

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**23 MARCH 2026**

**DAY 83**



**PROCEEDINGS ON 23 MARCH 2026**

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

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

**CHAIRPERSON:** Welcome back and good morning, Mr Ngoato.

**MR NGOATO:** Good morning, Chair, good morning, Commissioners.

**CHAIRPERSON:** Good morning, Sergeant Nkosi.

**SERGEANT NKOSI:** Good morning, good morning, my  
10 honourable Commissioners.

**CHAIRPERSON:** Let us hope it ends today.

**SERGEANT NKOSI:** I am praying for that.

**CHAIRPERSON:** Thank you. Thank you, Sergeant.

**ADV CHASKALSON SC:** Thank you, Chair. I am also  
praying it ends today, Sergeant.

**SERGEANT NKOSI:** Please.

**ADV CHASKALSON SC:** No disrespect intended.  
Sergeant, I want to start today by taking you to a  
handwritten statement that you gave to the police officers  
20 who raised your house in October and that statement starts  
on file 3 of the recent statements, sorry, of the recent files  
and it is at page 1335.

**MR NGOATO:** That is at page 1335?

**ADV CHASKALSON SC:** 1335.

**MR NGOATO:** 1135?

**ADV CHASKALSON SC:** 1335.

**MR NGOATO:** 1335.

**ADV CHASKALSON SC:** Do you have the statement, Sergeant?

**SERGEANT NKOSI:** That is correct.

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

**MR NGOATO:** Can you just wait, I need to get there. Thank you.

**ADV CHASKALSON SC:** And maybe if we can start at  
10 page 1342. Can you confirm that it is your signature at the  
end of the statement on 1342?

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

**ADV CHASKALSON SC:** And can you tell the Commission  
the circumstances in which you wrote the statement? Oh  
sorry, and is the handwriting your own?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And can you explain to the  
Commission the circumstances in which you wrote the  
statement?

20 **SERGEANT NKOSI:** I was in a normal condition.

**CHAIRPERSON:** I do not think that is the question,  
Sergeant. I think the question is how did you, or rather  
what led you to write the statement. I hope I am  
understanding correctly, Mr Chaskalson.

**SERGEANT NKOSI:** I just wrote it.

**CHAIRPERSON:** We were not given your name. Apologies. Please, please give me your name.

**INTERPRETER:** Good morning, Chairperson and Commissioners.

**CHAIRPERSON:** Yes.

**INTERPRETER:** My name is Ephraim. The surname is Seritsane, S-E-R-I-T-S-A-N-E.

**ADV KHUMALO SC:** Seritsane?

**INTERPRETER:** Seritsane, S-E ...[intervenes].

10 **ADV KHUMALO SC:** S-E-R-I-T-S-A-N-E.

**INTERPRETER:** That is correct.

**CHAIRPERSON:** Ja, Mr Seritsane.

**INTERPRETER:** Yes.

**CHAIRPERSON:** We have an arrangement with Sergeant Nkosi that some questions are not difficult at all to understand and that when he feels that he wants a question interpreted, he will indicate to you. So, otherwise he simply responds to all the questions directly without your interpretation.

20 **INTERPRETER:** Thank you, Chairperson.

**CHAIRPERSON:** Thank you very much. But please, he had already responded to the last, I think so. Oh, can you please repeat the question, Mr Chaskalson.

**ADV CHASKALSON SC:** Well, the original question was can you explain the circumstances in which you wrote this

affidavit. But the Chair's follow-up question was more along the lines of what I really wanting to ask, which is how did it come about that you wrote the statement? Why did you write the statement?

**SERGEANT NKOSI:** I just wrote the statement.

**ADV CHASKALSON SC:** Were you invited to write the statement by the police officers who had raided your home?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** And was it written on the day that  
10 they raided your home?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And did you give it freely and voluntarily to them?

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

**ADV CHASKALSON SC:** Did you give it to them?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you did freely and voluntarily?

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** Why did you give it to them?

**SERGEANT NKOSI:** I just gave it to them.

**ADV KHUMALO SC:** Can I try this. Sergeant Nkosi, what led to you making this statement or this affidavit? That is really the question you are being asked. What led to you writing this affidavit?

**SERGEANT NKOSI:** Okay, it is because of during my raid, they asked me if I ...[intervenes].

**ADV KHUMALO SC:** What is the date, what is the date of your raid?

**SERGEANT NKOSI:** I think it was the 8<sup>th</sup> of October.

**ADV KHUMALO SC:** 8 October 20?

**SERGEANT NKOSI:** 25.

**ADV KHUMALO SC:** 25. Yes, so during your raid, continue from there?

10 **SERGEANT NKOSI:** During the raid, they asked me whether if Mr Matlala's Luxor card was in my possession and then I explained to them that it was not. So, I felt like I must write the statement with that effect.

**ADV KHUMALO SC:** So you were not asked to write the statement. You volunteered it.

**SERGEANT NKOSI:** Obviously, I needed to put that down.

**ADV KHUMALO SC:** Yes.

**SERGEANT NKOSI:** I cannot say I volunteered. As I am asked, as I am asked I need to put that down. I was asked  
20 to write it.

**ADV KHUMALO SC:** And the Luxor card, just to remind us, that is the FNB bank card belonging to Mr Matlala that you said was found in a speedboat.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Yes. Mr Chaskalson.

**ADV CHASKALSON SC:** Sergeant, your statement deals with, does deal with the Luxor card. It also deals with a series of other issues. Can I ask you to read the statement into the record?

**SERGEANT NKOSI:** I would start there in paragraph number 3. Or should I start from paragraph 1 and 2 because of it is initially my surname and ...[incomplete].

**ADV CHASKALSON SC:** You can start at 3, 3 is where the statement proper begins. You have just identified yourself  
10 in 1 and 2.

**SERGEANT NKOSI:** Pardon?

**ADV CHASKALSON SC:** I am happy for you to start at 3 because 1 and 2 are just for identifying yourself.

**SERGEANT NKOSI:** -:

20 "I confirm that I worked with General Sibiya in the head office. He sometimes tasked me to attend to the complaints of dockets that they got against the police and further tasked me on the job that he got from Parliament, the Police Minister, but by then, it was the Minister Bheki Cele. I was deployed to Musina area during the year 2022, month of September where there was a community imbizo

that was attended by National Commissioner, General Fanie Masemola and Minister Bheki Cele together with General Sibiya. During the said deployed, three suspects were arrested at Musina as per Musina CAS 210/9/22 and Musina CAS 203/9/22. It was a cash-in-transit charge and the possession of unlicensed firearm and ammunition. I then became closer with General Sibiya as I was a hard-working person and I confirmed the matter is currently in High Court pending for trial and the accused persons are still in custody. During the month of 2024, around January, while I was in the office of General Sibiya, I was told by him that he wants me to go and collect someone from downstairs in the security area. The said person was the complainant according to him. He did not say what was the complaint about. I then went there. On my arrival, I found that it was someone I knew, as Mr Cat Matlala, known to me as a

businessman in the security industry and he also runs some few hospital projects according to me. I know Mr Matlala (Cat) as he used to bike long ago and I am still biking and also know him as he was the main security guard to the late Mr Jotham Msibi, known as Mswazi. The last time I saw him before 2024, it was when Mr Msibi was still alive. Then I saw him again on the day mentioned before above. He then took my numbers again because he told me that he misplaced them. I then buzzed him with my numbers, as I still had his old number, even though I never contacted him or he contacted me. I further taken him to General Sibiya's office, where I left him at his office. But before that, General Sibiya told Cat in my presence that if he cannot get hold of him on his cellphone, he might be busy on the state meeting, so, Mr Matlala must phone me and I would pass the message to him. I then agreed to that, as I did not see any

problem, as I know him referring to Cat as a businessman. I confirmed that time and again Cat will phone me or write a message looking for General Sibiya or General Sibiya would call me with his phone number looking for Cat, thinking that I might have seen or heard from him. Time to time, when General Sibiya and Mr Cat meet, I would not be present, but I would hear from General Sibiya that he was with Cat somewhere that I do not know. Most of the time, Mr Cat, sometimes when he is looking for General Sibiya, he would tell me that I must be loyal in my work because he can make things happen for me in terms of getting me promoted to the higher rank, as he got the National Commissioner, Mr Fannie Masemole, and the Deputy National Commissioner, Shadrack Sibiya. He further told me that he has won a hospital tender, so that would make him come more often to the office to check everything is okay in terms of

the company compliance. During December 2024, General Sibiya called me to tell me that I must come see him in his office. On my arrival, he told me that I must make an arrangement, a meeting with General Nhlanhla Mkhwanzi of the KZN. He told me that he is worried that he and General Mkhwanazi are not getting along, and this has been happening for a long time, and even Minister Cele knew about it, and he did not do nothing to solve the problem until he went on pension. He further told me that the National Commissioner tried to solve it, but with no luck. I then contacted Lieutenant General Mkhwanazi to meet him, and he told me that he does not fight with General Sibiya, but General Sibiya must be the one telling me what is his problem, and further told me that there was an investigation on particular people, but General Sibiya's name keep on coming out, so that might be the reason he keeps on wanting to

make peace of the meeting with General Mkhwanazi. I then went back to the office to give feedback to General Sibiya. I confirmed that I met with General Mkhwanazi more than once. The reason was I was sent by General Sibiya to try to make peace. The reason he tasked me is to that because we talked a lot together with General Mkhwanazi on the phone, but we just talked on general or normal things. I am not sure if it was December or January 2024 or 2025, I was asked by Sthembiso Msibi, the son of Jotham Msibi, to go and collect the jet ski ...[indistinct] from Mr Cat Matlala. I then went there somewhere in Limpopo as he said jet ski belong to his late father, Mr Mswazi. On my arrival, I found him when I got there, that is Mr Matlala. Then I took it away, but later on that week he phoned me telling me he is looking for the card and the driver's licence that he left in the dash of the jet ski. By the time he

called me I was busy, I could not take it to him or let him come to the office as I was not there. He then never called me again on that day. I think after three minutes he called me again telling me that he needs a card urgent as he was going to meet with the Deputy President, Paul Mashatile, then he met and then he will meet General Sibiya after that. I then took pictures of the said card. It was black in colour, then I sent it to his phone. That was the last time I spoke to him on the phone. During the same 2025 or 2024, he called me and told me he lost his cellphone and I must send him numbers of General Shibiri, General Senona, General Sibiya. Then I did send him such numbers without suspecting anything because I know him as a legit businessman and he confirmed that he won the tender with SAPS, so I must communicate with everyone on the management side. I confirm that I did not know Mr Matlala

as a criminal. I just know him as a  
businessman. I was surprised when I  
received a call from Mr Lekukela Mpho.  
He was with his friend, Mr Abby Lekale,  
whom they told me that there was a  
kidnapping that occurred where a child  
was taken and his mother. I then  
proceeded to the scene. Then I have  
interviewed the victim Mr Abby whom  
10 he told me that he suspects Mr Matlala  
but he did not want to make a  
statement. I immediately contacted  
Lieutenant General Sibiya to inform  
him on what has happened. Then  
General Sibiya told me he was in Cape  
Town but will set up a team to  
investigate the matter. Indeed the  
team was tasked, then head of  
investigation was Brigadier Ramangwa.  
20 Then the operation was conducted at  
Atteridgeville but the victims were not  
found. So from that time the team was  
busy with the said investigation. When  
they told me as I was not part of it,  
they said it was at advanced stage and

arrests are imminent. That is all I can say.”

**ADV CHASKALSON SC:** Now, Sergeant, are there any parts of the statement that are not correct that you would want to disavow or correct?

**SERGEANT NKOSI:** I cannot be sure of that but by the time I was writing this statement, this is what I remembered.

**ADV CHASKALSON SC:** So, and the statement was written on 8 October last year?

10 **SERGEANT NKOSI:** That is correct. And it might happen that maybe I might have omitted some important things but not deliberately because I was lying or maybe I wanted to shift something. No, it was maybe an honest mistake if I have omitted.

**ADV CHASKALSON SC:** But as you read it now, is there anything that you would want to add or to correct before I start questioning you about specific details in the statement?

20 **SERGEANT NKOSI:** As I just said now, I might add as you question me that maybe what was the reason I did not add or maybe I might not have remembered it.

**ADV CHASKALSON SC:** But as you read it through, there was nothing that you said, and I am, I think I have got this wrong, I got this wrong at the time, that is clearly not what happened. There is nothing that leaps out to you as clearly

wrong?

**SERGEANT NKOSI:** I still stand about what I just said now that as maybe it goes, I will revert back to the statement and say, no, this I might have omitted, this is what happened.

**ADV CHASKALSON SC:** Well, I mean if there is anything that is clearly wrong, I would like you to identify that now before I start asking you specific questions just so that I know what your understanding of the true facts is. I do not  
10 want to go down a line if you tell me, you know, what I said in the statement was an error, the mistake, you know, the truth is this.

**SERGEANT NKOSI:** According to me, I wrote it to the best of my ability, but I do not want to close it as foolish so, so that I must not be seen as someone who is not truthful to the Commission.

**CHAIRPERSON:** Sergeant Nkosi, I hope that this will not come out negative, but the second last response you gave sounds like you are hedging, so to speak, hedging your  
20 bets, as it were, because you say, as we go on, then I may revisit certain parts of the statement. It sounds to me as though you are basically saying if you are asked a question that you may feel puts you in a difficult position, you will then say, actually, what I said in paragraph 9 of the statement is not accurate, and you will only say that upon

being faced with a certain situation arising from a question. Am I correct or am I wrong to understand your response to that second last question?

**SERGEANT NKOSI**: Thank you, Commissioner. I do not know if maybe I will be answering correctly. I am saying, I do not want to say some statements that I wrote here or words are incorrect or are false. I say at that time they were correct. I might have maybe omitted something that I was supposed to write and I did not write it, but for me not  
10 to write it, it does not necessarily mean it is a lie or I am changing a statement.

**CHAIRPERSON**: Let us ...[intervenes].

**SERGEANT NKOSI**: It would be in addition to that what I have wrote here.

**CHAIRPERSON**: Okay, you are talking about things that you may not have written. Let us focus on those that you have actually written.

**SERGEANT NKOSI**: Written, yes.

**ADV CHASKALSON SC**: As you read the statement this  
20 morning, did you think huh-huh, paragraph 8 is not conveying, I am just giving 8 as an example.

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

**CHAIRPERSON**: Paragraph 8 is not conveying what actually happened, or did you, as you read the statement, take the view that everything I have read is actually

accurate? I do not like what appears to be sitting on the fence and you will then follow ...[intervenes].

**SERGEANT NKOSI**: Yes, wherever ...[intervenes].

**CHAIRPERSON**: Wherever it suits you, exactly.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: Exactly. As you read the statement, were you of the view that everything you say there is accurate?

**SERGEANT NKOSI**: Yes, according to my understanding.

I might be subjected to be corrected in terms of the dates  
10 and, you know, I am not good with dates.

**CHAIRPERSON**: But let us leave out the dates, yes. I also would not remember ...[intervenes].

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: When certain things that happened in 2022, 23.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: Even 25.

**SERGEANT NKOSI**: Yes, correct.

**CHAIRPERSON**: I would not remember the dates on which  
20 they happened. So perhaps let us leave that out. But in terms of content and substance, as you read, you did not see anything that does not reflect what actually happened correctly or what you said or what exchanges you were involved in, inaccurately. Everything, according to you, as you read, was accurate.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** All right. Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** Can I just get clarity on a couple of issues in the statement. The first is at page 1340 and this is the, it is in relation to the Luxor card. So paragraph 20 in the preceding page, you say that you have been called by Mr Matlala about the card. And then 21, you say:

10                    “At the time he called me, I was busy,  
                         so I could not take it to him or let him  
                         come to the office as I was not there.”

And then 22:

20                    “He never called me again that day. I  
                         think after three minutes, he called me  
                         again, telling me that he needs the  
                         card again, urgent, as he was going to  
                         meet Deputy President Mashatile  
                         (Paul), then meet General Sibiyi after  
                         that. I then took pictures of the said  
                         card. It was black in colour, then sent  
                         it to his phone. That was the last time  
                         I spoke to him.”

Can you just clarify what is going on in paragraph 22? You say, he did not call me again that day, but then you say after three minutes he called you, telling him he was, he needed the card urgently as he was going to meet

Deputy President Mashatile and then meet General Sibiya.

Can you just explain, did he call you again that day?

**SERGEANT NKOSI:** Okay ...[intervenes].

**ADV CHASKALSON SC:** Was the call about General Sibiya and Deputy President Mashatile that day?

**SERGEANT NKOSI:** Okay, if I understood you correctly, you are asking if was the call about the card or the call about Deputy President Mashatile and Sibiya, if I am not mistaken. Is how I heard you.

10 **ADV CHASKALSON SC:** Well, the first question is, was the call on the same day he had called you about the card. So let us maybe answer that first and then we can get to the second question.

**SERGEANT NKOSI:** Okay. Maybe to rectify the statement, I might have made a mistake when I say he called me. I called him when I found the card. That is rectification number one. And then this call that he made, it was a call now after I informed him that I found the card. So now the reason that he called me on this particular day is because  
20 he wanted to use that card. And then he further stated that he was going to meet with General Sibiya and Paul Mashatile.

**ADV CHASKALSON SC:** We will come back to who called whom, but what your written statement says is he needs the card urgent as he was going to meet Deputy President

Mashatile and General Sibiya. Was your understanding that he needed the card in relation to his meeting with the Deputy President and General Sibiya?

**SERGEANT NKOSI:** I would not want to be on his mind at that particular time. I thought he wanted that card because of it belonged to him, but I did not see the picture of how he was going to use his card.

**ADV CHASKALSON SC:** But what you said was he needs the card urgently or urgent as he was going to meet Deputy  
10 President Mashatile and then meet General Sibiya after that. How did you understand his, the relationship between his urgent need for the card and the fact that he was going to meet the Deputy President and then General Sibiya? I mean you are the one who has linked those two.

**SERGEANT NKOSI:** I am the one who is what?

**ADV CHASKALSON SC:** Your statement links those two, says he needs the card urgently as he is, he was going to meet Deputy President Mashatile and then meet General Sibiya after that. So I want to understand why was the  
20 urgency related to the meetings with the Deputy President and General Sibiya.

**SERGEANT NKOSI:** I would not know why that he needs the card because he is going to meet the Deputy President and General Sibiya. My understanding at the time, he wanted his card and it was in my possession.

**ADV CHASKALSON SC:** But was he the one who said to you, I need this card urgently as I am going to see, I am going to meet Deputy President Mashatile and then General Sibiya after that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** I mean were those his words?

**SERGEANT NKOSI:** That is his words.

**ADV CHASKALSON SC:** Then you say you called him, not he called you. That is an error in the statement. But if we  
10 look at the statement, it is not consistent with that being an error. Let us start at paragraph 20 at 1339. You say:

“On my arrival, that is at Mr Matlala's farm, I was found by him at the gate. Then I took the jet ski away. But later on that week, he phoned me telling me he is looking for the card and driver's license that he left in the dash of the jet ski.”

So you are saying he did not call you, you called  
20 him. Had you found a driver's license in the jet ski?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But you have not previously mentioned finding a driver's license in the jet ski in any of your other statements or your testimony here.

