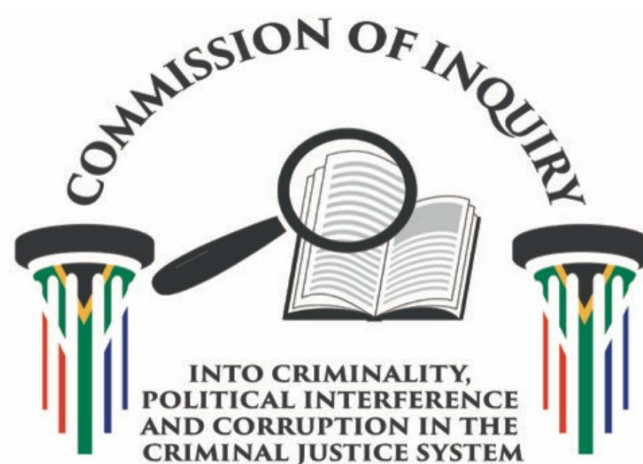


**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM**

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

16 APRIL 2026

DAY 91



PROCEEDINGS ON 16 APRIL 2026

CHAIRPERSON: Good morning, Ms Sello.

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

CHAIRPERSON: Good morning, Commissioner.

COMMISSIONER MKHWANAZI: Morning, Chair, morning, Commissioners.

CHAIRPERSON: Thank you. I have forgotten which files we had in front of us.

10 **ADV SELLO SC:** Okay.

CHAIRPERSON: Do you want to quickly assist, please?

ADV SELLO SC: I shall. I shall, definitely. It would be, at least for the morning session, Commissioner Mkhwanazi's supplementary statement, Magagula's file 2 of 3, and the exhibit bundle.

ADV BALOYI SC: Magagula 2 and 3?

ADV SELLO SC: 2 of 3, yes.

CHAIRPERSON: It looks like I am quicker to the draw than my co-Commissioners.

20 **ADV SELLO SC:** Definitely, they could learn a thing or two from you, Chair. And I think Commissioner Mkhwanazi is also sorted out. You have got your files before you?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Thank you, Chair. Before we start, I need to, I have been requested to place on record and to

address the issue of the witness who was due to appear today, Mr Carrim. Mr Chaskalson advised that he has been, Mr Carrim is still in hospital. He, Mr Chaskalson, has been in communication with Mr Carrim's legal representatives, and as things stand, Mr Chaskalson wants to stand him down to the 29th of April this year, and to the extent that he is unable to appear, or he would be unable to appear on that particular date, it is a matter that will then be addressed with yourselves in open session when the time
10 comes.

But for the moment, if the Commissioners could confirm, he stand down, excusing him for today, as he is still in hospital, and he stands down to the 29th of April this year.

CHAIRPERSON: Thank you. The hearing of Mr Carrim's testimony is postponed to 29 April 2026. But I think because Mr Carrim is not here, the best course is to issue a subpoena for that date.

ADV SELLO SC: I would believe so, but I will
20 communicate back to Mr Chaskalson, and then he can pick it up from there to deal with the formalities.

CHAIRPERSON: Yes. Thank you. Thank you.

ADV SELLO SC: Thank you, Chair. Having disposed of that issue, then we can get back to Commissioner Mkhwanazi and his testimony. Commissioner Mkhwanazi,

just to orientate you, yesterday when we parted, we were dealing with paragraph 5 of your supplementary statement, so if you could pull out the file with your supplementary statement and go to page 5. And if you are there, I would like you to also open up the exhibit bundle. You recall yesterday we dealt with Constable Stols' statement in this precious stones matter.

COMMISSIONER MKHWANAZI: Yes, I recall.

ADV SELLO SC: And we also dealt with Constable
10 McKenzie's statement. You recall that?

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: And then when we parted, we had just considered the entry made at the Rosebank police station. You recall?

COMMISSIONER MKHWANAZI: Yes, I recall.

ADV SELLO SC: So I would like to pick it up from there. And if I could then invite you to Ms Stols, Constable Stols' statement, which is CJC160 – 159, let us go to 159, that is her statement. It starts at 133, but that is the standard
20 form. Her actual statement is to be found at 145.

COMMISSIONER MKHWANAZI: Is it 145?

ADV SELLO SC: 145, sir.

COMMISSIONER MKHWANAZI: I am on it.

ADV SELLO SC: Thank you. And at 145, we know from Warrant Officer Mulaudzi's statement, affidavit that only

Constable McKenzie and Constable Stols filled in the OB book, recording their presence in Rosebank. You recall that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Do you want me to take you there?

COMMISSIONER MKHWANAZI: No, I recall.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: I recall.

ADV SELLO SC: And now, when we are getting back to
10 Constable Stols' statement, she says at paragraph 2,
paragraph 3, technically:

“We went to Rosebank SAPS and informed them that we were working in the area.”

You see that?

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: Now, I want us to skip to the next paragraph.

20 “We knocked at the door and a white man opened the door. We informed him who we were and he invited us inside his residence.”

Now, I suggest that the “we” she is referencing is herself and Constable McKenzie. Would you have a challenge with that interpretation?

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: Okay. Then, if you look at the next paragraph, in the presence of the male, they searched. And like we indicated yesterday, during the search, there appears not to be anyone from JMPD or from the Gauteng Traffic Department or any other law enforcement entity. Do you confirm that?

COMMISSIONER MKHWANAZI: Yes, as we discussed yesterday.

10 **ADV SELLO SC:** Yes.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And if you go at 146, and I think Commissioner Baloyi pointed this out to you, the second paragraph of 146, it reads:

“I called the JMPD officer and gave the phone to the white male.”

Do you see where I am reading?

COMMISSIONER MKHWANAZI: Yes, the second paragraph.

20 **ADV SELLO SC:** -:

“The white male spoke to the JMPD officer as well as another person who was with the JMPD officer.”

Okay, so, that tells you that the JMPD officer is not in the room during the search. Do you agree with this?

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: And if we skip the following paragraph and go to the penultimate one, she states:

“We left the flat and met with the JMPD officer and gave her the SAP299 and rocks, and we left.”

So, she said they left the flat, meaning, as I understand, at least herself and Constable McKenzie, and met with the JMPD officer, suggesting outside the flat. You
10 accept that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: And in fact, I would like to refer you to page 168 of the same file, and to see if you can confirm the persons in that picture.

COMMISSIONER MKHWANAZI: It is Officer McKenzie, Officer Kersha, I think it is Etienne and the white male.

ADV SELLO SC: Okay. Now, we do understand, and I think Mr Magagula testified to this, and he identified them the way you just did, Constable Stols, Constable McKenzie,
20 and Etienne van der Walt. And Etienne van der Walt is said to be the person with his back to the camera and the white gentleman in a red top is the owner of the flat. That is how you understand it as well? Is that how you understand it?

COMMISSIONER MKHWANAZI: Yes, yes.

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

CHAIRPERSON: Please do not nod. Please answer.

COMMISSIONER MKHWANAZI: Oh, I have said yes.

CHAIRPERSON: Oh, I am very sorry.

COMMISSIONER MKHWANAZI: Humble apologies.

ADV SELLO SC: I too, I too did not hear the answer. Thank you, Chair. Now, this is actually confirmed by the gentleman's partner and for that, I ask us to go to Magagula annexures, that file.

COMMISSIONER MKHWANAZI: When you say gentleman's
10 partner, are you saying this gentleman's, or the owner of the property partner?

ADV SELLO SC: When I say the gentleman, the owner of the property, the gentleman in red, wearing a red top.

COMMISSIONER MKHWANAZI: Oh, thank you.

ADV SELLO SC: So, oh, sorry, TLM3, page 308. If you have located it ...[intervenes].

COMMISSIONER MKHWANAZI: 308, yes.

ADV SELLO SC: Yes, 308. That is the partner of the
20 owner of the flat. And if we go to, let us take it from paragraph 3. She says:

“On or about 11 February 2023, I heard
my roommate ...”

Names him.

“in the hallway of our apartment with
talking to other people. I thereafter

saw ...”

I can mention his name because he actually has made a formal claim to Ekurhuleni and he is identified as such, Peter Prinsloo. So, at paragraph 4, she says:

“I thereafter saw Peter Prinsloo talking to three individuals. Two of the individuals were in Ekurhuleni Metropolitan Municipality Police Department uniform who I later found out were Constable Kersha-Leigh Stols and Constable McKenzie.”

10 So, the female officer and the male officer respectively.

COMMISSIONER MKHWANAZI: Sorry.

ADV SELLO SC: Yes, sir.

COMMISSIONER MKHWANAZI: [Indistinct]... Yes, yes.

ADV SELLO SC: You are at 308. I was reading at paragraph 4.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And she confirms that when she went into that part of the flat, she saw her partner, Peter Prinsloo, 20 talking to three individuals. Then she proceeds to identify them. Two of them were in EMPD uniform, and a female and a male, and she identifies them as, she says, I later found out they were Constable Kersha-Leigh Stols and another Constable, McKenzie, the male one. Then she says:

“They were with another white male in plain clothes. The plain clothes officer claimed to be from the Special Crimes Task Force.”

Do you see that?

COMMISSIONER MKHWANAZI: I see, I see.

ADV SELLO SC: Now, if we go to page of the same file, 298, and at 298, you should find an undated statement, and it is a statement by Etienne van der Walt and he states at,
10 from paragraph 2:

“On the day in question, February 2023, I, as with Constable Stols and Constable McKenzie, as we were going to go do patrols for truck that had been stolen or used in theft of trailers.”

I guess he meant he was with.

“We were on route to our first truck stop when Constable Stols received a call. Constable Stols informed me that
20 a JMPD officer had requested assistance in Rosebank and asked if I could accompany them quickly and then we would continue to do the patrols of the truck stops when we were done. We met with the JMPD

officer who informed Constable Stols and Constable McKenzie of the help she needed. We then proceeded to Rosebank SAPS where I stayed in the vehicle.”

He says, next paragraph:

10 “We left SAPS and went to a flat complex. We walked inside as security did not allow us in with the vehicles. Then Constable Stols and Constable McKenzie spoke to the building manager and went to the flat of the white male. On entering the flat, the white male and Constable McKenzie and Constable Stols went to the bedroom.”

Next paragraph:

20 “I stayed in the lounge area talking to the girlfriend of the white male. Then she informed me that her boyfriend was a gem dealer.”

We can skip that part about their conversation. I would invite you to the following paragraph where he states:

“Constable Stols and Constable McKenzie came into the lounge after

putting brown boxes on the floor in the entrance hall.”

Then the penultimate paragraph, that is what I am going to skip to. No, in fact, let me not. That same paragraph:

10 “Constable Stols and Constable McKenzie were speaking to the white male about what they found. At the point, Constable Stols called the JMPD officer and gave the phone to the white man. He was speaking to her and then another person when he became very upset and ended the call.”

Next paragraph:

20 “After a while we left with the boxes and Constable Stols giving the male a SAP seizure form. We met with the JMPD after and Constable Stols and McKenzie handed JMPD officer the SAP seizure form and rocks.”

Do you see that? Now my ...[intervenes].

COMMISSIONER MKHWANAZI: It is the second last paragraph, né.

ADV SELLO SC: The second last paragraph, yes, that is the last one I just read.

COMMISSIONER MKHWANAZI: Oh, yes, yes, yes. I think I am with you, yes.

ADV SELLO SC: Now, you remember we looked at the statement of Mr Prinsloo's partner ...[intervenes].

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: And she speaks of three people.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: We projected the image pictures from the flat and there were three people and you correctly identified
10 them. And the third person who is not an JMPD member is Etienne van der Walt and that is his statement that we have just read.

So, on everybody's version, there were only three people who went into the house for the search and seizure of the items. Are you willing to accept that? And we know that those people now were Constable Stols, Constable McKenzie and Mr Etienne van der Walt.

COMMISSIONER MKHWANAZI: Yes, yes, I accept it.

ADV SELLO SC: You have accepted that?

20 **COMMISSIONER MKHWANAZI:** Yes.

ADV SELLO SC: So, there was no JMPD officer?

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: There was no official from Gauteng or any of its law enforcement in the house.

COMMISSIONER MKHWANAZI: Yes, yes, I accepted it.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: I accept.

ADV SELLO SC: And that, therefore, are you willing to accept that whatever you term this exercise, it was not a joint operation? This was an operation by EMPD officers with the assistance of Mr Etienne van der Walt.

COMMISSIONER MKHWANAZI: Yes, no, I accepted yesterday.

ADV SELLO SC: Okay. Now, but no, no, no, I do not know
10 if you are, you did not accept that it was not a joint operation. I am asking about the joint operation. Do you accept that?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Based on the version of these witnesses ...[intervenes].

COMMISSIONER MKHWANAZI: Three.

ADV SELLO SC: It cannot be termed a joint operation.

COMMISSIONER MKHWANAZI: It is four versions now, yes.

20 **ADV SELLO SC:** Say that?

COMMISSIONER MKHWANAZI: I am saying it is four versions now, yes.

ADV SELLO SC: Oh, four. Okay, we will get to the number of versions. So, it is not a joint operation. It is an EMPD, I will not even call it an EMPD operation, it is unfair.

But it is conducted by two EMPD officials and a civilian in the form of Mr van der Walt only. Correct?

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: Okay. Were you aware, did you become aware at any point that that is actually what happened in that flat? Did you ever become aware of the people who were inside the flat conducting this operation?

COMMISSIONER MKHWANAZI: Yes.

10 **ADV SELLO SC**: Who did you know to have been in the flat?

COMMISSIONER MKHWANAZI: I communicated with, remember I said I communicated with Officer McKenzie.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes, he mentioned that they are still inside communicating or interrogating the suspect.

ADV SELLO SC: Yes, you did say in your statement.

COMMISSIONER MKHWANAZI: Yes.

20 **ADV SELLO SC**: Now, who did you understand the “they” to be when he said they are still inside interrogating?

COMMISSIONER MKHWANAZI: On, in that time I did not ask who are they, but he said they are still busy interrogating. But I became aware, this is not the very first time to see these photos, when I saw the photos again from Magagula, you see, he showed, then I became aware. And

after the communication with them that they were inside ...[indistinct] before Magagula, they communicated with me. It is just that I will not have a specific date that inside they were there. It was EMPD inside.

ADV SELLO SC: EMPD itself.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: When did you become aware of this?

COMMISSIONER MKHWANAZI: I will not remember.

ADV SELLO SC: No, just estimate.

10 **COMMISSIONER MKHWANAZI:** When did this take place?
March 2023.

ADV SELLO SC: Ja, this is March.

COMMISSIONER MKHWANAZI: I think all activities, I became aware after my suspension when I came back, because I was starting to ask many questions.

ADV SELLO SC: Yes, you came back, you ...[intervenes].

COMMISSIONER MKHWANAZI: Let me see, early 2023, or 2023.

20 **ADV SELLO SC:** Yes, because you were suspended in
February of 23.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And then reinstated in May of 23.

COMMISSIONER MKHWANAZI: In May, yes, end of May.
It was three months suspension.

ADV SELLO SC: So by then you knew that it was these

three people who conducted that operation?

COMMISSIONER MKHWANAZI: According to me, because I communicated with ...[indistinct] because it is his nickname, with Maseko, then I communicated with them, but inside the building, inside. They confirmed that it was them inside the building.

ADV SELLO SC: So when you wrote your latest statement that we looked at, the one that you prepared in 2026 ...[intervenues].

10 **COMMISSIONER MKHWANAZI:** Yes.

ADV SELLO SC: Why do you still persist with the notion that this was a joint operation, when by then you knew the only people in that flat conducting this so-called raid were your two EMPD officers and a civilian?

COMMISSIONER MKHWANAZI: I still confirm that I communicated with Maseko. I even went with Maseko, you see. That is why I said yesterday it was ill-disciplined. When the Commissioner was asking me that when they go to an area, do they parade together or do they go separate,
20 or do they go, I said it was ill-disciplined. But the statements are confirming that inside, in fact they confirmed that inside it was them. Then I agree.

