

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**20 MARCH 2026**

**DAY 82**



**PROCEEDINGS HELD ON 20 MARCH 2026**

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

**ADV CHASKALSON SC:** Good morning, Chair.

**CHAIRPERSON:** Good morning, Mr Maleka.

**ADV MALEKA SC:** Good morning, Chairperson.

Chairperson, is it possible for me to just – sorry, sorry. Is it possible for me to just introduce my colleagues? Because yesterday when we knocked off, I was shouted at to say Mr Maleka brought my colleagues and I did not introduce them  
10 to the Commission. So, Chairperson, I am joined by  
...[intervenes].

**CHAIRPERSON:** Just a minute. Good morning to you too, Sergeant Nkosi.

**SERGEANT NKOSI:** Good morning, good morning, my Honourable Commissioners.

**CHAIRPERSON:** Yes, Mr Maleka?

**ADV MALEKA SC:** Thank you so much, Chairperson. Thank you. Chairperson and Commissioners, I am joined by Mr Lekgotla [?] on my far left, and I am also joined by Ms  
20 Mashatane who is sitting just behind the Secretary. Thank you.

**CHAIRPERSON:** Thank you, Mr Maleka, but I thought your team looked much better yesterday when you had a woman as part of it. Yes, Mr Chaskalson?

**ADV CHASKALSON SC:** Thank you, Chair. Good morning,

Sergeant.

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

**ADV CHASKALSON SC:** Sergeant, yesterday we spent some time dealing with the TMPD tender 1/2425. That was the land allocation tender, the tender for security services relating to the policing of city land. It is called the land tender or the demolition tender, you recall that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, on Wednesday, I had shown  
10 you a list of prices and bidders that you sent to Mr Mampane. It is on page 980, maybe if we can go to 980.

**SERGEANT NKOSI:** Which file is that?

**ADV CHASKALSON SC:** File 3.

**SERGEANT NKOSI:** 930?

**ADV CHASKALSON SC:** 980. You have it?

**SERGEANT NKOSI:** I have it.

**ADV CHASKALSON SC:** And you recall that this is the list that you sent to Mr Mampane on the 30<sup>th</sup> of April 2025. Do you recall that?

20 **SERGEANT NKOSI:** I recall.

**ADV CHASKALSON SC:** Now, if we go back to 980, I need to correct something that I put to you on Wednesday because I put something to you in error on Wednesday. If you look at the heading on page 980, you will see that it does not relate to tender 1/2425, which was the tender we

discussed yesterday. It relates to tender 3/2425. You see that?

**SERGEANT NKOSI:** Correct.

**ADV CHASKALSON SC:** So this was not a list of bidders and prices for the land or demolition tender. It was a list of bidders or prices for a different tender. It was, in fact, a list of bidders or prices for an ad hoc security services tender. Were you aware of that?

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** And the ad hoc security services is an arrangement where the City appoints providers to a panel and then as and when they have an immediate need for security services, they call a provider from the panel to provide those services. Is that correct?

**SERGEANT NKOSI:** I do not have knowledge about that.

**ADV CHASKALSON SC:** I see, but you did send this list to Mr Mampane?

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** So what did you know about the list when you sent it to Mr Mampane?

**SERGEANT NKOSI:** As I said earlier that I sent it to Mr Mampane because he had an interest in it, because he also applied.

**ADV CHASKALSON SC:** Sorry, he had an interest in it? I did not hear you answer.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did he explain what his interest was?

**SERGEANT NKOSI:** He also applied for a tender.

**ADV CHASKALSON SC:** And what was his company?

**SERGEANT NKOSI:** Let me just check. It is ADW. Let me just check to be sure.

**ADV CHASKALSON SC:** Can I read out a list of names to you? Maybe you can identify it from the list of names that I  
10 read out, if it is one of these. Can I give you a list of names, and if one of these is a security company belonging to Mr Mampane, will you tell me? Ramalepe Security. Is that his company? Ramalepe. It is not this list. It is a much shorter list than this one. This one runs to possibly hundreds.

**SERGEANT NKOSI:** No, I do not know about that. I want to comment on the exact name that I know belongs to him.

**ADV CHASKALSON SC:** Well, let me read the names that I have, and if it is one of those names, say yes. If it is not,  
20 say no. Sergeant?

**SERGEANT NKOSI:** Yes?

**ADV CHASKALSON SC:** So the first one is Ramalepe. You do not recognise that as his company?

**SERGEANT NKOSI:** Ramalepe?

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Seputwe?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Izingwenya?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Mabotwane?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Both Best Security?

**SERGEANT NKOSI:** No.

10 **ADV CHASKALSON SC:** Both Best?

**SERGEANT NKOSI:** Both Best?

**ADV CHASKALSON SC:** Both Best, yes. No?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Phiriphiri?

**SERGEANT NKOSI:** Phiriphiri?

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Do you know whose company Phiriphiri is?

20 **SERGEANT NKOSI:** No. Eulitsaki?

**SERGEANT NKOSI:** No.

**SERGEANT NKOSI:** Now, Triotic we have spoken about previously. That was a company associated with Mr Modise. You recall?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Mr Mampane does not have any interest in Triotic?

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

**ADV CHASKALSON SC:** You do not know that? Vhugi Security? V-h-u-g-i?

**SERGEANT NKOSI:** What security?

**ADV CHASKALSON SC:** Vhugi. V-h-u-g-i?

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

**ADV CHASKALSON SC:** Raite? R-a-i-t-e?

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

**ADV CHASKALSON SC:** Gubis? Does he have an interest in Gubis?

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

**ADV CHASKALSON SC:** You do not know? NEP Security? N-E-P?

**SERGEANT NKOSI:** N-E-P. Ja. Mampane's one, it might be N-V-P, not N-E-P.

**ADV CHASKALSON SC:** N-V-P?

**SERGEANT NKOSI:** Ja, N-V-P.

20 **ADV CHASKALSON SC:** You think N-V-P? It is a three-letter name like that?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And is that his only security company?

**SERGEANT NKOSI:** According to me.

**ADV CHASKALSON SC:** The only one that you know? Okay. Did you know whether Mr Mampane's security company was already providing ad hoc security services to the City?

**SERGEANT NKOSI:** No, I did not know.

**ADV CHASKALSON SC:** No, you did not know, or no, it was not?

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

**ADV CHASKALSON SC:** You did not know. Now, what I  
10 am going to put to you, you may or may not know, but these are the facts, that the ad hoc security services that the City was receiving were being provided in terms of an old tender that had expired on 28 February 2025. Were you aware of that when you sent this two months later in April? That there had been a tender, which was a three-year tender, and the three years ended on 28 February 2025.

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** You were not. And that tender was being extended on a month-to-month basis, while this  
20 new tender, TMPD 3/2024/25, was being adjudicated.

**ADV KHUMALO SC:** You mean after it expired?

**ADV CHASKALSON SC:** After it expired. Well, you did not know that it had expired, so you would not know that it was being extended on a month-to-month basis. What was interesting to me is Mr Mampane's – well, before we get to

Mr Mampane's response, when we looked at this list on Wednesday, you said that this was a public document that you sent to Mr Mampane.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** In fact, it was not a public document. It was an internal City document relating to a tender process that was still ongoing at the time. Were you not aware of that?

**SERGEANT NKOSI:** No. According to me, this was  
10 advertised and cancelled.

**ADV CHASKALSON SC:** Yes. When was it cancelled?

**SERGEANT NKOSI:** I cannot remember.

**ADV CHASKALSON SC:** Well, the facts will show that it was cancelled on the 29<sup>th</sup> of October 2025. So, on the 30<sup>th</sup> of April when you sent it, it had not been cancelled. But let us see why it was cancelled. You sent it to Mr Mampane on the 30<sup>th</sup> of April, and that appears at page 930. Well, it starts on 932, and the list is so long that it goes all the way down, finishes on 935. So, if we can go to 935, you will see  
20 that at the top of the page of 935 is the last few items on that list.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** And it has also got the date and time where you sent it to Mr Mampane. It was 11:56 on the 30<sup>th</sup> of April. And you see that as soon as, shortly after he

received it at 11:59, he called you back. That was chat 2. And at 12:04, you called him back. Then at 12:54, he said to you:

“*Boetie*, please let him say no to that appointment. Please.”

How did you understand that request from Mr Mampane?

**SERGEANT NKOSI**: I cannot remember.

**ADV CHASKALSON SC**: Let me put to you how I understand it. He is saying let him, and the him it seems to me is Mr Mnisi, the CFO, say no to that appointment. He is saying tell Mr Mnisi not to make an appointment on tender 3/2024/25. Was that not what he was saying?

**SERGEANT NKOSI**: Mr Mampane never met with Mr Mnisi, according to me, and they do not know each other.

**ADV CHASKALSON SC**: Well, who had the power to make this appointment?

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

**ADV CHASKALSON SC**: Was it not Mr Mnisi who was chairing the Bid Adjudication Committee and who would make whatever recommendation was ultimately implemented by the City Manager in relation to this tender?

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

**ADV CHASKALSON SC**: As a matter of fact, it was Mr Mnisi who had the power to make the recommendation that was ultimately to be implemented by the City Manager in

relation to this tender. And you know that this tender was cancelled, do you not?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: It was cancelled on the 29<sup>th</sup> of October and it was cancelled pursuant to a recommendation made by Mr Mnisi. Did you know that?

**SERGEANT NKOSI**: No.

**ADV CHASKALSON SC**: Did you speak to Mr Mnisi or to General Dlamini in relation to this tender after Mr Mampane  
10 said, please let him say no to that appointment?

**SERGEANT NKOSI**: I cannot remember.

**ADV CHASKALSON SC**: And that Mr Mampane was making a very specific request to you after you had sent him a whole list of bidders, bid prices, in relation to a pending tender for which he had applied. You do not recall what you did in relation to his specific request?

**SERGEANT NKOSI**: To answer that, Commissioner, I would not say please let him say no to that appointment, because we talked a lot with Mampane. So I cannot align  
20 his statement with this, what I have sent him. But I could remember that earlier before I could send him, he just phoned me that he heard that the tender had been cancelled.

**ADV CHASKALSON SC**: Sorry, you say he heard that the tender had been cancelled before he sent you this

message? Or afterwards?

**SERGEANT NKOSI:** If I could recall, yes.

**ADV CHASKALSON SC:** Well, that is not possible because the tender was only cancelled six months after he sent you that message. So he could not have heard it had been cancelled. It had not been cancelled. It was still alive.

**SERGEANT NKOSI:** Yes, I am just saying that there are possibilities because the reason I would send him this is on those basis.

10 **ADV CHASKALSON SC:** But if he knew that the tender had, well, he could not have known that the tender had been cancelled, because it had not, so that could not have been the situation. Do you accept that? He could not have known that the tender had been cancelled because as a matter of fact, it had not been cancelled by that stage.

**SERGEANT NKOSI:** I cannot comment on that.

**ADV CHASKALSON SC:** And if he ...[intervenes].

**ADV BALOYI SC:** Sorry. Sergeant, you have to be able to comment. You have been given dates, and maybe this is  
20 where one should express, I should express my concern about how you have been giving answers that you do not remember things since yesterday, even the most obvious ones.

You have just been given dates. The tender, as a matter of fact, was cancelled in October. That is fact that

you have been given. We are looking at WhatsApp messages in April. You say that the message...:

“*Boetie*, please let him say no to that appointment.”

...was sent after he got information that the tender was cancelled. What is being put to you is simply this. At this point of this message, in April, the tender had not been cancelled, so it cannot be that this message was sent after he heard that the tender had been cancelled. It is that  
10 simple.

I think you are denying and refusing to comment on the most obvious things because you have taken a particular position that you are not going to be helpful to the Commission, and I think that should be expressed to you. You have been carrying on with, I do not remember. Now you say, I cannot comment.

You must be able to comment, and the comment is, yes, I accept that if the tender was cancelled in October, then in April he could not have been told or heard from  
20 anybody that the tender had been cancelled because it had not been cancelled. You should be able to accept that.

And that you are not doing that is because you are being obstructive and not helping the Commission. That is the position you have taken, and I think you need to be reminded your obligation to the Commission is to assist and

give satisfactory answers. You are not answering satisfactorily when facts are put to you that you are not disputing, and then you say I cannot comment.

I do not know if you want to comment, if you want to say anything. If you do, feel free to do that, but I think you need to be reminded of your obligations as a witness. It is to assist the Commission, which so far you have not been doing. Two, it is to answer satisfactorily, otherwise you are committing an offence, and maybe you do need to  
10 be reminded of that.

**SERGEANT NKOSI**: Thank you, Commissioner. Commissioner, I would not answer something that I am not sure of. I would be defeating the same oath that I took. I want to answer to the best of my ability. It is just unfortunate that maybe the Commission would see as in I am not cooperative to the Commission. I have been answering questions since Monday.

Till today, I am answering, and I am answering to the best of my ability. And it is fair for me as well, if I can  
20 remember, I must bring that to the attention of the Commission that I can remember. If I cannot comment, I cannot comment. Not on the basis that maybe I am negative or I am funny. I cannot comment because I do not want to say something that I cannot elaborate further on it. Thank you, Commissioner.

**ADV BALOYI SC:** You see, Sergeant, what has been put to you now is the tender was cancelled in October. That is a fact that is being put to you, right? The second thing that is put to you is that the communication happens in April at page 935 of the same year in April. So at the point what is being put to you for comment is that at the point of this April communication, Mr Mampane could not have been told that the tender has been cancelled because as a matter of fact, it was not cancelled.

10                   How are you not able to comment on that? How are you not able to say I accept that? Because that is the only answer. It is yes, I accept. If the tender was cancelled in October, then I am wrong to say in April he would have heard that the tender has been cancelled. And it is that which is making me raise this concern that surely you have to be able to say, yes, I accept that set of facts.

**SERGEANT NKOSI:** Can I comment on that?

**ADV BALOYI SC:** Yes.

20                   **SERGEANT NKOSI:** Sorry. On that matter, Commissioner, there are two things. I might maybe answer too quickly, or I might have misunderstood the question. But I sincerely apologise to be heard or to be understood as being obstructive in terms of answering the questions.

**ADV BALOYI SC:** Now that you have understood what was being put to you, which is the tender was cancelled in

October. This communication between you and Mr Mampane happened in April.

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: Therefore, it cannot be correct. Or in fact, let me put it differently. Mr Mampane would not have been told by April that the tender has been cancelled. Now you understand the question.

**SERGEANT NKOSI**: That is correct.

**ADV BALOYI SC**: What is your comment to that? Do you  
10 accept that?

**SERGEANT NKOSI**: That is correct.

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

**SERGEANT NKOSI**: Is my apology accepted that I misunderstood the question?

**ADV BALOYI SC**: I do accept your apology.

**SERGEANT NKOSI**: Thank you.

**ADV CHASKALSON SC**: But Sergeant, there is another  
20 difficulty with that because if you now accept that the tender had not been cancelled at the time of this exchange, you need to explain why you sent this document to Mr Mampane when it was a document relating to a tender that was still under consideration.

**SERGEANT NKOSI**: Chair, can I use the services of the interpreter so that I must just misunderstood them over to

the interpreter?

**ADV CHASKALSON SC:** If you accept, as you must, that the tender was only cancelled on 29 October 2025, then you need to explain why on 30 April 2025 ...[intervenes].

**COURT:** Is your mic not working, Ms Marais?

**INTERPRETER:** It does not seem to be working. It seems to alternate with the other one.

**ADV CHASKALSON SC:** You sent him a list of bidders and bid prices in relation to a tender that was still being  
10 considered by the City.

**SERGEANT NKOSI:** I am in opposition too that, because once the tender has been considered and been captured, then it is sent out to indicate that fact.

**CHAIRPERSON:** Do you mean it is then available in the public domain, Sergeant?

**SERGEANT NKOSI:** According to me, that is how I understand it. That it was already in the public domain.

**ADV CHASKALSON SC:** Sergeant, your understanding, if it was your understanding, is simply wrong. Do you have  
20 any comment on that?

**SERGEANT NKOSI:** I still stand by what I have said.

**ADV KHUMALO SC:** Mr Chaskalson, I am not sure if it is me who is misunderstanding Sergeant Nkosi, but what he is saying is that on the day the bid closes, there is a public event where all the submitted bids are opened and the list

is then publicised to say these are the people who have submitted the bids and these are their prices. So that is how I understood his response.

So if you are putting to him that that is not correct as a matter of fact and law, I do not know if that is where you are going. But that is how I understood the answer, and maybe he can just clarify that and then you put your question to him. Sergeant, I am going to try in simple English so that you and I understand each other.

10 I understood you to be saying once people have submitted the bids and they are captured, the list is then made public that these are the people who submitted the bids and these are their prices. Have I understood you correctly?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Can I take you to page 175?

**SERGEANT NKOSI:** Same file?

**ADV CHASKALSON SC:** 175, because the document that you sent, which appears there, is not a simple list of open  
20 bids or bids that have been submitted and opened.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** If you go to 175, you will see that the document is actually an internal Tshwane document, the date of which is not clear, but it is dealing with the status of this tender. So at the end of the list – I am sorry, I do not

want there to be any misunderstanding.

Let us look at the document you actually sent Mr Mampane, not the document. It is the same document that you forwarded to the CFO before sending to him. But go to 993, I am sorry, I will take you back to the other file, File 3, and go to page 993.

So the document that you are sending him, if you see the last page of the document that you are sending him, it is not just the list. It says 2.1, late bids received if  
10 applicable, no late bids received, pre-compliance. The following 435 bidders were evaluated on pre-compliance. Disqualification due to non-registration on CSD. The National Treasury, and on it goes.

So this is not a simple public document that is the document that is issued when bids are opened after the closing date so everyone knows who the bidders are. This is an extract from an internal Tshwane adjudicatory process relating to the bids. It is not a public document.

**SERGEANT NKOSI**: Interpreter? No.

20 **ADV CHASKALSON SC**: On what basis do you say no?

**SERGEANT NKOSI**: According to me, is that once the tender is closed and the names of the companies that had applied are the, the names of the companies that had tendered, once they have been captured in the system, they are then issued out to the public.