**SERGEANT NKOSI:** I did not mention it because of I never

thought it was important or maybe it was an error because now the main thing was Luxor card, but not that I did not mention the driver's license because of it was not there.

**ADV CHASKALSON SC:** If we go to your next paragraph, paragraph 21, you say:

“By the time he called me, I was busy, so I could not take it to him or let him come to the office as I was not there.”

Now you are saying when he called you about the  
10 bank card and driver's license, you were busy, so you could not take it to him or let him come to the office as you were not there. But if you called him, why would you call him when you were busy? Surely you would call him when you were not busy.

**SERGEANT NKOSI:** Remember, there were various calls when I found the card, when now he is making a follow-up about the card. And then even if I was busy, I knew that he wanted to come and collect the card, I would have phoned him.

20 **ADV CHASKALSON SC:** But you will recall when we dealt with the topic of the card last week, your testimony was that when you found the card and you, when you found the card you were at Hartebeespoort.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And is that what you were

referring to in paragraph 21 when you said, I was busy so I could not take it to him?

**CHAIRPERSON:** Sergeant Nkosi?

**SERGEANT NKOSI:** Oh, I still maybe, I thought he was still talking.

**ADV CHASKALSON SC:** No, that was the end of my question. Is that what you were referring to in paragraph 21 when you said, when you say I was busy so I could not take it to him?

10 **SERGEANT NKOSI:** So you are saying I was referring to my play in Hartebeespoort dam?

**ADV CHASKALSON SC:** Yes, were you busy at Hartebeespoort dam when this call happened?

**SERGEANT NKOSI:** No, I cannot remember where I was busy with.

**ADV CHASKALSON SC:** But in the statement, this is the call where you are alerted to the fact that he has, sorry, sorry, that the card is in the jet ski. Was there not a call of that nature from Hartebeespoort dam?

20 **SERGEANT NKOSI:** Okay, maybe to clarify. He did not want that card on the very same day when I phoned him that I found the card.

**ADV CHASKALSON SC:** When did he want it?

**SERGEANT NKOSI:** After I have alerted him, I cannot remember when, but it is somewhere here that when he

phoned.

**ADV CHASKALSON SC:** Because you see, there was certainly a point at which he wanted the card urgently because you mentioned that in paragraph 22 where you say:

“I think after three minutes he called me again telling me he needs the card urgent as he was going to meet Deputy President Mashatile and then meet General Sibiya after that.”

10 So when did the urgency arrive on his side?

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

**ADV CHASKALSON SC:** Well, if we read on, so you just reported or recorded his conversation with you:

“He called me again telling me he needs the card urgently as he was going to meet Deputy President Mashatile and then meet General Sibiya after that. I then took pictures of the said card. It was black in  
20 colour, then sent to his phone.”

So are you saying there that the pictures that you took were immediately after being told by him that he needs the card urgently? Is that what you are saying or is it possible that there was a gap between those two stages of the process?

**SERGEANT NKOSI:** Interpreter.

**ADV CHASKALSON SC:** Let me start again so that you can interpret as I go along. If we read paragraph 22, you say:

10                    “He called me again telling me that he needs the card urgent as he was going to meet Deputy President Mashatile, then meet General Sibiya after that. I then took pictures of the said card. It was black in colour, then sent to his phone.”

                  Was it immediately after, was it immediately after he told you that he needed the card urgently that you sent those pictures?

**SERGEANT NKOSI:** That is correct.

20                    **ADV CHASKALSON SC:** Because then we can date this conversation because we know that you sent him the pictures of the card on the 23<sup>rd</sup> of December. Sorry, Interpreter, can you interpret and then I will go on. So then we can date this conversation with him because we know that you sent the pictures of the card on 23 December 2024.

**INTERPRETER:** I did not get the first word?

**ADV CHASKALSON SC:** Date, we can date this conversation.

**ADV KHUMALO SC:** Mr Chaskalson, I think maybe what

you are trying to say is because we have the WhatsApp's and we know from the WhatsApp's when he sent the photo to Mr Matlala, we can get the date from there.

**ADV CHASKALSON SC:** Yes, Commissioner, that is what I am trying to say.

**ADV KHUMALO SC:** The first part where you said we can date the photo was not very clear. So maybe what you mean by we can date, you can refer to the WhatsApp's and it can make more sense.

10 **ADV CHASKALSON SC:** Well, the WhatsApp's show that you sent this card, a picture of the card, on the 23<sup>rd</sup> of December 2024.

**SERGEANT NKOSI:** I agree.

**ADV CHASKALSON SC:** So if that was immediately after the conversation where Mr Matlala said he needed the card urgently because he was going to see Deputy President Mashatile and General Sibiya, we know that conversation would have happened on the 23<sup>rd</sup> of December as well.

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** Why did you not mention this call from Mr Matlala where he mentioned his urgent need for the card as he was going to see Deputy President Mashatile and General Sibiya in your statement or in your evidence up to now?

**SERGEANT NKOSI:** It is mentioned somewhere in a

statement that I have submitted to the Commission.

**ADV CHASKALSON SC:** We can go to that statement. It is in the statement file and you deal with the card starting at the bottom of page 1, paragraph 5, and that runs through to page 2, paragraph 7. But there is no mention of a conversation about Mr Matlala going off, or needing the card urgently because he is going off to meet the Deputy President.

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

10 **ADV CHASKALSON SC:** So my question is why did you not mention this?

**SERGEANT NKOSI:** It could be a human error. I can say that what I have stated there, that is what I heard from Mr Matlala at that time. Eish, Interpreter.

**INTERPRETER:** Sorry?

**SERGEANT NKOSI:** Another problem again here.

**ADV CHASKALSON SC:** Maybe if you repeat your answer we can interpret it again.

20 **SERGEANT NKOSI:** I can say what is not on the statement and what is on the statement is what I heard from Mr Matlala at that time.

**CHAIRPERSON:** When you say ...[vernacular].

**SERGEANT NKOSI:** Refers to the statement that I have written, handwritten. Commissioners, I think maybe my Interpreter can listen clearly to Mr Chaskalson when he

refers to the message to me, then it is clear. When I take back the message to him again because of I feel that maybe he is misinterpreting me.

**CHAIRPERSON:** Ja, please render your answer again. And when you talk about what you have written, so to be sure of the distinction you are drawing, please explain your statements with reference to the one that is handwritten and the one that is typed and then your answer will be clearer and I hope that Mr Seritsane will then be in a position to  
10 convey your answer better. Do you want to give your answer again or do you want the question to be repeated for you to answer again?

**SERGEANT NKOSI:** I think it will be fair on my side to, yes.

**CHAIRPERSON:** Get the question again.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** The question is why in the typewritten statement that was the only statement you  
20 submitted to the Commission, did you not mention the fact that Mr Matlala had said he needed the card urgently because he was going to meet with the Deputy President?

**CHAIRPERSON:** No, the typed statement. Reference by Mr Chaskalson is to the typed statement.

**INTERPRETER:** Sorry, sir.

**ADV CHASKALSON SC:** Let us start. The typed statement is the only statement you submitted to the Commission, is that correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, why in that typed statement did you not mention that Mr Matlala said to you he needed the card urgently as he was going to see the Deputy President?

**SERGEANT NKOSI:** It could be a mistake on the statement  
10 or when the statement was written that I omitted that. And again on the handwritten statement, does it mean that it is a lie because I did not mention that on the statement, on the typed statement.

**ADV CHASKALSON SC:** So what is in the handwritten statement in this regard is true?

**SERGEANT NKOSI:** [Vernacular]...

**ADV CHASKALSON SC:** Just the statement that Mr Matlala told you he needed the card urgently as he was going to meet the Deputy President.

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

**ADV CHASKALSON SC:** Now, why would you forget to mention something like that in your statement to the Commission?

**SERGEANT NKOSI:** Everybody can make a mistake in writing and maybe I thought I have written it just by the way

I was thinking and I did not put it in.

**ADV CHASKALSON SC:** It was not just in the statement, it was also when I questioned you in relation to the card and your conversations with Mr Matlala relating to the card in the hearing. You did not mention it there either. Is there a reason?

**SERGEANT NKOSI:** I am still standing on my answer.

**ADV CHASKALSON SC:** You answer that it is the truth but you just made a mistake in not mentioning it?

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

**ADV CHASKALSON SC:** Is it not possible that you were trying to protect the Deputy President by not mentioning it?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Well, let me take you through the various versions that you have given in relation to this card. If we take them chronologically, the first one is the handwritten statement, and I will take you through all of the versions and then I want to point out some contradictions that I would like you to try to explain. The version in the  
20 handwritten statement is that in December 2024 or January 2025, Mr Msibi's son asked you to go and fetch the jet ski from Mr Matlala. You collected the jet ski from Mr Matlala's farm. Later that week, Mr Matlala asked you to look for a card and a driver's license in the dash of the jet ski. You could not take it to him because you were busy. You could

not ask him to come collect it from the office because you were not there. It implies that you had the card at the office. He wanted the card urgently because he was going to meet with the Deputy President and then General Sibiya, so you took pictures of the card and sent them to him and that statement does not mention when the card was returned, but we do know that the pictures were sent on the 23<sup>rd</sup> of December. That was the first version.

**CHAIRPERSON:** Sergeant Nkosi, you confirm everything  
10 that Mr Chaskalson has just ...[intervenes].

**SERGEANT NKOSI:** I do confirm my ...[incomplete].

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** The second version was in the statement that you gave to the Commission. In that statement, you did not mention collecting the jet ski from Mr Matlala's farm. You did not mention a call from Mr Matlala. You did not mention Mr Matlala saying he needs the card urgently because he is going to meet the Deputy President and then General Sibiya. What you did say is, at paragraph  
20 5, you say you found the card on the 23<sup>rd</sup> of December in the boat of Mr Msibi and you notified Mr Matlala that he had left the, sorry, in the jet ski, not the boat, and you notified Mr Matlala that he had left the jet ski, the bank card in the jet ski. That was all on the 23<sup>rd</sup> of December.

You then mention that you have used the card

previously to withdraw money on behalf of Mr Matlala to pay for materials to refurbish his boat and the jet ski of Mr Msibi that he was using and also to buy the jet ski's service kit. You cannot recall the dates when you used the card to withdraw money, but that was way before 23 December. Now ...[intervenes].

**CHAIRPERSON:** Do you confirm this too, Sergeant Nkosi, and this relates to the typed statement that you submitted to the ...[intervenes].

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

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** And you also referred then to two WhatsApp's from Mr Matlala on the 5<sup>th</sup> and 21<sup>st</sup> of January referring to plastic, which you said was a reference to the card. That was in paragraph 7 of your statement.

**CHAIRPERSON:** You confirm that as well?

**SERGEANT NKOSI:** Can you repeat that, Mr ...[incomplete].

20 **ADV CHASKALSON SC:** In paragraph 7 of your statement, you referred to two WhatsApp's sent by Mr Matlala on the 5<sup>th</sup> and 21<sup>st</sup> of January, where he referred to the card as, quote, plastic, and he complained that the card had long been left at Mr Msibi's place of abode. I can read the statement to you in your statement.

"I further aver that the plastic referred

to on the WhatsApp's message dated 5  
January 2025 and 21 January 2025, he  
was requesting I return to him his card,  
averred above, as it was long left at Mr  
Msibi's place of abode."

You see that?

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

**ADV CHASKALSON SC**: Now, there was no mention of  
these WhatsApp's in your written statement. There was no  
10 mention in your written statement of your ...[intervenes].

**CHAIRPERSON**: By written, you mean handwritten?

**ADV CHASKALSON SC**: Handwritten, handwritten  
statement. There was no mention of the fact that you had  
made withdrawals on the card to fix the boat and the jet ski.  
And there was no mention in the written statement that the  
card had long been at Mr Msibi's place of abode. The third  
version was your first version in oral evidence. It was that  
you found the card in the jet ski on your way back from Mr  
Matlala's farm and you dated that trip back from Mr  
20 Matlala's farm with the jet ski at approximately September  
2024. And then your fourth version was another version in  
oral evidence ...[intervenes].

**CHAIRPERSON**: Should we not deal with these one by one  
and get responses, ja?

**ADV CHASKALSON SC**: Well, let me take you to your

...[intervenes].

**CHAIRPERSON**: Perhaps the third version.

**ADV CHASKALSON SC**: The third version.

**SERGEANT NKOSI**: And let us get a response.

**ADV CHASKALSON SC**: I say:

“Can you explain the circumstances in which you found it?”

Talking about the card.

10 “Was the jet ski at Hammanskraal when you found it? Was the jet ski somewhere else?”

You say:

“I found it on my way back.”

I say:

“On your way back?”

You say:

“To collect it, yes, on my way back to collect the jet ski.”

And I say:

20 “To collect the jet ski from where?”

And you say:

“From the farm where it was, at Mr Matlala's place, Mr Matlala's farm.”

So you found it on the way back from collecting it from Mr Matlala's farm and you have earlier in your

evidence on the same day confirmed that you collected the jet ski in around September 2024. Do you recall all of that?

**SERGEANT NKOSI:** I recall.

**ADV CHASKALSON SC:** But when I took you up on that issue in oral evidence, you immediately changed your version and then you said, actually I found it at Hartebeespoort dam. I found the card at Hartebeespoort dam when I have taken the jet ski to Hartebeespoort dam. And that came later. I said, where were you when you  
10 found the card inside the jet ski? And you say, I was in the dam. Which dam? Hartebeespoort dam. So there are a whole range of issues on which you have given fundamentally contradictory evidence in relation to this card.

**SERGEANT NKOSI:** I disagree.

**ADV CHASKALSON SC:** Well, the first issue is, did you find the card in September or did you find the card in December? You have said, on some occasions you have said it was when you were fetching the jet ski or shortly  
20 thereafter, which would have been September. On other occasions you have said it was on the day that you sent the pictures to Mr Matlala, which we know to be the 23<sup>rd</sup> of December. And you have also said when you were in Hartebeespoort dam, it would have been in December. So there are two different versions. One is September, one is



when you found the card was you found it on your way back from collecting the jet ski from Mr Matlala's place, which we know was in approximately September.

So on two separate occasions you have said September. On two other occasions you have corrected that or tried to correct it and say December. That is the first contradiction.

The second contradiction is how you found the card, whether you found it independently or whether you  
10 found it because you were called by Mr Matlala. So in the handwritten statement it was Mr Matlala who alerts you to the existence of the card and the handwritten statement not only says that but then puts up a version which is only consistent with your being alerted to the existence of the card by Mr Matlala. So if you look at page 1339, same paragraph that I have just mentioned from the handwritten statement, paragraph 20:

“On my arrival I was found by Mr Matlala at the gate and then I took it away ...”

20 In other words the jet ski.

“But later on that week he phoned me telling me he is looking for the card, and bank card and driver's license that he kept in the dash of the jet ski. By the time he called me I was busy so I

could not take it to him or let him come  
to the office as I was not there.”

So it is very clearly in the handwritten statement Mr Matlala who is calling you and alerting you to the existence of the card for the first time. It is not you independently discovering the card and then calling Mr Matlala. So that is the version in the handwritten statement.

But in the typed statement the version is different. It is that you found the card and you then called Mr Matlala.

10 That is the second big contradiction.

The third big contradiction is where you found the card. In the handwritten statement and the written statement you do not mention where you found the card. In oral evidence you have given two different versions. The first version is on your way back, you found it yourself on your way back from Limpopo where you fetched the jet ski. The second version was you found it when you opened the dash at Hartebeespoort dam looking for the key of the jet ski when you were going to use it for the first time after you  
20 had returned it. So those are two contradictory versions. It is a third contradiction in your story of the card.

**ADV KHUMALO SC:** Do you want him to comment?

**ADV CHASKALSON SC:** Well, ultimately I am going to ask you to comment on all three contradictions. I have already asked you to comment on the failure to mention Mr Matlala's

linking of his urgency to recover the card with his visit to the Deputy President. So let us take those contradictions one by one. The first contradiction is when you found the card, was it September or was it December?

**SERGEANT NKOSI:** December.

**ADV CHASKALSON SC:** Why then did you twice give a version that could only be consistent with having found the card in September, that the card was found within a week of your, either on your way back from returning from Mr  
10 Matlala's farm or later in that same week. Why do we get those two versions from you, one in your written, handwritten statement, one in your oral evidence?

**SERGEANT NKOSI:** As I have stated that it might have been a human error.

**ADV CHASKALSON SC:** But it is an error that is repeated. It is not a once off error. It is an error that is repeated. It first appears in the handwritten statement and then it repeats itself in the oral evidence. Are you saying it is just an unfortunate error that was repeated twice?

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

**ADV CHASKALSON SC:** The second contradiction is whether you were alerted to the card by Mr Matlala or whether you found it independently yourself. In your handwritten statement you say that Mr Matlala called you and said, I am looking for my card and my driver's license



handwritten statement. The third error or the third contradiction is where you found the card. You have given a version in the handwritten statement, well you gave a version in oral evidence that you found the card on your way back from Mr Matlala's farm, and then you changed that evidence and you said, no, well, actually it was when I took the jet ski to Hartebeespoort dam for the first time after I had returned it to Mr Msibi's house. Which one was correct?

10 **SERGEANT NKOSI**: I did not say it. You said it. I was rectifying you that I did not find it on my way back. I found it when I was in Hartebeespoort. I am not the one who said I found it. You are the one who said that.

**ADV CHASKALSON SC**: No, no Sergeant it was you.

**SERGEANT NKOSI**: No, it was not me.

**ADV CHASKALSON SC**: No, I have got a transcript of your evidence. I said:

20 “Was the jet ski at Hammanskraal when  
you found it? Was the jet ski  
somewhere else?”

Your answer was:

“I found it on my way back.”

I say:

“Sorry, on your way back?”

You say:

“To collect it. Yes, on my way back to collect the jet ski.”

I say:

“To collect the jet ski from where?”

And you say:

“From the farm where it was at Mr Matlala's place.”

And then you say, and so, I say:

“You found the card in the jet ski?”

10

Yes.

Was this when you collected the jet ski to bring it back to Hammanskraal?

That is correct.”

And then I say:

“But that would have been in September, not December.”

And at that point you change your version and say:

“Well, actually it was at Hartebeespoort dam.”

20

You were the first one to mention that you found the card in the jet ski on your way back from Mr Matlala's farm. I had not had the faintest idea that that was the case.

**SERGEANT NKOSI:** But that is not what I have said.

**ADV CHASKALSON SC:** Well, the record will speak for itself in that regard, and it needs to be we can play back the

recording to you. You were the first one to raise that you had found the jet ski on your way back from collecting, sorry, you had found the card on your way back from collecting the jet ski from Mr Matlala's farm.

Then in your handwritten statement you do not mention anything about having previously been authorized by Mr Matlala to use the card to draw cash to make repairs and the like. Why did not you mention that in your handwritten statement?

10 **SERGEANT NKOSI:** I do not know why I have not mentioned that, but I remember going back to that statement that I have said that I might have mistakenly thought that I wrote it here but it was all in my mind.

