

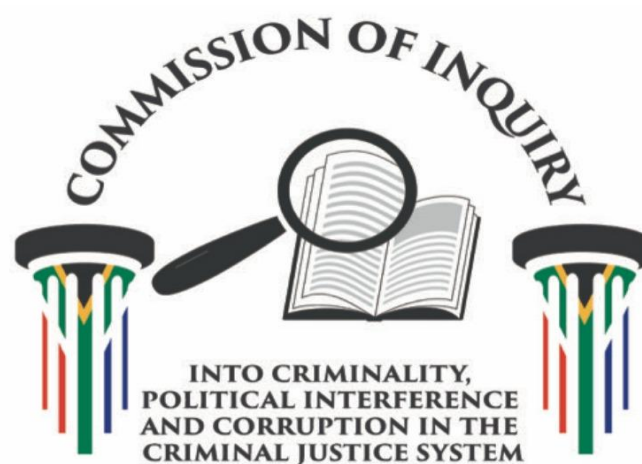
**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**14 APRIL 2026**

**DAY 89**



**PROCEEDINGS ON 14 APRIL 2026**

**CHAIRPERSON:** Good morning, Ms Sello.

**ADV SELLO SC:** Good morning, Chair. Good morning, Commissioners.

**CHAIRPERSON:** Thank you. Good morning, Commissioner Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Morning, Chair. Morning, Commissioners.

**CHAIRPERSON:** Morning, and welcome back.

10 **COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** Thank you, Chair. Perhaps, at the risk of stating the obvious, for the Chair to remind Mr Mkhwanazi he is still under oath, as he has previously appeared.

**CHAIRPERSON:** Perhaps, let us do a fresh one.

**ADV SELLO SC:** Okay, I am happy to.

**CHAIRPERSON:** Yes. Commissioner, do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth. If so, please raise your right hand and say, "So help me God".

20 **COMMISSIONER MKHWANAZI:** So help me God.

**JULIUS DOCTOR MKHWANAZI** (duly sworn states)

**CHAIRPERSON:** Thank you.

**COMMISSIONER MKHWANAZI:** Thank you, Chair.

**COMMISSIONER MKHWANAZI:** Apologies, Chair. I cannot hear you clearly.

**CHAIRPERSON**: Sorry, but did you hear everything I said?

**COMMISSIONER MKHWANAZI**: Ja, but I heard you.

**CHAIRPERSON**: You heard me?

**COMMISSIONER MKHWANAZI**: Yes.

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

**COMMISSIONER MKHWANAZI**: Thank you.

**EXAMINATION BY ADV SELLO SC (CONTINUES)**: Thank you, Chair. Mr Mkhwanazi, you will recall the last time you appeared, which was towards the end of 2025, we had not  
10 completed your testimony and we stood it down to a date to be determined by the Commissioners. A date was determined, and I think twice we had to postpone your appearance. On the last occasion, it was postponed to today.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: When that application to postpone was granted, it was moved in part by myself, having had a consultation with you on that same day, you recall?

**COMMISSIONER MKHWANAZI**: Yes.

20 **ADV SELLO SC**: And your attorney confirmed. Now, I would like us to deal with some procedural matters before we continue with your actual testimony to the Commission.

**CHAIRPERSON**: Let me just raise something.

**ADV SELLO SC**: Yes, Chair.

**CHAIRPERSON**: Commissioner, what has since become of

your legal representation? First time you were not legally represented, but on the later occasion or occasions you were. What has since become of that?

**COMMISSIONER MKHWANAZI:** Thank you, Chair. Yes, Chair, we could not ...[intervenes].

**CHAIRPERSON:** It is easy. It is easy to just say I fired my lawyers.

**COMMISSIONER MKHWANAZI:** No, I cannot. We could not reach some agreement in terms of finances.

10 **CHAIRPERSON:** Oh, all right.

**COMMISSIONER MKHWANAZI:** Yes. It was a challenge.

**CHAIRPERSON:** All right.

**COMMISSIONER MKHWANAZI:** Thank you.

**CHAIRPERSON:** Thank you. Thank you, Commissioner.

**ADV SELLO SC:** Thank you, Chair. And that is correct, once again, Commissioner Mkhwanazi appears unrepresented today. Just, and then for the record, the attorney has filed a Notice of Withdrawal, so it is on record. So, Mr Mkhwanazi, I was saying before we turn our  
20 attention to your evidence, there are some procedural issues I would like us to deal with and for that purpose, I would like to distribute a little, a small bundle. And as they do so, you recall that when we postponed to today, it was because your mother had passed away, is that correct?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And she was scheduled to be buried on the following Saturday, which was the day after the postponement was granted.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And for that purpose, you had shared with us, as the evidence leaders and the legal team, a copy of the programme for the funeral the next day, your mother's funeral, correct?

**COMMISSIONER MKHWANAZI:** You are correct.

10 **ADV SELLO SC:** And your mother's name, if I have it right, is Rofina Petunia Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. Now, you thereafter kindly provided us with, or provided the Commission's attorneys with a copy of the death certificate and a copy of her ID, that is correct?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Okay. Now, I recall from the programme you had provided us that at the back of that programme was  
20 a collage of pictures, and the programme, the obituary stated that Mrs Petunia Mkhwanazi, your mother, had seven children, and you were the second of the seven children.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Before I get to my next question, I do not seem to recall from the programme, where was the funeral

held?

**COMMISSIONER MKHWANAZI:** Tsakani.

**ADV SELLO SC:** Ja, where, was it a church, a community hall?

**COMMISSIONER MKHWANAZI:** Church. The service was at the church.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Ja, same street.

**ADV SELLO SC:** All right.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So you are the second of the seven children of Mrs Petunia Mkhwanazi. The little bundle I have given you has got four documents. If you could turn to item 1, the first document, you confirm that is the ID document of Mrs Petunia Mkhwanazi, is that so?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And item 2 is the death certificate of the same person.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** I see that there are a number of documents we have here that reflect your ID number. Do you confirm, I am not going to say the full ID number, but do you confirm that it starts with 75?

**COMMISSIONER MKHWANAZI:** Mine?

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, it is 75.

**ADV SELLO SC:** Which means you were born in 1975.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I see from these two documents that Mrs Petunia Rofina Mkhwanazi was born in 1965.

**COMMISSIONER MKHWANAZI:** Yes, you are correct.

**ADV SELLO SC:** So you are making your mother 10 years older than you.

**COMMISSIONER MKHWANAZI:** Yes, I will explain that.

10 **ADV SELLO SC:** And you being her second born, so that would suggest her first born was born around, when she was around the age of 8, you confirm that?

**COMMISSIONER MKHWANAZI:** He was born in 1974. Yes, I confirm that.

**ADV SELLO SC:** Okay. And you confirm that is true?

**COMMISSIONER MKHWANAZI:** Yes, I confirm that.

**ADV SELLO SC:** That you were born of this lady, the late Mrs Petunia?

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** How do you explain the fact that your mother is 10 years older than you, according to you?

**COMMISSIONER MKHWANAZI:** When you say you were born, it is something else. She is my stepmother. She raised me since I was 8 years, no, since I was, since I was 8 years or 7 years old. She is married to my father. I was

staying with my father and granny. When I was young, doing grade 1 or, yes, something like the grade 1 or grade 2, she became the wife of my father. Then she raised me up until her death.

**ADV SELLO SC:** So, why did you suggest that, as you did last time, that she bore seven children of whom you are one?

**COMMISSIONER MKHWANAZI:** Why did I say?

**ADV SELLO SC:** You said she had seven children and you  
10 were one of those children.

**COMMISSIONER MKHWANAZI:** And I am still saying that I am her second born.

**ADV SELLO SC:** Okay. On the basis that she is your stepmother?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. Now, let us turn to item 4 of that same pack.

**COMMISSIONER MKHWANAZI:** Item?

**ADV SELLO SC:** 4 of the same pack. So, this is a letter  
20 from the Department of Home Affairs and I see that if you go to item one on that letter at page 4, it reads:

“According to the department's records, Mr Mkhwanazi is recorded as the son of Mr William Mkhwanazi and Ms Foleni Maria Mkhwanazi.”

Do you confirm that?

**COMMISSIONER MKHWANAZI:** Those are my grannies.

**ADV SELLO SC:** Huh?

**COMMISSIONER MKHWANAZI:** Those are my grannies, grandmother and grandfather. They stayed in Katlehong, yes.

**ADV SELLO SC:** You are saying these are your grandparents?

**COMMISSIONER MKHWANAZI:** Grandparents, yes, from  
10 father's side.

**ADV SELLO SC:** Mr William Mkhwanazi and Ms Foleni Maria Mkhwanazi are your grandparents?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Then they are ...[intervenes].

**CHAIRPERSON:** Ms Sello, may we take a very short adjournment.

**ADV SELLO SC:** Yes, Chair.

**CHAIRPERSON:** We will come back when we are ready.

**ADV SELLO SC:** Okay.

20 **CHAIRPERSON:** And please follow us.

**ADV SELLO SC:** I shall.

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

**ENQUIRY ADJOURNS**

**ENQUIRY RESUMES**

**CHAIRPERSON:** Commissioner, we wanted to sort out a

housekeeping matter.

**COMMISSIONER MKHWANAZI**: Okay, thank you, Chair.

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

**ADV SELLO SC**: Thank you, Chair. Mr Mkhwanazi, before we had that very short break, you had explained that I think Mr William Mkhwanazi and Ms Foleni Maria Mkhwanazi are your grandparents.

**COMMISSIONER MKHWANAZI**: I do not think they are my grandparents.

10 **ADV SELLO SC**: Oh.

**COMMISSIONER MKHWANAZI**: When the stepmother came to my father's home, or my father ...[indistinct] she found my granny there, my grandmother there. The grandfather had already passed when I was still ...[indistinct] maybe. But I do not think they are my grandparents. That grandmother raised me up until she came in.

**ADV SELLO SC**: If they are not your grandparents, what are they to you? I am saying they are. I do not think they  
20 are. I am saying they are.

**ADV SELLO SC**: Oh, they are your grandparents.

**COMMISSIONER MKHWANAZI**: When you said I think, I am saying I do not think.

**ADV SELLO SC**: Oh, okay. No, okay. I misunderstood. So you are saying ...[intervenues].

**COMMISSIONER MKHWANAZI:** In fact, in fact, you have raised family politics that I did not notice.

**ADV SELLO SC:** Okay, so at least ...[intervenes].

**COMMISSIONER MKHWANAZI:** You have raised another thing in my, in fact, you have touched something in my heart. I am so sore now.

**ADV SELLO SC:** Yes, I am sorry about that. Unfortunately, it has to be done. Oh, so now I understand. You do confirm that Ms Petunia, no, Ms Foleni Maria  
10 Mkhwanazi and Mr William Mkhwanazi are your grandparents. You confirm that.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. Now we are at item 4, which is that letter from the Department of Home Affairs. If you go further to page 6 of that document, that is a notice of birth, and it looks like your birth certificate. You confirm? It has got your birth date, your names. You see that?

**COMMISSIONER MKHWANAZI:** I am seeing it for the first time in my life. I did not have a birth certificate.

20 **ADV SELLO SC:** Ja. Home Affairs can do weird and wonderful things hey.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** So that is your birth certificate. And if we accept that birth certificate as given to us by Home Affairs, it would appear that William Mkhwanazi is reflected

as your father and Foleni Maria Mkhwanazi is reflected as your mother. So she is the mother of the child, the same person you suggest is your grandmother.

**COMMISSIONER MKHWANAZI:** Yes, they are.

**ADV SELLO SC:** On your birth certificate is reflected as your mother.

**COMMISSIONER MKHWANAZI:** Ja, I am not sure that I can raise this politics, can I raise thing publicly, but I had to. The unfortunate part is that the story that I got from my  
10 grandmother, my father confirmed that they won me in the court of law. There was a dispute between both sides, I think when they were divorced, that is why they took over you see. That is why maybe it is reflected.

But for the first time, when I grew up, I did not have this up until I, I did not have a birth certificate up until I had an ID. And I was accompanied by my grandmother to get that ID because she raised me up until the stepmother came in.

**CHAIRPERSON:** Can you please repeat that? I do not  
20 follow. I do not quite understand.

**COMMISSIONER MKHWANAZI:** No, oh, I am saying when I grew up, my granny told me that ...[intervenes].

**CHAIRPERSON:** Please mention the name of the granny.

**COMMISSIONER MKHWANAZI:** Maria.

**CHAIRPERSON:** Okay.

**COMMISSIONER MKHWANAZI:** Here at page 6, it is reflected as Shawe, if I am not mistaken, Foleni Maria Shawe. It is a family politics.

**CHAIRPERSON:** Yes ...[intervenes].

**COMMISSIONER MKHWANAZI:** [Indistinct]... [cross-talking].

**CHAIRPERSON:** So what you are saying, she brought you up. You are saying you grew up under her.

**COMMISSIONER MKHWANAZI:** Yes. When, in fact, she  
10 took over from my mother when they separated. When I was still born or I was still months or, yes, something like that. She told me that story.

**CHAIRPERSON:** Hm.

**COMMISSIONER MKHWANAZI:** Yes. That is why maybe it is reflecting as if they are my mother. They are my grandparents. She is the one that took responsibility because it was me and my brother. Then there was my father, then they took responsibility. But they went to court for us. I do not know the politics. I was still, while, I was  
20 still young. He said when we get the politics from outside ...[intervenes].

**CHAIRPERSON:** Who went to court?

**COMMISSIONER MKHWANAZI:** My grandmother.

**CHAIRPERSON:** Oh.

**COMMISSIONER MKHWANAZI:** Ja, by this time, my

grandfather had already passed on. He passed on, I am told 1977.

**CHAIRPERSON:** She went to court against whom?

**COMMISSIONER MKHWANAZI:** There was another lady who claimed that we are, she is our mother, something like that. The politics that I did not want to dig in, yes. But she gave us love up until my father got married.

**ADV SELLO SC:** Thank you, Chair. So, we are still at page 6. Am I understanding you correctly then that  
10 ...[intervenes].

**COMMISSIONER MKHWANAZI:** Chair, I feel uncomfortable. I do not know why, because some things I knew and it is like, it is opening a wound, and politics of the female, and to discuss this public like this, I do not feel comfortable. May I, if you want something in writing, I will submit it in writing.

**ADV SELLO SC:** I, I, can i ...[intervenes].

**COMMISSIONER MKHWANAZI:** I do not want to find myself creating politics out of this. And now I have  
20 discovered something out of this again, you see. It has disturbed me, you see. But I feel uncomfortable. May I say this, I feel uncomfortable to discuss such matters in public. But if you want an affidavit confirming, relating the stories, and still there are some documents you can still support this, the one that I am talking about, the court and

everything. My granny used to package these things and keep them safe somewhere, you see. But I feel uncomfortable to discuss such things.

**CHAIRPERSON:** Just a minute, Ms Sello.

**ADV SELLO SC:** I shall.

**CHAIRPERSON:** Ms Sello, Commissioner Mkhwanazi I think is in the dark as to why this is being done. Can you perhaps explain why this is being done? Also, we got these documents now.

10 **ADV SELLO SC:** Yes.

**CHAIRPERSON:** So I assume that he too got them now.

**ADV SELLO SC:** He gets them now.

**CHAIRPERSON:** So that adds to what I think is a surprise.

**ADV SELLO SC:** Okay, I am happy to address that very briefly, Chair.

**CHAIRPERSON:** In his mind.

**ADV SELLO SC:** Yes.

**CHAIRPERSON:** And then I will invite him to respond to what you, to your explanation.

20 **ADV SELLO SC:** Indeed, Chair. And before I get to the why, perhaps let me address the issue of why the documents are only availed to him now. Items 1 and 2, being the death certificate of Mrs Petunia Mkhwanazi, are documents he provided to us. So the item, I think 2 and 3, item 1 is the cover page of the email when he provided

them to the Commission's attorneys. The only new item is item 4. That is what we provide. And if the Chair were to go to page 5 of that pack, it is signed by the Director General and it is dated 13<sup>th</sup> April 2026, and that is yesterday. So this document and its annexures only became available to us yesterday afternoon. So we are all like new to these documents. So that was just to place in perspective the status of the documents.

Now, as to why I am doing this, the Chair will recall  
10 that, if I may confer, Mr Mkhwanazi was due to appear in January, and we appeared before the Commissioners, wherein he sought a postponement because of a medical procedure to be done to his eyes. We went past that point, and he was granted his postponement to a specific date. I am trying to recall now. Ms Pooe will assist me.

On the eve of that date, which was a Monday, on Friday, when we had invited Mr Mkhwanazi for a consultation in preparation for his appearance, he informed us that he was in this state, that he does not think he will  
20 be able to appear on Monday because his mother had passed away. And engagements were had, and to that extent, he then provided the death certificate and the copy of the ID, and together with the funeral programme for a funeral that was scheduled for the following day.

It is on that basis, at 2 o'clock immediately after

lunch, I appeared before the Commission to explain the situation, because Mr Mkhwanazi has lost a parent, and to therefore engage the Commissioners about the feasibility of him appearing on Monday under the circumstances. Mr Mkhwanazi, during consultation, was at pains to convince us the person who had passed away was his mother, his birth mother. It was not a cousin, it was not a relative, it was not a stepmother.

When I made my application for a postponement, I  
10 indicated that it was a close member of the family, and therefore understand why he could potentially require this extension. His attorney seemingly was also of the opinion, of the view, that this was his mother, because when he addressed the Commissioners, he indicated this was his mother.

After the postponement was granted, and a few days later, in the normal course of collation of documents, these documents were then prepared for filing, and that is when we realised that this person happens to be 10 years  
20 older than Mr Mkhwanazi, and that raised the issue about whether or not Mr Mkhwanazi lied to the Commission, misled this Commission, in an attempt to avoid appearing before the Commission, and we concluded that he potentially may have done so, but we needed to do, to make our own investigations.

If one has regard to the term mother, it could refer to almost anybody. It is upon receipt of the documents from the Home Affairs that we concluded that he knew that the lady who had passed away is not his mother. He misrepresented that fact to the Commission, and he obtained his extension. It was compounded by the fact that then Home Affairs gives us his birth certificate, which actually shows who his parents are. And he continues in that vein, because today, sitting here, he says the very  
10 people identified in his birth certificate as his parents are actually his grandparents.

So, mine is to put to Mr Mkhwanazi that he lied to the Commission to avoid appearing before the Commission, and this is the basis on which I say I draw that conclusion. That is why we are having this exercise. So I hope that provides the appropriate context to him.

**CHAIRPERSON:** Thank you, Ms Sello. Do you wish to respond to that, Commissioner Mkhwanazi?

**COMMISSIONER MKHWANAZI:** Yes. Thank you, Chair. I  
20 am still saying that she raised me, she is my mother. Yes, I was not born out of her, but she raised me since I was young. She took over from my grandmother who raised me. I see this birth certificate for the first time in my life, you see. That is why I had to have the grandmother to accompany me to get an ID, you see.

And I am requesting this Commission to go to court with my ID and check how did my grandmother, who is the mother of my father, happened to raise us, because the story that she told me when she was alive, I think it relates to, she was honest, it relates to this birth certificate, because she took over from that mother that I do not know, not my biological mother. There was another mother in between, that is why she went to court. It is the story that I do not know, but she related that story to us, you see.

10           Then I am appealing to this Commission to go to, because you know these things, it is a court that granted her a parenting for us, you see. And you will be able to get it, you see. And ...[vernacular] I cannot say because she has passed on. Now I start labelling her that she is not my mother, she is the mother of the other mother, you see.

And as I have said, one of the reasons that I have said I feel uncomfortable, I saw something now at the back, where the letter from the ...[incomplete].

**CHAIRPERSON:** From the Director General?

20   **COMMISSIONER MKHWANAZI:** Director, yes. No, no, not the letter. There is something that confirms the four kids as ...[indistinct] she is saying that it is now four or five. Me and my brother were not mentioned anywhere, that is why it is opening another wound in our family and to us.

**ADV SELLO SC:** May I assure you I will not get there.

**COMMISSIONER MKHWANAZI:** Sorry?

**ADV SELLO SC:** I would like to assure you I will not get to the issues that concern you. I have ...[intervenes].

**COMMISSIONER MKHWANAZI:** We have already touched on them.

**ADV SELLO SC:** Let me just finish, if I may. I just have two points to make on these documents, and we close the file.

**COMMISSIONER MKHWANAZI:** No, but we have already  
10 touched it. That is why I have said it is shocking when seeing documents for the first time. I am seeing other documents for the first time, and I am 50 years old now. It is an embarrassment for a man who is at this age to find out about some of the things that I did not have.

**ADV SELLO SC:** And if I may, what I intend to touch upon with you ...[intervenes].

**CHAIRPERSON:** Thank you, Commissioner.

**COMMISSIONER MKHWANAZI:** Thank you.

**CHAIRPERSON:** Yes, Ms Sello.

20 **ADV SELLO SC:** Thank you, Chair. What I intend to touch upon with you in part arises from your response today, and just to look at the documents as provided by Home Affairs, and I will invite you to comment, and I will not go any deeper into these issues to the extent that perhaps they may upset you emotionally. But this morning you indicated

that Mrs Petunia Mkhwanazi was your stepmother because she was married to your father after your mother passed away.

**COMMISSIONER MKHWANAZI:** In fact, she raised ...[incomplete].

**ADV SELLO SC:** She then raised you, consequently.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** And that is why she has always considered you one of her children.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Correct. Let us go to page 4. And my confusion arises because at item 1, your father is listed as Mr William Mkhwanazi, who you now say is your grandfather. That is the same person that appears on your birth certificate. I accept that you have never seen your birth certificate, but this is the birth certificate as provided by Home Affairs.

At paragraph 2 of that same letter, Mrs Petunia Mkhwanazi is said to have been married to Mr Gogo Titus Mkhwanazi. That is not your father, is it?

**COMMISSIONER MKHWANAZI:** No, that is my father. That is my biological father.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** [Vernacular]...

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** [Vernacular]...

**ADV SELLO SC:** So, Home Affairs has it wrong. The Commission must accept that Home Affairs has it wrong.

**COMMISSIONER MKHWANAZI:** I have explained it, that I am kindly requesting you to go to the court and check for me, and I do not want to put my brother, and check how did my grandmother win it. But I know that this was in the court of law.

**ADV SELLO SC:** Okay, no, no, no, I ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** It is within your space. You can get that within a day or two.

**ADV SELLO SC:** I do not think I would be particularly interested to pursue that necessarily. My question really to you now is, these birth certificates and documents provided by Home Affairs are factually incorrect. And I can live with that, if that is what you suggest. So, these documents are wrong?

**COMMISSIONER MKHWANAZI:** Factually, as I have said to you, that I am requesting this Commission, through you,  
20 Chair, to verify, you will, it is going to be, you are going to prove that I am talking the truth. These are my grannies. They raised me and ...[vernacular] they take responsibility of us. I am one of them, you see. When I could not defend, when I could not do anything, as young as 1 year, 2 years maybe, you see, they took ownership of me. That is why I

am still alive today.

**ADV SELLO SC:** I take your point.

**COMMISSIONER MKHWANAZI:** They are my grandparents, and I am not ashamed to say so, not to say I am disowning them.

**ADV SELLO SC:** No, I can ...[intervenes].

**COMMISSIONER MKHWANAZI:** And when they raised me and my brother, they raised me as their own kid.

**ADV SELLO SC:** I hear you.

10 **COMMISSIONER MKHWANAZI:** And I am happy about that.

**ADV SELLO SC:** I hear you. My comment to you is, I am going to make a few and I am going to, I will make a few statements to you, and I am going to invite your comment.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You know that the documents from Home Affairs are genuine and they are correct. What is your comment to that?

20 **COMMISSIONER MKHWANAZI:** I have said to you, it is for the first time, that is why I have said to you, you are opening a can of worms. Page 4, you said you are not going to go, but you went in, you see.

**ADV SELLO SC:** No, it was just for the names.

**COMMISSIONER MKHWANAZI:** But may I respond, yes?

**ADV SELLO SC:** Yes, sir.

**COMMISSIONER MKHWANAZI:** Page 4, paragraph 2, according to the departmental records, the birth surname Ndlovu, you see, when you continue from that side, you see, it says we, she is not our parent. There is another page, again, that goes through the documents. It is from Home Affairs, too, you see. I do not know how to put it. It is the last page, Commissioners. I saw it now. Page 11. When you were outside, I happened to peruse very fast all these pages to check and wanted to confirm what you are  
10 saying.

And it is true, all those documents that are coming from Home Affairs, they do not put me and my brother anywhere from my father, or when my father passed on, from what my mother or my stepmother registered at Springs, I think it is Springs Magistrate. That is why I have said it makes me to feel uncomfortable now because it raises some politics now, some challenges.

But it is so unfortunate that both parents are no longer there. You cannot question the siblings.

20 **ADV BALOYI SC:** Can I? I do not, I can just ...[intervenes].

**ADV SELLO SC:** Yes, please.

**ADV BALOYI SC:** Please check something, sorry. Commissioner, I think what we, the significance, as Ms Sello has explained ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Of this uncomfortable discussion to you is to establish whether you have been truthful with the Commission, so see it in that way. And the truthfulness is important because if you are, if it is established that you were not truthful the last time when you gave a reason for not appearing, then you would be in contempt of the Commission, which has consequences, criminal consequences.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** So understand that uncomfortable as it may be, it is a necessary discussion. It is not meant to embarrass you or in any way to cause you any discomfort, but it is a matter that is very important to the Commission that witnesses that appear before the Commission are truthful and honest because there are legal implications for it. So understand even my question in that context.

You have referred, can I just understand what you are saying. There are two names at page 4. In paragraph  
20 1, there is a Mr William ...[intervenes].

**COMMISSIONER MKHWANAZI:** Oh, sorry, sorry, Commissioner.

**ADV BALOYI SC:** Page 4, it is that letter from Home Affairs. In paragraph 1, there is a reference to Mr William Mkhwanazi. You see that? And then in paragraph 2, there

is a reference to Gogo Titus ...[intervenes].

**COMMISSIONER MKHWANAZI:** Titus, yes.

**ADV BALOYI SC:** Mkhwanazi.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** What do you say is the relationship between William Mkhwanazi and Titus Mkhwanazi?

**COMMISSIONER MKHWANAZI:** William, he is my grandfather.

**ADV BALOYI SC:** William is your grandfather.

10 **COMMISSIONER MKHWANAZI:** He is the father of my father.

**ADV BALOYI SC:** Okay, so Titus is the son of William.

**COMMISSIONER MKHWANAZI:** Yes, he is the second born child of William Mkhwanazi.

**ADV BALOYI SC:** Okay. Okay, now that same paragraph 2, and I will go back to your page 11, the same paragraph 2 tells us about a son, a son born to Titus and Petunia. You see where it is? It has a name there, Siyabonga. You see that?

20 **COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV BALOYI SC:** Okay. Now if you go to page 11, that you were referring to, this is a hospital record it looks like.

**COMMISSIONER MKHWANAZI:** Page 11?

**ADV BALOYI SC:** Ja, the one that you were referring to.

**COMMISSIONER MKHWANAZI:** I thought it is Home

Affairs. I cannot see at the top.

**ADV BALOYI SC:** You may be right. The reason I thought it is a hospital record is because it has the name of a hospital there. It says St Mary's.

**COMMISSIONER MKHWANAZI:** Oh, yes, hospital, St. Mary's. You are correct, I see it.

**ADV BALOYI SC:** Ja, but I cannot quite tell from the dates which year it was, but I was just going to point out that you say there were seven children.

10 **COMMISSIONER MKHWANAZI:** From, yes, we are seven.

**ADV BALOYI SC:** Raised by Petunia.

**COMMISSIONER MKHWANAZI:** Rofina and Petunia, yes. Rofina and Titus, yes.

**ADV BALOYI SC:** The seven children?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** That includes you and your brother?

**COMMISSIONER MKHWANAZI:** Yes, my brother is the first born, second born, there is another sister. I am discussing familial issues. Okay ...[indistinct] but she is my sister.

20 **ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Who came with Mom Petunia. Then ...[intervenes].