**ADV CHASKALSON SC:** But this is not the document that is issued out to the public. If you can go back to page 993. If you look at, it says at:

“Pre-compliance. The following 435 bidders were evaluated on pre-compliance. Evaluation on pre-compliance happens only after the unsealing of bids and public notification of who the bidders are.”

10 So this document is a document that is prepared long after and is reflecting an internal process of tender adjudication.

**SERGEANT NKOSI:** I am still standing there.

**INTERPRETER:** Excuse the interpreter, I am not sure I am understanding the response from the witness.

**SERGEANT NKOSI:** I am still standing by what I have answered.

**ADV CHASKALSON SC:** How did you get this document?

**SERGEANT NKOSI:** I do not remember how I obtained this document.

20 **ADV CHASKALSON SC:** Well, how you got it you will see on page 932. You got it from the General. You got it from the General on the 30<sup>th</sup> of April at 11:56. I take that back, sorry, I take that back. You sent it to the General on 932. I withdraw that.

**ADV BALOYI SC:** Mr Chaskalson, you say General, this

page is Mampane.

**ADV CHASKALSON SC:** Sorry, I have lost my track on this one. Let me get the correct reference because you did in fact get it from the General if I recall correctly.

**ADV BALOYI SC:** Once you do that, let us put this to the Sergeant. Sergeant, at page 989 and 992, those pages, all of them actually, from where this document starts, it seems from the heading of the document that it is an internal document because the name of the document is TMPD  
10 03/2425 Draft Admin R. I am assuming it will be report or whatever the complete name is, but it is a draft document. So it is unlikely that this document would have been, that is a further indication that it is unlikely that it would have been in the public domain because it is a draft document of the City. Can you see what I am pointing out to?

**SERGEANT NKOSI:** Page 99?

**ADV BALOYI SC:** You can pick any one of those, so I am at page 988 randomly. But from wherever that long list of 435, I think, 435, so any one page that has this list of bids,  
20 the heading of it is the same. It is TMPD 03/2425 Draft Admin and then R, and I am assuming it is report. But the important part that I am drawing to your attention is it is a draft document by its heading, so it is unlikely that this document was in the public domain. The mic. The mic.

**ADV KHUMALO SC:** Mic is off.

**SERGEANT NKOSI:** I apologise, I still stand by what I said. You are misinterpreting. Yes, yes.

**CHAIRPERSON:** Please repeat what you said, Sergeant Nkosi.

**SERGEANT NKOSI:** I apologise, I still stand by what I said ...[intervenes].

**COURT:** Respectfully, either respectfully or with respect, I stand by what I said earlier.

**SERGEANT NKOSI:** With respect, I still stand by what I  
10 said.

**ADV CHASKALSON SC:** Well, I now have found the reference to where you got it from the General. That is on page 518 on the 25<sup>th</sup> of March.

**ADV KHUMALO SC:** File 2?

**ADV CHASKALSON SC:** File 2.

**ADV KHUMALO SC:** 518?

**ADV CHASKALSON SC:** 518.

**ADV BALOYI SC:** Page 512, File 2.

**CHAIRPERSON:** Is that File 2, Sergeant Nkosi?

20 **SERGEANT NKOSI:** Yes, yes.

**CHAIRPERSON:** And have you found page 518?

**SERGEANT NKOSI:** Yes, yes.

**ADV CHASKALSON SC:** So you received it from the General on the 25<sup>th</sup> of March.

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

**ADV CHASKALSON SC:** Why did the General send it to you? Had you asked for it?

**SERGEANT NKOSI:** I cannot recall if I asked for it or how it came about, but I do agree that this was sent to me by the General.

**ADV CHASKALSON SC:** And a few days after you received it from the General, not a few days, a few hours, you forwarded it to Mr Mnisi. That we see on page 158.

**SERGEANT NKOSI:** That is what? 1?

10 **ADV CHASKALSON SC:** 58. File 1.

**SERGEANT NKOSI:** Okay. I confirm.

**ADV CHASKALSON SC:** Why would you forward it to the CFO?

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

**ADV CHASKALSON SC:** That is all in March. And a full month later, you forwarded it to Mr Mampane on page 932. And when he receives it, after some calls with you, he says:

*“Boetie, please let him say no to that appointment, please.”*

20 And you still cannot remember why he said that.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, Mr Mampane was the right-hand man of the late Mr Msibi. Is that not correct? Was that your testimony on Wednesday? In April 2025, what was his relationship with Mr Sibanyoni like? Did they have a

good relationship or a bad relationship?

**SERGEANT NKOSI:** In April?

**ADV CHASKALSON SC:** April 2025.

**SERGEANT NKOSI:** I would not know, but I know that they are not friends. They are not talking.

**ADV CHASKALSON SC:** They are not friends today. Today, we are talking, when you say they are not friends.

**SERGEANT NKOSI:** If I understood you correctly, you said a relationship with Mr Mampane?

10 **ADV CHASKALSON SC:** And Mr Sibanyoni.

**SERGEANT NKOSI:** Yes. No, they are not friends.

**ADV CHASKALSON SC:** They are not friends?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And you do not know whether Mr Mampane had a security company that was already providing ad hoc services to the City or not?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You do not know or you do know?

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

20 **ADV CHASKALSON SC:** You see, what would happen if an appointment was not made on this contract is the existing bidders, the existing contractors, would stay in position until a new contract was appointed pursuant to a new tender process. Do you accept that?

**SERGEANT NKOSI:** Interpreter?

**INTERPRETER:** Sorry, I am at my – if you could repeat the question?

**ADV CHASKALSON SC:** If an appointment was not made in terms of this tender, then the existing service providers ...[intervenes].

**SERGEANT NKOSI:** Can you repeat that question so that maybe my interpreter can hear it correctly? Because I think another misunderstanding between you and her.

**CHAIRPERSON:** The interpretation was accurate,  
10 Sergeant Nkosi.

**SERGEANT NKOSI:** No. But can you repeat again?  
Sorry, Commissioner.

**ADV CHASKALSON SC:** If an appointment was not made in terms of this tender, then the existing suppliers would remain providing ad hoc security services to the City until a new tender process had taken place and a new appointment had been made.

**SERGEANT NKOSI:** My interpreter is okay. I think we should proceed. [Vernacular].

20 **ADV KHUMALO SC:** Here is a simple question, Sergeant Nkosi, that if there is a tender process and there was a previous tender before, if new service providers are not appointed under the new tender process, it means the previous service providers will continue providing services on a monthly basis until a new service provider is

appointed.

**SERGEANT NKOSI**: That is how I understood it. That is not what my Honourable Interpreter interpreted. So, the Commission must take note that sometimes there is miscommunication between. In reference to that, I accept that.

**ADV KHUMALO SC**: You see, your problem is you are hearing clearly, and even things that you are hearing clearly you want to be interpreted and then you try to correct the  
10 interpreter.

**SERGEANT NKOSI**: No, no, no, Commissioner. I am sorry ...[vernacular]. I am sorry to you, Commissioners. You know the reason, Commissioners, I do not want to upset Commissioner Baloyi.

**ADV KHUMALO SC**: Why her? I am asking the question, why her? She is quiet.

**SERGEANT NKOSI**: Yes, you know, before I answer, I must think of her first. What is coming next? So, in due respect, not in a bad way. So, I want to ask that to the best  
20 of the ability, that indeed I want to answer. So, that is the reason I am very cautious when my interpreter interprets so that the next word now, I must, you know, I must look this side and this side. I do not want that again.

**ADV BALOYI SC**: I think it is a good idea not to upset me.

**SERGEANT NKOSI**: No.

**CHAIRPERSON:** Mr Chaskalson?

**ADV CHASKALSON SC:** So, if you were an existing service provider, you would have an interest in not having the new tender result in a new appointment. Do you see that? Do you accept that?

**SERGEANT NKOSI:** Yes, it is so.

**ADV CHASKALSON SC:** And if you were a bidder for tender 3/2425, like you say Mr Mampane was, and you saw a list of all the bidders and all their prices and you realised  
10 that your price was going to lose, you would have an even bigger incentive to get tender 3/2425 to a position where no award was made.

**INTERPRETER:** Can you repeat that?

**ADV CHASKALSON SC:** You would have an even bigger incentive to get tender 3/2425, sorry, tender 1/2425 cancelled.

**INTERPRETER:** I am getting all muddled up, please.

**ADV CHASKALSON SC:** Sorry, I am particularly disorganised this morning. You would have an even bigger  
20 incentive to get this tender, this tender with this list of bidders cancelled.

**ADV KHUMALO SC:** No, not the list, the tender itself.

**ADV CHASKALSON SC:** The tender itself cancelled, indeed.

**SERGEANT NKOSI:** I would not comment on that as I do

not have a tender. I do not know what would they think, whether they are in or out.

**ADV CHASKALSON SC:** But Mr Mampane did have a tender and he asked you to let him say no to that appointment, but you still say you cannot remember why he asked you to let him say no to that appointment.

**SERGEANT NKOSI:** It is so.

**ADV CHASKALSON SC:** Let us move to a different topic then, or I am going to move to a different topic unless there  
10 are questions from the Commissioners. Can we go to page 532?

**SERGEANT NKOSI:** File?

**ADV CHASKALSON SC:** 532. File 2.

**SERGEANT NKOSI:** I am pressed, can I?

**CHAIRPERSON:** Yes, Sergeant. The usual, the usual?

**SERGEANT NKOSI:** I am pressed.

**CHAIRPERSON:** Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

20 **CHAIRPERSON:** Even though I think the Commission spokesperson, Mr Michaels, made an announcement, let me still apologise to those present here and those viewing remotely. We were told that there was a technical problem. Apologies.

**ADV CHASKALSON SC:** Thank you, Chair. Thank you,

Sergeant. I was asking you before we went to go to page 532 in file 2. You, have it?

**SERGEANT NKOSI**: That is correct, I have it.

**ADV CHASKALSON SC**: And there you will see that on the 6<sup>th</sup> of May 2025, you sent a series of documents to the General, and you will see what those documents are if you go to file 3 - sorry, it is still file 2, page 621, from 621 onwards. They are documents relating to applications for employment at the City of Tshwane. You have them?

10 **SERGEANT NKOSI**: Yes, yes, I have them.

**ADV CHASKALSON SC**: And so, you will see at 621, there is a receipt for someone's employment application, then there is an ID that went with that receipt at 623, another receipt, and on they go. There are various receipts for applications for employment at the city. Then, I am going to take you through all of these, and then I would like you to address them.

20 You will see that on page 1159, that is file 3, you will see that on the 26<sup>th</sup> of August, MMC Morodi sent you a similar document. You will find the document at 1171. It too, at 1171, is a confirmation of receipt of an application for a position with the Metro Police. And at 1165, you will see that on the 25<sup>th</sup> of September 2025, MMC Morodi sent you a similar document, another receipt of an application for appointment at the Metro Police. That document is at

1172. Then, if you go back to page 560 ...[intervenes]

**ADV KHUMALO SC:** Just wait for him to get there Mr Chaskalson.

**SERGEANT NKOSI:** 560, right?

**ADV CHASKALSON SC:** 560. You have 560?

**SERGEANT NKOSI:** I have it.

**ADV CHASKALSON SC:** 14<sup>th</sup> of September of 2025, you will see another series of these documents are sent from you to General Dlamini, and the documents themselves run  
10 from page 652 all the way through to 670. And you will see that they are all applications, job applications at the Metro Police.

**ADV BALOYI SC:** Mr Chaskalson, the documents to the General, are they the same as from MMC Morodi that you have referred to?

**ADV CHASKALSON SC:** I have not done that recon. They are certainly not the same. They are more, at the very least they are more. Whether they overlap, I can come back to the Commission at a later stage.

20 **ADV BALOYI SC:** All right, thank you.

**ADV CHASKALSON SC:** Or maybe, Sergeant Nkosi, can you tell us, are the documents that you sent to the General, do they include the documents that were sent by MMC Morodi to you?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** They do not?

**ADV KHUMALO SC:** Mr Chaskalson, I wanted to make the point that the previous ones were accompanied by IDs. These ones are not accompanied by IDs.

**ADV CHASKALSON SC:** Yes, some of the previous ones had IDs. Certainly, the list of the 14<sup>th</sup> of September does not have IDs. There was I think only one ID on the 6<sup>th</sup> of May. For the rest, it was just receipts without IDs. Other than that, there were some IDs. But not all of them had  
10 IDs. Now, the first question is, why were you sending these job application receipt forms to General Dlamini?

**SERGEANT NKOSI:** Thank you, thank you, Commissioners. The reason that I was sending this to General Dlamini, these documents are the application for the vacancy that was advertised at Tshwane. As a person who is directly involved in the community activities, I am encouraging you to apply for employment. I then make a follow-up to that effect. So, those that I have sent the website that there were vacancies, some have sent them in  
20 the communities, I then make a follow-up. Did you apply? Show me the proof that you applied.

**ADV CHASKALSON SC:** So, you are encouraging youth to apply at the City of Tshwane and in the Metro Police Department?

**SERGEANT NKOSI:** Not specifically at Tshwane or Metro

Police specifically. I just wanted to be vague. I am encouraging youth to work.

**ADV CHASKALSON SC:** Sure. And when people make applications, you help them to follow up on their applications?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And so, in this case, you were following up on applications that members of the community had made and they wanted feedback. Is that what was  
10 taking place?

**SERGEANT NKOSI:** In addition to what you just said, they wanted feedback. Sometimes their frustration would be they have applied and they would not respond from wherever they have applied from.

**ADV CHASKALSON SC:** So, if I take you to page 532, let us start at 621 because that is where the receipt is. That receipt is dated 11<sup>th</sup> of April, and you send it to General Dlamini on 6 May. Why would you send it to General Dlamini on 6 May if it is less than a month after the  
20 application was acknowledged by the city?

**SERGEANT NKOSI:** I do not know if I understand you. Can you maybe repeat that?

**ADV CHASKALSON SC:** If this is an issue of following up and following up in cases where there has been no response from the city, if one goes to 621, one sees that

the city acknowledged receipt of the application on the 11<sup>th</sup> of April, but you are sending the acknowledgement of receipt to the General on the 6<sup>th</sup> of May. So that is about three weeks later. Why would you be sending it to the General after only three weeks if you were following up?

**SERGEANT NKOSI:** Okay, if I understand you correctly, you are saying, why did I send this confirmation to the General after it was closed or before it was closed?

**ADV CHASKALSON SC:** No, maybe let me be more  
10 explicit. Let us go back to 621.

**SERGEANT NKOSI:** Yes, I am at 621.

**ADV CHASKALSON SC:** Second paragraph:

“You are hereby informed that correspondence will be limited to shortlisted candidates only. If you do not receive a reply within 12 weeks of the closing date, please consider your application unsuccessful.”

So, they are saying there is a 12-week processing time  
20 here.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Now the application, the receipt is dated 11 April. You, see?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, they are sending this letter to

the applicant on the 11<sup>th</sup> of April and saying it is going to take 12 weeks to process these applications. On the 6<sup>th</sup> of May, which is roughly three weeks after that receipt letter is sent, you send the receipt letter to the General. Why did you send it after three weeks?

**SERGEANT NKOSI:** I still stand by my statement that it was to make a follow-up with results to this application.

**ADV CHASKALSON SC:** But the receipt itself indicates that it is going to take 12 weeks to process the application,  
10 or it will take up to 12 weeks to process the application. Why would you expect the General to know the outcome of the application three weeks after that receipt letter?

**SERGEANT NKOSI:** I just sent it like I am explaining to you now.

**ADV CHASKALSON SC:** Let me then ask, why would MMC Morodi send you a receipt of application on the 26<sup>th</sup> of August? What did she want you to do with the employment application receipt?

**SERGEANT NKOSI:** It was to make a follow-up on whether  
20 the application had been received or not.

**ADV CHASKALSON SC:** Well, she knew that the application had been received, because the document at 1171 is a letter from the city saying it has been received. It is the same standard form letter from the city that says:

“We have received your application. If

you do not receive a reply within 12 weeks of the closing date, please consider your application unsuccessful.”

So, she knew it had been received, and the receipt had been acknowledged on the 3<sup>rd</sup> of August. About three weeks after the 3<sup>rd</sup> of August, she sends it to you. Why did she send it to you? She knew it had been received, so it could not be for you to check that it had been received. What was she wanting you to do?

10 **SERGEANT NKOSI**: She wanted me to check if indeed it was received, and maybe if I could do something in terms of checking, or what could be the problem, that maybe some of the people who applied to those vacancies were not being called.

**ADV CHASKALSON SC**: And did you make any enquiries on her behalf?

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: With whom did you enquire?

**SERGEANT NKOSI**: With General Dlamini.

20 **ADV CHASKALSON SC**: What did you ask him in relation to this application?

**SERGEANT NKOSI**: I asked him to check in what is happening about such applications.

**ADV CHASKALSON SC**: And what did he report?

**SERGEANT NKOSI**: He said he will check.

**ADV CHASKALSON SC:** And did you follow up again to find out what happened to this application?

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

**ADV CHASKALSON SC:** Now, MMC Morodi is an MMC of Tshwane. Is that not correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You have no formal relationship with Tshwane. Is that correct?

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

10 **ADV CHASKALSON SC:** You have no formal relationship with Tshwane. You are not a Tshwane official. You are not in any contractual relationship with Tshwane.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why would she ask you to make these enquiries?

**SERGEANT NKOSI:** Let me maybe answer it in this way. Like myself, I am a police officer. When people apply for vacancy in the SAPSs, they would maybe send questions or whatever reference. Because of your insight, can you  
20 check what is the progress of this application? So, according to me, that is the reason or why I sent to General Dlamini. Because it was with regards with Metro Police. So, same applies to when MMC Morodi sent it to me, and then I forwarded it to General Dlamini, like I was doing with other applications that are seen here in this document.

**ADV CHASKALSON SC:** Yes, but you are not inside the Tshwane Police Department, or are you?

**SERGEANT NKOSI:** I am not.

**ADV CHASKALSON SC:** You are not. I mean, you do quite a lot in relation to the Tshwane Municipal Police Department, but you are not formally inside. Is that not true?