**ADV CHASKALSON SC:** You see I have my own theory about what that card was about. My theory is that that card was given to you by Mr Matlala as a means of allowing you to draw cash from Mr Matlala's accounts, in other words, essentially to pay a bribe either to you or to General Sibiya through you, and that the reason for all of these  
20 contradictions is that you are trying to work out a version that would plausibly explain your possession of the card in innocent terms. What is your answer to that?

**SERGEANT NKOSI:** My answer to that is false again. One, Mr Matlala had no reason to pay the so-called bribe to me via card. One, to elaborate on that, I did not have

anything or means to make, nor to push Mr Matlala to pay bribe on me. I was not investigating him, I did not do him anything or any favours. The only thing that I did it was only these jet skis and the boats.

Two, I do not know what kind of bribe would be enough for General Sibiya to be out on a card according to say it was a bribe from Mr Matlala to General Sibiya via me. If it was a bribe, I do not think that maybe I would be so dumb to let a paper tray follow me if it was a bribe, because  
10 automatically if it was going to be investigated, I was going to be caught that indeed it was a bribe for General Sibiya. So I totally disagree with your statement.

**ADV CHASKALSON SC:** Well, let us take your last explanation. If we assume that the impalas that Mr Matlala delivered to General Sibiya were a bribe, that was a bribe that was delivered through arrangements that were made through you, is that not correct? If we assume that it was a bribe, just make that assumption.

**SERGEANT NKOSI:** I would not even comment on the  
20 bribe issue and, no, no, no, no.

**ADV CHASKALSON SC:** But the impalas that Mr Matlala arranged to be delivered to General Sibiya's home are impalas in respect of which the delivery arrangements were made through you. Mr Matlala sent you messages, you forwarded them on to General Sibiya, you had calls with

General Sibiya, you came back to Mr Matlala, and that is how the delivery was done. No contact between Mr Matlala and General Sibiya, but contact between Mr Matlala and you, and you and General Sibiya. Do you recall that?

**SERGEANT NKOSI:** I recall that.

**ADV CHASKALSON SC:** Now, and we saw in relation to Tshwane this *modus operandi* of people not wanting to be seen talking to each other or doing transactions with each other, with intermediating their communications through  
10 you. We saw that repeatedly with the CFO and General Dlamini. Do you recall that?

**SERGEANT NKOSI:** I distance myself from that statement you made that people do not want to be seen communicating with others, and then they communicate through me, no, no, no, no.

**ADV CHASKALSON SC:** Well, I want to put it to you that that is what we saw in Tshwane. You can dispute it, but I am going to put it to you. Are you just disputing it?

**SERGEANT NKOSI:** Yes, I am disputing it.

20 **ADV CHASKALSON SC:** You see, it seems to me that this is another example of that *modus operandi*, that if Mr Matlala and General Sibiya do not want to be seen communicating with each other, and communicating with each other in relation to money that Mr Matlala will pay to General Sibiya, they would probably have done, made

arrangements to structure their dealings with each other through you. What is your answer to that?

**SERGEANT NKOSI:** No, that is your version, not mine.

**ADV CHASKALSON SC:** Well, let us see, let us go to the bank transactions on that card, and if we go to page 1325, you will see that between the 10<sup>th</sup> and the 12<sup>th</sup> of December on that card, that you say was in the jet ski dash, there were cash withdrawals, it says ATM cash, starting at 10 December, 4,000 on 10 December, another 4,000 on 10  
10 December, another 2,000 on 10 December, 4,700 on 11 December, 4,000, another 4,000 on 11 December, another 3,300 on 11 December, another 4,000 on 12 December, another 4,000 on 12 December, another 4,000 on 12 December. If you add all of those up, you get to R37,000.00 in, on the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> of December.

Now, if your version that the card was in the jet ski that you collected from Mr Matlala's farm in September is correct, we know that you had the card in your possession on 23 December when you took a picture of it. So, that  
20 card was either sitting in the jet ski for three months before something strange happened and somebody managed to withdraw cash on it on 10, 11, 12 December, 37,000, or, and I put it to you that this is much more likely, you had it in your possession not just on the 23<sup>rd</sup> of December, but over that entire period when you, since you collected the jet ski

in September, and so that those withdrawals would have to have been done by you. What is your answer to that?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** So when, how do you explain these withdrawals on the card on 10, 11, 12 December? Who would have been making, who would have had access to that card on 10, 11, 12 December?

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

**ADV CHASKALSON SC:** Well you must know because you  
10 had the card in your hand on the 23<sup>rd</sup> of December. Are you saying that you did not have it? When are you saying it first came into your possession?

**SERGEANT NKOSI:** Okay, on that particular day that I had the card with me in December, it was not the first time coming across the card. But in December, the card was on the jet ski. And I also confirmed that, even in my statement I stated that there are things that I used with that card, with the permission of Mr Matlala, to buy the boat seats, boat cover, and a service kit for the jet ski and the boat.

20 **ADV KHUMALO SC:** But you are not answering the question, Sergeant Nkosi. On the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> of December 2024, there are ATM cash withdrawals reflected in the statement. Was it you who made those withdrawals?

**SERGEANT NKOSI:** I cannot remember, Commissioners. One, I have got no reason to lie about it, I had the card with

me and I used to use it maybe three or four times.

**ADV KHUMALO SC:** But you accept that it was not with Mr Matlala, it was either in the jet ski or with you on the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> December 2024?

**SERGEANT NKOSI:** No, it was not with me.

**ADV KHUMALO SC:** It was with Mr Matlala?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But how could it be in Mr Matlala's possession on the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> December if  
10 your consistent version across all of your explanations is that the card was found in the dash of the jet ski? You had collected the jet ski, returned it to Mr Msibi's house in September, so if that is where the card was, how could Mr Matlala have used the card to make withdrawals from 10 to 12 December?

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

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

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You see, I do not think it, I put it  
20 to you that it is extremely improbable, if not impossible, for Mr Matlala to have used a card that was in the dash of the jet ski when you collected it in September, and that he was still looking for in December. How on earth could he have used that card to make withdrawals from 10 to 12 December? I mean, how? Give me, or show me, or give me

a suggestion that suggests that this would be possible.  
How would it have happened?

**SERGEANT NKOSI:** But if you see there, according to me, on the 10<sup>th</sup>, the 12<sup>th</sup>, there was money withdrawn, there was money, there was orders made on the 13<sup>th</sup>, 14<sup>th</sup> December, mini statements withdrawn from the card, and it was done through, you said, VM Matlala, so I cannot comment on what really happened with that card.

**ADV CHASKALSON SC:** No, I mean, one does see FNB  
10 App transfers from VM. Now that I can understand. Mr Matlala will have an app on his phone that will enable him to access money in the account to transfer or to make payments. But ATM cash withdrawals, you need the card.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And those are the ones that I am interested in. Those are the ones that happen at a time when I do not see how Mr Matlala could have been in possession of the card. I mean, do you see how he could have been in possession of the card?

20 **SERGEANT NKOSI:** I do not know. Sorry, Commissioners, I do not understand.

**ADV CHASKALSON SC:** You see, if we go back to the chats, it seems to me – sorry, Chair, I see we have run past 11. Maybe we can pick it up after tea time.

**CHAIRPERSON:** Let us adjourn and resume at 11:30. Let

us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Before you start, Mr Chaskalson, I think it is fitting for us to acknowledge students, the presence of whom has been brought to our attention. They are students from the Tshwane University of Technology who are doing a diploma in legal support. Welcome to you all. Thank you. Thank you, Mr Chaskalson.

10 **ADV CHASKALSON SC:** Thank you, Chair. Sergeant, what I want to put to you is that if we look at the chats in relation to the Luxo African Brands card in their context, it makes a lot of sense I want to put to you. So let us go to that context. The request for the card is initiated by Mr Matlala. The request for the pictures of the card is initiated by Mr Matlala. If we look at where it is, it is on page 74 of file 104. Do you have it?

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** And you will see that that chat is the first chat at – sorry, at 18:11 on the 23<sup>rd</sup> of December, Mr Matlala, in his first communication to you of the day, says:

“Can you please send a picture of the card back and front?”

You see that?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** There is no previous communication either from him or from you on the 23<sup>rd</sup> of December, and this comes at 6 pm, 06:11:03 pm.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, at 06:11:03 pm when he sends this message to you, you both know what card you are talking about.

**SERGEANT NKOSI:** That is correct.

10 **ADV CHASKALSON SC:** So there has to have been an earlier occasion where, if this card was left in the jet ski, where you had explained that you had found the card. It would have to have happened earlier. Certainly, by 23 December, everyone knows what card you are talking about. There are then some further exchanges, and later down on page 75 you send the pictures.

Now, let us see what is happening immediately before Mr Matlala asks for the pictures of the card. And for that, we have to go back up to page 73. And the day before  
20 is the 22<sup>nd</sup> of December, and there you will see on page 73 are your exchanges with Mr Matlala in relation to the fact that he has mentioned General Sibiya in his affidavits in the High Court proceedings.

You remember we dealt with this at length back in February. So, for the whole of the 22<sup>nd</sup> of December, Mr

Matlala is trying to make things better with General Sibiya through you in relation to the fact that he has mentioned General Sibiya in affidavits which are now public. And a journalist is asking about the relationship between Mr Matlala and General Sibiya. Do you recall that?

**SERGEANT NKOSI:** I recall that.

**ADV CHASKALSON SC:** That takes the whole of the day of the 22<sup>nd</sup> of December. It culminates in that WhatsApp at 7 minutes past 7 in the evening, chat number 3 on page 74.

10 And we went through this at length previously where Mr Matlala sends you for forwarding to General Sibiya a copy of his correspondence of his WhatsApp's to his lawyers trying to get them to qualify what was said in the affidavit so that it will not implicate General Sibiya in a relationship with him. He sends that WhatsApp at 19:07:21 with a message saying:

“Please show him and you have shown that.”

20 You then forward the WhatsApp to General Sibiya. We have been through all of this at length previously. His very next communication to you after that is can you please send a picture of the card back in front. And I want to put to you that what is happening here is that Mr Matlala is feeling vulnerable in his relationship with General Sibiya and yourself because he has caused difficulty for General Sibiya

by publicly disclosing part of that relationship.

And in order to recover some power in that relationship he has said to you send pictures of that card back in front because he is wanting leverage over you. He is wanting to have a picture of you holding his credit card so that he has some leverage over you. That I put to you is what is going on in these chats. What is your response to that?

**SERGEANT NKOSI**: I would not know what he was thinking  
10 at that time.

**ADV CHASKALSON SC**: Well, that was not your version earlier in relation to why he wanted a picture of the card. Why did he want a picture of the card of you holding the card.

**SERGEANT NKOSI**: According to me maybe he wanted to replace it or do something, but he wanted me to send that picture.

**ADV CHASKALSON SC**: He does not need you to send  
20 him a picture of the card if he wants to replace it. He can go onto his FNB app that we know that he uses, and he can get full details of the card from his FNB app. Why would he want a picture of you holding the card and a picture that comes from your WhatsApp?

**SERGEANT NKOSI**: Honestly, I would not know what he was thinking at that particular time.

**CHAIRPERSON:** Mr Chaskalson, is there anything about Sergeant Nkosi having to hold the card?

**ADV CHASKALSON SC:** No, he does not ask for Sergeant Nkosi to hold the card, but he wants the card WhatsApp'd from Sergeant Nkosi.

**CHAIRPERSON:** So, the focus is the picture coming from Sergeant Nkosi.

**ADV CHASKALSON SC:** The picture coming from Sergeant Nkosi of the card. You see the only reason that I  
10 can think of him wanting a WhatsApp of the card coming from you is for him to have some leverage over you. I cannot think of any other reason why he would want a picture of the card. He can get the card details on his bank app if that is what he is interested in. Can you think of any reason why he would want the card on a WhatsApp from you or a picture of the card on a WhatsApp from you?

**SERGEANT NKOSI:** I would not think of anything other than the one that I gave you.

**ADV CHASKALSON SC:** This one?

20 **ADV BALOYI SC:** Sorry, can I just say Sergeant that what does not make sense to me is Mr Matlala is head of security of Mr Msibi.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** The jet ski belongs to Mr Msibi, and you say you took it back to Mr Msibi's property. Why it is that

Mr Matlala would want you, who is not employed at Mr Msibi, to be the one that deals with this card that he left in the jet ski? If he did leave it in the jet ski, why he is not one going out there to get it himself? Maybe he is too busy. Why he is not asking somebody else where the jet ski is and therefore where the card is to go get it for him and deliver it to him? I do not understand why he would involve you in it. It does not make sense, that sequence of facts, that you are now doing the runaround about this card when in fact you  
10 are far removed from the jet ski apart from having collected it and dropped it off. Do you want to explain this, which does not make sense?

**SERGEANT NKOSI:** I think, my Honourable Commissioner, it is a matter of, at that particular time I was the one suitable for it to be handled by me. Not that it was a matter of why do I have to handle it because I am not working for Mr Msibi. It is because maybe at that time I was ...[incomplete].

**ADV BALOYI SC:** You see, this makes sense only if you  
20 had the card on you. If you took the card and kept it on you, however you got it. If it was on you, then I understand why Mr Matlala would be talking to you and saying, send me a picture of the card and sending that message. I need my card urgently. I would understand why he is speaking to you over time about this card. But if it was not on your

person, then it does not make sense that he is engaging with you about returning the card to him. You understand the difficulty there?

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

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

**ADV CHASKALSON SC:** There is one last aspect about these chats in relation to the - sorry, are you wanting to ...[intervenes]

10 **ADV BALOYI SC:** Do you want to respond?

**SERGEANT NKOSI:** I am sorry. Yes, I understand what the Commissioner is saying, but I do not agree with it. I just wanted to say that.

**ADV BALOYI SC:** Well, I have not put a proposition to you about what I think happened. All I am saying is it does not make sense, and I do not understand it, that if you did not - because Mr Chaskalson is suggesting to you that you had the card on you, and you were using it in the way that he has described, and you disagree with that. And I am  
20 saying, if you did not have the card on you, on your person, and you are not using it in the way that Mr Chaskalson is explaining, then it does not make sense to me, and I do not understand that Mr Matlala would want the card from you. And have you been the one that picks it up and go and deliver it to him, and he is engaging you about it. It does

not make sense. That is all. I was not putting a proposition to you. Not today, not yet. Thank you.

**SERGEANT NKOSI:** Thank you.

**ADV KHUMALO SC:** Can I just follow up because Sergeant Nkosi, you see, that is the problem with your many contradictory versions. What Commissioner Baloyi is saying is that you must have had the card with you on this day. And that is the only way it can make sense that Mr Matlala asked you to take photos of the card. And that is  
10 correct, because in your statement you say, before this day you bought a service kit for the same jet ski using that card. Which means, if we take what your written statement to the Commission says, the card was already with you because the only way you could have bought a service kit with this card to quote your statement, this was done before 23 December 2024. I cannot recall the dates on which the transactions were made.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** It means you already had the card in  
20 your possession, and you were already using it when these texts were sent to you. So, I do not understand why you disagree with that or you have difficulty with it. Because it must be correct. How else would you have done the transactions to buy the service kit, if you did not have the card with you?

**SERGEANT NKOSI:** I am reading this data but there is no way that I could have bought the service kit without that card.

**ADV KHUMALO SC:** So, you must have had it with you.

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

**ADV KHUMALO SC:** And that is Commissioner Baloyi's point.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** Well, Sergeant, in fairness to  
10 you, I should draw your attention to the chat on 5 January 2025. If you go down to page 75, chat number 6, on the 5<sup>th</sup> of January Mr Matlala wants his card. And he says:

“I need that plastic how will I get it?”

Your response says:

“My man, I can drop it tomorrow, same place as last.”

So that does suggest that you have been using the card before and you have dropped the card back at Mr Matlala previously.

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

**ADV CHASKALSON SC:** Now what place did you use for the drops of this card?

**SERGEANT NKOSI:** At his office. Okay, maybe I did not hear well. Can you repeat that question?

**ADV CHASKALSON SC:** Yes, what place did you use to

return the card to Mr Matlala when you were using it?

**SERGEANT NKOSI:** Oh, at his office. Did you say what place did I use?

**ADV CHASKALSON SC:** What place? You say same place as last.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And so, you are saying that is the office?

**SERGEANT NKOSI:** Yes.

10 **ADV CHASKALSON SC:** And is there any reason why you did not say, can drop it tomorrow at the office, as opposed to same place as last?

**SERGEANT NKOSI:** Maybe it is how I write my statements, you know, it depends on ...[incomplete].

**ADV KHUMALO SC:** Did you use the card on a previous occasion and drop it off at Mr Matlala's office on the occasion other than the 5<sup>th</sup> of January 2025? So, was there a prior occasion when you had the card with you and you returned it to the office before the events we are talking  
20 about here?

**SERGEANT NKOSI:** Can you repeat that? I just want to ...[incomplete].

**ADV KHUMALO SC:** All right, let us – we are on the 5<sup>th</sup> of January 2025.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Was this the first time you returned the card to Mr Matlala's office or was there another occasion previously when that happened?

**SERGEANT NKOSI:** No, I think it was only two. Remember, I once used it to buy a battery and a service kit for the jet ski, other than the upholstery. So, it was just the battery.

**ADV KHUMALO SC:** And then on that occasion you returned the card to Mr Matlala?

10 **SERGEANT NKOSI:** Yes, that is why I am saying I said I will return it to the place as last.

**ADV KHUMALO SC:** Okay, thanks.

**ADV CHASKALSON SC:** But as you point out in the statement, that was done way before the 23<sup>rd</sup> of December, the jet ski purchase - sorry, the jet ski service kit purchase. So, if you go to page 1 in your statement file, you say:

“I also bought the jet ski service kit through it on his request.”

20 That was done way before the 23<sup>rd</sup> of December 2024. I cannot recall the dates.

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

**ADV CHASKALSON SC:** Paragraph 5, the end of paragraph 5.

**SERGEANT NKOSI:** On my statement?

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

**SERGEANT NKOSI:** The statement that I have sent, okay.

**ADV KHUMALO SC:** It is up there, General. Sorry, Sergeant, it is up there if you do not have the correct page.

**SERGEANT NKOSI:** Okay, yes, thank you.

**ADV CHASKALSON SC:** But that was way before 23 December 2024. So, we can assume it was before those cash withdrawals on 10 to 12 December 2024, can we not?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Sergeant, I am going to move to  
10 a different topic now. And this is the ...[intervenes]

**ADV BALOYI SC:** Maybe before you do that, Mr Chaskalson, in the theme of appearances, that, Sergeant, you have had this card for use and not found in the cubby-hole and kept there. If you look at, first, if you look at page – if you look at page 77, the one that you were looking at with Mr Chaskalson, and maybe just to complete this discussion. At page 77, you have chat number 7. Mr Matlala says:

“I am still waiting for that plastic...”

20 And that is on the 21<sup>st</sup> of January. Do you see what I am reading? Page 77, the very last chat, number 7.

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

**ADV BALOYI SC:** He says:

“I am still waiting for that plastic. I can send someone to you if you cannot come

to my office...”

That is what he offers. And then you answer the same day, you say:

“I will come tomorrow...”

Which is the 22<sup>nd</sup>:

“I will come tomorrow. Sorry for the inconvenience.”