ADV SELLO SC: And as you say, you learned of that when you returned from suspension, which is May 2023.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: But in 2026, you still maintain it was a joint operation and, let me finish my statement, to share with you what particularly concerns me, you identified one person to justify the notion that it was a joint operation, Deputy Chief Inspector General Maseko, who passed away on 25 October 2025.

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: You say JMPD was part of this operation, but you do not identify anyone from JMPD, but only Deputy
10 Chief Maseko, who you said is with Gauteng Traffic Department. Gauteng Traffic Department has got nothing to do with investigations and searching for precious stones, does it?

COMMISSIONER MKHWANAZI: We do operations, and when we do operations, sometimes we are not specific. When we check even their mandate, it does not talk about, as I have made the example many times, it does not talk about infrastructure and what, what, but due to the crimes that are taking place in Gauteng, their flexibilities, even us
20 when we check, in terms of other things, in terms of our mandate, but due to the information that we get, due to the work that we are doing, when we check in terms of the law, when we talk about investigations, those powers are not with us.

But when they are following information, the other

person may say, but no, no, no, here you are no longer following information, you are now investigating, you see. Then it changes. But in terms of legislation, it talks another thing, which is different from what it is happening. That is why I could not even answer some of the questions when you were raising them and say but in terms of the legislation, and I was saying to the Commission, but operationally this happens like this, but operationally this happens like this, whereas the mandate and the legislation
10 talks a different language to the current situation, to the current crime, to the current operations that are taking place.

You are correct when you say the mandate, it is limited, not only to Gauteng, but to even us and other law enforcement agencies. But when members are operationally, they tend to, or they happen to do work beyond, but sometimes they do work with investigating officers and I agree with you.

ADV SELLO SC: Okay, so my take out from your response
20 is that the Commissioners should understand that the Gauteng Traffic Department undertakes investigations to seize unlawful items from people's homes. That is the experience that you have.

COMMISSIONER MKHWANAZI: Ja, because we have done many operations jointly.

ADV SELLO SC: So they do conduct themselves in such a manner.

COMMISSIONER MKHWANAZI: Yes, we have done operation, many operations jointly.

ADV SELLO SC: And yesterday, during an engagement with Commissioner Khumalo, in response to a particular question about investigations, you specifically say they do not do investigations. That is why they, you know, you say you do not do investigations, and say that is why we hand
10 over to SAPS. You said that.

COMMISSIONER MKHWANAZI: That is what I even said now.

ADV SELLO SC: So EMPD does not do investigations, hands over to SAPS. Your understanding is that the Gauteng Traffic Department does not have lawful authority to do investigations and seize, but notwithstanding, they do, they go right ahead and they do it. And this particular operation involved investigations, so you have two arms of law enforcement that are undertaking exercises beyond
20 their mandate. Am I understanding you correctly?

COMMISSIONER MKHWANAZI: Yes, no, you are correct.

ADV SELLO SC: Under the guise of a joint operation.

COMMISSIONER MKHWANAZI: Yes, you are correct.

ADV SELLO SC: Okay. You consider that fully lawful?

COMMISSIONER MKHWANAZI: It is legislated, I cannot

contest it. You are correct. Even though operationally it is a different thing, but I fully agree. That is what is happening. The mandate limits us.

ADV KHUMALO SC: What do you agree with?

COMMISSIONER MKHWANAZI: The mandate limits us. We are limited in terms of legislation.

ADV KHUMALO SC: No, can you please listen to the question.

COMMISSIONER MKHWANAZI: Oh.

10 **ADV KHUMALO SC:** I do not want you to concede something you do not understand.

COMMISSIONER MKHWANAZI: Okay, thank you.

ADV KHUMALO SC: Do you mind repeating the question, Advocate. Please listen carefully.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV KHUMALO SC: Commissioner.

ADV SELLO SC: I understood, and I have always understood, and in fact you confirmed it yesterday in your engagement with Commissioner Khumalo to a particular
20 question, and you pointed out to Commissioner Khumalo that EMPD does not have the power and does not have, they do not do investigations, that is why the EMPD hands over investigations to SAPS.

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: Did I understand you correctly?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Now, as we understand, at least I understand it, and my understanding may very well be wrong, the Gauteng Traffic Department does not undertake investigations and raid people's houses. And you just confirmed that they, although the law, the legislation says they do not have that power, you have done that with them on many occasions.

COMMISSIONER MKHWANAZI: Yes. Commissioner, may
10 I limit myself in terms of Gauteng, because I do not have development about any legislations, amendments, and what, what. But in terms of EMPD, I can, because I do not want to answer, find that I am contradicting myself or putting other institutions that I do not have any, because there are developments now, the traffic wardens, the legislature, there are many developments that are happening in that institution. I cannot put myself in that institution. But let me focus on EMPD. I am requesting that.

ADV SELLO SC: Okay, I am happy to do that, except
20 ...[intervenes].

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: We were fine when you admitted that members of EMPD went and conducted this raid in Rosebank.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And I am saying to you that you sought to legitimise that by submitting your 2026 statement in which you dragged in Deputy Chief Inspector General Maseko and the Gauteng Traffic Department.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And you maintain that is correct because you, EMPD, and Gauteng Traffic Department conducted that unlawful, that raid jointly. So I am saying, you are saying two law enforcement units within the country jointly
10 undertook an unlawful raid of a citizen's flat in Rosebank, and you consider that acceptable.

COMMISSIONER MKHWANAZI: It is difficult to say yes because it is not the only operation. I must talk to Commissioners that have been taking place and in those operations, they were able to place the evidence, they were able to place those cases in court and they were placed in court where some of the people were, not in the same case, some of the people were, were prosecuted with that information, you see, or with what they placed in the court
20 of law. And they were placed in the court roll in different areas, even outside the province and those cases were having prosecutions, you see. Now I will be inviting litigations to all those cases and why there were prosecutions and everything.

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

COMMISSIONER MKHWANAZI: That is the challenge that I am having, Commissioner, because once I commit, and as I am telling you, as I have said before, that it is still happening. It has happened. Officers are working on the ground. It is just that I do not know. They communicate with this, communicate with that ...[indistinct] but when you read the story, it is something different from what they are writing here. That is the challenge that I am having. I do not want to say I fear. I do not want to find myself putting
10 my City into many litigations whereas these things are happening operationally.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: But in terms of the mandate, in terms of the legislations, the investigating powers were limited, not, were not even limited, they belong to SAPS. That is what I know.

ADV SELLO SC: And in 2026, in your supplementary statement, you say this was a joint operation with one, Province, two, JMPD, and, three, Gauteng Traffic
20 Department now through the person of Chief Inspector Maseko. So there are three different entities that are part of this joint operation.

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: Okay. You do not remember who from Province, who was dealing with this matter from Province?

You did not recall last time. Do you recall today?

COMMISSIONER MKHWANAZI: No, I have said it is Maseko, and I have said I do not communicate with juniors. I cannot go to an institution and communicate with their junior.

ADV SELLO SC: Oh ...[intervenes].

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

ADV SELLO SC: Just, so, Province here means Gauteng
10 Department?

COMMISSIONER MKHWANAZI: Oh, yes, yes.

ADV SELLO SC: Okay. Traffic, they are two then. But you remember the Chief Inspector Maseko but you do not remember the JMPD representative?

COMMISSIONER MKHWANAZI: No, no, I did not communicate. I did not communicate.

ADV SELLO SC: So how do you know that there was a JMPD involvement in this effort?

COMMISSIONER MKHWANAZI: No, I communicated with
20 Maseko.

ADV SELLO SC: Oh, so you are suggesting that Chief Inspector Maseko assured you that JMPD is part of the operation?

COMMISSIONER MKHWANAZI: I am not suggesting. I am not – that time is coming. Humble apologies. No, I am not

suggesting, I am saying so.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Now, I would like to share my concern with you. This story comes up for the first time in 2026, 3 years after the raid.

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: No one, including those who undertook the raid, are aware of any joint operation. You confirm
10 that?

COMMISSIONER MKHWANAZI: According to their statement ...[intervenes].

ADV SELLO SC: Yes, that is all I have.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Okay. And in 2026, my concern is in an attempt to legitimise the conduct of Stols and Constable McKenzie, you concocted the story of a joint operation, and in order to persuade the Commission, you selected the one person who unfortunately has since passed on and is not
20 able to speak for themselves. I find that truly concerning, and let me share with you my conclusion.

You did so because you knew today as we sit here, Chief Inspector Maseko will not be around to contradict your story. So you will lay this at his doorstep. You may, what is your comment to that? And I must say, I find that

particularly disturbing, that you would do something like that.

COMMISSIONER MKHWANAZI: Thank you. May I respond?

ADV SELLO SC: Yes, please.

COMMISSIONER MKHWANAZI: Yes, please check the comment, as I have said that, and the comment of Magagula when he was not a comment person, when he was presenting. You cannot say it is a comment, it is just like a
10 quote. When he was presenting, he said ...[intervenes].

ADV SELLO SC: Which comment? Yes.

COMMISSIONER MKHWANAZI: Oh, sorry.

ADV SELLO SC: Yes, sorry, my apologies.

COMMISSIONER MKHWANAZI: Okay. He said, I communicated with Officer McKenzie and Officer McKenzie mentioned, I even mentioned that yesterday, that Mkhwanazi was not alone, he was with the senior who is wearing the - it is just that I did not see that statement, you see ...[intervenes].

20 **ADV SELLO SC:** Yes.

COMMISSIONER MKHWANAZI: Of McKenzie, because I cannot, because I am limited in terms of, my disciplinary hearing says I cannot communicate with ...[indistinct] or I cannot communicate with the employees of the City, you see. He said, I was with this person and Magagula

informed me that in your statement now that I want, I even said it yesterday, that ...[indistinct] statement, and not to focus on the one that I have said, when Commissioner Baloyi was asking that, but you submitted this, now you are submitting this different. I said, yes, because now I am concentrating with the person that I was with, and I am saying again, I was with Deputy Director Maseko, not to say because - I do not like to, in fact, even if you are alive, as I have said yesterday, I do not want to point at Robert
10 Schultz. [Indistinct]... because it is not there.

Anything that I am doing, when I am wrong, when I took the wrong decision, I am always taking ownership. I learned from that, you see. But even here, Magagula is mentioned, and I am mentioning it as per my statement, and that time, no one have seen, by that time, they did not even see the statement when Magagula mentioned it. He said, no, I rejected that statement because I want him, oh, yesterday you said he want me to, or he want me to write for someone's statement or something like that, you see.

20 **ADV SELLO SC:** No, no, let me correct you. I read, I did not say, I read from Mr Magagula's statement ...[intervenues].

COMMISSIONER MKHWANAZI: Yes ...[indistinct].

ADV SELLO SC: Where he says he, Mr Magagula, rejected your February 2026 statement because you had called for a

warning statement, and what you gave him was not a warning statement.

COMMISSIONER MKHWANAZI: No, you are correct.

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

COMMISSIONER MKHWANAZI: Yes, yes, yes. But in saying so, I am denying what you are saying. There are two people now that are confirming what I wrote here. The investigating officer, the investigating officer and the other officer that is investigating, we are talking one and the
10 same thing. It is not only me.

ADV SELLO SC: I can tell you for a fact that in his statement to this Commission, Mr Magagula does not claim the presence of another person with you. He does not. So you can take that as a fact, unless you want us to go into the transcript.

COMMISSIONER MKHWANAZI: He mentioned, he mentioned that I got the statement, and you even mentioned yes, you even mentioned yesterday that it was submitted, I think, on the 6th of February, January. It is a
20 supplementary statement of McKenzie as I remember now.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Where he mentioned, yes.

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

COMMISSIONER MKHWANAZI: [Indistinct]... it is him that Officer McKenzie and Officer Magagula confirmed before he even received my statement.

ADV SELLO SC: No, Mr ...[intervenes].

ADV BALOYI SC: Maybe I misunderstand. Sorry, Ms Sello.

ADV SELLO SC: Yes.

ADV BALOYI SC: What are you saying Mr Magagula confirmed?

10 **COMMISSIONER MKHWANAZI:** That when he interviewed, or when he, I do not know how to, when he communicated, let me say so, with Officer McKenzie and in his statement that he got now, McKenzie added that when I visited, or when I came in at, to Rosebank, or at Rosebank, I was with officer, or the senior officer Maseko in the vehicle.

ADV BALOYI SC: Okay, so you are not saying Mr Magagula was confirming that you were with somebody else. You are saying he was repeating what McKenzie told him.

20 **COMMISSIONER MKHWANAZI:** Oh yes, let me say so, yes.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: Correct.

ADV BALOYI SC: Thank you.

COMMISSIONER MKHWANAZI: You are correct

Commissioner.

ADV BALOYI SC: Okay, thanks Ms Sello.

ADV KHUMALO SC: Ms Sello.

ADV SELLO SC: Yes.

ADV KHUMALO SC: I think this is when the issue arose, as far as I can recollect ...[intervenes].

COMMISSIONER MKHWANAZI: Commissioner Khumalo, I am very sorry.

ADV KHUMALO SC: Sorry, let me try to speak up. I will
10 tell you what my concern is, and I think I understand what
you are saying. My concern is that when you were initially
interviewed by IPID, you misled IPID, both you and
McKenzie, because neither of you told IPID that you, Julius
Mkhwanazi, arrived at the Rosebank or Killarney address.
And it was only when IPID obtained CCTV footage of the
area that they noticed that there was a white vehicle parked
outside of the premises and when McKenzie was
interviewed because he was seen going to the white vehicle
and speaking to somebody, only then did he confirm that
20 the person who was in that vehicle and he spoke to that
person was you and you were with another senior officer.

And I think that is what you are referring to now
when you say McKenzie confirmed to Magagula that you
were in the vehicle with this person who may or may not be
Gerald Maseko. But my concern is you and McKenzie

initially misled IPID, because when IPID initially interviewed the two of you, you did not mention that at some point while the operation was ongoing, you arrived at this address. Am I correct that when you were initially interviewed by IPID you did not mention that you arrived at the address?

COMMISSIONER MKHWANAZI: You are correct, Commissioner.

ADV KHUMALO SC: And that it was only when IPID confronted McKenzie with the CCTV footage showing that
10 he went to a vehicle to speak to somebody that he confirmed that that somebody in the vehicle was you. Correct?

COMMISSIONER MKHWANAZI: I was not there, Commissioner.

ADV KHUMALO SC: No, no, but you are referring to what you say McKenzie told Magagula, and in relation to that you do not say I was not there. You are quite comfortable to say this is what McKenzie said.

COMMISSIONER MKHWANAZI: Commissioner, it is me
20 and even yesterday I emphasized that I arrived there, you see.

ADV KHUMALO SC: No, but initially you did not tell ...[intervenes].

COMMISSIONER MKHWANAZI: Oh, you are correct.

ADV KHUMALO SC: You did not tell IPID that. It is only

when IPID obtained CCTV footage which shows that McKenzie went to the vehicle to speak to somebody and when McKenzie confirms that that somebody is you, only then do you confirm that yes, I arrived at this Killarney or Rosebank address.

COMMISSIONER MKHWANAZI: Commissioner, as I agreed yesterday when Commissioner Baloyi said when I said the statement that they wanted is the confirmation of these two that they were there. Then he said but your
10 statement does not talk about confirmation. It is now having an additional information. I think what I did is to limit myself or to add the information but limit that information. I agree with you that I did not add other information that yes, I did arrive, I did check on them. There I agree.

ADV KHUMALO SC: And this shows a pattern you know. There is a pattern of behaviour between you, Stols and McKenzie. It is the same issue with the Brakpan murder and the same issue with the Killarney / Rosebank incident
20 where you seem to be protecting each other. You do not place each other on the scene unless evidence is shown that you were there and only then do you admit that yes, I was there. And it is a pattern between the three of you to protect each other.

That is my observation. And my question is why?

Why are the three of you always protecting each other, only giving the authorities what you think they need to know and when you are confronted with evidence, only then do you give the full information. Why do you not give full information from the beginning?

COMMISSIONER MKHWANAZI: Commissioner, to answer you, I see these photos for the first time.

ADV KHUMALO SC: No, you do not have to see photos to know that you were at the address.

10 **COMMISSIONER MKHWANAZI:** May I answer, Commissioner.