**ADV BALOYI SC:** And how many children did Petunia have, Mom Petunia have?

**COMMISSIONER MKHWANAZI:** Including my brothers and

sisters ...[intervenes].

**ADV BALOYI SC:** No, forget – there is you, your brother, and your sister.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** From your mother.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** And another four. It is three sisters and one son.

10 **ADV BALOYI SC:** And the four, the other, the four that you are referring to ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** The three sisters and another brother, those are Petunia's, Mom Petunia's birth children, biological children.

**COMMISSIONER MKHWANAZI:** Mom Petunia and Babu Mkhwanazi, yes.

**ADV BALOYI SC:** And Babu Mkhwanazi, yes, I understand that.

20 **COMMISSIONER MKHWANAZI:** You are correct. You are correct.

**ADV BALOYI SC:** You see, the confusion then for me is the page 11 that you refer to also refers to only one child. At page 11 it does, even if we say, we accept what you are saying, that there were seven children and somehow only

one is mentioned, I accept that. But page 11 refers only to one child who is the very same child referred to in the Home Affairs letter of yesterday. So it seems Home Affairs does not seem, it looks like, and I may be wrong in how I am reading the letter from Home Affairs, it records only one child born to Petunia Mkhwanazi and Titus Mkhwanazi. That is at page 4, Home Affairs as at yesterday. I think the letter is yesterday. And then page 11 also refers to only one child. So the other four biological children, or the other  
10 three biological children do not seem to be accounted for.

**COMMISSIONER MKHWANAZI:** You are correct, Commissioner, even if when you look page 9, there is only one birth certificate for Siyabonga ...[intervenes].

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Not for my other sisters.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, you are correct, Commissioner, I agree with you.

**ADV SELLO SC:** Commissioner, if I may perhaps, and we  
20 only got this yesterday, so I think we are all trying to digest it, perhaps if we have regard to page 4, item 2 of, that is the, what, Home Affairs letter, the last sentence of paragraph 2 reads:

“Having indicated that Ms Petunia Mkhwanazi was married to Mr Gogo

Titus Mkhwanazi ...”

That paragraph says:

“This was established through the birth record of one of their children ...”

And gives the name with the identity number, then gives the ...:

“As the marriage records could not be located.”

So the document that is attached at page 11 by  
10 Home Affairs is in respect of this specific child. It does not suggest that it is firstly the only child or that it was intended to also cover the other children. That is the first point. And the second is when one looks at page 11, it is, as I said, it is in respect of that named child, born in 1994, and it is the immunization health issues concerning a newborn. In the middle column you will see the details there regarding immunizations.

And then extreme right column, it is different dates, that I guess would reflect the visits the mother and child  
20 paid to the clinic. So page 11 strictly relates to one person, which is the child and then it is the point I wanted to make to Mr Mkhwanazi earlier, that it cannot speak to Mr Mkhwanazi himself or any of his siblings, because these are medical records of a newborn who was identified and the name given.

**ADV BALOYI SC:** You understand, Commissioner Mkhwanazi, what Ms Sello is correctly pointing out is that the letter from Home Affairs and page 11 are not in themselves evidence that there are no other children, that there was only one child. It just speaks, it is a document that just speak to one child ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, but ...[intervenes].

**ADV BALOYI SC:** And nothing more.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner, but I  
10 am disturbed when Home Affairs is the one that say they cannot locate the marriage certificate, because even if you can lose marriage certificates and whatever, our hope it is at Home Affairs. That is why I am saying in terms of ours, anything that has to do with courts, it is at the Justice Department or at the courts. You will find anything, you see, every documents. If they say they cannot locate, or maybe it is because of time that they were given, you see.

**ADV BALOYI SC:** Ja.

**COMMISSIONER MKHWANAZI:** But I still confirm that.  
20 And again, I felt that by not attaching the programme, you see, because you submitted this document with the programme, you see, the programme talks to all of us there. You can even track through all of us, our names and everything, so that it becomes easier for you when you want to check in the courts are these ones that I mentioned

there, part of this family. It is going to simplify for you. I thought I am going to see the programme too, but I see it is not attached.

**ADV SELLO SC:** And that is because the one programme copy you gave us was returned to you, Mr Mkhwanazi. It was returned, the programme.

**COMMISSIONER MKHWANAZI:** No, it was not. I ...[indistinct] [intervenes].

**ADV SELLO SC:** Then you must perhaps check with your  
10 attorney. We did not retain it.

**COMMISSIONER MKHWANAZI:** Oh, okay.

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

**COMMISSIONER MKHWANAZI:** Because the programme was going to simplify all of us so that when you go to Home Affairs, you will see all of us and our history and everything.

**ADV SELLO SC:** Do you still have a copy of the programme?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Will you kindly bring it along tomorrow?

20 **COMMISSIONER MKHWANAZI:** I must go to ...[indistinct], but I will see how to get it.

**ADV SELLO SC:** Please.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And if you have it electronically.

**COMMISSIONER MKHWANAZI:** Oh, yes, yes, I think I may

get it electronically.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But, and you should ask your attorney, because I think when we appeared, we had it in hand, so it might be with your attorney and his files.

**COMMISSIONER MKHWANAZI:** No, you will get it electronically.

**ADV SELLO SC:** Okay.

10 **COMMISSIONER MKHWANAZI:** Yes, we will get it.

**ADV SELLO SC:** So if you could bring that. My second, then, statement to you, as you know that the records as provided for Home Affairs are indeed correct, and that you lied to the Commissioners when you sought an extension for your appearance. What is your comment?

**COMMISSIONER MKHWANAZI:** I did not lie. I still maintain I did not lie. And I still maintain that some of these documents that are here, I am seeing them for the first time. As I have said, it is an embarrassment. I am still  
20 saying the mother that we buried, or we are burying on the, on that date of ...[indistinct] the 22<sup>nd</sup>, if I am not mistaken, she is my mother. She raised me as a parent, you see, and she is the wife of my father, the father that gave birth to me. And I still say, ...[vernacular] William Mkhwanazi, and grandmother, Foleni Maria Mkhwanazi, they are my

grandparents, you see. And as I have said that, I think I am repeating it for the seventh time now, you can go and verify.

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

**COMMISSIONER MKHWANAZI:** Yes, I did not lie. Maybe the challenge I may take, or I may admit to the Commission that I was supposed to say stepmother, you see, but it does not sit well, you see. This English word with us does not sit. The mother is a mother. She raised me, you see. And I am not apologetic about that and I cannot be apologetic  
10 about that. And there is no reason for me to lie.

**ADV KHUMALO SC:** Commissioner ...[intervenes].

**COMMISSIONER MKHWANAZI:** And there is no reason for me to say I will run away from ...[intervenes].

**ADV KHUMALO SC:** To be fair to you, because I see you are becoming emotional. I know some of us in our cultures, your father's wife is your mother. There is no such thing as stepmother, step-this. Those are English terms. Those are Western terms.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV KHUMALO SC:** Some of us, where we come from, the person that raises you is your mother, full stop.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** Whether you said biological or step-this or step-that, you identify them as you know them, not as the law knows them.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV KHUMALO SC:** And I think that is your explanation.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** Thank you, Commissioner Khumalo. And I do agree with Commissioner Khumalo. That is not, oh, I say I do agree with Commissioner Khumalo, that is how we have it in African tradition, but that is not the point I seek to make. The point I seek to make is you know the correct, truthful position, and that position is as reflected in the  
10 documents, and that therefore you lied to the Commission. That is the only point I sought to make. You deny you lied. You say you are learning these facts for the first time. So then I move on.

Secondly, my submissions to the Commission is that you must be held in contempt for lying, deliberately lying to the Commission, when you knew that the facts you were relying upon to obtain your postponement were false. That is my submission to the Commission, and this is your opportunity to address the Commissioners as to why you  
20 should not be held in contempt. Yes, you may, Mr Mkhwanazi.

**COMMISSIONER MKHWANAZI:** I still maintain that I did not lie, you see. And the programme say so, and I have explained it, and I am still going to explain it. And Commissioner Khumalo has just summarized it for me. I did

not lie to the Commissioner. Even the day of engagement, remember when we were towards the consultation, I did not raise it when we discussed, but towards the end I raised it, that whilst we were discussing, I am having this challenge of a funeral tomorrow, you see.

If I wanted to hide, I was not even going to come for consultation. Remember the consultation was on Friday. The next day it was a funeral. But I decided to respect the Commission and come up until you and my attorney agreed  
10 that we are releasing you, you may go, then we will go and address the Commission up until that is when you called me and say, no, you are granted that.

And I was there, honestly being here. We sat, we discussed, we consulted with you. There was no reason for me to lie or to run away. You cannot run away. I am a South African. I do not have any other identity or other citizenship. Even if I delayed the Commission, when it wanted they are going to send summons to me. Commissioners, I did not lie. I still maintain that she raised  
20 me. She is my mother, you see.

**ADV SELLO SC:** Well, it is interesting ...[intervenes].

**COMMISSIONER MKHWANAZI:** If you did not take it the way on that day, you were supposed to raise it on that day that no, no, no, because remember, you even asked, you checked the ID numbers. I saw you. You were having a

programme. I see ...[intervenes].

**ADV SELLO SC:** No, no, that is not true. Tell the truth. I never saw the ID number ...[intervenes].

**COMMISSIONER MKHWANAZI:** Allow me to talk, Commissioner.

**ADV SELLO SC:** No, do not mislead.

**COMMISSIONER MKHWANAZI:** But I still maintain that even on that day, you had the programme with you. That is why I have said to you, you took the programme. You  
10 asked me, I said yes, you see. You say, when is the funeral? I mentioned the funeral.

**ADV BALOYI SC:** Can I ...[intervenes].

**COMMISSIONER MKHWANAZI:** Thank you, Commissioners.

**ADV BALOYI SC:** Ja, can I just say, Commissioner, perhaps, in fairness to you, and just for proper recording, that the document at page 6, which comes from the Department of Home Affairs, is not itself a birth certificate. It is a notice of birth. And according to the dates on this document, the notice of birth was recorded on the 23<sup>rd</sup> of  
20 April 1994.

So, someone went to Home Affairs, and it would seem it is Foleni Maria, who would have gone to Home Affairs, described here as mother in relationship to child. But importantly, it is in 1994, April 2023, when this notice of birth was registered. So it is not the birth certificate itself.

**COMMISSIONER MKHWANAZI:** You are correct, Commissioner. I remember it was before the elections. I was putting pressure on her that I want to go and vote. I want to go and vote, I do not even have an ID. I think she went and collected that certificate so that we can go and get, as I have said that she is the one who took my ID, who assisted me to get my ID. I remember it was before elections. On that year, you see, the elections were there. I wanted to go and vote.

10 **ADV BALOYI SC:** And you wanted to vote.

**COMMISSIONER MKHWANAZI:** Yes, I wanted to vote. I am being honest, you see. I think she was under that pressure, you see.

**ADV BALOYI SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Everything here I do not deny it, Commissioners. I do not deny it, you see.

**ADV BALOYI SC:** All right.

**COMMISSIONER MKHWANAZI:** And she assisted, this ID that I am having is because of her. As I have said that  
20 once I was living as a stepmother, she made sure that some necessary documents in my life are there while she was still old, but she went and collected. And we went with. And I know that when we were getting that ID, there were many questions that were asked to her. It was a period of an hour or hour and a half, you see. She produced many

documents. She had many documents with her wrapped with a plastic, so she could not explain, because, but she submitted all those documents up until I was able to get the green ID document.

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

**ADV SELLO SC**: Thank you, Commissioner.

**CHAIRPERSON**: And you got it before the elections?

**COMMISSIONER MKHWANAZI**: Before the elections. And I woke up early and voted.

10 **CHAIRPERSON**: You were lucky.

**COMMISSIONER MKHWANAZI**: Thank you.

**CHAIRPERSON**: 23 April and ...[incomplete].

**COMMISSIONER MKHWANAZI**: Yes, yes Commissioners.

**CHAIRPERSON**: Ja, a few days, few days.

**COMMISSIONER MKHWANAZI**: Yes, Commissioner.

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

**ADV SELLO SC**: Thank you, Chair and Commissioners.

Mr Mkhwanazi, my closing remark was that the Commissioners should hold you in contempt for having misled, and I invited you to give your comment to that, and you indicate that, your response was you stand by your explanation and you should not be held in contempt, correct?

**COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV SELLO SC**: And I am happy to leave the matter at

this point, unless there is anything further you would like us to deal with in this regard.

**COMMISSIONER MKHWANAZI**: No, it is just that to hope to all the families, my families that are listening, that it does not open a can of worms. That is the procedure of the Commission. Yes, I know that I am touched. Now I am thinking about other things, but I hope all of them. Thank you, Commissioner Baloyi, for explaining it again. It is not to say it is only Siyabonga. You see, some will say that  
10 means we are not counted too, but she has already explained it is about because they wanted to get information and the details you see.

**ADV SELLO SC**: That would be the first. And the second is I can assure you this file is not for public consumption. It was for purposes of this engagement only.

**COMMISSIONER MKHWANAZI**: Are you saying the second document?

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: There is another one?

20 **ADV SELLO SC**: No, I say that bundle of documents is not for public consumption, because it is got all your personal details and your, so it was for purposes of this engagement only.

**COMMISSIONER MKHWANAZI**: Ja, but you have already touched everything. Thank you. [Indistinct]... I am hurt. I

am hurt. I do not want to lie. But thank you, Commissioners. Thank you.

**ADV SELLO SC:** Thank you.

**CHAIRPERSON:** Commissioner Mkhwanazi, yes, you did respond to the questions there, but that may not have been structured in a manner in which it would have been. I am saying you have responded to the questions, but your responses may not have been as structured as you would have liked them to be had you gotten advance notice that  
10 issues like these would be raised with you.

In fairness to you, I am offering you the opportunity to put together everything you want to say with regard to the issues that were raised, put it together in an affidavit. But that is if you wish to do that. So it is up to you whether you take me up on that offer or you do not.

**COMMISSIONER MKHWANAZI:** It is important to do that, Commissioner, you see, so that other family members, I will be open to them about that affidavit, because I know that, you know ...[vernacular] politics, you see.

20 **CHAIRPERSON:** Yes, yes.

**COMMISSIONER MKHWANAZI:** As I have said, this is going to open and you see, but I am going to do that, to respond to the questions.

**CHAIRPERSON:** You do that, yes.

**COMMISSIONER MKHWANAZI:** And touch on everything

that ...[indistinct].

**CHAIRPERSON**: Are you in a position to indicate by when you will lodge that affidavit?

**COMMISSIONER MKHWANAZI**: I will appeal to the Commission after the testimonies of this week, then I will try ...[intervenes].

**CHAIRPERSON**: Maybe two days after your testimony has been concluded.

**COMMISSIONER MKHWANAZI**: Please, Commissioner.

10 **CHAIRPERSON**: All right.

**COMMISSIONER MKHWANAZI**: Because I must still get those documents, they are my granny's bundle, you see, go to Granny's house, may I get these documents.

**CHAIRPERSON**: Yes.

**COMMISSIONER MKHWANAZI**: Because it is going to assist the Commissioner.

**CHAIRPERSON**: Yes.

**COMMISSIONER MKHWANAZI**: Thank you, Commissioner.

20 **CHAIRPERSON**: Thank you. Thank you, Commissioner, and I must apologize, and I hope this is on my behalf and on behalf of my colleagues that you were taken by surprise on this. Of course, Advocate Sello has explained that they too only got the documents from Home Affairs only yesterday. But still, you were taken by surprise and on something quite sensitive to you relating to intimate issues

about your family. I must apologize on behalf of the Commission.

**COMMISSIONER MKHWANAZI:** Thank you, Commissioner.

**CHAIRPERSON:** Thank you.

**ADV SELLO SC:** Thank you, Chair. Then if we could just close that little file, we are done with it, and get back to the issues of the day, which basically involve your testimony to the Commission, Commissioner Mkhwanazi.

**CHAIRPERSON:** Which files must we have close by, Mr  
10 Sello?

**ADV SELLO SC:** I am going to call them. But I see Commissioner Mkhwanazi is still making a note. I think it is a note of what the Chair advised him on, so perhaps let me wait for him to finish. Ja, it is noted. Okay. So, Chair, for the moment, I think it is enough to have one file, but I must introduce it into record before we can turn to it.

Now, turning to you, Commissioner Mkhwanazi, to confirm that since your last appearance, you have prepared and submitted a supplementary statement to your original  
20 statement, is that correct?

**COMMISSIONER MKHWANAZI:** Can I check first?

**ADV SELLO SC:** Yes, absolutely.

**COMMISSIONER MKHWANAZI:** May I.

**ADV SELLO SC:** No, can we at least establish the fact that you did so, you submitted a statement, a

supplementary statement, is that correct? Then we will try and identify which one.

**COMMISSIONER MKHWANAZI:** I am not ignoring you, né. Last time I was giving a short notice to confirm. I could not even read the statement.

**ADV SELLO SC:** No, no, no, right now, I am just confirming ...[intervenes].

**COMMISSIONER MKHWANAZI:** I just want to confirm each and every paragraph.

10 **ADV SELLO SC:** No, I just want to confirm a simple fact. Did you submit a supplementary statement?

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Just for the moment. Okay. Then I was going to draw your attention to the file that has now been handed to you. Chair and Commissioners, it should be marked Julius Mkhwanazi Supplementary Bundle. That is the document that has been put before you, correct? Now, let us then turn to this document. It is a six-page document for the moment, and attached to that document are five  
20 annexures. Is that what you have in your file?

**COMMISSIONER MKHWANAZI:** Are you saying the whole document it is five annexures?

**ADV SELLO SC:** No, the actual statement is a six-page document.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And attached to that supplementary statement are five annexures. I just want to confirm that that is correct.

**COMMISSIONER MKHWANAZI:** Yes, that is correct.

**ADV SELLO SC:** That is correct. Now, let us go to the statement then. It is undated. Would you like us to attach a date to it? Or let me just say, is this the statement, that supplementary statement that you filed, first things first? And now you can satisfy yourself that that is the statement  
10 you filed. You are welcome to page through it.

**COMMISSIONER MKHWANAZI:** You will not include the attachment, the attachment will be separate?

**ADV SELLO SC:** No, it is a statement read with the attachments, because as I read the statement, it references the five annexures. So I just want you to confirm that, look at the statement and confirm whether this is the supplementary statement you say you filed.

**CHAIRPERSON:** It ends at paragraph 12, Commissioner, page 6.

20 **COMMISSIONER MKHWANAZI:** Yes ...[indistinct].

**CHAIRPERSON:** I do not have ...[incomplete].

**COMMISSIONER MKHWANAZI:** No, thank you. Thank you, Commissioner.

**ADV SELLO SC:** Ja, so you confirm that is the statement?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I see at page 6, in fact at page 1, it just say supplementary statement to Madlanga Commission. The last page, page 6, is undated and it is unsigned. Is that correct?

**COMMISSIONER MKHWANAZI:** Are you saying the page 1 ...[intervenes].

**ADV SELLO SC:** Page 1 ...[intervenes].

**COMMISSIONER MKHWANAZI:** Or the whole statement?

**ADV SELLO SC:** Of the whole statement just has a  
10 heading supplementary statement to the Madlanga Commission.

**COMMISSIONER MKHWANAZI:** Yes, it is unsigned.

**ADV SELLO SC:** And the last page is unsigned and is undated, does not have a name, page 6.

**COMMISSIONER MKHWANAZI:** You are correct.

**ADV SELLO SC:** So on its face it does not tell us that this is your supplementary statement, am I correct?

**COMMISSIONER MKHWANAZI:** Yes, but I place it on record that it is my statement.

20 **ADV SELLO SC:** And that is the part that I want us to turn to there.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So for the record, we confirm this is your supplementary statement. Secondly, are you happy to sign this statement as yours? We can attend to that during the

tea break.

**COMMISSIONER MKHWANAZI:** Please, please, I wanted to say that.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Because that time I signed it here, not during the tea break, you see ...[indistinct] identified some things, yes please.

**ADV SELLO SC:** Then we will do that for the record. And what date would you, do we attach today's date? What date  
10 would you prefer to be attached to this statement?

**CHAIRPERSON:** Because you will be signing today ...[intervenes].

**ADV SELLO SC:** [Indistinct]... [cross-talking] today.

**CHAIRPERSON:** I think we should use ...[intervenes].

**ADV SELLO SC:** Okay, then we will date it the 14<sup>th</sup> of April.

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Thank you, Commissioner.

20 **ADV SELLO SC:** So now that we are ...[intervenes].

**CHAIRPERSON:** And besides just the signature, please write your name in full and then sign above the full name.

**COMMISSIONER MKHWANAZI:** On the last page?

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

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

**COMMISSIONER MKHWANAZI:** You want, oh, no, it is fine, Commissioner. If you see I am not initialling, that is the last page, thank you, Commissioner.

**CHAIRPERSON:** You may actually do that, initial each page. At least it is six pages only, so, ja.

**ADV SELLO SC:** We will attend to that during the tea break, Mr Mkhwanazi.

**CHAIRPERSON:** You may do that on only one document, not on all copies.

10 **ADV SELLO SC:** Absolutely, absolutely, the official one, and re-run copies of the signed ...[intervenes].

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

**ADV SELLO SC:** We shall do so. So, Mr Mkhwanazi, and then you did cast your eye on the annexures. You confirmed these are the annexures you intend to introduce to your testimony, correct?

**COMMISSIONER MKHWANAZI:** Hm. May I ask something? Yes, on this it is correct. As I have said before that last time I signed, and I feel that justice was not done  
20 on me, Commissioners, and correct me if I am wrong, you see. I submitted, then, in terms of looking, in terms of the wording, each and every, I did not have that opportunity, you see. At least now you are giving me an opportunity to sit on a tea break. It was presented, I had to say, yes, confirm it is. Then we made an amended, before

supplementary, me and the attorney made an amended statement, because I wanted to raise that with the Commission. If the Commissioners say, no, it is out, it is out. But we have also submitted it, too.

**CHAIRPERSON:** May I just raise this. I am looking at page 6, and there is a different colour font. I do not know whether that is deliberately a different colour font, or whether it is track changes. I cannot tell. Maybe it is a different colour font, because if it was track changes, there  
10 would be those vertical lines on the left margin. So, why a different colour font?

**COMMISSIONER MKHWANAZI:** Commissioner, I am not ...[intervenes].

**CHAIRPERSON:** Some words, of course, not the entire page.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Some words, phrases, etcetera.

**COMMISSIONER MKHWANAZI:** Yes, I am not the computer fundi. I typed it by myself, you see.

20 **CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** Then I will have to check when I am reading it.

**CHAIRPERSON:** Is your version also like mine? For example, right at the top, with alleged registration and make, that is an orangish colour font, and then open

brackets, sexual harassment, annexure, also same colour font, and a few other examples. So, here, there, and there.

**COMMISSIONER MKHWANAZI**: You are correct.

**CHAIRPERSON**: Ja. If you say you typed it yourself, are you able to explain why you would have moved to orange?

**COMMISSIONER MKHWANAZI**: I think when I was correcting something, that is what I am saying during the tea break, I will check that.

**CHAIRPERSON**: Okay, okay.

10 **COMMISSIONER MKHWANAZI**: Yes, because I had to type and recheck, and because I had to make sure that I meet the due date.

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

**ADV SELLO SC**: Thank you, Chair. I do not know if I understood you correctly. When we finalized the issue of signing this statement, which we said we shall do during the tea break, you sounded like you were raising a complaint, and then you referenced yet another statement. Would you like to clarify what, because we want to make sure what it is  
20 we have on record and what is not on record. I will not try and summarize what you said, lest I misunderstood you. So, I am giving you an opportunity to please ...[intervenes].

**COMMISSIONER MKHWANAZI**: I could not hear that?

**ADV SELLO SC**: I want to give you an opportunity to cover the issues you raised after we agreed that we shall be

signing the statement during the tea break, and then you made statements that, to me, sounded like a complaint, and you referenced yet a third statement. So, for purposes of clarity, I would like you to go over that again.

**CHAIRPERSON:** Before you explain, Commissioner, throughout the morning I have been noticing that you are straining your ears, leaning forward as if you have difficulty hearing what is being said, and I did not notice that when you were here previously.

10 **COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** I do not know, is there, are there problems with the sound, or is there something with you today, Commissioner?

**COMMISSIONER MKHWANAZI:** I think I am aging, Commissioner. I am losing everything, even the sight ...[indistinct] but at least when I am wearing, I can read, because the most important thing is to read.

**CHAIRPERSON:** Yes. I will ask our technical people to just check the sound and try to establish what the issue is  
20 over the tea break, of course.

**COMMISSIONER MKHWANAZI:** Thank you.

**CHAIRPERSON:** And so that you do not have to strain yourself. I would like for you to hear us properly.

**COMMISSIONER MKHWANAZI:** Okay, thank you, Commissioner.

**CHAIRPERSON:** Thank you, thank you. Now can you give the explanation that Ms Sello asked for? I hope you still remember what.

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

**COMMISSIONER MKHWANAZI:** The matter raised before the statement?

**ADV SELLO SC:** No. I just did not want any concerns you may have to go unaddressed. So you had said something and placed them on record, but I was not sure exactly what  
10 your complaint is, and I did not want to summarise, lest I got it wrong. So I am giving you an opportunity to please state succinctly what your issue is with statements previously provided. And as I said, you referenced yet a third statement, and if you could just explain what that is.

**COMMISSIONER MKHWANAZI:** No, we submitted during, remember, during the time of consultation, my attorney submitted, my then-attorney submitted and amended, you see, because I felt that some of the words that were used they were not representing me correctly, and I did not have  
20 enough time that time to read each and every sentence, each and everything. You see, I wanted to know, do we receive it and are we accepting it, or we are saying you took an oath on the first one, you stick to the first one. It is not a complaint *per se*, but it is a content that I am raising. And again, are we sticking to this one and the first one, that

one we must forget. If the Commission says so, it is fine with me, but I wanted to raise that. It is not a complaint, but I was raising that. So I am not a legal fundi. I am representing myself today, I must be clear, so that I do not say the Commission is unfair to me.

**ADV SELLO SC:** No, fair enough. Perhaps if I can address that. You would have next to you what we call the witness statement and annexure bundles that you submitted during your first appearance. Do you – if we could just  
10 assist Ms Mkhwanazi to find those. And that is the statement and annexures we worked off during your first appearance, first and last appearance.

**ADV KHUMALO SC:** Ms Sello, maybe while they are still assisting.

**ADV SELLO SC:** Yes. Yes, Commissioner.

**ADV KHUMALO SC:** I think what Commissioner Mkhwanazi is referring to is a corrected version of his original statement.

**ADV SELLO SC:** I will get ...[intervenes].

20 **ADV KHUMALO SC:** So, we have a file here with a statement that is 39 pages long. And because the statement is clean, I know that it is not the one we worked off previously because that one would have had my handwritten notes. So what he wants to know is whether the Commission accepts the statement.

**ADV SELLO SC:** I aim to get specifically to that, and in order to do so, I must take it a step at a time, otherwise we are all going to lose track as to what we mean when we reference Commissioner Mkhwanazi's statement. So I have to take it from the beginning, which is on his first appearance. So those are the files that we had and were submitted into record, being your statement and your annexures, and they would go to, I think, annexure JD15. Do you confirm that, Mr Mkhwanazi?

10 **COMMISSIONER MKHWANAZI:** I am sorry? I was noting what you are saying.

**ADV SELLO SC:** I am back to your first appearance. You had a statement with annexures. That is your statement that you, is now on record, correct, together with its 15 annexures?

**COMMISSIONER MKHWANAZI:** Are you saying this is one of the bundles?

**ADV SELLO SC:** I am saying when you first appeared you had a statement and two files of annexures.

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes. Now, that statement has got 15 annexures marked JD1 to JD15. Is that correct?

**COMMISSIONER MKHWANAZI:** You are correct.

**ADV SELLO SC:** Okay. So, when you last appeared in December of 2025, that is the document and it is annexures

that we were working from, correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** There was a discussion during the course of your testimony about the possibility of you supplementing your statement and after your appearance you were reminded of a right to supplement and we said whether on invitation by the Commission or not, if you want to supplement, you are at liberty to. You recall that conversation with you?

