamini to do something and assist your brother towards securing the job,
20 job in respect of the tender. Not so?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: That is what I tried to convey even before.

SERGEANT NKOSI: Yes, I am sorry, Commissioner, I just wanted to ...[intervenes].

CHAIRPERSON: Now what I want to know is, did you make a similar request with regard to Elshadai?

SERGEANT NKOSI: No, but it happens that the same guy was doing also Elshadai.

CHAIRPERSON: Okay, thank you.

ADV CHASKALSON SC: If we then go forward, can we go to the next development that I see is on 18 March, a week later, and that is on page 513. It starts at 08:26:32 AM, chat number 6. And you say, this is a message you send to
10 the General at 08:26, chat number 6:

“Morning, General. The list of preferred people for demolition?”

So, it is a week down the line and you are now asking General to give you the list of preferred people for this tender. Is that not correct?

SERGEANT NKOSI: I am not sure if I hear it correctly. I would appreciate if you could...

ADV CHASKALSON SC: Well, demolition, this tender is known as the Land Tender or the Demolition Tender. You
20 know that?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: So, at 08:26 on the 18th of March, this is a week after – well, let us just rewind a bit. You have an exchange with the General about Ngaphesheya and Elshadai being the two preferred vehicles. General then

comes back and says, well, these seven are wanted by the Red Berets. Will you check it out with the CFO?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: A week later, you go to the General and you say:

“Morning General, the list of preferred people for demolition?”

So, what then happens? Let me take you through the chats and then you can comment on my conclusions at the end.

10 That is 08:26. At 08:33, you call the General in chat number 7. Over the page at 08:34, you call again. Lower down at 08:37, he calls you back.

So, there is a sequence of calls in essentially the 10 minutes after you send that message, the list of preferred people for demolition. After that sequence of calls, you then on page – remember, the last of those calls is at 08:37. If we then go to page 153, actually the bottom of 152 rather than the very bottom of 152, we see that last chat there.

20 Remember, you have got to add two hours. So, at 08:50, you WhatsApp the CFO with just two names, Ngaphesheya and Elshadai. So, what it seems to me is taking place here is once again, you are placing yourself as the conduit for communications between the General and the CFO and you have asked the General in the wake of last

week's conversation about the seven extra companies that the Red Berets want. He must come back to you now with who are the preferred vehicles for this tender.

You have had a conversation and then at 08:50, you have communicated the outcome of that conversation to the CFO. And the outcome of that conversation is that the two preferred vehicles remain, your brother's company and the company with which it normally partners. What is your response to that?

10 And, Sergeant, I must emphasise, at any stage during this questioning, if you want to assert a privilege against self-incrimination, you are entitled to do so. I do not want you to answer questions that might incriminate you and that you are not obliged to answer. You must always be free to do that. Having said that, do you want to answer this question?

SERGEANT NKOSI: Yes, I want to answer this question.

ADV CHASKALSON SC: Then please do.

SERGEANT NKOSI: Interpreter?

20 **ADV CHASKALSON SC:** Sorry. I thought you were going to answer through the interpreter. So let me start again. We go back to 11 March. You have had a conversation with the General. It starts with you identifying Ngaphesheya and Elshadai as the two preferred vehicles for the tender. The General then comes back with a list of seven additional

companies which he said come from the Red Berets. He says, please check this with the CFO.

You forward to the CFO all three of your chats to the General. The one about your two choices, the seven that ostensibly come from the Red Berets, and the General's request that the CFO must check this out. A week later, you send a chat to the General.

You send a message to the General saying, the preferred vehicles for the demolition tender. There are then
10 a series of conversations. Sorry, I am going so far down the line we are going to have to start again. Can I ask, are you able to interpret what I have said thus far? Let us do it one step at a time.

INTERPRETER: Just the sequence.

ADV CHASKALSON SC: The sequence, okay. It starts on the 11th of March. You have identified with the General your two preferred vehicles for this tender. The General has then messaged you to say there are another seven companies that the Red Berets want. You have forwarded
20 all three of those messages.

A message where you identified your two preferred vehicles, where there was the list of the seven other vehicles, and the message underneath that saying these are the companies that the Red Berets want. Check this out with the CFO. You forward all of those to the CFO.

That is where things stand on the 11th. A week later on the 18th, you send the General a message asking for the preferred vehicles for the land tender, for the demolition tender. There are then a series of voice calls between yourself and the General. At the end of those voice calls, you message the CFO with just two names, Ngaphesheya and Elshadai.

And what it looks like to me is that once again you are intermediating conversations between the General and
10 the CFO and the outcome of those conversations over a period of a week is that the chosen vehicles remain Ngaphesheya and Elshadai. And I want your comment on that.

SERGEANT NKOSI: The reason was that the names of these companies have been brought back from the person who was checking them. Checking their paperwork. Checking that they are compliant.

ADV CHASKALSON SC: And were they compliant?

SERGEANT NKOSI: Yes, according to me and Dlamini was
20 that they were complying.

ADV CHASKALSON SC: We will get to that shortly because in fact they were not compliant. Yesterday I said there were six independent grounds on which Ngaphesheya should have been disqualified. In fact, I under-calculated, it was 12. But we will take you one by one through them in

the chats later. For now I want to go forward to the 21st of March, and we are back with your chats with the CFO. 154.

He says to you on the 21st of March, top of the page:

“Good morning. I had a meeting with ActionSA and EFF yesterday. Telling me to submit five is an insult and did not sit well with me.”

He says seat well with me, but I think he meant sit well with me. You see that?

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

ADV CHASKALSON SC: And if we go to 515, we see that you immediately forward that message to the General. 515, chat 3. And you will see at 11:17 you forward to the General the message you have just received from the CFO:

“Good morning, I had a meeting with ActionSA and EFF yesterday. Telling me to submit five is an insult and did not sit well with me.”

You see that?

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

ADV CHASKALSON SC: Now, once again, the CFO is communicating with the General through you. CFO texts you, you text the General. Why is this taking place?

SERGEANT NKOSI: That is how we normally or regularly communicated. That was the habit on how we conducted

this.

ADV CHASKALSON SC: So when you were in the car and Gubis called and raised a problem about not being paid, in fact, there was no factor specific to that situation that you wanted to help out the CFO because he was in a car and he could not do these communications. That, in fact, was not the correct answer, the truth as to why you took over the process and started intermediating yourself. The truth was that you just always intermediate yourself in
10 communications between the General and the CFO.