**SERGEANT NKOSI:** I am not formally inside. I would not comment on that, what you said first.

10 **ADV CHASKALSON SC:** Yes, well, we have seen you sort of assist the CFO to communicate with the head of the police department a great deal. Do you accept that?

**SERGEANT NKOSI:** We are in the documents now.

**ADV CHASKALSON SC:** We do not need to go over yesterday's territory. But, again, my question is, why would MMC Morodi think that you were an appropriate person to approach to follow up on a job application? Why would you be appropriate? She is an MMC of this city. Why does she need you to follow up?

20 **SERGEANT NKOSI:** No, I think it was a matter of, you know, believing that I believe in youth development and knocking on doors where there is an opportunity for people to work, especially youth. So, I think it was on those bases.

**ADV CHASKALSON SC:** Does she believe in youth development?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So why did she need you to knock on doors? Why did she need you to knock on doors? Why could she not knock on doors herself?

**SERGEANT NKOSI:** Maybe I put it in the wrong sense that I am knocking on doors. I am trying to take advantage where there are opportunities for youth development.

**ADV CHASKALSON SC:** Park knocking on doors for a moment. But my question remains, why does she need you  
10 to explore these opportunities for youth development in the city if she is the MMC and you have no relationship with the city?

**SERGEANT NKOSI:** I think it is on the basis that we usually do charity work. We get involved where they are doing the charity. So, I think it was on those bases.

**ADV CHASKALSON SC:** So, you and the MMC do charity work together and she saw this as an extension of your joint charity work.

**SERGEANT NKOSI:** Not always. Where they have got a  
20 charity, she would say we have got this thing for a young woman. Can you help where you can or where you could?

**ADV CHASKALSON SC:** And did you follow up with all of these applications?

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

**ADV CHASKALSON SC:** Were they successful?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** They were not successful?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** None of them?

**SERGEANT NKOSI:** According to my understanding, none of them.

**ADV CHASKALSON SC:** And did you find out why?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And what was the answer that  
10 was given to you?

**SERGEANT NKOSI:** They were not compliant. They failed the aptitude test. Some they failed to run the training obstacles.

**ADV CHASKALSON SC:** So not one of the applicants was compliant?

**SERGEANT NKOSI:** According to me, yes.

**ADV CHASKALSON SC:** Who told you this?

**SERGEANT NKOSI:** Them, the applicants.

**ADV CHASKALSON SC:** The applicants reported to you  
20 individually, I failed, this was the reason they gave me?

**SERGEANT NKOSI:** Yes, the one that I know of, yes.

**ADV CHASKALSON SC:** And do you know if anyone was successful?

**SERGEANT NKOSI:** No, not the one that I can think of.

**ADV CHASKALSON SC:** Now, can I take you to page 563?

On the 21<sup>st</sup> of September ...[intervenes]

**ADV BALOYI SC:** Sorry, Mr Chaskalson, is it still the same theme?

**ADV CHASKALSON SC:** It is still the same theme. On the 21<sup>st</sup> of September, you sent the General a document, and that document we will get to, it is at page 661. And you said:

“Look, one of his friends was sent this.”

And then you said:

10 “My General, how legit is this?”

And if we go to 661.

**SERGEANT NKOSI:** 661.

**ADV CHASKALSON SC:** You see, it says:

“Dear applicant, you are invited to attend the Metro Police Physical Assessments and Verification of Documents, gives the date, the place, bring along the following documents, and tells you what to bring. NB, wear sports clothes, bring your own  
20 food and water bottle.”

And at 563, you say:

“My General, how legit is this?”

Why were you concerned about the legitimacy of a document inviting applicants for jobs to come and present themselves for physical assessment and verification of

documents?

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

**ADV CHASKALSON SC:** Why were you concerned about the legitimacy of a document that invited applicants for employment in a municipal police department to present themselves for a fitness assessment and verification of documents? Why were you concerned about it?

**SERGEANT NKOSI:** Okay, thank you. The reason that I was concerned, this message was forwarded to me that,  
10 look, one of his friends was sent this. Then I take the same and forward it to the General. I then make a follow-up that, my General, how legit is this? I was checking with the General that, indeed, there were calls made to other applicants.

**ADV CHASKALSON SC:** Sorry, there were?

**SERGEANT NKOSI:** There were calls made, or there were any other arrangements made, to some applicants that applied for this post.

**ADV CHASKALSON SC:** You see, if we look at your  
20 message to the General that attaches the notice for applicants to present themselves for a fitness assessment, you say, one of his friends was sent this, and then there is that sort of shocked emoji, which you seemed able to find on this case. Why was it potentially shocking that one of the friends of the person who you knew had been sent this

invitation?

**SERGEANT NKOSI:** I am not the author of that, look, one of his friends was sent this. The person who forwarded it to me is the one who wrote this. I took the same and forwarded it to the General.

**ADV CHASKALSON SC:** So, who forwarded this to you?

**SERGEANT NKOSI:** It is one of the parents of the applicant.

**ADV CHASKALSON SC:** And the parent was shocked that  
10 somebody else had been invited to do a fitness assessment, but their child had not. Is that what the parent was shocked about?

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

**ADV CHASKALSON SC:** So, the parent who sent this to you sent it with a shocked emoji?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And was the parent shocked because their child had not been invited to the fitness assessment, but one of their friends had been invited?

20 **SERGEANT NKOSI:** That was my understanding, yes.

**ADV CHASKALSON SC:** And the parent presumably was expecting you to ensure that their child would also get invited?

**SERGEANT NKOSI:** I would not say he was expecting me to make sure that their child is invited. She was making a

follow-up and followed by this message that she is shocked according to the emoji.

**ADV CHASKALSON SC:** But why would she be shocked that an applicant is invited to a fitness assessment? She would only be shocked if she expected her child also to be invited.

**SERGEANT NKOSI:** I would not be in a position to know, but I would assume that, you know, as a parent, you know that maybe your child is fit or is capable to do something.  
10 At the end of the day, maybe your child is a friend to this one and you see that this one cannot do anything. But be vice-versa that that one got opportunity and yours does not. So, I think that emoji came from there.

**ADV CHASKALSON SC:** No, I accept that the emoji came from them. But I am still trying to understand what they were expecting from you and what you were expecting from the General. So, let us start with what they were expecting from you. What were they expecting from you?

**SERGEANT NKOSI:** Okay, as I have said earlier, to make  
20 follow-ups with regards to their application. They do not know the General. I know the General. I did not make any arrangement with them with regards to the General. I said, send it to me. I will see how I can help. That is when I involved the General. General, can you check what is happening here, the progress and so forth. So, that is the

view.

**ADV CHASKALSON SC**: But what they send you is an invitation for a fitness assessment that is been sent to somebody else. So, they are presumably asking you to find out why their child has not received a similar application for a fitness assessment. Is that not what they were asking from you?

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: Then why do you say to the  
10 General, my General, how legit is this? What was potentially illegitimate about a friend being invited to a fitness assessment?

**SERGEANT NKOSI**: Okay, if you can see this document, or let us say the so-called response. It says:

“The trainees must come at Fourways,  
Roodepoort.”

And I know that Tshwane is not at the Roodepoort. Why would they then summon them to a Roodepoort? So, I was sending the General with that effect. Can you verify that  
20 this thing is legit?

**ADV CHASKALSON SC**: Well, if they were being summoned to Roodepoort, one could assume that it would not come from Tshwane, it would come from Johannesburg. Is that not right?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC:** And would not your question then to the General not be, is this legit but something along the lines of, does this come from Tshwane? Or why is Tshwane inviting people to Roodepoort if he wanted to follow it up at all, as opposed to just assuming this cannot come from Tshwane. Tshwane will never assess people in Roodepoort.

**SERGEANT NKOSI:** That will be, it will depend on how I express my interaction with the General.

**ADV CHASKALSON SC:** You see, if you follow the chats,  
10 it takes the General a while. You send it to him at 05:21, he calls you back at 05:23. And then at 05:24 he says:

“This is for the JMPD, it is not for TMPD.”

Can I tell you what it looks like to me? What it looks like ...[intervenes]

**SERGEANT NKOSI:** Before, before, you said what page is that?

**ADV CHASKALSON SC:** Sorry?

**SERGEANT NKOSI:** You said what page is that?

**ADV CHASKALSON SC:** It is the same page. Just go  
20 down to 05:24.

**SERGEANT NKOSI:** 524?

**ADV CHASKALSON SC:** Yes. Not page 524, the same page at chat number 5 at 05:24 pm.

**ADV KHUMALO SC:** 563, page 563.

**SERGEANT NKOSI:** Okay, I think maybe to remark, let me

just wait for you to comment first.

**ADV CHASKALSON SC:** Well, maybe let me hear your comment on the General's response to you at 05:24.

**SERGEANT NKOSI:** Okay, the General was responding to me that these ones are not the Tshwane vacancies. I think it was me, maybe who made a mistake after he forwarded this message to me. I immediately forwarded it to General without maybe telling General that this is not the Tshwane document or not. Is it legit or not? I was forwarding it to  
10 the General to check if it was legit. But I think maybe it was coming from the bases that I sent him the Tshwane application, not the JMPD.

**ADV CHASKALSON SC:** Yes, you sent him a Tshwane application. You did not realise at the time that this was a response from JMPD and not from Tshwane.

**SERGEANT NKOSI:** I think so, yes.

**ADV CHASKALSON SC:** You thought it was a response from Tshwane.

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** But then why your question, my General, how legit is this?

**SERGEANT NKOSI:** Because I thought it was a Tshwane document.

**ADV CHASKALSON SC:** Yes, if it was a Tshwane ...[intervenes]

**SERGEANT NKOSI:** So now, when he responds, he rectifies me here and says, no, Captain, this is for JMPD.

**ADV CHASKALSON SC:** No, I understand. I see that the General pointed out that it came from JMPD, not TMPD. Why would you be concerned about the legitimacy of it? Why would your question be, is this legitimate as opposed to, does this come from TMPD, not JMPD?

**SERGEANT NKOSI:** Because at that time, this was the first applicant who sent me this. And they came with these  
10 things, according to their parent. So that is the reason I was asking them.

**ADV CHASKALSON SC:** You see, what it looks like to me, from the outside, is that this parent had an expectation that you would ensure that, at the very least, their son's application got processed, if not successfully. And the parent writes to you saying, his friend has been asked to present himself for a fitness assessment. He has not. Why is this? You were supposed to look after him. Is that not what was happening?

20 **SERGEANT NKOSI:** You know, Commissioner, I am not saying you are not a parent. But when you are a parent, and you see your child not doing well, if you feel at that particular time that there is an opportunity, whether that person is going to influence that process or not, according to the way you are putting it to me, that he was expecting

me to make, you know, I do not know what there. But according to me, that parent, you know, was happy that at long last, my child will have an opportunity to work. So, I am taking that on those bases.

**ADV CHASKALSON SC**: Now, I do understand that. But is there not an expectation that you will look after these applications for the children? That you will make sure that these applications get properly processed, and that their children stand a good chance of being appointed?

10 **SERGEANT NKOSI**: That is your view. My view is that one that I have explained.

**ADV CHASKALSON SC**: You see, what it looks like to me, from this exchange, is that you expected that the General would ensure that all of your applicants were invited for fitness assessments and documentation verification and got through the first round of the application process to that stage. And you were quite concerned that somebody who was not one of your applicants had been invited to a fitness assessment, and your applicant had not. That is what it  
20 looks like to me. That is why you said, how legit is this? What is your comment on that?

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

**ADV CHASKALSON SC**: Can I take you to page 654? I do not want to mention names, but can I ask, is this applicant a relative of the Mama whose case you wanted, whose case

you were sorting out with Mr Mampane – sorry, Mr Mthakathi, and General Sibiya, who wanted to be involved as well?

**SERGEANT NKOSI:** That is, you are talking about 654?

**ADV CHASKALSON SC:** 654, yes.

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

**ADV CHASKALSON SC:** I did not mention names, but the applicant at 654, is that a relative of the Mama who we spoke about a couple of days ago? I remember General  
10 Sibiya said, I want you to sort out the Mama issue with Mthakathi.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And is this a relative of Mama?

**SERGEANT NKOSI:** That is correct. It is a child.

**ADV CHASKALSON SC:** I see. And was General Sibiya aware of this application, of the child's application?

**SERGEANT NKOSI:** I cannot remember.

**ADV CHASKALSON SC:** How long did it take for you to follow up the final outcome of all of these applications?  
20 The applications were supposed to be adjudicated within 12 weeks or determined within 12 weeks. When did you find out about the fate of these applications?

**SERGEANT NKOSI:** I cannot remember.

**ADV CHASKALSON SC:** But you say nobody was successful?

**SERGEANT NKOSI:** According to my understanding, nobody.

**ADV KHUMALO SC:** Mr Chaskalson ...[intervenes]

**SERGEANT NKOSI:** You know why? Sorry, please. I think the Commission must go first, then I will answer the message package.

**ADV KHUMALO SC:** Sorry, on the 12-week issue, it seems to me that this is a different batch of applications.

**ADV CHASKALSON SC:** Yes.

10 **ADV KHUMALO SC:** Because the previous ones, the acknowledgement date was April, and the 12-weeks ...[intervenes]

**ADV CHASKALSON SC:** No, I agree. I agree ...[intervenes]

**ADV KHUMALO SC:** And these ones are now the July batch. So, when you ask him how long did he follow up, are you asking him about the April batch or the July batch? I think that is all I wanted to clarify.

20 **ADV CHASKALSON SC:** Well, let us take each batch in turn. There is an April batch, and certainly a July batch, and then a September batch.

**SERGEANT NKOSI:** Okay. To answer that, there were different posts. There were cleaners' posts, there were Metro Police posts, there were general workers' posts. So, on each and every post, I would encourage people to apply

and make use of it, can you check, can you – so, according to me, when I say none of them were successful, it is on the basis of I did not receive any call from them, no information that our calls or our application were successful. And even to those that I have made a follow-up from, they were not successful.

**ADV CHASKALSON SC:** In relation to the posts that were not Metro Police posts, why were you sending those to General Dlamini?

10 **SERGEANT NKOSI:** I am just taking advantage of the entity that he is working in, the umbrella of Tshwane.

**ADV CHASKALSON SC:** So General Dlamini is going to – let us take a look at the one on page 624. There is an application for a position of senior administrative officer.

**SERGEANT NKOSI:** Page?

**ADV CHASKALSON SC:** 624. That is a senior administrative officer post. It does not say anything about Metro Police.

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** But you sent it to General Dlamini.

**SERGEANT NKOSI:** As I said that I did not send only Metro Police. I sent for the cleaners and general workers. I think I took advantage of that he works in that particular entity of Tshwane.

**ADV CHASKALSON SC:** Yes, this is senior administrator's officer. It is not a cleaner or a general worker. How would General Dlamini be able to help you in relation to this appointment?

**SERGEANT NKOSI:** I do not know if maybe I will answer to the best of my ability. Let me just make an example about me. I am working in the head office. Somebody applies in HR. Then he says to me, even though you are in organised crime, cannot you check what is happening with  
10 this post in HR? So, I think because we are closer and closer, I am able to check how far this post and whatsoever. It is because I am on the basis that I am working there. So, this is what I am explaining about General Dlamini.

**ADV CHASKALSON SC:** And what report backs did you get from General Dlamini? Because to me, this process makes sense on your version only if General Dlamini is going to do something and then give you a report. What report did he give you in relation to these applications? What reports?

20 **SERGEANT NKOSI:** Nothing much. Nothing much he said. He said, no, you will make a follow-up. So, I did not make any follow-up with him.

**ADV CHASKALSON SC:** But you then continued to send him, I mean, he does not give you much feedback in April, but you continue sending him job application forms in July

and then in September.

**SERGEANT NKOSI:** Yes, then not on every post that I sent him, he does not respond. But on others he did respond that this candidate was not successful, especially the Metro Police one.

**ADV CHASKALSON SC:** I do not intend asking any further questions here.

**ADV BALOYI SC:** Let me ask. Sergeant, if the purpose of you sharing this information with General Dlamini was  
10 simply to get information about the status of things, then explain why MMC Morodi would want that information through you. She has access to the whole of Tshwane, including the TMPD, and so she can get this information. Why would she want that information through you?

**SERGEANT NKOSI:** I think maybe Commissioner, at that time maybe she thought that I will be of good help, even though she is within Tshwane, but this is what I thought, that maybe.

**ADV BALOYI SC:** Yes, I think what is obvious is she  
20 thought you would be of good help. I mean, that is the only explanation why she is sending this stuff to you. So, I am asking, I accept that, that part of your answer. She thought you would be of good help. In fact, she believed you would be of good help. The question is, if all it was that your role involved was just to get information, why would she do that

through you when she is got direct access to all of Tshwane, including General Dlamini and the other parts of Tshwane that are not TMPD? Why would she want that information through you instead of getting it directly from the people that work in that municipality of which she is an MMC? If all it was, was to get information about the progress of these applications.

**SERGEANT NKOSI:** I think now it is according to me. You know *mos*, I assume it might be maybe office politics. She  
10 can ask some things, or she can engage with some people. So, she thought maybe I might be of great help at that time. That is one. Two, because I am always advocating for youth development, maybe she said, this one is always talking about youth development, what are we doing for the youth and so forth. Let me give him this opportunity and see what this will come to.

**ADV BALOYI SC:** So, when you say maybe office politics, you say maybe it might have been office politics, are you saying maybe she did not want it to be known in the office  
20 of Tshwane that she is making enquiries about specific candidates? Is that what you mean when you say maybe office politics stopped her from asking directly?

**SERGEANT NKOSI:** No, no, no, I am not saying that.

**ADV BALOYI SC:** Explain what you mean by office politics, that maybe office politics stopped her from asking

directly.

**SERGEANT NKOSI:** I do not know if I am answering to the best of my ability. When I say office politics, I am not necessarily saying that maybe she does not want this one to know about. You know *mos* office politics is office politics. I am just assuming maybe this one has got bad blood with this one or this one. I am just saying that on the basis of my office politics. I am assuming, I am not saying it is like that.