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. And you then sought to supplement and you filed with the Commission's attorneys a statement you called an amended statement, which you said was a supplementary with 61 annexures. Do you remember that?

**COMMISSIONER MKHWANAZI:** No, I did not say it is a supplementary.

**ADV SELLO SC:** You say it is an amended.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** So, you sought to amend the statement that we had worked off in December already, correct? It has to be correct.

**COMMISSIONER MKHWANAZI:** Are you saying I?

**ADV SELLO SC:** You wanted to change the statement that we had worked off in December, the one with 15 annextures.

**COMMISSIONER MKHWANAZI:** I amended it, yes.

**ADV SELLO SC:** You amended it.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And now, in that amended, the amended Julius Mkhwanazi statement now had 61 annextures. The file is being handed over to you. That is what you  
10 ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, yes. I remember it because out of the engagement that we had on the days of consultation. ...[indistinct] yes.

**ADV SELLO SC:** Yes. And in our engagements with you and your attorney and the, during the consultation, we realised that you numbered the annextures JD1 to JD61, but effectively, the bulk of them were a rearrangement and renumbering of annextures that are already on record as JD1 to JD15. And we said you cannot do that, it is going to  
20 cause confusion, okay, because there is a risk that one document may end up with two annexture numbers, either JD3 from the December 25 session, and by April 2026, JD3 now is also JD59. And we cannot have that situation because it makes it impossible to read the material. Do you remember that conversation?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And we suggested that, to the extent that there are new annexures that you want to add, please prepare a supplementary statement, a separate supplementary statement, raising the issues you want to raise and attaching the new annexures.

**COMMISSIONER MKHWANAZI:** Yes, but my concern is not about only the attachment or annexures. Or let me say that, let me say I use annexures as attachment, it is about  
10 the wording too, you see. May I raise it, Commissioner?

**ADV SELLO SC:** Ja.

**COMMISSIONER MKHWANAZI:** I felt that when the other witnesses were raising issues, you see, they were, it was not in their statement. I read their statements, it was not alleged, it was said, she has done that, she has done that, but on mine, when it came from you, Mr Commissioner, or when the person was typing or correcting it, it is now everything that I am saying it is allegedly, allegedly, even though we have got case numbers, even though in some of  
20 the things we have got evidence, but it is twisted as alleged. That is my real concern that, that is why I have said the wording, I did not talk about the attachment, you see ...[intervenes].

**CHAIRPERSON:** What was the ...[intervenes].

**COMMISSIONER MKHWANAZI:** It does not represent me,

it represent the Commission, not me. That means I am saying, yes, I was given a few seconds or a few minutes, Commissioners, to, or not even, I do not know, this time you are fair to me, see, on the break time, it is six pages, you see, but that time it was a document ...[indistinct] [intervenes].

**CHAIRPERSON:** The allege, allege that you seem to be complaining about, was it in your original statement or ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Yes, Commissioners. Yes, it is not a complaint *per se*, Commissioner. I am saying, can you look at that, you see, so that I will be happy ...[intervenes].

**CHAIRPERSON:** It is either a complaint or a concern. I am not even sure myself what the difference is.

**COMMISSIONER MKHWANAZI:** Oh, yes.

**CHAIRPERSON:** But surely it must be somewhere there.

**COMMISSIONER MKHWANAZI:** Okay, Commissioner.

20 **CHAIRPERSON:** Yes, Ms Sello. No, I just wanted to get an idea of ...[intervenes].

**ADV SELLO SC:** I understand that.

**CHAIRPERSON:** Where the allege, allege that the Commissioner is referred to is said to have been, where exactly was it.

**ADV SELLO SC:** Yes, and I think I was grappling with the actual concern, that is what I am trying to wrap my mind around, but that is a mental exercise I will undertake on my own at some point, I will understand, but thank you for that. Commissioner Khumalo.

**ADV KHUMALO SC:** Ms Sello, can I ask you a question. Is there any difference in substance between what Commissioner Mkhwanazi wants us to accept as the amended/revised statement and the original statement, in  
10 substance? So the words he says, yes, that is what I wanted to say, but I prefer to use a different word and not that one, but the substance of what we are dealing with, is it different? Is he saying something different to what was in the original statement? Because my view is if he does not, then we should consider this as part of his evidence, unless you say he is changing his evidence, therefore we should not accept it.

**ADV SELLO SC:** No, no, Chair, sorry, Commissioner Khumalo, the issue we took with Mr Mkhwanazi is the  
20 duplication of annexures.

**ADV KHUMALO SC:** Let us ignore the annexures for now.

**ADV SELLO SC:** All right.

**ADV KHUMALO SC:** Just the 39-page statement. Ignore the annexures. In other words, what I propose to do is to read the original statement together with this one, so that

where I refer to annexures, I will have the original statement in front of me so that I know which annexure applies to which paragraph.

**ADV SELLO SC:** I think, if memory serves me well, the only issue of substance was an introduction of about a four-page issue, I am trying to identify here, which I take it is now addressed in the latest supplementary. Otherwise there is not much difference in substance.

**ADV KHUMALO SC:** So if we were in court, I would ask  
10 you if you are prejudiced if we accept this as part of his evidence. So we read both the original and the revised together. To the extent that we need to look at an annexure, we will obviously look at the original because the original is what tells us where each annexure is. We do not want to look at the supplementary for that purpose because it will cause the very confusion that you say will be caused.

**ADV SELLO SC:** The difficulty, Commissioner, is that you will not know which annexure. When Mr Mkhwanazi prepared the annexures, a single annexure could potentially  
20 run into about 20 pages, and it is a multiplicity of documents. And now he wants to split up the documents and give them a different annexure number.

**ADV KHUMALO SC:** That is what I say we do not want to do.

**ADV SELLO SC:** Yes.

**ADV KHUMALO SC:** So for the purposes of looking at the annexures, I would look at say paragraph 29 of the revised statement, and I would try to locate that paragraph in the original statement, and when I find it, I will read it with the annexure that was originally part of the original statement. That way, I am not looking at the same annexure twice, and it avoids the very difficulty that you say will arise if I were to look at annexures as if I am reading them together with the revised statement for the first time.

10 **ADV SELLO SC:** I perhaps understand, except that it will only make sense for ourselves here as we work through the documents and the reader of the transcript in due course, if you take that statement as a narrative. So, to follow the narrative that he wants, and you ignore every reference to an annexure, because the moment you go into the annexure, then you are going to run into difficulties, because what is now annexure JD13, in that amended statement, you have JD13 already in the original that does not speak to the point being made.

20 So we had suggested that you can do the same. Take out references to annexure numbers and put page numbers of the annexure file itself. So, if it is part of JD13, and it is from page, the particular document you want is 600 to 620, just say pages 600 to 620. Then we can locate. That was the discussion, the basis on which we parted.

Now, before I fully respond to your question and your suggestion, Commissioner Khumalo, he then filed, and that is the basis on which we parted last time, then he files this document that is before us that we now call a supplementary statement, the one that we say he is going to sign during the tea break.

So now we have three. We have the original December statement. We have this one that I would ...[intervenes].

10 **CHAIRPERSON:** The amended, the amended statement.

**ADV SELLO SC:** The amended statement, as he has attempted. And then we have this supplementary today. I am in your hands how we navigate them, but our previous attempt to incorporate that amended statement into what is quote-unquote, his testimony, with the annexures as he referenced them just, it gave us a headache, but perhaps we are slow thinking.

So, if the Commissioners want to accept that statement, we can accept it as an amended statement, but I  
20 would urge you not to follow the annexures, because this supplementary statement that we are signing now at tea has reverted to the numbering of the first. That is why he starts with JD16(i). The last one was JD15. So where all that lands us, I do not know, but I am in your hands.

**ADV KHUMALO SC:** I think you and I are on the same

page ...[intervenes].

**ADV SELLO SC:** Okay.

**ADV KHUMALO SC:** Because my proposal is that we do not discard the original statement, because to locate the annexures, we need the original statement, because our transcript will reflect annexure pages and the evidence relating to those annexures based on the original. Now there would be no transcript that deals with annexures as they appear in the amended or revised, and there would be  
10 no evidence on the revised annexures.

All he is asking for, as I understand, is that this 39-page statement, because it corrects the wording, and that is all it does, that is why my first question was, in substance, does it change anything. So if we look at paragraph 28, for example, 29, which says the email trail attached is JD so-and-so, I would look for that paragraph in the original statement, and I would read it together, and for the purposes of locating the annexure, I would look at the original statement, because otherwise my transcript will not  
20 make sense, and that is the only way really around it.

We take the statement as is, without the annexures, and then for the purposes of locating annexures, we still use the original statement.

**ADV SELLO SC:** And that is part of the challenge, Commissioner Khumalo, because now the phrase you just

read, the email is JD whatever. If you go to the original statement, you will not find that statement. So you will not be able to locate that annexure. That is part of the challenge. My, perhaps via media ...[intervenes].

**COMMISSIONER MKHWANAZI:** Commissioners it might be ...[intervenes].

**CHAIRPERSON:** Just a minute, just a minute, you will get an opportunity.

**ADV SELLO SC:** We accept the amended statement. As I  
10 say, substantively it is not much different from the original. It does have an addition on a specific topic, which I said he is quite entitled to either file a separate statement on, or testify to in oral testimony, but whichever. But then, the annexures to that amended statement do not make it into the record, because that is where the problem arises.

The annexure file and annexure references, and they are for reference purposes only, but when we talk of Mr Mkhwanazi's annexures, we are talking about 18 annexures, not 61, as the amended statement intends to.  
20 He will indicate whether, if we approach it that way, he has, he then loses the opportunity to place before the Commission some or other annexures. That is the best I can come up with, Commissioners, as a solution.

**CHAIRPERSON:** Yes, you wanted, thank you, Ms Sello.

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

**CHAIRPERSON:** Yes, Commissioner Mkhwanazi, you wanted to say something.

**COMMISSIONER MKHWANAZI:** Commissioners, I do not want to feel discriminated or prejudiced, you see. Why I am saying this, on the last testimonies, on the second day, the Commissioner, the Chair, made the comments and I have said, but Chair, there is a document talking to that. And the Chair asked in this Commission, which document is that, you see. That is when the leading, or the evidence leader  
10 came in and said, Commissioner Mkhwanazi's documents are still being sorted. It was the second day, né, and I felt that I am being prejudiced because I have attached, I may not articulate in terms of your legal language and everything, but I feel that I have got a defence because I have got documents that talks to that, and I feel that all those documents must be. Because to be honest, I agree with ...[intervenues].

**CHAIRPERSON:** Before you go on, just a quick question.

**COMMISSIONER MKHWANAZI:** Yes.

20 **CHAIRPERSON:** The documents that you say you have, and which I understand are documents attached to the amended statement, do those documents differ from the documents that we already have and the additional ones that you have, or rather that you have attached to the six-page statement? Are there any additional documents,

because my understanding of what Ms Sello is saying is that the documents are not different, but that you have split up some, the result or rather the upshot of which is that you have more attachments than we have in the original documents and the additional documents to your six-page statement. But otherwise, additional numbering rather, but the documents are the same as I understand Ms Sello, so that resulting, as I say, from you having split up some of the annexures. Do you accept that that is so?

10 **COMMISSIONER MKHWANAZI**: I accept, but if the Chair may recall, that when you are already here, you cannot confirm documents, you see. You must answer, and it will take the whole day to ...[indistinct]. But we submitted all our documents.

**CHAIRPERSON**: Yes.

**COMMISSIONER MKHWANAZI**: If I am assured that all the documents are there, and as Commissioner Khumalo have said that, if sometimes you feel that you need to even check that is it talking to what I am saying, I will be happy.

20 **CHAIRPERSON**: I just wanted to be sure of the factual issue.

**COMMISSIONER MKHWANAZI**: Yes.

**CHAIRPERSON**: Are the documents the same. But what explains your 60 or 61?

**ADV SELLO SC**: 61, Chair.

**CHAIRPERSON:** What explains your 61 is the fact that you have split up some of the attachments or annexures.

**COMMISSIONER MKHWANAZI:** No, I take that.

**CHAIRPERSON:** I understood you to be saying that is indeed the position.

**COMMISSIONER MKHWANAZI:** Oh yes, I take that, Commissioner.

**CHAIRPERSON:** All right, all right, thank you. I came in, you were still explaining. I just wanted to understand the  
10 attachments. Please continue if you have not  
...[incomplete].

**COMMISSIONER MKHWANAZI:** No, you have just summarized it. You see, you have just summarized it.

**CHAIRPERSON:** Oh, all right, all right.

**COMMISSIONER MKHWANAZI:** I do not want to delay the Commission.

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

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV BALOYI SC:** Ms Sello, can I?

20 **ADV SELLO SC:** Yes, Commissioner.

**ADV BALOYI SC:** I am looking at the two statements and the 39 page and the original statement, so it is the revised amended statement and the original statement.

**ADV SELLO SC:** Yes.

**ADV BALOYI SC:** And looking randomly at a paragraph,

and in this case I am looking at paragraphs 29 of the original statement and of the amended statement, they do, they are not a copy of each other. So there is additional information in the 39 page ...[intervenes].

**ADV SELLO SC:** Yes.

**ADV BALOYI SC:** Which was not there in the original statement. It seems to me, and subject to what you think and the Chair's direction, that you may have to navigate the amendments that have been made so that they go on record  
10 to the extent that an amendment is not reflected in the original statement. So if you look at that 29, the original one did not have names. It had Medicare 24, Cat VIP Security company.

**ADV SELLO SC:** Yes.

**ADV BALOYI SC:** Those are no longer appearing in the new 29, but there are actually names of people in that 29. It is just a random example.

**ADV SELLO SC:** Indeed.

**ADV BALOYI SC:** And it may be that in presenting the  
20 evidence you then need to touch on these new changes or new information that is now being placed before us by way of a revised statement.

**ADV SELLO SC:** And, and, thank you, Commissioner. I agree with you and to Commissioner Khumalo's question I said substantively there is not significant change except for

a particular topic that I think he introduced in the amended statement, which we do not have a difficulty with its introduction. So as I say, we can use the amended statement as a narrative, but when we speak of his formal statement, it has to be the first statement, but we will touch on the aspects that he raises in the second.

Our second alternative would be for record purposes to take the amended statement but delete references to annexures, then we read both, you know,  
10 together. In fact, three now.

**ADV BALOYI SC:** Can you, instead of deleting, because it is his statement, can you not cross-refer back to, so for example, where he says JD4, if JD4 in the amended statement or in the revised statement, if JD4 is a different document or annexure of a number in the original statement, you then just give it a page number in the original? It is a lot of work that will require ...[intervenes].

**ADV SELLO SC:** Not only is it a lot of work and painful work, it has, that then would require the evidence leaders to  
20 determine what constitutes the annexure and I have a difficulty with that. The annexures are attended by the witness and if he wants to put a particular document or certain parts of a document, you know, it is up to the witness to do so.

So if we sit as evidence leaders and try and

determine what from Annexure JD4 is what he wants to attach at this juncture, then I think we would be skating on very thin ice. But before we definitively answer this, if I may ask Commissioner to turn to the, what we call the supplementary statement, the one we were dealing with before we, and I want to refer to an example of how we had suggested the problem be resolved. In that statement, he starts off so, Mr Mkhwanazi that is, so if you look at paragraph 1, there is, paragraph 1 speaks to EMPD  
10 promotions and he wants to specifically address that issue. And part of the documentation he requires in support of submissions he makes are to be found in JD12. But JD12 is a bundle of documents. So the specificity he provides at the last sentence of that paragraph, JD12, pages, you see he lists the numbers, that is how we had suggested. He can use the amended statement but rather do this. Then we retain the annexure numbering.

So he seems to have done this once in the statement and then he abandoned it. So personally, I would  
20 prefer that he makes his own election as to which documents from JD12 support the point he makes, lest I say, I will be skating on very thin ice once we make that determination for him, because then he may very well say that we are withholding certain documents.

**ADV BALOYI SC:** No, maybe let me explain what I was

suggesting.

**ADV SELLO SC:** Yes, Commissioner.

**ADV BALOYI SC:** It is not what you think.

**ADV SELLO SC:** Oh.

**ADV BALOYI SC:** What I was suggesting was where his revised statement says JD4, right.

**ADV SELLO SC:** Yes.

**ADV BALOYI SC:** We, if that JD4 in the revised statement is a document that was already annexed to the original  
10 statement ...[intervenes].

**ADV SELLO SC:** Yes.

**ADV BALOYI SC:** And it was JD4 or JD12, we make that kind of cross-reference as he is testifying, not necessarily that you go and sit down with him, but when he gets to that paragraph and if you are going, say, for example, to refer him to paragraph 30, as revised, and he has got JD4 there, you then say, or he says JD4 is in fact JD so-and-so in the original statement. That is the idea I had in mind, not that you sit and make those choices.

20 **ADV SELLO SC:** Okay, okay.

**ADV BALOYI SC:** It is not your statement. You do not get to decide what goes into it.

**ADV SELLO SC:** Okay. We could do so, except I do not know if he will be in a position to zoom in as he testifies with that accuracy. If, for instance, it is part of JD4, but

now it is what in the amended statement he calls JD14, it would be for us to assume that JD14 is to be found, is part of JD4 and find the correct pages. Now, sitting with Ms Pooe here probably it is an exercise we can make. I do not think he can, because he would have to have both the annexures open before him and then make that exercise.

Chair, I see it is gone past tea. Perhaps a cup of coffee might help clear the mind as to, you know, how to overcome this.

10 **CHAIRPERSON**: Thank you, Ms Sello. I had been thinking that for purposes of you either leading or probing, it may be practically difficult for you to be able to engage in an exercise that goes into the amended statement at this stage.

**ADV SELLO SC**: Yes.

**CHAIRPERSON**: So I was thinking whether we should not start along the lines of whatever it is you had planned to do ...[intervenes].

**ADV SELLO SC**: Yes.

20 **CHAIRPERSON**: Which I assume will focus on the six-pager and then possibly whatever probing, but to try to accommodate what my colleagues have said, which is we cannot ignore the statement. It is before us now, the amended ...[intervenes].

**ADV SELLO SC**: Yes.

**CHAIRPERSON:** It is before us now, and because you have, you said in terms of substance, there is not much difference.

**ADV SELLO SC:** No, we do not have any difficulty.

**CHAIRPERSON:** In terms of substance.

**ADV SELLO SC:** Indeed.

**CHAIRPERSON:** So, between now and whatever point, you may then look into, or rather look at the amended statement and look at what points you then want to cover in  
10 accordance with what Commissioner Baloyi has suggested, cover with the witness. And if you have taken time to do that, identify which parts you will specifically want to cover, you will have been able to identify the original annexure numbers so that when we do the exercise, we say you have called this annexure this, but in the original documents, it is that annexure.

Let us just leave it at that, take a cup of coffee and maybe when we come back we will ...[intervenes].

**ADV SELLO SC:** Just to say my probing worked off  
20 ...[intervenes].

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** The original statement, did precisely that exercise. Where we part company is the document I referred to ...[intervenes].

**ADV SELLO SC:** Does it have a separate JD number.

**CHAIRPERSON:** Ja.

**ADV SELLO SC:** And that is the only issue.

**CHAIRPERSON:** Ja.

**ADV SELLO SC:** But that we will cover, effectively everything that is also ...[intervenes].

**CHAIRPERSON:** Yes.

**ADV SELLO SC:** In his amended statement ...[intervenes].

**CHAIRPERSON:** You cover.

**ADV SELLO SC:** Yes, that is open.

10 **CHAIRPERSON:** You cover it.

**ADV SELLO SC:** That will happen, yes.

**CHAIRPERSON:** To cover the point raised by Commissioner Baloyi. Ja, and ...[intervenes].

**ADV SELLO SC:** Now ...[intervenes].

**CHAIRPERSON:** And ja, and all ...[intervenes].

**ADV SELLO SC:** I am talking to Ms Pooe here to see if she can inherit this exercise.

**CHAIRPERSON:** She must do the cross-referencing and know ...[intervenes].

20 **ADV SELLO SC:** As part of the solution.

**CHAIRPERSON:** And know which is which, ja.

**ADV SELLO SC:** But previous attempts collapsed, but we will give it another shot.

**CHAIRPERSON:** Ja, and Commissioner Khumalo has said that when he reads, he will be able to identify which is

which.

**ADV SELLO SC:** Oh ...[indistinct].

**CHAIRPERSON:** It is a pity that he is not an evidence leader and therefore cannot assist Ms Pooe on this.

**ADV SELLO SC:** We shall call upon his help, Chair, definitely. No, okay, Chair.

**CHAIRPERSON:** Let us adjourn and maybe resume at 11:45 or what? 11:45.

**ADV SELLO SC:** 11:45.

10 **CHAIRPERSON:** Let us adjourn.

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Ms Sello.

**EXAMINATION BY ADV SELLO SC (CONTINUES):** Thank you, thank you, Chair. Chair, as regards the amended statement, we believe that we may have a workable solution which we are working on. We will structure today's testimony in such a way that it is not relevant to reference  
20 that statement until the exercise we are undertaking with the annexure numbering is concluded. So that is the outcome of the long break we had. Then the third statement I must still place on record is the supplementary statement now. You understood what I briefed the Chair on, Mr Mkhwanazi?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So, we are now on the third statement, which is the one we were discussing this morning, which we call the supplementary statement. Is that correct?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** So, we have now updated all the files with your signed supplementary statement. If you could then have regard to that file. Because the signed version has used a bigger font, we end up with seven and not six  
10 pages. Is that correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Now, ...[intervenes]

**CHAIRPERSON:** Commissioner Mkhwanazi, the earpiece, what is it?

**COMMISSIONER MKHWANAZI:** It is for the sound.

**CHAIRPERSON:** Or I am told by our spokesperson just whispered that it is the Commission's. Or to assist you with hearing.

**COMMISSIONER MKHWANAZI:** Yes, Chair.

20 **CHAIRPERSON:** Thank you very much.

**ADV SELLO SC:** Thank you, Chair. We confirm it is the Commission's issue. And Mr Mkhwanazi, perhaps you might want to pull the microphones closer to you so that you do not have to lean all the way forward to make sure that you are heard properly in turn. Okay, we are now on your

supplementary statement, the one we referenced this morning. And I say we have updated your supplementary statement file. The version that is now in the statement is a signed version, but it runs to page 7 and not 6 as the first statement. And this is simply because the font in this signed statement is bigger than the first statement. Do you agree?

**COMMISSIONER MKHWANAZI:** Yes, I agree.

**ADV SELLO SC:** Okay, now, if we turn then to page 7, it  
10 does have your name there Julius Doctor Mkhwanzi. It is dated the 14<sup>th</sup> of April 2026, and then there is a signature appearing above your name. Do you confirm that is your statement?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Okay. You, in this statement, you deal with six issues that seek to address matters that arose either after you testified or that you believed you had not covered in your original statement. Is that correct?

**COMMISSIONER MKHWANAZI:** Yes, it is the issues that I  
20 believe that I have not covered.

**ADV SELLO SC:** In the original statement.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Okay, let us turn then to page 2. Page 1 has got the table of contents. You start at page 2. This statement, unfortunately, does not have paragraph

numbers. This is what I propose we do. If you go back to your table of contents, can we give each subject a paragraph number? So, when we deal with your first topic of EMPD promotions, may I propose that we number that as paragraph one?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And on the same page, we already have a different topic. You call S for the Law Enforcement Skills Programme. That is the second topic, correct?

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I suggest we number that 2, and we will follow that format throughout. And this is for referencing purposes at page 4. It is Community Liaison Unit. That is the next topic, and I propose we number that 3. Okay? At page 4.

**COMMISSIONER MKHWANAZI:** Let me correct, please.

**ADV SELLO SC:** At same page 4, the next one is Operations Outside the City. That would be paragraph 4.

**COMMISSIONER MKHWANAZI:** No.

20 **ADV SELLO SC:** I am wrong.

**COMMISSIONER MKHWANAZI:** I do not know. Is it me or you? EMPD Promotions is number 1.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Then S for Law Enforcement Skills Programme is number 2.

**ADV SELLO SC:** Correct.

**COMMISSIONER MKHWANAZI:** Then we go to CLU, it is number 3. Oh, yes.

**ADV SELLO SC:** Was it?

**COMMISSIONER MKHWANAZI:** Yes, CLU it is number 4.

**CHAIRPERSON:** No, no, no.

**COMMISSIONER MKHWANAZI:** EMPD Promotions is number 1. S for Law Enforcement Skills Programme is number 2.

10 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, then we go to Community Liaison. It is going to be number 3. Oh, I made a mistake. It is me.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, then Operations Outside the City is number 4.

**ADV SELLO SC:** That is what I suggested. And then your next topic is at page 5. Teams deployed to the suspects who were defrauding members of the public with fake  
20 stones. That would then be paragraph 5.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. And lastly, page 6, the next topic is on the issue of kidnapping. And that would then become paragraph 6. Do you confirm?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Yes, okay, so, at least now that we have found a way to number that statement, let us deal with the contents of the statement paragraph by paragraph. And you place them on record, much like you did when we first dealt with your original statement. You may choose to read, if you so prefer, or you talk to any particular topic and summarise what you have set out therein. So, if we may then start with EMPD Promotions.

**COMMISSIONER MKHWANAZI:** Yes, on EMPD  
10 Promotions, I touch on the following issues. That the promotions of directors, deputy directors, chief superintendent, superintendent, and inspectors. We followed, as a department, we followed the processes and procedure. As I have said last time that we, ours is to sponsor an item at HR.

We are doing a request to fill for positions. It is not our process, it is a process that is managed by HR, because it is within them. It is their function, you see. As the Acting Chief of Police, I had to proceed with the processes where  
20 the Chief of Police started. When the Chief of Police started the process, when he was busy with the process, as the Chairperson, for example, for directors.

He was the Chairperson of directors. He is the one that invited me and HR in that process. I was part of the panel, but the Chief of Police, Isaac Mapiyeye, was the

Chairperson of that process, you see. But when he was suspended, I had to continue with those that were left. As an acting Chief of Police, and sometimes as an acting HOD. But as the process goes towards junior positions, you have to appoint and delegate in terms of seniority.

You use delegation powers to appoint people that are going to sit in those panels. But HR has elaborated and touched too much on those issues. I do not want to go so deep myself, because the specialists are there, you see. I  
10 just wanted to mention that ours is to request to fill, and I continued, and I submitted annexures to prove that the acting letters, to prove that.

As there was a testimony that I did not have any acting letters for Chief of Police, I did not have acting letters for HOD. And sometimes I will act in both positions, you see, which is not true. So, the letters are having dates and times, and it shows that sometimes I will be appointed as the Chief of Police by the acting HOD, because we must rotate. Thank you. As for ...[intervenes]

20 **ADV SELLO SC:** Before you move on there, in substantiation of the point you make in paragraph one, you said to Annexure JD12 bundle, that the JD12 is your original – the annexure to the original statement, correct?

**COMMISSIONER MKHWANAZI:** Yes, as I have explained to that one.

**ADV SELLO SC:** And the Commissioners should read the pages referenced there as the pages within JD12 that are relevant to the point. We are interpreting it correctly?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Okay. Is there anything then as regards those pages or JD12 you would like to have particular - to give particular attention to, or are you happy that we have taken note?

**COMMISSIONER MKHWANAZI:** No, no, it was to give  
10 attachments, annexures to prove that. It was not true to say that, or the person was giving - Commissioner Revo Spies, he gave a testimony that I acted on my own, and sometimes I will act on both position, you see, without any appointment letters, you see, and you cannot act on both position, you see. Then it was for me to prove that, and to prove that the process was not started by me. It was started by the Chief of Police.

Then when he was suspended, I had to continue, because the delegation of the letter, it is very clear, you  
20 see, it specifies that you continue with your own responsibilities, but also you exercise your authority on what you are appointed. I may not put it the way it is written, because I do not have a copy, but it all says that you are the Chief of Police, you must make decisions, you see, and take accountability. Thank you.