SERGEANT NKOSI: That is not true. Firstly, I did not say that Mr Mnisi was not able to speak to the General because he was busy. I am the one who volunteered to speak to the General because I am very familiar with the General.

ADV CHASKALSON SC: Well, let us go on with the sequence. 516, chat number 1. We are now two days on. It is 23 March:

“Afternoon, Captain.”

This is from the General:

20 “I trust you are well and your family. I thought we could meet up today so that I could get clarity on something called Mfowethu. Cain called me on Friday and asked that if Gubis wanted to meet up with me on Saturday. I then pushed the

meeting to Monday with a view of getting direction from Mfowethu first, today. Please check with him on this and his advice, if I should go or drop them. I do not want to make a mistake on such matters because I believe the centre should be one.”

We discussed this message earlier today, you recall?

SERGEANT NKOSI: Yes.

- 10 **ADV CHASKALSON SC**: You will see that you immediately forward that message to the CFO and you will find it forwarded immediately on 155. It is the second last message on the page. You forwarded to the CFO message time 16:20. It is actually 08:16:20 pm. When he receives it, he says to you:

“let us let general meet him. Then he will brief us of the outcomes of the discussion when we meet later, Mfowethu.”

- 20 In response to the General's message that he has been approached by Gubis, who want to meet him. Remember Gubis is also one of the bidders on this tender, you remember that?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: So, they want to meet with the

General and the CFO says, let the General meet, then he will brief us of the outcomes of the discussion when we meet later. Then, on the 25th of March at 157, you send the CFO your third message confirming that it is your brother's company and his usual partnering company that are the preferred vehicles. That is at 08:12 AM, message time 06:12:17 AM, middle of the page, just those same two names, Elshadai and Ngaphesheya. Why did you do that?

SERGEANT NKOSI: I sent these companies to the CFO to
10 check if these companies are compliant according to what has been informed by the General to me that indeed through that person who helped these companies, they are compliant.

ADV CHASKALSON SC: But you have already sent those two names ostensibly for that purpose a few days previously. Are you just repeating the same message that you sent previously?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Well, the response of the CFO, if
20 we go down, is:

“Can we meet at Jean Avenue at about
four?”

You say:

“Super.”

And he says:

“Please bring General Mfowethu.”

If we go back to 517, the please bring General was at 13:08 and we see at 01:11 PM there is a screenshot that is sent to the General and it is a screenshot of your chats that you have just had with the CFO. And lower down the page at 114 ...[intervenes].

SERGEANT NKOSI: One?

ADV CHASKALSON SC: Sorry, lower down the same page, 517, at 01:14 PM, chat 4, the General responds:

10 “Afternoon, Captain. Trust you are well
and your family. Copied, we will see you
there.”

So the CFO is off for a meeting at Jean Street at four and the General is saying yes. And then we now have reached 8 PM at night and we are at page, same 25th of the 3rd, we are at the bottom of page 520. And now the General sends you a document, we will get to that document in due course, and what he says on the document is:

“Captain ...[vernacular].”

20 So he is sending you a list of bidders who Victor has a mandate to award this tender to. Is that correct? Maybe before you answer you should go to page 176 because you immediately forward that list to the CFO. It is at the foot of page 176. Message time 06:31:53 PM, it is actually 08:31:53, and you see it is a screenshot of your

conversation with General Dlamini and there are seven companies that are listed for TMPD124/25 and the same message, captain ...[vernacular], it says from US, you say. And is US, what is US? Is US Umashi?

SERGEANT NKOSI: Where is that?

ADV CHASKALSON SC: At the foot of – so if you go over to 177. You see that that message is forwarded with a message from US, and I assume that that is a reference to the General because it is in fact forwarded from the General
10 and the General's first name is Umashi. I think the U would stand for Umashi. Is that correct?

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And underneath, just to make clear, you tell the CFO that these are companies given to Victor by Nico.

SERGEANT NKOSI: Yes.

ADV CHASKALSON SC: And then underneath that you send your own message to the CFO which says Captain, sorry, you do not. I need to take you back to page 521.

20 **SERGEANT NKOSI:** 500 and?

ADV CHASKALSON SC: 21. And there you will see at the top of the page 903, the General says:

“Captain, find below our vehicles for land
to be given Mfowethu in order of priority.”

And there they go Elshadai at the top, then Ngaphesheya

coming second and then another three, four, unfortunately, four has been repeated so they are actually in total six companies, but there are two number fours. And then a bit lower down the page a seventh company is added at 09:07:56 PM, where the list has now grown to seven.

And that list of seven you forward to the CFO on page 177 in the chat that is sent at message time 07:08, which is actually 09:08 PM. You see that?

SERGEANT NKOSI: I see that.

10 **ADV CHASKALSON SC**: He responds:

“Thanks, Mfowethu. I am on top of this.”

And he says:

“This is ours, Mfowethu. This is the final list, right?”

And you say:

“Yes, it is our final list.”

SERGEANT NKOSI: Which page do I say is our final list?

ADV CHASKALSON SC: 178. Do you see that?

SERGEANT NKOSI: Okay.

20 **SERGEANT NKOSI**: So when you said it was your final list and the list has been described as our vehicles for land to be given Mfowethu in order of priority, what are you saying?

SERGEANT NKOSI: Okay. This list, it was the list that was compiled by Nico. Nico, this was a list that was compiled by Nico. Nico who was referred by General

Dlamini who is an outsider to Tshwane. So according to Nico, he sent this to General Dlamini that this, according to him and what he did in terms of the paperwork, it is compliant to be able to work. So now he sent to General Dlamini, General Dlamini said can you verify with Mfowethu these companies are compliant. That is the reason I have sent them to Nico, to the CFO.

ADV KHUMALO SC: Land to be given means they are compliant.

10 **SERGEANT NKOSI:** Pardon?

ADV KHUMALO SC: If you just read on page 177.

SERGEANT NKOSI: Yes.

ADV KHUMALO SC: Where they say:

“Captain, below our vehicles for land to be given.”

What does land to be given mean?

SERGEANT NKOSI: It is a land invasion project. Land invasion. Invasion, ja.