That is on page 78. Now, that chat is, again, on the 21<sup>st</sup> of January in 2025. Now, if you go to that file 3, if you go to  
10 that file 3 that has the bank statement, and you go to page 1328, I am happy to start there at page 1238, you have various expenses there that indicate someone had the card. So, you see not halfway, three quarters through, or a quarter through to that statement on the 10<sup>th</sup> of January, there is a purchase at Sasol, Mid something Midridge, for quite a substantial amount.

And then you go on the 11<sup>th</sup>, there is a purchase at Habanero, Menlyn. And then you have got another purchase on the 13<sup>th</sup> at Tashas, and so on and so on. So  
20 that is the 13<sup>th</sup>, and that page, as you would see, ends on the 21<sup>st</sup> of January, the list of items. But the point I am making is you have these purchases on the card on the 10<sup>th</sup>, the 11<sup>th</sup>, and the 13<sup>th</sup>, which suggests that - and then you have got again on the 16<sup>th</sup> at Sasol, twice at Sasol, and quite a significant amount of money, which suggests that -

and then you have got another one at Koi on the 20<sup>th</sup>, which suggests that whoever was in possession of the card in that period was using it to pay. Do you see what I am pointing?

**SERGEANT NKOSI:** I see it.

**ADV BALOYI SC:** Yes, and so it is consistent with the proposal or the suggestion from Mr Chaskalson that you had the card for use. He suggested to you what it was used for, but we see from this that in the time that the card was still in your possession, you were in fact using it. You accept  
10 that is what the statement indicates or suggests?

**SERGEANT NKOSI:** I accept what I see on the statement, but I do not accept that I am the one who was using it.

**ADV BALOYI SC:** Okay, but you had the card. The card was still under your control. That is why Mr Matlala is asking for it from you. On the 21<sup>st</sup> he says, I am still waiting, and then you say, I will bring it tomorrow, which means it is under your control at that point. It can only be so.

**SERGEANT NKOSI:** As you see there, Commissioners, the  
20 card, they used to transfer money, send money, cash and so forth. That was not me. In some of the places, I do not even know these places. It was not me.

**ADV BALOYI SC:** I am deliberately not pointing out to the transfers because they can be done on the app.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** There is also the Uber payments. I am not talking about those because those are done on uploaded apps.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** So, I am speaking about where there are payments on a card. The card has had to be there for one to make transactions. Koi, you cannot pay Koi from a picture of a card that you sent to him on WhatsApp. You have to have a physical card on you.

10 **SERGEANT NKOSI:** I disagree.

**ADV BALOYI SC:** I was not there. I am just saying that is what it looks like.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** It looks like you had the card on you, and you were making the payments.

**SERGEANT NKOSI:** No, that is not me. But Commissioner, you know *mos* in the phones you download cards. There are possibilities he might have tapped. Not actually there are possibilities. He used the same card to  
20 tap it.

**ADV BALOYI SC:** So, he did not need it really when he says to you, I need the card, and you apologise for the inconvenience. On this explanation, you really did not need it.

**SERGEANT NKOSI:** I was not in my position.

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

**ADV KHUMALO SC:** Can I abuse this moment so that we do not come back to it since we are on the same file? If you go to page 71 of file 104, the one with the chats. Are you there, Sergeant?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** So, starting from chat 7, you will see that Mr Matlala says to you:

10                    “They are at my house with guys from  
                         the special task force beating my wife  
                         and kids.”

Do you see that?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** And then he gives you the address in chat 8. Do you see that?

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

**ADV KHUMALO SC:** So, you knew Mr Matlala's address when you said earlier you are not sure. You knew Mr  
20 Matlala's address. But go to my attention, you have to answer that.

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

**ADV KHUMALO SC:** You did not know it, he gave you.

**SERGEANT NKOSI:** Okay, I said I did not know the address of the estate.

**ADV KHUMALO SC:** Okay.

**SERGEANT NKOSI:** Yes, I only knew the one of Waterkloof because he once sent me a pin location.

**ADV KHUMALO SC:** But the address you know because he had sent it to you on WhatsApp. At least by the 19<sup>th</sup> of December 2024, you knew it.

**SERGEANT NKOSI:** Okay, I do not want to sound as if I am avoiding that question. The reason I answered that I do not know the address of the estate.

10 **ADV KHUMALO SC:** But this one you know?

**SERGEANT NKOSI:** No, I know that one of estate alone where he sent me the location.

**ADV KHUMALO SC:** Okay, that is not really where I am pointing that out.

**SERGEANT NKOSI:** Okay, it is fine I know it.

**ADV KHUMALO SC:** So, the conversation is that the special task force is at his house, they are doing whatever they are doing. And then the chat I wanted to draw your attention to is on page 72, chat 1 where Mr Matlala says to  
20 you:

“Tell our main guy.”

Do you see that?

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

**ADV KHUMALO SC:** Who is our main guy? You and Mr Matlala's main guy?

**SERGEANT NKOSI:** I assume maybe he was referring to General Sibiya.

**ADV KHUMALO SC:** You have to stop assuming. You must have known when he said to you, tell our main guy who he is referring to. Because if you were not sure, you would have said, I do not want to make assumptions. Tell me who you are talking about. The fact that you did not do that suggests to me that you know very clearly who he was referring to. I do not want to do what Chair did on Friday. I  
10 want you to answer directly because it is a fairly straightforward question. When Mr Matlala says to you, tell our main guy, who is he referring to?

**SERGEANT NKOSI:** I do not want to use might and then ...[intervenes]

**ADV KHUMALO SC:** No, that is exactly what I do not want you to do. I do not want you to guess. I do not want you to say maybe. Because if you were not sure, you would have said to Mr Matlala, who are you talking about? But here you do not do that, which means you must have known who  
20 he was referring to.

**SERGEANT NKOSI:** Myself and Mr Matlala usually talk about or with General Sibiya. I assume it was General Sibiya.

**ADV KHUMALO SC:** Yes, and why does he refer to him as your main guy, you and him? So, he is you and Mr

Matlala's main guy. Why did Mr Matlala refer to General Sibiya as your main guy?

**SERGEANT NKOSI:** That is why I wanted to bring that to your attention, but I did not want to interject you. He might have made a mistake to include me in our, because it is his guy, not mine.

**ADV KHUMALO SC:** What do you mean it is his guy? How is General Sibiya Mr Matlala's guy?

**SERGEANT NKOSI:** No, no – yes, I am saying that maybe.  
10 I did not want to interject you on that but maybe he made a mistake when he typed of our guy.

**ADV KHUMALO SC:** I understood that part. You said he made a mistake by including you, because General Sibiya was his guy. So, I am asking you now, how is General Sibiya Mr Matlala's guy, Mr Matlala's main guy? Accepting that he made a mistake by including you, I am now asking you, how is General Sibiya Mr Matlala's main guy?

**SERGEANT NKOSI:** Okay, maybe not shying away from the question or avoiding the question, let me just take him  
20 as well, because he is also my boss, General Sibiya. He is my guy, and his guy. That means 50-50, he is our guy. Let me just for argument's sake.

**ADV KHUMALO SC:** So, it is no longer a mistake? You now accept that he is your guy?

**SERGEANT NKOSI:** You know why, Commissioner, he is

not my guy. Not that he is my guy.

**ADV KHUMALO SC:** Not just guy, main guy.

**SERGEANT NKOSI:** I do not want to say something that will at the end of the day I will contradict myself, but I do not know what Mr Matlala meant when he said our guy. I am just talking now I am raising this to you because we are talking.

**ADV KHUMALO SC:** So, you do not know now sitting here, but at the time you knew exactly what he meant when he  
10 said, tell our main guy that the police are at my house and they are beating my wife and kids.

**SERGEANT NKOSI:** But obviously he was referring to General Sibiya, Commissioner.

**ADV KHUMALO SC:** But why are you avoiding the issue, why does he refer to General Sibiya as the main guy?

**SERGEANT NKOSI:** Maybe the word our it sounds a bit ...[intervenes]

**ADV KHUMALO SC:** No, forget about our, I am saying main guy, the main guy. Why does he refer to General  
20 Sibiya as the main guy?

**SERGEANT NKOSI:** Maybe because of his rank.

**ADV KHUMALO SC:** No, but he is not the main guy at SAPS. We know General Masemola is the main guy. So, his rank does not justify being called the main guy. We know that General Masemola was the main guy in terms of

the rank. Why specifically General Sibiya? Why does Matlala say General Sibiya is the main guy? Forget our, his or yours, just the main guy.

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

**ADV KHUMALO SC:** Okay, you do not know. Why does General Sibiya want - sorry, why does Mr Matlala want you to tell Mr Sibiya, General Sibiya, that the police are at his house?

**SERGEANT NKOSI:** I took it because when we are now  
10 briefed by General Sibiya, it was, when you cannot get a hold of me, Nkosi will pass the message whenever he sees me vice versa. So, it was on those bases.

**ADV KHUMALO SC:** I understand that part, but why does he want you to tell General Sibiya, why not Brigadier Ramangwa, why not General Shibiri? Why does he want you to tell General Sibiya that the police are at his house?

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

**ADV KHUMALO SC:** Is that not exactly what you did on  
20 the 6<sup>th</sup> of December 2024, when they were also at his house, that you immediately called General Sibiya to tell him that the police are at Mr Matlala's house?

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

**ADV KHUMALO SC:** Did you not call General Sibiya after you put the phone down? You said in your evidence, Matlala told me to put the phone down because the police

are outside his house or they are already inside, and then you immediately called General Sibiya to tell him.

**SERGEANT NKOSI:** I, I, I phoned, I never said I immediately, I said I informed Brigadier Ramangwa and Colonel Mashabela, then I also informed General Sibiya.

**ADV KHUMALO SC:** Yes, you did inform General Sibiya.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** So, why do you act like you did not do that?

10 **SERGEANT NKOSI:** Yes, I did, I did, and I said it to the Commissioner that I phoned General Sibiya.

**ADV KHUMALO SC:** So, this was a consistent pattern on the 19<sup>th</sup> of December when Matlala says, tell our main guy, that is a consistent pattern that when the police are at his house, you tell General Sibiya about it.

**SERGEANT NKOSI:** I did not take it that way, that it is consistent, because on that - on that first occasion, it was an operation, or it was an investigation. So, on this one, they are not the same according to me.

20 **ADV KHUMALO SC:** And what were you telling General Sibiya to do? What was the purpose of telling General Sibiya about this operation?

**SERGEANT NKOSI:** That was just to inform him of what Mr Matlala has told me.

**ADV KHUMALO SC:** So that he can do what?

**SERGEANT NKOSI:** To be honest with you Commissioner, I do not know.

**ADV KHUMALO SC:** Thank you Mr Chaskalson.

**ADV CHASKALSON SC:** Sergeant, I am going to move to a different topic. It is the topic of the cash that was found in your safe during the raid on 8<sup>th</sup> of October. And ...[intervenes]

**SERGEANT NKOSI:** Sorry, Chair, I am a bit pressed, can I?

10 **CHAIRPERSON:** Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** This was the shortest, only 36 minutes before you asked to go again.

**SERGEANT NKOSI:** No, I wanted to be quick so that we can finish.

**CHAIRPERSON:** But no, no, no, we will never say no. Thank you.

**SERGEANT NKOSI:** Thank you.

20 **ADV CHASKALSON SC:** Sergeant, on the 8<sup>th</sup> of October, when there was a search of your house, the police officers found R385 000, R175 in cash in a safe in your house. Is that correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you explained to them that

R5 175 was yours, and R380 000 was your brother's. Is that correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And the R385 000 was the purchase price that had been paid to your brother for the sale of a truck. R380 000 in cash was paid to your brother. There was an extra R20 000 outstanding. That is correct.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, you deal with that  
10 explanation in your statement, and you attach a range of annexures. So, on page 4, you refer to these annexures of the statement. So, you say, proof of purchase truck avert is attached as Annexure B. Photos of the truck sold are attached as Annexure D. Affidavit of the purchaser confirming the same is attached as Annexure E. Sale agreement between seller and purchaser is attached as Annexure F. So, if we go to Annexure B, it is an affidavit from your brother, your brother Bheki, whose full names are Abednico Bongani.

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

**ADV CHASKALSON SC:** And he indicates that he is the owner of Ngapeshere Construction and Projects, and he runs that business. And he sold his truck, and he gives the registration number. He says:

“I previously sold my truck to a man with

registration...”

And he gives the registration number:

“To Mr Ngoato on behalf of the above-mentioned entity, Ngapeshere for an amount of R380 000, as it was six years old in my possession with intent to deposit a new truck to run the company in personal errands.”

He says that:

10                    “The previous registration number of the truck was DWJ906MP.”

So, his affidavit says that he sold the truck for a price of R380 000. Then we see a document that appears on page 15 of the statements bundle.

**SERGEANT NKOSI:** Page 15.

**ADV CHASKALSON SC:** That is, it. And it is called the Sale Agreement between Abednico Nkosi and Hartley Ngoato. And it says:

20                    “I, Abednico Nkosi, selling my truck, make MAN TGA 26.480 with registration number, with the amount of R400 000 to Mr Hartley Ngoato with the ID. He only paid the sum of R380 000 and promises to pay the balance of R20 000 in no time.”

Now, that document called the Sale Agreement is signed by your brother on the 7<sup>th</sup> of October 2025. And by the purchaser, Mr Ngoato, on the 19<sup>th</sup> of December. So, that document, certainly not in the form in which it is currently attached to your affidavit. That document could not have existed when your affidavit was commissioned. Because that affidavit was commissioned on the 16<sup>th</sup> of December. You see, if you go back to page 4. So, on the 16<sup>th</sup> of December, there could not have been a sale agreement that  
10 was signed on the 19<sup>th</sup> of December. Was there any sale agreement in existence on the 16<sup>th</sup> of December?

**SERGEANT NKOSI:** No, no, there was not.

**ADV CHASKALSON SC:** So, there was no sale agreement in existence on the 16<sup>th</sup> of December.

**SERGEANT NKOSI:** Okay, maybe I did not understand your question clearly.

**ADV CHASKALSON SC:** The sale agreement that you have attached as Annexure F, is a - if you go down to page 15 of that bundle, you will see it is a document that is  
20 signed by the buyer.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** On the 19<sup>th</sup> of December. Now, when you sent your affidavit, it did not have the annexures. The affidavit was signed on the 16<sup>th</sup> of December. And you will see on page 4 that the affidavit was signed on the 16<sup>th</sup>

of December. So, that document that we see at page 15, could not have existed when your affidavit was signed. It only came into existence three days later, when it was signed on the 19<sup>th</sup>.

**SERGEANT NKOSI**: Interpreter?

**ADV CHASKALSON SC**: Sorry?

**SERGEANT NKOSI**: No, I want the interpreter to interpret.

**ADV CHASKALSON SC**: So, let me start again. If we go to page 15, we see that the buyer's signature is dated 19  
10 December. But if we go back up to your affidavit, we see that your affidavit is dated 16 December. That is on page 4.

**CHAIRPERSON**: Mr Seritsane.

**SERGEANT NKOSI**: I see it.

**ADV CHASKALSON SC**: Now, if you look at paragraph 17 of your affidavit, you will see that the sale agreement that we have just looked at is supposed to be Annexure F to your affidavit that you signed on the 16<sup>th</sup> of December.

**SERGEANT NKOSI**: The last statement.

20 **ADV CHASKALSON SC**: So, if we look at paragraph 17 of your affidavit, which was signed on the 16<sup>th</sup> of December it says:

“The sale agreement between the seller and purchaser is attached as per Annexure F.”

**CHAIRPERSON:** Please repeat the question.

**ADV CHASKALSON SC:** It says, the sale agreement between the seller and purchaser is attached as per Annexure F.

**ADV KHUMALO SC:** Mr Chaskalson, I think the problem is there are five items there, or six items. So, Sergeant Nkosi is struggling to find the item you are referring to. It is the second last item in paragraph 17. So, that is what you are being referred to.

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

**ADV KHUMALO SC:** You see it now?

**SERGEANT NKOSI:** Now I see it.

**ADV CHASKALSON SC:** Now, when we received the affidavit, it did not have annexures. Should we interpret that, or are you happy to proceed without it?

**SERGEANT NKOSI:** I have it. I heard you, yes.

**ADV CHASKALSON SC:** You heard me.

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** The annexures came later, after 19 December.

**CHAIRPERSON:** Your response, Sergeant Nkosi?

**SERGEANT NKOSI:** Okay.

**CHAIRPERSON:** Do you agree that the annexures came later? The annexures referred to in paragraph 17 do you agree that they came later? That is, later than the affidavit

itself?

**SERGEANT NKOSI:** Yes, I agree because I remember getting the letter with that effect, that they are outstanding. But I would not remember exactly the dates when I sent them back again.

**ADV CHASKALSON SC:** Now, the Annexure F that was ultimately sent to us, the Annexure F that we see on page 17. Sorry, page 15.

**CHAIRPERSON:** One five.

10 **ADV CHASKALSON SC:** One five. That annexure could not have existed when you signed your affidavit on the 16<sup>th</sup> of December, because it was only finalised on the 19<sup>th</sup> of December. You see that?

**SERGEANT NKOSI:** Interpreter?

**CHAIRPERSON:** Mr Chaskalson, are you referring to the physical document or are you referring to a valid and binding sale agreement?

**ADV CHASKALSON SC:** No, no, the physical document. No, there may have been another sale agreement. I am  
20 going to get to that later.

**SERGEANT NKOSI:** Since I was there.

**ADV KHUMALO SC:** It was there.

**SERGEANT NKOSI:** It was there.

**ADV CHASKALSON SC:** But it is dated 19 December. So, the signature of Mr Ngoato is dated 19 December. So, are

you saying that that signature dated 19 December was there on 16 December?

**SERGEANT NKOSI:** There is no way that the 19<sup>th</sup> could come before the 16<sup>th</sup>.

**ADV CHASKALSON SC:** That is what I thought too. So, this document that we see, the document at Annexure F, it did not exist when your affidavit was signed?

**SERGEANT NKOSI:** It was there but it was not signed.

**ADV CHASKALSON SC:** I see. So, it was there but not  
10 unsigned. Had you seen it?

**SERGEANT NKOSI:** When I submitted all the documents that were required, I included everything.

**ADV CHASKALSON SC:** So, had you seen an unsigned version of that sale affidavit – sorry, of that sale agreement?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** If we go to page 7, we see your brother's affidavit. Do you see it?

**SERGEANT NKOSI:** I see it.

20 **ADV CHASKALSON SC:** He says that he sold his truck for an amount of R380 000. Do you see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** He says nothing about R400 000.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And his affidavit is commissioned

on the 19<sup>th</sup> of December, we see on page 8, also by Mr Ngoato. Do you see that?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Now, according to you, both your brother and Mr Ngoato knew that the real purchase price was R400 000.

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: So why does your brother's affidavit speak of a purchase price of R380 000?

10 **SERGEANT NKOSI**: That is where he stated that Mr Ngoato paid an amount of R380 000 and there is a balance of R20 000.

**ADV CHASKALSON SC**: But that is not what he says in his affidavit. If you go to page 7, you will see paragraph 4, is where he deals with the price:

20 “I aver further that I previously sold my truck to wit MAN with registration number KN33RNGP to Mr Hartley Ngoato on behalf of the above-mentioned entity to wit Ngapeshere Construction for an amount of R380 000, as it was six years old in my possession with intent to deposit a new truck to run the company in personal errands. I further state that the previous registration was DWJ.”