ADV KHUMALO SC: Why did - listen to me. Why did you not tell IPID that I know about this operation because I was there. I was there and I spoke to McKenzie and I know he was part of the operation. Why did you not tell IPID that from the word go?

COMMISSIONER MKHWANAZI: Thank you, Commissioner Kumalo. If you listened yesterday, I have said I communicated with Magagula. I told him, he said, for now,
20 give me confirmation of these two, I will come back to you. That is why I even said yesterday I have said to Magagula, but you waited for a long time, why now are you rushing me to do things like this. That is why you see mistake in everything in the statement. But that is what I have said yesterday.

ADV KHUMALO SC: So your excuse is that Magagula did not ask you this, that is why you did not tell him?

COMMISSIONER MKHWANAZI: No, it is not an excuse.

ADV KHUMALO SC: Okay, let me ask you this. In relation to the Killarney address, have you ever seen a criminal complaint that justifies EMPD going to somebody's house, raiding their house and confiscating their rocks?

COMMISSIONER MKHWANAZI: No, no, no. I have been, remember, I was now limited because there were
10 investigations, I cannot interfere and want to start searching and everything to, like I am interfering and I cannot communicate with the suspect.

ADV KHUMALO SC: But for you to investigate a crime, there must be a criminal complaint. You cannot just show up at somebody's house and raid their house. If EMPD was part of an investigation and needed to go to somebody's house to raid their house and confiscate goods, there must have been a complaint.

COMMISSIONER MKHWANAZI: Oh, now I get you.

20 **ADV KHUMALO SC:** Have you seen such a complaint?

COMMISSIONER MKHWANAZI: No, we communicated, I communicated with Maseko.

ADV KHUMALO SC: Did he show you that complaint?

COMMISSIONER MKHWANAZI: No, there was no formal, as I have said, there was no formal document.

ADV KHUMALO SC: Because what this looks like to me, you say you are the one who tasked McKenzie and Stols to go there, right?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV KHUMALO SC: To me, I am not speaking for my co-Commissioners, to me, it looked like you tasked them to go commit an armed robbery.

COMMISSIONER MKHWANAZI: No. I am not that type of a person. I am not a criminal. I do not do those things.

10 **COMMISSIONER MKHWANAZI:** You can even check in my history, my background, I am not linked to anything that has to do with these things.

ADV KHUMALO SC: I am not talking about the history. I am talking about this incident.

COMMISSIONER MKHWANAZI: No. No, no, Commissioner.

ADV KHUMALO SC: Because if there is no criminal complaint and you go to somebody's house and you confiscate rocks and there is no paper, there is no record of where those rocks are, what happened to them, then it is an armed robbery to me.

20 **COMMISSIONER MKHWANAZI:** You know, Commissioner, to answer you, after I have read the statement and they have said, they have handed over evidence and the documents, I think the investigations will lead us to something, you see, because your concern is my concern. Where are the rocks? Where is the person who is having

them? Who is that person? But I think Magagula will assist us in this investigation.

I think we are going to get something. We are going to go to the core of this thing, because you have been saying this concern before yesterday when I was doing my supplementary. You asked, in fact, you are not even directing this case. You just asked, where are you going to get things, what do you do, what is the procedure what you must do? You explain, I explain. But I think the
10 investigation will lead us to something.

ADV KHUMALO SC: But why does IPID have to investigate? If it is an EMPD operation, EMPD should know what happened to the rocks. Where is the paperwork? And your officers just say, we handed them to the EMPD officer. Full stop.

COMMISSIONER MKHWANAZI: And they are mentioning the name.

ADV KHUMALO SC: No, they do not.

COMMISSIONER MKHWANAZI: No, in the first one that
20 they communicate. Look at the first, second paragraph, Commissioner, of both of them. That is why my argument yesterday it was, but the first paragraph talks to this person, and the last paragraph. But I do not want to defend, because I was not part, I am not part of this statement. But what I am reading here, that is why I am

saying, the investigation will lead to. But let me put it here, I am not defending anyone. I am not, and I will never do that. I cannot put my life at ...[indistinct].

ADV KHUMALO SC: Ms Sello.

ADV SELLO SC: Thank you, Commissioner Khumalo. I think just to make a small correction, the only person who mentioned the name is Constable Stols in her statement and all she says is that JMPD officer Motso. And I do not know if I asked you, I suspect I did, whether you knew who Motso was and you said you do not know.

COMMISSIONER MKHWANAZI: Ja, you have mentioned that many time, I agree.

ADV SELLO SC: Yes. So, and there is no other further detail about Motso anywhere in the statements that we have. Only Stols speaks of Motso.

COMMISSIONER MKHWANAZI: I still ...[intervenes].

ADV SELLO SC: And claims he, she rather, is from JMPD.

COMMISSIONER MKHWANAZI: I still maintain the investigations is going to assist us.

20 **ADV SELLO SC:** No, no, I was correcting. We are dealing with the fact you are talking about the future, right? So you accept that only Stols speaks of a Motso. We do not know, she does not say whether it is a constable, warrant officer or does not even give the rank, says Motso from JMPD. Now you, with your experience, where would you start the

investigation to determine who Motso is?

COMMISSIONER MKHWANAZI: According to the statement it says Motso, JMPD.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: When you go to JMPD you can track the surnames and track their names.

ADV SELLO SC: So we just ...[intervenes].

COMMISSIONER MKHWANAZI: It has happened many times and we are able to get those individuals.

10 **ADV SELLO SC:** Okay.

COMMISSIONER MKHWANAZI: You see. It is just that I was not with them when they were drafting. Some of the information I am seeing it for the first time.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: But I am having hope that we will get to the core of what Commissioner, not even Commissioner Khumalo, of what was supposed to happen. And when they ...[indistinct] what document did they hand over and what type of stones?

20 **ADV SELLO SC:** Yes.

COMMISSIONER MKHWANAZI: Because to me, I know them as, what is this, fake stones. But now the language has changed again, you see. It confuse me. And what you have said, again, Commissioner yesterday, that when we entered in the police station it was about robbery, you see.

Now I hope that the investigation will put us where ...[indistinct] the robbery at Nigel, not Rosebank things and everything. That is why I was saying it is an Afghanistan and America now, you see, because I am confused now, you see. But I want to stick on what I have discussed with the late, you see, and I. But again, I do not dispute that ...[indistinct]. I do not dispute. This is an affidavit signed and what, what, I cannot dispute it.

ADV SELLO SC: And I was hoping in response to my
10 question as to how do we get to establish who Motso in
JMPD is, I was hoping you would say that the successor to
the late Deputy Chief Inspector Maseko should be able to
have that information for us because that is part of a joint
operation and these would have been people deployed or
tasked, as you use the term, for the operation. So that
would narrow down the search. Would that be an option to
consider?

COMMISSIONER MKHWANAZI: You are correct. I did not
want to open a can of worms.

20 **ADV SELLO SC:** What can of worms?

COMMISSIONER MKHWANAZI: They are saying it is
Motso and the other person.

ADV SELLO SC: What ...[intervenes].

COMMISSIONER MKHWANAZI: They are saying Motso
and the other. They want to say it is Motso and the other

person. Commissioner ...[indistinct] [intervenes].

ADV SELLO SC: No, no, no, wait, wait.

COMMISSIONER MKHWANAZI: ... who is that person, you must be specific.

ADV SELLO SC: No, no. Commissioner Mkhwanazi, no, no, no, let us not confuse each other and ourselves. What other person? I pointed out that the only person who has identified someone else is Constable Stols in her statement and she said she was informed or got a telephone call from
10 a Motso from JMPD. That is all. What other person is there now?

COMMISSIONER MKHWANAZI: There is a paragraph that you are jumping or you are forgetting. There is a paragraph which you read which says they called Constable Motso and they gave to, Constable Motso gave ...[indistinct] the other person communicated with, then the guy dropped the phone. He was so emotional and ...[intervenes].

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Then I want to know who
20 the other person is.

ADV SELLO SC: Indeed. And that other person ...[intervenes].

COMMISSIONER MKHWANAZI: [Indistinct]... who is the other person ...[intervenes] [constant cross-talking].

ADV SELLO SC: That is the statement ...[intervenes].

COMMISSIONER MKHWANAZI: It may be, yes.

ADV SELLO SC: You can look at the statement ...[intervenes].

ADV KHUMALO SC: 297.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: It is 2?

ADV KHUMALO SC: 297.

ADV SELLO SC: Stols' statement.

COMMISSIONER MKHWANAZI: Yes.

10 **ADV SELLO SC:** Which file are you holding? It is that ...[intervenes].

ADV KHUMALO SC: Magagula annexures.

COMMISSIONER MKHWANAZI: Yes, 297, yes, yes.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Paragraph 2.

ADV SELLO SC: Now before you go to 297, let us go to 296. The point I was making is at paragraph 3 of 296. Paragraph 2, where she says I received a call from Motso, a JMPD member.

20 **COMMISSIONER MKHWANAZI:** Sorry, it is paragraph?

ADV SELLO SC: 2 at 296.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: All she says is I received a call from Motso, a JMPD member ...[intervenes].

COMMISSIONER MKHWANAZI: Commissioner

...[intervenes].

ADV SELLO SC: With a request.

COMMISSIONER MKHWANAZI: Sorry, sorry, Commissioner.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: It start in February 2023.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: -:

10 “I was on duty and in full uniform when
I received a call from Motso, a JMPD
member.”

Then she sets out what the request was.

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And I was saying that at least I was
hoping you will direct Commissioner Khumalo to Chief
Inspector Maseko's successor to help identify who Motso is,
because we do not even know Motso's rank.

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

ADV SELLO SC: And is that what you are proposing,
because it was a joint operation?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: As much as you tasked yours, they
tasked theirs.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Then, Commissioner
...[intervenes].

ADV SELLO SC: What you ...[intervenes].

COMMISSIONER MKHWANAZI: Oh, sorry.

ADV SELLO SC: What you are referencing is at 297 which
is now what Stols says. Let us go to 297. It says
...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Paragraph 2.

ADV SELLO SC: -:

“I called the JMPD officer and gave the
phone to the white male.”

That is now Mr Prinsloo, right?

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: The owner of the flat.

“The white male spoke to JMPD officer
as well as another person who was with
the JMPD officer.”

20 **COMMISSIONER MKHWANAZI:** Yes.

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

COMMISSIONER MKHWANAZI: Proceed. Proceed.

ADV SELLO SC: Okay, if I must.

“When the person explained what
documents and permits were needed,

the white male got extremely nervous.”

COMMISSIONER MKHWANAZI: No, there is something that you are skipping.

ADV SELLO SC: Which?

COMMISSIONER MKHWANAZI: Let me read it. Let me read it.

10 “I called the JMPD officer and gave the phone to the white male. The white male spoke to the JMPD officer as well as another person who was with the JMPD officer.”

You are skipping that. You do not read that. And, you know, I have detected it, that is why I am saying your words and your, you skip this one that is not going to benefit the other person. And this is a Commission of Inquiry. You must be honest. That is why I am saying where I do not, where I see you have failed, I must accept that you did wrong here, you see. Even if you were a Brigadier, but here you did wrong. [Indistinct]... wanted to
20 lead, then assist me. And whilst you are doing that, you are also teaching me. I am learning from that, you see, because ...[intervenes].

ADV BALOYI SC: Commissioner ...[intervenes].

COMMISSIONER MKHWANAZI: Education is dynamic.

ADV BALOYI SC: Yes, Commissioner Mkhwanazi, what

are you saying about this paragraph?

COMMISSIONER MKHWANAZI: Oh, I am saying ...[intervenes].

ADV BALOYI SC: Just so that we are not confused.

COMMISSIONER MKHWANAZI: Yes, I am saying that the officer from JMPD was with another person, you see. Then you are not sure is that Deputy Director Maseko or the other person, because of what she said to me that I was going to be happy if you said they handed to JMPD officer and
10 Maseko. Then I am saying, I do not know who is the other person. It may be him, you see. That is why I am saying the investigation will assist us to get to the core, because I am limited when I am here.

ADV BALOYI SC: Sorry, can I ...[intervenes].

COMMISSIONER MKHWANAZI: I cannot give you 100% answers. I was not there.

ADV BALOYI SC: No, for now, I just want to understand what it is you are saying. Are you saying that they handed, what did they hand over and, because you say something
20 about handing over and you are not sure if it was handing over to Maseko and another person. I just want you to explain what are you saying that paragraph that you have read correctly into the record, what are you saying it conveys?

COMMISSIONER MKHWANAZI: No, I was answering her

when she says ...[intervenes].

ADV BALOYI SC: Yes, saying what?

COMMISSIONER MKHWANAZI: When she said, sorry, not her, sorry, Commissioner. I was answering the Commissioner.

ADV BALOYI SC: Ms Sello, okay.

COMMISSIONER MKHWANAZI: Yes, when she said I was going to be convinced that they handed it to JMPD officer and Maseko. Then I am saying she was not alone when
10 they were communicating. She was not alone when they handed, you see. I was not there. I do not know what happened, you see. I am saying the investigation will assist us in finding out who is the other person they communicated with, you see, because now it shows that the officer was not alone, you see. And I cannot say 100% who's that person. I was not there.

ADV BALOYI SC: But we also do not know what officer ...[intervenes].

COMMISSIONER MKHWANAZI: Yes.

20 **ADV BALOYI SC:** Was on the phone. We do not know the people referred to by Constable Stols.

COMMISSIONER MKHWANAZI: I agree.

ADV BALOYI SC: We do not know who are these JMPD officers that she called. And we also do not know who the other person is.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: You are correct, Commissioner. That is why I am saying the investigating officer from IPID, not from the Commission ...[indistinct] maybe he may be able to assist us. I do not blame the Commission, no, no.

ADV BALOYI SC: Yes.

COMMISSIONER MKHWANAZI: Yes, I agree with you,
10 Commissioner Baloyi.

ADV BALOYI SC: Thank you. Ja, I am not any wiser, but maybe you keep trying, Ms Sello.

ADV SELLO SC: No, no, I appreciate that, Commissioner Baloyi. You are still at page 297?

CHAIRPERSON: Sorry, before you continue.

ADV SELLO SC: Yes, Chair.

CHAIRPERSON: Commissioner, repeatedly you have referred to an investigation that you believe will be of assistance.

20 **COMMISSIONER MKHWANAZI:** Yes.

CHAIRPERSON: Earlier, when you were being engaged by Commissioner Khumalo, I was not quite sure what investigation you were referring to and it was the same when you were engaged by Ms Sello. After the engagement by Commissioner Khumalo, you again referred to an

investigation. It is only now, when you are being engaged by Commissioner Baloyi that you are, you say you are referring to the investigation by IPID. I just want to be sure in my mind what exactly you think will be of assistance and what exactly that investigation is, or what investigation you envisage.

COMMISSIONER MKHWANAZI: The question that was asked by Commissioner Khumalo, Chair, from the first day, from my first day of my appearance here, you see, it is the
10 procedure of handing over. In fact that is what we are discussing, where do we hand over, how do we hand over and to whom, to whom or to who, you see. It is going to assist us. And why did they handed this thing over, did they gave it to this person and the other person that we do not know.

It is going to assist us to find it there, because there is a person who says, whether they are legal or illegal, you see, but they took my property, you see. I think it is going to assist us to find that and there is a case that
20 has been opened, you see. All of us want to be clear in this thing and ...[indistinct] let me say ...[indistinct].

CHAIRPERSON: In these, in the engagements I have just referred to, somewhere you even mentioned Mr Maseko, who was with you in the car.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: So, I am not quite sure how you would factor him when he was with you in the car, you would have witnessed anything that involved him because he was with you in the car. Did I miss something?

COMMISSIONER MKHWANAZI: No, you did not miss something, Commissioner.

CHAIRPERSON: Yes.

COMMISSIONER MKHWANAZI: You are correct.

CHAIRPERSON: Can you explain that?

10 **COMMISSIONER MKHWANAZI:** Yes, I was trying to answer when the Commissioner, let me say so, you know, I always forget evidence leader.

CHAIRPERSON: The evidence leader, yes.