20 **ADV CHASKALSON SC:** So this is the tender, it is called the land tender or the demolition tender. I am not saying that that is what is said in your chats, but this tender I am putting to you is known as the land tender or the demolition tender. It is to protect city land from land invasion and to demolish shacks if people invade city land. Is that not correct?

SERGEANT NKOSI: Now are you asking me on top of the question that was asked by Commissioner Khumalo?

ADV CHASKALSON SC: I will let you answer Commissioner Khumalo's question. I was trying to speed up that process and clarify.

ADV KHUMALO SC: I thought you had already answered. Mine was clarification. You are being asked a different question by Advocate Chaskalson.

SERGEANT NKOSI: Okay.

10 **ADV KHUMALO SC:** That the tender itself was about protecting city land from land invasions.

SERGEANT NKOSI: That is correct.

ADV KHUMALO SC: To demolish shacks if people have built illegally.

SERGEANT NKOSI: That is correct.

ADV KHUMALO SC: Yes.

ADV CHASKALSON SC: And Nico, is that Nico Mathobela [?]? Nico the man outside the City who can help you with compliance.

20 **SERGEANT NKOSI:** Nico who?

ADV CHASKALSON SC: Nico, you said these are the names that have come back from Nico?

SERGEANT NKOSI: Yes. I do not know his surname. He is a person that is known by General, but I can confirm that it is Nico. Maybe before the Honourable Commissioner,

...[vernacular]. I am sorry. I am sorry, Commissioners.

CHAIRPERSON: No problem. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV CHASKALSON SC: So we got to 25 March and you will recall that on the 23rd of March the General had spoken about Gubis approaching Cain and wanting a meeting and the CFO, you had forwarded that to the CFO, and the CFO had said let him meet, let the General meet with them, and
10 he can report. If we go to page 178, we see a screenshot of a conversation with the General where he gives his report and you have taken a screenshot of that and you have sent it to the CFO. And there at 18:59 on the screenshot, the General reports to you:

“Afternoon, Captain. I had a meeting with Cain and those guys today, as I indicated. I have told them they should go back where they started Mfowethu. I said to him he is the only gateway, they
20 cannot go with the backdoor. I will only be able to assist if I get an indication from Mfowethu. Protocol must be observed at all costs.”

So what you are reporting, or what the General has reported to you, is that he is met with Gubis and Cain, he has said to

them he is not going to deal directly with them, if they want anything they must go to the CFO. Is that correct?

SERGEANT NKOSI: Can you repeat your question, Counsel?

ADV CHASKALSON SC: What the General has reported to you and what you have forwarded to the CFO is that the General met with Gubis and Cain, as he indicated that he would, they were wanting to speak to him and to get arrangements with him. He has told them that they have to
10 deal with Mfowethu, in other words the CFO, that he is the only gateway, they cannot go with a backdoor and he, the General, will only assist them if he gets an indication from the CFO because protocol must be observed at all cost. Is that not what the report was saying?

SERGEANT NKOSI: According to my understanding, as I read here, it said:

“Afternoon, Captain. I had a meeting with Cain and those guys today, as I indicated.”

20 So there is, I would not say those guys are Gubis or not. So there is no way that they, there is no sentence that mentions those guys and Cain.

ADV CHASKALSON SC: But if you go back, if you go to 516 in File 2.

SERGEANT NKOSI: Five?

ADV CHASKALSON SC: 516 in File 2, you will recall that a few days earlier the General had said to you:

“Afternoon, Captain. I trust you well and your family. I thought we will meet up today so that I could get clarity on something called Mfowethu. Cain called me on Friday and asked if that Gubis want to meet up with me on Saturday.”

So Cain called him, told him that Gubis wanted to meet up
10 on Saturday:

“I then pushed the meeting to Monday with a view of getting direction from Mfowethu first today. Please check with him on this and his advice if I should go or drop them. I do not want to make a mistake on such matters because I believe the centre should hold.”

You recall that?

SERGEANT NKOSI: I recall it.

20 **ADV CHASKALSON SC:** And you recall the response of the CFO was to tell you, let the General meet with them and he, the General, will then report to us. We will not meet him, we will not meet with Gubis, the General can meet with Gubis and we will then get a report from the General. Do you remember that? If you need to check the actual page,

it is 155. That is where you forward the General's message about Gubis and Cain wanting a meeting and the General responds and says:

“Let us let General meet him and then he will brief us of the outcomes of the discussion when we meet later Mfowethu.”

So when we see this message at page 522, four days after that exchange with the General and the CFO, we see a
10 message saying:

“Afternoon, Captain. I had a meeting with Cain and those guys today, as I indicated. I have told them they should go back where they started Mfowethu. I said to him he is the only gateway, they cannot go with the backdoor. I will only be able to assist if I get an indication from Mfowethu. Protocol must be observed at all costs.”

20 That is a reference to the meeting with Gubis and Cain that he was instructed to have without you and without the CFO and thereafter to report to you. Do you accept that?

SERGEANT NKOSI: No.

ADV CHASKALSON SC: Well, I put it to you that that denial is a false denial. Let us see what happens after this.

Page 178, you forward that exchange with the General. You forward it to the CFO along with your response:

“Nice one, General. Let me inform Mfowethu.”

You see that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: What was nice about the General's response to Cain and those guys? What did you like about it that you wanted to inform Mfowethu?

10 **SERGEANT NKOSI**: I think what was nice was when the General sent me a message that he said they must follow protocol. I think protocol is to follow proper channels to go to the offices at Tshwane.

ADV CHASKALSON SC: And in this case the appropriate person to approach for complaints around this tender was the CFO. Remember, they were complaining about the tender.

SERGEANT NKOSI: Can you repeat that question?

20 **ADV CHASKALSON SC**: Are you saying that the appropriate person to approach in relation to complaints about the tender is the CFO? You should go to the CFO if you have a complaint about a tender.

SERGEANT NKOSI: I do not know what is the proper channels to complain about the tender in Tshwane, so I cannot comment on that.

ADV CHASKALSON SC: Well, let us go a little bit further.
Still on the 27th.

SERGEANT NKOSI: Page?

ADV CHASKALSON SC: 179. You have now said:

“Nice one, General. Let me inform
Mfowethu.”

To the General, you forwarded that screenshot to the CFO.
And then at screen time 05:49:51, which is 07:49:51, the
CFO forwards you a call log that shows three calls from
10 Mandla Mgcina. Who is Mandla Mgcina?