You see that?

**SERGEANT NKOSI:** According to me and my knowledge, and also what I know, I heard, if you check on Annexure E, page 13, that is where Mr Ngoato explains clearly about the purchase price of about R400 000.

**ADV CHASKALSON SC:** Yes, I see that in Mr Ngoato's affidavit, but it is not in your brother's affidavit. He just says the price was R380 000.

**SERGEANT NKOSI:** I will not go deeper into what my  
10 brother has said, but I believe that when he was writing, that he was talking about what he had in his hand when he mentioned the price of R380 000.

**ADV CHASKALSON SC:** Well, we may have to ask your brother about this, but it is not what he says in paragraph 4. He says he sold his truck for an amount of R380 000. Now if the agreement of sale that we see on page 15 existed at the time that your brother had deposed to his affidavit, do you think it is likely that he, as the seller, would have said the purchase price is R380 000, not R400 000?

20 **INTERPRETER:** Mr Nkosi request that the question be repeated Mr Chaskalson.

**ADV CHASKALSON SC:** If the agreement of sale providing for a R400 000 purchase price existed at the time that your brother deposed to his affidavit, do you think it is likely that he the seller who is entitled to the price would he have

mentioned the price as R380 000 not 400 000?

**SERGEANT NKOSI**: You wanted to say something, Chair.

**CHAIRPERSON**: Please, please respond, you are already beginning to ...[intervenes]

**SERGEANT NKOSI**: Oh, I wanted to make it one package but let me separate them.

**CHAIRPERSON**: [Speaking in vernacular]...

**SERGEANT NKOSI**: What he said, or he mentioned was that the truck was sold at about 308 and he did not mention  
10 the 400 000 and there is an indication on F where it is stated, indicated that the truck was sold at 380 and the balance of R20 000 was outstanding.

**ADV CHASKALSON SC**: I see that in F, but it is not in your brother's affidavit. If we go to F, which is put forward as the agreement of sale, it is a sale agreement between your brother and Mr Ngoato who is an attorney, is that not right?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Does this look to you like an  
20 agreement of sale that one would ordinarily see where one of the parties is an attorney?

**CHAIRPERSON**: I am not sure that that is accurate, can you please repeat the question?

**ADV CHASKALSON SC**: Let me ask it differently. Attorneys are used to drafting agreements of sale, are they

not?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And what provisions one needs to put into an agreement of sale to protect their clients?

**CHAIRPERSON:** He wants it coming from Mr Seritsane.

**ADV KHUMALO SC:** Maybe repeat it Mr Chaskalson and then it gets interpreted in full.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, we have already established  
10 that attorneys are used to drafting agreements of sale.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And they are used to including clauses in an agreement of sale that are designed to protect the interests of their clients.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So, when one sees an agreement of sale drafted by an attorney, it usually includes a whole range of clauses that are designed to protect the clients' interests and may not – and their meaning may not be  
20 immediately apparent to a lay person. And their meaning may not be immediately apparent to a legally untrained person. Have you seen an agreement of sale drafted by an attorney?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** You see this agreement of sale

looks like a document that is really your brother simply confirming that he sold the truck. It does not have dates for payments of the balance of the purchase price. It does not have provisions dealing with any ...[incomplete].

**CHAIRPERSON**: Please interpret the response. Please interpret the answer. He has already responded please interpret the answer.

**SERGEANT NKOSI**: I agree.

**ADV CHASKALSON SC**: It does not have provisions  
10 dealing with ownership and risk of the truck until the final purchase price is paid, the full purchase price is paid.

**ADV KHUMALO SC**: Do you agree, Mr Sergeant Nkosi? Yes, he is asking you what he is putting to you are propositions.

**CHAIRPERSON**: He wants to know if you agree.

**SERGEANT NKOSI**: I partly agree, but I will not go into details on the agreement of sale. I was not present when the sale of agreement was made between my brother and Mr Ngoato, but it appears that there will be a payment made in  
20 due course. It also differs from the people that are engaged in an agreement of sale, whether they include the clauses that indicate when they are going to pay each other or not, and that depends on the trustworthiness of people.

**ADV CHASKALSON SC**: You see what it looks like – sorry, let me make one last observation about this contract.

The contract is dated – your brother's signature is dated 7 October 2025. Do you see that?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Was your brother paid on 7 October 2025?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: And it was just an incredible stroke of misfortune that the very next day you were raided and the money was found and seized.

10 **SERGEANT NKOSI**: That is how it happened.

**ADV CHASKALSON SC**: Because what this looks to me from the outside is an attempt to explain the presence of R380 000 in cash in your safe. There are so many anomalies.

**ADV KHUMALO SC**: Mr Chaskalson, I am worried that the way you put it, when it gets translated, the witness will concede what you are saying. When you say an attempt, you mean a contrived attempt.

20 **ADV CHASKALSON SC**: Well, I do not want to say it is a contrived attempt because I do not know whether - I cannot say there was no sale of a truck. But it does seem to me that the documentation that was put together was documentation put together for the purpose of explaining this cash. The documents as opposed to the sale itself. Because the documents have so many anomalies in them.

Anomalies, inconsistencies in them. I do not know how much of that I need to ...[intervenes]

**ADV KHUMALO SC:** My difficulty remains because I do not think Sergeant Nkosi quibbles with your proposition that the affidavits, if you look at the dates, explain how he came into possession of the money. If that is what is put to him, naturally he will say yes.

**ADV CHASKALSON SC:** Well, what I do want to put to you is that these documents were created after the event to try  
10 to explain how the money came into your safe.

**SERGEANT NKOSI:** No, I deny.

**ADV CHASKALSON SC:** You see, the sale does not look like a sale that was put together by an attorney. The sale is signed after the affidavit that refers to it. The seller's affidavit does not mention that the purchase price is 400 000 as opposed to 380 000. How do you explain those inconsistencies?

**CHAIRPERSON:** Mr Chaskalson, please repeat the question. The interpretation was not accurate. It did not  
20 focus on the affidavit of the seller, which I understood your question to relate to.

**ADV CHASKALSON SC:** The seller's affidavit, not the agreement, but the seller's affidavit.

**CHAIRPERSON:** Please repeat, Mr Chaskalson.

**ADV CHASKALSON SC:** The seller's affidavit.

**ADV KHUMALO SC:** Mr Chaskalson, we are going to run into this problem. The brother's affidavit.

**ADV CHASKALSON SC:** Okay, your brother's affidavit.

**SERGEANT NKOSI:** I think maybe we must maybe replace the interpreter because I do not want to be misinterpreted. At the end of the day, I say something that I do not mean and I will fight with my Honourable Commissioners. I do not know if I am a correct Commissioner and it would not be fair it is disrespect from my side when I say Commissioner or  
10 Chairperson can you interpret while we have the interpreter. I am just saying that maybe not to change but at least to have more understanding, not in a bad way my brother because of this is ...[incomplete].

**CHAIRPERSON:** We will just have a chat with the Commission Secretary. Let us continue Mr Chaskalson until 1 o'clock. Sergeant Nkosi, ...[speaking in vernacular].

**SERGEANT NKOSI:** No problem, thank you, thank you.

**CHAIRPERSON:** The Commission Secretary says that she is going to see if we can get a replacement over the lunch  
20 hour. Yes Mr Chaskalson.

**ADV CHASKALSON SC:** Your brother's affidavit does not mention a purchase price of 400 000, it mentions only 380 000. Your brother is the one who is ostensibly owed the extra 20 000. Your brother would be owed the extra 20 000.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So, if anyone was not going to mention the extra 20 000, we would not expect your brother not to mention the extra 20 000.

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

**ADV CHASKALSON SC:** Your brother, if the price was 400 000, was owed another 20 000.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So why would he not mention that he was owed another 20 000?

10 **SERGEANT NKOSI:** But he mentioned it on the sales document.

**ADV CHASKALSON SC:** Not in his affidavit?

**SERGEANT NKOSI:** Yes, I saw that.

**ADV CHASKALSON SC:** So, what I am putting to you is that these documents have the appearance of documents that were put together in a hurry to try to explain the R380 000 and are not documents that existed at the time.

**SERGEANT NKOSI:** No, I deny that. It is not like that.

20 **ADV CHASKALSON SC:** Has the extra R20 000 been paid now?

**INTERPRETER:** The what?

**ADV CHASKALSON SC:** The extra R20 000 has it been paid now?

**SERGEANT NKOSI:** I do not know. I have not heard about it.

**ADV CHASKALSON SC:** Chair, we have come to 1 o'clock. I do not want to push further on this topic unless there are questions.

**CHAIRPERSON:** Let us adjourn and resume at 2 pm. Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Good afternoon, Ms Sithole, and welcome. Thank you. Is your microphone on?

10 **INTERPRETER:** Ja, it is on.

**CHAIRPERSON:** I see it is. Thank you, thank you.

**INTERPRETER:** Thank you.

**ADV BALOYI SC:** Mr Chaskalson, are you moving off this which you were discussing?

**ADV CHASKALSON SC:** Yes.

**ADV BALOYI SC:** All right. Let me maybe then raise my own concerns before you do that. Sergeant, in that affidavit, I just want to raise my concerns about the documents that you were discussing with Mr Chaskalson,  
20 and I raise them again to say, because they make the transaction questionable for me, your explanation for this money.

Now, if you look, maybe let us start at that statement bundle, that one of, I think it is one of File 1, that statement bundle. And then, let me ask first.

**CHAIRPERSON:** Ms Sithole, what we do to save time is that you only interpret when Sergeant Nkosi requests you to.

**INTERPRETER:** I understand.

**CHAIRPERSON:** So, all those questions where he understands, he has no problem, he just answers directly.

**INTERPRETER:** I understand. Thank you.

**CHAIRPERSON:** Without the interpretation. Ja, ja, ja. So, you will wait for his indication.

10 **INTERPRETER:** Okay.

**CHAIRPERSON:** Thank you.

**ADV BALOYI SC:** So, this is in the theme of anomalies on these documents, and therefore, that makes the explanation for the money that was found on you to be questionable. If you look at page 11 of that bundle, which is Annexure D1, and then you have the same thing at D2, which is page 12, it is a picture of a truck. Why did you include this as an annexure to your document? What was the purpose of including it as an annexure to your statement?

20 **SERGEANT NKOSI:** Thank you, Commissioner. I think, Commissioner, it was just a proof to show that what am I talking about.

**ADV BALOYI SC:** Okay. Now, when you look at Annexure B at page 7, it gives us two registration numbers, right? Annexure B at page 7, that is Bheki's affidavit. It gives us

KN33RNGP, and then it gives us the registration number that we see in the picture, which is DWJ906MP, right? Now, without an explanation why we have two different registration numbers, I am unable, speaking for myself, to accept that this is the truck that, in fact, is the subject of the sale. You understand what I am explaining?

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: Because you have those two different registration numbers. So it does not serve, to have the  
10 picture here, it does not serve the purpose that you intended. That is the first thing. The second thing which is an anomaly, again, if you look at page 7, that same page 7, which is Bheki's affidavit, and then this time you look at page 13, which is the affidavit of Mr Ngoato, the registration number is different.

So in paragraph 4 of Bheki's affidavit, you find it at paragraph 4, it is KN33RNGP, and then when you go to – no, that one is correct, so let me leave that point. In fact, it is in the agreement itself. If you can just turn to the  
20 agreement? At page 15, the agreement is at page 15, Annexure F, the registration number is a different registration number. So that is the other difference. It may well be that it is a typo, but there is no explanation that it is a typo, it is different. And then go back to page ...[intervenes].

**CHAIRPERSON:** You do see the difference, hey?

**SERGEANT NKOSI:** I do.

**CHAIRPERSON:** While you are just with the ...[intervenes].

**ADV BALOYI SC:** Okay, maybe then as I point out something and you want to explain, you say you can explain it, just so that things do not get lost, let me allow you to explain. Indicate to me when you want to intervene at that point, or to interject. You say you want to explain these differences in registration numbers.

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

**ADV BALOYI SC:** Okay, go ahead.

**SERGEANT NKOSI:** Okay. I think here in page 7, paragraph number 4, maybe my brother here wanted it to be clear that what is the current registration number of the said vehicle, and of which one was the previous. So he put it on those pages, just to make it clear on that.

**ADV BALOYI SC:** Okay. All right. It may well be that is the explanation, but it is not what the documents say, right? The document, including the agreement, the sale  
20 agreement, it says I bought truck with that registration number.

**SERGEANT NKOSI:** Okay.

**ADV BALOYI SC:** And then lastly for me, and this for me is very important, it is at page 7, this is Bheki's affidavit, he says he owns a company and on behalf of that company,

Ngaphesheya, he sold that truck on behalf of Ngaphesheya. But when you look at the agreement at page 15, there is absolutely no mention of Ngaphesheya. It is Bheki who is selling the truck, his truck. That is according to this agreement.

Look at page 15. In fact, even Mr Ngoato's affidavit makes no mention whatsoever of Ngaphesheya. He says he bought the truck from Mr Nkosi. You see the difference?

10 **SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: And the significance of that, for me, is if this was a sale by Ngaphesheya, the documents would be reflecting that, and these documents do not reflect a sale by your brother's company to Mr Ngoato, and therefore, they make their validity or their purpose to be suspect.

And suspect, in fairness to you, let me put to you that it makes it difficult to accept that these documents were indeed prepared in pursuance of a legitimate sale of a truck, and the likely explanation is what Mr Chaskalson put  
20 to you, that they seem to have been a creation to explain why you had the 380, you say 85, why you had the money in your safe, or in your possession, as you say, because these documents, a collective of them, just does not make sense. Do you want to comment?

**SERGEANT NKOSI**: Yes. Commissioner, Ngaphesheya is

owned by Bheki. So when he said he is selling it on behalf of the company, I believe he meant that it was used by the company Ngaphesheya. As he is the sole director of that company, going forward, that is how he expressed himself on the one who is making that particular agreement, or that particular sale.

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

**SERGEANT NKOSI:** Thank you.

**CHAIRPERSON:** Sergeant Nkosi, did you ever ask from  
10 your brother why he had been paid in cash? Why Mr  
Ngoato had paid him in cash?

**SERGEANT NKOSI:** Not necessarily that maybe it was a point of concern from me. He just brought the money to me, and then when I asked him, he said, no, it was a sale from Mr Ngoato. But honestly, I did not see any problem with that.

**CHAIRPERSON:** You are a police officer. You know about money laundering. Should you not have enquired? It is such a huge sum of money in cash, not have raised alarm  
20 bells in your head? R380 000, that is a lot of money in cash.

**SERGEANT NKOSI:** Commissioners, knowing my brother and knowing Mr Ngoato, that they are both business people, I did not see any problem on the issue of that money at that time.

**CHAIRPERSON:** Not all businesses are cash businesses. Can you explain why you would not have thought of why the money was in cash? You are a police officer. You are a police officer.

**SERGEANT NKOSI:** Yes, I am. I agree on that, Commissioner. Not maybe to get into details about Mr Ngoato's business. One thing that I know, I know that he ran auctions in terms of the animals. He ran pubs. He ran boat clubs. So to me, it was not a shock when my brother  
10 came with that sum of money because knowing what kind of businesses, some that have been conducted by Mr Ngoato.

**CHAIRPERSON:** All right. I guess that is an explanation. Thank you.

**ADV BALOYI SC:** Did you ever come upon a receipt of proof of payment of this money from Mr Ngoato to your brother?

**SERGEANT NKOSI:** At that time, my brother only showed me, I think it was a sale agreement or the proof, something like that, that was only signed solely by him that he sold his  
20 truck to Mr Ngoato. Then he signed it, but Mr Ngoato ...[indistinct] did not sign. That is only my brother.

**ADV BALOYI SC:** And when you deposed to your statement, why did it not occur to you to request proof that this is money that was paid indeed in relation to the truck? Because you are putting evidence before us to explain the

money. It would seem to me it is a very relevant and important part of your evidence and statement to give us proof.

That is why you have given us pictures of the truck. That is why you have given us the agreement. It is because you want to show us that this was money properly received by your brother. And the most obvious for me would have been a receipt, even if it is a handwritten receipt, that shows that your brother received this amount from Mr  
10 Ngoato.

**SERGEANT NKOSI**: According to my understanding, then it was this one of an Annexure 50, if I am not mistaken, Commissioner, that my brother told me that he had an agreement with Mr Ngoato.

**ADV BALOYI SC**: Okay. So you did not ask him for a receipt?

**SERGEANT NKOSI**: No.

**ADV BALOYI SC**: You just got this? Thank you.

**CHAIRPERSON**: Just a point of clarification. You will  
20 recall that over the weekend you, through Mr Ngoato, attempted to complain about language that I had used when I questioned you on Friday. To avoid something similar, but in the end I was made to understand that you accepted that you were mistaken and that I had not said the things that you were attributing to me through Mr Ngoato. Just to avoid

something similar, I am not at all suggesting that Mr Ngoato was involved in money laundering. I am just asking you whether the fact of being paid in cash would not have raised alarm bells that, hey, is this not possibly the money laundering? I am not saying Mr Ngoato is involved in money laundering, just to make sure I do not get something similar to what I got over the weekend.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** Thank you.

10 **ADV KHUMALO SC:** Thank you, Chair. Sergeant Nkosi, do you remember early this morning you were asked about your handwritten statement?

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

**ADV KHUMALO SC:** The one on 1335. And you were asked how that statement came about. Do you remember that?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** And you explained that the statement came about as a result of the raid on the 8<sup>th</sup> of October  
20 2024. Do you remember that?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Yes. Can you just explain to us why you did not mention this transaction in that handwritten statement? This transaction about the truck and the R380 000, why is it not mentioned in that handwritten statement?

**SERGEANT NKOSI:** Okay. I think the reason that this money was not mentioned is because by the time I was writing or finishing the statement, it was never mentioned to me that they were going to confiscate that money.

**ADV KHUMALO SC:** It was not mentioned to you that they?

**SERGEANT NKOSI:** It was not clear if they were going to confiscate the money or not. That is the reason I did not.

**ADV KHUMALO SC:** And was the money confiscated on  
10 the same day?

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

**ADV KHUMALO SC:** Why did you not make a statement subsequent to the confiscation? Why did you not make a further statement explaining the source of those funds?

**SERGEANT NKOSI:** Okay. The reason that I did not write down is because at first I was verbally explaining to the officers who came to my house. They seemed not adamant to confiscate the money. So I thought that no, let me just leave it because the money will be left in my ...[intervenes].

**ADV KHUMALO SC:** My question is different. You say the  
20 money was confiscated. So my question is after it was confiscated, why did you not make a statement explaining the source of the money and how it came to be in your possession?

**SERGEANT NKOSI:** No, no. Already I was finished to

write the statement.

**ADV KHUMALO SC:** No, I understand that. After the money was taken or maybe two days after or three days after or five days after, why did you not give a statement to the police explaining the source of those funds and how they came into your possession? Why do you wait until you are asked by the Commission in December 2024? The period between October and December is a long period.