10 **ADV BALOYI SC:** So, on that assumption, she would have bad blood with the whole of the people involved with recruitment in Tshwane, that it makes sense only if you say that, that maybe she did not get along with everyone that has access to this information.

**SERGEANT NKOSI:** I am not even saying that there is bad blood. It is me now thinking about that. It is not even like that. You would find Commissioner that she was not even there in the issue of office politics, the way I am putting it to the Commission. So that is just me applying my mind  
20 that it might be. But the other one is this one, that because I am always advocating for youth development, that is why maybe she took advantage of that. Because if you are always advocating, let us see what you can do.

**ADV BALOYI SC:** But why did you not ask her the first time she asked you to get this information, or she send you

this to get information because that is your version it was to get information. Why did you not ask her why do you not get it yourself from the recruitment people or anyone else in Tshwane? Why did you not ask her that?

**SERGEANT NKOSI**: I did not ask her, Commissioner.

**ADV BALOYI SC**: Yes, why? It seems like an obvious, natural question, considering you are outside of Tshwane Municipality. You have no official capacity there. And so, when you reach out to General Dlamini, you are not doing  
10 that in any official way.

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: You have an MMC who has a right or access even to people in the municipality that she could ask. It seems to me a natural question to ask. Why do not you get this information yourself directly, if all it is, is to get information about the progress in the applications? Why does that natural reaction not happen with you?

**SERGEANT NKOSI**: I think it was on the basis of me knowing what I want for the youth. So, I said, because this  
20 is what she knows, then there is no reason for me to ask her. Let me run with it.

**ADV BALOYI SC**: Do you accept that when MMC Morodi sends this information to you, for whatever purpose, it means that she knows you have got access to someone in the municipality who will give you the answers?

**SERGEANT NKOSI:** I take that.

**ADV BALOYI SC:** That she knew that. She knew that you, an outsider, had a relationship in the municipality which allows you to get access to municipal information. Because that is what it is, according to you. You were going to get municipal information. So, you have an MMC who knows that and who actually asks you to use that relationship as an outsider to an internal person to get municipal information. You accept that is what your answer means?

10 **SERGEANT NKOSI:** I do not accept that, Commissioner.

**ADV BALOYI SC:** Okay, what does it mean? Why would she ask you if she does not know that you have got access in a way of getting municipal information? Why would she ask you to get this information for her?

**SERGEANT NKOSI:** But I am not putting this in a disrespectful manner. I differ when my Honourable Commissioner is saying I accept that the MMC knows that I am an outsider and I have got information to the municipal information. And she knows that I have got information.

20 No, no, no, it was not only on those bases. It was purely asking that here are the - because I am always pushing that narrative that youth must be developed, youth must work. So, I think she sent me on those bases. Not on the basis that I must influence or I must - no, no, no, no, no.

**ADV BALOYI SC:** No, we are not yet at influence. We are

at your answer where you say all of this information comes to you so that you can get information about their status, the status of these applications. Right? Am I representing your evidence correctly that that is your account?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** I want to say this was sent to you so that you can find out ...[intervenes]

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** About the status of these applications,  
10 yes. So, I say to you for MMC Morodi to send you this information so that you can get updates of the status of these applications, it must mean, it has to mean that she knows that you do have the ability to get that information from the municipality. It must mean that.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** That is correct, right? So, she was asking you to use that relationship that you have or that access that you have to get municipal information so that you can report back, or you can inform yourself, whichever  
20 it is, about the status of these applications.

**SERGEANT NKOSI:** Thank you, Commissioner. I do not want it to, I do not know if I am correct, I do not want it to sound or to be seen as in MMC Morodi was pushing me to do the wrong things at Tshwane and she knew that I am doing wrong things at Tshwane and she supported my wrong

things if they were wrong. My version of my statement is she sent me those things for me to see what I can do about them. She did not even know who I am going to talk to or what am I going to do with them, but she only knew that I might have been of great help.

**ADV BALOYI SC:** Yes, you see, I am not yet saying what she did was wrong, so do not be concerned about you admitting to she knew that what she was doing was wrong. It is not the engagement I am having with you. What I am  
10 engaging with you about is it only makes sense that she sent this information to you so that you can find out about the status of these applications according to you.

It only makes sense that she sent it if she knows that you do have the ability to find out. You have the means into the city to find answers to these questions that she is asking or this information that she is asking about. And let me say that it has to be so, otherwise it does not make sense that she sent this stuff to you. She must have expected you would have answers. It has to be so. What  
20 do you say, Sergeant?

**SERGEANT NKOSI:** I think I have answered to the best of my ability, not in a bad way.

**ADV BALOYI SC:** Okay. What does General Dlamini do in the TMPD? What is his position?

**SERGEANT NKOSI:** He is a deputy chief.

**ADV BALOYI SC:** Yes, what does that entail? Is he involved with recruitment of cashiers, involvement of training officers, of cleaners? What does he do?

**SERGEANT NKOSI:** I only know that he is doing policing, he is into policing.

**ADV BALOYI SC:** He is into policing. So, he is not involved. You do not know him to be involved with recruitment.

**SERGEANT NKOSI:** Yes.

10 **ADV BALOYI SC:** You do not know him to be involved with that.

**SERGEANT NKOSI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay, all right. So, when you sent this to him, these questions, you expect that he will find out from other people ...[intervenes]

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Who are involved with recruitment of cashiers. Let us keep it simple.

**SERGEANT NKOSI:** Yes.

20 **ADV BALOYI SC:** The recruitments include cashiers and cleaners.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** You know he is not involved with that, right? You nod your head. The record cannot ...[intervenes]

**SERGEANT NKOSI:** Oh, sorry, sorry, sorry. Yes, Commissioner.

**ADV BALOYI SC:** Okay, so, you know that, or you expect that information about cashiers and cleaners, at least he will have to go to somebody else to get information about. You accept that? You must accept it. Unless you say he is involved in the recruitment of cashiers and cleaners.

**SERGEANT NKOSI:** No, Commissioner, I cannot accept that.

10 **ADV BALOYI SC:** You expect him to be involved in the recruitment of cashiers. Is that your understanding of his position?

**SERGEANT NKOSI:** No, Commissioner.

**ADV BALOYI SC:** Okay, all right. I want to suggest this to you that this is what it looks like. It looks like when MMC Morodi sends you this list, to you, she knows that you have access to people who are involved with recruitment, whether it is General Dlamini or whoever, and she expects - there are two scenarios. She expects that you will use that  
20 relationship to assist these candidates that she is given you to get a favourable response to positions. That is the one scenario. The other is – and this was suggested. So that is the first scenario.

**SERGEANT NKOSI:** Okay, I do not know if I would be inconveniencing you when I say, maybe can you repeat that

first scenario so that when you get to the second scenario.

**ADV BALOYI SC:** The first I am putting to you  
...[intervenes]

**SERGEANT NKOSI:** Interpreter, stand by.

**ADV BALOYI SC:** Okay, Ma'am Interpreter, he says,  
please pay attention. He wants you to interpret after I have  
asked my question. So, I say it after I have put this to him,  
to the witness. The first I am putting to you, the first  
scenario, possibility, is MMC Morodi sends you this  
10 information because she knows that you have got access to  
either General Dlamini or someone that is involved with  
recruitment, and that you will use that access to influence  
the outcome of these applications.

**SERGEANT NKOSI:** Okay.

**ADV BALOYI SC:** That is the one possible explanation for  
what is happening. The second possible explanation is  
MMC Morodi sends this to you because she does not want a  
footprint that as an MMC she is getting involved with issues  
of recruitment and putting up names to the officials to be  
20 appointed. Those are the two possible explanations for why  
you are involved with her in relation to these recruitments.  
You have asked for interpretation. You understand what I  
have suggested are the two possibilities, right? You have  
understood that?

**SERGEANT NKOSI:** Okay, I understood. I understood. I

wanted to raise something, but no.

**ADV BALOYI SC:** You have understood it.

**SERGEANT NKOSI:** To save time, you know, today is Friday, so we must – this is what my, Commissioner said, but I understood.

**ADV BALOYI SC:** Yes, and I conclude it. I have put to you these two possibilities. It is one or the other.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** And I conclude it by saying that it is not  
10 true.

**SERGEANT NKOSI:** Sorry. Maybe before you conclude, it will be fair for me to respond. If maybe the Commission says she wants to conclude, I do not want the Commission to conclude before I respond because she might conclude to find me, and maybe I come up with a different answer than what she concluded on is null and void. So, I am saying, Commissioner, now, MMC Morodi did not give me this thing because there is someone she expected me to engage with so that they can influence this particular employment, one.  
20 Two, she did not give me those things because she was catching her footprints and did not want people to know that she is also involved. She gave me out of, you know, generosity of trying to help people in need. So, it was on those bases. Nothing more, nothing less to that, but it was just an innocent thing to do.

**ADV BALOYI SC:** Well, I will still tell you what I was going to conclude as, but what you are now giving as her reason for sharing this information with you, it cannot be the reason that she gave you because when you had the opportunity to say why she gave it to you, you said, well, I think it is because I am involved in youth development and she was sharing with me.

So, you do not know according to you. You do not know, you did not even ask her why she is giving this to  
10 you. So that attempt at saying she was giving you out of the goodness of her heart, it cannot help you because you never asked her why she is giving this to you and you said, well, I am thinking maybe this is why she did it. That is my direct response to what you have said.

But I was going to conclude this way on those two scenarios. I was going to say to you, it is one of the two scenarios, and I still say that to you, and I conclude it by saying the answer that you have given, that you - the answer that you gave, that you were just seeking  
20 information when you forwarded these things. When Morodi sent this to you and you forwarded everything to General Dlamini, you did so just to get information on the updates or updates on these applications is false. It is not correct. It is not a true answer. It is one of the two possibilities that I have given you that explains this exchange of these names

of applicants. You heard my conclusion. You want me to repeat it, Sergeant?

**SERGEANT NKOSI**: Can you maybe repeat it? I am sorry about that, but I want to ...[incomplete].

**ADV BALOYI SC**: That is okay. So, remember, I gave you two scenarios. I am not going to repeat those.

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: You understood.

**SERGEANT NKOSI**: Yes.

10 **ADV BALOYI SC**: You heard what I have said.

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: And what I am saying to you is the conclusion, my conclusion, right, is that the answer that you have given to Mr Chaskalson, that you received this information from MMC Morodi to find out what is happening with these applications, that you forwarded all of these batches of information, the different batches, to General Dlamini because you wanted information on progress in the applications, that is a false answer. That is false.

20 The true explanation for it is one of the two scenarios that I have given you, which is you were going to influence appointments to these positions. That is why you have all of this and sharing them with General Dlamini. The alternative is, as relates to MMC Morodi, she was actually hiding a footprint of influencing these applications, and she

did that through you instead of directly speaking to officials in the city. Do you have any comment? If not, I will go back to Mr Chaskalson.

**SERGEANT NKOSI:** I have a comment, Commissioner. I respectfully and sincerely differ with what you are saying now. She just gave me because of wanting to help, not merely because I wanted to influence or she knew that I could influence. Thank you.

**ADV BALOYI SC:** Thank you, Sergeant.

10 **ADV KHUMALO SC:** Sergeant, I want to raise something different with you. I think we have all agreed that you are not an employee of the city of Tshwane, correct?

**SERGEANT NKOSI:** Yes, that is correct.

**ADV KHUMALO SC:** And you are not an employment agency either, are you? You are not an employment agency, correct?

**SERGEANT NKOSI:** Yes, I am not.

**ADV KHUMALO SC:** Now, when an applicant applies to the City of Tshwane for employment, that is an issue between  
20 that applicant and the City of Tshwane, correct?

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

**ADV KHUMALO SC:** Yes, and any correspondence between the City of Tshwane and that applicant will be between those two parties, correct?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** So, when either MMC Morodi or General Dlamini or the CFO gave you access to documents that should be circulating between the City of Tshwane and the job applicants, they were really giving you access to internal Tshwane documents, were not they? For example, this acknowledgement letter that somebody's application has been received, it has been processed, and they will get feedback within 12 weeks. That is communication between Tshwane and the applicant, correct?

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

**ADV KHUMALO SC:** And it is an internal Tshwane document because you pull it from the system. You do not have access to it, correct?

**SERGEANT NKOSI:** If it was in public domain, I would have access to it.

**ADV KHUMALO SC:** No, no, it cannot be in the public domain. These are not things that are put in newspapers. This is communication between a job applicant and a potential employer.

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

**ADV KHUMALO SC:** When somebody who works for the potential employer goes to the system and pulls this letter and gives it to you, they are really giving you access into the potential employer's documents, are they not? These are City of Tshwane documents that they are giving you.

They are not yours. You are not involved in the process. And it is not communication addressed to you.

**SERGEANT NKOSI:** I think maybe through you, Chair, maybe before I answer that, I want to answer it in a very relaxed mood. Now I am pressed, can I? Not that I am, My Honourable, I am not shying away from your question. It is valid. And just now – can I be excused.

**CHAIRPERSON:** Let us adjourn.

**INQUIRY ADJOURNS**

10 **INQUIRY RESUMES**

**ADV KHUMALO SC:** Sergeant, I have been assured that the Commission did not put anything in your water. Do you remember where we were? I said my concern is that these three people within the City of Tshwane were giving you access to documents that belong to the Tshwane Municipality, which you should not have had access to. That was really my point, that you as an outsider, being neither a job applicant nor an official of the City of Tshwane, should not have had access to any of these  
20 documents. Do you accept that? And if you do not accept it, you can say I do not accept it.

**SERGEANT NKOSI:** I do not accept it.

**ADV KHUMALO SC:** So, I am not putting words in your mouth. And you seem to me to have been pulling strings in matters you should have had nothing to do with. As an

outsider, my impression, listening to your evidence and looking at the documents, is that you were pulling strings in relation to tenders at the Tshwane Municipality, but you were also pulling strings in relation to recruitment processes that had nothing to do with you. What is your comment?

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

**ADV KHUMALO SC:** That is not true. Then what was your reason for involving yourself in matters that had nothing to do with you at Tshwane Municipality?

**SERGEANT NKOSI:** I think it was on the basis of trying to help these youth who were unemployed or who are unemployed. So, it was on those bases, Commissioner.

**ADV KHUMALO SC:** Sorry, I keep switching it on and off as you talk to avoid disturbing you. Let me start again. I am saying it was not just a case of helping and following proper channels because you were not going through HR. You were going through people who were perceived or people that you knew were close to you. So, you were using your friendships within the municipality to assist these people that you say you were assisting. So, you were using your influence with these people who are your friends to achieve those objectives that you say you sought to achieve.

**SERGEANT NKOSI:** Interpreter?

**ADV KHUMALO SC:** You understand? If it is an HR issue you go to HR and you make an enquiry. That is not what you did. You went to your friends within the City of Tshwane. So, you were using your friendships or your influence within the City of Tshwane to achieve that which you said you wanted to achieve. Do you want to comment?

**SERGEANT NKOSI:** Yes, I want to comment, Commissioner. If I used my influence at Tshwane or used my friends or people that I have captured in a way that  
10 Commissioner Khumalo has put it, it is a bit harsh. My Commissioner, I did not capture.

**ADV KHUMALO SC:** We read it from one of the WhatsApp's yesterday.

**SERGEANT NKOSI:** Okay.

**ADV KHUMALO SC:** It is not the words that are coming from me. When you were asked what captures me, you said it means he is my friend. So, you are using it in the same way.

**SERGEANT NKOSI:** Oh, now I understand. I will draw  
20 back that statement.

**ADV KHUMALO SC:** You remember that?

**SERGEANT NKOSI:** Commissioner, the reason that I default the comment of my Honourable Commissioner Khumalo is the following reasons. If I was influencing or using my contacts with my friends, all these people that

have applied and sent me their proof of application, they would have got employment if there was any influence. But none of them, they did not. So, on my side, it shows that it was just a clear intention trying to help the needy. So, I am asking the Commission to take it on that level.

**ADV KHUMALO SC:** All right, thank you. Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Sergeant. I wanted to turn now to the issue of your relationship with Mr  
10 Sibanyoni. And you said yesterday that you had had meetings with Mr Sibanyoni on one or two occasions. If I look at your chats, it seems to me that you have visited Mr Sibanyoni between March 2024 and September 2025. You visited his home on at least 12 occasions. Would that be right?

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

**ADV CHASKALSON SC:** Well, I will give you a series of pages and maybe write them all down and then you can check them in one go. In file 3, page 1015, which is 17  
20 March 2024.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** 1017, 28 March 2024, 1019, 2 April 2024, 1020, 5 April 2024, 1024, 7 June 2024, 1025, 14 October 2024, 1033, 13 December 2024, 1034, 24 December 2024, 1042, 30 April 2025, 1053, 30 July 2025,

1056, 24 September 2025. That is the list.

**SERGEANT NKOSI**: Okay.

**ADV CHASKALSON SC**: Do you want to check them or do you accept that these will all reflect visits to Mr Sibanyoni's private home?

**SERGEANT NKOSI**: You may proceed.

**CHAIRPERSON**: Sorry, what is the answer?

**SERGEANT NKOSI**: I said you may proceed. I confirm.

**CHAIRPERSON**: Thank you.

10 **ADV CHASKALSON SC**: So why yesterday did you speak of one or two meetings when in fact you visited his private home on 12 occasions in the 18 months between March 2024 and September 2025?

**SERGEANT NKOSI**: I have never said that I have visited three times. I said I could not remember, but it might be more or less.

**ADV CHASKALSON SC**: Look, in fairness to you, I did not ask about visits. I asked about meetings. But your answer was one or two occasions. You had had one or two  
20 meetings with Mr Sibanyoni. That was your answer. It was not that you could not remember. You had only had one or two meetings at his house.

**SERGEANT NKOSI**: I cannot remember saying that, but maybe I said one or ...[incomplete].

**ADV CHASKALSON SC**: It was one or two. Was that

answer not accurate?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So, you accept that you have had 12 meetings at Mr Sibanyoni's house between March 2024 and September 2025?