SERGEANT NKOSI: He is someone I know from
Soshanguve.

ADV CHASKALSON SC: Is he a nephew of Mr Sibanyoni?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Is he associated with Gubis?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: I see. Let us go down to page
181, and we see the CFO forwards you another call log
where missed calls from Mandla Mgcina are circled. You
20 see it goes over to 182. And you send some laughing emoji
saying:

“He is looking for you.”

I want to put to you that what is happening in this case is
that the General has had a meeting with Mr Mandla Mgcina
in relation to Gubis. He said do not speak to me, speak to

the CFO. The CFO has then approved of that course. And now Mr Mgcina is desperately trying on behalf of Gubis to get hold of the CFO. That is what we are seeing. I will put to you that that is what we are seeing. Do you want to comment on that?

SERGEANT NKOSI: I would not comment on the missed calls of the CFO.

ADV CHASKALSON SC: So you are not denying what I am saying is correct. You are just saying you cannot confirm it.

10 **SERGEANT NKOSI**: I am not going to comment on the missed calls of the CFO.

ADV CHASKALSON SC: But you did comment at the time. You sent four laughing emojis and the message he is looking for you.

SERGEANT NKOSI: I am saying I am not going to comment on what you said earlier that the General has turned down Mr Mandla Mgcina. Now Mr Mgcina is frustrated. He is calling the CFO and the CFO do not answer his phone. I am saying I cannot comment on that.

20 **ADV CHASKALSON SC**: Well, let us see how you deal with this in relation to the General. Can you go back to, so go down to 608, 608 in File 2.

SERGEANT NKOSI: File 2? Just a moment.

ADV CHASKALSON SC: And there you will see that at five to eight on the night of 27th of March, you forward to the

General a screenshot of your exchanges with the CFO. So it starts with the mini screenshot of the General's exchanges with you that you have sent to the CFO. And the CFO's response:

“Thanks, my brother. It is the way. Much appreciated.”

Missed call, voice call, and then the missed calls from Mandla Mgcina. So you are telling the General that after he indicated to Cain and those guys that they must approach
10 the CFO, Mr Mgcina has been trying hard to get hold of the CFO. Is that not what was happening?

SERGEANT NKOSI: I cannot comment on that.

ADV CHASKALSON SC: Now, your version all along as to why you were sending out lists of preferred vehicles, is that this was for a third party to check on compliance and that those vehicles were all compliant. Let us go to page 525.

ADV BALOYI SC: Before you do that, at page 608, the very last one that you looked at, Sergeant, you do not have to go there. This is the one where you forward these
20 screenshots including, you forward to the General, including the missed calls to the CFO from Mr Mandla Mgcina. Why are you sending this log of missed calls from Mr Mgcina to Mr Mnisi? Why are you sending this to General Dlamini?

SERGEANT NKOSI: Okay. I think, can you please repeat that question, my Honourable Commissioner?

ADV BALOYI SC: The page that you were looking at just now, and you do not need to go there.

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: I will remind you what it is. This is page 608, and this is you forwarding to General Dlamini a screenshot of your exchanges with the CFO, Mr Mnisi. And the last two screenshots on that page are the missed calls that Mr Chaskalson has been discussing with you. These are the calls from Mr Mandla Mgcina. There is two calls,
10 and then there is one missed call. My question is, why are you sending these call logs, these missed calls, why are you sending that screenshot to General Dlamini?

SERGEANT NKOSI: I cannot remember, I think, why did I send them, Commissioner.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: So, at 525 we see that on the 13th of April, in chat 3 and chat 4, the General sends you a preliminary list of non-compliance issues. I am putting it to you that this is a preliminary list of non-compliance issues
20 with the Ngaphesheya bid, Ngaphesheya.

The first is they need a lease agreement for the company and the director for rates and taxes. The second is they need some piece that the tender presumably required relating to the interpretation of the Provincial of Illegal Evictions Act. The third is that they need three years

financials to be done by an independent auditor and signed or certified that they have been audited.

The fourth is that they need a lease agreement for vehicles. They had apparently submitted a document, which was a quotation from Avis, and the tender required an agreement with photographs of vehicles, including a five-tonne truck. The fifth non-compliance was that there was public liability insurance for 10 million that was needed. And underneath this list, he says to you:

10 “Afternoon, Captain. I trust you well and
 your family. Please push Bheki to submit
 the above documents.”

Now, is he saying to you that in order to rectify his non-compliant tender, your brother must now produce those five documents? Is that what he was saying?

SERGEANT NKOSI: Interpreter? No.

ADV CHASKALSON SC: What was he saying?

SERGEANT NKOSI: I can no longer recall this message that Mr Dlamini sent to me, what it explained.

20 **ADV CHASKALSON SC**: Well, maybe if you go to the next page, 526, and you see your response to the General, that will help. First message:

 “General, I spoke to Bheki now. He tells
 me he has spoken to Nico when he was
 busy with documents of Elshadai. Nico

promised to help, but he is no longer answering his phone. Please check Nico. I will push Bheki. These people must know it is one thing, and they must work as a team, not the other way. Please, General, intervene. We cannot lose now. We have been waiting for this for a while.”

What could not you lose?

10 **SERGEANT NKOSI**: Okay, I think it was with regards to the guy by the name of Nico, who is a tender document specialist, with regards to help in terms of the document and the compliance of the said companies.

ADV CHASKALSON SC: So, Nico was there to ensure that the bids would be compliant? This is now more than six months after the deadline for bid submission, and Nico is not helping to fix up potential problems with compliance in your brother's bid. Is that what is happening?

20 **SERGEANT NKOSI**: Can you repeat that? I must answer you accordingly.

ADV CHASKALSON SC: Nico was there to assist with compliance.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: It is now six months since the bid submission deadline. Remember, the bid submission

deadline was in October.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And Nico has still not done what he should have done to ensure that the bid was compliant. Is that correct?

SERGEANT NKOSI: No. So, to answer that, according to my understanding or little knowledge about the project, once the project has been closed, there is no way that you can submit any further document. In this matter, I think it
10 was another project in Mpumalanga that was to take place. So, I am thinking that it was with this regard where I was talking to the General about the bid.

ADV CHASKALSON SC: But why would you speak to the General about a project in Mpumalanga?