**SERGEANT NKOSI:** I agree.

10 **ADV KHUMALO SC:** Why at any stage between the 8<sup>th</sup> of October 2024 and – is it 5? 2025, and December 16, 2025, when you deposed to an affidavit for the Commission, why did you not explain the source of those funds?

**SERGEANT NKOSI:** Okay. Thank you, Commissioner. The reason that I did not explain at that particular time, I was waiting for the people who confiscated such money to come and make a follow-up of where they took that money as I verbally explained to them. So that was when I was going to ...[intervenes].

20 **ADV KHUMALO SC:** So you did not have interest in getting your brother's money back?

**SERGEANT NKOSI:** I was. You can ask them. I was phoning each and every day looking for that money.

**ADV KHUMALO SC:** But you never explained to them that the money was legitimately in your possession and it is not

proceeds of crime.

**SERGEANT NKOSI:** I did. I did.

**ADV KHUMALO SC:** And then do you accept that nowhere in any of the annexures you provided to us does anybody say that cash exchange ends between Mr Ngoato and your brother? In other words, there was no EFT transaction or there was no payment in another form. Nobody in any of these documents is saying that the purchase price was paid in hard cash. Do you accept that? I mean, if you read Mr  
10 Ngoato's statement, nowhere does he say he gave your brother cash. Do you see that?

**SERGEANT NKOSI:** Let me just go back ...[indistinct] the statement to check with my brother's statement.

**ADV KHUMALO SC:** Let us start with Mr Ngoato's one on page 30, paragraph 4. What he does is he mentions the sale price, but he does not say I gave Abednico cash. Do you see that?

**SERGEANT NKOSI:** Yes, but in my brother's statement, Annexure B, page 7, it states that he gave me cash.

20 **ADV KHUMALO SC:** Where does he say that?

**SERGEANT NKOSI:** Paragraph 5.

**ADV KHUMALO SC:** He says he gave:

“I handed the purchase money averred to my elder brother.”

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** But that is a different point. He does not say Mr Ngoato gave him cash.

**SERGEANT NKOSI:** But the issue here, Chair, not sorry, I mentioned Chair by mistake, Honourable, is that cash was handed to me.

**ADV KHUMALO SC:** No, no, that is a different issue ...[intervenes].

**SERGEANT NKOSI:** According to my understanding.

**ADV KHUMALO SC:** Listen to me. Your brother does not  
10 say Mr Ngoato gave him cash. Do you accept that?

**SERGEANT NKOSI:** But he talks about money, Counsel.

**ADV KHUMALO SC:** Sergeant Nkosi, if there are three people involved in a transaction, I can withdraw money from an ATM, or I can go inside the bank and withdraw money. It does not mean I obtained that money from somebody else. So my point is that although he says he gave you purchase money, he does not say Mr Ngoato gave him cash. That is my point.

**SERGEANT NKOSI:** But still on that note, even if he does  
20 not state that he gave him cash, but here he mentioned cash. So it does not necessarily mean that Mr Ngoato did not give him cash.

**ADV KHUMALO SC:** I am not sure you are understanding me. Let us leave it there. Okay, now let us go to page 1, your affidavit. Maybe on page 3, it starts on page 1, but the

part where you deal with this is on page 3, paragraph 15. You also do not say in that paragraph that you were given physical cash which you stored in your car or in your house. You simply say:

“I aver further that the averred money was accumulated from the truck my brother sold, and that he was intending to purchase another truck for his company.”

**SERGEANT NKOSI**: Sorry, Commissioner, it is paragraph  
10 what?

**ADV KHUMALO SC**: Paragraph 15 on page 3 of the same bundle.

**SERGEANT NKOSI**: Okay.

**ADV KHUMALO SC**: Do you see that from line 4? All you say is that:

“I aver further that the above money was accumulated from the truck my brother sold, and that he was intending to purchase another truck for his company.”

20 Do you see that?

**SERGEANT NKOSI**: That is correct.

**ADV KHUMALO SC**: So you do not say when, as in the date when you were given cash, how it came to you, what you did with it, how it came about that it was in your possession. You just say in passing that these are

proceeds of a sale of a truck my brother wanted to buy another truck. That is really all you say.

And in circumstances where you are called before a Commission of Inquiry to explain the source of such a large sum of money in your possession, this is not satisfactory. And I am going to use a stronger language than the one used by Advocate Chaskalson. That it appears to me that this is a contrived transaction put together to hide something even bigger than what we are looking at. Do you  
10 want to comment on that?

And I think maybe to be fair to you, the interpreter – I cannot think of a simpler word than contrived. It is made up. It is a fictitious transaction. Do you want to comment? That it appears to me that this is a made-up sale transaction. It does not look like a real sale transaction to me.

**SERGEANT NKOSI:** No, I ...[intervenes].

**ADV KHUMALO SC:** I am not stating it as a fact. To be fair to you, just so that we are clear, I am putting a  
20 proposition to you which you have the right to either dispute or to confirm.

**SERGEANT NKOSI:** No, I dispute what the Commissioner is saying.

**ADV KHUMALO SC:** To you, this is a, you know, a valid transaction?

**SERGEANT NKOSI:** A valid transaction.

**ADV KHUMALO SC:** And do you know if the truck was delivered to Mr Ngoato? Do you know if a truck ever exchanged hands?

**SERGEANT NKOSI:** I would not know, but I think so.

**ADV KHUMALO SC:** Why would you not know if your brother sold a truck to Mr Ngoato? Why would you not know whether he has delivered it to Mr Ngoato or not?

**SERGEANT NKOSI:** Okay ...[intervenes].

10 **ADV KHUMALO SC:** Have you seen the truck in your brother's possession after the sale?

**SERGEANT NKOSI:** What I know, after Mr Ngoato paid the money, he did not take the cash.

**ADV KHUMALO SC:** He did?

**SERGEANT NKOSI:** He did not take the truck.

**ADV KHUMALO SC:** So the truck remained in your brother's possession?

**SERGEANT NKOSI:** At that time, I do not know now, but at that time Mr Ngoato did not ...[intervenes].

20 **ADV KHUMALO SC:** At the time that you deposed to the affidavit, where was the truck?

**SERGEANT NKOSI:** It was still with my brother, if I am not mistaken.

**ADV KHUMALO SC:** It was still with your brother?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** So do you see why, from where I am sitting, it looks like this is a made-up transaction? Because if you are selling a truck to somebody, one of the ways of proving that you have sold a truck is you deliver it to the purchaser. How is it that the truck was not delivered to the purchaser if this is a genuine sale transaction?

**SERGEANT NKOSI:** I am not saying by the time I deposed to the statement the truck was still in my brother. I said ...[intervenes].

10 **ADV KHUMALO SC:** No, but that is what you said when I asked you, Sergeant Nkosi.

**SERGEANT NKOSI:** Okay. What I am saying, maybe I am quick to answer or maybe I am misunderstood by the Commission. It can be like that. I am saying by the time Mr Ngoato paid for the truck, he did not take it immediately ...[intervenes].

**ADV KHUMALO SC:** When did he take it?

**SERGEANT NKOSI:** I would not know. I do not ...[intervenes].

20 **ADV KHUMALO SC:** So, on the 16<sup>th</sup> of December when you deposed your affidavit, was the truck still with your brother?

**SERGEANT NKOSI:** It was with Mr Ngoato, I believe so, in ...[intervenes].

**ADV KHUMALO SC:** No, you do not know. If you are not

sure, you must say you are not sure.

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

**ADV KHUMALO SC:** Do not say I believe so.

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

**ADV KHUMALO SC:** Where was the truck on the 16<sup>th</sup> of December 2025?

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

**ADV KHUMALO SC:** You do not know. Mr Chaskalson, thank you.

10 **ADV CHASKALSON SC:** Sergeant, very briefly, you may recall that last week Monday I asked you about Natasha SABC, who gave you a phone number for Mr Khawula and I put it to you that you had paid for the information, paid money for the information. You initially said no, and then I said, I invited you to go back and look at your WhatsApps with Natasha SABC and to check. Can I take you to page 443 of the annexure bundle? That would be file, I think it is 404 of the originals.

**SERGEANT NKOSI:** Page?

20 **ADV CHASKALSON SC:** 443. And if you go down towards the bottom of the page, you will see that on the 6<sup>th</sup> of November 2024 you sent R500 in cash with the reference miss you. You see it?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Can you confirm that that R500

was sent to Natasha SABC? And maybe to assist you, can I ask, did you go back and look at your chats with Natasha SABC? Because if you did, you would find the reference to that payment on the same day, the 6<sup>th</sup> of November 2024.

**CHAIRPERSON:** Sorry, Sergeant Nkosi, I did not hear you. Did you say you do see the transaction or not?

**SERGEANT NKOSI:** Yes, I see the R500, ja.

**CHAIRPERSON:** All right. Thank you.

**ADV CHASKALSON SC:** Can you confirm that that was a  
10 payment to Natasha SABC?

**SERGEANT NKOSI:** Here in my account, it does not show. Maybe if I can see there.

**ADV CHASKALSON SC:** Did you go back to your chats? Because you said you would. I sort of invited you to go back to the chats and check. I can get the chats circulated to the Commission. I can take you through the chats and show you, if you would like.

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

**ADV CHASKALSON SC:** So you will confirm that that was  
20 the payment to Natasha SABC?

**SERGEANT NKOSI:** Okay. Firstly, I would like to rectify the statement that I said I did not pay Natasha. I said I do not quite remember.

**ADV CHASKALSON SC:** I think the record says something else, but let us go forward, not backwards.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** So what do you say now? Did you make the payment?

**SERGEANT NKOSI:** I think so.

**ADV CHASKALSON SC:** Do you want to see the chats? I do not know if you have gone back to the chats.

**SERGEANT NKOSI:** No, it is fine. Can I just see quickly?

**ADV CHASKALSON SC:** Are you happy to confirm that that was a payment made to Natasha SABC? If we are  
10 going to go through the chats, we will have to paginate them, give them a number. I am not sure if it is necessary. All I want to establish is that this was a payment to Natasha SABC for that information about the phone number of Musa Khawula.

**ADV KHUMALO SC:** Please look at 1345 of the document that has just been given to you in chat 6.

**SERGEANT NKOSI:** Yes, I see chat 6.

**ADV KHUMALO SC:** And respond to Advocate Chaskalson's question.

20 **ADV CHASKALSON SC:** I mean, if we are going to look at the chats, can I take you through where they begin?

**SERGEANT NKOSI:** Okay, no.

**ADV CHASKALSON SC:** No? No, or do you want to be taken through the chats?

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

**ADV KHUMALO SC:** I thought I was giving you a way out, Sergeant Nkosi.

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

**ADV KHUMALO SC:** If you do not accept my offer, Advocate Chaskalson will take you through all the chats.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** What is your response now? Looking at what appears at page 1345, do you now accept that you did pay Ms Natasha? It just says Natasha SABC here. Do you  
10 accept that you paid her R500?

**SERGEANT NKOSI:** Maybe if maybe I can just – yes, I accept.

**ADV KHUMALO SC:** And, Sergeant Nkosi, if you look at 1345 and you cross-reference it with the bank statement, the dates correspond. It is 6 November 2024. So if you go back to 443, that line item, you will see that the date is 6 November 2024. If you go back to 1345, chat number 6, it is 6 November 2024. So why is it so difficult to respond to the question?

20 **SERGEANT NKOSI:** It is not that difficult to respond to the question, it is just that this page is new to myself. So I was trying to, you know, digest it nicely.

**ADV KHUMALO SC:** But now that you have seen it, do you accept that you paid Natasha R500?

**SERGEANT NKOSI:** No, I accept it.

**ADV CHASKALSON SC:** And do you accept that that R500 was, in your words, at the top of 1344, a token of appreciation for giving you Musa Khawula's number?

**SERGEANT NKOSI:** I think I was going to be in a better position to answer that if you gave me this before, but I will check it. Maybe we can park it, then we will check it, then I will come back to it. So that when I confirm, I confirm something that is very accurate.

**CHAIRPERSON:** Had you not offered to go back to your  
10 chats though, or maybe offered is the wrong word, but had you not said you would go back to your chats with Natasha?

**SERGEANT NKOSI:** Did I say that now, or previously?

**CHAIRPERSON:** No, no, at a hearing at some other stage.  
No?

**SERGEANT NKOSI:** No.

**CHAIRPERSON:** If I am mistaken, it will be the first time, and I am not even sure myself, so maybe this time I will be wrong for the first time.

**SERGEANT NKOSI:** You know, I am not avoiding this  
20 question. It is just a matter of, you know, sources must be protected. So I am in that view that sources and their integrity must be protected. But as you see the chat, the chat is clean, it is a clean chat between the source and the police.

**ADV KHUMALO SC:** Look at 1344, chat 1.

**ADV CHASKALSON SC:** Can I even take you further back, because it really starts at 1343, chat 6. Chart 5, you give her the number. She gives you the number. Chat 6, she says:

“Not even a thank you, *sies*.”

Over the page on 1344, you say:

“Where can I send token of appreciation?”

**SERGEANT NKOSI:** Mr Chaskalson, I do not dispute  
10 anything. I do not know if maybe you heard me when I was addressing the Commissioner that why am I avoiding this, you know. Our people must be protected at all costs, so it is on those basis.

**ADV BALOYI SC:** Sergeant, can we conclude this for now at least by you admitting or accepting that the chat 6 at page 1345, it looks like you made a payment, you still want to go and confirm and you will come back, but you accept that on this chat it looks like you may have made a payment?

20 **SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Just in case you do not come back.

**SERGEANT NKOSI:** I think Mr Ngoato wants to say something.

**ADV BALOYI SC:** Chair?

**CHAIRPERSON:** Yes, Mr Ngoato.

**MR NGOATO**: Thanks, Commissioner. I just want to remind the Commission that at the time he said he does not remember, and Mr Chaskalson said I can also refer you to our chats, and the chats were not made available. So he never at any given point denied. He said I cannot remember, and now the chats have just been made available and he requested to say maybe he needs to refresh his mind on that.

**CHAIRPERSON**: Even in the face of what has just been  
10 drawn to his attention?

**MR NGOATO**: Yes, Commissioner, because it says you made a payment for exchange of the information, and it does not state this is a payment for exchange of information.

**CHAIRPERSON**: Let us look at chat number 5 at page 1343. There Natasha says, I am sorry for using her first name, she says Musa, and then a number is given. And then, that is at what? 06:41:27. And then at 09:10 PM, after there was no response from Sergeant Nkosi from 6  
20 PM, she writes Natasha:

“Not even a thank you, *sies*.”

And then there is a call by Sergeant Nkosi and then a chat at 09:35 PM still on the same date, and Sergeant Nkosi says:

“Where can I send token of

appreciation?”

This can only refer back to the number that was given to him and also the reprimand, not even a thank you, *sies*. That chronology ...[intervenes].

**MR NGOATO**: No, I see that chronology.

**CHAIRPERSON**: Yes, yes.

**MR NGOATO**: All I am saying is that he just needs to be given an opportunity to refresh his mind.

**CHAIRPERSON**: Ja. What I am saying is, would Sergeant  
10 Nkosi still insist on that when there is this clear flow of  
conversation between them? And that conversation  
culminates in Sergeant Nkosi eventually saying:

“Hey, Natasha. I have just sent you R500  
to withdraw the cash from any Absa.  
Remember to select CashSend  
withdrawal when you go to withdraw the  
cash.”

**MR NGOATO**: Commissioner, I see that. I mean, that is  
what it looks like. But all I am simply saying is that he has  
20 requested to be given a chance to reflect on that and I am  
making a proposition to the Commissioner, may he be given  
that because there is a serious incrimination in that answer.  
He needs to reflect on that first.

**CHAIRPERSON**: All right, let me just – thank you, thank  
you. Sergeant, in the light of the flow of the conversation,

do you still need time or do you now accept that you did pay Natasha for the information that is being given Mr Musa Khawula's number? Or do you still need time to consider whether that is what you paid Natasha for?

**SERGEANT NKOSI**: I still need time, Commissioner.

**CHAIRPERSON**: You still need time. Until when? Because we are hoping to finish your testimony today. Until when do you need time?

**SERGEANT NKOSI**: Maybe tomorrow I will submit the  
10 supplementary affidavit to Mr Chaskalson.

**CHAIRPERSON**: Mr Chaskalson?

**ADV CHASKALSON SC**: Chair, I do want to set the record straight on this because I am looking at the transcript, and the transcript reads like this. I asked:

“Did you pay her for this information?”

Sergeant Nkosi says:

“No.”

“Are you sure about that answer?”

He says:

20 “I am sure about that answer.”

I say:

“Why did you hesitate?”

He says:

“The way he is asking this gives me doubt on it.”

Then I say:

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

Sergeant Nkosi asks:

“What page is that, Commissioner?”

10 And I repeat:

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

Now, that was a week ago. So I do not – I mean, if Sergeant Nkosi did not go back to his chats, that was his  
20 choice. I do not want us to have to come back tomorrow morning just on this issue, which is really a minor issue. But why do we not leave it on the basis that if Sergeant Nkosi disputes it, he can furnish a statement that we will get tomorrow or by the end of the week, and then we can arrange another time.

**CHAIRPERSON:** Especially not in the light of what you have just read, which, by the way, Sergeant Nkosi, confirms what I suggested to you. So remember I said I have never been wrong with regard to what was said here.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** So once again, I was not, but you made me doubt myself this time around. So I am not going to give you any further time. You were given time to look at your chats. You chose not to do so. But I will not stop you  
10 if you want to put in an affidavit or a supplementary statement, I will not bar you from doing that.

**MR NGOATO:** Commissioner?

**CHAIRPERSON:** Yes?

**MR NGOATO:** I was not suggesting any other day. I think a two-minute, five-minute stand-down will suffice.

**CHAIRPERSON:** Maybe when the Sergeant asks for one of those comfort breaks.

**MR NGOATO:** Correct. I would not suggest any other day. That would be a waste of time. I was just simply saying he  
20 just needs to reflect on it and all the possible implications of that.

**CHAIRPERSON:** Ja, but the point I will make, and quite firmly, is that he has himself to blame for not having gone back to his chats when that was said so on the previous occasion.

**MR NGOATO**: Noted, Commissioner.

**CHAIRPERSON**: Thank you.

**ADV KHUMALO SC**: Sorry, Advocate Chaskalson, just give me the date of the transcript.

**ADV CHASKALSON SC**: It is the 16<sup>th</sup> of March, pages 66 and 67.

**CHAIRPERSON**: Yes, Mr Chaskalson?

**ADV CHASKALSON SC**: I am going to another topic now, and it relates to the video of you at Mr Molefe's house. And  
10 you will recall there is a video of you – there are two videos that have been played in this Commission of you at Mr Molefe's house on the 27<sup>th</sup> of November 2024.

The one is of you entering the property, getting out of your vehicle without any bag, and the other is of you returning to your vehicle with a bag in the company of Mr Molefe. I do not know if you want us to play those videos now, or presumably at some stage we will play them, but do you remember them? Can I ask you some questions before we play, or do you want to see them again?

20 **SERGEANT NKOSI**: I do remember them.

**ADV CHASKALSON SC**: So, you deal with the events of that day in your statement at page 3 of the statement bundle, paragraph 12.