**SERGEANT NKOSI:** Yes, according to this slide.

**ADV CHASKALSON SC:** So why would you have told us yesterday that it was only one or two?

**SERGEANT NKOSI:** I did not say it was one or two. I said  
10 I cannot remember exactly how many were there.

**ADV CHASKALSON SC:** Well, the record will reflect what you said yesterday. It was very clear to me that it was one or two because I then went on to ask you well, if it was only one or two why can you not remember one, the one that I was asking you about. The one I think it was on 30 April 2025. I said if there have only been at most two, maybe only one, why cannot you remember this one? And you could not really give an answer. Do you remember that?

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

20 **ADV CHASKALSON SC:** And that was just after we had seen, I think it was 40 pages of pictures of a red vehicle.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So, I repeat my question. Why did you tell us yesterday it was only one or two meetings, when in actual fact it was at least 12, and that is just over

an 18-month period for which we have chats?

**SERGEANT NKOSI:** I still repeat that I did not say one or two.

**ADV CHASKALSON SC:** I am not going to take it further. The record will reflect what you said. But what I do want to do is I want to take you to page 42 in file 1. And there on 42, in fact it starts just at the bottom of 41, you will see that on the 15<sup>th</sup> of November 2024, you sent to Mr Mnisi, the CFO, a link to a TikTok clip of the opening of the Joe  
10 Sibanyoni Foundation. That link that you see below takes you to a TikTok of the opening of the launch of the Joe Sibanyoni Foundation.

**SERGEANT NKOSI:** That is correct, I see.

**ADV CHASKALSON SC:** Why did you send this to the CFO?

**SERGEANT NKOSI:** I just sent it to him.

**ADV CHASKALSON SC:** No, we know you did, but why?

**SERGEANT NKOSI:** To be honest with you, Commissioners, I would not remember exactly why I would  
20 have sent it to him.

**CHAIRPERSON:** Do you remember the admonition by Commissioner Baloyi this morning, the one that made you scared of her?

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** I think you are straying back to that

terrain.

**SERGEANT NKOSI:** I do not want to take the Commission there. I will try to answer to the best of my ability. This is what I am trying to do now, my Commissioners.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** And then you recall that on the 16<sup>th</sup> of December, at the foot of page 86, you told the CFO that you had a call at 06:30 to come and see number 1, and his response was:

10                   “Who my bro? Number 1, JS.”

And you answered:

“JS.”

And your version yesterday was that it was General Sibiya. You recall?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You do not want to reconsider, with the benefit of what we have gone through now, that it was much more likely to be Joe Sibanyoni?

**SERGEANT NKOSI:** No.

20 **ADV CHASKALSON SC:** And can you give me your explanation again as to why General Sibiya would be JS in the JS?

**SERGEANT NKOSI:** Okay, I think it was made on the abbreviation of JS. JS means Jenene. Jenene Sibiya. Jenene Sibiya. Jenene Sibiya. Referring to Swazi. This is

how I - maybe if it will be the best of my ability to give that answer.

**ADV BALOYI SC:** No, no, Sergeant. No. You know what you are saying is not true. JS is not short for Jenene in any language. It is not. Try again.

**SERGEANT NKOSI:** That is my answer. That is my understanding.

**ADV BALOYI SC:** Understanding is the initial JS means Jenene.

10 **SERGEANT NKOSI:** Jenene, Jenene.

**ADV BALOYI SC:** What I am saying to you, that is false. The answer you have given is false.

**ADV CHASKALSON SC:** And, Sergeant, can I move on?

**ADV BALOYI SC:** Yes, you can, Mr Chaskalson, he says that is to the best of his ability to answer.

**ADV CHASKALSON SC:** And you will recall also that on the 30<sup>th</sup> of April at page 276 you sent the CFO a PIN with the location of Mr Sibanyoni's residence. On 277, you sent him a screenshot of the chats between yourself and Mr  
20 Sibanyoni, explaining that you were meeting Mr Sibanyoni at 4 o'clock and saying that you were still there at the foot of that screenshot. And he wanted to know, his response was:

“Let me know how it goes.”

Why would he have been interested in how your meeting

with Mr Sibanyoni went?

**SERGEANT NKOSI:** I am going to try again not to upset my Commissioner. My answer to that is, maybe he was just referring to me or a concern about me. Let me know how it goes. Maybe there are possibilities that on that day we were supposed to meet with him, the CFO, or not.

**ADV CHASKALSON SC:** Well, if he was concerned about you, it would tie in with his response on page 87, when he asked:

10 "Are you meeting with number 1, JS."

AND you said:

"JS."

Because his response immediately thereafter is:

"Eish, should we be worried?"

He seems to have concern when you are called to meetings with JS. Concerns for you and concerns for him. Was it not a similar concern for you that he was expressing in relation to a meeting with JS on the 30<sup>th</sup> of April?

**SERGEANT NKOSI:** No.

20 **ADV CHASKALSON SC:** No?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** It was a separate concern?

**SERGEANT NKOSI:** The way I read the message.

**ADV CHASKALSON SC:** So, he was just concerned for you, knowing that you were having a meeting with Mr

Sibanyoni?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Why would he be concerned for you?

**SERGEANT NKOSI:** As I have said, Commissioners, that there are possibilities that maybe on that day I was supposed to meet him, the CFO. So, when I inform him that I am aware I am going because I am used on taking pictures in whatever thing that I do or send the location. So, this is  
10 how maybe he was talking to me that let us see how it goes.

**ADV CHASKALSON SC:** But a minute ago when you explained that you said he was concerned about me.

**SERGEANT NKOSI:** I cannot remember saying that.

**ADV CHASKALSON SC:** All right, Sergeant, I am going to leave the topic of Mr Sibanyoni, you will be relieved about that.

**ADV BALOYI SC:** Can I just say, Sergeant, what it looks like? Starting with your response yesterday about meetings with Mr Sibanyoni. And you said one or two, which is quite  
20 far from the 12 that you have now had to accept because you have shown the documents. So, starting with that and then this explanation that JS is, firstly you said it is General Sibiya yesterday.

Now you say, well, it is short for Jenene. And how you are answering about the CFO's, Mr Mnisi's response to

you when you tell him that you got a call at 6 in the morning to go to Mr Sibanyoni. And how you are answering, it looks like you are downplaying your relationship or association or even involvement with Mr Sibanyoni. You are downplaying it.

You are creating the impression you want to create the impression that you have very little to do with him. Very little. And that started with how you answered yesterday about how many times you have met with him. And the  
10 question is, why would you downplay or want to downplay that relationship when on the documents before us, it is clear that you have more than just a casual relationship with him.

And the question is, why would you want to downplay that relationship? What is it about that relationship that you would not want to be frank and open about, at least the extent of it? And that is the impression that I have, it is you are deliberately downplaying that relationship. I do not know if you want to comment.

20 **SERGEANT NKOSI**: Yes, I would want to comment. I would not want to maybe admit on putting it like I am trying to downplay the relationship with myself and Mr Sibanyoni. I never had a problem with him he never had a problem with me as well. He is a taxi owner he is a businessman. I have got no other relationship that maybe it might look that may

cause me to distance myself from him.

The reason that I said three or more, I have even said to Commissioner Khumalo when I was signing with him that it can be, it is maybe through the hand signal that I did not elaborate how many times. But I did not close in that thing that it was three or two, according to my memory. But I have never distanced in terms of the number, whether it is three or four. No, I said it can be, yes.

**ADV BALOYI SC:** Let me ask you, when the CFO said JS,  
10 after you said I have a meeting, I was woken up at 6, and he says JS, how did you know that he is referring to General Sibiya if all he says is JS? Those are not General Sibiya's initials. How did you know he was referring to him? Firstly, he says, I think, there is number 1, there is a reference to number 1. And then, that is at page 87, there is a reference to number 1. And then he said, well, he asks you, maybe let us start at 86. At the bottom of 86, you say:

“I have got to call at 06:30 to come see  
number 1.”

20 He says:

“Who, my bro?”

And then he asks again:

“Number 1.”

And then with a question mark, and then he says:

“JS.”

And you knew who JS is. And then you say:

“I will handle him and will let you know.”

So, you are both talking about the same person. That is why you say, I will handle him and I will let you know. How did you know that where he says JS, he is speaking about General Sibiya?

**SERGEANT NKOSI:** Thank you. The reason that I am saying it was General Sibiya, there was nowhere in anywhere where myself and the CFO were together with Mr  
10 Sibanyoni. There was nowhere or anywhere where Mr Sibanyoni will ask me or tell me something about the CFO. I am still standing by my word that says JS. To me, he was referring as Jenene, because the person we usually talk about is General Sibiya. It was just a coincidence when he says JS, automatically there is this visit to him. And I still repeat that I do not distance myself with Mr Sibanyoni because I have got no reason to do that.

**ADV BALOYI SC:** Does your answer mean there has been situations where you and the CFO have been together with  
20 General Sibiya?

**SERGEANT NKOSI:** No.

**ADV BALOYI SC:** Because you say it could not have been JS, could not have been Sibanyoni, because there is nowhere you have been together, the three of you, or where you and the CFO have discussed Mr Sibanyoni. Does that

mean this response, which you both know relates to General Sibiya, according to you, does it mean you have been together with General Sibiya, the three of you, or you and the CFO have discussed General Sibiya?

**SERGEANT NKOSI:** No, Commissioner. I do not know if maybe my answer will be of satisfaction to the Commissioner. The way we communicate, myself and the CFO, we declare each other as one. So, when you say are we in problem or are we okay, I am just saying it does not  
10 necessarily mean me and him. It necessarily means me, vis-a-vis to him. We are good, we are one. So that is my reference. And I have never been to General Sibiya together with the CFO ...[intervenes]

**ADV BALOYI SC:** Mr Mnisi, yes.

**SERGEANT NKOSI:** Yes, neither with Mr Sibanyoni. But Mr Mnisi knows who Sibiya is, who Sibanyoni is.

**ADV BALOYI SC:** Okay, and when you say JS stands for Jenene and you both knew that JS is Jenene, why does that not apply to General Dlamini? How did you know you are  
20 not talking about General Dlamini when he says JS? Because you say JS means Jenene. How did you know that he is not referring to General Dlamini when he says JS? Because it means Jenene according to you.

**SERGEANT NKOSI:** I am saying that maybe JS for Sibiya and then JS Jenene. I took it that way because when he

was speaking of General Dlamini he would say, US.

**ADV BALOYI SC:** Now a second part to what you have said. It is not true or correct that you and Mr Mnisi have not discussed Mr Sibanyoni. It is not true. You have shared a video clip of the launching of his foundation. So, there is a conversation there. You have also told him, I am at the house of Sibanyoni, I am still here, I will let you know how it goes. So, it is not true that you have never or you never discussed Mr Sibanyoni with Mr Mnisi. At least on  
10 the documents that are before us.

**SERGEANT NKOSI:** I am subjected to be corrected by Commissioner. I have never said that I have never spoken to Mr Mnisi about Mr Sibanyoni. No, no, I have never said that.

**ADV BALOYI SC:** Okay, I stand corrected. So, you have discussed, you have talked to Mr Mnisi about Mr Sibanyoni.

**SERGEANT NKOSI:** Yes.

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

20 **ADV CHASKALSON SC:** Very briefly to turn now to Mr Lekukela. And you confirmed yesterday that Mr Lekukela had been an official in the Tshwane Municipality and then he moved to the Rustenburg Municipality.

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

**ADV CHASKALSON SC:** Now, it is a matter of public

record that DJ Sumbody was murdered on 20 November 2022. 20 November 2022. You may or may not know the date, but I can assure you that was the date.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Can I take you to page 683, file 2? You have the page?

**SERGEANT NKOSI:** That is 683.

**ADV CHASKALSON SC:** 683, yes.

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** And you will see that at chat 4 on 23 November, that is three days after DJ Sumbody's murder, at 04:53 pm you sent Mr Lekukela a photograph. Do you remember what that photograph was?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And can you describe the people in the photograph?

**SERGEANT NKOSI:** It is Mr Lekukela and DJ Sumbody.

**ADV CHASKALSON SC:** So, it is Mr Lekukela and DJ Sumbody and the caption that you put on your message is:

20 "Why didn't you call him to order?"

You see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, for what did DJ Sumbody need to be called to order? What had he done wrong that needed him to be called to order?

**SERGEANT NKOSI:** I do not know, I do not know. I cannot remember what this why didn't you call him to order was relating to. As in when he responded, I did not know. I cannot remember that.

**ADV CHASKALSON SC:** Well, Sergeant, I cannot accept that answer. I think you do know, at least from second-hand reports, and I am not suggesting that you had personal knowledge, but what reports have you received in relation to what DJ Sumbody did wrong that got him  
10 murdered?

**SERGEANT NKOSI:** I would not comment on DJ Sumbody's murder. Here, it was on the basis of the picture that I sent to Mr Lekukela that I uttered these words.

**ADV CHASKALSON SC:** You see, when you sent why didn't you call him to order, were you not suggesting that if Mr Lekukela had called DJ Sumbody to order, had told DJ Sumbody to stop doing what he was doing, DJ Sumbody may still be alive. Is that not what your message was saying?

20 **SERGEANT NKOSI:** No. Commissioners, I would not appreciate when you associate me with knowing what happened with DJ Sumbody, or what might be the cause, based on what I wrote here, why didn't you call him to order. It had nothing to do with anything.

**ADV CHASKALSON SC:** Well, what did you mean by

saying, why didn't you call him to order?

**SERGEANT NKOSI**: As I said, I cannot recall clearly what was the conversation all about.

**ADV CHASKALSON SC**: Well, look at it now. Why would you say – let me take a step backward. Were DJ Sumbody and Mr Lekukela friends?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Why would you say to the friend of the man who has just been murdered, why didn't you call  
10 him to order?

**ADV BALOYI SC**: Maybe, in case it is helpful, you might also want to see the next chat. Look at the next chat where he answers and he says:

“I did not know.”

**SERGEANT NKOSI**: Yes, I have answered it, Commissioner, that I do not know how did it come. Because if I am saying, why didn't you call him to order? Then he says, I did not know. I did not know, really. Even now, I cannot remember what it was.

20 **CHAIRPERSON**: Come on now, Sergeant. Do not play games with us. You say in response to Mr Chaskalson, your text, why didn't you call him to order, could not have had anything to do with what Mr Chaskalson was suggesting to you. But at the same time, you say you do not remember what it related to. That does not make sense to me. How

can you be sure that it definitely had nothing to do with what Mr Chaskalson is suggesting to you? If you do not even remember what it was about, what the text was about. If you do not remember, you do not remember. And then even what Mr Chaskalson is saying may well be a possibility.

**SERGEANT NKOSI**: Can I respond to that?

**CHAIRPERSON**: Yes, please.

**SERGEANT NKOSI**: Commissioner, I have answered to the  
10 best of my ability.

**CHAIRPERSON**: You are lying. That is the problem. The problem is that you are lying to us. You are lying to us, Sergeant Nkosi.

**SERGEANT NKOSI**: I have got no reason to lie. DJ Sumbody was close to Mr Lekukela. And I would not know what exactly we were talking about on that day, or that led me to say these words. But if maybe during lunch, I would be given an opportunity, I would check with Mr Lekukela on, really, really, if he remembers. Then I would come back. It  
20 is got nothing to do with the way Mr Chaskalson was suggesting that I knew. I am distancing myself, but what I was talking about here, I can recall.

**CHAIRPERSON**: You see, outside of your work situation as a police officer, where you probably encounter lots and lots of deaths around you, but all of those relating to your

work situation.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: Outside of your work situation, it cannot be that people die all the time around you, die as a result of murder. I am not talking deaths by natural causes. It cannot be that people die around you as a result of murder all the time, outside of your work situation. So, this is something out of the ordinary, so to speak. And you write and you say, why didn't you call him to order? Surely you  
10 remember that. You cannot tell us that you do not remember that. And if you tell us that, I am saying directly to you and to your face that you are lying. Please try to come up with a different answer, which is more plausible. Otherwise, you are just telling us lies.

**SERGEANT NKOSI**: To respond on that, Commissioner, but with due respect. The way Commissioner is putting it, that there is nowhere that people are dying outside of my work. It portrays another picture, that maybe I might know what is happening, or I might have knowledge, and I am not  
20 doing anything about it.

**CHAIRPERSON**: No, no, no, no, you are misunderstanding me. You are misunderstanding me. I am saying around you.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: Around me, around most of the people

here. And I am saying forget about your work situation as a police officer, where you probably encounter lots and lots of murders. So, I am saying around you, around me, and around many other people in our ordinary lives. We do not have people dying all the time around us through murder. That is what I am suggesting to you.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: And I am saying nothing about you doing anything wrong with regard to those murders. Do you get  
10 me?

**SERGEANT NKOSI**: That is correct.

**CHAIRPERSON**: So those murders that you do become aware of outside of your work must surely stick to your mind.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: Correct?

**SERGEANT NKOSI**: That is correct.

**CHAIRPERSON**: Yes, now it seems to me that you had a particular interest with regard to or in relation to this  
20 murder.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: Correct?

**SERGEANT NKOSI**: That is correct.

**CHAIRPERSON**: Now you write to Mr Lekukela, who you say was the friend of the deceased.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** You write and you say, why didn't you call him to order? Surely you must know what your text was about. You must know. Correct?

**SERGEANT NKOSI:** I deny. Commissioners, it happened long ago in 2022. And I cannot, not in a bad way, I cannot remember everything that I said then or I meant then. But I want to try to the best of my ability to remember what really, I meant. But I can only ...[intervenes]

10 **CHAIRPERSON:** Yes, continue. I am sorry to interrupt.

**SERGEANT NKOSI:** No, no, it is fine. It is fine, Commissioner.

**CHAIRPERSON:** Yes.

**SERGEANT NKOSI:** By the help of the person that I was talking about.

**CHAIRPERSON:** Please apply your mind and try to remember over the lunch break because I know you are lying to us. So, I want you to come back and give us an answer to this. An honest and truthful answer when we  
20 come back. Because right now you are lying to us.