SERGEANT NKOSI: Remember now, the General has got knowledge about the security project. That is the reason he referred me to this Nico. So, I am always involving him when it comes to this Nico person.

ADV CHASKALSON SC: Well, let us go further because I
20 think it is fairly clear that the non-compliance was in relation to tender number 1/2425 in Tshwane. But before we go further, just the next chat on that page, the General says:

“I spoke to both of them now, Caption.”

And that screenshot of his phone, you will see at page 326.

SERGEANT NKOSI: Which page?

ADV CHASKALSON SC: 326. I am so sorry, it is chat 326, it is page 615, I am sorry. It is File 2, page 615, I apologise for that. And you will see that chat is a chat between the General, Bheki Fana, who I presume is the General's name for your brother, and Nico Mathobela. You see?

SERGEANT NKOSI: That is correct, I see.

ADV CHASKALSON SC: And so we can assume that Nico's surname is Mathobela, or at least that the General
10 saves him as Nico Mathobela.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And now, you said that these exchanges related to a project in Mpumalanga. Can we go to page 228? Do you have 228?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And this is now your chat with the General on the 24th of April. And if you see the message from the General at message time 12:39, which would be 2.39pm on the 24th of April, the General says:

20 “Ngaphesheya is Grade B and has nothing in the documents. Mfowethu, please send to US and request him to provide him with information for the correction. We need Grade A guards. We need Grade A guards.”

So the General is saying that your brother's bid says only Grade B, and that the bid that the City needs is Grade A. And he is saying, send to the General, request him to provide with information for the correction. So these exchanges about deficiencies in the bid had to do with Tender 1/2425, did they not? Do you have an answer to that?

ADV KHUMALO SC: I am confused, Commissioner Khumalo. Maybe my honourable member is asking or is
10 commenting. So that is why I am listening. What is the next move from here?

ADV KHUMALO SC: To be fair to him, Advocate Chaskalson, you did not invite him to comment.

ADV CHASKALSON SC: Sorry, sorry. Let us finish at the end, did they not? Which was a fairly oblique question. Well, I am putting to you that these deficiencies in the bid that you were talking to the General about were deficiencies in a bid relating to a Tshwane Tender, Tender 1/2425, which you, the CFO, and the General were hoping to rectify more
20 than six months after the bid submission deadline. That is what I am putting to you. Do you want to respond to that?

SERGEANT NKOSI: That is incorrect.

ADV CHASKALSON SC: Well, before I ask you to amplify, let me take you to a further set of chats. Can we then go to page 530? And there you will see from chat number 3 all

the way through to the next page, there are a series of pictures that the General sends you. And what those pictures are, you will see at pages 616 onwards. So let us go to 616 because then we can actually see what the General sent you.

The first picture is a picture at page 616, and it is a picture of your brother's certificate of registration with the Security Industry Regulatory Authority. You see it?

SERGEANT NKOSI: That is correct.

10 **ADV CHASKALSON SC**: And you will see it has a grade B certification. If you look at it, it says, just below the date of issue, it says, Recognised Training Qualification as date of issue, Grade B. You see it?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: And you will recall that the CFO said that we, in other words, Tshwane, need grade A.

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: Let us look at the next one. Next page, page 217. This is a letter of good standing. And
20 from 617, the next page, all of these pages will be sequential. If you look at the directors of the company, your brother is listed as the only director, and on the far right his training status is grade B, and you will recall that the requirement was for grade A. You recall that?

SERGEANT NKOSI: I do not know if I understand maybe

the certificate correctly, but according to me here, I see grade A, B, C, D, E. In page 617.

ADV KHUMALO SC: No, Captain, those are the registered employees, so the active employees of the company.

SERGEANT NKOSI: Okay.

ADV KHUMALO SC: Advocate, maybe they can put it up. It was up on the screen.

SERGEANT NKOSI: No, it is fine here.

ADV KHUMALO SC: You can see it here. So what he is
10 talking about is just below grade A, B, C, D, E is the director's name or the member's name, and then it has your brother as the only director. And if you follow that line to the extreme right, his training status is then B. That is the one he is referring to.

SERGEANT NKOSI: Thank you, Commissioner.

ADV CHASKALSON SC: Then if we go over the page, we see that someone has helpfully listed six different issues of noncompliance on a post-it stamp. The first is that the certificate, the PSiRA company certificate, the company is
20 not certified. The second is that the director is grade B. The third is that the letter of good standing is also indicating grade B. The fourth, firearms, no licenced firearm registration. Fifth, no proof that you are up to date with Provident Fund. That would be Provident Fund contributions. The sixth, I do not fully understand. It says

SOP. Check pages 10, 13, and 19.

Let us go to the next page because it does not stop at six. In fact, it goes on to 12. The seventh is to do with an ICASA lease agreement or an ICASA licence, which apparently was missing. The eighth was that there was no bank rating. The ninth was that there was no list of tools and vehicles or photographs of tools and vehicles. The 10th was that there was no reference provided, no references and no experience indicated. The 11th was that the wrong
10 CSD report was attached.

The 12th was that there were no rates and taxes clearance certificates from, well, the company was in arrears and had not shown a lease, and there was no rates and taxes certificate supplied in relation to the director. So there were 12 independent grounds on which your brother's bit should have been disqualified, I want to put to you. What is your response to that?

SERGEANT NKOSI: That is not true.

ADV CHASKALSON SC: Well, let us move on. Let us go
20 to 620. Let us look at the CSD registration report that was provided. The CSD registration report, at least according to whoever prepared this list, was not for your brother's company. It was for a company called Nkabela II Trading and Projects. Do you see that?

SERGEANT NKOSI: That is correct.

ADV CHASKALSON SC: If we go back to 531, there was a separate problem, which the General pointed out to you.

SERGEANT NKOSI: That is 500 and?

ADV CHASKALSON SC: 31. There at the top of 531 you will see that the General also pointed out, and this was on the 24th of April 2025, more than six months after the bid submission deadline, that there was no auditor's letter. So what I want to put to you is the following propositions. I will put them sequentially, and then you can respond to them
10 one after the other.

Let me put them all to you. The first is that your brother's bid was manifestly noncompliant and should have been disqualified on any one of 12 different grounds. That is the first. The second is that you, the General, and the CFO conspired to ensure that this manifestly noncompliant bid was nonetheless awarded the tender.