COMMISSIONER MKHWANAZI: Yes, when the evidence leader was saying she was going to be not happy, but she was going to receive it well, when I said they gave it to the officer and Mr, or Senior Deputy Director Maseko, you see. And I have said, I do not know who is the other person that they were communicating with, you see, after we have left
20 or afternoon, who did they meet and what, what, and what, what. You see, I cannot answer, I cannot confirm, but I do want to know. I do want to get to the core of this.

CHAIRPERSON: But I am sure you accept that whatever investigation you have in mind cannot assist with regard to the question whether this was a joint operation or whether

the office, the two EMPD officers involved and the civilian were not involved in a joint operation and appear to have, as I suggested to you yesterday, to have acted on a frolic of their own. That investigation cannot assist in that regard. Do you accept that?

COMMISSIONER MKHWANAZI: I accept it. I accept it, yesterday, but the experience that I know, Commissioner, you know, investigations, they take a different direction. Once you think it is taking this direction, it may find that
10 they gave, they will come and say, oh, we gave all those stones to Mkhwanazi, the one who was testifying here. No, investigation you cannot, even if you can try to tamper, it is having its own way [vernacular]. The end the results of the investigations, you see. When you started this Commission of Inquiry, we were talking about looking at this and this, but now when it continues, it involve many things now.

CHAIRPERSON: But even this part that you concede is quite crucial to what the Commission is investigating, so that is why I just wanted to be sure that you have not gone
20 back on what you conceded yesterday.

COMMISSIONER MKHWANAZI: Yes. I fully agree, Commissioner. Yes, Chair.

CHAIRPERSON: No, thank you, thank you. Yes, Ms Sello.

ADV SELLO SC: Thank you, Commissioners. We, in the investigations that you propose be undertaken, we must

accept that when Constable Stols at page 297 says:

“I called the JMPD officer and gave the phone to the white male.”

That part that you say I skipped, right.

“The white male spoke to the JMPD officer as well as another person.”

Do you see what I am reading? Do you see what I am reading?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

10 **ADV SELLO SC:** Okay. Can we accept, at least as a departure point, that this other person cannot be Inspector Maseko? Can we accept that, or do you think it might possibly be him?

COMMISSIONER MKHWANAZI: Yes, I think it might, it might.

ADV SELLO SC: Might be him?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: I thought Inspector Maseko was with you, in the, in your vehicle.

20 **COMMISSIONER MKHWANAZI:** No, I am talking, I am saying, afternoon, there might be other people that they ...[intervenues].

ADV SELLO SC: In the afternoon?

COMMISSIONER MKHWANAZI: Yes, yes. But I cannot conclude that, I was not there, you see. That is why I am

saying now it depend on this investigation.

ADV SELLO SC: But ...[intervenes].

COMMISSIONER MKHWANAZI: But I agree ...[intervenes].

ADV SELLO SC: Let me remind you ...[intervenes].

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: I guess before you confuse yourself further. You had said something which is what took us back to Constable Stols' statement.

COMMISSIONER MKHWANAZI: Yes, you are correct.

10 **ADV SELLO SC:** This is Constable Stols. She is still talking about, talking on the phone with the JMPD officers while they are in the flat, just to orientate you. They are still conducting the search. The white male she references, and to whom she says she gave the phone, is the owner of the property. It is Mr Prinsloo.

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: Now, you know where ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Yes, no.

ADV SELLO SC: Whether it is afternoon or morning, you know where we are ...[intervenes].

COMMISSIONER MKHWANAZI: I get you, I get you now, yes.

ADV SELLO SC: And I was suggesting to you that the

second person that she suggests Mr Prinsloo spoke to on that call, cannot be Inspector Maseko. We can accept that for a fact.

COMMISSIONER MKHWANAZI: If it is earlier, it cannot be.

ADV SELLO SC: I do not know.

COMMISSIONER MKHWANAZI: Not Inspector, Deputy Director Maseko, yes.

ADV SELLO SC: Yes.

10 **COMMISSIONER MKHWANAZI:** I accept that.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: I accept that in terms of the statement. When you check the times, I now accept that, yes.

ADV SELLO SC: Because, on your version, Deputy, sorry, I called him Inspector, my apologies, Deputy Director Maseko was with you at this time.

COMMISSIONER MKHWANAZI: Yes ...[indistinct] was with me, yes.

20 **ADV SELLO SC:** Yes. So, the proposition I had made to you is, do you not think it would be easier for the Commission to approach the late Deputy Director Maseko's office and speak to, or at least address ourselves to his successor, to request the successor to go into the records and to help us determine who Director Maseko had tasked

for this operation?

COMMISSIONER MKHWANAZI: I would request that you go to both, because ...[intervenes].

ADV SELLO SC: Who is the both?

COMMISSIONER MKHWANAZI: You seem to be forgetting JMPD, you see, because we want to find the truth. Let us go to both. Yes, I will be happy. I will be happy. We do not ...[indistinct] [intervenes].

ADV BALOYI SC: [Indistinct]... [cross-talking] what?

10 **COMMISSIONER MKHWANAZI:** [Indistinct]...

ADV BALOYI SC: ... go to JMPD to ask for what?

COMMISSIONER MKHWANAZI: Who is this officer that they handed to.

ADV BALOYI SC: How do you propose that enquiry is made? Ms Stols does not, Constable Stols does not give a name at all of who in JMPD she spoke to on the phone, or she called. So how do you suggest that anyone would go to JMPD and ask what question, and to whom?

20 **COMMISSIONER MKHWANAZI:** Well, there is a name, there is a name.

ADV BALOYI SC: What? What name?

COMMISSIONER MKHWANAZI: Motso ...[indistinct] something like that.

ADV BALOYI SC: No, Motso is the person that caused, according to Stols, to Constable Stols, Motso is the person

who caused her to end up in Rosebank. That is all she says about him. I got a call from Motso that he needs help in Rosebank, and we went, booked ourselves at SAPS, and then we proceeded to the apartment. There is nothing in page 297, paragraph 2, that tells you that the person she called on the phone is Motso.

COMMISSIONER MKHWANAZI: Oh, it is paragraph 2 of page 296, Commissioner Baloyi.

ADV BALOYI SC: Yes.

10 **COMMISSIONER MKHWANAZI:** Then ...[intervenes].

ADV BALOYI SC: In 296, paragraph 2, Constable Stols says, I received a call from Motso, a JMPD officer who requested assistance. That is what she says.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: In 296. And then in 297, paragraph 2, she then says, I called the JMPD officer and gave the phone to the white male. Why do you say that is Motso that she is referring to, in 297?

20 **COMMISSIONER MKHWANAZI:** She wrote that, 296, that is why I mentioned the name, because I took it from paragraph 2, sentence number 2 of paragraph 2, Commissioner.

ADV BALOYI SC: So you are saying the person that she called when they were in the apartment, you are saying it is Motso that she called when they were in the apartment.

COMMISSIONER MKHWANAZI: Yes. But it is her who can explain better than I, you see. But I am saying where I am standing, my understanding is that.

ADV BALOYI SC: Yes.

COMMISSIONER MKHWANAZI: Yes, that is my understanding.

ADV BALOYI SC: And you say someone must go to the JMPD, let us say to the Head of the JMPD, and say, who is Motso that Stols talked to?

10 **COMMISSIONER MKHWANAZI:** Yes.

ADV BALOYI SC: Is that what you are suggesting?

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: Maybe it may be a person who is there or who is not there, but I will be satisfied.

ADV BALOYI SC: You did not ask Stols when you got a report from her about this. You did not ask her, who is Motso, what is the full name of Motso and what is his surname? You did not think to ask that ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Commissioner ...[intervenes].

ADV BALOYI SC: In 2023?

COMMISSIONER MKHWANAZI: Yes. Commissioner, remember when I came back from suspension, they were detained. There were this, there was limitation between me

and them because they were internal investigation. They were suspended. When I came back, before, they were on suspension, they were suspended ...[indistinct] suspended. Then they were arrested. You see, it is difficult to, even now, I cannot just interfere.

ADV BALOYI SC: When you did your first statement to IPID, remember that first statement?

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: You did it on the basis of what they told
10 you. You did not think to ask who from JMPD called you?

COMMISSIONER MKHWANAZI: No, I communicated with IPID. Magagula communicated, relayed the stories and everything. Then he said, can you submit on that.

ADV BALOYI SC: No, no, you are not answering my question, what I am asking you.

COMMISSIONER MKHWANAZI: Oh.

ADV BALOYI SC: Your first statement to IPID says they were on duty on the day. And then the second paragraph, the third paragraph that we discussed yesterday says that
20 they received information, right ...[intervenes].

COMMISSIONER MKHWANAZI: Yes, you are correct.

ADV BALOYI SC: About someone who is defrauding the public on social media.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: And they got a call to go and assist in

that. You did not ask who did you speak to from JMPD?

COMMISSIONER MKHWANAZI: Oh, no.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: You are correct. No, I did not. You are correct.

ADV BALOYI SC: Thank you.

COMMISSIONER MKHWANAZI: Humble apologies to answer you. I know that you are dealing it very softly, Commissioner Baloyi. I must listen before I answer.

10 **CHAIRPERSON:** Commissioner, I am not sure what the point of this would be, that is following up on Motso and getting whatever information from her. Here is why. Do you remember that yesterday you said how assistance is rendered unfolds in this manner. The Metro requiring assistance contacts the other Metro. Remember?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

CHAIRPERSON: Yes. And then the other Metro will agree to assist. Remember?

COMMISSIONER MKHWANAZI: Yes, yes, Commissioner.

20 **CHAIRPERSON:** And what will then happen next will be for the two Metros, that is members of the Police Departments of the two Metros, will then meet up. Remember?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

CHAIRPERSON: Yes. And then they will then move to conduct the operation. Remember?

COMMISSIONER MKHWANAZI: Yes, you are correct.

CHAIRPERSON: Jointly / together.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: Correct?

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: Yes. Now, when I questioned you along those lines, I then took you to the point that we all know that that did not happen here. Correct?

COMMISSIONER MKHWANAZI: I agreed, yes.

10 **CHAIRPERSON:** Yes. I then took you to the point where I said that none of this happened is an indication that the two constables, EMPD constables, were acting on their own. This had nothing to do with a joint operation and you agreed, correct?

COMMISSIONER MKHWANAZI: Yes, yes, yes, Commissioner.

CHAIRPERSON: Yes. Now, my difficulty is, and this goes to my preface, my preface to this engagement.

COMMISSIONER MKHWANAZI: Yes.

20 **CHAIRPERSON:** My difficulty is where does it take us if there is further engagement and trying to establish whatever it is we would want to establish through Motso? We can never, ever be able to say there was a joint operation. You have basically agreed to that.

COMMISSIONER MKHWANAZI: I agree, Commissioner.

CHAIRPERSON: So now, what is the point of all this then that you seem to be suggesting?

COMMISSIONER MKHWANAZI: No, Commissioner, I am not putting it to the Commission.

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

COMMISSIONER MKHWANAZI: Yes, I am saying ...[intervenes].

CHAIRPERSON: I want to understand your thinking.

COMMISSIONER MKHWANAZI: Oh, yes. Yes, yes. Okay,
10 thank you.

CHAIRPERSON: Yes.

COMMISSIONER MKHWANAZI: I am saying the investigation may lead to something ...[intervenes].

CHAIRPERSON: Which is what?

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

CHAIRPERSON: Which is what?

COMMISSIONER MKHWANAZI: To find out who took the
stone, where did they end up to, you see. I think it is going
20 to assist us. I am not saying the Commission will do that.
It may take time. It will depend how he uses ...[indistinct]
[intervenes].

CHAIRPERSON: From where I am sitting, that is for the criminal process.

COMMISSIONER MKHWANAZI: Yes, that is what I am

saying.

CHAIRPERSON: The criminal proceedings. I am not so sure that I understand the relevance of that for our purposes, because what we are investigating is the influence of criminal syndicates on law enforcement agencies. And for now, and based on your concessions, we see what appears to have been unlawful activity by EMPD officials who, acting on a frolic of their own, go to take, confiscate these stones. Let me not put in an adjective
10 because I am not sure about their nature, who go and confiscate these stones. That in itself is already criminality from where I am sitting. Do you want to comment on that?

COMMISSIONER MKHWANAZI: No, I do not have. We discussed that and I agreed. I cannot reopen it and, I even ...[indistinct] we have gone through that yesterday.

CHAIRPERSON: No, no, no, this is a different question now. It goes to the question of criminality.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: I am suggesting to you that for EMPD
20 officials to move from Ekurhuleni to go to their area on what you have admitted, which I describe as a frolic of their own, is an act of criminality. So it is a different question from where I left it off yesterday. Do you agree?

COMMISSIONER MKHWANAZI: Commissioner Khumalo asked the same question. I am sitting with very difficult,

because these things are happening on a daily basis.

CHAIRPERSON: Do you agree or not?

COMMISSIONER MKHWANAZI: Let me say we agree and we must learn from this.

CHAIRPERSON: All right, all right.

COMMISSIONER MKHWANAZI: So that we correct the situation.

CHAIRPERSON: Thank you, thank you.

COMMISSIONER MKHWANAZI: And I know that the
10 department and officers are listening where they are.

CHAIRPERSON: Thank you, thank you. Thank you.

ADV SELLO SC: Thank you, Commissioners. If we can then move on and to, I would like to invite you to look at, if I can just find my place. I want us now to go to the statement of Mr Prinsloo. Before we do so, in response to a question Commissioner Khumalo asked, I think you said you are aware that a case has been opened regarding these stones.

COMMISSIONER MKHWANAZI: Yes, as per what you said
20 yesterday.

ADV SELLO SC: Oh, you only learnt yesterday?

COMMISSIONER MKHWANAZI: Yes, but there is a case number. In all these documents, there is a case number.

ADV SELLO SC: Ja, I am trying to determine when did you learn that a case has been opened?

COMMISSIONER MKHWANAZI: When I communicated with Mr Magagula.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Ja, as an investigating officer.

ADV SELLO SC: Oh, so he told you that ...[intervenes].

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: That is when you learnt?

COMMISSIONER MKHWANAZI: Yes, I am not sure about
10 the date.

ADV SELLO SC: No, that is fine, that is fine.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And what clarification did you give him that would assist with the investigation of the case, that if you are talking about the Rosebank case, no, I was there and there is more I can say than the original duty on, duty off statement. Did you offer him that?

COMMISSIONER MKHWANAZI: Ma'am, I met him that
20 time, but I am still going to meet him because he said ...[intervenes].

ADV SELLO SC: No, I want to know what happened in the past. We will come to the future.

COMMISSIONER MKHWANAZI: No, we met once. We did not meet many times about this.

ADV SELLO SC: When you learnt from him that a case has

been opened, did you offer any information that would assist with the investigation to say, I was there, there is something I can tell you about that matter?

COMMISSIONER MKHWANAZI: No, if he wants that, he will get it, Commissioner.

ADV SELLO SC: Come again?

COMMISSIONER MKHWANAZI: If he wants that, he will get it from my side.

ADV SELLO SC: I want to know if you offered, Mr
10 Mkhwanazi.

COMMISSIONER MKHWANAZI: No, I did not offer, because ...[intervenes].

ADV SELLO SC: Why not?

COMMISSIONER MKHWANAZI: No, there were many. They were, as I have said, I was interviewed by five people for different things. Some are in, some are not part of this, you see. And the time when we communicated, it was two, three hours, but all of them they were asking, it is like I am
in a Commission, five people were asking different
20 questions, different activities with other things that are happening. Some, it was before me. Some, it was part.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: But I am willing. In fact, I am a police officer, I must avail myself and assist. I will do that, Commissioners.

ADV SELLO SC: Have you provided the warning statement that Mr Magagula had asked for?

COMMISSIONER MKHWANAZI: You asked me yesterday, I said no.

ADV SELLO SC: No, no, no. I spoke about the second statement. I am asking you now, have you provided a warning statement?

COMMISSIONER MKHWANAZI: You asked me that yesterday. I said no.

10 **ADV SELLO SC:** Oh, okay.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Do you intend to do so?

COMMISSIONER MKHWANAZI: Sorry?

ADV SELLO SC: Do you intend to do so?