**ADV SELLO SC:** So, at Annexure JD12, then at page 179, it is a letter from Chief Mapiyeye to Ms Linda Gxasheka, HOD, Human Resources. And JD12, if you could locate it for him. You start with - at JD12 you start with page 179 and following.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** My interest is at 179, when you say the process was started by Chief Mapiyeye. Is it by the document that appears at page 179? Is that what you  
10 mean?

**COMMISSIONER MKHWANAZI:** Yes, and I must also mention that I do not have those copies, but the process started three years before this process, because time to time we have to send a letter of request for positions, but on this one, because I was now there, part of it, yes, it is the letter that I am confirming.

**ADV SELLO SC:** Now, yes, Commissioner.

**ADV BALOYI SC:** Can we just check, we have a bundle, which is Mkhwanazi Annexures Bundle 2 of 2, and then our  
20 JD12 is different from what you are referring, what you are showing on the screen. Our JD12 has the subject line, mismanagement of EMPD resources and irregular expenditure. Is that the document? It is not what is on the screen.

**ADV SELLO SC:** I am here Commissioner but

...[intervenes]

**ADV BALOYI SC:** Oh, it is back. Oh, that is fine, thanks.

**ADV SELLO SC:** I am looking at JD Mkhwanazi File 1. Please make sure, Commissioner Baloyi, that you are not looking at the Annexure Bundle to the amended statement.

**ADV BALOYI SC:** Is it labelled Annexure Bundle 1?

**ADV SELLO SC:** It is Annexures Brigadier Mkhwanazi File 1. Interestingly, Commissioner Baloyi, what has just transpired is precisely what we warned would happen if we admit the other annexure bundle directly without cross-referencing.

**ADV BALOYI SC:** Is it my fault?

**ADV SELLO SC:** No, no, no, not yours. For all of us to say. That is what we have to look out for. This is the original JD12. And if the Commissioners will recall, when we were having this engagement regarding the amended statement, we indicated that the original annexures would normally be a bundle of documents, but they all bear the same name. So, as I understand, what Commissioner Mkhwanazi sought to do in his Paragraph 1 is to extract specifically those pages in JD12 that are relevant to the EMPD promotions. I have summarised it correctly, have I?

**COMMISSIONER MKHWANAZI:** Yes, and I will also again answer one of the questions that was sent to me. In this bundle, or in this file, it is 201. It was also said or was also

asked by the Commission that did you have any authority to continue with the promotions, or did you have any powers, or delegated powers to do that. This 201 confirms that I have the letter that confirms that I may continue, because it was said that I did not have that letter to. It is part of the letters to confirm that I had the letter where I was appointed. Thank you.

**ADV SELLO SC:** And 201 is part of the list of pages that you have listed there?

10 **COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** So, at least we know then you are talking about the promotions that you say started at page 179, which is a memorandum by Chief Mapiyeye appointing panels for the positions of the Director and Deputy Director for those two posts. Is that correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** All right, well, we have that on record. I just wanted to clarify.

20 **COMMISSIONER MKHWANAZI:** And you remember, I have spoken about five different positions.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** The Director, Deputy Director, Chief Superintendent, Inspectors, because they all were in vacant positions for years and years. As I mentioned in the previous, or in my first statement that I

submitted.

**ADV SELLO SC:** So, understood. Okay, that would be my clarification for paragraph 1, the EMPD promotions. Do you want to move on to the next topic? As for the Law Enforcement Skills Programme, that is how you have headed the next paragraph.

**COMMISSIONER MKHWANAZI:** I must mention that I am not sure is the Commission going to be comfortable or guided by the Commission because there is still internal  
10 matter, a grievance procedure that is continuing. But because it has been mentioned here in this Commission, sometimes when I am listening or watching the Commission, the Commissioners will say, no, this one, because there are still other processes that are going on and it is not wise to raise.

But the question is that they have raised it in this Commission. Whilst there are other processes, that Commissioner Revo is a witness to those processes and I am part of those processes. I am not sure it will be  
20 comfortable for me to raise it because now it is in public, you see. But here, in summary, I will be guided by you first. Please.

**CHAIRPERSON:** No, please do deal with it, Commissioner.

**COMMISSIONER MKHWANAZI:** Yes. Here, there is an issue of Skills Development Programme that was approved

by the National Commissioner and tasked all the training, EMPD training academies to continue with the Skills Development Programme touches on issues of policing. You see. I would prefer to read it, but I will try to summarise it so that we understand:

10                   “Our training division under Commissioner Isaac Mapiyeye, Revo Spies, and the then Director Ndumiso Gcwabe intentionally ignored the implementation of a Law Enforcement Skills Programme for Metropolitan Police Departments which should have skilled all those who need law enforcement skills refreshed and retained Metropolitan Police Officers and those who were recruited and promoted by the Chief of Police like Nxumalo and others who were coming from Traffic Departments.”

20                   The mandate of Traffic Department and Metro Police is not the same. Traffic Department does not have policing in it. Our mandate is saving crime prevention and policing. But out of that intervention, there are attached documents where there is national instruction from the National Police Commissioner in 2012 that all the Metro Police Departments must retrain and train and skill those that do not have.

I am raising this because one of the issues that Commissioner Revo Spies raises is that the people that were, or the candidate that was able to get the position of Director in Logistics, let me say so, you see, does not have that certain skill, you see. Then I am raising this to say that all those that were trained in 2002, 2006, or like us, I have those, but after us, all other recruitments do not have that.

And there was an intervention from National Police  
10 Commissioner that Metro Police Department provided in all the MPDs or our training academies. But in ours, it was not done. And it is not an argument that we can come because Commissioner Revo Spies was responsible for training, he is responsible for training academy, and he was also representing us in terms of these meetings of skills development.

It is us as a department who failed, those that were recruited and those that are within. Till today, there is no training. No one can come. As I have said, some were  
20 trained in these processes that are in those documents, you see. But when we were asked to produce it, you see, it was many stories, documents that you cannot understand, but I cannot go deep into it because the processes are going there, you see.

I am currently saying some are claiming that they

were trained in a traffic department, not in a Metro Police Department. You see, all those are trained that do not have. And I would like to put it on record that during this process, we have also recovered that there are people who are seniors who does not have even a diploma of a Metro Police or Traffic Diploma, who are not trained by government institutions.

You cannot be trained as a Metro Police or as a Traffic Officer by a private institution. You go there to  
10 capacitate yourself or to skill yourself, but to start from a government training institution. It may be our college, it may be RTMC colleges, because all our colleges are now managed by RTMC or they are then different traffic departments before – sorry, I need this.

Before the formations of Metro Police Departments. Then I would like to say, to come here and say some does not have. And in the process of shortlisting from a long list up until, which was shared by the Chairperson, Chief Isaac Mapiyeyei. You see, all those candidates that were there,  
20 you see, do not have that skills. That is why I have said that we ask in these processes, we ask produce, produce.

Some have said, no, there was water in college, there was a disaster, I do not know, a disaster happened in one college in the city of Ekurhuleni. Then we cannot produce original documents and other things, Chair. That is

what I am trying to raise, that to come here and try to impress and not be truthful to the Commission, you see, is a challenge.

We are supposed to be honest that we did not like this candidate. I know that Madam Linda Gxasheka has mentioned that she has mentioned that they had separate discussions, that she preferred a certain candidate. But unfortunately, in the process of interviews and what not, you see, it may not be the whole story to label a person as -  
10 it may not be a person that - it may not be the person that you want, it depends on the interviews.

You see, I was on that panel. I do not want to say it was the Chief of Police panel. You see, as you see, that it was me, the Chief of Police, and Madam Linda Gxasheka. The lady has been in the department, in community safety, she has trained as a traffic, like any other people that were promoted. And we did not raise all those things when other people were promoted.

Their superintendents were coming from provincial  
20 government, who are traffic officers, but they were promoted. They came in as inspectors. They were those that came in as constables. They were all promoted as inspectors. But that argument was not raised all along. But because it is this certain female individual, and I will say it, a female black individual that must be capacitated, whose

skills in academic are living, all those things.

Who does not have the skill that, as the department, we failed to deliver in our members. Now we tend to criticise, you see. But the engagement that Madam Linda said to me, that there was this preferred candidate, of which it is wrong, kind of a preferred candidate. You see. You bet and bet and bet, the wrong horse will win, you will faint and collapse.

I think that is what happened now. You see. Thank  
10 you. And I am trying to mention that some of the people that were promoted, like Deputy Director Ivan Du Plessis, he had more than 19 years not working for EMPD, not working for any Metro Police Department. And in terms of the law, you are supposed to go and sit at the college and do a refresher course.

There are many seniors who are seniors in this position who are dismissed and expelled in this department for not having that. Because if we did not exercise police duties or we did not exercise policing for 12 months, you  
20 cannot be promoted in any position. But it has happened in the department. You see. And we have raised it, but because we were not that in authority at that time, we accepted it and it came and we promoted it as a senior, without even that skill.

I am talking about three or five years ago. It was

not raised. Because it is this female officer, black female officer who is promoted now, it must make noise. And whereas the processes we ignored as a department. I am not saying the chief. You see, I am saying we are all part of this department. We ignored, even though we were not aware, but we are part of the institution, you see.

Instead of coming up with something that will assist us in terms of making sure that we go back to the National Commission. There is an attachment Commissioners that  
10 talks to that and talks to that instruction and that talks to that communique. And that is addressed to all Metro Police Department. I think the leading officer Commissioners will guide us on that. Thank you.

**ADV SELLO SC:** Thank you, Commissioner, just to ...[intervenes]

**ADV BALOYI SC:** Can I add this?

**ADV SELLO SC:** Yes, Commissioner.

**ADV BALOYI SC:** Commissioner Mkhwanazi, just so that I understand what the evidence - what you are speaking to.  
20 Are you – if I recall, the criticism was that you ran a process where people were promoted, and that included people who did not have qualifications, who did not qualify for those positions. Is that what you are dealing with under this paragraph? Are you responding to that?

**COMMISSIONER MKHWANAZI:** No, for now, it is not

covered in that. But let me cover that too.

**ADV BALOYI SC:** No, I do not want to take you there if you are not going there.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** I just need to understand what it is under the heading is for law enforcement skills programme.

**COMMISSIONER MKHWANAZI:** I think that ...[intervenes]

**ADV BALOYI SC:** What it is you are responding to or that you are supplementing.

10 **COMMISSIONER MKHWANAZI:** Yes, I think that is covered under EMPD promotion, that to follow all the processes and procedures. And we are guided by HR in terms of – in fact, HR is guiding all the department. In municipalities, there is no positions for strictly EMPD superintendents. You have got a superintendent in parks. You have got a superintendent in other departments.

That means when we are promoting, we are following one policy one scheme. That is why HR is sitting to guide and make sure that it is a fair procedure,  
20 everything is followed. And I am still saying that those that were promoted, it was fair from a director and inspectors because there are qualifications that are needed, NQF level that is needed for a certain position, Commissioners.

And if that was not – if that did not take place or if that did not happen, HR was going to stop the processes.

And fortunately, when we are sitting here, it is not only the Chairperson, the two panels, we have got unions that are also sitting in those processes. And again, it is important to mention that if unions are here, they are putting grievances, we are going to CCMA, we are going to different processes and procedures with different departments to engage.

Sometimes there are meetings that are engaging us and they were not doing proper process, then the process will start afresh. All those processes are taking place in the city. They have been taking place. When I took over as an acting, I must mention that there were many grievances that came in that I was not part of, that the chief was part of, other seniors were part of.

But now I have taken responsibilities. I have to go and defend the council. We went in, we were challenging in South African Local Bargaining Council, then we were able to win some. We were not able to win some. We were referred back by the Chairperson of those committees that go back and advertise and re-advertise those positions. Sorry, go back and re-advertise. Those processes are taking place.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** It is not like when you see the Chairperson, everything is fine. No, no, no.

**ADV BALOYI SC:** All right, let me stop you there. Thank you.

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV BALOYI SC:** Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. Just two issues. Page 3 of the statement, and it will be the second subparagraph, that starts with the words, this led to some candidates. And you referenced Mr Du Plessis, I think. Is that correct?

10 **COMMISSIONER MKHWANAZI:** Page 2?

**ADV SELLO SC:** Page 3 of the statement. The second subparagraph, that starts with this led to some candidates.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Just a question for clarity. Mr Du Plessis was not part of this recruitment drive. You are not referencing him for that purpose?

**COMMISSIONER MKHWANAZI:** He was part of ...[intervenes]

**ADV SELLO SC:** Did he apply?

20 **COMMISSIONER MKHWANAZI:** Yes, he was a candidate.

**ADV SELLO SC:** He was a candidate?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And then I do not know, what is the issue you raise about him?

**COMMISSIONER MKHWANAZI:** That is why I have said

that some of the issues are being discussed, and the process is continuing.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** But they claimed, and Commissioner Revo Spies claimed that the lady, she is the only one who did not have the required – it was not a required candidate, a requirement per se. But she is the only one who did not have that qualification. All of them, they did have it. I am saying, it is false, it is not true, you  
10 see.

And they have said, they have submitted, they have got it. But when now internal processes are starting, we are saying, give us the document that you said you are having. Because we know that the department failed. I am not even blaming these three or two. I am saying, as I am part of the management, we did not have this. Even though we did not know that we must have this because of the instruction.

And I will also request to show the Commissioners  
20 the instructions, as I have said, the attachment, that there is this national instruction that accommodated us to start these processes, make sure everyone is there, so that - because when we are promoted, it does not mean that when I am working in logistic admin work, when I take a position, I cannot go and work operationally.

You see, then us, we must make sure that skills development is taking place. I am not talking about academic qualifications. I am saying, skilling our own people and making sure to capacitate. That was a challenge that we did not do. And it was headed by Commissioner Revo Spies.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And he failed us dismally on that.

10 **ADV SELLO SC:** So, then I understand your paragraph to say, it is your response really to, you say, an allegation by Commissioner Spies. And you reference this particular individual to make the point that this lady, that Commissioner Spies took issue with, was not the only one without the requisite qualifications. Do I understand you correctly?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** And I will also, again, I know that the Commissioner is extended Chair. You see, if you need anything, you may go in just to verify, to see that I am not lying to you. Just to check. I know that you said Commissioner Khumalo, you have got ways of getting all those documents. Because as there is this door, now I am outside, I cannot. But please, go and check. Thank you.

**ADV SELLO SC:** Thank you. Then if we move to your next subparagraph, still at page 3. There you deal with skills development programmes. I think you have introduced two, if you check. Overleaf. Can you summarise the point you seek to make here? You say there are newly registered law enforcement skills programmes. Are they ...[intervenes]

**COMMISSIONER MKHWANAZI:** Yes, ...[intervenes]

**ADV SELLO SC:** Perhaps firstly, what do you mean, newly registered law enforcement skills programme?

10 **COMMISSIONER MKHWANAZI:** Yes, when we came in, or before we came in, all those that were in traffic law enforcement, coming from different former municipalities or cities, your greater Germiston your greater Boksburg, before Metro Police was formed, or the City of Ekurhuleni was formed, they were taken to a programme, so that they can have these skills. But now it is 12 years after that. There are different laws, there is a constitution of the country.

20 There are many, many changes that have happened. The amendments. And now, this new skills development, it is having different courses, according to the attachment. You see there is an attachment where it is very clear that these are the programmes that must be done. In that, as per SAPS, or as per the National Commissioner's instructions to all Metro Police departments, that in your

colleges, you must make sure that everyone is attended to, or everyone has done this. Thank you, Chair.

**ADV SELLO SC:** Okay, and then you introduced two documents, you called them Annexure JD17I and JD17II, correct?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Now, the numbering of your annexures here is based on your first statement. And if you go to Annexure's JD16I and Roman II, are those the documents  
10 that you reference in this subparagraph?

**COMMISSIONER MKHWANAZI:** Let us see. Yes, yes.

**ADV SELLO SC:** Okay, may I then propose that in your statement, we refer to it as JD16I and 16II, not 17? Would you agree with that? Your last annexure was 15. And this annexure being the first, follows sequentially, so it would be 16I and 16II.

**COMMISSIONER MKHWANAZI:** We are changing from 17.

**ADV SELLO SC:** From 17 to 16. And then we will affect all those changes to subsequent annexures in this  
20 supplementary. It is just a numbering issue. It does not alter the content of the document, nor your statement, okay?

**COMMISSIONER MKHWANAZI:** Thank you, Chair.

**ADV KHUMALO SC:** Just look up there and confirm that what is being put to you is correct.

**COMMISSIONER MKHWANAZI:** I cannot see.

**ADV SELLO SC:** Your file should show the same. There is a scribble there by hand, JD17I in black, and then there is the electronic numbering, JD16I. Do you see that?

**COMMISSIONER MKHWANAZI:** Oh, yes.

**ADV SELLO SC:** Yes, I am suggesting we go with the red numbering.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Which then would mean we make that  
10 little amendment in your statement. Instead of 17, we will call it 16I and Roman II, respectively.

**COMMISSIONER MKHWANAZI:** Thank you. Thank you, Commissioners.

**ADV SELLO SC:** So, then we see your documents, and you say these are the – you call them the newly registered law enforcement skills programmes, right? You have got the two annexures there. 16I and 16II. And I see they are dated 2012, both of them. And is it your evidence that, notwithstanding Annexures 16I and Roman II, the EMPD  
20 was not following this prescript? Is that the point you seek to make? Your microphone, please.

**COMMISSIONER MKHWANAZI:** Following is another thing.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** We did not even start on it.

**ADV SELLO SC:** Okay, understood.

**COMMISSIONER MKHWANAZI:** So, not the thing, another word. You see, we did not even start it.

**ADV SELLO SC:** Okay, we have then renumbered those annexures, and I think we have placed your evidence in its proper context. Is there anything else you would want to add to the issue of law enforcement skills programme? Are you satisfied you have covered everything?

**COMMISSIONER MKHWANAZI:** Yes, but I have also  
10 emphasised, even though I did not put it, that our colleges are managed by RTMC nationally. You see, ours is to run the operational part of it and employ and have instructors. But in terms of the curriculum and other things, we are supposed to comply to all national instructions.

**ADV SELLO SC:** Okay, as a matter of interest, that first annexure, and both of them, in fact, JD161, there is a table that sets out six standards, right? And then there is a seventh added with a red pen by manuscript 2. Do you know who made that addition?

20 **COMMISSIONER MKHWANAZI:** No, no, no, we got that as a copy. And this is what is raising issues.

**ADV SELLO SC:** So, you are saying this is how you received it?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** And in all, even in the internal processes, it is the same document.

**ADV SELLO SC:** And this is precise – and if you go to page 391 of the same document, it sets out the detail of each unit, study unit. You see that table?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** And I just note that with crime prevention no provision is made or detail provided regarding the hours of training required, the assessment, as is with the rest of  
10 the matters. But I guess your point is that is irrelevant because this was never followed in the first place from 2012.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** Okay, then if we go back to your statement, we are now at page 4.

**COMMISSIONER MKHWANAZI:** And I must mention on the same thing, on the same matter. When I was acting, I issued an instruction, just that I cannot get the copy, I will try to get a copy, that instructed college department that  
20 can run this course because it is very important to skill. You see, identifying the gap that we are going to have because our members are operational, doing crime prevention, doing policing, as per the requirement. But if we are not having the skill, it becomes a challenge when members are operational. Thank you.

**ADV SELLO SC:** And you say this is when you were acting. Now, we see from JD12 that you have had a number of acting stints. Would you know which period, 2024, 2025?

**COMMISSIONER MKHWANAZI:** No, it was – I will not be sure, but I think it was 2024.

**ADV SELLO SC:** 2024.

**COMMISSIONER MKHWANAZI:** But I will try all my level best to get, because some of the copies I am outside I cannot get, but all my level best to get the copy.

10 **ADV SELLO SC:** We too will try and see what we can do to obtain a copy.

**COMMISSIONER MKHWANAZI:** Yes, please, please.

**ADV BALOYI SC:** Can I just check this? The 389, paragraph 5.1, it says, all EMPDs must obtain accreditation from the SASSETA. Do you know if that happened? Because it goes on to say that no programme can start until there has been that accreditation, and further on it says no certificates will be issued if there is no registration, or accreditation, rather, by the SASSETA. Do you know if  
20 EMPD is accredited?

**COMMISSIONER MKHWANAZI:** Yes, it is accredited to run some of the courses, but on this one, I am not sure.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** That is why I am requesting that we even check with RTMC, because we are

managed, or even the – that is why I have attached the copy.

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

**COMMISSIONER MKHWANAZI**: Thank you, Chair.

**ADV BALOYI SC**: Thank you.

**ADV SELLO SC**: Thank you, Commissioner. And as I then understand you, Annexure JD16 I and II, are actually courses imposed by SAPS.

**COMMISSIONER MKHWANAZI**: Yes, Chair.

10 **ADV SELLO SC**: These are SAPS national programmes.

**COMMISSIONER MKHWANAZI**: Yes, Chair.

**ADV SELLO SC**: Thank you. Okay, if we could go back then to page 4, to your next topic, which is headed Community Liaison Unit, if you could just quickly deal with that.

**COMMISSIONER MKHWANAZI**: Yes, may I read this one?

**ADV SELLO SC**: Absolutely.

**COMMISSIONER MKHWANAZI**: No, let me start. The  
20 Commissioner, Revo Spies, when he was testifying, I think  
even the Chief of Police, when he was testifying, they  
raised the issue that I commanded CLU since from 2014,  
2015, of which I am saying I am denying that that is not  
true. At that time, I was just the commander of a public  
order policing unit concentrating strictly on crowd  
management.

In my CVs, in some of the letters that I signed, in some of the documents, it talks to that. It says CLU was reporting to - I am saying CLU was reporting to another inspector, superintendent, Acting Director Machete, who was my director at that time when I was a superintendent, Deputy Chief of Police, Mzolo, and the former Chief of Police, who is marked Isaac Mapiyeye.

There was another Chief of Police, Chief Mahlabe, who has, he resigned. They only came back when the new  
10 Chief of Police, Isaac Mapiyeye, and Deputy Chief Mzolo handed over a new team after disbandment of an old unit in 2019, which Commissioner Revo gave testimony about. That is when I started giving instructions following the chain of command to the chief superintendent, superintendent inspectors.

When it came back, I was now promoted to another level, and there were other commanders that were responsible for that team. I was not directly giving instructions or commands to that unit. They were reporting  
20 to other, to those that I have mentioned here. I was strictly doing crowd management. Let me say that. What I am saying is not true.

Because there were people that came in with grievances that they worked with CLU and they were not employed by the city. Now they want to be given positions,

or they want to be employed fully by the city. Of course, that is true. They came when I was acting. I gave it to Director of Specialised Services and said, can you meet with these people?

But I think they have been working here, you see. On that one, they even went to the public protector, but their matter was thrown out. But they said, but we have got some documents like your OB entries and whatnot. I did not know because they were not reporting to me. And  
10 sometimes they were reporting directly to headquarters where the deputy chief, Revo Spies, and other seniors were sitting. By that time, I was just a superintendent working operationally. I do not know what they were doing, what was happening there.

**ADV SELLO SC:** On this sub-topic, I just need to understand. You speak of an old unit. So, it was disbanded in 2019.

**COMMISSIONER MKHWANAZI:** No, it was disbanded before 2019.

20 **ADV SELLO SC:** Oh, so what is 2019? 2019 is the year in which?

**COMMISSIONER MKHWANAZI:** As a director, I was a senior, then there were super chiefs, super chiefs, superintendents, superintendents, and other juniors that they were reporting to.

**ADV SELLO SC:** Is this a new unit in 2019 now? Whenever it is, it was established. But we should understand it is a new unit.

**COMMISSIONER MKHWANAZI:** It is a new unit, but it was disbanded again after that.

**ADV SELLO SC:** That is fine.

**COMMISSIONER MKHWANAZI:** Yes, but now we are touching before it was disbanded, yes.

**ADV SELLO SC:** And you say this new unit, what was  
10 reintroduced by Chief Mapiyeye, am I reading you correctly?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** In fact, it is part of the structure.

**ADV SELLO SC:** It is part of the structure?

**COMMISSIONER MKHWANAZI:** Yes, it was disbanded, then it was formed again.

**ADV SELLO SC:** Okay, and then you say, that is when I  
20 started giving instructions following the chain of command to the chiefs, superintendents, superintendents, and inspectors. Then you say, see, Annexure JD18, which of course we know now, it will be 17. Correct?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Now, I - why did you give these instructions? Did the unit – did you become responsible for

the unit? If so, when did that occur, and how?

**COMMISSIONER MKHWANAZI:** It was 2009 - when I was promoted as a director. Not give direct instruction, but they were following under my line of command, because they belonged to a specialised unit. They were having their own chief superintendent, their own superintendents, and inspectors, that were running the unit on a daily basis. I think it is important to mention, it is a unit that goes to communities, work with communities, especially where we  
10 are having challenges.

For example, if you know that there are protests and everything, we just send them, can you check if there are planned protests that are going to come, or if there is a march that is going to come to the city's headquarters, or there is a challenge of drugs, before you send your social crime, before you send your crime prevention unit to come and intervene. It is a unit that communicates and represents us on a daily basis with different communities, and it belongs to the whole story, it belongs to the whole  
20 city, representing us in all our words, in all our areas of Ekurhuleni. Thank you, Chair.

**ADV SELLO SC:** Now ...[intervenes]

**ADV BALOYI SC:** Sorry, did I hear or understand you correctly that as director for special - your position, director of special operations or something?

**COMMISSIONER MKHWANAZI:** Yes, director of specialised services. In fact, you are correct when you say director of specialised services.

**ADV BALOYI SC:** Are you saying specialised services and operations, are you saying the CLU, although they had their own superintendents, they fell under your overall leadership? You were the head.

**COMMISSIONER MKHWANAZI:** You have summarised it correctly, Chair.

10 **ADV BALOYI SC:** Okay, all right.

**ADV SELLO SC:** So, if I may just follow up on that, those superintendents, if that is their - chief, let us say, superintendent, in the chain of command, would report directly to you?

**COMMISSIONER MKHWANAZI:** The inspector reports to the superintendent, or constable reports to the inspector. Inspector reports to the superintendent. The superintendent reports to the chief superintendent. Then, by that time, there were no deputy directors. Or the deputy  
20 director - there was a deputy director. No, no, deputy director retired. I came in as a director under my - sorry, under me. There was another deputy director, director, I forgot to mention, director who passed on or there is another male director which was reporting. Two deputy directors that were reporting.

**ADV BALOYI SC:** And those two deputy directors, one of them reported to you?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** For the CLU. That person was responsible for the CLU, and they reported to you?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** When was this? From when?

**COMMISSIONER MKHWANAZI:** When I was promoted as a director, a few months, if I am not mistaken, or within a  
10 year, then they were ...[intervenes]

**ADV BALOYI SC:** Yes, 2023? What year are we talking about?

**COMMISSIONER MKHWANAZI:** To be – eish, let me say from 2019 to 2023. I will not be specific in terms of ...[incomplete].

**ADV BALOYI SC:** No, you were promoted to director. In which year?

**COMMISSIONER MKHWANAZI:** Director, it was 2019.

**ADV BALOYI SC:** Okay, all right, thank you. Thanks, Ms  
20 Sello.

**ADV SELLO SC:** Thank you, Commissioner. And in that period, they reported to you, you said they were, I think, deployed within the communities to assist. Did I understand you correctly?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Can you just quickly summarise their functions? What were they expected to do?

**COMMISSIONER MKHWANAZI:** They will liaise with our communities, community leaders, check the social needs, the challenges that is facing the city in terms of different challenges such as drugs, domestic violence. Again, in terms of our protest around the city, they will be our ears and eyes before you deploy, or sometimes they will intervene, identify leaders, talk to seniors and say, these  
10 people, in fact, they have got general concerns, they want a chance to meet, they want to meet the ward councillor, or they want to take their issues to the Office of the Executive Mayor, MMCs, or they want to talk to any senior within the city. Then ours is to make sure that you communicate and do that.