**SERGEANT NKOSI:** Sorry to add on that. Maybe not to, I would maybe appreciate maybe if the Commissioner can say, because of you are not sure now, go and think hard about it. Not that maybe you are lying about it. I am not lying. I am not a liar, my Commissioner.

**CHAIRPERSON:** So far until you give an answer that does sound truthful and honest, so far, I will say you are lying.

**SERGEANT NKOSI:** Can maybe ...[intervenes]

**CHAIRPERSON:** So please redeem yourself and give us an answer that makes sense in the circumstances.

**SERGEANT NKOSI:** Yes, but can, with this one, maybe meet each other 50-50 that maybe I might have forgotten. Then you come with your 50 that maybe I might, but not that completely 100 percent I am lying. I am not a liar,

10 Commissioner Baloyi, I am not.

**CHAIRPERSON:** May we, Commissioner Baloyi, is sitting next to me.

**ADV BALOYI SC:** I did not say anything.

**SERGEANT NKOSI:** No, I am just, I am looking the way you are looking at me that the next question, I will not stand for it. So, I am just preparing you.

**CHAIRPERSON:** Thank you. Let us adjourn and come back at 5 past 2.

**INQUIRY ADJOURNS**

20 **INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Sello.

**ADV SELLO SC:** Good afternoon, Chair. Good afternoon, Commissioners and thank you to Mr Chaskalson for granting me the opportunity to address you very briefly. Chair, you will recall that Mr Mkhwanazi, Commissioner Mkhwanazi of

EMPD had been instructed to appear on the 9<sup>th</sup> of April, not, 9<sup>th</sup> of March 2026 and on that date I appeared together with Commissioner Mkhwanazi's attorney, Mr Khumalo who is present here with me today, and on that day the Chair postponed Commissioner Mkhwanazi's testimony to the 23<sup>rd</sup> of March.

We have been in engagement over the two weeks in preparation for the 23<sup>rd</sup>, and we are reliably informed, unfortunately, Chair, that Commissioner Mkhwanazi has a  
10 bereavement in the family and the funeral is tomorrow, the 21<sup>st</sup> of March. We have considered these issues and we are persuaded that it is only appropriate to give him sufficient space to attend to matters relating to the funeral. It is a very close member of the family.

And as regards his possible appearance on Monday, and on this I go off the fact that the Commissioners would appreciate that following a funeral of someone so close, there are certain rituals that must be performed, so that would not have made his appearance on  
20 the 23<sup>rd</sup> possible, although he could appear further in the week, say Thursday. Unfortunately, the Commission rises on the 24<sup>th</sup>, is not sitting as the Chair announced, and we considered the timetable and the first possible slot available without necessarily disrupting what already has been scheduled is the 14<sup>th</sup> of April.

This date has been discussed with Commissioner Mkhwanazi himself together with his attorney, Mr Khumalo, and we are in agreement that he will be able to present himself on the 14<sup>th</sup> of April with no further difficulties. With your leave, Chair, perhaps if Mr Khumalo would like to address you, I would like you to grant him the opportunity.

**CHAIRPERSON**: Thank you, Ms Sello. Mr Khumalo?

**MR KHUMALO**: Thank you, Chair. Good afternoon, Chair. Good afternoon, Commissioners.

10 **CHAIRPERSON**: Good afternoon.

**MR KHUMALO**: Indeed, I did not repeat what Ms Sello has already said. Yes, tomorrow, Mr Mkhwanazi will be burying his mother, and unfortunately, his state of mind is not correct at the moment and without any ado, Commissioners, I need not repeat what has already been said. We request the Commission to grant the postponement to the 14<sup>th</sup> of April as stated by Ms Sello as per our agreement. Thank you.

20 **CHAIRPERSON**: Thank you, Mr Khumalo. The hearing of Commissioner Julius Mkhwanazi's evidence will be on 14 April 2026.

**ADV SELLO SC**: Thank you, Chair, most appreciated.

**CHAIRPERSON**: Thank you. Thank you to you both.

**ADV SELLO SC**: If we may be excused.

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

yes, yes. Sergeant Nkosi, did you manage to find an answer?

**SERGEANT NKOSI**: Yes, yes, yes, Commissioner.

**CHAIRPERSON**: Yes.

**SERGEANT NKOSI**: I did manage to phone Mr Lekukela, whom I was talking to that time.

**CHAIRPERSON**: Yes.

**SERGEANT NKOSI**: He just reminded me that we were talking about how he could have warned the deceased of  
10 not interfering with people's girlfriends.

**CHAIRPERSON**: People's what?

**SERGEANT NKOSI**: People's girlfriends.

**CHAIRPERSON**: Oh, okay.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: Oh, all right, all right. All right, thank you. Yes, Mr Chaskalson.

**ADV CHASKALSON SC**: Can I then take you to page 692.

**SERGEANT NKOSI**: File number?

**ADV CHASKALSON SC**: The same file, it would be file 3.  
20 Sorry, file 2, file 2. Do you have it?

**CHAIRPERSON**: Did you say 92 or 93, 692 or 693?

**ADV CHASKALSON SC**: 692.

**CHAIRPERSON**: 92, thank you.

**ADV CHASKALSON SC**: You have it?

**SERGEANT NKOSI**: I have it.

**ADV CHASKALSON SC:** There on the 1<sup>st</sup> of October 2023, you WhatsApp to Mr Lekukela at the foot of the page, at chats 5 and 6, photographs of vast amounts of cash in plastic bags. The big photograph will be on pages 808 and 809.

**SERGEANT NKOSI:** You said another one is which, on which file?

**ADV CHASKALSON SC:** That would then be file, the same file, 808 and 809. You see it?

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

**ADV CHASKALSON SC:** Why were you sending these photographs to Mr Lekukela?

**SERGEANT NKOSI:** Okay, it was the photograph of a scene of crime that happened in Limpopo, where a suspect were arrested in possession of firearms and this money.

**ADV CHASKALSON SC:** But why were you sending it to Mr Lekukela?

**SERGEANT NKOSI:** I was sending this to Mr Lekukela because it was on social media, this one, I remember, 20 Commissioners. And then because of we, together with Mr Lekukela, we usually talk about this kind of crimes that I sent it to him.

**ADV CHASKALSON SC:** If you go to page 809, you will see that the station is Sebayeng. Where is Sebayeng station, police station?

**SERGEANT NKOSI:** I do not know, I do not know, Commissioner. And you will see that the crime, the primary crime here is kidnapping and extortion.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So that seems to be a different crime from the one that you were describing in your answer. Now that you have seen Sebayeng, kidnapping and extortion, can you think again about what this related to and why you sent it to Mr Lekukela?

10 **SERGEANT NKOSI:** Commissioners, I still stand by my statement. I usually communicate or talk to Mr Lekukela mostly about this kind of things. Even himself, wherever he is in his private life, when he sees something suspicious, he also send to me, hey, there is this thing suspicious, can also check.

**ADV CHASKALSON SC:** So were you asking Mr Lekukela to make enquiries in relation to this crime?

**SERGEANT NKOSI:** No.

20 **ADV CHASKALSON SC:** But then why send him what seemed to be police photographs of crime scene exhibits involving vast amounts of cash in plastic bags?

**SERGEANT NKOSI:** I think it was on the basis of sharing the information with him because we usually talk about crimes and what is happening around.

**ADV CHASKALSON SC:** Do you remember what

Sebayeng, the Sebayeng case involving kidnapping and extortion was?

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

**ADV CHASKALSON SC:** Do you remember what this Sebayeng case involving kidnapping and extortion was?

**SERGEANT NKOSI:** I remember seeing it on Facebook.

**ADV CHASKALSON SC:** And what was it about?

**SERGEANT NKOSI:** According to what I see here is kidnapping and extortion.

10 **ADV CHASKALSON SC:** Yes, but you say you remember seeing it on Facebook.

**SERGEANT NKOSI:** I am still saying now, I am saying to the Commission, according to what I see now.

**ADV KHUMALO SC:** Mr Chaskalson is asking for the detail, not what you see here.

**SERGEANT NKOSI:** Oh, okay.

**ADV KHUMALO SC:** So do you remember what it involved, who it involved, what?

20 **SERGEANT NKOSI:** Thank you, thank you, thank you, Commissioner for the clarity. I do not know details, but I know that there were people who were arrested.

**ADV CHASKALSON SC:** And you were not involved in the investigation or arrest in any way?

**SERGEANT NKOSI:** No, no.

**ADV CHASKALSON SC:** How did you come by these

photographs?

**SERGEANT NKOSI:** If I can remember clearly, it was in the media space.

**ADV CHASKALSON SC:** So these photographs you say were in the media space and you just circulated, forwarded them to Mr Lekukela if you remember.

**SERGEANT NKOSI:** I am saying they might have been in the media space, but I did not investigate this matter. I did not even know where is this police station.

10 **ADV CHASKALSON SC:** You see, I certainly have not been able to find these photographs in the media space and they look to me like police exhibit photographs. Do they not look to you like police exhibit photographs?

**SERGEANT NKOSI:** They do, Commissioner.

**ADV CHASKALSON SC:** And is it customary for the police to release these sorts of photographs to the media?

**SERGEANT NKOSI:** I would not say that because even with my case of Limpopo, before I could even get the official photos from the LCRC as exhibit, they were all over  
20 the news.

**ADV CHASKALSON SC:** Can we go down then to, or up because we are at 808, to 758 in the same file? You have 758?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You will see on 25 October 2024,

chat number 3, Mr Lekukela sends you a message:

“Send me that warrant of arrest.”

What warrant of arrest was he referring to?

**SERGEANT NKOSI:** If I am not mistaken, it was that warrant of arrest of Musa Khawula.

**ADV CHASKALSON SC:** You are not mistaken. That is what you sent him in the next chat. Why did he want the warrant of arrest?

**SERGEANT NKOSI:** Can I please maybe confirm first that  
10 it is indeed the one of Musa Khawula so that ...[intervenes].

**ADV CHASKALSON SC:** It is Musa Khawula. I can assure you it is Musa Khawula.

**SERGEANT NKOSI:** Okay, no, no, if you say that, then I can comment on that. The reason that I sent it to him, I wanted him also to notify me or notify the nearest police when he sees Musa Khawula, because according to him then, when he goes to his place of, like in the pubs, especially there in Bryanston, he usually sees him. I then took advantage of that and said to him, please, when you  
20 see him, the nearest police, inform them, this is the copy of the warrant, or let me know.

**ADV CHASKALSON SC:** But why was it necessary to send the warrant to him if he could just let you know and you could then contact the police?

**SERGEANT NKOSI:** The way I have sent him on the basis

that if he could not get hold of me, then he must use maybe the nearest police officials.

**ADV CHASKALSON SC:** What is the political affiliation of Mr Lekukela, is he an ANC man?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And was the tension between Mr Lekukela and Mr Mnisi in part because Mr Lekukela was an ANC man and Mr Mnisi was not?

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

10 **ADV CHASKALSON SC:** Remember, you spoke yesterday about conflict between Mr Lekukela and Mr Mnisi, you recall?

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

**ADV CHASKALSON SC:** And was that conflict in part because Mr Lekukela was an ANC man and Mr Mnisi was not?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Can I take you to page 117, which is a text from the, before we get to 117, what was Mr  
20 Mnisi's nickname for Mr Lekukela?

**SERGEANT NKOSI:** Where is that? I just want, before I answer, I do not want to ...[intervenes].

**ADV CHASKALSON SC:** Let me put it to you ...[intervenes].

**SERGEANT NKOSI:** ... get into trouble. So, I want to

answer in detail.

**ADV CHASKALSON SC:** Ja, I can understand why you do not want to answer that question without seeing it first. Okay, I will ask it differently. Did Mr Mnisi call Mr Lekukela Imbungulu?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So if we go to 117 now, in fact, maybe the place to start is the headline at the very bottom of 116. There you will see Mr Mnisi sending you a  
10 WhatsApp, which is a copy of an article, which says:

“Tshwane proves governance can thrive without the DA, says EFF's Malema.”

And there is then a picture of Mr Malema, and underneath it, Mr Mnisi says:

“I am okay, my brother. We are managing this guy, my brother. I just wanted to show you, Imbungulu will never win.”

20 And was Mr Mnisi saying, we are managing Mr Malema, I wanted to show you, look at this article, Imbungulu, Mr Lekukela, with his ANC position, is never going to win in Tshwane? Is that what he was saying to you in this article?

**SERGEANT NKOSI:** Interpreter.

**INTERPRETER INTERPRETS FOR SERGEANT NKOSI**

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** It may, I mean it may make, it may be a better practice for me to repeat the question when ...[intervenes].

**CHAIRPERSON:** Yes, yes, yes.

**ADV CHASKALSON SC:** When it is, so that the interpreter can ...[intervenes].

**CHAIRPERSON:** Yes, please.

10 **ADV CHASKALSON SC:** Translate in stages. So when Mr Mnisi sent you this WhatsApp, was he says we are managing Mr Malema and I wanted to show you that and because we are managing Mr Malema, Mr Lekukela, in other words die ANC in Tshwane, will never win.

**SERGEANT NKOSI:** At that time he was not, he did not mean that.

**ADV CHASKALSON SC:** What did you understand him to mean with that WhatsApp?

20 **SERGEANT NKOSI:** I would not want to merge or to understand that I was in support of that, but I am just shown that the message was, said that Mr Mnisi are managing Mr Malema and therefore Lekukela would not win.

**ADV KHUMALO SC:** Are you saying the, when they say we are managing this guy, my brother, they are not referring to Mr Malema, they are referring to Mr Lukukela? Is that what

you are saying?

**SERGEANT NKOSI:** If I answer it correctly or understand it correctly, I say that.

**ADV KHUMALO SC:** So that is why, because I thought I heard you say this message, the one at 8:17, you do not associate it with Mr Malema, you associate it with Mr Lukukela.

**SERGEANT NKOSI:** This is what I am saying, yes.

**ADV KHUMALO SC:** Yes.

10 **ADV CHASKALSON SC:** So Mr Mnisi was saying we are managing Mr Lukukela, I wanted to show you Mr Lukukela will never win. Is that how you read the message?

**SERGEANT NKOSI:** The way he wrote it here is how I understood it.

**ADV CHASKALSON SC:** And how did the article relate to managing Mr Lukukela?

**SERGEANT NKOSI:** I would not comment on that because I do not, even myself I do not understand it.

20 **ADV CHASKALSON SC:** Alright, when finally to go to page 698, well not finally, finally in relation to Mr Lukukela.

**SERGEANT NKOSI:** 69?

**ADV CHASKALSON SC:** 698. You have it?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you will see that on the 14<sup>th</sup> of December 2023 you sent Mr Lukukela an invitation to

General Sibiya's birthday celebration and that invitation is at page 811.

**SERGEANT NKOSI:** I see it.

**ADV CHASKALSON SC:** Why did you send the invitation to Mr Lukukela?

**SERGEANT NKOSI:** I wanted him to go with me to General Sibiya's birthday.

**ADV CHASKALSON SC:** And had General Sibiya essentially invited you to come to his birthday celebration  
10 with your friends or friends who you chose?

**SERGEANT NKOSI:** He did not state whether whom must I come with. I just felt that I must come with this one.

**ADV CHASKALSON SC:** And does Mr Lekukela know General Sibiya? Are they friends?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** They are not?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So you felt entitled to bring him to General Sibiya's birthday celebration although he was not  
20 a friend of General Sibiya's?

**SERGEANT NKOSI:** You know, it is different the way you are putting it. You know, we males *mos*, we get that invitation, you invite your friends, if you feel that you feel like going with him. This is what I did at that particular time.

**ADV CHASKALSON SC:** You see at the bottom of the invitation it says:

“Non-transferable. Attendance strictly by invitation.”

Were you aware it said that?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But you thought that General Sibiya would be happy if you brought a friend of yours who he did not know?

10 **SERGEANT NKOSI:** I did not see a problem in that.

**ADV CHASKALSON SC:** And as far as you were aware, Mr Lekukela and General Sibiya just did not know each other?

**SERGEANT NKOSI:** I knew General Sibiya, Mr Lekukela knew me.

**ADV CHASKALSON SC:** But they did not know each other?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why did you choose Mr Lekukela to bring as your guest?

20 **SERGEANT NKOSI:** I wanted to go with my brother but on that day he was not available.

**ADV CHASKALSON SC:** And was Mr Lekukela your first reserve when your brother was not available, first replacement, first replacement friend?

**SERGEANT NKOSI:** I would admit to that, yes.

**ADV CHASKALSON SC:** I am going to move to a completely different topic now, so, unless there are questions from the Commissioners. Can we go all the way back to your statement, which is in the small file, your statement file, and in your statement you have spoken about mentoring Mr Katiso Molefe in relation to motorcycling. And at Annexure S4, sorry, at page 4 of the statement, paragraph 17, you attach a series, you refer to a series of documents that are attached. The fourth line of  
10 that paragraph you say:

“Proof of payment for Mr Molefe's bike attached as Annexures C1 and 2, and proof of the bike purchased by Mr Molefe is attached as Annexure G.”

If you go to page 16, you will see a picture of the bike. Have you seen it?

**SERGEANT NKOSI:** Page 16.

**ADV CHASKALSON SC:** 16, yes. And then on page 17, there is a picture of two bikes. Now, did you buy one or two  
20 bikes for Mr Molefe?

**SERGEANT NKOSI:** I bought one bike for him.

**ADV CHASKALSON SC:** And on the picture on page 17, which one of these was Mr Molefe's bike?

**SERGEANT NKOSI:** I would not know because of they were still new.

**ADV CHASKALSON SC:** I see. So, as I understand it, you bought a bike for Mr Molefe, a bike for Mr Msibi, and a bike for Mr Mthakathi, is that correct?

**SERGEANT NKOSI:** That is correct. And a bike for Mr Motsumi.

**ADV CHASKALSON SC:** And a bike for Mr Motsumi. Four bikes.

**SERGEANT NKOSI:** That is right.

**ADV CHASKALSON SC:** I have seen records only of the  
10 three bikes, not of the fourth. What you say in your statement is that Annexure C1 and 2 are proof of payment for Mr Molefe's bike. C1 is at page 9, and C1 is an ABSA deposit slip for R200,000.00 cash, and it tells you that most of the cash came in R100 notes, some came in R200 notes, and a little bit came in R50 rand notes. And on page 10, there is a separate ABSA deposit slip for R100,000.00 in cash, all in R100 notes. Do you see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, I presume Mr Molefe's bike  
20 cost more than R300,000.00, is that correct?