COMMISSIONER MKHWANAZI: It is a must. I must do it.

ADV SELLO SC: When do you anticipate ...[intervenes].

COMMISSIONER MKHWANAZI: It is a procedure.

ADV SELLO SC: When do you anticipate you will have done it?

20 **COMMISSIONER MKHWANAZI:** Maybe next week, because I must consult first.

ADV SELLO SC: Next week?

COMMISSIONER MKHWANAZI: Yes, I must consult first.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes. No, I will

communicate. I will communicate with you. We are communicating with you.

ADV SELLO SC: Because this comes from 2023 and Mr Prinsloo ...[intervenes].

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Is a victim whose concerns must be addressed. So the investigation must be finalized for him to get redress.

COMMISSIONER MKHWANAZI: I assure you. I assure the
10 Commissioner. I assure the Commissioners and the Commission. In fact, I have been doing that with Magagula in all the things that he wants.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: I have been doing that.

ADV SELLO SC: Now, let us go back. We are not going back. We are still on your statement, your supplementary statement. I am now at page 6. There is one aspect I would like to cover with you quickly before we break for tea.

COMMISSIONER MKHWANAZI: Page?

20 **ADV SELLO SC:** Your supplementary statement, page 6. Now, remember we are still dealing with paragraph 5. So I am dealing with the third sub-paragraph of paragraph 5. You were ...[intervenes].

COMMISSIONER MKHWANAZI: Paragraph?

ADV SELLO SC: We are at page, right, the paragraph just

before the heading on the issue of kidnapping.

COMMISSIONER MKHWANAZI: Oh, yes, yes, yes.

ADV SELLO SC: All right, it reads:

“But the briefing I got in the afternoon
was that all paperwork was then
handed over to the other team.”

And I think during the course of our engagement,
you indicated that the paperwork referred to there, as you
understood it, is the record of what Constable Stols and
10 McKenzie had done in the execution of this operation.

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And if we stay with that, we go to
Constable Stols' statement at 297, you should still have it
open.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: She states in the penultimate paragraph:

20 “We left the flat and met with the JMPD
officer and gave her the SAP299 and
rocks and we left.”

You see that?

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: And you recall when we looked at Van
der Walt's statement, he also stated the same, that they

were handed over to this so-called JMPD officer.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: If all that is correct, then going back to your statement, that same paragraph:

“I was told that all other documentation were taken by Revo Spies and Hennie Erasmus.”

That cannot be correct?

COMMISSIONER MKHWANAZI: It is correct, Commissioner,
10 because when they were arresting them, even Mr Magagula confirmed that they went into their, I was not, I was suspended. If they went into their vehicle and confiscated all the documents, everything. There is, when you check in one of the evidences, you see, there is where they confirmed that they took everything. Mr Revo was there. Revo Spies was there when they were arrested.

There was one of the directors, or the seniors, and I was not part of, IPID and SAPS officers, they went to both vehicles whilst they were, all, as I have said before to
20 Commissioner Khumalo, that I know that Stols in terms of administration, she writes everything. You see, they took all ...[indistinct]. Some of the information you may get there. That is why I was saying that. And we ...[indistinct] investigating officer and the management, any document that involves anything that has to do, they take it. Like me,

they took the laptop, you see, so that there can be further investigations, because most of the time, I used the laptop.

That was when I wrote this, that was my input in terms of that, that they took everything. And Commissioner Khumalo asked many times, are you sure, are you sure? I have said, I know, Stols writes. And Stols writes, you see, that is why I even trusted in terms of admin, that even the inspector then depended on her in terms of doing admin for that team.

10 **ADV SELLO SC:** So, and I ask this question because when I read Constable Stols' statement, where she says, they met with the JMPD officer and gave her the SAP299 and rocks, and Etienne van der Walt, who is a civilian who was with them, says more or less the same. And your statement, you say they briefed you that same afternoon that all paperwork was handed over. So, I interpreted that to mean all paperwork arising and concerning that particular operation was handed over.

COMMISSIONER MKHWANAZI: No.

20 **ADV SELLO SC:** That is what you said.

COMMISSIONER MKHWANAZI: Let me correct the afternoon. Let me say they briefed me that they took everything. There is something, I do not know which attachment is that. In my first evidence, you see, there are statements that I have attached. I think it is more or less

the same. But where she writes many things and you took my documents, my work, you took my clothes, you took what, what in the vehicle. I attached it as I got it, I say hey, this one I do not want to ...[indistinct] it is an affidavit, I attached it as it is, and it is talking to what?

ADV BALOYI SC: Commissioner Mkhwanazi.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: What is being put to you is that you say in, in your, relating to this operation ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** Yes.

ADV BALOYI SC: Forget the clothes and many other things. What is being put to you is that in your supplementary statement, in the supplementary statement, you say that they briefed you and told you that all paperwork was handed over to the other team members. And you agreed with Ms Sello that this paperwork you are referring to in your supplementary statement relates to the operation itself.

20 So, that is what you say in your statement. And then Ms Stols, you are referred to what Constable Stols says. She says, we left the flat and met with the JMPD officer and gave her the SAP299 and rocks and we left.

So, you, in your statement, you say they briefed you that they submitted the paperwork to the other team. Ms Stols says they gave the SAP299 to the JMPD officer.

So, there is commonality between what you say you were briefed and what Stols says in her statement.

But then, in your supplementary statement, you then go on to say that all other documentation was taken by Revo Spies and Hennie Erasmus.

COMMISSIONER MKHWANAZI: You are correct, yes.

ADV BALOYI SC: And that is being pointed out to be a problem because you have already said in the same paragraph that Stols briefed you, Stols and McKenzie told
10 you that they gave the paperwork to team members. That is what is being pointed out to you as problematic.

COMMISSIONER MKHWANAZI: Oh, thank you, Commissioner. When I am saying documentation, I am not talking about what they handed there. I am saying the information that may assist, as per the question that I got before, that when we get something that says they did this, they handed over this, I was not limiting myself to, because I was not there. But all the paperwork of administration, no, let me say documentation, because when I am saying
20 paperwork, it is confusing.

The documentation or the file, or the book or the what-what, I am not sure what to use, the diary book or what, that you write everything, because Commissioner Khumalo said, but if we can go and check may we find something. I said, they said all their documentation and

they were raising that frustration when we were all back ...[indistinct] there is another frustration that we are having now, we cannot find our things and everything.

ADV BALOYI SC: Yes, so wait, let me interrupt ...[intervenes].

COMMISSIONER MKHWANAZI: I think I must correct my paragraph and put it in a manner that is going to be understandable.

ADV BALOYI SC: I think that is what I am trying to clarify
10 with you without having to write something else down. Let me just try and clarify this. In that supplementary statement, the second part of that last paragraph where you say, I was told that all other documentation were taken by Revo Spies and Hennie Erasmus, you are not referring to the Rosebank operation, you are saying their documents in general.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: And laptops and clothes and everything, but you are not referring specifically to the Rosebank
20 operation.

COMMISSIONER MKHWANAZI: Ja, it may be part of, they include the information ...[indistinct].

ADV BALOYI SC: You do not ...[intervenes].

COMMISSIONER MKHWANAZI: But not only, I agree with you, you are correct.

ADV BALOYI SC: Yes.

COMMISSIONER MKHWANAZI: You are correct, yes.

ADV BALOYI SC: Because if they did, you have to agree, because if they did submit the documents to the other team, as you say, the paperwork to the other team, as you say, and the SAP299 to the JMPD officers, then the documents relating to that operation were, are not the ones that were taken by Revo Spies, because they have already been submitted to the other team.

10 **COMMISSIONER MKHWANAZI:** Yes, on that, I agree.

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

ADV SELLO SC: Thank you, Commissioner Baloyi. So then, when it states that, I was told, all other documentation was taken by Revo Spies, this is not documentation relating to the rate as you have just admitted to Commissioner Baloyi, right?

COMMISSIONER MKHWANAZI: But, Commissioner, may I raise something? I am not sure what is writing there, you see. I do not want to say to this Commission, no, it is not,
20 then when they get that documentation, when they submit, it talks to that, it confirms to that. But the paperwork that they said they submitted, I am not talking about 299, let me say, yes ...[indistinct] 299. I am not talking about that.

ADV SELLO SC: Okay, I think we will try and regroup. I think it is tea time, and perhaps we will ...[intervenes].

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

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Sello.

ADV SELLO SC: Thank you, Chair. Commissioner Mkhwanazi, oh, as soon as you settle down.

COMMISSIONER MKHWANAZI: Humble apologies.

ADV SELLO SC: No, it is okay. Thank you. We had Magagula file 2 open. If you could locate that file,
10 Magagula ...[intervenes].

COMMISSIONER MKHWANAZI: Is it the one that we are busy with, file 2 of 3?

ADV SELLO SC: File 2 of, correct. Thank you. And if you could then turn to page 316.

COMMISSIONER MKHWANAZI: Yes, yes ...[indistinct] statement.

ADV SELLO SC: That is the statement of Mr Peter Prinsloo, the complainant in this matter, the owner of the flat, okay.

20 **COMMISSIONER MKHWANAZI:** Yes.

ADV SELLO SC: Now, let us, he says, no, I guess before he says, let us go to page 322, 322 and 323. That gives us the date on which this affidavit was deposed to, the 28th of March 2023. And as you see, overleaf at 323, the officer commissioning has signed and stamped, and the date is still

28th March 2023, okay. So now we have put a timeframe for this statement. Now, let us go back to 316.

COMMISSIONER MKHWANAZI: Are you saying we have put a timeframe?

ADV SELLO SC: To this affidavit, when it was produced. The affidavit ...[intervenes].

COMMISSIONER MKHWANAZI: I am losing, yes.

ADV SELLO SC: Okay, let us start again. You remember I referred you to 316, page 316, and that is the affidavit of Mr
10 Prinsloo?

COMMISSIONER MKHWANAZI: Prinsloo, yes, yes.

ADV SELLO SC: I will call him for ease of reference, the victim.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Okay. And then, as part of the same statement, I referred you to the conclusion of that statement, and referred to 322 and 323, for you to notice that this affidavit was deposed to on the 28th of March 2023.

COMMISSIONER MKHWANAZI: Oh, yes.

20 **ADV SELLO SC:** Yes. So this was about just over a month since the incident, the incident having been in February 2023. You will confirm?

CHAIRPERSON: Do you confirm, Commissioner?

COMMISSIONER MKHWANAZI: No, I just want to check the date where ...[incomplete].

ADV SELLO SC: You will find the date at page 322, at the bottom of 322, and the commissioning officer's stamp at 323.

CHAIRPERSON: I think the Commissioner wants to look for the date of the incident.

ADV SELLO SC: The incident, okay.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Okay. And I think we would have to find another document. Do you have a challenge?

10 **ADV KHUMALO SC:** No, no, let us, paragraph 7 of the same affidavit.

COMMISSIONER MKHWANAZI: No, you can just mention it, I will be fine.

ADV KHUMALO SC: On 317.

ADV SELLO SC: Yes, the same statement, 317, paragraph 7.

ADV KHUMALO SC: 317, paragraph 7.

ADV SELLO SC: Thank you, Commissioner. The 11th of February 2023. Do you see the date?

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

ADV SELLO SC: Okay. So I am saying the incident occurred on the 11th of February 2023. Mr Prinsloo, the owner of the flat, deposed to this affidavit on the 23rd of March, so I am saying maybe six weeks, give or take, after the incident. You accept that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Okay. Now, if we go to 316, this, at paragraph 3.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: This is a statement he made for purposes of laying a criminal complaint and he states:

10 “I wish to lay a criminal complaint
 against Ekurhuleni Metropolitan
 Municipality Police Department,
 Constable Kersha-Leigh Stols and
 EMPD Constable McKenzie.”

 You see that?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And then he lists his complaints.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: So this is when he formally laid a criminal complaint against those, these two individuals, okay.

COMMISSIONER MKHWANAZI: I am with you.

20 **ADV SELLO SC:** Okay. And you indicated that you became aware that a case had been opened, and you say you learned from Mr Magagula about the case. This is the criminal case.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: And you overlooked to inform Mr

Magagula that you could assist by providing further information on the matter. You did not do that then, at the time. I know you intend to in the future, but at the time you did not.

COMMISSIONER MKHWANAZI: Are you saying I overlooked?

ADV SELLO SC: Ja, to inform Mr Magagula that you have information relevant to this incident.

COMMISSIONER MKHWANAZI: No, no, I gave him the
10 information that he wanted for me that time, as I have said that he wanted confirmation that these two officers were at work on that day.

ADV SELLO SC: Okay, now, that one you did. We have a statement for that.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: I say the one you overlooked to provide him, was to inform him that you were actually present at the scene. You did not do it at the time.

COMMISSIONER MKHWANAZI: No, I have said not to say
20 I did not do it. I even accidentally confirmed that. It is because I gave him the information that he wanted.

ADV SELLO SC: No, I hear you. You insist that you gave him what he wanted.

COMMISSIONER MKHWANAZI: Oh, yes, yes.

ADV SELLO SC: But I am talking about what you did not

give him.

COMMISSIONER MKHWANAZI: Oh, yes, yes.

ADV SELLO SC: So, you did not tell him you were present.

COMMISSIONER MKHWANAZI: Okay ...[indistinct].

ADV SELLO SC: And I think this affidavit will help us determine why you did not, because this is, should I call it, a significant haul. If we turn to page 321 of the same statement, the complainant, Mr Prinsloo, stated paragraph

10 31:

“The officers then proceeded to remove the six boxes of sugilite ...”

If that is the correct pronunciation.

“downstairs to their marked South African police service vehicles parked outside the apartment building on the street. A copy of the pictures of sugilite removed from my apartment is enclosed herewith, marked as Annexure B1 to B18.”

20

So, it is a series of pictures of these precious, semi-precious stones. The important part follows at the end of that paragraph, where he states that:

“The market value of the sugilite minerals removed from my apartment is

worth approximately R14,926,412.00.”

Do you see that?

COMMISSIONER MKHWANAZI: The same paragraph, yes.

ADV SELLO SC: That is a conversion from a dollar-based valuation. Do you see where I am reading?

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: The last paragraphs, or the last three sentences on the first paragraph.

10 **ADV SELLO SC**: Yes. So, what actually Constable Stols and Constable McKenzie, assisted by Mr Etienne van der Walt, removed from the complainant's home, are these semi-precious stones valued at just shy of 15 million.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Now, if you go overleaf, it is still the same statement, and you go to paragraph 40, at paragraph 40, he states:

20 “During the meeting of 15 March 2023, I identified the minerals in evidence bag PA4004203507 as being my minerals. However, not all the minerals unlawfully taken by the above identified officers at my home was at Benoni Police Station, and a significant amount still remains missing. The

value of the minerals in the
aforementioned evidence bag is worth
approximately 40,000.]

Do you see that?

COMMISSIONER MKHWANAZI: Yes, yes, yes. I am following you, even though I am identifying some of the things that I will need clarity on. But it is fine, you may continue.

ADV SELLO SC: No, that is the point I wanted to make.
10 Sorry, I did not quite understand what you said. You said, even though?

CHAIRPERSON: You said you need clarity.

ADV SELLO SC: Oh, is that what he said. Thank you, Chair.

CHAIRPERSON: Am I correct you said you need clarity?

COMMISSIONER MKHWANAZI: Yes, yes. But I ...[indistinct] [intervenes].

CHAIRPERSON: I guess what Ms Sello now wants to establish is what exactly are you saying in this regard.

20 **COMMISSIONER MKHWANAZI:** My problem is that here he is talking about Benoni, he is talking about SAPS ...[indistinct] and this happened in Hillbrow or it happened in Hillbrow Police Station, then I am confused when he is talking about Benoni here.

ADV BALOYI SC: We know, Commissioner Mkhwanazi,

from the evidence of Mr Magagula, that Mr Van der Merwe, McKenzie, I think, was arrested, and these stones were found in his motor vehicle and he was arrested not in Hillbrow, not in Rosebank.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: That is why Benoni features.

ADV KHUMALO SC: You said so yourself earlier.