The fourth is that you achieved that outcome by impermissibly altering the bid and supplementing the bid at a date more than six months after the bid submission
20 deadline, at which point no additional documents and no changes ought to have been capable of being made to the bid. And the last proposition is that this entire process was orchestrated in a manner that the CFO and the General never communicated directly with each other in a manner that would leave an electronic trail of what they were doing,

but instead communicated indirectly through you.

So those are the propositions. The first one is that your brother's bid ought to have been disqualified on any one of 12 different independent grounds. What is your response to that?

SERGEANT NKOSI: Firstly, the statement that you just uttered is false. Myself, the CFO, and the General did not orchestrate anything. According to me or my understanding, by the time when my brother submitted such
10 documents for the tender that was closed six months before, all the documents were there because they were compiled by the tender document specialist. So there is no way on earth that six months later or six months down the line there are going to be documents that are not there.

According to me now, or the way it happened here, I did not ask for the General's intervention in terms of communicating with Nico only on the Tshwane project, even in other provinces. This project was merely or barely meant for Mpumalanga Mathews Phosa Municipality, or more or
20 less something like that.

ADV BALOYI SC: But, Sergeant, why would General Dlamini be talking to you in this kind of detail, telling you the respects in which the tender is non-compliant? Why would he be telling you that in respect of a Mpumalanga tender? And why are you talking to the CFO about it?

SERGEANT NKOSI: Okay. It was a matter of knocking on doors, Commissioner, that my brother did not know places or people in wherever other than Tshwane. So I am bringing this to the Commission that the reason this was done later, it is not because there were edits to a file that already the project was closed. It is the ongoing project. Ongoing project.

ADV BALOYI SC: Are you saying now that General Dlamini was also assisting your brother to prepare tender
10 documents? It is no longer Nico now?

SERGEANT NKOSI: No, no, no. I am not saying that, Commissioner.

ADV BALOYI SC: Yes.

SERGEANT NKOSI: I am saying through General Dlamini, Nico is the one who is doing all the documents. Now, the General makes sure, because he is the one who recommended Nico, that Nico does what is expected of him. With regards to this project, there is no way that my brother's company would have a short of papers six months
20 later. There is no way.

ADV BALOYI SC: Okay. Let us take one example. The certificate that has been given shows a grade B training. It shows that. And you have a message which says we require, we need grade A guards. That is what you get told, we need grade A guards. Now, explain why this has to do

with Mpumalanga, with Mpumalanga tender coming from General Dlamini. General Dlamini says we need grade A. We know he is in Tshwane.

SERGEANT NKOSI: Yes.

ADV BALOYI SC: We know you are talking to the CFO of Tshwane.

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: What does this have to do, we need a grade A? What does it have to do with Mpumalanga? Or
10 these two people, what do they have to do with Mpumalanga?

SERGEANT NKOSI: Okay. According to me now, or what transpired, the General received this message from Nico. That is now what I am thinking. Now, the CFO is going to knock on the doors in Mpumalanga, but it is not all about the tender project because already it was closed six months prior.

ADV BALOYI SC: Now, if the General received this from Nico, why is, because you said Nico is assisting your
20 brother, he is not assisting the General, that is your evidence.

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: He is not assisting your brother with tenders. Why would Nico send this to the General instead of to your brother? Because according to you, your brother

is being assisted by Nico. He was, in fact, I think you said Nico, or your brother was referred to Nico.

SERGEANT NKOSI: That is correct.

ADV BALOYI SC: To assist him. Why is the General involved with this?

SERGEANT NKOSI: Now, the General is involved because if I ask him to intervene between Bheki and Nico, and I assume that the reason that Nico was sending the General now is because maybe Bheki was playful or was not taking
10 it seriously or was too busy. I might not know. That is the reason we only find in previous chats, I would say to the General, can you please intervene between Nico and Bheki so that there must be a progress? But I still stand by my statement that when that project was closed, my brother had already complied with everything. So this is an ongoing application of other tenders.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: Can I put one last question, one last set of questions to you, Sergeant? We know your
20 brother's company was awarded the tender. Did Elshadai get the tender also?

SERGEANT NKOSI: According to me, yes.

ADV CHASKALSON SC: What about Gubis?

SERGEANT NKOSI: I do not know.

ADV CHASKALSON SC: I want to put it to you that Gubis

did get the tender as well. I want to put to you something that I would seek your comment on because if you go back to page 177.

SERGEANT NKOSI: Which file?

ADV CHASKALSON SC: File 1. You will see that on the 25th of March...

SERGEANT NKOSI: That is 177?

ADV CHASKALSON SC: 177.

SERGEANT NKOSI: Okay.

10 **ADV CHASKALSON SC:** On the 25th of March, when you forwarded to the CFO the list of vehicles for land to be given in order of priority, there were seven companies which did not include Gubis. You recall that?

SERGEANT NKOSI: That is the 25th of March, right?

ADV CHASKALSON SC: That is correct.

SERGEANT NKOSI: Okay.

20 **ADV CHASKALSON SC:** What also happened on the 25th of March is that you got a report from the General that he had met with Cain and those guys today and he told them that they should go back where they had started Mfowethu. He told them that Mfowethu is the only gateway, they cannot go with the back door, that the General would only assist them if he got an indication from Mfowethu to assist them and the protocol had to be observed. That was on the 27th of March. That is at page 522.

ADV KHUMALO SC: Also 178, so that you do not move around.

SERGEANT NKOSI: 178?

ADV KHUMALO SC: Yes, the next page.

ADV CHASKALSON SC: And then suddenly Mandla Mgcina started trying to contact the CFO and then at the end of the process Gubis made its way onto the list of people who did get the tender. I want to put to you that what had happened, what happened in this case, is that
10 Gubis were not on the list. They complained to the General. The General said, do not speak to me, there is only one gateway, it is the CFO. Mandla Mgcina then started calling the CFO regularly and then lo and behold, Gubis found their way onto the list. What is your response to that?

SERGEANT NKOSI: I would not comment on that because I would not comment on that.

ADV CHASKALSON SC: Thank you. Sergeant, we have gone way past four and I am about to shift to another topic
20 altogether. Unless the Commissioners want to keep sitting, I am happy to take a break here. The Commissioners seem disinclined to continue sitting.