**SERGEANT NKOSI:** I confirm.

**ADV CHASKALSON SC:** Do you remember how much it cost?

**SERGEANT NKOSI:** 798.

**ADV CHASKALSON SC:** And do you not have records of

the remaining payments? Or when you made the statement, did you not have records of the remaining payments?

**SERGEANT NKOSI:** Of what, Chair?

**ADV CHASKALSON SC:** Of the remaining payments, because you said proof of purchase of the bike is attached to C1 and 2.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You had accounted for 300,000 of the purchase price.

10 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, I have been through your WhatsApp's, and I have extracted all of the bike payments I could find, and again, I would like you to write these down as I go along, because I do not want, you can then check them out and comment at a later stage.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, chronologically, they start on the 8<sup>th</sup> of October with your Annexure C2, which is on page 10 of the statement file, and that is R100,000.00 in cash.

20 Then, the next payment is the 23<sup>rd</sup> of May 2022 ...[intervenes].

**SERGEANT NKOSI:** Where is that?

**ADV CHASKALSON SC:** 23<sup>rd</sup> of May 2022 which is your Annexure C1 on page 9, and that is 200,000 in cash.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** The third payment I can find is 16 October 2023, that is on page 514, and it is R700,000.00 all in cash, R700,000.00. That is also at page 293 of file 3, I would imagine. The next payment is on 18 November 2023. It is at page 515, and it is R200,000.00 in cash, and the cash deposit slip is at page 296 of, oh sorry, it is not file 3, it is file 4. These references to the deposit slips will be file 4, not file 3. The next payment is on 18 November 2023. It is at page 515, and ...[intervenes].

10 **ADV KHUMALO SC:** No, you gave that already.

**ADV CHASKALSON SC:** No, no, there is several on page 515. And the proof of payment in a bank, in an EFT is to be found at page 297, and it is an EFT from a company called Mkombeni Transport. Mkombeni Transport. The next payment is also on the same page, page 516. It is 310,000 in cash.

**SERGEANT NKOSI:** The Mkombeni is how much?

**ADV CHASKALSON SC:** So, Mkombeni was 200,000, and that was EFT.

20 **SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** On the 9<sup>th</sup> of December 2023, there was 310,000 in cash. That was page 300 of file 4, where you will actually see the cash deposit slip. Also on the 9<sup>th</sup> of December ...[intervenes].

**SERGEANT NKOSI:** Sorry, sorry, Commissioners, you said

now number five was Mkombeni and then ...[intervenes].

**ADV CHASKALSON SC:** 9<sup>th</sup> of December is number 6.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** 310,000. The message, above the message, it says Nazo, N-A-Z-O. But the deposit slip is at page 302 of file 4. Sorry, not 302, 300 of file 4. And the last payment I can find is an EFT for 150,000 on the 9<sup>th</sup> of December 2023 and that EFT printout is at page 302 of file 4. The WhatsApp is on page 516, and it is actually a  
10 WhatsApp that is sent, it is the only WhatsApp in all of these that is sent to you from Mr Molefe, as opposed to being sent by you to Mr Molefe. So those are all the payments that I could find. Are you aware of any other payments in relation to these bikes that I have missed?

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

**ADV CHASKALSON SC:** When you say you are not sure about that, there could be some more payments that just were not reflected in the WhatsApp's.

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** What was the total cost of these bikes? You mentioned the cost of Mr Molefe's bike being 798,000.

**SERGEANT NKOSI:** That would be the estimation. I think I will be directed by the invoice from Waterworld.

**ADV CHASKALSON SC:** The, let me see if I can find an

invoice to help you with. I do not have a reference to an invoice at this stage, and it was not clear to me, there were four bikes, you say?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: And would some of these payments have been for different ones of all four bikes?

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: Would all four bikes have been covered by these payments and possibly others?

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

**ADV CHASKALSON SC**: Well, let me ask some questions about these payments. The first is, who gave you the EFT from Mkombeni Transport that you sent to Mr Molefe? Who is the person who made the payment through Mkombeni Transport?

**SERGEANT NKOSI**: Okay, can you repeat that so that I must understand clearly?

**ADV CHASKALSON SC**: Let us go to that payment specifically. The WhatsApp is at 515. It is the WhatsApp at  
20 9:51:50 in chat 3.

**SERGEANT NKOSI**: Which file is that?

**ADV CHASKALSON SC**: That file is, it is file 2. So do you see chat number 3 from 18 November 2023? I think there is more than one file 2.

**CHAIRPERSON**: 2 of ...[intervenes].

**ADV CHASKALSON SC:** 2 of 4, 2 of 4.

**CHAIRPERSON:** [Indistinct]... [cross-talking].

**ADV CHASKALSON SC:** You have it?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And then if you want to see the EFT, you need to go to file 4, and in file 4, it is at page 297. You see it?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** It is from Mkombeni Transport.

10 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And you sent it to Mr Molefe.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Who gave it to you? Who made this payment of 200,000 through the company Mkombeni Transport?

**SERGEANT NKOSI:** It was my brother.

**CHAIRPERSON:** Please have it projected, but only if whatever needs to be redacted has been redacted.

**ADV CHASKALSON SC:** Chair, we are struggling to get it.

20 Can we proceed until we have it?

**CHAIRPERSON:** Yes.

**ADV CHASKALSON SC:** And is Mkombeni Transport one of your brother's companies?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And was your brother contributing

to the purchase of the bike for Mr Molefe?

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

**ADV CHASKALSON SC:** So on whose behalf was the 200,000 paid?

**SERGEANT NKOSI:** This 200,000, it was paid for a bike in Waterworld. The money was from, Mr Msibi gave me cash.

**ADV CHASKALSON SC:** So Mr Msibi gave you cash.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** To buy a bike for him or to  
10 contribute to Mr Molefe's bike?

**SERGEANT NKOSI:** Okay, it has been done like this. Mr Msibi will give me money. Then I will go and deposit. Then after depositing, I will send each and every one the proof of deposit. So the reason I sent this one, Mkombeni, to Mr Molefe, it was a proof of payment that it was paid, another 200. I think I have sent it to Mr Msibi, Mr Motsumi, Mr Mthakathi and Mr Molefe.

**ADV CHASKALSON SC:** But I see many occasions where you pay the cash into the ABSA account of Waterworld and  
20 you get a stamped deposit slip which you then send around to Mr Msibi, Mr Motsumi, Mr Molefe.

**SERGEANT NKOSI:** To everybody, yes.

**ADV CHASKALSON SC:** And Mr Mthakathi as well. Why in this case did you do it through your brother's company?

**SERGEANT NKOSI:** Okay, at that particular time, I did not

have time to go there and I had cash with me. Then I asked him to send, to pay to Waterworld. Then I will replace with the cash that I had at that time from Mr Msibi.

**ADV CHASKALSON SC:** So you had R200,000.00 in cash from Mr Msibi. You did not have time to get to the ABSA, to an ABSA branch to deposit it into the Waterworld account.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But you were obliged to do a transfer to Mr Msibi, so you got your brother to do a  
10 R200,000.00 transfer and presumably you gave the cash to your brother then.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Then, if you go to page 516, chat number 3.

**SERGEANT NKOSI:** Which file?

**ADV CHASKALSON SC:** File 2 of 4.

**ADV BALOYI SC:** Mr Chaskalson, are we going to hear who is Daddy K in these exchanges?

**ADV CHASKALSON SC:** Sorry, I did not hear that,  
20 Commissioner?

**ADV BALOYI SC:** In these chats, the sender Daddy K ...[intervenes].

**ADV CHASKALSON SC:** That is Mr Molefe.

**ADV BALOYI SC:** I see.

**ADV CHASKALSON SC:** All of these proofs are sent to Mr

Molefe. You will see on the R310,000.00 that you sent on 9 December 2023, you sent the message Nazo together with the deposit slip. That is chat number 3. That is the only deposit slip that has any message on it. Why was that?

**SERGEANT NKOSI:** I think it was with regards to the payment of the bike.

**ADV CHASKALSON SC:** Sorry, but, ja, I know, but there are many payments. This is the only one that says Nazo. Is there any reason for that?

10 **SERGEANT NKOSI:** Not.

**ADV CHASKALSON SC:** Not that you can think of?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Then, on the same page, 516, you will see the only payment that moves from Mr Molefe to you, as opposed to the opposite direction, is the electronic transfer of 150,000 that is in chat number 5, and that you will see on page 302 of file 4 of 4. You see that?

**SERGEANT NKOSI:** File number 4 of 4?

**ADV CHASKALSON SC:** Yes, page 302. You have it.

20 **SERGEANT NKOSI:** That is correct. I see it.

**ADV CHASKALSON SC:** It is from a company called Zinopindrana. Do you see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Do you know whose company Zinopindrana is?

**SERGEANT NKOSI:** I cannot remember, but it might be one of Baba's companies, one of Mr Msibi's companies, sorry.

**ADV CHASKALSON SC:** I see, did Mr Msibi have friends who were directors of his companies, or was he the only director of all of his companies?

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

**ADV CHASKALSON SC:** But when you received this, you  
10 understood that it may have been one of Mr Msibi's companies.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You see, if you go to page 175, which will be in file 3 of 4.

**CHAIRPERSON:** Another break?

**SERGEANT NKOSI:** Please, please.

**CHAIRPERSON:** Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

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

**ADV CHASKALSON SC:** So, I have taken you to page 175 of file 3 I think it was, 3 of 4. You have it? And there you will see that the only director of this company, Zinopindrana, is Mr Siyabulela Sibande, the man who is saved in your phone as Galitos EFF spokesperson. You are

nodding. That is correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, at the time that this payment was made, which would have been the 9<sup>th</sup> of December 2023, Mr Msibi was alive, was he not?

**SERGEANT NKOSI:** You are correct.

**ADV CHASKALSON SC:** So, would this have been a company of Mr Msibi to which he had appointed Mr Sibande as director?

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

**ADV CHASKALSON SC:** Now, can I ask you, I mean the one thing that strikes me about these payments is that most of them are in cash and for very large amounts. Take an example, possibly the most striking example, if you go to page 293, in file 4 of 4, you see that on the 16<sup>th</sup> of October you deposited R700,000.00 in cash.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, and was that all from Mr Msibi?

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

**ADV CHASKALSON SC:** And if one, I mean it is not clear from this deposit slip because you did not photograph it, you did not photograph the whole of the deposit slip, but as I read the deposit slip having regard to the others, you can see on the right that 30,000 was in R10 notes, or 40,000, or

R30,010.00 was in R10 notes, R40,080.00 was in R20 notes. You go to the bottom at the left, R58,550.00 would have been in R50 notes if it ends in 50, and then presumably 348,000, R6,000.00 would have been in R100 notes, and R222,800.00 would have been in R200 notes. Is that correct? Is that how it would have been?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So, take for example the R348,600.00 in R100 notes, that would have required 3,486  
10 R100 notes. That is a lot of R100 notes.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Where did all of this cash come from?

**SERGEANT NKOSI:** Remember now, Mr Msibi is a taxi owner and he had more than 200 taxis, and usually his money was in a form of cash.

**ADV CHASKALSON SC:** And this amount of R200 and R100?

**SERGEANT NKOSI:** That is correct, it is from there.

20 **ADV CHASKALSON SC:** Was he a long distance taxi owner as well as a local taxi owner?

**SERGEANT NKOSI:** He was a long distance, local and cross-border.

**ADV CHASKALSON SC:** So he has passengers who are paying fares with R200 notes. Did he keep money in bank

accounts?

**SERGEANT NKOSI:** He kept it on safe, the one that I know of.

**ADV CHASKALSON SC:** Did he not use banks?

**SERGEANT NKOSI:** He used banks, but most of his money was on safes.

**ADV CHASKALSON SC:** I see. Can I take you to page 623.

**ADV BALOYI SC:** Maybe before you do that, as a follow-  
10 up to your question. When you make these many payments in cash of huge amounts of money, does Waterworld not raise any concerns that you are paying in cash huge sums of money? Has that never been an issue?

**SERGEANT NKOSI:** It has never been an issue, Commissioners, because before there was a payment, there was an arrangement prior to that.

**ADV BALOYI SC:** You say arrangement, like with whom and what was the arrangement?

**SERGEANT NKOSI:** The owner of Waterworld, there was  
20 an arrangement. I ...[intervenes].

**ADV BALOYI SC:** Between him and? Sorry to interrupt.

**SERGEANT NKOSI:** Oh, between him and Mr Msibi.

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

**ADV CHASKALSON SC:** Can I take you to page 623 of file 2 of 4. You have it?

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

**ADV CHASKALSON SC:** You will see on the 8<sup>th</sup> of August 2021, maybe we should start earlier. If we go up a page, in fact all the way up to page 621, you will see that you were WhatsApp'ing to Mr Msibi on the 6<sup>th</sup> of August a series of, I do not know if you can identify what these documents are from the small pictures rather than going through all of them. I mean, we, I can take you to one of the bigger ones so that you can see. If you go to, ja, take a look at page  
10 192 of file 3 of 4. So, this is the first of those pictures that you WhatsApp Mr Msibi and then these are the sorts of, I think they call them spider diagrams inside police circles. Does that name, that term ring a bell?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You are showing connections between people and phone numbers and things like that.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you see that there is a whole series of them that you WhatsApp to Mr Msibi from chat  
20 number 6 on page 621 all the way down to chat number 3 on page 623.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And those are all WhatsApp'ed on the 6<sup>th</sup> of August 2021. Do you recall why you WhatsApp'ed all of these spider diagrams to Mr Msibi?

**SERGEANT NKOSI:** I cannot recall clearly why. I cannot recall, but maybe as it goes I will remember.

**ADV CHASKALSON SC:** Well, where would you have got these spider diagrams? Where do you get spider diagrams?

**SERGEANT NKOSI:** It might have maybe in my office.

**ADV CHASKALSON SC:** They are usually from police investigations, are they not?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now why would you be  
10 WhatsApp'ing to Mr Msibi spider diagrams from police investigations?

**SERGEANT NKOSI:** I think it was taken from my laptop. I do not know what was it all about, but it was me.

**ADV CHASKALSON SC:** Would Mr Msibi have been entitled to see spider diagrams forming part of police investigations?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** So was this a rare occasion in which you sent him spider diagrams to which he was not  
20 entitled, or did you do that frequently?

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

**ADV CHASKALSON SC:** Was this a rare, one of few occasions where you sent him spider diagrams from police investigations to which he was not entitled to, or did you do that often? Did you often send him spider diagrams from

police investigations?

**SERGEANT NKOSI:** No, I did not often send him this spider.

**ADV CHASKALSON SC:** So surely then if it was a very rare occasion you would be able to remember why you sent Mr Msibi a spider diagram from a police investigation when he was not entitled to receive that from you.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So why did you in this case?

10 **SERGEANT NKOSI:** I am not sure, but as I am saying that, maybe as you go, or as it goes, I will remember. But I am not shying away from that question.

**ADV CHASKALSON SC:** Well, I mean maybe we should have included all of them in the bundle and it was possibly a mistake not to. But if we go to page 192, you will see, you will be able to see the name, or we can all see the name, which is possibly inappropriate. I think, take it down, take it down. You on your screen can see that, or on your document can see that name.

20 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Does that help you to remember why you would have sent it to Mr Msibi?

**SERGEANT NKOSI:** Eish. I would not want to lie. No, I would not want to lie. I cannot remember. But as I have said, maybe as it goes and I will maybe remember as in

where did it came from you know.

**ADV CHASKALSON SC:** I am sure you will be happy to know that it cannot go much further from my side. I do not know why you sent it to Mr Msibi, sir. There is not much I can ask beyond that. But ...[intervenes].

**ADV BALOYI SC:** Maybe before you move on, sorry, Mr Chaskalson, do you want to finish? Yes. At that page, just to try and understand this information, at 192, you have at the top as, I am just trying, first trying to understand the  
10 information on this page. There is a cell number there and then you have a name at the bottom. Is it a connection of the cellphone number to the name?

**SERGEANT NKOSI:** Yes, Commissioner.

**ADV BALOYI SC:** So that cellphone number belongs to this person?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** And this has got, this information has got their ID number. Is it, you say you do not remember and so we have to try and see what plausible explanation  
20 there could be. You would not have sent this kind of information from police records if Mr Msibi was not interested ...[intervenes].

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** In this information. That is fair to say, right?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Okay, so you sent it to him because you knew he was interested in this information?

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

**ADV BALOYI SC:** Okay. Do you remember who this person is whose name appears here and what they may have been involved with that Mr Msibi may have been interested to know about?

**SERGEANT NKOSI:** I would really not quite remember, but  
10 underneath there, I think it is chat 17, I see a vehicle there. It is a bakkie and it was taken from Sanral. Then I say to him, zoom the photo.

**ADV BALOYI SC:** I think I am, I do not know if Mr Chaskalson is going to be taking you through, this is at page 623, Mr Chaskalson that he is referring to, I do not know if they are all connected. But are you saying, in my discussion with you, are you saying the 192 document that we have just looked at, at that spider diagram, is related to that bakkie on page 623? Is that what you are saying?

20 **SERGEANT NKOSI:** I am not saying it is related, my Commissioner. I say, as I said, I have sent him a bakkie and I remember at that time, this bakkie was hijacked.

**ADV BALOYI SC:** His bakkie?

**SERGEANT NKOSI:** His son's bakkie.

**ADV BALOYI SC:** Okay.

**SERGEANT NKOSI:** Was hijacked.

**ADV BALOYI SC:** Okay.

**SERGEANT NKOSI:** So, to answer the Commissioner's answer to that, I might, maybe I might remember as it goes.

**ADV BALOYI SC:** I see.

**SERGEANT NKOSI:** But I could clearly remember because of this one was hijacked.

**ADV BALOYI SC:** The same bakkie that is in the picture?

**SERGEANT NKOSI:** The same bakkie.

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

**ADV CHASKALSON SC:** Unfortunately, we chose not to put all of the spider diagrams in the bundle, which was an error on our part, I think. But we should proceed. You cannot recall, you think it may have been related to the bakkie that you think may have been hijacked from his son?