ADV BALOYI SC: So you should not be confused. Do not dwell on now it says Benoni, it happens in Hillbrow. I think
10 that is not the point that Ms Sello is discussing with you. She is pointing you to the amount of the stones that were removed, and that later on, when Mr Prinsloo was shown an evidence bag, it had stones worth only R40,000.00. That is what she is discussing with you, not the different police stations.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV KHUMALO SC: I am saying earlier this morning, you confirmed that you knew that stones and McKenzie were arrested for this case.

20 **COMMISSIONER MKHWANAZI:** Yes.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: But in terms of the evidence of stones, I did not mention that. But I am so shocked now, 40,000 stones had been on the police station.

ADV KHUMALO SC: So they were found in their

possession when they were arrested.

COMMISSIONER MKHWANAZI: Yes, I see. It is right in that, yes.

ADV KHUMALO SC: So that is what you ...[indistinct].

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Thank you, Commissioners. And you do not have it before you, Commissioner Mkhwanazi, the evidence, the testimony of Mr Magagula around the recovery of the stones.

10 **COMMISSIONER MKHWANAZI:** Are you saying I am having before me?

ADV SELLO SC: No, I say you do not. You do not have it before you.

COMMISSIONER MKHWANAZI: Oh.

ADV SELLO SC: Okay. So this is the testimony of Mr Magagula.

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: On the 13th of February 2026. And I am reading from the transcript of that day, starting at page 141
20 for the record. I can quickly just read through it. Oh, it is going to project.

CHAIRPERSON: Ja, please.

ADV SELLO SC: Yes, she is projecting. Thank you. Now, if we look at ...[intervenes].

COMMISSIONER MKHWANAZI: Which page is that?

ADV SELLO SC: It is page 141 of the transcript of the 13th of February 2026.

CHAIRPERSON: Do not worry, Commissioner. I remember yesterday you said you could not see up there, but Ms Sello will read for you.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: So I just wanted to give you the date. Now, I am starting from the top of this page. Mr Magagula, in response to a question I had posed to him, says:

10 “Yes, EMPD was aware of this incident
 even before the civil litigation.”

The civil litigation, just to pause, is the claim made directly to Ekurhuleni by Mr Prinsloo, just to give you perspective. Do you understand?

COMMISSIONER MKHWANAZI: Ja, no, no, I get you.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes, I get you.

ADV SELLO SC: Then he continues:

20 “Why am I saying so? Commissioner
 Khumalo asked, was the stone
 recovered? I then said, part of it.
 EMPD was aware a long time ago
 about this incident because after the
 arrest of these people on Benoni CAS
 215, I went together with my members

to search the vehicle of Adrian Norman McKenzie. Upon searching that vehicle of Adrian Norman McKenzie, we recovered some stones there inside. When we searched, I booked him out and came with him to the car so that I can search the vehicle in his presence. So when we found the stones, he was there standing and I had to ask him, does this belong to you? He agreed that this belongs to me. He even added that during the night this stone is just for decoration whatsoever. Each and every item that we found there, I made him to account for it and he signed the acknowledgement and that this belongs to me, this belongs to me, this belongs to the Municipality. Everything that belonged to the Municipality, it was given to the Municipality. So EMPD from that point, it was on March, I am sure it was on the 10th or 11th or 13th of March when they became aware of the incident. So there is no way that they only knew

when the civil litigation came.”

Now, what was recovered from Constable McKenzie is what was booked into the Benoni Police Station.

COMMISSIONER MKHWANAZI: Police Station.

ADV SELLO SC: Yes. So that addresses the confusion you had ...[intervenes].

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: That the victim speaks of minerals found that he was able to identify at the Benoni Police Station.

10 You understand now?

COMMISSIONER MKHWANAZI: Yes, in fact it is assisting me with something else.

ADV SELLO SC: Ja. So, this is what was recovered from Constable McKenzie, 40,000 worth out of what I call a haul of 14 million, okay.

COMMISSIONER MKHWANAZI: Oh.

ADV SELLO SC: Which is the total value of the stones. You recall that Colonel Stols, Constable Stols ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Constable.

ADV SELLO SC: Constable Stols indicated that they handed, she and Van der Walt indicated that they handed the stones to a JMPD officer.

COMMISSIONER MKHWANAZI: JMPD officer, yes.

ADV SELLO SC: We know now from Mr Prinsloo that it

was six boxes of these stones. Are you aware of these stones that were handed over to a JMPD officer having been booked into an SAP13 anywhere?

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: And Mr Magagula could not find either. The only stones that he found are the ones we referenced, which is what he booked into Benoni after searching Mr McKenzie.

COMMISSIONER MKHWANAZI: Yes, yes.

10 **ADV SELLO SC:** Okay, so technically when you then issue a statement that we referred to yesterday ...[intervenes].

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Of February 2026 to call this a joint operation, you were effectively doing a couple of things. You were legitimising what now constitutes daylight robbery of precious stones worth in excess of 14 million. That is effectively what you were doing.

20 Secondly, you were impugning the name of Mr Maseko to make him, as you, partly responsible for this incident. Do you have a comment to that?

COMMISSIONER MKHWANAZI: I think I stick to what I have said, even though there is new evidence that I am so surprised of, you see, because when this happened, but I mentioned many times that that time I was being on suspension, you see. But I know that they were arrested.

In terms of, that is why I have said, in terms of documentation and other things they got from Stols, you see, I did not mention McKenzie, you see. But it is putting me on another level now, you see. But for Mr Maseko, I communicated with Mr Maseko.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: [Indistinct]... I do not want to.

ADV SELLO SC: You say it is putting you on another
10 level. Tell me about that level.

COMMISSIONER MKHWANAZI: When they said they got, he agreed that these are his stones, whereas here they were submitted to JMPD and I always said the investigation will lead to, the investigation will lead to, you see. And Magagula said he admitted. I am not sure about his admission statement, but I do not want to go deep. Magagula will talk to that.

ADV KHUMALO SC: Can I ask this one question.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

20 **CHAIRPERSON:** You stated as a fact that an investigation will lead to the stones having been given to a JMPD officer. How can you state that as a fact?

COMMISSIONER MKHWANAZI: No, I was saying in the statement they have said they gave it to.

CHAIRPERSON: But then, but then just now you said an

investigation will lead to what they say, what they say being fact. Now my question is how can you state that as a fact?

COMMISSIONER MKHWANAZI: No, I am saying it was before this, Chair.

CHAIRPERSON: I am talking about the investigation that you are referring to now, Commissioner. You say an investigation will lead to what Constable Stols and Constable McKenzie say being a fact, which is that the stones were given to a JMPD officer. Tell me if I am
10 misunderstanding you. That is how I understand you and I am saying how can you state that as a fact?

COMMISSIONER MKHWANAZI: No, no, no, I think you misunderstood me.

CHAIRPERSON: Please explain.

COMMISSIONER MKHWANAZI: Because this has changed my mindset now, because as I have said that when he says, when Magagula says he admitted they belong to him, they are for his decoration ...[intervenes].

CHAIRPERSON: Maybe let me ask the question differently
20 then. What do you say an investigation will lead to?

COMMISSIONER MKHWANAZI: In fact, it has led to, it has started now.

CHAIRPERSON: No, no, no, what do you say an investigation will lead to, Commissioner?

COMMISSIONER MKHWANAZI: It has already led to

something, you see. I did not know it ...[intervenes].

CHAIRPERSON: You were saying it would lead to a specific fact.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: Now please do not tell me about something. What are you saying an investigation will lead to?

COMMISSIONER MKHWANAZI: Some of the stones were taken by EMPD, or stones were taken by a EMPD officer,
10 because they found them in the vehicle of an EMPD officer.

CHAIRPERSON: Okay. Okay, thank you.

COMMISSIONER MKHWANAZI: Am I correct, Commissioner?

CHAIRPERSON: I do not ...[intervenes].

COMMISSIONER MKHWANAZI: No, I am saying, did I answer you?

CHAIRPERSON: It is your testimony, I cannot say whether you are correct or not.

COMMISSIONER MKHWANAZI: No, but I am saying, did I
20 answer you?

CHAIRPERSON: Oh. Yes, yes, yes. Yes, you have answered me. Whether I accept it is something else. That is for assessment at a later stage, yes.

ADV SELLO SC: Commissioner Khumalo has got further questions, thanks.

ADV KHUMALO SC: Yes, I just wanted to check with you. When Stols and McKenzie were arrested, you were on suspension.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV KHUMALO SC: But when you came back from suspension, you became aware that they were arrested.

COMMISSIONER MKHWANAZI: Not even when I came back. It was ...[intervenes].

ADV KHUMALO SC: While you were on suspension.

10 **COMMISSIONER MKHWANAZI:** It was in the news.

ADV KHUMALO SC: Yes, but did they, did you get to find out what they were arrested for?

COMMISSIONER MKHWANAZI: Yes, in the news they were talking many things.

ADV KHUMALO SC: Which is what?

COMMISSIONER MKHWANAZI: Yes, they talked about ...[intervenes].

ADV KHUMALO SC: No, no, be more specific. Did it include the issue of the stones?

20 **COMMISSIONER MKHWANAZI:** No, it was not about the stones.

ADV KHUMALO SC: Okay. [Indistinct]... let us leave it there.

COMMISSIONER MKHWANAZI: Oh, oh.

ADV KHUMALO SC: I just needed to know. Advocate

Sello, I think maybe for the record, because the transcript must reflect correctly.

ADV SELLO SC: Yes.

ADV KHUMALO SC: You dealt with the two statements of Stols and of Van der Walt.

ADV SELLO SC: Yes.

ADV KHUMALO SC: And you said they said they handed the stones to the JMPD officer.

ADV SELLO SC: Yes.

10 **ADV KHUMALO SC:** Can we also deal with McKenzie's statement, because he also said ...[intervenes].

ADV SELLO SC: He also confirms that.

ADV KHUMALO SC: They were handed to their JMPD officer.

ADV SELLO SC: Okay, so the more, the merrier. Three of them.

ADV KHUMALO SC: Yes.

ADV SELLO SC: Or all those who conducted the raid say they were handed over ...[intervenes].

20 **ADV KHUMALO SC:** Can I just give you the reference so that you look at it. It is in that Magagula 2 file on page 278, paragraph 9.

COMMISSIONER MKHWANAZI: I think you read it many times.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: It is that statement that we read many times.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: Oh, yes. No, no ...[intervenes].

ADV KHUMALO SC: So he also says, let me read it into the record:

“K Stols called the JMPD officer and put the white male ...”

10 Da-da-da-da, and then paragraph 10:

“K Stols explained to him of the way forward, and we took the stones and gave him paperwork and left to meet the JMPD officer and handed over to her and we left.”

COMMISSIONER MKHWANAZI: Yes ...[indistinct].

ADV SELLO SC: Thank you. And you would agree that this is a serious matter?

COMMISSIONER MKHWANAZI: This is a serious matter.

20 **ADV SELLO SC:** Very serious matter.

COMMISSIONER MKHWANAZI: It is very serious.

ADV SELLO SC: And see, as you were responsible for this operation, that your engagement with Mr Magagula ought to happen as a matter of urgency.

COMMISSIONER MKHWANAZI: Yes, no, no, I agree.

ADV SELLO SC: Clarity is required ...[intervenes].

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: About your personal role in this matter.

COMMISSIONER MKHWANAZI: Yes. And also, I will cooperate 100%.

ADV SELLO SC: Yes. And now let us talk about your cover-up of this matter, and for that purpose, you referenced earlier in the morning a statement made by Mr McKenzie, Constable McKenzie, the second statement. You
10 recall?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: The second statement.

COMMISSIONER MKHWANAZI: But I have not seen it.

ADV SELLO SC: Ja, no, no ...[intervenes].

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

ADV SELLO SC: I am availing it.

COMMISSIONER MKHWANAZI: Oh.

ADV SELLO SC: We have located that statement and we
20 would like to add it to the exhibit bundle. It should be distributed. It is been distributed now. It is a very short statement and I think that would make it CJC169.

COMMISSIONER MKHWANAZI: J?

ADV SELLO SC: CJC169. That is what we will call this document for the record. So it is fairly short. We can read

it together. If we start at the bottom of that document, you will see that it is dated 15 January 2026. Do you see the date at the bottom? Do you see the date at the bottom, Commissioner?

COMMISSIONER MKHWANAZI: It is one three?

ADV SELLO SC: I beg yours?

COMMISSIONER MKHWANAZI: On the 13th January, one three.

ADV SELLO SC: Mine has got 15 twice.

10 **CHAIRPERSON:** At the bottom. At the bottom, Commissioner.

COMMISSIONER MKHWANAZI: Oh, yes.

CHAIRPERSON: Where does – ja, ja, ja, just below the signature and also on the stamp.

COMMISSIONER MKHWANAZI: It is correct, it is correct.

ADV SELLO SC: Okay. And you see that it is supposedly signed by AN McKenzie. I take it that is his force number next to the signature.

COMMISSIONER MKHWANAZI: Oh, yes, yes.

20 **ADV SELLO SC:** Okay. Now, if we go to the start of this statement, he heads it an additional statement.

“I, Adrian Norman McKenzie, employed by Ekurhuleni as a Metro Police Officer, state the following. On the 13th January 2026, Assistant Director

Thulani Magagula from IPID presented me with a photo album of the case in Hillbrow for me to give a small description of what was going on. I went to a white motor vehicle that was occupied by two black males that came to the scene to check on us on the day in question. The driver was Director Julius Mkhwanazi, who was in the Ekurhuleni Metro Department, and was also with a black male dressed in Traffic uniform with a lot of ranks on his shoulders.”

And it is signed AN McKenzie. Do you see that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: So, at least one thing we know, McKenzie did not identify the second occupant as being in any manner associated with Gauteng Traffic as you do in your statement. Do you accept that? He just says it is a black male dressed in traffic uniform with a lot of ranks on his shoulders. That is all he says.

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

ADV SELLO SC: No, no, what McKenzie says.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: I do not want to debate what is in

McKenzie's head. I am debating what ...[intervenes].

COMMISSIONER MKHWANAZI: No, he is an officer, he knows how to separate the Traffic and the Metro Police uniform and the ranks.

ADV SELLO SC: So what is your challenge?

COMMISSIONER MKHWANAZI: It is not a challenge.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: I am saying he is an officer. We know how to separate, or he knows how to
10 separate a Traffic uniform and a Metro Police uniform.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes. And the uniform is not the same. The ranks are not the same.

ADV SELLO SC: The only point I was making is that in his statement, it does not say anything about this Traffic officer being connected to Gauteng or the Gauteng Traffic, what did you call it? The Gauteng Traffic Department. He does not say that.

COMMISSIONER MKHWANAZI: But when he say Traffic
20 uniform, it is a Traffic, it is a Province, we know. Officers, they know. We know.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: We can separate the two.

ADV SELLO SC: Yes, and that ...[intervenes].

COMMISSIONER MKHWANAZI: We know ourselves.

ADV SELLO SC: And that Traffic could be Western Cape for all we know, because he does not tell us which. You have to accept that the statement does not tell you which province.

COMMISSIONER MKHWANAZI: Province?

ADV SELLO SC: It does not.

COMMISSIONER MKHWANAZI: It cannot tell us about Province.

ADV KHUMALO SC: Ms Sello, to be fair, do we expect
10 somebody from the Western Cape to travel with their uniform and come to Gauteng? Should we not assume that if somebody was in Traffic uniform, they must be based in Gauteng?

ADV SELLO SC: I guess weirder things have happened, Commissioner Khumalo, as you have discovered in this Commission. It is because Commissioner Mkhwanazi just will not accept that Mr McKenzie does not say anything except identifying this person to be in a Traffic uniform.

COMMISSIONER MKHWANAZI: Yes.

20 **ADV SELLO SC:** Yes.

COMMISSIONER MKHWANAZI: He is mentioning Traffic uniform.

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

COMMISSIONER MKHWANAZI: Thank you, Commissioner Khumalo.

ADV SELLO SC: And this is in January of 2026. You latched onto that paragraph or that statement.

COMMISSIONER MKHWANAZI: I?

ADV SELLO SC: You latched onto that statement to then attribute, to then attribute ...[intervenes].