CHAIRPERSON: I will ask my questions on this tomorrow. Sergeant, in response to a much, much earlier question by Mr Chaskalson and a question by Commissioner Baloyi, you

said that your brother's, that is Ngaphesheya, your brother's company's documents were compliant as at the time of submission. Did I understand you correctly?

SERGEANT NKOSI: That is correct, Commissioner.

CHAIRPERSON: Yes/ Now, and the date of submission, or rather the deadline was in 2024. Is that correct?

SERGEANT NKOSI: Which page is that, Commissioner?

CHAIRPERSON: Look at page 566. Page 566. That is when Tshwane has put together a list of all the companies
10 that have put in bids. So they would only do that if it has already past the deadline. And according to that document at the top, the deadline was the 2nd of October 2024. So you must accept that. Correct?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: Yes. Now, what I want to understand is, do you think that the General could have said that some documents were outstanding in respect of Ngaphesheya if they were in fact not outstanding?

SERGEANT NKOSI: Can you repeat that?

20 **CHAIRPERSON**: Do you think that the General would have said that some of Ngaphesheya's documents were outstanding when in fact they were not outstanding?

SERGEANT NKOSI: I just want maybe when I respond, I must not respond maybe negatively or wrongfully. According to my understanding now, Commissioner, is that

the document that the General sent to me, it had nothing to do ...[intervenes].

CHAIRPERSON: No, no, no, please do not anticipate the next question I am going to ask, Sergeant, please, please. Just answer the one that I have already asked. Do you think that the General would have said that there were documents that Ngaphesheya had not submitted if in fact, as at the deadline, Ngaphesheya had submitted all the documents that were required?

10 **SERGEANT NKOSI**: The General would never do that.

CHAIRPERSON: Sorry?

SERGEANT NKOSI: He would never do that.

CHAIRPERSON: He would not do that. Now, remember, we have agreed that the deadline was towards the end of 2024. Mr Chaskalson took you to a chat at page 525, on File 2, page 525. And there at chat number 3, there is a list of five documents that are said to be outstanding. That is the General, And the General is communicating with you. So it is not just that list. In the next chat, chat number 4,

20 the General then says:

“Afternoon, Captain. I trust you are well
and your family. Please push Bheki.”

Bheki being your brother. Correct?

SERGEANT NKOSI: That is correct.

CHAIRPERSON:

“Please push Bheki to submit the above documents.”

That is the list of the five documents in chat number 3. Obviously, that means those documents are outstanding, And this is as of 4 October 2020. No, no, 13 April, I am sorry. This is as of 13 April 2025. Do you see that?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: Now, the effect of this is that these documents are outstanding, and the General is asking you
10 to push Bheki to submit them. And you could only be asked to push Bheki to submit the documents if the documents were indeed outstanding. Correct?

SERGEANT NKOSI: But not on this tender. I am thinking on other ones, but not on this one.

CHAIRPERSON: Is that a Tshwane tender as well?

SERGEANT NKOSI: No.

CHAIRPERSON: So you went back to the Mpumalanga thing, the Mpumalanga story?

SERGEANT NKOSI: Maybe I did not understand your
20 question correctly.

CHAIRPERSON: So I am saying, are you saying that this relates to the Mpumalanga tender that you referred to in response to Commissioner Baloyi?

SERGEANT NKOSI: Still I cannot. Maybe the interpreter can intervene.

CHAIRPERSON: You say that the outstanding documents listed here by the General do not relate to the tender that we have been discussing. Did you not just say so?

SERGEANT NKOSI: I cannot recall that.

CHAIRPERSON: Or which tender did these documents relate to, the documents listed in chart number 3? Which tender did they relate to?

SERGEANT NKOSI: Commissioner, I cannot even recall. My mind is...

10 **CHAIRPERSON**: You have just said they did not relate to the Tshwane tender that we have been talking about. So if you know that they did not relate to that tender, that must be because you know which tender they related to. So which tender did they relate to?

SERGEANT NKOSI: I think they related to the Tshwane one.

CHAIRPERSON: So the very one we have been discussing throughout?

SERGEANT NKOSI: Yes.

20 **CHAIRPERSON**: Then my question, my earlier question stands, which is that as at 13 April 2025, that means at the very least five documents were outstanding in respect of your brother's tender. Correct? It follows as a matter of course, it is only logical.

SERGEANT NKOSI: No, they were not outstanding,

Commissioners.

CHAIRPERSON: What did the General mean then? Did the General not mean that these documents were outstanding?

SERGEANT NKOSI: He meant they were outstanding but not on this project.

CHAIRPERSON: I will stop. I will stop here because it seems we are moving in circles. I will leave it, General.

10 **ADV KHUMALO SC**: Can I ask just one question ...[intervenes].

CHAIRPERSON: I will leave it, Sergeant. I am sorry for promoting you.

SERGEANT NKOSI: No, absolutely.

ADV KHUMALO SC: Sergeant Nkosi, why would the CFO of Tshwane and the General Dlamini be discussing with you a tender in Mpumalanga? Why would the CFO of Tshwane have any interest in assisting you in a tender in Mpumalanga?

20 **SERGEANT NKOSI**: Okay. According to me, it is not the matter of maybe in a bad way, but he is trying to help where he could.

ADV KHUMALO SC: Is that what you say he was doing? He was helping you where he could in relation to a tender in Mpumalanga?

SERGEANT NKOSI: In them all, yes.

ADV KHUMALO SC: And it is just a coincidence that around the same time they were evaluating a tender, a security tender in the City of Tshwane, which your brother had bid for. So it was just a coincidence that while he is helping you with a bid in Mpumalanga, they are also evaluating a bid in Tshwane where your brother has submitted a bid? That is just a coincidence?

SERGEANT NKOSI: That is my submission to my Honourable.

10 **ADV KHUMALO SC:** And do you think it is proper that the CFO of Tshwane, while evaluating a tender in which your brother has submitted a bid, is also assisting you in relation to a bid in another municipality?

SERGEANT NKOSI: No, no, no, no. Commissioner, he was not assisting us in assisting. He was knocking on doors, I am just saying.

ADV KHUMALO SC: Knocking on doors for you or your brother, that is assistance. So while he is evaluating your brother's bid in Tshwane, at the same time you are
20 forwarding to him things that relate to a tender in Mpumalanga, and he is helping you with that at the same time that he is evaluating your brother's tender in Tshwane.