**CHAIRPERSON:** Would this be something comparable to the police forum in the context of SAPS or not at all?

**COMMISSIONER MKHWANAZI:** Commissioners understand policing. Yes, they work with communities, very  
20 close to us. It is not community forums it is community safety forums to municipalities. On a daily basis, they work with those leaders. We call it CSF, Community Safety Forums. SAPS is CPF, with us it is CSF. But on a daily basis, they work with those leaders, understanding the challenges and everything. Before you send your public

order, your serious intervention unit, at least we understand the challenges that they are facing. At the EMPD, at that unit, we have that unit, those responsibilities, on a daily basis.

**ADV SELLO SC:** Would I be correct then, based on your explanation to the Chair, that they were not police officers in the strictest sense of the word?

**COMMISSIONER MKHWANAZI:** No, no, these are police officers.

10 **ADV SELLO SC:** They are police officers?

**COMMISSIONER MKHWANAZI:** Yes, the CSF is community leaders, those that are not police officers. Like your CPF, they are members of police that are tasked to work with CPF on a daily basis. To take whatever concerns and challenges, bring it to the management, management responds and go to communities.

**ADV SELLO SC:** Okay, maybe I did not put my question as elegantly as I had hoped. Members of the CLU that began reporting to you in 2019, were those police officers?

20 **COMMISSIONER MKHWANAZI:** Yes, yes, yes, police officers.

**ADV SELLO SC:** They were registered police officers.

**COMMISSIONER MKHWANAZI:** Yes, yes, trained police officers.

**ADV SELLO SC:** Now, you annexed a document in support

of what you state. You currently have it as Annexed JD18, but based on our conversation earlier, it has to read 17. So, if you could go to Annexed JD17 in the file. Do you have it?

**COMMISSIONER MKHWANAZI:** Yes, I do.

**ADV SELLO SC:** Can you help?

**CHAIRPERSON:** Sorry, Commissioner, oh, you have a tissue stuck on your forehead. Oh, yes.

**COMMISSIONER MKHWANAZI:** Thank you, thank you.

10 **CHAIRPERSON:** It is off, it is off. Thank you.

**ADV SELLO SC:** Now, this is the document you are putting forward in support of what you are saying about the CLUs, correct?

**COMMISSIONER MKHWANAZI:** Yes. Why I put this document ...[intervenes]

**ADV SELLO SC:** We will come to the why. Can I just clarify something with you?

**COMMISSIONER MKHWANAZI:** Yes, yes.

20 **ADV SELLO SC:** I see it is actually an email from you to Zanele Katembo. I think that is she was responsible for - she is a director within EMPD, right?

**COMMISSIONER MKHWANAZI:** No, she is one of the HODs.

**ADV SELLO SC:** Yes, indeed.

**COMMISSIONER MKHWANAZI:** She is the head at the city

manager's office.

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

**COMMISSIONER MKHWANAZI:** She was the head.

**ADV SELLO SC:** Now, the subject matter here is former CLUs. What interests me about this document is, and it is authored by you, that email. You say, and I quote:

10 “Kindly receive the response from our side from the so-called former SLU members. It is a group that had an agreement with the former chief to protect him. They had promises, which does not include the city. They went to all political parties, media houses, until public protector. Memorandum with seven ultimatum was submitted at my office last year.”

Now, what is interesting about this is this is the same unit you say was part of specialised services that you were the commander of from 2019, correct?

20 **COMMISSIONER MKHWANAZI:** No, this is - these are some or these are members of the public that worked with CLU doing operational work, doing police work as they claim, you see. They were always at headquarters, I have said that before, they were always at headquarters working operationally and they submitted a memorandum claiming

that they want to be placed full-time now because they have been working.

You see, I am trying to clarify that I was not even aware about, oh, I am trying to respond to what Commissioner Revo Spies was saying because they raised this through media and they raised this through the office of the city manager. Then our spokesperson of the city Mr Zweli Dlamini had to get the responses from us and say there are these people and I was trying to clarify that those  
10 people were working with those people.

I am not aware and they were always reporting direct to that office. You see, because where our chief was there, they were always with our Chief of Police when he goes around the city or when he is doing operational work or when he visits because we are required from senior position to go to operation to visit all the areas operationally. They were always with them, you see. I and other seniors that I was working with were not aware about the daily work that they are doing. But I know that they will  
20 tell you that we are working there, what, what and what, what and in their memorandum that is what they were claiming.

**ADV SELLO SC:** Let me perhaps share with you where my challenge lies.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You had just clarified insofar as your paragraph 3 is concerned that they were part of the structure, CLU, that they fell under specialised services which you took command of in 2019, that they provided community services, liaising with communities regarding challenges faced by communities on matters such as drugs, domestic violence, protests. So technically they were your eyes and ears on the ground. I think that is the phrase you use.

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And you confirm that these are police officers?

**COMMISSIONER MKHWANAZI:** No, they are not.

**ADV SELLO SC:** Earlier when I engaged with you about paragraph 3, you had said they are police officers.

**COMMISSIONER MKHWANAZI:** No, no, this group that I am talking to in this letter, CLU members have got community leaders that are CLU members, CLU community liaising officers or unit, they are metro police officers. Then  
20 there was this group that joined them in doing operational work. I am talking about that group that is not employed by the city. It is except the CSF. CSF is a different structure. You see, there is this group that worked with them on a daily basis. That is what they did when they submitted a memorandum to the office of the city manager, when one of

my directors met with them.

**ADV SELLO SC:** Okay, let us ...[intervenes]

**COMMISSIONER MKHWANAZI:** At that point.

**ADV SELLO SC:** I am sorry, my apologies.

**COMMISSIONER MKHWANAZI:** Yes, that we worked with the EMPD every day.

**ADV SELLO SC:** Let us go to your paragraph 3, then at page 4, the last statement, without closing that annexure, if you can keep it open. You say:

10                    “That is when I started giving instructions following the chain of command to the superintendent, superintendents and inspectors. See the attachment.”

And this is the attachment. So, this attachment, as I understand it, unless I am misreading it, confirms what you say in your paragraph 3 under community liaison unit, which *inter alia* includes the fact that they were members of the specialised unit.

20                    **COMMISSIONER MKHWANAZI:** You are correct. CLU are members of the specialised unit they are Metro police officers.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** But there is this group that came in from communities and worked with them. You see, every day doing operational work and what not,

according to them. You see, and they were reporting direct and following the Chief of Police. On other days, I would see them driving around, you see. But they were not employed by the city. But they ended up, instead of assisting in terms of information, in terms of assisting with other things, they ended up joining operational, according to their memorandum to the city or what they presented to the public protector.

**ADV SELLO SC:** Okay.

10 **COMMISSIONER MKHWANAZI:** Yes, but the public protector dismissed it.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So you say that, so it is a specific group of people within CLU who you say had an agreement with the former Chief of Police, and I take it that is Chief Mapiyeye, is that? Or is that the previous chief?

**COMMISSIONER MKHWANAZI:** It started with the previous chief. It is a certain group within communities who  
20 joined CLU police officers, yes.

**ADV SELLO SC:** And their job mainly was to protect the chief.

**COMMISSIONER MKHWANAZI:** That is what they were claiming.

**ADV SELLO SC:** Yes, that is what you say here. And you

conclude by saying, we agreed with Dlamini, who is Dlamini?

**COMMISSIONER MKHWANAZI:** No, no, our spokesperson, when he was responding.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, when he was responding to these media allegations or media, they wanted comments from the city that there is this group that is saying they were working, they want to be employed by  
10 the city and they wanted our comments from our side. Do you know these people? Why did you not employ them? And all the other comments. Then I was responding to it say his duty and responsibilities was to polish and make sure that they respond to all the media houses.

**ADV SELLO SC:** Okay, so this memorandum you reference here, you see memorandum with seven ultimatums. Is that the group? Is that a group of seven? Seven, what does that phrase mean and in Annexure 17?

**COMMISSIONER MKHWANAZI:** Oh, I was supposed to say  
20 it is a memorandum.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Which gave me seven days ultimatum.

**ADV SELLO SC:** Oh, I see.

**COMMISSIONER MKHWANAZI:** They gave me seven days

ultimatum.

**ADV SELLO SC:** I see.

**COMMISSIONER MKHWANAZI:** The first day where they wanted to meet me, they also gave me an ultimatum that you must respond within seven days.

**ADV SELLO SC:** I am clarified. But did the memorandum specifically identify the people who are part of this group? Where you- does the memorandum - did the memorandum specifically identify these people? And it is on that basis  
10 that you conclude that they are not part of the group.

**COMMISSIONER MKHWANAZI:** I did not meet them personally, but I tasked one of the directors to meet with them and with that thing. Then he came to me and said, these people gave you seven days, you see. But the city may have this because the public protector submitted it to the city or the former chief, oh, not the former, the Chief of Police, Isaac Mapiyeye, because the matter started with him. When he left, they came to me.

**ADV SELLO SC:** I do not think I understand.

20 **COMMISSIONER MKHWANAZI:** I do not have a copy.

**ADV SELLO SC:** So maybe, can I try again? If I was able to help me. Let me try again, perhaps. You write about a group of CLU members, correct? And you say that this is a group that had an agreement with the former chief to protect him. They had promises which does not include the

city.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** They went to all political parties. And then at paragraph 2 of that letter, you say:

“We agreed with Dlamini, you say that is a spokesperson.”

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:**

10 “That we can respond on something we were not a part of it and our employer was not part. The city is having recruitment policies that every citizen must respect and follow.”

So, I understand this particular group, you say, was not recruited by the city.

**ADV BALOYI SC:** Can I just try and help? As I understand it, Ms Sello, the former CLU members referred to are in fact community members. They are not within the city. They are community members who then presented a  
20 memorandum which required a response, or which had an ultimate time to respond within seven days. So, they are not within the city. They are not employed by the city.

**ADV SELLO SC:** I accept that point. Thanks, Commissioner Baloyi. And hence my question, that the memorandum specifically identified these persons. That is

why he could draw the conclusion that they are not EMPD members. So, the memorandum will tell us who they were?

**COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV SELLO SC**: And these members were not part of the unit that you commandeered eventually?

**COMMISSIONER MKHWANAZI**: No, when I took over, they were no longer there.

**ADV SELLO SC**: They were not?

**COMMISSIONER MKHWANAZI**: Yes.

10 **ADV SELLO SC**: Okay.

**ADV BALOYI SC**: Why would you refer to, if this was about Chief Mapiyeye, which I hear you saying towards the last answer you gave, why would you refer to him as the former chief, if it is about him? Your email is on the 28<sup>th</sup> of January 2025. Why do you refer to him as former?

**COMMISSIONER MKHWANAZI**: No, I talk to the former chief, Bafana Mahlabe, not Chief Mapiyeye.

**ADV BALOYI SC**: So, you are referring to Commissioner Mahlabe?

20 **COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: Okay.

**COMMISSIONER MKHWANAZI**: When Chief of Police took over with Deputy Chief Mzolo and I, then it was disbanded.

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

**ADV SELLO SC**: Okay, I am clarified. Thank you for that.

**CHAIRPERSON:** But before you move on, Commissioner, in the last sentence of this paragraph, you say you started giving instructions. Do you mean those instructions were to the chief superintendent, superintendents, and inspectors?

**COMMISSIONER MKHWANAZI:** Let me summarise it. They were falling under my line of command.

**CHAIRPERSON:** No, I just, just the simple question.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Did you give your instructions to those  
10 officers, the chief superintendent, superintendents, and inspectors, or not?

**COMMISSIONER MKHWANAZI:** No, no, to the commanders. But sometimes when I want a parade to give to everyone, and I am part of that, when you address the parade. But to give on daily basis, talk to their line of command.

**CHAIRPERSON:** And when you then refer us to Annexure  
17, the annexure that Ms Sello has been engaging you on, are you referring us to that annexure to show us the  
20 instruction you gave? Or - because you say, I started giving instructions, and then you say, see the attachment, Annexure JD17. So, are you referring us to that annexure to show us the instruction?

**COMMISSIONER MKHWANAZI:** Okay, I get you, Chair. No, no, Chair, yes ...[intervenes]

**CHAIRPERSON:** Because I have gone through it, and I do not quite see the instruction.

**COMMISSIONER MKHWANAZI:** No, Chair, yes, I was trying to refer that the same matter. It is that those, or that team was disbanded.

**CHAIRPERSON:** Okay, okay.

**COMMISSIONER MKHWANAZI:** And we are discussing about those issues. Not to say, I understand what you are saying.

10 **CHAIRPERSON:** Yes, okay, yes, Chair. All right, all right, thank you.

**ADV SELLO SC:** Thank you, Chair. Do you by any chance know how they came to be part of the CLU? Do you have any knowledge on that?

**COMMISSIONER MKHWANAZI:** No, at that time I was in Public Order Policing Unit.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, and CLU does not wear uniform. It is members of - they wear their civilian  
20 clothes. That time I was only commanding Public Order Unit. The unit that wears uniform on daily basis strictly deals with crowd management.

**ADV SELLO SC:** Okay, thanks for that. I am happy then to move to your next topic, which is operations outside the city at page 4. Unless there is something else you would

like to add on the Community Liaison Unit.

**CHAIRPERSON:** Ms Sello.

**ADV SELLO SC:** Yes, Chair.

**CHAIRPERSON:** We thought because this is, of course it has grown to a seven-pager now. It is no longer the six-pager. We had thought we would be able to go through it all the way to the end.

**ADV SELLO SC:** Yes, Chair.

**CHAIRPERSON:** It seems to be going slowly. And I am  
10 not blaming anybody about that. Should we perhaps not take the lunch adjournment now, before you move to the next heading, operations outside the city.

**ADV SELLO SC:** I am happy to, Chair. I am in your - I am in the Commissioners hands.

**CHAIRPERSON:** Yes, yes, all right. Let us adjourn and resume at 25 past 2.

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

#### **INQUIRY ADJOURNS**

#### **INQUIRY RESUMES**

20 **CHAIRPERSON:** Yes, Ms Sello?

**ADV SELLO SC:** Thank you, Chair. Commissioner Mkhwanazi, before we broke for lunch, we were about to turn to your paragraph in the supplementary statement. Your paragraph 4, the heading is operations outside the City. Do you have that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. We stopped just before you dealt with that, so if you could just then deal with the contents of that paragraph. Thank you.

**COMMISSIONER MKHWANAZI:** Thank you, Chair. Thank you, Chair.

**ADV SELLO SC:** Please proceed.

**COMMISSIONER MKHWANAZI:** Thank you, Chair. Paragraph 4, the heading is operations outside the City. 10 Here, I have touched the operation that we have been doing since the inception of the Metro Police. When I joined in 2002/2003, I was operational. We have been doing operations with other cities, outside the cities, outside the City of Ekurhuleni, in different municipalities, not even in different municipalities only, outside the province, tracing wanted suspects, joining joint operations, doing crime prevention operations.

Also, jointly doing traffic law enforcement. One must mention that it is a thin line between the City of 20 Ekurhuleni and the City of Johannesburg. We are separated most of the time in one street. Activities that are taking place in the City of Johannesburg are affecting the City of Ekurhuleni. Activities that are taking place in the City of Ekurhuleni, they affect the City of Midvaal. Activities that are taking place in the City of Midvaal are

affecting the City of – in fact, all the municipalities within Gauteng are separated only by one street.

Sometimes people that stay in the City of Ekurhuleni, when you go to R550, the southern part of the City of Ekurhuleni, people there, Palm Ridge area, they buy in Midvaal. They are serviced by the police station that is at Midvaal, ...[indistinct]. The demarcation of SAPS is not like our demarcation.

When you go to the northern part of Tembisa, the  
10 Wini Mandela and other areas, the western part of the north, it is separated by one street, the problematic area that is giving us challenges in terms of crime. Officers of Ekurhuleni find them executing duties on a daily basis there.

Officers of the City of Johannesburg, they are doing that. You see, there are areas where I, as the Acting Chief of Police, I do no demarcations. Grey areas. We call them grey areas. We find officers doing law enforcement on this side, who said, but I thought this is the City of Ekurhuleni.  
20 We find members of JMPD doing traffic law enforcement.

When you go that side, you find members of Ekurhuleni. They said, no, but Chief, sometimes we execute, but because it is a grey area, no one knows. When you go towards R21, we are having such in terms of ...[indistinct].

The northern part, JNL areas, the informal settlements there. That is what is happening. And in terms of crime prevention, our officers, there are illegal activities that are taking place where suspects, they move to the City or they move to the certain municipalities. Our members do that.

But except that, Commissioners, 2001, there was a memorandum of agreement between the City of Ekurhuleni and other municipalities. 2005 or 15, it is just that I was  
10 unable to get that copy. There was another memorandum of understanding between the City. The first one, I do have the copy. I have submitted an attachment. The second one, I could not get the copy, but I know that I saw that one.

Then there is this one that we signed again between the City and all law enforcement agencies and all the municipalities, that we cannot be separated by one street. Crime is happening here. Members can go and execute. Members can go and execute in different areas.

As much as other metros are doing that, once we  
20 are driving around, doing our patrols or going home, you see them arresting, doing execution, doing traffic law enforcement, because we are separated and they are assisting us a lot.

Our members are on daily basis doing that. I have also attached the successes to prove that it is not

Mkhwanazi's thing, as people are claiming that I am instructing people. It has been happening once I was still a constable, and it is happening.

Even if when I was suspended, even if when I am sick due to COVID, such operations have been taking place. There are days where everything that I have submitted, and there is a memorandum of understanding that was pushed by the Office of the Minister.

10 Fortunately, we have been doing it as Gauteng, but now we have done it and we have operationalised it again, that members must go, members must execute law enforcement.

I was trying to summarise on that, because when there was evidence or when they were giving evidence, it was like it is an instruction, you see. I took many instructions from the different Chiefs of Police that you are having crowd management, there is a problem in the City of Johannesburg. Students are protesting, go and assist.

20 I lead the unit under instruction, and we executed work very closely with SAPS, work very closely with the other municipalities. Some challenges were taking place in the City of Tshwane. We have been deployed, and I needed those when I was a commander, a superintendent.

But except that, when I was a new recruit, we had many operations that we had to trace wanted suspects.

Competing with SAPS national, competing with SAPS provinces, there was competition that we wanted to see the best team. And we came third nationally because we were able to trace all the suspects.

You go to the police station, you check the – we called them red dockets, I only forgot the name, and check that this has not been executed for time and the suspect is not traceable. But if we were able to do that, we have been doing that. There was a time where Dumisani Masilela, a  
10 celebrity, was gunned down or was murdered, you see.

Chief Mapiyeye, who came here and said he does not know that. He established a team when I am saying to you, CLU was formed to say there is this celebrity that was gunned down or was murdered. Go and check. The team went up and to the borders of South Africa, you see.

I know Commissioner Revo spoke about it, but it is me, no, no, no, you see. And when they came back, they gave briefing, the CLU team. They gave briefing. And in that team, we had members who are not even Metro Police,  
20 but we are having information, we are assisting the team to trace the suspect.

But it is unfortunate some of them, they were outside the borders, but some of them, they were arrested. It is not a new thing. It is not something that is surprising. You see, we are doing that. As we are sitting here, there

are feedbacks sometimes when I meet members, saying we went to that ...[indistinct] and deep down, you see, to listen, oh, they work outside the borders, but we are not allowed to engage, we keep quiet.

But there is an evidence from one unit, I could not get, as I have said that I am outside, I could not get for everyone. But there is a stats, when you go to the City and check the stats and check operations that are executed by the units, without even commanders, by the members  
10 themselves, when they communicate among themselves and see the suspect is there, they wait and trace and arrest the suspect.

**ADV KHUMALO SC:** Commissioner Mkhwanazi, clarify this for me. Are these joint operations or operations conducted only by EMPD? In other words, can EMPD go to Soweto on its own, enter somebody's house and confiscate stolen goods?

**COMMISSIONER MKHWANAZI:** We have done that a million times, Commissioner.

20 **ADV KHUMALO SC:** Without JMPD there?

**COMMISSIONER MKHWANAZI:** Yes, and JMPD have done that a million times in our site.

**ADV KHUMALO SC:** And without SAPS there?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** And you say what authorises EMPD to

do that is a memorandum of understanding?

**COMMISSIONER MKHWANAZI**: We have got a memorandum of understanding, or sometimes members operationally, when we need, they have got information ...[intervenes].

**ADV KHUMALO SC**: Where do we find that memorandum of understanding?

**COMMISSIONER MKHWANAZI**: I have attached, they will do the two ones that I am having. It is the one of 2015  
10 ...[intervenes].

**ADV KHUMALO SC**: Is this the document you refer to on page 5, SJD19, which I assume we will correct?

**COMMISSIONER MKHWANAZI**: Let me check, Commissioner.

**ADV SELLO SC**: That is correct, Commissioner.

**ADV SELLO SC**: 19(i) and (ii), yes.

**COMMISSIONER MKHWANAZI**: And let me say it is some of, because I could not find the two others.

**ADV SELLO SC**: Okay. If then ...[intervenes].

20 **ADV BALOYI SC**: Can I just check?

**ADV SELLO SC**: Yes.

**ADV BALOYI SC**: I see, yes, I hear you say you cannot find the two others, but one would expect that they are pretty much the same because the principle is the same.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes,

Commissioner, yes.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** Then I have also attached the one that we are having with the NPA for other national operations where national and international. As EMPD, we do not just work in the City of Ekurhuleni, Commissioner Khumalo. Now I am raising another thing now. In terms of NPA and EMPD, in terms of exhuming those that were killed during Apartheid times, you see, there is a memorandum of  
10 agreement between the City and NPA. We are not just limited to, and some members are coming in to be part of that team. That is what I am trying to say.

**ADV SELLO SC:** Thank you, Commissioner Mkhwanazi. You deal at page 5, as Commissioner Khumalo pointed out, you reference two documents you have annexed, marked JD19(i) and 19(ii). Do you see that in bold?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay, and as Commissioner Khumalo correctly pointed out, we have to correct that. It has to be  
20 18(i) and 18(ii). It is annexed as 18, so I am requesting that we make that small correction in your statement. Do you accept that?

**COMMISSIONER MKHWANAZI:** Yes, yes, Commissioner.

**ADV SELLO SC:** So, let us – now, if we go to JD18(i), that is a later document. It is a memorandum of understanding

between the SAPS, Gauteng Department of Community and Safety, Gauteng Department of Cooperative Governance and Traditional Affairs, and a host of three metropolitan councils, I think two district councils, and about six local municipalities. You see that?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** Okay. Let us skip that document for – perhaps let us go to the last page of that document. I see that that particular document was signed on the 15<sup>th</sup> of April  
10 2025, and that you will find at page 411.

**COMMISSIONER MKHWANAZI:** 411?

**ADV SELLO SC:** 411, at the bottom there.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Signed by Kagiso Lerutla, Acting City Manager, on behalf of Ekurhuleni Metropolitan Municipality. Correct?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** So, I am saying this is a very recent document. I want us instead to go to JD18(ii), and actually  
20 at 18(ii), there are two documents. The first starts at page 414.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And the second starts at page 430. Can you confirm that?

**COMMISSIONER MKHWANAZI:** Still going.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Now, do you recall when EMPD was established?

**COMMISSIONER MKHWANAZI:** 2002.

**ADV SELLO SC:** 2002. And these documents, at least the complete one starting at page 414, is dated August 2001, and that you will find at page 428.

**COMMISSIONER MKHWANAZI:** 428?

10 **ADV SELLO SC:** 428, signed by Paul Maseko, City Manager, on behalf of Ekurhuleni Metropolitan Council.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And the counterpart is Johannesburg Metropolitan Council, Paul Pascal Moloi. The second document that starts at 430 does not have a last page. So, you have not included the last page, the signature page, so it is difficult to say when that one was concluded.

**COMMISSIONER MKHWANAZI:** I think that one, that may be a challenge. As I have said, I cannot trace it. It was  
20 full, but if you go to the City, you will get the correct and all the pages.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** The one that was signed in between the two memorandum of understandings.

**ADV SELLO SC:** And I see from both, when I compare

them, the one is an agreement, memorandum of understanding between Ekurhuleni Municipality and Johannesburg, correct? The other is the same agreement between Ekurhuleni but with City of Tshwane Metropolitan Municipality.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** Now, if you compare them, they are worded in the exact same terms. And in particular, I would like to refer us to page 419 of interest at Clause 4, period  
10 of agreement. And both memoranda indicate, stipulate that the agreement, which is the document we are reading, shall be deemed to have commenced on the date of establishment of the Ekurhuleni Metropolitan Police Service, which establishment will commence by appropriate publication in the Gazette. You see?

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV SELLO SC:** So I understand then from these documents that the agreements, when concluded, EMPD was yet to be formally gazetted.

20 **COMMISSIONER MKHWANAZI:** I cannot answer that because I was still at the college. I was a new recruit. But I know that before it was launched, it must be gazetted. That is why I am saying it was launched 2002. Maybe drafting and other things, 2000, 2001, but I was not yet a fully-fledged Metro Police Officer. I was still at the college.

**ADV SELLO SC:** I accept that. My question was based on what I am reading to say that is what it would suggest. Now to the question, you remember you put up these documents to ...[intervenes].

**ADV KHUMALO SC:** Can I just ask you a question? On 428, is that date 2001 or 2004?

**ADV SELLO SC:** I read it to be 2001.

**COMMISSIONER MKHWANAZI:** 428?

**ADV KHUMALO SC:** 428, that is signed to it on this day of  
10 August.

**COMMISSIONER MKHWANAZI:** It is 2001, Commissioner.

**ADV KHUMALO SC:** 2001?

**COMMISSIONER MKHWANAZI:** Commissioner, yes.

**ADV SELLO SC:** Thanks. Thank you, Commissioner. Now, Commissioner Khumalo asked you whether it is these documents you rely upon to make the argument that you were entitled to work outside the jurisdiction of Ekurhuleni and not necessarily as part of joint operations with JMPD or TMPD. You confirmed that these are the documents.

20 **COMMISSIONER MKHWANAZI:** Yes, and I am also responding to the testimony that was given here, that there is no document that allows us to work outside the jurisdiction of the City. It was made by the Chief of Police.

**ADV SELLO SC:** Would you be able to say which clause in particular, at least in the document starting at 415, grants

EMPD the power to operate outside its jurisdiction? And perhaps while you are thinking of that, can I refer you to page 419 of the same document and at Clause 3, under heading provision of services, it reads, and I quote:

10                   “Notwithstanding the date hereof, the service shall be delivered to both the area and the other area by the council and the service provider so that the inhabitants of both areas shall not suffer disruption of service.”

**COMMISSIONER MKHWANAZI**: Which clause is that, Commissioner?

**ADV SELLO SC**: Page 419, Clause 3, under the heading provision of services.

**COMMISSIONER MKHWANAZI**: Application of law provision, or provision, I can see. Number 3, right?

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Yes:

20                   “The parties agree that the interest of inhabitants of both areas in regard to the provision of service are paramount and agree to cooperate with one another to ensure that interests are fully protected.”

Do you see what I am reading?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** The interesting thing about this clause, as I read it, it says the service is delivered in both areas by the council and service provider. Now, if we go to page 417, it is a list of definitions there and clause 1.1.2 defines the service provider as the Johannesburg Metropolitan Police Service and that clause says the service provider, being JMPD, will operate in both areas. Now, I was trying to understand which clause should I read to understand that  
10 EMPD can also operate in Johannesburg and Tshwane.

**COMMISSIONER MKHWANAZI:** And it does not also say that they cannot operate without each other, but they will provide services.

**ADV SELLO SC:** It does not?

**COMMISSIONER MKHWANAZI:** It does not say that they cannot operate or they cannot execute their duties without each other.

**ADV SELLO SC:** I would not expect it to because EMPD has got its area of jurisdiction. The question you are  
20 answering is whether or not it is authorised to operate outside its jurisdiction. And for that purpose, you put forward this document to confirm.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Now, I am trying to find in this document where it gives EMPD the requisite jurisdiction as you

understand it.

**COMMISSIONER MKHWANAZI**: That is what I am saying. It does not also specify that you cannot operate or cannot execute your duties. You cannot go and arrest suspects outside the jurisdiction.