COMMISSIONER MKHWANAZI: Can you ...[incomplete].

ADV SELLO SC: Yes?

COMMISSIONER MKHWANAZI: Can you simplify it? I only heard on that statement, lodged?

10 **ADV SELLO SC:** You ...[intervenes].

COMMISSIONER MKHWANAZI: Latched.

ADV SELLO SC: Okay, okay, it is fine, it is fine. You ...[intervenes].

CHAIRPERSON: Please ...[intervenes].

ADV SELLO SC: I will restate.

CHAIRPERSON: Even though I am also guilty of it at times, please try not to use big words.

ADV SELLO SC: Absolutely. Ja, I take the point. Thank you, Chair. Can I say you capitalised on this statement?

20 No? Okay. You took advantage of the vagueness of this statement.

COMMISSIONER MKHWANAZI: No, I cannot take advantage of the vagueness of a statement that I do not know. And you said it is only now when you avail this statement. I spoke about what Mr Magagula have said, that

he got this.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: I cannot take advantage of what you just submitted now, because I did not know what he wrote. And you said it is only available, all of us were just receiving this now.

ADV SELLO SC: We spent a significant time debating, I think from yesterday. You said Mr Magagula told you that you were with a senior Traffic person in your car.

10 **COMMISSIONER MKHWANAZI:** Yes, he said he got that.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And I am saying, and he said he learned that from McKenzie. He learned from McKenzie.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: And I am saying it is in this statement of January 2026 that he first learned from McKenzie about the presence of this person.

20 **COMMISSIONER MKHWANAZI:** You are now putting it correct, not to say I took advantage of the vagueness.

ADV SELLO SC: I am still getting to the advantage. I am still getting there.

COMMISSIONER MKHWANAZI: You cannot say vagueness of what I do not know.

ADV SELLO SC: Okay, now Mr Magagula told you.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: So he did not identify the person. And all you – he did not identify this Traffic person or officer.

COMMISSIONER MKHWANAZI: I did identify.

ADV SELLO SC: No, he, Mr Magagula, did not.

COMMISSIONER MKHWANAZI: Oh. No, humble apologies.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes. Can you maybe
10 raise your voice.

ADV SELLO SC: Oh, is it my voice?

COMMISSIONER MKHWANAZI: No, no, it is me, I am struggling now.

ADV SELLO SC: Ja, no, no, it is okay. Maybe I have dropped my voice. I apologise for that. So I am saying because that person had not been identified, you then, okay, that is where they took advantage comes in. And you decided that you are going to identify that person as Deputy Chief Inspector Maseko because you knew by then Deputy
20 Chief Maseko was late and had passed on in October 2025. That is why you have that in your additional statement, and you have that in your supplementary statement.

COMMISSIONER MKHWANAZI: I am repeating it maybe for the seventh time now since from yesterday. That is not like that.

ADV SELLO SC: Yes, and then for the seventh time, you do not, you cannot provide any evidence to this Commission that Deputy Chief Inspector Maseko was ever a part of this operation. You have got nothing else to base your claim on except your say-so.

COMMISSIONER MKHWANAZI: And this say-so.

ADV SELLO SC: I promise you that does not say Deputy Inspector Maseko was there. It does not.

COMMISSIONER MKHWANAZI: Okay, who is here? Who
10 is this person with many ranks?

ADV BALOYI SC: It could be anyone. I think the point that is being made, Commissioner Mkhwanazi, is we do not have, except for you telling us it was Inspector Maseko, Deputy Director Inspector Maseko, we have nothing else that confirms that it was Inspector Maseko that was in the vehicle with you, who has now passed on.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: So, what is being suggested to you, and
20 if that is not what is being suggested, I want to suggest this, that it is quite possible, because we do not have any record, any evidence of who was in the car with you except your word that it was Maseko, it is quite possible that it might be a Mr Kubeka who is still alive and is in the Traffic Department. We do not know. We must accept your word, that it was Maseko, and Masako has died, and the matter

ends there. We cannot verify it for ourselves. I think that is the suggestion.

COMMISSIONER MKHWANAZI: Okay. Yes, Commissioner. Commissioner, he is putting it in another way and you are always putting it in another way. I accept what you are saying, Commissioner Baloyi.

ADV BALOYI SC: Yes.

COMMISSIONER MKHWANAZI: Yes. And maybe it is for the what time, but that is it.

10 **ADV SELLO SC:** Now, staying with this statement, no, I will leave that point. I would like us to go back to Mr Prinsloo's statement. Let me just finalize one point before we leave this subject. Mr Prinsloo's statement is the same file starting at page 316.

ADV BALOYI SC: Before you do that, Ms Sello.

ADV SELLO SC: Yes.

ADV BALOYI SC: I just wanted, from this McKenzie statement, just to make the observation, Commissioner, that Mr McKenzie says that ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** On this, Commissioner?

ADV BALOYI SC: Ja, Constable ...[intervenes].

COMMISSIONER MKHWANAZI: The supplementary?

ADV BALOYI SC: On the supplementary.

COMMISSIONER MKHWANAZI: Oh, oh.

ADV BALOYI SC: Constable McKenzie says you were the

driver of the vehicle. You have told us that someone else, Yende Jackson Jabulani, was driving, but McKenzie, who knows you very well, says you are the driver, so he contradicts you.

COMMISSIONER MKHWANAZI: No, no, I was not the driver. I was not the driver.

ADV BALOYI SC: Ja, but why would he say you are the driver if you were not the driver?

COMMISSIONER MKHWANAZI: I do not know. I do not
10 know. I was not the driver.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: I am always, even if you see some footages and videos, I am being driving. I do not drive. Even now, they are driving me, you see.

ADV BALOYI SC: All right. No, I was just making the observation that the person who came to the car to speak to you says you were the driver of that vehicle. That is an observation that I am making.

COMMISSIONER MKHWANAZI: Yes. No, no, I saw that. I
20 saw that, Commissioner.

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

ADV KHUMALO SC: And McKenzie identifies two people.

COMMISSIONER MKHWANAZI: Yes.

ADV KHUMALO SC: In your evidence yesterday, you said there were three people.

COMMISSIONER MKHWANAZI: Yes.

ADV KHUMALO SC: Who is the third person that ...[intervenes].

COMMISSIONER MKHWANAZI: It is Yende. Yende, Officer Yende.

ADV KHUMALO SC: Say that again?

COMMISSIONER MKHWANAZI: Officer Yende.

ADV KHUMALO SC: Yende?

COMMISSIONER MKHWANAZI: Yes.

10 **ADV KHUMALO SC:** Is he still with EMPD?

COMMISSIONER MKHWANAZI: He is in CLU. CLU, Communalizing Officer.

ADV KHUMALO SC: So he can ...[intervenes].

COMMISSIONER MKHWANAZI: Or it is in EMPD. Ja, it is EMPD ...[indistinct].

ADV KHUMALO SC: He can confirm that ...[intervenes].

COMMISSIONER MKHWANAZI: Yes, he is in EMPD, yes.

ADV KHUMALO SC: Maseko was in the vehicle.

20 **COMMISSIONER MKHWANAZI:** He is an EMPD officer, yes.

ADV KHUMALO SC: Listen to me, Commissioner, so that we do not speak over each other.

COMMISSIONER MKHWANAZI: Oh, sorry, sorry.

ADV KHUMALO SC: So this CLU officer, or this Community Liaison Unit person, can confirm that Mr Maseko

was in the vehicle with you.

COMMISSIONER MKHWANAZI: Yes, you are correct. You are correct, Commissioner.

ADV KHUMALO SC: So you will give us his details?

COMMISSIONER MKHWANAZI: Everything, Commissioner.

ADV KHUMALO SC: Okay.

CHAIRPERSON: May I just make a request, please?

When we get these loose additional annexures may someone, whether during a break, at the end of the day, to
10 please see to it that they are placed where they should be,
please, please.

ADV SELLO SC: Indeed, Chair. I apologize.

CHAIRPERSON: The attorneys always do that, please,
please.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Chair.

CHAIRPERSON: I am missing my CJC168 right now.

ADV SELLO SC: As it is ...[intervenes].

CHAIRPERSON: Thank you.

20 **ADV SELLO SC:** I will attend to that and apologize for the
inconvenience, Chair.

COMMISSIONER MKHWANAZI: Chair, let me take
advantage of that. In our consultation, we requested that
can we get documents on time. This thing of being
ambushed every time. But when it is us, the other office

there at the back, they do not compromise due dates. That is why we see a lot of mistakes, because we want to meet the due dates. And there is a certain format of legal expense that they want. I am used to attaching, I am used to what, this other word, but they say no, I attachment, attachment.

But when it is, I know one of the, your invitees once raised that, hey, the other office is not like this side, you see. They are so hard and harsh. They want this now, two
10 days, three days. But with us, but I raised it with the evidence leader that on our side, we submit everything on time. But on your side, you are not being fair, you see. You ambush, ambush. I do not want to say ...[intervenes].

CHAIRPERSON: I am sure with the “your”, you are not referring to me.

COMMISSIONER MKHWANAZI: It is the Commission, Chair. I have raised it. And I have said to the evidence leader ...[intervenes].

CHAIRPERSON: Yes, yes.

20 **COMMISSIONER MKHWANAZI:** I am going to raise this. But I was assured that do not worry, it will be sorted.

CHAIRPERSON: Yes, yes.

COMMISSIONER MKHWANAZI: But I see this is the third document since I am here.

CHAIRPERSON: Thank you.

COMMISSIONER MKHWANAZI: And yesterday or the day before, with my parents it was said, I saw the date, it was correct, they got it the day before. But digital, you can get it, because with us, they want it digital, if you cannot submit. But with the Commission, you cannot get anything digitally up until, and this is the third document now, you see. And you are supposed to ...[indistinct] when she is asking, I must master it, know it. And it is difficult to answer and it does not give fairness to us, please,
10 Commissioner.

CHAIRPERSON: Yes, although I think with one of the documents, I thought Ms Sello was saying, it is a document you had referred to. And then she said, we have since sourced it or found it. So they looked for it because you had referred to it. But of course, that does not address all the documents. I am just saying that with regard to at least only one. I think it is a fair point, Ms Sello.

ADV SELLO SC: Indeed, Chair. And Mr, no, Commissioner Mkhwanazi had raised some concerns and we
20 explained that much as we endeavoured to give, it is the exhibit file that he complains of, timeously, it is not always possible because it is a choice of either giving him everything we have got or selecting based on his statement and supplementary statement and to extract only the documents that we will be relying on. But we did take the

point that documents given late will, of course, place witnesses in a difficult position. So I am not addressing that point. I think there is validity to that. And he and I discussed this matter in private in the consultation.

The second leg of it are documents that are produced as we sit here and I think, as he complains, both of them, the Chair is correct, the first was a statement he provided to Mr Magagula that I indicated was not part of the docket, which is TLM3, before us. And we sourced that
10 document during the course of hearing and we made it available. Similarly, today, he speaks of what Constable McKenzie said in his second statement, which also is not part of the docket. And as I distributed it here, I said, we sourced this document as well, now, today, during tea, and we are providing it.

And if he is seeing it for the first time, it is on that basis, I said, it is short and we can read it together in its entirety, precisely appreciating because he might be seeing it for the first time. So ...[intervenes].

20 **COMMISSIONER MKHWANAZI:** Chair, may I raise something?

CHAIRPERSON: No, no, please let us wait. I will come to you. I will come to you.

CHAIRPERSON: The idea was to the extent that, in fact, he, Commissioner Mkhwanazi, spoke of Constable

McKenzie's statement as supporting his contention that Deputy Director Maseko was in the vehicle, and it was on that basis we had to source the actual statement to see what it said and this is the statement that we provide.

So, as and when testimony is provided, sometimes it does become necessary to source additional information, either to prove or to discount a fact and we cannot guarantee that the exhibit file we give is complete and will never grow. It is dictated to by what transpires before
10 yourselves in this Commission. Thank you, Chair.

CHAIRPERSON: Thank you. Yes, Commissioner?

COMMISSIONER MKHWANAZI: Chair, I am dealing with legal fundi's here, you see. My argument is limited. I sometimes need time to consult friends because the lawyers are charging, you see, who understand these things. But I am told that you always check documents before testimonies. It is a procedure, you see. If it is not there on time, you postpone or you refer, you shift it and come back and ...[indistinct]. It is part of the fairness part.

20 That is what I am told. You will correct me, you see. And when he raises issues, he raises them illegally, so. And I am being, as I have said that I am being neutralized. When I am trying to challenge, I am being neutralized by Commissioner Baloyi, simplifying it for me, simplifying it for me. Yes, it is simplified and so that I

understand. But deep down, I am saying, hey, but this is not unfair, this is not unfair.

I am protesting deep down in my heart that if I consulted, I was going to be fine, because there are findings here, Chair. This Commission is going to make - I take this Commission very seriously. In fact, I am taking it like a court. Not like a court, it is a court here, and appointed by the State President, you see. And ...[intervenes].

10 **CHAIRPERSON**: It is not a court. Please, I am just saying it is not a court.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: Please continue, please continue.

COMMISSIONER MKHWANAZI: Oh. Yes, I have said ...[indistinct] limitations.

CHAIRPERSON: And Commissioner Baloyi just whispered, what has this got to do with me, with her, with her that is. Please continue.

20 **COMMISSIONER MKHWANAZI**: I am raising that, Chair, you see, because I am expected to answer, finalize, answer, and you see. And sometimes I feel here, I am incriminating myself. I am incriminating myself. I am incriminating. But I respect the Commission, I respect the time, I respect Chair and I am getting dealt with and I am being neutralized. I end up agreeing, yes, yes, but deep

down, I am saying, I will ask if the findings, how do I contest this, because I could not do this. I do not blame the Commission that I do not have money to pay lawyers, you see, but at least I have been given time, so that I peruse and say, expect that there will be this and this. It does not happen, and I am saying it must be fair, because with us, when I am saying the other, the evidence leaders, when they say, oh, let me ...[indistinct] not put it, the secretaries of the Commission, they do not play with us.

10 That we are, you cannot see, they may say, you may give me time and say, there was that, relax, but that side, when they send documents, they do not talk the same language, you see. From operation, immediately after operation, they will tell you after three days or four days, you must consult ...[indistinct] we are giving you time to consult.

 See, even I had to buy reading glasses from Clicks, they are giving me challenges. After two, three hours I am struggling, that is why yesterday I requested to put some,
20 you see. But I am requesting that the fairness, the pressure that you are putting on the other side, let us balance it so that there will be fairness in what - I am not coming up with issues, Chair ...[intervenes].

CHAIRPERSON: Yes, yes.

COMMISSIONER MKHWANAZI: But, and I am learning

during this process I have said, you see.

CHAIRPERSON: Thank you.

COMMISSIONER MKHWANAZI: Please, Chair.

CHAIRPERSON: Thank you, thank you, Commissioner. All attempts are being made to be as fair as possible to all witnesses before the Commission, but I would imagine we will never reach a stage where a witness is 100% comfortable, but to the extent possible, all attempts are made to be as fair as possible to all witnesses. Thank you,
10 thank you very much.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Yes.

ADV SELLO SC: And perhaps before we move off this topic entirely, Commissioner Mkhwanazi, Commissioner Khumalo had asked you about the people in the vehicle with you because Constable McKenzie identifies only one and you maintain there were three, right?

COMMISSIONER MKHWANAZI: Yes, yes, there were three yes.

20 **ADV SELLO SC**: Yes, so I just wanted, for the record, your statement, your February 26th statement, which is the document we handed in yesterday.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: All right, CJC168, identifies in the last paragraph, you do not have to go there, unless you have it

with you immediately.

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: And it says the penultimate paragraph:

“We then proceeded back to the City after his briefing because of my afternoon meetings driven by Officer Yende Jackson Jabulani.”

That is the person ...[intervenes].

COMMISSIONER MKHWANAZI: Yes.

10 **ADV SELLO SC:** The third person. And you say this is an EMPD member?

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: And we should be able to ...[intervenes].

COMMISSIONER MKHWANAZI: Yes, Chair.

ADV SELLO SC: Okay, I just wanted to clarify that. Thank you.