**SERGEANT NKOSI:** I think so.

**ADV CHASKALSON SC:** Between the spider diagrams and the picture of the bakkie, there is one chat. That is at 6:17,  
20 it is chat number 4 on page 623, 6:17 in the morning, 8<sup>th</sup> of August. And that is a WhatsApp you send to Mr Msibi of a bag of cash and the bag itself is at page 193. You see it?

**SERGEANT NKOSI:** Which page is that?

**ADV CHASKALSON SC:** So, that page at 193 ...[intervenes].

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** Is the photo that you sent on the 8<sup>th</sup> of August at 6:17 in the morning.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And do you recall why you would have sent this photograph to Mr Msibi at the time that you did, 8 August 2021?

**SERGEANT NKOSI:** If I could remember, that is not a bag, it is a jacket. It was Mr Msibi's jacket, that one.

10 **ADV CHASKALSON SC:** So that was Mr Msibi's jacket?

**SERGEANT NKOSI:** Yes, a biking jacket. If you could see there on top, on the zip, you will see the emblem of Harley Davidson.

**ADV CHASKALSON SC:** Good observation there, Sergeant. You are absolutely right. So it is a Harley Davidson jacket.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And why were you sending this picture to Mr Msibi?

20 **SERGEANT NKOSI:** Okay, I was showing Mr Msibi that his money was in my possession, because of the previous night I was with him, up until midnight. So he gave me money to keep on that day that hey, I might be too drunk and these kids will take my money. Keep it. And then the same jacket I took it to my vehicle.

**ADV CHASKALSON SC:** Sorry, can you just repeat that? I think I lost you. You were with Mr Msibi the previous night until after midnight?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** He gave you money to put into a jacket?

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

**ADV CHASKALSON SC:** Okay.

**SERGEANT NKOSI:** He had a stack of money in his  
10 possession. This is one of the monies, or this is the money  
that he had on that day.

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** So as he was getting drunk he said, hey, keep this money before I misplace it or these kids take advantage of it.

**ADV CHASKALSON SC:** So he was giving the money to you for safekeeping because he was drunk?

**SERGEANT NKOSI:** On that day because of I do not drink and he was drinking.

20 **ADV CHASKALSON SC:** Yes.

**ADV KHUMALO SC:** So he trusted you more than these kids?

**SERGEANT NKOSI:** [Indistinct]...

**ADV KHUMALO SC:** He must have trusted you?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** A lot of these people trusted you with a lot of cash.

**SERGEANT NKOSI:** Because you know when you are a man of God they know that you are honest. You cannot touch their things without their permission.

**ADV BALOYI SC:** Can I say, Sergeant, what is odd and curious, and maybe it is actually more than a curiosity, is that you have a very clear memory of that money picture and how it came about that you had this money on you and  
10 you give detail. Mr Mswazi gave it to you to go and put it in, and then you put it in your vehicle and this is what he said, he gave it to you because he thought these kids would take it because he has been drinking. Now that message you forward on the 6<sup>th</sup> of August at 1:35, 1:35:50 and that is at page 623, but when you go back to 621 we look at the spider diagrams from chat 6 on to the next page, 622, all of those attachments or pictures were sent at the same time. So the money picture you sent it at the same time so it must  
20 have been part of one WhatsApp message because they all have the same time stamp on the same date. So it is curious that you have such a clear memory about that money and you do not have a memory of why you sent the spider diagram to Mr Mswazi.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** It is very curious that you do not

remember that if it all happened on the same day and as part of the same transaction.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** You have to have an explanation why you remember about the money and how it came about and then you do not remember why something as important, I think it is much more important that you sent the spider diagram, far more important than this money issue, and that, about that which is very important you do not have a  
10 memory. It is strange and difficult to accept and believe that you do not have a memory of why you sent this. Do you want to comment? Do you have a comment maybe?

**SERGEANT NKOSI:** Yes, I have a comment, Your Worship, oh, sorry, Commissioner.

**ADV BALOYI SC:** No, you can go ahead.

**SERGEANT NKOSI:** Okay. You know, there are instances that one can remember about them specifically because of I know why I do remember about the money. It is because of I know no matter how much he can be drunk the one thing  
20 that when he wakes up is his money, where is my money, or is my money here. So that reflects in my message that it might be possible to remember.

**ADV BALOYI SC:** But you see, you do not just remember the money, you ...[intervenes].

**SERGEANT NKOSI:** I, sorry ...[intervenes].

**ADV BALOYI SC:** Ja, sorry, sorry, sorry. Apologize, I did not mean to cut you.

**SERGEANT NKOSI:** I also apologize to interject you my Commissioner. I was still explaining that the other thing that I remembered about the bakkie is because of it was hijacked from the most beloved son. So, I remember because of he was furious about that hijack. So that is the reason I remember it. I, and maybe I will, as it goes, I will remember what was the diagram all about.

10 **ADV BALOYI SC:** Actually, I think, Sergeant Nkosi, let me correct myself. I will correct you first about the bakkie. It is a completely different date. It is not the same date as these pictures, even the money picture. So I think I have been unfair to you to put to you that you should remember everything. The money picture, ja, the money picture is on the 8<sup>th</sup> of August and the spider diagrams are on the 6<sup>th</sup> of August. So the dates are wrong, but I think the point still stands that it is amongst the most important things that you would have done in your daily life to take spider diagrams  
20 of the police and share them with Mr Mswazi. And that you do not remember what it was about is, ja, it is difficult to accept, let me say.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** That you do not remember.

**SERGEANT NKOSI:** And I also understand the

Commissioner's position. The reason that I remember about this bag is because maybe they are in the same line with this photograph, not that maybe I am being selective on avoiding things. But I, I ...[incomplete].

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

**ADV CHASKALSON SC:** If I can just possibly jog your memory, because I have now looked through all of those spider diagrams. They all relate to details of the same person who we saw on the first one that you saw. They  
10 relate to addresses, allegations against that person in respect to previous cases, occasions on which that, or cases in respect to which that person was arrested. You have got the name of that person from the first one. Does that help you to remember why you would have shared it with Mr Mswazi? It is all about that person.

**SERGEANT NKOSI:** Which person now? This ...[incomplete].

**ADV CHASKALSON SC:** The person whose name you see on page 192.

20 **SERGEANT NKOSI:** Yes. Okay, I still maintain that I cannot remember exactly, but I do admit the diagram, because of the diagram, it states the case number, the particulars of the person. But I cannot recall exactly which issue did we discuss with Mr Msibi.

**ADV CHASKALSON SC:** Okay. Perhaps what we can do

is I can have printed out for you all of the diagrams, which may give you more detail and then if you remember, you can let us know. Now, before we got to Mr Msibi and the cash and the diagrams, we had been dealing with Mr Sibande, who was the director of Mr Msibi's company, Zinopindrana, that paid 150,000 towards the purchase of the bikes.

Can I take you to your chats with Mr Sibande, which are the Galito EFF spokesperson chats, and to page  
10 436 of file 2, file 2 of the last batch of files. So it is not 2 of 4, it is just file 2.

**SERGEANT NKOSI:** File 2. What page is that?

**ADV CHASKALSON SC:** 436. And can I just say we are about to see a video that, a video of the murder and so people watching on television ought to be alerted to that fact.

**CHAIRPERSON:** And even those watching inside here, those who are sensitive, may please leave the room. And how long do you think that will take so that people watching  
20 remotely may know when to come back, resume watching?

**SERGEANT NKOSI:** I have got a suggestion. I do not know, but I am not, I know I do not have the privilege to suggest. I think we must see it first here, before maybe it goes there, so that maybe it might cause trauma to the families. That is me now thinking that it might maybe bring

back the bad memories, through you, Chair.

**CHAIRPERSON:** I think the suggestion is the same, actually, ja.

**SERGEANT NKOSI:** Oh, thanks.

**CHAIRPERSON:** How long do you think people who do not want to view this may ...[incomplete].

**ADV CHASKALSON SC:** It is a very short clip. It is a clip of about 15 seconds maximum.

**CHAIRPERSON:** We will leave it to the people to decide.

10 **ADV CHASKALSON SC:** Sorry, I am told it is 42 seconds. I had underestimated.

**CHAIRPERSON:** 42 Seconds, ja. Maybe not watch for, what, one minute starting now, or not?

**ADV CHASKALSON SC:** Chair, can I suggest that we make it more than a minute, and that we will just, let us say two minutes, and we will wait afterwards.

**CHAIRPERSON:** Two minutes then, for sensitive viewers.

**ADV CHASKALSON SC:** So can we play this video.

20 **CHAIRPERSON:** Jeremy, please. Oh, I am sorry, Mr Michaels. Thank you, let us view it, sir.

**ADV CHASKALSON SC:** Sorry, Chair?

**CHAIRPERSON:** Let us view the clip.

**ADV CHASKALSON SC:** Can I suggest that we give the warning again, because people who switched off for two minutes will now be switching on.

**CHAIRPERSON:** The two minutes is not up, so they will probably still not hear the second warning. But, ja, two minutes from now then, ja.

**ADV CHASKALSON SC:** Okay.

**VIDEO PLAYED BACK**

**ADV CHASKALSON SC:** Do you recognize what that video has filmed?

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

**ADV CHASKALSON SC:** And what, whose murder was  
10 being shown there?

**SERGEANT NKOSI:** Can I write it down, because I do not know, okay, no, it is fine, because it is already there. It was AKA and Tebello, ja.

**ADV CHASKALSON SC:** So it was AKA, the rapper?

**SERGEANT NKOSI:** Yes, and his friend.

**ADV CHASKALSON SC:** And his friend?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Were two people killed there?

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** And where did you receive that, or how did you come to be in possession of that footage?

**SERGEANT NKOSI:** According to me, it was all over the news.

**ADV CHASKALSON SC:** The footage itself, you could pull it down off the internet?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why did you send it to Mr Sibande?

**SERGEANT NKOSI:** Because we were talking about it, myself, Mr Sibande, AKA's friend is a nephew to Mr Mthakathi. As a result, Mr Sibande knew the deceased.

**ADV CHASKALSON SC:** So the second person killed ...[intervenes].

**SERGEANT NKOSI:** Yes.

10 **ADV CHASKALSON SC:** Not AKA?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** He was the nephew of Mr Mthakathi?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And were you subsequently involved in the murder investigations?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And are you at liberty to tell the Commission what has been discovered in those  
20 investigations? What have those investigations revealed?

**SERGEANT NKOSI:** I cannot know as in now, but I left that investigation at the early stage.

**ADV CHASKALSON SC:** You left it at an early stage?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you were sharing this

footage with Mr Sibande because he knew the murder victim?

**SERGEANT NKOSI:** When I shared this video, I was not yet involved in that case, but I was sharing it on the basis that Mr Sibande is also close to Mr Mthakathi and it was something that was talked about, you know, the sympathy to Mr Mthakathi.

**ADV BALOYI SC:** Sergeant, this was an incident in KZN. Does it, when you say you were involved, does it mean the  
10 docket ended up at national office?

**SERGEANT NKOSI:** We were working hand-in-glove with KZN police.

**ADV BALOYI SC:** So it remained a KZN case?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Okay.

**ADV CHASKALSON SC:** But it was an Organized Crime case as well?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Who specifically assigned you,  
20 because there is a big team in Organized Crime. Who specifically assigned you to this case?

**SERGEANT NKOSI:** At that time, Brigadier Ramangwa was the Head of investigation, so ...[intervenes].

**ADV KHUMALO SC:** So he is the one who assigned you?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Then you will see that two days after you had sent Mr Sibande that video, at the foot of the same page, you sent him a link to a clip on YouTube about Mr Matlala. The clip is, you will see it in chat number 6, it says:

“Tembisa Tender Tycoon, his mama cat, and their brazen blue light brigade.”

You see it?

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

**ADV CHASKALSON SC:** Did you recall what that clip was about?

**SERGEANT NKOSI:** I cannot recall clearly.

**ADV CHASKALSON SC:** I mean, the clip is not, no longer available online, but it was about Mr Matlala, the allegations that he was involved in fraud at Tembisa Hospital, the fact that Babita Deokaran had been murdered while investigating that fraud, and the allegations that he, well, not he, that his then wife was using blue lights to take  
20 their children to school. That was the mama cat part of the story. Do you recall that article now?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why did you send it to Mr Sibande two days after you sent him the clip about the murder of AKA and Mr Mthakathi's nephew?

**SERGEANT NKOSI:** I do not know. I just sent it to him.

**ADV CHASKALSON SC:** What interest would Mr Sibande have in relation to an article about Mr Matlala's blue lights and his alleged link to Tembisa Hospital and the fraud that Babita Deokaran was investigating when she was murdered? What interest would he have in that?

**SERGEANT NKOSI:** I think his interest it was on the basis that he knew Mr Matlala, and Mr Matlala was someone, or is someone who also talked with Mr Sibande.

10 **ADV CHASKALSON SC:** So were you sharing it with Mr Sibande because you wanted him to be aware of the allegations against Mr Matlala?

**SERGEANT NKOSI:** I think it was a matter of maybe gossip, if I can put it in that way. You know, like now I am appearing, people who know me, they will say, hey ...[indistinct], you know.

**ADV CHASKALSON SC:** You are prone to sharing things.

**SERGEANT NKOSI:** Yes, so it is a situation like that.

20 **ADV CHASKALSON SC:** But what we can say is that by February 2023, you would have been aware of these allegations against Mr Matlala.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So you were aware that out there people were alleging that he was involved in fraud at Tembisa Hospital, that the investigator of that fraud had

been murdered, and that he was also alleged to have abused a relationship with the Ekurhuleni Council to get blue lights on his vehicles. You are nodding.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did you share this article with anybody else that you can remember?

**SERGEANT NKOSI:** I cannot remember, but I do not want to close it there. I might have sent it to some other people.

**ADV CHASKALSON SC:** I have lost my page reference,  
10 but I can tell you that you shared it with Mr Mswazi on the 13<sup>th</sup> of February at 3:09 pm. Sorry, ja, Mr Msibi, not Mr Mswazi, Mr Msibi. I will get you the page reference, but you can ...[intervenes].

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

**ADV CHASKALSON SC:** Why would you have shared it with Mr Msibi?

**SERGEANT NKOSI:** I think now the explanation would be because at that time, Cat was the head of security for Mr Msibi. I was informing Mr Msibi that this is happening about  
20 Cat. You cannot be seen associating with him.

**ADV CHASKALSON SC:** So as early as February 2023, you were warning Mr Msibi that he should not be seen associating with Mr Matlala.

**SERGEANT NKOSI:** Not *per se* he should not - okay, maybe I put it on the wrong English. I was, in a way, just

alerting him that this is what is currently happening about Cat.

**ADV CHASKALSON SC:** But was the purpose of that warning not what you said in your first answer, that these are the allegations against this man, you should not be seen associating with him?

**SERGEANT NKOSI:** Or must be careful with him, yes.

**ADV CHASKALSON SC:** He must be careful about him.

**SERGEANT NKOSI:** Yes.

10 **ADV CHASKALSON SC:** He must be careful about associating with him. Do you recall what Mr Msibi's response to your warning was?

**SERGEANT NKOSI:** I cannot remember.

**ADV CHASKALSON SC:** But you were sufficiently concerned about these allegations against Mr Matlala, in the first instance, to refer them to Mr Sibande, and in the second instance, to refer them to Mr Mswazi, Mr Msibi, because you thought he needed to know them to decide whether he wanted to continue associating with Mr Matlala.

20 Is that correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, these allegations gave you that concern in February 2023. That was long before your first meeting with Mr Matlala and General Sibiya. Is that not correct? More than a year before you first met with

General Sibiya and Mr Matlala together.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did you warn General Sibiya about the risk of associating with Mr Matlala?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Why not?

**SERGEANT NKOSI:** I did not warn him.

**ADV CHASKALSON SC:** Ja, but why not? Did you not think you should say, this man is alleged to be a criminal?

10 **SERGEANT NKOSI:** Maybe I was negligent on that part or reckless by not alerting him. I do not want to lie and say I have alerted him. I did not.

**ADV CHASKALSON SC:** You did not. But certainly at the time that General Sibiya says he first met Mr Matlala, there had been allegations published in the media that Mr Matlala was linked to fraud at Tembisa Hospital, was operating unlawfully with blue lights from the Ekurhuleni Metro Police Department and may be linked to the murder of Babita Deokaran. You will accept that?

20 **SERGEANT NKOSI:** Correct.

**ADV CHASKALSON SC:** And as the Deputy Commissioner of the SAPS at the time, one would have expected General Sibiya to have been aware of these allegations, would one not?

**SERGEANT NKOSI:** I would not be in a position to answer

on that. Not that I am avoiding the question, but I do not know.

**ADV CHASKALSON SC:** No, no, no, fair enough. It is a question that belong more properly with him than with you. You were aware of them. Yes, we have established you were aware of them.

**CHAIRPERSON:** [Indistinct]... [microphone off]

**ADV CHASKALSON SC:** I think we have quite a long way to go, so, I am in the hands of the Commissioners at this  
10 point. My guess is that we are between two and three hours away from finishing, depending on questioning. Commissioner Mkhwanazi from the EMPD, who was going to be appearing on Monday, is no longer appearing on Monday, so we do not have a witness on Monday.

If the Commission wants to sit late tonight and finish, we can do so. I certainly can do so. I do not know what Sergeant Nkosi's position is. If we now have the day on Monday if the Commission does not want ...[incomplete].

**CHAIRPERSON:** We prefer to continue on Monday. Mr  
20 Maleka, I see you nodding. Thank you, thank you very much. Let us adjourn until 9:30 on Monday. Let us adjourn.

**INQUIRY POSTPONED TO 23 MARCH 2026**

**INQUIRY ADJOURNS**

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