**ADV SELLO SC**: Okay. So when you say it also does not say you cannot do it, should I understand that to mean that the document does not authorise EMPD to do so and neither does it prohibit EMPD from doing so? Is that your answer?

10 **COMMISSIONER MKHWANAZI**: Sorry, I am reading something. I think it is going to assist me. Can you read safety standards paragraph 5?

**ADV SELLO SC**: At page 419?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Yes?

**COMMISSIONER MKHWANAZI**: It says the safety standard will be...

**ADV SELLO SC**: The one that is mutually agreed upon?

**COMMISSIONER MKHWANAZI**: It says:

20                   “The service standards shall be mutually agreed upon both parties or their nominees and will comply with standards set by the National Commissioner of South Africa for South Africans of South...”

**ADV BALOYI SC**: Sorry, it is incomplete. There is a page

missing. Page 77 is missing.

**COMMISSIONER MKHWANAZI**: Page 5, yes.

**ADV BALOYI SC**: So that paragraph 5 is not complete.

**ADV SELLO SC**: I noticed that. Thank you, Commissioner. Okay, well, let us park it for now. You will check from your originals whether you do have that paragraph 5 and we can revisit the matter.

**COMMISSIONER MKHWANAZI**: But can you also assist ...[intervenes].

10 **ADV SELLO SC**: Page 5, rather.

**COMMISSIONER MKHWANAZI**: Yes, I am asking the Commissioner, can you also assist? Once I am checking, maybe we will get a document which is having everything. As I have said, I am limited in terms of getting things. That is my humble request. But I will also try to get.

**ADV SELLO SC**: Yes, I thought perhaps we will check first with your original to see whether the mistake arose while the copies were being run and a page was skipped or whether you do not have it in your original agreement in  
20 which event then we will try and locate a copy from the EMPD or Ekurhuleni Municipality.

**COMMISSIONER MKHWANAZI**: Yes, but may I also raise it that in the recent launch by the National Commissioner, it was articulated in the Premier, it was articulated or it was said many times that gone are those days where members

would be limiting themselves in terms of executing their duties.

When they see the suspect here in the City of Johannesburg, they say, no, no, no, no, I am not going there. You must make sure that you arrest the suspect. Same thing that must happen to other municipalities. And it has assisted us a lot as the City.

Why I am saying that, in fact, we are benefiting more than the City of Johannesburg because in terms of  
10 resources, they are more resource than us and they are more visible in the City because I think many of them, they stay, not many of them, but there is an amount, a certain amount of officers of Johannesburg that are residing within, I am not sure why, the City of Ekurhuleni.

And that in terms of visibility when driving the freeways, when they see offences, blue lights, they drive in the freeway, blue lights, marked vehicle, they assist a lot. Or if we find them stopping a vehicle, drunk and driving, they will call. When we stop them, may I, Chief, this person  
20 is drunk, can I be assisting? They will assist and the member will appear in court and the evidence will be given.

But the only thing that limits us is the question of issuing of fines because our computer numbers are limited to the City of Ekurhuleni. I am saying this public now. A member of JMPD can come and issue a traffic fine in the

City of Ekurhuleni because the courts that we are using, they are in the City of Johannesburg.

The section 56 book, the notice book that we are using like in the City of Ekurhuleni, it is saving all the courts that are in the City of Ekurhuleni. That means when it is in the streets, are only divided by municipal courts. For example, if the streets around Germiston, they will be limited to Germiston or Ellisburg municipal court or court. You see, that is a challenge.

10           But in terms of crime prevention and other things, I must mention that while members have been testified, even now, we are authorising our members to go and testify, paid by the City for accommodation, to go and testify in KZN for the arrests that they have made there.

Our members are going to different provinces. The City pays for accommodation, pays for everything because of the arrests that they made within that province or that area. And it is happening. It has been happening before I become in charge or before I was promoted as a member. It  
20 is still happening, even if now when I am not, it is still happening. It is happening.

And it was authorised by different chiefs. I became, and I know that I am also authorised for accommodation for other members, for cases that are taking 10 years, 15 years, or not 15, but cases that are being

postponed. Members are attending those things. Thank you.

**ADV SELLO SC:** You recall when before I referred to these two documents, I had said we should skip JD18(i), which I said is the later agreement with the different municipalities, local municipalities and the three metropolitans and the Gauteng Department of Community Safety. You recall that?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** And that to is at page 396. If we could  
10 just quickly turn to that?

**COMMISSIONER MKHWANAZI:** Page?

**ADV SELLO SC:** It starts at page 396, JD18(i).

**COMMISSIONER MKHWANAZI:** It is a different file, eh?

**ADV SELLO SC:** No, no, the same file of your statement, of your supplementary statement.

**COMMISSIONER MKHWANAZI:** Statement?

**ADV SELLO SC:** Yes, and I referred to this document. You recall this is the document I pointed out was signed by the Acting City Manager of Ekurhuleni on the 15<sup>th</sup> of April 2025.  
20 So last year. So this is about the most recent, I take it?

**COMMISSIONER MKHWANAZI:** Yes, yes. It is the recent one.

**ADV SELLO SC:** Okay. Now, I just want to test whether would I be correct to rely on its wording to understand your response as regards the issue of jurisdiction. And for that

purpose, I would like to refer you to page 402 and Clause 7 of that agreement. So that memorandum of understanding at Clause 7 sets out the areas and manner of cooperation. Do you see that?

**COMMISSIONER MKHWANAZI**: Parties partake to combating within their means. It is within, yes.

**ADV SELLO SC**: Yes, and then it lists preventing, combating, and suppressing crime, including but not limited to enlist them, creation of shared safer cities and towns,  
10 development of programmes, alignment of strategies, training, and capacity building. If you go over leaf at 403, it then addresses that Clause 7.2, manner of cooperation and it says:

“The parties shall cooperate by exchange of information 721.”

Do you see where I am reading?

**COMMISSIONER MKHWANAZI**: Exchange of information in terms of, yes, yes, yes.

**ADV SELLO SC**: Yes, searching for wanted suspects and  
20 missing persons, sharing of policing technology, training courses. What I am particularly interested in is from paragraph 7.2.6, which reads, and I quote:

“Cooperation within the framework of this MOU shall take place on the basis of request for assistance from the executive

authority or on the initiative of the executive authority which deems such assistance to be of interest to other executive authority.”

Do you see that?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Now, the term executive authority, I think, is defined. Now, that is one that is without definition. We will derive it from the Local Government Municipal  
10 Structures Act. At 7.2.8, staying at page 403, it says:

“Parties shall operate in each other's operating area or jurisdiction only during planned operations and for duration of the operation. In all operations, an operational plan must be submitted prior to the operation within a reasonable time to the office saps provincial Commissioner for approval.”

**COMMISSIONER MKHWANAZI:** Yes, it is.

20 **ADV SELLO SC:** At 7.2.9, it says:

“The executive authority requesting an operation to its area together with SAPS will take the lead to the operation.”

Now, these clauses speak to the question of jurisdiction and operating in the various jurisdictions by the various, what,

police, municipal police departments. Do you understand that as well?

**COMMISSIONER MKHWANAZI**: Very clear.

**ADV SELLO SC**: Now, this document prescribes how that cooperation must happen and it prescribes that any of the police municipal departments will operate in a jurisdiction other than theirs only during planned operations. That is 7.2.8, do you see?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes, yes.

10 **ADV SELLO SC**: And that goes to the question that Commissioner Khumalo asked you.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV SELLO SC**: Whether operating outside your jurisdiction, is it strictly during planned operations or even without planned operations? And I think your response was it does not require planned operations.

**COMMISSIONER MKHWANAZI**: No, I said during and sometimes it is unplanned operations, members go. In fact, I am agreeing with you that this document talk about there  
20 are operations, spontaneous operations. There are operations where members got information now and go and execute. Sometimes it leads them to outside where the suspect, they apprehend a suspect and everything.

**ADV SELLO SC**: And you gave an example, I think, about whether you can go search for and arrest a suspect in

Soweto without JMPD and you confirm that you have the authority to do so.

**COMMISSIONER MKHWANAZI:** Yes, I have said we even went, or we are going outside the province.

**ADV SELLO SC:** Yes, and you said you go internationally as well.

**COMMISSIONER MKHWANAZI:** International, I was talking about the exhuming. Exhuming of the previous, yes. It is a different memorandum of understanding.

10 **ADV SELLO SC:** I see.

**COMMISSIONER MKHWANAZI:** Than is this one.

**ADV SELLO SC:** Okay, now this would be inconsistent with that answer, but I accept that this was signed in 2025.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Because this 2025 version says you may only do so within a planned operation.

**COMMISSIONER MKHWANAZI:** No, the ...[intervenues].

**ADV SELLO SC:** The document, I am not talking about reality on the ground. I am talking about what the document  
20 is telling us.

**COMMISSIONER MKHWANAZI:** I agree with you on this one.

**ADV SELLO SC:** So are you suggesting that prior to the signature of this document, something else permitted you to do it otherwise than as prescribed by this document?

**COMMISSIONER MKHWANAZI**: Prior and after operations are going on, as I am saying. I do not want to come in, want to impress the Commission that we are complying. The next thing when we get the stats, the stats said we went in there and arrested the suspect that was running away from our jurisdiction that we were able to apprehend ...[intervenes].

**ADV SELLO SC**: You ran ahead of me. I had not posed my question.

10 **COMMISSIONER MKHWANAZI**: Humble apologies. I apologise.

**ADV SELLO SC**: So if now we know based on this document that it can only be a planned operation and it specifies strictly at Clause 7.2 the process that must be followed and that it requires a request for an operation in its area, as we have read. So this document would suggest that no other form of operation outside a planned operation is permissible. Is that your understanding as well?

20 **COMMISSIONER MKHWANAZI**: But operational is a different story. I agree with you. I was part of this. I was part of formation of this document. I participated in this document.

**ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: But due to, as I have said, that our jurisdictions, our demarcations, you see, you may

find yourself in this area thinking that you are in this area. The other operation makes you to be outside of jurisdiction and you also plan to be in this. You see, it is happening on daily basis. I do not want to lie. I do not want to impress this Commission.

**ADV SELLO SC:** So then I must understand it is still happening today, notwithstanding what this MOU prescribes, that it can only be for planned operations. Nonetheless, EMPD still operates outside its jurisdiction.

10 **COMMISSIONER MKHWANAZI:** Chairperson, it is happening. I cannot lie.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Yes. It is not only in EMPD. You see, it is happening. As I have said that you drive around to see members stopping executing. Sometimes you find that they were driving towards that place where they stay or they are going to the place of work and then offence is happening.

**ADV SELLO SC:** Okay.

20 **COMMISSIONER MKHWANAZI:** Then you cannot stop and say, I am waiting for the command and operational plan where they are able to need assistance. For example, sometimes the Chief of General call me, I have got my members there, they need your assistance because they cannot do that there. We intervene. But there are those

planned ones, you see ...[intervenes].

**ADV BALOYI SC:** It might be helpful.

**COMMISSIONER MKHWANAZI:** Sorry.

**ADV BALOYI SC:** I was saying it might be helpful to look at page 415 where section 64 prescribed the powers and that whoever prepared that specifically says that the powers in 64(f) may only be executed within the borders.

**ADV SELLO SC:** You are too fast, Commissioner.

**ADV BALOYI SC:** Am I too fast? Page 415. I think if we  
10 are looking for the boundaries of the powers.

**COMMISSIONER MKHWANAZI:** Got it.

**ADV BALOYI SC:** Yes, it says that the powers in 64(f) of the SAPS Act may only be exercised within the borders of Ekurhuleni Metropolitan Council unless, and this is that important part, unless an appropriate agreement has been signed with a neighbouring municipality. So that tells us very clearly that in the absence of an agreement, you do not have the legal authority to operate outside Ekurhuleni Metro. Do you see where I am reading?

**COMMISSIONER MKHWANAZI:** Yes, I think it is what we  
20 need to correct. I agree we need to state and correct that. And those that, because I am still on suspension, those that are viewing, they must – we need to engage on that and make sure that we stick on that. We need to agree that there is that limit and it needs to happen.

**ADV SELLO SC:** Just so I do not get lost, what are you suggesting needs to be corrected?

**COMMISSIONER MKHWANAZI:** No, no, I am saying we need to stick on that. The way Commissioner Baloyi, she is reading it.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** You see, we need to make sure that we stick on this, you see.

**CHAIRPERSON:** It is not the way Commissioner Baloyi is  
10 reading it. It is how it is written. It is how it is written.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And just so you find your bearings, that is a 2001 agreement.

**COMMISSIONER MKHWANAZI:** May I read it, Commissioner? I think you are too fast. And I read the last one.

**ADV BALOYI SC:** You may read it.

**COMMISSIONER MKHWANAZI:** Yes. Section 64(f) of the South African Police Service Act 1995:

20                   “Prescribed the powers of metropolitan police officers and state that these powers may only be executed within the borders of Ekurhuleni Metropolitan Council unless an appropriate agreement has been signed with a neighbouring

municipality, To such an agreement have been signed with neighbouring municipalities who either already have municipal police service or who are on the verge of establishing such municipal police services. Other agreements with neighbouring municipalities will be signed once Ekurhuleni Metropolitan Municipal Police service has been established. The  
10 reason, therefore, is that the other municipalities are not...”

Let me limit myself to this. I get you. Thank you, Chair.

**ADV BALOYI SC:** As I understand it, you say what is supposed to be corrected is that you must stop operating outside your municipal boundaries because section 64(f) does not allow you to operate outside.

**COMMISSIONER MKHWANAZI:** Yes, Chair, I get you now. Thank you. Thank you for correcting me.

**ADV KHUMALO SC:** Just clarify something for me.  
20 Assuming your understanding is correct, if EMPD officers were to go to KZN, as you say, or to Soweto to arrest a suspect and confiscate stolen goods, when you come back to EMPD offices, where do you record that event?

**COMMISSIONER MKHWANAZI:** The members are having pocketbooks. Members are having – the units are having

OB, but we had a challenge for the past 10 years. They use their own diaries, their own books, they record. But monthly, there is a stats that we are getting in terms of the feedback.

**ADV KHUMALO SC:** But you say it will only appear in the members' individual diary?

**COMMISSIONER MKHWANAZI:** Yes, pocketbooks.

**ADV KHUMALO SC:** So if a member went to Soweto to arrest a suspect, or let us not use an arrested because  
10 somebody has to be detained if they are arrested. So if they went to Soweto and they confiscated stolen goods, the only place they would record that and the fact that they have confiscated goods is in the members' own individual diary.

**COMMISSIONER MKHWANAZI:** Yes, from our side. We can check through that.

**ADV KHUMALO SC:** Where do they book the goods that they have confiscated?

**COMMISSIONER MKHWANAZI:** I would say it depends on  
20 the operation. Sometimes you book or sometimes you – I cannot tell. But they are supposed to go to the police station or book it where it is necessary. For example, if you find explosives, you cannot take them to the police station. You call a relevant team to do that. If you find, for example, animals, it is the issue of SPCA. It differs per

operation, per your – let me say per operation because ...[intervenes].

**ADV KHUMALO SC:** I think you assisted me halfway through your answer because if I understand you correctly, if they confiscate stolen goods in Soweto, they must take them to the police station.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV KHUMALO SC:** And that must be recorded.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

10 **ADV KHUMALO SC:** That is all I needed to ...[intervenes].

**COMMISSIONER MKHWANAZI:** Then through our own books, then we get it maybe weekly or monthly that there was this operation that was done because you cannot be there every day.

**ADV SELLO SC:** Thank you.

**ADV BALOYI SC:** If there is no notebook because the police officer has lost their notebook, we will never know about that operation.

**COMMISSIONER MKHWANAZI:** I must say that, Chair,  
20 because that is one of the challenges that was having us. For the past 10 years, we did not have pocketbooks, OB books, you see. Administration was not there, you see. You only depend when you report it, you see. That is why sometimes we will get the complaint after a year or six months or seven months. What happened, you see? Why

did you not do this? No, we did not have this and that, you see. That is a challenge.

But at least now, when I entered, we were able to have an agreement with government printers of pocketbooks of OB because we depended, to be honest, we depended on SAPS. If such police station does not have, we were always begging, asking for OB books. You cannot ask for SAPS pocketbook because it is writing SAPS.

But for OB book, members will go, or you need  
10 commanders. In fact, we are putting them into pressure. It is not supposed to be like that. They will go to a certain police station. If you have got an extra OB, please, may you please borrow us or may you please give us that OB book. Administratively, it was a very strong challenge, I must say to this Commission.

But I am told now that, just that I am suspended, but they have started to deliver. The government printers have started to deliver OB books, pocketbook. I think that has improved now. Because by law, each and every  
20 member must issue the pocketbook. The unit or the precinct must have an OB where you record. Book members on duty, you book members.

You cannot put them on your own diary or pocketbook because you may lose it at any time. And that OB must be at the office so that if the other shift is coming

in, the precinct commander or that, sometimes you do not have in other stations, where even challenges of commanders.

But that member that has been identified to be an inspector must book all those that are going to attend the ...[indistinct] site that we are here, everything. That is a challenge that we had ...[intervenes].

**ADV KHUMALO SC:** Commissioner, because you have a habit of speaking for a long time, let us not focus on other  
10 members. Let us focus on you. So your OB book or the OB book that applied to you and your diary, so forget about the other members and other officers, your one, you are able to produce it.

**COMMISSIONER MKHWANAZI:** No, no, I do not operate on the OB book or diary.

**ADV KHUMALO SC:** So if you were to go to Emfuleni or Midvaal or Soweto, where would you, not other members, you, Julius Mkhwanazi, if you were going to an operation outside of Ekurhuleni, where would you record that?

20 **COMMISSIONER MKHWANAZI:** I know I am supposed to report it on the police radio and say we are moving out of jurisdiction. But again, it is a challenge because a lot of communication radios too ...[intervenes].

**ADV KHUMALO SC:** I do not want you to give long answers.

**COMMISSIONER MKHWANAZI:** Okay.

**ADV KHUMALO SC:** Where do you record, is there a piece of paper where you, Julius Mkhwanazi, records that I was in Soweto on this date, it was an operation and we confiscated stolen goods?

**COMMISSIONER MKHWANAZI:** No, no, I do not have, but I depend on members when they say in their book, they said the Chief or the Deputy Chief or the Director arrived at this time, visited us, they record on that.

10 **ADV KHUMALO SC:** All right, thank you.

**COMMISSIONER MKHWANAZI:** And when they submit their monthly what-what, they will also say that we are visited by this person.

**ADV KHUMALO SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** Thank you, Commissioner. And then lastly, on this 2025 agreement at page 403, Clause 7.2.7, it reads:

20 “Request for assistance shall be in writing. In case of emergency, request may be made orally. However, shall be confirmed by writing within three days.”

You see where I am reading?

**COMMISSIONER MKHWANAZI:** Page 425?

**ADV SELLO SC:** Page 403, sorry. Clause 7.2.7.

**COMMISSIONER MKHWANAZI:** Yes, clause?

**ADV SELLO SC:** 7.2.7.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** It says:

“Request for assistance shall be in writing. In case of emergency, request may be made orally. However, shall be confirmed by writing within three days.”

You see that?

10 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And so all requests from one or other to operate outside their jurisdiction, that is my understanding, is that the request must be in writing. It allows for emergency assistance, but prescribes that such requests may then, in those circumstances, be made orally, but must be confirmed within three days in writing. Is that your understanding as well?

**COMMISSIONER MKHWANAZI:** Yes, we are having such requests.

20 **ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** But is that how you understand 7.2.7? So basically, the request must be in writing, that requirement.

**COMMISSIONER MKHWANAZI:** I think I have answered

that, Commissioner, earlier on.

**ADV SELLO SC:** No, no, no. We have not dealt with this particular point of the request having to be in writing.

**COMMISSIONER MKHWANAZI:** Yes, it says so. Yes, it says so.

**ADV SELLO SC:** I just wanted to test your understanding because then follows my question. Are you saying that what is in 7.2.7 altered the position as was legally permissible prior to the signature of this document? Was it  
10 changing anything? 7.2.7.

**COMMISSIONER MKHWANAZI:** No, it was not changing anything.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** In fact, it was adding on some of the operation that we are having, that are done in writing, in time.

**ADV SELLO SC:** All right.

**COMMISSIONER MKHWANAZI:** Sometimes you see them planned as a joint operation with other law enforcement  
20 stakeholders.

**ADV SELLO SC:** So it was not changing, you say. So therefore, even prior to the signature of this particular MOU, it has always been the requirement that assistance be made in writing. And that is what you practice within EMPD, am I correct?

**COMMISSIONER MKHWANAZI**: You are correct. But you must also read it with what Commissioner Baloyi was saying in page 415, which covers that in some of the operations, your members may act. Some may give reports. Or sometimes it may not be a planned operation, you see. But there are operations. I agree with you. There are planned operations where there is an operational plan, where all law enforcement stakeholders, they see they execute together in all different, in two or three or four different  
10 municipalities with other law enforcement agencies.

**ADV SELLO SC**: For the record, page 415, which Commissioner Baloyi referred you to, does not say you may or may not file reports. I think page 415, as I understand it, in fact, makes the point that you may not operate outside your jurisdiction unless you have a written agreement with the authority in that next jurisdiction. That is what it tells you. So absent such an agreement, you do not have legal authority.

**COMMISSIONER MKHWANAZI**: That was my  
20 understanding, but it was corrected.

**ADV BALOYI SC**: Commissioner Mkhwanazi, I thought we were agreed that 415, what I read in page 415 sets the boundaries of what you are allowed to do. It says that the powers in 64(f) may only be executed within the Ekurhuleni Metro Council unless an appropriate agreement has been

signed with a neighbouring municipality.

And what that means, which I have just read, is that absent an agreement with another municipality, you may not operate in another, in the jurisdiction of another municipality. You understand that? You agree with that?

**COMMISSIONER MKHWANAZI**: Yes. Chair, you confused me.

**ADV BALOYI SC**: Did I or the Chair confuse you?

10 **COMMISSIONER MKHWANAZI**: No, the Chair confused me.

**CHAIRPERSON**: No. Because you said the way Commissioner Baloyi read it, and then you said whatever it was you said. And I said to you, this is not about how Commissioner Baloyi read it. It is about how it actually reads. That is all I said. What is confusing with it?

**COMMISSIONER MKHWANAZI**: Yes, that is what I was saying. I have said that means it has been our limitation.

**CHAIRPERSON**: That means?

20 **COMMISSIONER MKHWANAZI**: It has been our limitation. We need to correct it and make sure that we stick to what Commissioner Baloyi says.

**CHAIRPERSON**: But that has nothing to do with what I said. Because as I say, all I said was to correct you when you said, as Commissioner Baloyi reads it. So I just said it is not about how Commissioner Baloyi reads it.

**COMMISSIONER MKHWANAZI:** I get it, Chair.

**CHAIRPERSON:** It is about the actual content.

**COMMISSIONER MKHWANAZI:** Yes, I get it, Chair.

**CHAIRPERSON:** It is about how it actually reads. Am I making sense?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**CHAIRPERSON:** All right. And also another issue I may raise with you. I am not sure that I understand your cross-referencing to what Commissioner Baloyi read when Ms  
10 Sello is engaging you on 7.2.7. 7.2.7 is about requests for assistance.

Whereas what Commissioner Baloyi read is about where each metro or municipality may exercise its functions, which is that they may only do so within their jurisdiction. That is not about assistances and ...[indistinct] 7.2.7. Do you get the difference?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**CHAIRPERSON:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes, thank you, Chair.

20 **CHAIRPERSON:** Yes.

**ADV SELLO SC:** Thank you, Chair, Commissioners. If you get the difference, you will leave it at that. The answer you have given stands or would you like to revisit it?

**COMMISSIONER MKHWANAZI:** No, no, no. We will revisit when it is a request. You see, it is very clear.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** Yes, definitely, yes.

**ADV SELLO SC:** It must be in writing?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** So now my question was the clause I read for you comes from a 2025 agreement. Do you understand?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** I wanted to understand whether that  
10 requirement was, whether your understanding was that there was such a requirement even prior to 2025. Is that, have you always understood that there must be a request in writing?

**COMMISSIONER MKHWANAZI:** You are correct.

**ADV SELLO SC:** That has been your understanding?

**COMMISSIONER MKHWANAZI:** Yes, you are correct.

**ADV SELLO SC:** And that is how you have conducted operations outside Ekurhuleni?

**COMMISSIONER MKHWANAZI:** Yes, if there is a request.

20 **ADV SELLO SC:** Which request would be in writing?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Okay. I think I am clarified, thank you.

**ADV BALOYI SC:** But that would not always be the case because on your evidence, if you are chasing a person and they cross into the jurisdiction of another municipality, you

cannot just let them go. You will chase them and arrest them. I think that is how I understood your evidence.

**COMMISSIONER MKHWANAZI:** You are correct, Chair.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** Ja, I may talk, maybe for example, when it is crowd management, where they know it is a big joint operation in request. That is what has been happening.

**ADV BALOYI SC:** Well, maybe let us use a simpler  
10 example. If you are chasing a speeding driver, a driver who was involved in criminal conduct in your municipality, and you chase them and they cross into the JMPD jurisdiction, what do you do? Do you pursue them into that jurisdiction or do you stop where your line ends?

**COMMISSIONER MKHWANAZI:** We do pursue, Chair.

**ADV BALOYI SC:** Yes.

**COMMISSIONER MKHWANAZI:** And it is not only limited to that. Even when members are working operationally, they get information now that you must go to that. They do do  
20 that.

**ADV BALOYI SC:** Ja, so you do that even where there has not been a request for assistance.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** I think that is the point that I am trying to make.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV BALOYI SC:** Thank you.

**ADV SELLO SC:** Yes. I think, as well, I am trying to find it, but I cannot immediately. I will find it for you. My understanding, at least, of the law is the regulations, the SAPS regulations permit you, by you I mean the Metropolitan Police Department, to continue with a pursuit that originates in your jurisdiction, even if it goes beyond the borders. You are permitted to pursue that suspect until  
10 the suspect is arrested. Is my understanding correct? And that is stipulated in the regulation. I will give you the specific regulation tomorrow morning. But generally, is that how you understand it?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Yes.

**COMMISSIONER MKHWANAZI:** That is why I have been certain that in terms of information, that is why it is happening again.

**ADV SELLO SC:** Now, that is what I can call hot pursuit.  
20 It starts in Germiston, drives out of Ekurhuleni jurisdiction, the law permits the pursuit to continue even into the next jurisdiction without agreement. So, it is a specific permission to continue with that pursuit until its objective is met.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** I am saying that to say I agree with you on that.

**COMMISSIONER MKHWANAZI:** Yes, but there are also a lot of grey areas, Chair.

**ADV SELLO SC:** Before we get to grey areas, can I get to my question?

**COMMISSIONER MKHWANAZI:** Okay.

**ADV SELLO SC:** Thank you. So, at least the one regarding pursuit, you and I are in agreement. Again, I go  
10 back to the question that Commissioner Khumalo, I think, posed. If you get information while you are in your office in Germiston that a suspect who committed, you believe committed a crime in Ekurhuleni is in Soweto, or there is a suspect in Soweto who committed a crime, let us say, in Sandton, do you have the authority to go seek and arrest that suspect without the prior engagement and approval by JMPD? And your response to that was yes.

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV SELLO SC:** Sorry, I misunderstood.

20 **COMMISSIONER MKHWANAZI:** Commissioner Khumalo said you may move from here to, not from Soweto to Sandton. Not within the jurisdiction of Johannesburg. But from here, you may do that to Soweto. If the information leads you to Soweto, Soweto leads you to Randburg, but started from here. The information was got from here, you

see.

**ADV SELLO SC:** So you are saying ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes, but I am saying when members are around there doing other operations and they find something there, they may execute and arrest. They cannot say if you are Metropolitan Police officers, we are here to execute other things, but there is a crime that is happening because we are in Soweto, it is happening in Soweto, we will run away and leave it. It does not end like  
10 that. They must execute, because members of public, they see police. They do not see EMPD, JMPD.