And what I find exceptionally odd is this. If you had submitted all these documents in the Tshwane bid, you would not have a problem because the CFO of Tshwane

would say, oh no, you already have these documents, you have submitted them to us, you can use the same documents in the bid in Mpumalanga because you do not need multiple annual financial statements. If you have got one set, you use the same set. If you have got one PSiRA certificate, and it is certified. If you have got one PSiRA letter of good standing, and it is certified.

In the same calendar year, you can use all those documents. It is highly improbable that for Tshwane you would have been compliant, but for Mpumalanga you would not be compliant. It just does not make sense.

SERGEANT NKOSI: Sometimes it does, Commissioner.

ADV KHUMALO SC: No, not in the same financial year, no. In a different year, maybe. If you look at the PSiRA certificate, for example, it expires in 2026. So the same certificate could have been used.

SERGEANT NKOSI: You would find that at that particular time, when my brother submitted those documents, maybe he might have misplaced them somewhere. So that can also add to why he was outstanding.

ADV KHUMALO SC: Yes, but then you could get them from the CFO. You could say, CFO, can I have the documents that I have submitted with you? I need to use them in another tender in Mpumalanga because I am already compliant. Because a PSiRA certificate is a PSiRA

certificate. It does not change. So look at page 616. That certificate expires on 10 January 2026. It was issued on 10 January 2024. 11 January 2024. It would not have changed because that is the certificate that applied during the relevant period. And the same thing with the PSiRA letter of good standing on the next page. The issue was they were not certified.

So if your answer to the Chair is that the ones submitted to Tshwane were certified, then that is all you
10 needed to do, obtain those ones and use them in Mpumalanga. So your position that we were compliant in Tshwane but from Mpumalanga we would not have been compliant, it does not make sense.

CHAIRPERSON: Sergeant Nkosi, do you realise that it is a matter of relative ease for documents to be obtained if there are any, and please underline if there are any, in respect of the Mpumalanga tender that you are referring to, do you realise that?

SERGEANT NKOSI: Can you repeat that, Commissioner?

20 **CHAIRPERSON:** Do you realise that it is a matter of relative ease for documents relating to the Mpumalanga tender that you are referring to, if any such tender exists, do you realise that?

SERGEANT NKOSI: I...

CHAIRPERSON: Can you please interpret, Ms Marais? I

am sure you can. I have asked the question twice.

SERGEANT NKOSI: That is correct, Commissioner.

CHAIRPERSON: Yes. As you sit there, are you saying that such a tender was indeed issued, and that if enquiries relating to that tender are made, documents relating to it can be found?

SERGEANT NKOSI: [Vernacular]... Commissioner.

CHAIRPERSON: What exactly was this tender? What was the work that was required to be done in terms of that
10 tender?

SERGEANT NKOSI: [Vernacular]... according to the information.

CHAIRPERSON: The mall belonging to whom?

SERGEANT NKOSI: Somewhere in Mathews Phosa Municipality, but I cannot be sure exactly which department, but somewhere in Mathews Phosa.

CHAIRPERSON: I am saying mall belonging to whom, Sergeant Nkosi?

SERGEANT NKOSI: I do not know.

20 **CHAIRPERSON**: I heard you refer to a department. So are you suggesting that this could possibly have been a mall belonging to a department?

SERGEANT NKOSI: Maybe I put it wrongfully when I say a mall, but it was some entity there in Mpumalanga. But I remember that it was Mathews Phosa. Somewhere there.

CHAIRPERSON: Mathews Phosa Municipality?

SERGEANT NKOSI: Yes.

CHAIRPERSON: All right, thank you. May I ask between you and your attorneys to try to obtain the documents relating to that tender?

SERGEANT NKOSI: That is correct.

CHAIRPERSON: All right.

ADV BALOYI SC: May I, while you are noting that you are still going to get those documents, may I just show you that
10 this exchange was not about knocking on doors trying to get business, but in fact related to a tender that has been submitted already. Mr Chaskalson said to you this was Tshwane, you say it is in Mpumalanga, but in any case, it is a tender that has been submitted and that you should not be interfering with.

If you look at page 525, chat 3, which lists, the Chair has taken you through the documents that are listed there. If you look at item 4, that tells you that it is a shortcoming in a tender that has been submitted. It says
20 lease agreement of vehicles. The document submitted, underline that, submitted of Avis is a quotation and we need an agreement with photos of vehicles, including a five-tonne truck.

Now, you have said the five-tonne truck was required for the Tshwane tender earlier on in your

discussion with Mr Chaskalson. Now you are saying this is related to guarding a mall. Maybe tomorrow you will explain why you need a five-tonne truck for that. But more importantly, in that item 4, it says Bheki has submitted the wrong document, a quotation instead of an agreement.

So that is the clearest indicator, the reference to what has been submitted and that is required to be corrected, one. Two, that the photos including a five-tonne truck, which you told us earlier, that was required for this
10 tender. This is the Tshwane tender. Those are clear indicators that this relates to a tender that had been submitted and corrections are being sought to be made.

And your response in page 526 is very much consistent with a tender that has been submitted that must still be decided, and I am going to read just the last two lines. You say:

“Please, General, intervene. We cannot lose now. We have been waiting for this for a while.”

20 So this is not about knocking at doors. This is about a tender whose decision is pending and you are asking the General to press so that you do not lose. You cannot lose. This is something you have been waiting for a while. If this was about knocking on doors, then there is nothing to it. There is nothing specific that you have been waiting for a

while. You are going to be not there. As you tell us, Mr Mnisi will be knocking doors and hope to get a contract. But here, it is a very specific contract.

And I am putting to you that you are not being truthful when you say this is Mpumalanga, and it is about knocking on doors, and you hope that you hit something when you knock doors. This is specific. This is a Tshwane tender. And everything that you say about Mpumalanga is untruthful, in fact.

10 But I say that mindful that the Chair has said you must provide documents of that Mpumalanga tender that you are dealing with. Do you have any comment to what I have said?

SERGEANT NKOSI: No comment.

ADV BALOYI SC: All right. Thank you, Sergeant. Thank you, Chair.

CHAIRPERSON: Let us adjourn and resume at 09:30 tomorrow.

INQUIRY POSTPONED TO 20 MARCH 2026

20 **INQUIRY ADJOURNS**

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