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

**ADV CHASKALSON SC**: And you talk about going to the

Krugersdorp Magistrate's Court, and then you say at paragraph 12:

10                   “The public prosecutor then decided not to issue a requisition prior consulting with other witnesses in the matter. So on my way back from court, I passed by Mr Katiso Molefe's place of abode and collected bikes, gloves, helmet, shield, and T-shirt, which were to be returned to Harley-Davidson as they were smaller or could not fit him. I collected the same as I was on my way home. I did not go to him specifically for that, but it was just a pass-by and took same to Harley-Davidson. The further reason why I took same is that he is my mentee on bike riding and I am his mentor.”

And then at the end of your statement, the paragraph 17, the first paragraph, you say:

20                   “I further aver that proof of purchase for Mr Molefe's items averred in paragraph 12 above is attached as per Annexure A1 or 2.”

And Annexure A1 is at page 5. It is an invoice from Harley-Davidson. And Annexure A2 is at page 6. It is another

invoice from Harley-Davidson. Let me start with Annexure A1. Sorry, with Annexure A2. You will see that the date of that invoice on page 6 is 20 December 2023. You see it?

**SERGEANT NKOSI:** You are talking about Annexure A2?

**ADV CHASKALSON SC:** Page 6, yes.

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** You do see the date?

**SERGEANT NKOSI:** Pardon, Commissioner?

**CHAIRPERSON:** You do see the date on the invoice?

10 **SERGEANT NKOSI:** 2023.

**ADV CHASKALSON SC:** 20 December 2023.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And these items on this invoice were items that you purchased at Harley-Davidson for Mr Molefe?

**SERGEANT NKOSI:** Yes. Can I quickly run to the loo before I answer so that I can be comfortable? I am a bit pressed.

**CHAIRPERSON:** Let us adjourn.

20 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

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

**CHAIRPERSON:** Yes.

**ADV CHASKALSON SC:** So my question is, were the items on the invoice, Annexure A2 on page 6, were those items

that you bought for Mr Molefe?

**SERGEANT NKOSI:** [No audible response.]

**ADV CHASKALSON SC:** It may assist you to answer that question.

**CHAIRPERSON:** Do not nod, please vocalise your answer.

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

**ADV CHASKALSON SC:** So if you go to page 517, it will be File 2 of 4.

**SERGEANT NKOSI:** 517.

10 **ADV CHASKALSON SC:** Do you have 517?

**SERGEANT NKOSI:** 517, I see.

**ADV CHASKALSON SC:** So you see from the 13<sup>th</sup> of December, you sent Mr Molefe a succession of pictures of Harley-Davidson merchandise, on the 13<sup>th</sup> it is a helmet from various angles, and then if you go down to the 18<sup>th</sup> on page 519, you see various other Harley-Davidson products, all the way down to 521.

So it seems that you were, at the very least, suggesting to Mr Molefe that he purchase some Harley-  
20 Davidson products in December 2023. But my question to you is essentially twofold, which is, if your evidence is that the meeting on the 27<sup>th</sup> of December was to return some of this Harley-Davidson merchandise, first question is, why did Mr Molefe wait 11 months before arranging to return Harley-Davidson gloves and T-shirts and helmet shields that did

not fit? That is the first question. And the second question is, why did you think that Harley-Davidson would accept a return after 11 months? So can you answer those questions?

**SERGEANT NKOSI**: Firstly, I think Mr Molefe only realised when he was supposed to wear those particular apparels after 11 months. Two, I would know that Harley-Davidson would replace those things because I am their regular customer, and they know me. Even when I bought those  
10 things I explained to them that there are possibilities that they may not fit, but the problem is, if those people were supposed to receive them, do not fit them now, I would not know when they are going to be returned, if at all they are small or they are big.

**ADV CHASKALSON SC**: So, are you suggesting that it took Mr Molefe 11 months to try on any of this equipment?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: You have been Mr Molefe's mentor on the bike. When did you stop mentoring him?

20 **SERGEANT NKOSI**: When he started to buy those bikes.

**ADV CHASKALSON SC**: When he started to buy those bikes?

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Well, the first picture that we have of when he started to buy those bikes is if we go to

page 10 of the statement bundle, we see that he had started to buy the bikes by October 2021. There is a R100 000 cash deposit slip dated October 2021 at page 6. Sorry, page 10 of the statement bundle. So, you were mentoring him from 2021 and he was riding from October 2021 at least. Is that correct?

**SERGEANT NKOSI:** When I started to pay for the bikes, they were not yet in South Africa, they were still in Canada. So, it took plus minus a year or a year and a half. So, I  
10 would say between 2022 at the latest and 2023 at the beginning. But before Mr Molefe's bike arrived in South Africa, he was practicing with one of Mr Msibi.

**ADV CHASKALSON SC:** So, was the first bike that Mr Molefe ever rode one of those Can-Am three wheelers?

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

**ADV CHASKALSON SC:** So, you did not mentor him on an ordinary two-wheel motorbike before that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But on your own estimation, the  
20 first bike that he would have ridden would have been late 2022, early 2023. Is that right?

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

**ADV CHASKALSON SC:** When would you have first started mentoring Mr – I may have heard you wrong, but you

said that he was riding Mr Msibi's bike before his own bike came. Is that correct?

**SERGEANT NKOSI**: That is correct. I was helping him with that, yes.

**ADV CHASKALSON SC**: And I thought you said that would have been late 2022, early 2023.

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: So, that would have been well before you bought the Harley-Davidson helmet and the  
10 Harley-Davidson shirts and gloves in December 2023. Do you accept that?

**SERGEANT NKOSI**: Interpreter?

**ADV CHASKALSON SC**: That would have been well before you bought the Harley-Davidson helmet and the Harley-Davidson gloves and the Harley-Davidson shirts that you bought for him in December 2023.

**SERGEANT NKOSI**: No.

**ADV CHASKALSON SC**: No?

**SERGEANT NKOSI**: No.

20 **INTERPRETER**: The answer is no.

**ADV CHASKALSON SC**: Ja, I heard it.

**SERGEANT NKOSI**: Yes. Mr Molefe, okay, when he started to pay his first amount of money for the bike and me on the other side, I was starting to make a connection for the clothing of the bike.

**ADV KHUMALO SC:** The riding gear.

**INTERPRETER:** The riding gear, thank you.

**ADV CHASKALSON SC:** But when did Mr Molefe start riding under your mentorship?

**INTERPRETER:** What is the question again?

**ADV CHASKALSON SC:** When did Mr Molefe actually start riding under the mentorship of Sergeant Nkosi?

**SERGEANT NKOSI:** Ja, I cannot remember vividly the exact date and month, but I think it could be there by 2022  
10 to 2023.

**ADV CHASKALSON SC:** So we can accept that when you went to Harley-Davidson and bought this merchandise in December 2023, Mr Molefe was already riding under your mentorship.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And then you are saying that he never tried on his helmet and never tried on the gloves that you bought for him for another 11 months.

**INTERPRETER:** He never tried what?

20 **ADV CHASKALSON SC:** Tried on the helmet and the gloves that Sergeant Nkosi had bought for him in December 2023 for another 11 months.

**CHAIRPERSON:** [Vernacular].

**INTERPRETER:** I am sorry?

**CHAIRPERSON:** [Vernacular].

**INTERPRETER:** He never tried?

**CHAIRPERSON:** [Vernacular].

**INTERPRETER:** Thank you, Commissioner.

**SERGEANT NKOSI:** Correct.

**ADV CHASKALSON SC:** I do not find that plausible at all. What was Mr Molefe wearing when you were mentoring him between December 2023 and November 2024?

**SERGEANT NKOSI:** Mr Molefe did not have only one helmet for the bike. Okay, if I remember, the helmets that I  
10 purchased for Mr Molefe were three. Okay, all that he used for the riding of the bike, Mr Molefe, were the long hand gloves as well as the short hand gloves, as well as the ...[indistinct] he had the one for summer and the other one for the winter.

**ADV CHASKALSON SC:** Now, when you bought this equipment for him in December 2023, that was during summer.

**INTERPRETER:** When you what?

**ADV CHASKALSON SC:** When you bought the equipment  
20 on page 6 for him in December 2023, that was summer.

**SERGEANT NKOSI:** Correct.

**ADV CHASKALSON SC:** Was the equipment summer equipment or winter equipment?

**SERGEANT NKOSI:** Okay, those were just normal gloves which did not mean anything. They did not symbolise either

when it is cold or when it is warm.

**ADV CHASKALSON SC:** And when you delivered this equipment in December 2023, did Mr Molefe not try it on in your presence?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** So your evidence is that through 11 months of mentoring Mr Molefe on the bike from December 2023 to November 2024, he did not use any of the equipment you bought for him?

10 **SERGEANT NKOSI:** Okay, that is indeed so because he was still wearing the other ones.

**ADV CHASKALSON SC:** I see. And at some stage around November 2024, he tried on the new equipment. Well, it was not new anymore. It was one year old. He tried on the one-year-old equipment and said it did not fit.

**INTERPRETER:** He tried what?

**ADV CHASKALSON SC:** The equipment that was one year old.

**INTERPRETER:** Okay.

20 **ADV CHASKALSON SC:** And he said it did not fit.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** When did he tell you that it did not fit and that he did not want it?

**SERGEANT NKOSI:** Ja, I do not remember vividly but it was after some days and/or some weeks.

**ADV CHASKALSON SC:** No. Well, some days or weeks after what?

**SERGEANT NKOSI:** After he had used them, he told me, but I no longer remember vividly and/or clearly as to it was after how long or what time.

**ADV CHASKALSON SC:** How long did you wait after being told by Mr Molefe that this equipment did not fit? How long did you wait before coming to his house to collect it?

**SERGEANT NKOSI:** That is another problem.

10 **INTERPRETER:** Repeat the question.

**ADV CHASKALSON SC:** So, you cannot remember exactly when Mr Molefe told you that the equipment did not fit. You said it was sort of days or weeks, you could not remember when.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But when he finally did tell you the equipment is too small, how long thereafter did you wait before coming to collect it?

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

20 **ADV CHASKALSON SC:** Would it have been days, weeks, months?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, he would have told you that the equipment does not fit a few days before you went round to collect the equipment on the 27<sup>th</sup> of November

2024?

**SERGEANT NKOSI:** Correct.

**ADV CHASKALSON SC:** And then you collected this equipment and took it back to Harley-Davidson to return it. Is that what you did?

**SERGEANT NKOSI:** Yes, the intention for me to go and fetch them was to return them.

**ADV CHASKALSON SC:** Yes, but did you go and return them?

10 **INTERPRETER:** I am sorry?

**ADV CHASKALSON SC:** Did you actually go to Harley-Davidson afterwards to return this equipment?

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

**ADV CHASKALSON SC:** Why not?

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

**ADV KHUMALO SC:** Sergeant Nkosi, do you have a cell phone next to the microphones?

**SERGEANT NKOSI:** No.

**ADV KHUMALO SC:** Okay.

20 **ADV CHASKALSON SC:** Is the microphone working again? Can we proceed? Why did you not go back to Harley-Davidson to return the equipment?

**SERGEANT NKOSI:** I did not return them. I went home, or instead, I went home.

**ADV CHASKALSON SC:** No, I am not talking about on the

day. I am talking about ever. Have you ever returned this equipment to Harley-Davidson?

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

**ADV CHASKALSON SC**: Why not?

**SERGEANT NKOSI**: I did not deem it necessary at that stage and I thought that on my return, when I come back, I will give him others.

**ADV CHASKALSON SC**: If you go to your statement on page 3, your version is different. You say on paragraph 12:

10                   “On my way back from court, I passed by  
Mr Katiso Melefe's place of abode and  
collected bikes, gloves, helmet, shield  
and T-shirt which were to be returned to  
Harley-Davidson as they were smaller or  
could not fit him. I collected the same as  
I was on my way home. I did not go to  
him specifically for that, but that was just  
a pass-by and took same to Harley-  
Davidson.”

20   So, in your statement you said you did take them back to Harley-Davidson. Which is the truth? Did you take them back to Harley-Davidson or did you not?

**SERGEANT NKOSI**: Maybe what I am saying there in my statement can be an irregularity in understanding English between me and Mr ...[indistinct].

**ADV CHASKALSON SC:** Between you and?

**SERGEANT NKOSI:** Chaskalson.

**ADV CHASKALSON SC:** Between me?

**SERGEANT NKOSI:** Yes, between me and Mr Chaskalson.

So, my understanding with that effect was to pass by and collect that apparel to Harley-Davidson. Ja, that was just to pass by and return them back where they came from.

**ADV CHASKALSON SC:** Yes, but if you look at the statement ...[intervenes].

10 **SERGEANT NKOSI:** The statement reads as – I am sorry to interject you.

**ADV CHASKALSON SC:** No problem.

**SERGEANT NKOSI:** I did not go to him specifically for that, but that was just to pass by and took same to Harley-Davidson. Okay. My intention was to take or to fetch them and go to Harley-Davidson.

**ADV CHASKALSON SC:** But you are saying now that you did not actually go to Harley-Davidson.

20 **SERGEANT NKOSI:** I still agree even now, that was my intention to do so.

**ADV CHASKALSON SC:** But your intention changed at some stage.

**INTERPRETER:** Did you?

**ADV CHASKALSON SC:** But your intention changed at some stage.

**SERGEANT NKOSI:** Correct.

**ADV CHASKALSON SC:** You see, when I read paragraph 12, I do not see any reference to an unrealized intention. What I see is a statement that you took same to Harley-Davidson.

**SERGEANT NKOSI:** Okay, that is the understanding of speech from your side. But to my side, that is what I thought. I thought ...[intervenes].

**CHAIRPERSON:** Ms Sithole, you should please wait until  
10 Sergeant Nkosi is done. If you speak while he is speaking, there are going to be transcription problems.

**INTERPRETER:** I am sorry. Thank you.

**SERGEANT NKOSI:** Okay. All that I wrote in here is not what I actually did.

**ADV CHASKALSON SC:** Yes, I think we are in agreement there, you did not take these goods back to Harley-Davidson. But my question to you is, why did you say that you did in paragraph 12?

**SERGEANT NKOSI:** I did not say that I took them to  
20 Harley-Davidson. I said I passed by Mr Molefe to take those things to Harley-Davidson.

**ADV KHUMALO SC:** Sergeant Nkosi, you are being referred to your written statement at paragraph 12. You will see that in line 8, in line 8 which reads as follows:

“I did not go to him specifically for that,

but that was just to pass by.”

Do you see that?

**SERGEANT NKOSI**: That is correct.

**ADV KHUMALO SC**: Yes, and then it continues:

“...and took same to Harley-Davidson.”

**SERGEANT NKOSI**: Yes.

**ADV KHUMALO SC**: so that took same to Harley-Davidson suggests that you did in fact take them to Harley-Davidson.

10 **SERGEANT NKOSI**: It suggests like that, but it is not like that. That is the way I put it because there was no way I got to Mr Molefe on the past four, Harley-Davidson is closing at four, and then I will take it even to, this is what I put my statement.

**ADV KHUMALO SC**: Do you understand that the statement does not say I had the intention to take them to Harley-Davidson, but I never did so? Do you accept that the statement does not read that way?

20 **SERGEANT NKOSI**: I think it is a matter of how I put that statement at that time, but not – I understand the way you are putting it.

**ADV KHUMALO SC**: Thank you.

**ADV CHASKALSON SC**: Can we actually go to the video now? And maybe the video to go to is the one of you leaving Mr Molefe's house.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Because if you look at the video there before we play it, you will see that there is almost a perfect rectangular crease at the bottom of the bag, or something of rectangular shape at the bottom of the bag. I wonder if we can zoom in.

**MALE SPEAKER:** What I can do is I will create a screenshot. I will create a screenshot and then zoom in.

**ADV CHASKALSON SC:** Sorry Chair, we are having  
10 difficulty zooming in on this video.

**CHAIRPERSON:** Perhaps let us wait outside a while, you will tell us when to come back.

**ADV CHASKALSON SC:** We have succeeded.

**CHAIRPERSON:** Okay.

**ADV CHASKALSON SC:** So, that is a zoomed in picture of the video. That looks like there is something rectangular inside the bag. Can you see?

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

**ADV CHASKALSON SC:** Now, would that be consistent  
20 with a pair of gloves, some T-shirts, and a helmet shield?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** How?

**SERGEANT NKOSI:** Because if I was the one who was having them, that is why I know those are gloves, T-shirt, and a shield.

**ADV CHASKALSON SC:** But there is – I suppose we will just have to draw our own conclusions from what is there. We are not going to reach agreement on this one. I want to put it to you that it is not gloves, helmets, and T-shirts in there. That there is a fairly sharp rectangular shape that is inside that bag. And the question I have to ask is, why would you say you were collecting gloves, helmets, gloves, a helmet, T-shirts, when the bag does not look like that is what you are collecting? When your statement says that  
10 you returned them to Harley-Davidson and you now say you did not, what is it that you are trying to hide? That is the question I have to ask. Do you want to ...[indistinct] pressed.

**SERGEANT NKOSI:** There are many things that are deceiving in that picture there. Because of the sneaker that I was wearing, they were black, but there they are orange. So I am just trying to show the Commission, not being funny, Honourable Baloyi. It is just that I am showing the Commission that there are many things that are deceiving  
20 there. The colours are not the same.

**ADV CHASKALSON SC:** Well, this is a zoomed in shot of the video. We have just zoomed into the video. We have not altered the image in any other way. That is what the video looks like when you zoom in to the opening image on that video.

**ADV KHUMALO SC:** Sergeant Nkosi, do you own sneakers like those?

**SERGEANT NKOSI:** No.

**ADV KHUMALO SC:** So you say on that day you were wearing black sneakers?

**SERGEANT NKOSI:** Black sneakers and blue jeans, and that jeans is black, that one. And what I was wearing is blue, that one is black.

**ADV KHUMALO SC:** But the person in the video is you.

10 **SERGEANT NKOSI:** That is me. No, I do not disagree, it is me.

**ADV KHUMALO SC:** So you say the video has been altered and the sneakers have been changed to a different colour?

**SERGEANT NKOSI:** I do not want to say, I will be passing expressions that I can never prove, but I am just bringing it to the Commission that a lot of things are misleading there, starting with the sneakers and the jeans. So even that what Mr Chaskalson sees there is not what it showed there when  
20 I was there. There was nothing that is square in that fashion.

**ADV KHUMALO SC:** Before we go back to Mr Chaskalson, as far as the bag is concerned, do you confirm that the bag you carried on that day is that one that we see on the screen?

**SERGEANT NKOSI:** I...

**ADV KHUMALO SC:** So you are not going to say it was a pink bag or a red bag?

**SERGEANT NKOSI:** No, the bag was white.

**ADV KHUMALO SC:** And what was inside the bag is exactly what we see on the screen?

**SERGEANT NKOSI:** Which are you seeing there, Commissioner?

**ADV KHUMALO SC:** Was the size of the bag the same as  
10 what we see on the screen? The bag that you carried on that day?

**SERGEANT NKOSI:** More or less, yes.

**ADV KHUMALO SC:** And we do not know what was on the inside, but looking from the outside, can you say that this is what somebody looking from the outside would have seen if they were looking at that bag on that day?