**CHAIRPERSON:** Let us forget about hot pursuit. What I think Ms Sello wants to understand, which is what I think Commissioner Khumalo wanted to understand and which is what I want to understand, you are sitting in your office in Ekurhuleni and you get information about the commission of a crime and that the alleged culprit is in Soweto. Would you move from Ekurhuleni to Soweto to go and effect an arrest?

**COMMISSIONER MKHWANAZI:** Members, they may  
20 communicate with members of JMPD or they go to that police station, say, or work with SAPS to assist them. It becomes easier, but it is happening, they go and arrest.

**CHAIRPERSON:** So Ekurhuleni police or EMPD members would not off, or rather on their own, without being assisted after a request by members of the JMPD, simply go to

Soweto.

**COMMISSIONER MKHWANAZI:** As I have said earlier on, Chair, it is happening. You see, it is happening.

**CHAIRPERSON:** It may be happening, but it is something else whether it is lawful. And what we are trying to establish is what is lawful.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** Would they lawfully, would EMPD members lawfully move from Ekurhuleni, and remember this  
10 is not hot pursuit, move from Ekurhuleni to Soweto and perform whatever functions they think they are entitled to perform?

**COMMISSIONER MKHWANAZI:** I think for now, there is no law that has challenged us. As I have said, that before I joined, before ...[intervenes].

**CHAIRPERSON:** Is it lawful? I am not asking whether you have been challenged. Is it lawful?

**COMMISSIONER MKHWANAZI:** Yes, in the court of law, they have accepted those dockets. They have sentenced  
20 those suspects, you see. And in our minds, or in their minds is that no, it is lawful. It has been happening, and you see.

And I must say, it is many cases where they execute. I submitted an evidence of some of those cases that it has been happening before I even become a

commander. We have been doing that. And to my understanding, with this current memorandum of understanding, it has even allowed members must work. Because we will see them saying hey, we are moving, we are moving.

But another thing is that on what Commissioner Khumalo is, it is very important to report to an OB entry, go to a police station, so that it will limit the litigations where there will be litigations, let me say so.

10 **CHAIRPERSON**: Yes, Ms Sello?

**ADV SELLO SC**: Thank you. No, thank you for the responses, Commissioner Mkhwanazi, and your responses I think will help me at least understand or wrap my mind around a case involving EMPD members outside the jurisdiction of Ekurhuleni. So I needed to understand the legal basis of operating outside your jurisdiction, and I think you have given us your understanding.

**COMMISSIONER MKHWANAZI**: Yes.

20 **ADV SELLO SC**: Okay. Now, is there anything else you would like to say about operations outside the City? Because I would propose that we then move to your paragraph 5.

**COMMISSIONER MKHWANAZI**: Let us go back to the same page.

**ADV SELLO SC**: The paragraph we are dealing with is

your statement, page 4, on to page 5. And we have just dealt with the annexures that you introduced there, which you have as 19(i) and(ii), but we have agreed to amend that to read 18(i) and 18(ii) at page 5. Do you see that?

**COMMISSIONER MKHWANAZI:** Page 5?

**ADV SELLO SC:** We have just dealt with those agreements.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Okay. So my question was, is there  
10 anything else you want to say about that subject before we move to your paragraph 5?

**COMMISSIONER MKHWANAZI:** Well, I also talked about our visits to the managers that we usually visit such operations, whether it is within or you go and check with members, because we are, for example, directors of operations.

In fact, Metropolitan Policing is an operational, you see. Operational managers or operational commanders must visit members operationally, you see, in terms of  
20 operation, give support, work with them, even though you will not work with them for 10, 11, eight hours, but that visit boosts the morale and say our leaders or our commanders are there. That is one of the things that I have touched on here. Thank you.

**ADV SELLO SC:** Thank you. So then that would lead us to

your paragraph 5 at page 5, and that paragraph is headed team deployed to the suspects who were defrauding members of the public with fake stones. Do you see where I am?

**COMMISSIONER MKHWANAZI:** Number 5, yes.

**ADV SELLO SC:** Yes. Would you like to briefly deal with then the contents of that paragraph?

**COMMISSIONER MKHWANAZI:**

10 “Team deployed to the suspect who were  
defrauding members of public with fake  
stones. On the 8<sup>th</sup> of February, we had a  
joint operation with Province and JMPD,  
as we always do. We tasked members of  
truck hijacking task team unit or task  
team to join other teams as per request  
from Deputy Chief of the province to  
attend with them since it was affecting  
our area and Johannesburg and those  
members who were selling fake stones on  
20 social media platform, public members  
are being defrauded or members of  
public are being defrauded.”

**ADV SELLO SC:** Before you go to the next paragraph, can we, you just say the 8<sup>th</sup> of February. Do you recall the year? You have not indicated the year.

**COMMISSIONER MKHWANAZI:** Can I skip? I will check the year.

**ADV SELLO SC:** Okay, that is fine. We will revert. At line four, you say:

“We tasked members of the truck hijacking task team to join the other teams as per the request of Deputy Chief Inspector Gerald Maseko.”

**COMMISSIONER MKHWANAZI:** Yes.

10 **ADV SELLO SC:** Who is Gerald Maseko and with which?

**COMMISSIONER MKHWANAZI:** He is the late who was working at province.

**ADV SELLO SC:** He is what?

**COMMISSIONER MKHWANAZI:** He was working at province.

**ADV SELLO SC:** What does that mean? Working at province where? In the Health Department?

**COMMISSIONER MKHWANAZI:** No, no. Gauteng Traffic Department.

20 **ADV SELLO SC:** This is Gauteng Traffic Department?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**CHAIRPERSON:** And you say he is late?

**COMMISSIONER MKHWANAZI:** Yes, he is late. That is why I chanted his name.

**ADV SELLO SC:** Okay. So, and you will come back with

the year. Thank you. You may proceed.

**CHAIRPERSON:** When you say to join the other teams, what other teams?

**COMMISSIONER MKHWANAZI:** No, it was his team and some members of JMPD, if I am not mistaken, if I remember correctly.

**ADV SELLO SC:** Okay. Thank you, Chair.

**COMMISSIONER MKHWANAZI:**

10                   “During the day we visited to check on their progress, as the senior members confirmed we were in Johannesburg where we found them and communicated, or I communicated, or we communicated to Officer McKenzie who confirmed that they were still busy with the suspect. They were still busy with the suspect, interrogating, also reported to the police station.”

Well, they also reported to the police station:

20                   “We left them as they were still busy and I was rushing for another meeting or to another meeting after engagement in our area.”

**ADV SELLO SC:** Before you get to the next subparagraph, you say you, and I think you have done this from your

previous subparagraph. You say we tasked members. You say that at your first subparagraph and you say during the day we visited members. Then third line of page 6, you say:

“Members confirmed their whereabouts in Johannesburg where we found them.”

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Now, you consistently refer to the we. Who is we?

10 **COMMISSIONER MKHWANAZI**: As I have said that I was with him.

**ADV SELLO SC**: By we you mean yourself and Deputy Chief Inspector Maseko?

**COMMISSIONER MKHWANAZI**: Yes, yes, yes.

**ADV SELLO SC**: Okay. Now ...[intervenes].

**ADV BALOYI SC**: Before you move on. So the we, I thought it was you in the plural, but we here is with Maseko.

**COMMISSIONER MKHWANAZI**: Yes.

20 **ADV BALOYI SC**: So when you say we tasked members of the truck hijacking task team, what team is that?

**COMMISSIONER MKHWANAZI**: It is the team that was working on that. There is a team that performed.

**ADV BALOYI SC**: Is it an EMPD team?

**COMMISSIONER MKHWANAZI**: Yes, yes.

**ADV BALOYI SC**: Is it a Gauteng ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no. This one that I tasked, it is EMPD that was working with the other team.

**ADV BALOYI SC:** Okay, so you and Inspector Maseko, you tasked the EMPD truck hijacking.

**COMMISSIONER MKHWANAZI:** Or let me correct it. We as plural, ja, I am saying I.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** We, no, you are correct.

**ADV BALOYI SC:** That clarifies it. Thank you.

10 **COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** Thanks, Commissioner Baloyi. Now, you say at page 6:

“We found them and communicated with Officer McKenzie, who confirmed that they were still busy.”

My first question, who is Officer McKenzie?

**COMMISSIONER MKHWANAZI:** He is an EMPD officer working at hijacking task team unit.

20 **ADV SELLO SC:** So he is one of the people you personally had deployed?

**COMMISSIONER MKHWANAZI:** Yes, from EMPD.

**ADV SELLO SC:** Okay. You say you found them. Who is the them?

**COMMISSIONER MKHWANAZI:** No, I spoke with him. He said there are some members are inside.

**ADV SELLO SC:** Now, who did you deploy to this?

**COMMISSIONER MKHWANAZI:** From EMPD, it was Officer McKenzie, Officer Kecia. I think it was the two of them.

**CHAIRPERSON:** Kecia Stolls?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, yes.

**ADV KHUMALO SC:** McKenzie would be Adrian McKenzie?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes. Yes, Chair. I think there were two on that day. Yes, in that operation.

**ADV SELLO SC:** And is there, because you sound a bit  
10 hesitant, what record could we possibly have regard to to  
determine who exactly you deployed in the operation? What  
record of EMPD would you say we should turn to?

**COMMISSIONER MKHWANAZI:** They also submitted  
statement to confirm that there were two.

**ADV SELLO SC:** No, I am asking about the deployment.  
You deployed them, remember?

**COMMISSIONER MKHWANAZI:** Yes. In their books, in  
their books they will have. They will have.

**ADV SELLO SC:** So you write in their books that you are  
20 deploying them?

**COMMISSIONER MKHWANAZI:** No, remember I said in  
that time we did not have OB books and everything, but on  
daily basis – in fact, there was an inspector who is called  
Officer Shultz, but he decided to retire during that time  
because of personal. They were not having an operational

commander. Then Officer Stolls took over to become a team supervisor.

She was recording each and every information of the team. All documents in detail. Sometimes I would check, can I check your things? I do surprise visits to different teams. Then I would find the book that she recorded all the things. The activities of the day, the activities of the week. You will find it in her books. As I have said that we did not have OB book, but she was  
10 recording each and everything.

**ADV KHUMALO SC:** Commissioner Mkhwanazi, hence my earlier question to you. Because the request is made to you. The request is made to you by Gerald Maseko, Chief Inspector, Deputy Chief Inspector. And then you deploy Mkhwanazi and Stolls. Where do you record A, the request made to you, and B, your decision to deploy these two people? Because we are concerned not about what they recorded, but what you recorded.

**COMMISSIONER MKHWANAZI:** I deployed them  
20 telephonically, Chair. I did not record anywhere. I phoned ...[intervenes].

**ADV KHUMALO SC:** You do not have a diary or an entry in writing where details of Chief Inspector Maseko, the nature of the operation, how many people are required from your team, who you have decided to deploy? You do not have a

written record of that?

**COMMISSIONER MKHWANAZI:** I have diaries where I record everything, Chair. Can I go and check? But I have changed offices many times. Diaries where I record if I visit, I will record meetings. In my diary I will write everything.

**ADV KHUMALO SC:** I think we can agree that, and I am reading Mr Magagula's statement that it was 2023.

**ADV SELLO SC:** I just wanted the witness to confirm  
10 before he says we impose the year of 2023 on him.

**ADV KHUMALO SC:** Can you confirm that this operation was in 2023 February?

**COMMISSIONER MKHWANAZI:** Yes, I think you are correct.

**ADV KHUMALO SC:** It does not have to be exact as far as the date is concerned.

**COMMISSIONER MKHWANAZI:** Yes, Chair. Yes, Chair.

**ADV SELLO SC:** So on the basis of your response to Commissioner Khumalo's clarification questions, there is no  
20 independent record that is owned by EMPD and retained by EMPD regarding this particular deployment. None exists, so there is no point in us going to ask for it. Because it is either in your diary or in Stolls's notebook.

**COMMISSIONER MKHWANAZI:** Yes, but there will be monthly report, monthly feedback of different units. From

my office we will get it as a monthly report from different, but there will be a record from Stolls, and if I record it, it will be on mine. But I am definitely sure Stolls was recording each and every day.

**ADV SELLO SC:** No, no, my question was just, if, God forbid, you and Stolls were to be struck by lightning tomorrow, there is no other independent source that can help us understand the deployment. So there is no document within EMPD that we can turn to that shows that  
10 you, Commissioner Mkhwanazi, on this particular day, 8<sup>th</sup> of February, or it might have been before, maybe the execution is the 8<sup>th</sup> of February, whatever date, that you tasked specific persons to go execute a particular mandate. There is nothing we can search for within EMPD to tell us that, absent your personal diary and Stolls's notebook.

**COMMISSIONER MKHWANAZI:** Let us check our weekly or monthly report. I think we may find something. Because all the units reports, from my office I will get it monthly, but from other people they will report it weekly. Maybe we may  
20 come up with something. But I know that definitely Stolls, it was even reported that it was submitted to – Commissioner Revo Spies demanded all the documents and took all the documents. I think we will find it there.

**ADV SELLO SC:** So, just as a last point, so these weekly or monthly reports are not by you, they are to you. They

are made to you, not by you.

**COMMISSIONER MKHWANAZI:** No, no, to me. They are made, yes, to me.

**ADV SELLO SC:** So then I go back to my question. You did not record anywhere outside your diary, within records that are owned specifically by EMPD, that you tasked these members. There is no such.

**COMMISSIONER MKHWANAZI:** That is why I am saying I cannot remember, Chair. That is why I am saying let us  
10 check the stats. Maybe in parts of the stats it will be recorded. But definitely sure ...[indistinct] ...[intervenes].

**ADV SELLO SC:** Okay, if you do not, can you just give us some guidelines, where do we search for it? Where do we start the search?

**COMMISSIONER MKHWANAZI:** It was 2023, no?

**ADV SELLO SC:** No, where? When we go to EMPD ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no. I have changed many offices, I am thinking who will be the correct person.  
20 I think offices of Specialised Services, the admin of Specialised Services.

**ADV SELLO SC:** And then we ask them to look at what?

**COMMISSIONER MKHWANAZI:** Weekly diaries or monthly feedback of that month.

**ADV SELLO SC:** So we are back to diaries.

**COMMISSIONER MKHWANAZI**: Not diaries, let me say feedback. There is a format of feedback that I submitted, that where all the units, all the people are submitting. Can you check on that, Chair? I think it will assist us because I may not recall exactly, you see. But I know that, even changing offices, but some of the documents will be there.

**ADV BALOYI SC**: This feedback is submitted to who? Is it to a meeting, is it to your superior?

**COMMISSIONER MKHWANAZI**: Yes, we submit it to  
10 monthly. They submit to, like me as a director, I will get all the feedback, you see, for the unit.

**ADV BALOYI SC**: Yes.

**COMMISSIONER MKHWANAZI**: They need to come to me, from me I will take it. Or from seniors, we select the highlights, but it will be recorded. We take it to the seniors up until the last office.

**ADV BALOYI SC**: So you would have taken it where? So Stolls and McKenzie give you a report?

**COMMISSIONER MKHWANAZI**: I was suspended that  
20 month, but I think the office will have taken it.

**ADV BALOYI SC**: The month of the operation?

**COMMISSIONER MKHWANAZI**: February, yes, I was suspended around February. I could not consolidate.

**ADV BALOYI SC**: So you did not submit?

**COMMISSIONER MKHWANAZI**: No, no, no, the ladies may

have consolidated it.

**ADV BALOYI SC:** The ladies in the ...[intervenes].

**COMMISSIONER MKHWANAZI:** The offices, yes. Because they will consolidate for all the units. All the information that is submitted, they will consolidate and send it to me or send it to the person who is in charge. By that time, the person immediately when I was suspended, there was another acting director in the Specialised Services.

**ADV BALOYI SC:** Ja, but if you were suspended before  
10 you submitted, then the acting person, if you do not have a record of your own, the acting person would not have a report from you because you do not submit, you do not prepare a report from this operation.

**COMMISSIONER MKHWANAZI:** No, I remember, Commissioner, the report is not from me. It is submitted to my office.

**ADV BALOYI SC:** By Stolls and McKenzie?

**COMMISSIONER MKHWANAZI:** Yes, no, no, it will be by  
20 Stolls. But for all the units, they submit to one central office. Then there it was, the acting supervisor was Stolls. For all the operations that have been taking place since the resignation, or yes, it was the resignation of the unit commander, then Stolls took over to record everything.

**ADV BALOYI SC:** Okay.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. We

are still at page 6. You then conclude with the second paragraph at page 6 on this topic. Has it stopped working?

**COMMISSIONER MKHWANAZI**: It is out again. There is a guy who was assisting me. Sorry, Chair.

**ADV SELLO SC**: He is coming. He will be with you in a minute. He is coming.

**COMMISSIONER MKHWANAZI**: My ears are too small, and this thing is big. They keep on – sorry, Chair, when I am sweating, it moves because my ears are too small.

10 **ADV SELLO SC**: Well, maybe the solution is to stop sweating. Can you hear me clearly now?

**COMMISSIONER MKHWANAZI**: Yes, yes, I can hear you.

**ADV SELLO SC**: Okay. I referred us to your page 6 of your supplementary statement, and I was making the point that on the topic under discussion, you conclude with a second paragraph at page 6, so if you could just quickly read that?

**COMMISSIONER MKHWANAZI**: This is very touching on me. Paragraph 6 on the issue of kidnapping.

20 **ADV BALOYI SC**: What is the touching for you to paragraph 6, issue of kidnapping? Let me just get this. If you go back to page 5, I did not realise – sorry, I did not realise that you finished with that paragraph. JMPD in the second line that you referred to, and there is also province. Maseko belong to what, to JMPD?

**COMMISSIONER MKHWANAZI:** No, no, to province.

**ADV BALOYI SC:** And who represented JMPD in your team?

**COMMISSIONER MKHWANAZI:** I did not meet with them, but operationally they met with them. I only communicated with one, with Maseko.

**ADV BALOYI SC:** So even though you had assigned people here, you had no dealings with JMPD, you as the head?

10 **COMMISSIONER MKHWANAZI:** Yes, but they have confirmed that they worked with them.

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

**ADV KHUMALO SC:** So this was a traffic police operation, because you said Maseko is from the provincial traffic police.

**COMMISSIONER MKHWANAZI:** We were part, Chair. I cannot ...[intervenes].

**ADV KHUMALO SC:** Whose operation was it?

20 **COMMISSIONER MKHWANAZI:** He is the one that came with and communicated with JMPD. All of us were part of that operation, Chair. I cannot say it was him.

**ADV KHUMALO SC:** So who was in charge?

**COMMISSIONER MKHWANAZI:** It was me and him.

**ADV KHUMALO SC:** So you were in charge of this operation?

**COMMISSIONER MKHWANAZI:** Yes, it was me and him.

**ADV KHUMALO SC:** And you have no record of it, because there are no annexures relating. You have annexures for everything else except for this operation.

**COMMISSIONER MKHWANAZI:** Chair, in the statements, in the previous main statement, the members, I was able to get two statements from them where they mentioned that all the recorded details ...[intervenes].

**ADV KHUMALO SC:** But they mentioned after the event. I  
10 am talking about before and during the event. There is no annexure setting out the nature of the operation, who is in charge of it, who is the complainant, why you are involved, who you are deploying, what happens after the deployment, what did you confiscate, what did you do with that. There is no record of that.

**COMMISSIONER MKHWANAZI:** In their statement?

**ADV KHUMALO SC:** No, not in their statements. I thought we agreed that you asked them to prepare statements. So after the event, they prepared statements. But in the  
20 ordinary course of policing operations, because they are not witnesses, they do not do statements, they record what they were tasked to do and what they did and how the operation ended. So there is no record of that.

**COMMISSIONER MKHWANAZI:** May I respond, Chair? In their statement, they said they recorded everything. All

their documents were taken by Commissioner Revo Spies. I think even ...[indistinct] that is what they have said, that they recorded everything. Not to say they were responding to me, but they mentioned everything. No, no, no, all the documents and everything, where they recorded everything.

**ADV KHUMALO SC:** I find it strange that you are in charge of the operation but you yourself do not have any record.

**COMMISSIONER MKHWANAZI:** You know, Chair, the operation that is running from when it starts, let me say  
10 before, during, and after, where you keep everything, but where you come and check and go, that is where I am having challenges, you see. But now I see that they change every hour and I must go back to become an operational officer and have my own OB book or pocketbook that I record everything. Not to depend on others.

**ADV KHUMALO SC:** All right, thanks.

**COMMISSIONER MKHWANAZI:** Thank you.

**ADV SELLO SC:** Thank you.

**ADV BALOYI SC:** Can I just ask a question?

20 **ADV SELLO SC:** Yes, Commissioner Baloyi.

**ADV BALOYI SC:** The Gauteng Traffic Department, what is their mandate? Are they involved in law enforcement as a body?

**COMMISSIONER MKHWANAZI:** Yes, Chair, now they are. They have assisted us.

**ADV BALOYI SC:** At the time of this operation?

**COMMISSIONER MKHWANAZI:** Yes, yes, yes, they are. In fact, Chair, we have worked with them in many operations, especially in crimes. Remember, some of the infrastructure belongs to the province. You see, they have established the teams that are responsible for your infrastructure, cable theft, damage of the City's infrastructure, and other crimes. Truck hijacking, you know. Let me see. They have got all the things that we are  
10 having, in short. You see, they are responding to all the crimes that are affecting the province.

**ADV BALOYI SC:** Do they do exactly the same work that the South African Police Service does?

**COMMISSIONER MKHWANAZI:** And what we are doing, yes.

**ADV BALOYI SC:** Okay.

**COMMISSIONER MKHWANAZI:** And they have assisted a lot, Chair, because some members have got information, have responded, and we are ...[indistinct] on that.

20 **ADV BALOYI SC:** Thank you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. We were still at your page 6. No, we had not started on the next topic of the issue of kidnapping. I had invited you to deal with your last paragraph on the topic of the fake

stones. The second paragraph on your page 6, that starts with the words, but the briefing.

**COMMISSIONER MKHWANAZI**: I think I have covered it, or must I repeat it?

**ADV SELLO SC**: Please repeat it, because if you did, I missed it.

**COMMISSIONER MKHWANAZI**: But the briefing I got in the afternoon was that all paperwork was then handed over to the other team members and I was told that all the other  
10 documents were taken by Commissioner Revo Spies ...[indistinct] when I was suspended. The same month they were arrested for something else.

**ADV SELLO SC**: Okay. Now here you indicate that you got a briefing in the afternoon, I take it, it is in the afternoon of the same date?

**COMMISSIONER MKHWANAZI**: Yes, yes, I called them in the afternoon of the same date.

**ADV SELLO SC**: So on the afternoon of the 8<sup>th</sup>, the day of the operation, the paperwork was handed to the other team  
20 members.

**COMMISSIONER MKHWANAZI**: Everything was handed to the other team members because they did paperwork.

**ADV SELLO SC**: Yes.

**COMMISSIONER MKHWANAZI**: Yes, even though I am not sure what type of paperwork, because I did not have an

opportunity to check. As Commissioner Khumalo was saying, recording and other things.

**ADV SELLO SC:** So you would not know, they briefed you that all paperwork was handed over to the other team members, and are you saying that you do not know what paperwork they were talking about?

**COMMISSIONER MKHWANAZI:** No, no, no. In the report that I will get monthly, they will be specifying it, but I would not know. I would not know.

10 **ADV SELLO SC:** No, in the briefing, I want to know what you were informed as to paperwork in the briefing.

**COMMISSIONER MKHWANAZI:** No, no, I would not know. I would not know.

**ADV SELLO SC:** So based on operations of this nature, would you have a sense of what those documents ought to be?

**COMMISSIONER MKHWANAZI:** I think it is the recording of what they got and maybe the evidence that they got, whatever they got there. It is not only paperwork. It is just  
20 that I limited it to paperwork, I must correct it. Everything that they got, they said they handed, not only paperwork. May I correct that, Chair?

**ADV SELLO SC:** Okay, so you say the briefing you got then that afternoon was that all paperwork you want to add and evidence.

**COMMISSIONER MKHWANAZI:** Yes, let me not limit it to paperwork. Here I just was typing. It is my mistake.

**ADV SELLO SC:** Okay, that is fine. I am sure that the Commissioners will not have a challenge. So we know by the conclusion of that operation, they had paperwork and then they had the evidence.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And they briefed you that these were handed over to the other team members. Who are these  
10 other team members?

**COMMISSIONER MKHWANAZI:** I did not ask because I know that they were working with other team members. But I know that in their recording, they recorded it because in her statement, when I said Kecia, there is this thing that is coming. She said, no, no, I recorded everything. Even where I handed it, I recorded it. I said, no, I am sorted, it is fine.

**ADV SELLO SC:** So at the time they briefed you, you did not know who the other team members were?

20 **COMMISSIONER MKHWANAZI:** Yes. When I came back, she was no longer there.

**ADV SELLO SC:** Come again?

**COMMISSIONER MKHWANAZI:** I am saying when I came back, she was no longer there.

**ADV SELLO SC:** No, I am still on the day of the briefing.

At that point, you did not know who the ...[intervenes].

**COMMISSIONER MKHWANAZI**: No, the debriefing was telephonically.

**ADV SELLO SC**: Okay.

**COMMISSIONER MKHWANAZI**: Yes, telephonically.

**ADV SELLO SC**: Okay. Then you just accepted that the paperwork and the evidence was given to these other team members that you do not know?

**COMMISSIONER MKHWANAZI**: Yes.

10 **ADV BALOYI SC**: Who are the other team members?

**COMMISSIONER MKHWANAZI**: I know ...[intervenes].

**ADV BALOYI SC**: This is your operation for EMPD.

**COMMISSIONER MKHWANAZI**: Yes.

**ADV BALOYI SC**: So you must surely know the team that you have involved in this operation. You have mentioned Stolls and McKenzie. You have mentioned those two. The briefing you get from Stolls or McKenzie that same afternoon of the operation is that the paperwork has been given to other team members. So you should be able to say  
20 who are the other team members that were involved.

**COMMISSIONER MKHWANAZI**: You are correct, Chair. Remember, I do not know other juniors from other teams because I did not have one briefing with them. I did not meet them physically. I do not know them, Chair, because it is juniors that belong to other teams. They are not in my

command. You see?

**ADV SELLO SC:** But would the paperwork and the evidence not have been then handed over to Deputy Chief Inspector General Maseko ...[intervenes].

**COMMISSIONER MKHWANAZI:** No ...[intervenes].

**ADV SELLO SC:** Who was the initiator of this entire operation?

**COMMISSIONER MKHWANAZI:** No, Kecia wrote in her statement. She even wrote everything. You see? Not in  
10 her statement. Even she said in that OB she recorded everything. Or that book that she was using, she recorded everything, you see?

**ADV SELLO SC:** I am asking you, as Commissioner Mkhwanazi, you have a joint operation, you say, with the Gauteng Traffic Department. And I think you mentioned another entity.

**COMMISSIONER MKHWANAZI:** JMPD, yes.

**ADV SELLO SC:** JMPD.

**COMMISSIONER MKHWANAZI:** Yes.

20 **ADV SELLO SC:** And you said, and I think to Commissioner Baloyi's question you indicated that Deputy Chief Inspector General Maseko was responsible, together with you, for the operation.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You were briefed that same afternoon,

and you know that there is paperwork, you know there is evidence, you have asked that we add and paperwork, end evidence. Was the paperwork and the evidence not – would that not properly have been handed over to yourself and/or Deputy Chief Inspector General Maseko, as the people who led this team?

**COMMISSIONER MKHWANAZI:** No.

**ADV SELLO SC:** Is that not how it happens?

**COMMISSIONER MKHWANAZI:** No, it will be the  
10 feedback, but the paperwork, when I was not there, it was not handed because I was not there when they finalised an operation.

**ADV SELLO SC:** I am trying to understand how it happens in your environment. You are in charge, the paperwork and evidence is handed over, but it is not handed over to you.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** It is handed over to somebody, and you do not get to know who that somebody is. Is that the essence of how operations work?

20 **COMMISSIONER MKHWANAZI:** No, they wrote in the statement, Commissioner. You see, I was not there physically. I attended some commitment or another meeting. I was not there with them, you see.

**ADV SELLO SC:** No, I am more interested in the briefing. You got a briefing ...[intervenes].

**COMMISSIONER MKHWANAZI**: Telephone call  
...[intervenes].

**ADV SELLO SC**: You did not enquire. I accept that, right?

**COMMISSIONER MKHWANAZI**: And I have said it is a  
telephone call briefing. I called a briefing, yes.

**ADV SELLO SC**: You heard a voice over the telephone.  
You did not enquire, okay? Now, you say, you go further  
and you say:

10                    “I was told that all other documentation  
                         were taken by Revo Spies and Hennie  
                         Erasmus when I was suspended.”

Just a clarification, all other documentation taken by Revo  
Spies, is it the same paperwork that was handed to the  
other team members, or is it different documentation? I am  
trying to see if I should differentiate between ...[intervenes].

**COMMISSIONER MKHWANAZI**: Yes, they said all their  
diaries for everything that they recorded, all the paperwork  
for other operations that we were having as a team,  
everything was taken from them. When they were  
20 suspended, they took everything. By that time I was not  
there, they took everything. They were suspended after me,  
you see, for other duties and for other operations. Then  
they took everything. In fact, in their statement, in their  
affidavit, they wrote everything, that it was this and that and  
that and that.

**ADV SELLO SC:** But just to make sure I understand, the documentation here taken by Revo Spies and Hennie Erasmus is not the same paperwork that was handed over to the other task team members. It is not about this particular operation.

**COMMISSIONER MKHWANAZI:** But they could have recorded, they recorded all those things that are there, that is what they told me. They submitted back on their site that information and everything there.

10 **CHAIRPERSON:** The passive voice here, as opposed to the active voice, confuses me. One is forced to just assume who you are referring to right at the end of the sentence, after closing brackets, after 2023, comma, then the same month they were arrested. You open with a passive voice, you got a briefing, and you also close with a passive voice. Now, I do not know who were arrested, but I assume it is a reference to Kecia Stolls and Adrian McKenzie.

**COMMISSIONER MKHWANAZI:** It is three officers. Kecia  
20 Stolls, Adrian McKenzie, I forgot the other name, because he is a constable, but the three of them were arrested for Benoni case, something like that.

**CHAIRPERSON:** Yes.

**COMMISSIONER MKHWANAZI:** Yes.

**CHAIRPERSON:** It is not that important, but it is just that

the same month they were arrested, you say that after referring to Revo Spies and Hennie Erasmus, and I know you are not suggesting that it is those two people that were arrested.

**COMMISSIONER MKHWANAZI**: No.

**CHAIRPERSON**: But as I say, grammatically, this is a bit confusing, especially because of the passive voice.

**COMMISSIONER MKHWANAZI**: I know you always say that, Chair. Humble apologies. You do not want to say the  
10 thing and want us to be specific.

**CHAIRPERSON**: Thank you.

**COMMISSIONER MKHWANAZI**: That is what I have learned from you.

**CHAIRPERSON**: Thank you.

**ADV KHUMALO SC**: Commissioner Mkhwanazi, can you just clarify the first paragraph on page 6? You say in the second line, second sentence:

20 “Members confirmed their whereabouts in Johannesburg, where we found them, and communicated with Officer McKenzie.”

Did you yourself go to the scene of this incident?

**COMMISSIONER MKHWANAZI**: Yes, Chair, I called. They told me ...[indistinct] ...[intervenes].

**ADV KHUMALO SC**: So you were there.

**COMMISSIONER MKHWANAZI**: Yes, I went there.

**ADV KHUMALO SC:** And who did you find there?

**COMMISSIONER MKHWANAZI:** Officer McKenzie.

**ADV KHUMALO SC:** And the other teams that you are referring to, did you see any other teams or just McKenzie and Stolls?

**COMMISSIONER MKHWANAZI:** Some were inside. No, I did not even see Stolls.

**ADV KHUMALO SC:** Who did you see?

**COMMISSIONER MKHWANAZI:** McKenzie.

10 **ADV KHUMALO SC:** So you only saw McKenzie?

**COMMISSIONER MKHWANAZI:** Yes, McKenzie came out.

**ADV KHUMALO SC:** So you do not even know that JMPD was inside, and you do not know that the Joburg or Gauteng Traffic Department was inside because you did not see them. You only saw McKenzie.

**COMMISSIONER MKHWANAZI:** Yes, I only saw McKenzie.

**ADV KHUMALO SC:** So you do not know that there was another team other than the people you sent there?

20 **COMMISSIONER MKHWANAZI:** No, in their statement they mentioned that they were there.

**ADV KHUMALO SC:** Who was there?

**COMMISSIONER MKHWANAZI:** The other team members.

**ADV KHUMALO SC:** Who did they say was there?

**COMMISSIONER MKHWANAZI:** They did not specify in terms of their name.

**ADV KHUMALO SC:** No, I thought you said in their statement they said the other team was there.

**COMMISSIONER MKHWANAZI:** No, I am saying me, I do not know them, but they mentioned, when you check the statement that is submitted to the Commission, that is submitted, I think they submitted to IPID, they specified, they mentioned ...[intervenes].

**ADV KHUMALO SC:** But my understanding is that other than McKenzie and Stolls, there was one other person  
10 there. Now that one person cannot constitute a team, according to my understanding of what a team is. So, if it was McKenzie and Stolls and one other person, there could not have been other teams there because it is your team and one other person.

**COMMISSIONER MKHWANAZI:** But, Chair, in their statement they mentioned that they were there, they handed it over to them. I was not there. I cannot say you are lying. You see, I cannot say I cannot take it ...[intervenes].

**ADV KHUMALO SC:** And then when you say  
20 ...[intervenes].

**COMMISSIONER MKHWANAZI:** They will prove it, yes.

**ADV KHUMALO SC:** When you say where we found them there, who is we?

**COMMISSIONER MKHWANAZI:** I have said I was driving with one officer who was driving me from EMPD and senior,

the Deputy Director.

**ADV KHUMALO SC:** Who is that that was driving with you?

**COMMISSIONER MKHWANAZI:** I will tell you his name, I will remember his name now.

**ADV KHUMALO SC:** But it was not somebody from JMPD or ...[intervenes].

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV KHUMALO SC:** Or Gauteng Traffic?

**COMMISSIONER MKHWANAZI:** No, no, no. It is a person  
10 who drives ...[intervenes].

**ADV KHUMALO SC:** It was your team member?

**COMMISSIONER MKHWANAZI:** Yes, EMPD, yes.

**ADV KHUMALO SC:** Okay. Then where was Maseko and the other person who was in charge of the operation?

**COMMISSIONER MKHWANAZI:** No, we drove  
...[intervenes].

**ADV KHUMALO SC:** Did you see him that day when you went to their address?

**COMMISSIONER MKHWANAZI:** No, we drove in one car  
20 when we went there.

**ADV KHUMALO SC:** No. I asked you who was in the car, you said it was your team member.

**COMMISSIONER MKHWANAZI:** No, I have been saying it. I have been saying that when we arrived there, even in my statement, it was me, Maseko, and the guy that was driving

me.

**ADV KHUMALO SC:** In one car?

**COMMISSIONER MKHWANAZI:** Yes, we were three.

**ADV KHUMALO SC:** Okay.

**COMMISSIONER MKHWANAZI:** It was the three of us in one car. And it was an EMPD car, he drove us with the EMPD car.

**ADV KHUMALO SC:** Okay.

**ADV SELLO SC:** Thank you, Commissioner. And on that  
10 score then, who did you say was the person responsible for  
JMPD in this operation? We know you were EMPD.  
Director Maseko was Gauteng Traffic Department. Who was  
responsible for JMPD?

**COMMISSIONER MKHWANAZI:** I have said I did not  
communicate with anyone from EMPD from my side.

**ADV SELLO SC:** Sorry, say that again.

**COMMISSIONER MKHWANAZI:** From my side, I did not  
communicate with anyone from JMPD.

**ADV SELLO SC:** I appreciate that, but do you know who  
20 was responsible for the JMPD side?

**COMMISSIONER MKHWANAZI:** No, no, no, no, no, I do  
not. I was going to mention him or her.

**ADV SELLO SC:** So, I understand then you say on the  
afternoon when you got the briefing that all paperwork is  
paperwork generated by Stolls and McKenzie during the

operation.

**COMMISSIONER MKHWANAZI**: Let me say Stolls, because I know Stolls, she records everything. She is a good administrator.

**ADV SELLO SC**: And you recall that when we were dealing with that MOU, we said these requests for assistance are in writing. Where do we find the requests? From either Gauteng Traffic Department and/or JMPD to you requesting assistance in this regard?

10 **COMMISSIONER MKHWANAZI**: No, there was no formal request. It was the issue of the morning. This is an operation, these people are operating, can we go and hit very fast? Then we were allowed.

**ADV SELLO SC**: Earlier you had said that you always do these requests in writing. This particular operation does not have a written request.

**COMMISSIONER MKHWANAZI**: Yes, remember the memorandum of understanding was even talking about days. Here it was not an issue of a day. It was the issue of hours.

20 **ADV SELLO SC**: Yes, that memorandum said if it is an emergency, was this an emergency?

**COMMISSIONER MKHWANAZI**: Yes, because they were roping people and were told they were moving. Then they went in.

**ADV SELLO SC**: And that memorandum goes further. That

particular clause 7.2.7 stipulates that if it is an emergency, the request will be oral but will be confirmed within three days in writing.

**COMMISSIONER MKHWANAZI:** That is why I am saying that the report will talk to that in terms of the report of ...[intervenes].

**ADV SELLO SC:** No, I am asking not the report. The report is by Stolls.

**COMMISSIONER MKHWANAZI:** No, no, we do not have.

10 **ADV SELLO SC:** So there was never a request in writing.

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV SELLO SC:** Notwithstanding that you have always understood that to be the requirement.

**COMMISSIONER MKHWANAZI:** No, no, there was no.

**ADV SELLO SC:** Okay, then I think your final topic is the issue of kidnapping. Would you like to deal with that?

**COMMISSIONER MKHWANAZI:** Chair, I would like to deny and say I have not – I do not plan to do any kidnapping. I am a police officer. I cannot do that, especially to my  
20 colleague, to my junior. You see, in the EMPD, everything that they came or she came and testified about me kidnapping at night, it is not true.

Why I am saying that there was a report that I got from EMPD as a director. I was a director at that time. No, no, no. She said now. I do not remember when is that. But

there is a report that I got now that she was involved in kidnapping. Well, now she is a Deputy Chief of Police, Chair. She said it is a recent thing.

Now she is a Deputy Chief of Policing. She was kidnapped. I got the report from the Director of Specialised Services. She got it from – he got it from the Deputy Director of Specialised Services because she is employed at OR Tambo airport.

When she was working there, that is when she  
10 came up with the story that she was kidnapped and I do not want to say the story. She was kidnapped. I got the report after a day or two. You see, there is this report of kidnapping. She was kidnapped by someone. People kidnapped her.

They wanted to do – they fought with those people. It means that they saw those people. She fought with them. She disarmed them, even though here she said it was a firearm. She was also between a firearm and a knife. You see, I have nothing to do that.

20 Why I am saying that? There is at no stage that a ...[indistinct] superintendent that came to me and say the allegations of Blue Lights against you, there is this that against you. You see, she has never reported to me direct. She was reporting to other people.

I never interacted except when the social or

elsewhere meetings. I am ...[indistinct] we say one, two or three things. You see, all other things. As I am saying that, she has been reporting all other seniors for serious allegations at EMPD. And we are able to trace and track that through evidence that has been submitted that all her allegations are not true.

Other colleagues will write statements and say, no, no, we are there. The issue of sexual harassment against this senior male colleague is not true. Just because she  
10 does not want to comply. I had many reports, as I have mentioned in this statement, that where members have been complaining. And I was not directly dealing with her because she is having two commanders or two seniors before me, you see, that she reported directly.

And before I had other people complaining about bullying and all other things. Want to charge people, physically charge people who beat juniors, calling them in social media with all these names. I will not mention the names, Chair. But all those things.

20 And she even mentioned one of the mother of my child. She even came in the morning to go and check that if she is still alive, of it is not true, Chairperson. She came here and cried. But I am saying, those tears were not true tears, Chairperson, because she knows very well that I am not capable of doing that.

I am the person who believes in engagement, Chair. I do not even believe in parades. I believe in a meeting. That is why sometimes you find me differing with my seniors. I say, no, no, no, just sit down in a meeting and engage. If I am defeated, I will take that and say it is my position. That is how I grew up.

If you are defeated in the meeting, we take that idea of a person who won and make sure that it is yours and make sure that they defend it. My members will tell you, 10 when you came before, you were saying this. But I am from the meeting. In the meeting, they gave me reasons and I agree with them. Now it is my position and this is what we are going to do.

You see, I strongly deny these allegations. And there are cases that have been opened. In those cases, my name is not mentioned. I do not know why she came there and mentioned my name. Because in those cases, you can go, I even requested the Commission, go and check those dockets that have been opened.

20 There are many dockets that have been opened against by seniors EMPD. I decided not to do that. I am not going to benefit anything out of this. In summary, I am saying, you can check all the ...[indistinct] that have been submitted. Currently, she is attending other disciplinary hearings within the City of Ekurhuleni for all these

allegations and everything.

Mine, I did not even want to forward it. You see, Chairperson? But my character has been assassinated. My character has been badly dealt with. You see, when my kids open social media, they see, hey, you are a kidnapper. I am not against. I will tell you, Chairperson, I believe in non-racist, non-racial, prosperous South Africa.

I was very clear in terms of promotion. Guys, we need to balance. This thing of policing being dominated by  
10 males by us must come to an end. Everything must balance when we are addressing these issues. Gender-based promotion, and I am one of those who support programmes of women.

At EMPD, they can tell you, Chair, I am very vocal when it comes to those issues. I cannot wake up one day thinking a person has not even done anything to me. Even those that came to me. When Commissioner Revo Spies was sitting, we were sitting in a council with Commissioner Revo Spies, with Commissioner Deputy Chief Babu  
20 Mzolozolo [?]. When he came and said, hey, did you see this thing of blue light and what not, Commissioner Mzolo said, no, no, no. Talk to him correctly because he was talking to me about these things.

He was not even fighting. There is no need for me to fight with Commissioner Revo Spies. That is why I even

said in this Commission that it is a process of the council. I am not bitter, I am not angry. I have to account if I need to account for the decision. I even said I take ownership of talking to Vusi, talking to Mike Van Wyk and bringing them to the seat.

I even said that when Commissioner Baloyi showed me some red tapes on the decision that I took, I said, I took ownership of that. I take that responsibility. But thinking of kidnapping, of course, I strongly deny that. That is what I will not do in my life. Even if when I am dead, I will not be a skeleton that comes and kidnaps because it is not within me.

I grew up in the student movement, understanding gender-based issues, understanding non-sexist policies. And the Constitution is very clear on that. You see, if I have to engage, if I want to complain, I must write a formal complaint to the council and say, I think she is dealing with me.

But she has not even come to me, Chair. I do not even own the vehicle where she claims that she went, or they tested in NATIS and got my name and found that I own that vehicle. They have got the proof written. I have said, let them submit. I do not even have that car that they claim I have it, Chair.

**ADV SELLO SC:** Thank you. Just ...[intervenes].

**CHAIRPERSON:** By skeleton, I assume, I waited for you to finish. By skeleton, I assume you mean ...[vernacular].

**COMMISSIONER MKHWANAZI:** A spook. A spook. A spook. I will not even do it, Chair, even if I can become a spook because it is not within me. As I am at this age, my kids will tell you, our father is not even in a single day laying a hand on us.

**CHAIRPERSON:** All right.

**COMMISSIONER MKHWANAZI:** I do not believe in noise.  
10 I believe in sitting down. This is wrong. You are going to face many things if you do like this and that. I am a man who does not believe in violence. That is how I grew up. Let us engage.

**CHAIRPERSON:** Thank you. Thank you, Ms Sello.

**ADV SELLO SC:** Thank you, Chair. Before we leave this topic, then just, if the Commissioners could note and please confirm for me, at the bottom of page 6 of your statement, after the words in parentheses, sexual harassment, do you see where I am? You then note Annexure pages 204E to  
20 204S.

**COMMISSIONER MKHWANAZI:** Sorry, it is the last page?

**COMMISSIONER MKHWANAZI:** No, page 6 of your statement.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** Last sentence.

**COMMISSIONER MKHWANAZI:** Yes, yes, yes.

**ADV SELLO SC:** You see where it reads sexual harassment.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Then you see it is followed by the words annexure pages 204E to 204S. Do you see that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Please, I have just checked the file. You do confirm that is Annexure JD12. Your original annexure  
10 that you had provided with your statement.

**COMMISSIONER MKHWANAZI:** It is located. She locates ...[intervenes].

**ADV SELLO SC:** JD12. I just want to confirm that those pages refer to that particular annexure. 204E to S. It is those documents and following that you say concern the sexual harassment claims.

**COMMISSIONER MKHWANAZI:** Chair, it is supposed to be one of them.

**ADV SELLO SC:** No, it goes from 204E to 204S.

20 **COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** If we do the same quick exercise, the first paragraph on page 7 concludes with the wording:

“She always got protection from Chief of Police, Mr Isaac Mapiyeye, before Madlanga Commission.”

What do you mean by that?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** You say she always got protection. She, I take it, is Ms Thepa.

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Got protection from the Chief of Police, Mr Isaac Mapiyeye, before Madlanga Commission.

**COMMISSIONER MKHWANAZI:** Yes, Chair. You see in one of the annexures there are many complaints by, or I can  
10 see, there are many complaints by her juniors. I am not talking about the seniors now, about her juniors. There are many grievance, formal grievance. I have attached those letters against her and there were no formal sitting.

There was no any attempt to attend where she promised them I will physically beat you and calling them the names that I cannot call in this Commission. They have wrote and submitted social media things that I have attached to prove that. I am not talking about, I am not creating a character.

20 **ADV SELLO SC:** No, I, if I may just clarify.

**COMMISSIONER MKHWANAZI:** Yes, it is them.

**ADV SELLO SC:** It is the before Madlanga Commission that I was interested in because it says she always got protection from Chief Mapiyeye.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** And I assume that to be in the workplace.

**COMMISSIONER MKHWANAZI:** Yes, that is true.

**ADV SELLO SC:** But then you say before Madlanga Commission. Are you saying it is testified by Mapiyeye, I do not know, or by herself?

**COMMISSIONER MKHWANAZI:** Or before she testified the Madlanga Commission.

**ADV SELLO SC:** Okay.

**COMMISSIONER MKHWANAZI:** Within the EMPD in the  
10 City of Ekurhuleni.

**ADV SELLO SC:** So the protection is in the workspace.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** All right. And then you – thanks for that correction. You then reference annexure pages 163C to 163O, same file. On my record that would be JD10. 163C. Please stay with them. I am going to so that ...[intervenes].

**COMMISSIONER MKHWANAZI:** Yes ...[indistinct]  
...[intervenes].

**ADV SELLO SC:** So the Commissioners should read  
20 reference to annexure pages 163C to 163O as part of JD10.

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Okay. In the last paragraph you do the same, the last sentence reads:

“Attached in the statement from Deputy  
Director Nhlapo's report to the

department annexure pages 163A, 163B.”

So if you go two pages back of JD10, that is the only document I find signed by GB Nhlapo Deputy Director Special Services.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Is that the document?

**COMMISSIONER MKHWANAZI:** Yes, Chair, to the Director of Specialised Unit.

**ADV SELLO SC:** Yes, to D Singh. So once again, that is  
10 JD10. Correct?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV SELLO SC:** Is that Annexure JD10?

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** All right.

**CHAIRPERSON:** So against 163C to 163O, we should say part of JD10 and then again 163A 163B part of JD10.

**ADV SELLO SC:** And the page numbering there refers to the actual page number within the annexure itself.

**CHAIRPERSON:** Thank you.

20 **ADV SELLO SC:** I just wanted to clarify that.

**CHAIRPERSON:** Thanks for that clarification.

**COMMISSIONER MKHWANAZI:** Yes, Chair.

**ADV SELLO SC:** Then that would bring us to the end of your supplementary statement, unless you have anything else you'd like to highlight, that would be the conclusion of

your supplementary statement.

**COMMISSIONER MKHWANAZI**: Yes, Chair. I am not sure. There was one, but I feel that I must say it in record where it said that there is a unit that reports direct to me, DEU. I could not put it here. You see, I must say it in that record. There is a director ...[indistinct].

There is a Director of Specialised Services. All the units, they are not even reporting to him direct. It was said by Mr Magagula from IPID. You see, let me correct that,  
10 Chairperson. You know, and I know that Advocate Sello, you emphasised and you even said are they reporting to Mkhwanazi? It is you emphasised on him then he responded, yes, yes.

But let me correct it because it was him who said this. Specialised DU reports to superintendent, inspectors, the inspectors, the superintendent, there is no – I am not sure about the chief superintendent because in other units you do not have. Then there is a Deputy Director. That Deputy Director is a director. They do not report to me.

20 Anything that I got from Mr Magagula, it was telephonic. I referred to him, go and report to the director. And him and the director they have been talking and I do not even know the officers. I only know one officer because he stays in the South region I stay. The other officers I do not even know them because it is big EMPD, it is big. I will

not know each and every officer.

I want to state it on record, I feel that is what I have not covered, you see. Unless the Commissioner will say another supplementary, but I will fight with Madam Sello and say no, no, no. Because I feel that it is, and it is there in me, it is dealing with me. You see that all the, everything that is wrong at the EMPD, it is Julius Mkhwanazi.

As if I am the only person who has been commanding from Chief, once the Chief is there and what, what, and what, what. I know that you must take  
10 responsibility when we are in charge. But if I do not have information, I cannot claim. I do not have info.

And when they were arrested, not arrested, all the details and case numbers, he has been attending, they have been talking on daily basis, you see. Or it is just because I am not good. Because he said he is talking to the Chief's ...[indistinct]. He does not address me ...[indistinct], you see. That is why he is throwing everything to me.

And he knows that he complains to me, and I would  
20 say, talk to Erasmus, he is leading Integrity and Standards, talk to that director. He will refer to the unit commander. He will refer you to this person as the line worker because I know that in any other unit you do not have that, you see. But in those that we are having, fortunately in that unit there is a clear line of command. We are promoted people,

you see. I do not even have any information about it.

**ADV BALOYI SC:** Can I, just to understand what you are what you are addressing now, DEU is what?

**COMMISSIONER MKHWANAZI:** Drug Enforcement Unit, yes.

**ADV BALOYI SC:** Does it fall under Operations and Specialised Services?

**COMMISSIONER MKHWANAZI:** Yes, yes.

**ADV BALOYI SC:** Where you were director before you  
10 became deputy chief?

**COMMISSIONER MKHWANAZI:** No, no, no, no. When it was formed, I know that I was suspended. But when it was formed, well, before it used to fall under me, but there was a unit commander. You see ...[intervenes].

**ADV BALOYI SC:** No, hold on a bit about the unit commander.

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** I am more interested in the overall accounting person for that DEU. I am just trying to  
20 understand that.

**COMMISSIONER MKHWANAZI:** Yes, Commissioner.

**ADV BALOYI SC:** Where did it fall?

**COMMISSIONER MKHWANAZI:** Operations and Specialised Services.

**ADV BALOYI SC:** And where were you at the time that it

was formed and it fell under the Operations and Specialised Services? What was your position?

**COMMISSIONER MKHWANAZI:** I am not sure when is the complaint, but I think I was the Deputy Chief of Police.

**ADV BALOYI SC:** Already?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** When the complaint was lodged?

**COMMISSIONER MKHWANAZI:** Yes, when the complaint was lodged I was the Deputy Chief of Police.

10 **ADV BALOYI SC:** But before you were – while you were still director, this DEU ultimately reported to you?

**COMMISSIONER MKHWANAZI:** No, no, no. It is the unit that was formed later than other units. They reported to the same person who is promoted as director now. They were reporting to him. Not to me.

**ADV BALOYI SC:** So they have never reported to you?

**COMMISSIONER MKHWANAZI:** No, no, no.

**ADV BALOYI SC:** As a director?

**COMMISSIONER MKHWANAZI:** Yes, no, no, no.

20 **ADV BALOYI SC:** Of operations?

**COMMISSIONER MKHWANAZI:** Yes, they were formed now, now, now. It is the last unit to be formed. I think 2023 if I am not mistaken. Yes, it is the last unit to be formed.

**ADV BALOYI SC:** When did you become Deputy Chief?

**COMMISSIONER MKHWANAZI:** 2023, no, 2023 I became

...[intervenes].

**ADV BALOYI SC:** December?

**COMMISSIONER MKHWANAZI:** Yes, yes, 2023 December, yes.

**ADV BALOYI SC:** And you say this unit was formed after?

**COMMISSIONER MKHWANAZI:** Yes, I think it was formed after. I did not have any authority instructing them and, you see. But I know them when they are having successes because all the people, all the Metro Police officers that are  
10 wearing uniform, they are reporting to Deputy Chief Operations and Specialising. It is your precinct, it is your region.

**ADV BALOYI SC:** Which is you?

**COMMISSIONER MKHWANAZI:** Yes.

**ADV BALOYI SC:** Okay. So in the end, they do report to you as Deputy Chief?

**COMMISSIONER MKHWANAZI:** Yes, that is why I do not even deny it when Deputy Director Magagula called me. Then I referred him to the relevant people who can assist in  
20 terms of deployment and information and everything and they have been communicating, exchanging documents. I do not know now when there are lights and cameras. It is changing ...[intervenes].

**ADV BALOYI SC:** No, I just wanted to confirm what it is you were speaking to and who this unit refers to. You have

answered me, thank you.

**COMMISSIONER MKHWANAZI:** Thank you, Commissioner.

**ADV SELLO SC:** Thank you, Commissioner Baloyi. So you have put the matter of the DEU on record. Would you say that concludes your supplementary statement to the Commission?

**COMMISSIONER MKHWANAZI:** Yes, unless if there is the latest information that I got yesterday, I got on Sunday, you see. I am not sure that because it does not say I must  
10 submit anything in writing.

**ADV SELLO SC:** No.

**COMMISSIONER MKHWANAZI:** You see, this is a new evidence. You will guide me.

**ADV SELLO SC:** No, those are, he is referencing the exhibits submitted by us, no. I am sorry, a supplementary statement is not necessary for that purpose. I just wanted to know this statement that you submitted, that we have just dealt with, you have added the issue of DEU. Have we covered everything that you wanted to place before the  
20 Commission through the supplementary statement? Remember, you still have your main statement. I just wanted to understand that you are comfortable that we have covered everything that is in the supplementary statement.

**COMMISSIONER MKHWANAZI:** I think so. I think so. And, Chair, I am covered when you say I am still having that

statement, I am covered.

**ADV SELLO SC:** Yes. That being the case, then that would conclude Mr Mkhwanazi's testimony so far as his supplementary statement is concerned. We did indicate that we think we have found a solution to avoid any confusion that might arise from accepting the amended statement with its annexures and reading it together with the first statement.

The fact is that we will have three, but we will have  
10 cross-referenced within the amended statement to avoid the confusion of which annexure is referenced at which point. And that exercise will conclude tomorrow morning. Thank you.

**CHAIRPERSON:** Thank you, Ms Sello. There is something that I must address. Some may see it as minor. To me, it is not minor at all. After lunch, we were five minutes late. I had said we would resume at 25 past two and we resumed at half past two. I was at fault, not my co-commissioners. How I got my wires crossed, I have no idea. Somehow,  
20 between the adjournment and the time we started, I thought I had said we started at half past two. I want to apologise to those present here and to those viewing the proceedings remotely. I apologise most profusely for being five minutes late. If I do not tender this apology, I will not in future be able to chastise people who are late. I apologise most

profusely. Commissioner Mkhwanazi, let us start tomorrow at 09:30. Let us adjourn.

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

**INQUIRY POSTPONED TO 15 APRIL 2026**

**INQUIRY ADJOURNS**

-----