**SERGEANT NKOSI:** Can you repeat that, Commissioner, so that I must answer clearly?

**ADV KHUMALO SC:** So, if I was looking at the bag you  
20 were carrying on that day, without peeking on the inside, if I was looking at it from a distance, I would have seen exactly what we are seeing on the screen now? Is that what the bag would have looked like from somebody standing at a distance from you?

**SERGEANT NKOSI:** Yes, it would depend as to you see it

from which angle or which place. It depends on the quality of the angle from which you are looking at it. Let us give an example of an iPhone. If it is on the iPhone, you will see it differently. It will depend on the angle from which you are. As I look at it now, I am surprised, why does it show or indicate those things that look like four-corner?

**ADV BALOYI SC:** Sergeant, I do not know much about the size of helmets, except what I see on the road when bikers pass. It does not look like that bag has a helmet in it. It  
10 does not look like it, ja?

**SERGEANT NKOSI:** [Vernacular]... It is a helmet.

**ADV BALOYI SC:** I see. So it is not a helmet itself?

**SERGEANT NKOSI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay.

**ADV KHUMALO SC:** Sergeant Nkosi, where are these items now? You say you did not return them to Harley-Davidson. Where are they now?

**SERGEANT NKOSI:** I do not know. I do not know. But to be very honest with you, I guess I sold it somewhere and  
20 got another one to ...[intervenes].

**ADV KHUMALO SC:** Because I was hoping that we could go to where they are or you bring them here and we put them in a bag so that we can see that they look like that. If you cannot tell us where they are, it is a problem.

**SERGEANT NKOSI:** No, I also wish that I could bring them

by, if I had them, so that I must clear ...[vernacular].

**ADV CHASKALSON SC:** We have got the serial numbers from Harley-Davidson.

**SERGEANT NKOSI:** So that I can clear that what I see here, which is not the truth.

**ADV CHASKALSON SC:** We have got the serial numbers from Harley-Davidson. So maybe they will cooperate with us and provide us with one of each of those items that we can then try and recreate that scene. Can I ask you, if we  
10 go to the invoice, can you identify the items for us? If you go on Annexure A2, page 6, which of these items did Mr Molefe want to return? Do you recall which were the ones that he wanted you to take back?

**SERGEANT NKOSI:** That would be item number 2, 3, 4 and 5.

**ADV CHASKALSON SC:** 2, 3, 4 and 5?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And if we go up a page to the other invoice, are there any of these that he wanted  
20 returned? Were these all for him or were they for other people too? Which did he want returned? I mean, it seems to me from what you have described in the statement, it could only be if these indeed were the goods that he wanted returned, it would be 1 and 2, and/or 2 and 5 and/or 6.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** If we go back to page 6, it says helmet Killian Mod D. Is that the screen, not the helmet itself? That last item on page 6?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So that is just the screen?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And so, was it one or two of those that you had bought for Mr Molefe and that he wanted returned? We see you bought two originally, but for the  
10 return, was it going to be both of them, or was it just one? In other words, was the second one also for Mr Molefe and he also wanted it returned or had you bought the second one for somebody else?

**SERGEANT NKOSI:** Interpreter, so that I could understand.

**ADV CHASKALSON SC:** If we go to page 6, we see that there are two screens that you had originally bought. And my question to you is that, did Mr Molefe, were both of those screens for Mr Molefe and did he want to return both  
20 of them? Because we are going to have to try and reconstruct a packet. Or was it just one of them that he wanted returned, possibly because you bought the other one for somebody else?

**SERGEANT NKOSI:** Only one of them.

**ADV CHASKALSON SC:** I see. Well, if we can conduct

this exercise, we will and we will invite you to that exercise.

**CHAIRPERSON**: Please continue.

**ADV CHASKALSON SC**: Chair, I have reached the end of the questions that I want to ask.

**ADV KHUMALO SC**: You mean on everything or just on this topic?

**ADV CHASKALSON SC**: On everything.

**ADV KHUMALO SC**: On everything?

**ADV CHASKALSON SC**: On everything.

10 **ADV KHUMALO SC**: Thank you.

**MR NGOATO**: There was an outstanding matter earlier on about the Natasha payment. Maybe we could revisit that aspect. That we requested about two minutes to five minutes during short break that it could go back to.

**CHAIRPERSON**: Did you apply your minds to that issue, Sergeant Nkosi, or not?

**SERGEANT NKOSI**: The?

**CHAIRPERSON**: The issue around whether you paid R500 to Natasha.

20 **SERGEANT NKOSI**: Okay. Ja. No, thank you. Thank you, Commissioner. Thank you. I have almost forgot it and in your mind ...[indistinct].

**CHAIRPERSON**: Yes.

**SERGEANT NKOSI**: I think now I have got to clarify the matter of paying Natasha for the information. I did not pay

Natasha for information. I just gave her money because I know her. You will see there, actually, when she says not even thank you, she was expecting thank you from me, but thank you, just thank you. So then I said, where do I send the token of appreciation? Then I further said to her that in paragraph 4:

“I have everything about him. It is me saying to you, buy Red Bull. It has got nothing to do with him. Relax.”

10 So I am clarifying that issue of saying now I paid Natasha money for information. I did not.

**CHAIRPERSON:** What were you talking about in chat number 1 at page 1344 when you said:

“Where can I send token of appreciation?”

What were you talking about and what token of appreciation?

**SERGEANT NKOSI:** Just a thank you.

**CHAIRPERSON:** Thank you for what?

20 **SERGEANT NKOSI:** Okay.

**CHAIRPERSON:** Was that – was not thank you for her having given you Mr Musa Khawula's number?

**SERGEANT NKOSI:** No, no, no. It was not like that.

**CHAIRPERSON:** Then thank you for what?

**SERGEANT NKOSI:** Just thank you for giving me

information.

**CHAIRPERSON**: Thank you for?

**SERGEANT NKOSI**: Just thank you. Not thank you that I needed to pay her.

**CHAIRPERSON**: But thank you for what?

**SERGEANT NKOSI**: For talking to her, Commissioner. That I have spoken to her.

**CHAIRPERSON**: Not for getting the information that you had asked for?

10 **SERGEANT NKOSI**: No, no, no. That information was never paid. As you see there in paragraph 4, Commissioner said:

“I have everything about him. It is me saying to you, buy a Red Bull. It has got nothing to do with him. Relax.”

That means now that payment has got nothing to do with ...[intervenes].

**CHAIRPERSON**: That is further down. What you are reading is further down. A few chats after she has given  
20 you Mr Musa Khawula's number, you say:

“Where can I send token of appreciation?”

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: So I am asking what token of appreciation or what was that for? What would that have

been for? Looking at the flow of conversation, it seems to me it would only have been for Mr Musa Khawula's number.

**SERGEANT NKOSI:** No.

**CHAIRPERSON:** What was it for then?

**SERGEANT NKOSI:** Just appreciation that I know her.

**CHAIRPERSON:** That you know her?

**SERGEANT NKOSI:** That is the reason I said to her, I have everything, Commissioner, I had everything on Mr Khawula. So I did not need to pay Natasha for the  
10 information ...[intervenes].

**CHAIRPERSON:** Let us leave it. What were you talking about here? What token of appreciation then?

**SERGEANT NKOSI:** It was not about money.

**CHAIRPERSON:**

“Where can I send token of  
appreciation?”

**SERGEANT NKOSI:** Where can I say thank you?

**CHAIRPERSON:** Send. No, send. It is not say, it is send token of appreciation.

20 **SERGEANT NKOSI:** Yes, Commissioner, I agree.

**CHAIRPERSON:** So you intended to send a token of appreciation, correct?

**SERGEANT NKOSI:** But the token of appreciation  
...[intervenes].

**CHAIRPERSON:** No, no, no, no, no. Just answer the

question directly.

**SERGEANT NKOSI**: That is correct.

**CHAIRPERSON**: Yes. Now, what would that token of appreciation have been for? If not for the fact that she had given you Mr Musa Khawula's number, what would it have been for?

**SERGEANT NKOSI**: I would not – but the token of appreciation, it was not about money. It was just to say ...[intervenes].

10 **CHAIRPERSON**: What was it for then? Do not tell me what it was not for. I want to know what it was for. What was it for?

**SERGEANT NKOSI**: I do not want to upset the Commissioner. It is just the way I answer it.

**CHAIRPERSON**: You see, I am laughing. I am not upset at all.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: What was it for?

20 **SERGEANT NKOSI**: Commissioner, you know, sometimes you appreciate them, you know. Not that there was anything.

**CHAIRPERSON**: Remember, do you remember what I read to you?

**SERGEANT NKOSI**: I remember.

**CHAIRPERSON**: You remember what I read?

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** Because she sends you the number at 06:41:27 PM on the 22<sup>nd</sup> of October 2024, and you are silent. You do not even acknowledge the fact that she has sent this to you. And same day, at 09:10:02 PM, she writes to you:

“Not even a thank you, *sies*.”

**SERGEANT NKOSI:** Yes, Commissioner. I think ...[intervenes].

10 **CHAIRPERSON:** You see? So she wanted something having given you this information. Now, a couple of chats later you say:

“Where can I send token of appreciation?”

Logically, that must mean, especially after she had said *sies*, you are not even thanking me for this, then you say, where can I send token of appreciation? Unless you give a plausible explanation, it seems quite plain that the token of appreciation would have been for the fact that she had  
20 given you Mr Musa Khawula's number. What do you say to that?

**SERGEANT NKOSI:** Commissioner, I understand the view of the Commission. But, according to me, when I say – I thought maybe I said thank you in this telephone number that we were communicating with, and she did not have

them. Then I said, where can I send the token of appreciation? It might be that. But I think I have answered to the ...[intervenes].

**CHAIRPERSON:** It might be that you wanted to show your appreciation for the fact that she had given you the number. Is that what you are saying?

**SERGEANT NKOSI:** No.

**CHAIRPERSON:** If that is not what you are saying, I do not understand what you just said now then.

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

**CHAIRPERSON:** What?

**SERGEANT NKOSI:** Maybe it might have been something else, but has has got nothing to do with the appreciation of this thing.

**CHAIRPERSON:** Perhaps the best would have been for you not to remind us to come back to this point. It would have been better for you if we had left it where it was.

**SERGEANT NKOSI:** No, I am exhausted.

**CHAIRPERSON:** Sorry, sorry.

20 **SERGEANT NKOSI:** I am saying I am exhausted. I would not want even to pass in the street where the Commission is held, the way I am so exhausted.

**CHAIRPERSON:** I will leave it at this, Sergeant Nkosi.

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

**ADV KHUMALO SC:** Good afternoon again.

**ADV BALOYI SC:** Sergeant Nkosi, it is on this still Natasha topic. At page 1345, you have sent her Mr Khawula's details from the SAPS system. At the top of the page, I do not remember what it is, but the second one, the second chat, that looks, Mr Chaskalson, you can confirm, that looks like that warrant of arrest. Why would you send him, her rather, this information?

**SERGEANT NKOSI:** I think it was on the basis if maybe,  
10 you know, they go around and have fun. That is Natasha now. I think it was on the basis that if maybe she comes across her, she would do the same as the one that I have sent to others we have already mentioned here.

**ADV BALOYI SC:** She would do the same what? A citizen's arrest?

**SERGEANT NKOSI:** No, call the nearest police and come and effect the arrest.

**ADV BALOYI SC:** So, when you gave her the warrant, I mean, it does not look like there had been any conversation  
20 between the two of you. There is a telephone call, one telephone call you to him, and then you send her those two documents. The first one is what? Just remind us. I do not have that document open in front of me. The first chat at 1345, what you sent, just remind us what document it is?

**SERGEANT NKOSI:** It is a profile that I got from Mr

Nxumalo. It is a profile.

**ADV BALOYI SC:** And that is a SAPS document?

**SERGEANT NKOSI:** No.

**ADV BALOYI SC:** Where did you get it from?

**SERGEANT NKOSI:** It is that one, Commissioner, if you can remember the back, I got it from Mr Nxumalo.

**ADV BALOYI SC:** From Zee Nxumalo?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Okay, so you shared that. Why do you  
10 share that? That is not a police document. If you are  
sharing the warrant with her, it is justified by the reason  
that you give, why do you share with her that profile that  
you got from Mr Nxumalo?

**SERGEANT NKOSI:** I think I shared it just to assure this  
one that she must not worry, I have got everything that I  
wanted, I do not need her to give me that information, the  
way.

**ADV BALOYI SC:** Okay, and then you say you shared the  
warrant so that?

20 **SERGEANT NKOSI:** Maybe if she sees him around where  
she have fun, she would call the nearest police office,  
officers to come and effect arrest.

**ADV BALOYI SC:** So she would call them and then they  
would come where she is and then she hands them over the  
warrant, is that how it works?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Okay, let me suggest what I think was happening is she is a journalist, you were giving her a story, something to report about Mr Khawula, that he is going to be arrested. That is what I suggest this sharing of information with a journalist was about.

**SERGEANT NKOSI:** No, it is not about that.

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

**ADV KHUMALO SC:** I know you are tired.

10 **SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Yes. When you were at Mr Molefe's house on the 27<sup>th</sup> of November 2024, you were driving a state vehicle, correct?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** It was the 3 Series BMW.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Yes. Do you often use state vehicles to run errands for private individuals?

20 **SERGEANT NKOSI:** It was on my way from the court, so I was passing by. We do not use state vehicles to do errands, but it was on my way. I stay in Pretoria and I am in Joburg, so it is almost ...[indistinct].

**ADV KHUMALO SC:** Yes, but you accept that if you had gone to Mr Molefe's house in a state car to collect gloves and a helmet shield, and you were taking them to Harley-

Davidson, you would be using state resources to run errands for private individuals? And when I said if, so I qualified my proposition to you. If you were using a state vehicle for that purpose, that would be wrong.

**SERGEANT NKOSI:** Yes, but I did not use it.

**ADV KHUMALO SC:** Yes. For my benefit, I do not know whether my co-commissioners are satisfied on this issue, but I do not want you to leave here without explaining satisfactorily the issue of impalas. We dealt with it, but we  
10 focused on the WhatsApp chats and the PIN being sent to you, and the voice message from the farm manager being sent to you, and you forwarding it to General Sibiya, and you explaining that you then left the issue there. You had no further involvement.

I want you to deal with what preceded those chats, and the reason why I want you to deal with that is General Sibiya has gave a version to this Commission, and his version was that he never asked you to ask Mr Matlala to give impalas to him. If you had done so, you would have  
20 done it of your own volition. He did not instruct you or ask you to do that.

So I am going to try to take it step by step. Before the PIN was sent, or before the voice message was sent, what discussion did you have about impalas with General Sibiya? Let us start with that one. So before the PIN,

before the voice note, what discussion did you have with General Sibiya about impalas?

**SERGEANT NKOSI:** I did not have any discussion with him.

**ADV KHUMALO SC:** What discussion did you have with Mr Matlala about impalas?

**SERGEANT NKOSI:** I did not have a discussion with Mr Matlala about impalas.

**ADV KHUMALO SC:** How did Mr Matlala know that  
10 General Sibiya wants impalas, or another animal that looks like impalas?

**SERGEANT NKOSI:** I do not know that. Maybe they might have discussed it, but I was not present.

**ADV KHUMALO SC:** It was not you?

**SERGEANT NKOSI:** It was not me.

**ADV KHUMALO SC:** Did General Sibiya ever say to you, I want a Blesbok and not an impala?

**SERGEANT NKOSI:** No.

**ADV KHUMALO SC:** Did General Sibiya ever ask you to  
20 arrange a mating partner for one of his Blesboks or impalas?

**SERGEANT NKOSI:** No.

**ADV KHUMALO SC:** So you had no involvement on the issue of impalas?

**SERGEANT NKOSI:** No. Not at all.

**ADV KHUMALO SC:** Other than the passing of the message and the PIN?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Yes. So do you know why Mr Matlala would have wanted to give General Sibiya impalas?

**SERGEANT NKOSI:** I did not know and I did not ask both of them.

**ADV KHUMALO SC:** Yes. Have you been to Mr Matlala's farm?

10 **SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Does he have impalas at his farm, or did he have impalas at his farm in 2023?

**SERGEANT NKOSI:** I never saw them.

**ADV KHUMALO SC:** You never saw them. After the voice note from the manager, remember the voice note said delivery will be made on Monday. Do you know if the impalas were delivered to General Sibiya's farm?

**SERGEANT NKOSI:** No, and I have never asked.

20 **ADV KHUMALO SC:** Have you ever been to General Sibiya's farm? Let us say maybe after the voice note, did you ever go to General Sibiya's farm?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Did you see impalas there?

**SERGEANT NKOSI:** No, I only saw the goats and the cows.

**ADV KHUMALO SC:** You saw ...[intervenes].

**SERGEANT NKOSI:** Goats and chickens? Yes, goats and chickens.

**ADV KHUMALO SC:** Okay. Did he tell you about his impalas that were killed?

**SERGEANT NKOSI:** No.

**ADV KHUMALO SC:** No. They died in mysterious circumstances in March 2024. Why are you laughing? Do you know something about that?

10 **SERGEANT NKOSI:** You know why I am laughing? I am sorry, maybe I ...[indistinct] because you are saying to me they died mysteriously and I did not even see them. So that is why I am laughing.

**ADV KHUMALO SC:** No, but did you tell – you are his friend, Sergeant Nkosi. You are his close friend, you work in the same office more or less. Did he not tell you about them?

**SERGEANT NKOSI:** He did not. I am not his friend. He is my boss. He is not my friend.

20 **ADV KHUMALO SC:** Okay.

**CHAIRPERSON:** Mr Ngoato, we have reached the stage where, if you are so minded, you may do re-examination. But according to our prescripts, the re-examination should be on pre-selected issues. So it cannot be right across the entire testimony that has been given. Will you be re-

examining? Have you applied your mind to what issues or points you want to direct your re-examination?

**MR NGOATO**: Commissioner, that is a decision that we are going to take after consultation, in terms of line of priority or importance, what aspects we need to clarify, so that we do not just go through every other aspect. I have conversed the same aspect with Matthew earlier on in terms of if we are to re-apply, we make necessary application to do so.

10 **CHAIRPERSON**: Okay. Perhaps let us take an adjournment. Have a discussion outside, and then we will see what we should do, or what should be done.

**MR NGOATO**: No problem.

**CHAIRPERSON**: Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: Sergeant Nkosi, I thank you very, very much. You have taken longer than any other witness to give your testimony.

20 **SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: I assume you must be quite relieved that we have come to the end, eventually. But I will not say that you are done, because your attorney, Mr Ngoato, says that he is still going to consider the question of re-examination and he and Mr Chaskalson will engage each other on that

subject, and whether or not you will be coming back for the re-examination is something that will be finalised after they have had those engagements. But until then, you are excused. And again, many thanks.

**SERGEANT NKOSI:** Thank you, thank you, Commissioners.

**CHAIRPERSON:** Thank you. We resume at 09:30 tomorrow, Mr Chaskalson?

**ADV CHASKALSON SC:** Yes.

10 **CHAIRPERSON:** Let us resume at 09:30 tomorrow, and let us adjourn.

**SERGEANT NKOSI:** Thank you.

**INQUIRY POSTPONED TO 24 MARCH 2026**

**INQUIRY ADJOURNS**

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