COMMISSIONER MKHWANAZI: Yes, Chair.

ADV SELLO SC: Commissioners, unless there are other questions, I would like to move off this topic to the next
20 one.

ADV KHUMALO SC: It is not a question.

ADV SELLO SC: Yes.

ADV KHUMALO SC: The complainant, I noticed that there were two statements from the complainant.

ADV SELLO SC: Yes.

ADV KHUMALO SC: The other one is on 349 of the same Magagula. It is shorter, but I do not think there is anything ...[intervenes].

ADV SELLO SC: In fact, there are three, Commissioner Khumalo. The first is a 31. There is a 3161 and there is 311 and what you are looking at is the last one, the handwritten one from 349.

COMMISSIONER MKHWANAZI: Chair, I am requesting whilst they are still checking something to ...[incomplete].

10 **ADV SELLO SC:** Okay.

CHAIRPERSON: Let us adjourn. We will come back shortly.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: I was ...[intervenes]

ADV KHUMALO SC: You had clarified, I am sorted.

ADV SELLO SC: Oh, the three statements?

ADV KHUMALO SC: Yes, I am sorted.

20 **ADV SELLO SC:** Perhaps, can we then just state, because you had raised this for the record, it would be incomplete because then Commissioner Mkhwanazi then immediately asked to take a trip down the passage. The first statement is at page 311. It is dated 25-05-2023. The second state, and it is got annexures there including the value of the stones.

The second one appears at page 316, dated 28-03-2023. Both are typed. Then at page 348, which is a statement made at Hillbrow under case number 79703-2023, is a handwritten statement dated 28 March 2023. Just for the record, thank you. But you say you are a clarified Commissioner. Thank you.

COMMISSIONER MKHWANAZI: Commissioner, you have already assisted me. Are you saying the complainant is having three different statements? The complainant of
10 stones?

ADV KHUMALO SC: Yes, Mr Peter Prinsloo.

COMMISSIONER MKHWANAZI: Commissioner, you will advise me again. Are we allowed to take this document when I am sitting alone?

ADV SELLO SC: Commissioner Mkhwanazi, may I apologise? May I apologise?

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: You suggested that Commissioner Khumalo said Mr Prinsloo has got three different
20 statements.

COMMISSIONER MKHWANAZI: No, he was asking you.

ADV SELLO SC: They are not different. They address differently. That is what I wanted to clarify.

COMMISSIONER MKHWANAZI: Oh, thank you.

ADV SELLO SC: That you do not understand that he keeps

changing his story in the various statements. But then having cautioned you that way, you can then make your point. I just wanted to bring that to your attention.

COMMISSIONER MKHWANAZI: I thought I may have been saying something. I am amazing myself. Commissioner, I am not sure. Are we allowed to go take, just to look and peruse this? Some of us will take time to ...[intervenes]

CHAIRPERSON: Look at the three statements and peruse them. Is that what you are asking?

10 **COMMISSIONER MKHWANAZI:** No, I am saying the documents that are before the Commission or the files.

CHAIRPERSON: Yes, yes, yes. Why not?

COMMISSIONER MKHWANAZI: I know that it is on media, it is everywhere. But I do not have capacity to produce such.

CHAIRPERSON: Is everything redacted? Or perhaps please assist us with this request, Ms Sello?

ADV SELLO SC: I think if Commissioner Mkhwanazi is asking specifically for these three statements.

20 **CHAIRPERSON:** I think he is talking about the whole file.

COMMISSIONER MKHWANAZI: Yes, yes, Commissioner.

ADV SELLO SC: I do not know. What we did not do was to give him the full Magagula file.

COMMISSIONER MKHWANAZI: Commissioner, let me correct. I am talking about files.

CHAIRPERSON: May we leave this for discussion and then we may pronounce if it becomes necessary. May we leave it for discussion between you, Commissioner, and Ms Sello?

ADV SELLO SC: Indeed so.

CHAIRPERSON: And then perhaps you may come back to us and ask Ms Sello and you, Commissioner, come back to us on what you ...[intervenes]

ADV SELLO SC: We shall do so, Chair. But just to point out, when we create an exhibit file for a witness, we extract
10 those documents as are relevant to the witness.

CHAIRPERSON: Yes.

ADV SELLO SC: Now, up until February 2026, Commissioner Mkhwanazi was not on the scene. Now, after February 2026, we know on his version he was at the scene, except that he was in the car outside. The rest of the documents address what transpired inside the flat.

COMMISSIONER MKHWANAZI: No, Commissioner.

ADV SELLO SC: And these are ...[intervenes]

COMMISSIONER MKHWANAZI: No, it does not get me. I
20 am saying, since from first appearance, all those files.

CHAIRPERSON: Yes, perhaps let us just leave it for discussion between the two of you, Ms Sello. And who knows, you may find each other on whatever basis. Let us leave it, please. Let us leave it. Let us leave it, Ms Sello, for now.

ADV SELLO SC: We shall pick it up during lunch and see what we can report back to you after lunch. Thank you.

CHAIRPERSON: And I can see both faces are not happy, but I think that is the best in terms of practicalities.

ADV SELLO SC: Thank you, Chair.

ADV BALOYI SC: Maybe before you leave the topic, this topic you were discussing, Commissioner, when you went to the apartment, not inside the apartment, but when you went there with Mr Maseko, Commissioner, Inspector Maseko.

10 **COMMISSIONER MKHWANAZI:** Deputy Director.

ADV BALOYI SC: Yes, when you went to the scene, why were you going there? What was the purpose of you going there?

COMMISSIONER MKHWANAZI: I wanted to find out, did they get that suspect, what is happening?

ADV BALOYI SC: Yes.

COMMISSIONER MKHWANAZI: I wanted to get the development per se, but to find out they were still busy, I could not get something tangible.

20 **ADV BALOYI SC:** Well, Mr MacKenzie came to you. We know that he came to your vehicle.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: What did he say to you?

COMMISSIONER MKHWANAZI: They are still busy interrogating or interviewing the extreme person.

ADV BALOYI SC: Yes.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: He must have told you that they found the rocks in there. He must have given you a full report. It cannot be - I cannot imagine that all that happened. You drove all the way, you parked, he comes out and all he says to you is, we are still interrogating, and then they left, and then you left.

COMMISSIONER MKHWANAZI: I think at that time they
10 were still busy.

ADV BALOYI SC: He did not mention to you that we have found rocks in the house.

COMMISSIONER MKHWANAZI: No, no, he said they are still interrogating, but they found the suspect, or they found the person, then they are still busy. They confirmed that they found him, then they are still busy.

ADV BALOYI SC: Yes, when they gave you - and then later on, I think you say that same afternoon, they gave you a briefing, right?

20 **COMMISSIONER MKHWANAZI:** Yes.

ADV BALOYI SC: You had to leave the incident or the scene, because you say you had another appointment, and you then got a briefing from them in the afternoon. What did they say to you in that briefing?

COMMISSIONER MKHWANAZI: Remember I said, I called

them, it was telephonically, they confirmed that and they handed over to JMPD officer.

ADV BALOYI SC: What did they say, sorry, you say they handed over?

COMMISSIONER MKHWANAZI: To JMPD officer.

ADV BALOYI SC: What did they say they handed over to the JMPD officer?

COMMISSIONER MKHWANAZI: The stones, the stones, yes.

10 **ADV BALOYI SC:** So, they told you that they found ...[intervenes]

COMMISSIONER MKHWANAZI: Oh, sorry, Commissioner, sorry, Commissioner, let me listen to you.

ADV BALOYI SC: So, they told you that they found stones, that they removed and they handed over to the JMPD?

COMMISSIONER MKHWANAZI: You are correct.

ADV BALOYI SC: Okay, you did not ask who of JMPD did they hand over to?

20 **COMMISSIONER MKHWANAZI:** No, no, no, they said they did 299. No, I did not ask, they did not answer, I did not ask.

ADV BALOYI SC: You did not ask them where their record is of what they handed over for purposes of the EMPD, because the EMPD must have a record of what your officers found, what they removed and what they handed over. You

did not ask for any of that.

COMMISSIONER MKHWANAZI: I did not ask because I know that Kersha records, as I have said that Kersha records each and everything. Yes, I know that Kersha, in terms of admin, she does, then she submits it to all of the units, they do not submit to me, they submit to our admin, the admin consolidates the mandolins to me.

ADV BALOYI SC: Sorry, you say she records what, in her pocketbook?

10 **COMMISSIONER MKHWANAZI:** No, it is in her pocketbooks.

ADV BALOYI SC: So, she records where?

COMMISSIONER MKHWANAZI: In their own books, they are having books, they buy books, that is how we operate, they do not have OB, but she records in books and everything. That is why I am saying when I answered I said the document that she is talking about, the documents were all ...[intervenes]

20 **ADV BALOYI SC:** No, you said in your statement they reported to you that they handed over the paperwork to the other team. Remember that is what you said in the supplementary statement.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV BALOYI SC: Now what I am asking is you did not ask for a copy of that paperwork for purposes of the EMPD, so

that the EMPD, you their superior, who was also involved in this operation, but the EMPD as a department has the same copy of what they say they gave to JMPD, the paperwork. You did not ask for that.

COMMISSIONER MKHWANAZI: No, they do not hand over any papers to us. What we only get is the reports. It is the reports, unless there is a lawsuit, unless there is something, that is where you start. But they do not hand over. Remember I have got many units, many precincts. I

10 cannot behave in all the papers.

ADV BALOYI SC: So if they are dishonest, as we now know they were dishonest because stones were found in Constable MacKenzie's vehicle, if they are dishonest or they were being dishonest, as I say they were, when they say everything was handed over to their other team, you are saying the EMPD and you have no way of knowing that they were being dishonest about it.

COMMISSIONER MKHWANAZI: May I answer? Can you repeat your question? It is just that I wanted to answer something, and I will answer something that is not correct.

20

ADV BALOYI SC: I am saying to you, we now know that when Stols, MacKenzie, and Van der Walt say in their statements everything was handed over to JMPD, we now know it is not true because Mr Magagula says in the motor vehicle of Mr MacKenzie we found sugar light stones, right?

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: That is what Mr Magagula says. When he was arrested, I searched his car and I found these stones, and these stones are now worth R40 000. What I am saying to you is because you do not have any records, there is no copy in the EMPD, and because you did not ask for a copy for the EMPD of what they say was handed over as the paperwork, you do not have pictures of what is being handed over to JMPD, you have no record whatsoever
10 whether anything was handed over to JMPD, you do not know when they are lying to you. When they say we handed over, because you have no record, you do not know that that is a lie.

COMMISSIONER MKHWANAZI: It is true. But Commissioner Baloyi, I received a notification from the city while I am on suspension that there is a disciplinary hearing about the same matter and other matters for MacKenzie. Then I will be called and other witnesses will be called on the same matter. All relevant documentation. In fact, they
20 have notified everyone in the city, all the people that have been mentioned, and Magagula too. They will be called. I know that there are dates, just that I do not have them. But I received a notification, a formal notification about the same matter.

ADV BALOYI SC: I am not at the disciplinary hearing

stage. I am at the stage where you were in an operation, and you accepted yesterday that you were part of this, which was happening there, right? You arrived there.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: So, I am still at the stage where you are at this operation. Stones are taken. We know they were taken, because some were found in MacKenzie's vehicle, and the owner of those stones has laid a criminal charge and is suing the city.

10 **COMMISSIONER MKHWANAZI:** Yes.

ADV BALOYI SC: So, we know something was removed. Then you have your officials, Stols and MacKenzie, who in their statements say, we handed these stones over to JMPD. That is what they say in their statements.

COMMISSIONER MKHWANAZI: Yes, correct.

ADV BALOYI SC: You did not verify for yourself that that is true. The stones removed by the two of them were handed over to JMPD. You have no record whatsoever of that.

20 **COMMISSIONER MKHWANAZI:** Yes.

ADV BALOYI SC: So, they lied. That is what I am putting to you. They lied to say the stones were given to JMPD. They lied because we know that they were found in MacKenzie's car. Some of them were found in MacKenzie's vehicle. They lied, and you just accepted on the face of it

when they told you we gave them to JMPD. You did not say, I need a record of that, because there might be an issue on someday where the stones ended. Somehow, conveniently, you do not say, I need to have a record. In fact, not I need to have a record. You say, I was part of the operation. We must have a record that we have given this to the JMPD. You do not do any of that.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: You did not do that.

10 **COMMISSIONER MKHWANAZI**: No, no, I did not do it.

ADV BALOYI SC: You did not think it was necessary or important, in fact, to do that.

COMMISSIONER MKHWANAZI: No, the procedure that we are doing is that we receive all the monthly reports and feedback for each and every operation, and we record them.

ADV BALOYI SC: I am speaking about the day of the operation. You are at an operation. You are part of it. Stones are removed from it. You tell us, well, I had already left the scene when the stones were removed. I did not see
20 any of it. And I am talking about that day. You are the senior on the scene. You are the director. You know that these people have come here. In fact, that is why you are there. You are there because you know that there is a search for stones. That is why you are there, right?

COMMISSIONER MKHWANAZI: Yes, correct.

ADV BALOYI SC: Your people report to you that we gave those stones to JMPD. If you had already left the scene, that is what they tell you later on. We gave them to the JMPD. You do not say, hey, I was head of this operation. I was in the operation. I need evidence that these stones were indeed delivered to JMPD. You do not call JMPD. You do not call Maseko. You are done with it. And there is absolutely no record that you can give us and say, yes, I know they did hand them over to JMPD, and you do not ask
10 for it. That is my concern that I am raising with you.

COMMISSIONER MKHWANAZI: I just made the phone call, and with this understanding that you are saying no, you are asking with this one, you see, without going to get when the feedback is being submitted. Let me be honest to you, Commissioner.

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

ADV SELLO SC: Thank you, Commissioner Baloyi. I know I said I was leaving this, but it struck me. I do not know if it will be necessary for you to pull out the - let me start here.
20 Are you aware that Mr Prinsloo has laid a civil claim against the Ekurhuleni Municipality?

COMMISSIONER MKHWANAZI: I am aware.

ADV SELLO SC: Wherein he is demanding a payment of R45 million arising from this exercise.

COMMISSIONER MKHWANAZI: No, I am not aware about

the amount. But I am aware that there is this particular matter.

ADV SELLO SC: Okay, if you could just ...[intervenes]

COMMISSIONER MKHWANAZI: Even though it does not come from money to me.

ADV SELLO SC: Yes, if you could just pull out the Mapiyeye, annexure file. Chief Mapiyeye testified to this. And JM24, starting at page 112. Have you located it?

COMMISSIONER MKHWANAZI: Yes.

10 **ADV SELLO SC:** Now, as you will see from page 112, it states that:

“This is a notice in terms of section 3 of the Institution of Legal Proceedings Against Certain Organs of State, Act 40 of 2002.”

Now, this is what was served on the Ekurhuleni Municipality. Chief Mapiyeye testified that - before we get there, if we go to page 114. So, you have not seen - probably you have not seen this document, at least not from
20 us. I will just give you a structure of it. Paragraphs 1, they explain who the complainant is. And paragraph 2 records their intention to institute a formal claim. So now we get to paragraph 3, which sets out the narrative of what transpired on the day. I am just looking at paragraph 3.1. It reads:

“On about the date, 11 February, three

individuals, two of them in Ekurhuleni Metropolitan Department uniform, arrived at the residence of our client in Killarney, Johannesburg.”

What I am interested in is the next sentence:

“Our client later learned that the two EMPD members are Constable Kersha Leigh Stolz and Constable MacKenzie.”

You see that?

10 **COMMISSIONER MKHWANAZI**: Yes.

ADV SELLO SC: And these are your members within Specialised Services, correct?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Then at 3.6, it states that they took 54 kilogrammes worth of these stones. And then if we go over leaflet 115, that is where he confirms that he got - he, their client, obtained access to the evidence bag containing the stones by members of SAPS, alternatively IPID, and those are the R40 000 stones, the value of 40 000 that we spoke
20 about earlier. Now, just to give you a brief background around this claim and its basis.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Now, if you go back to 112, when - page 112. When Chief Mapiyeye testified, he indicated that this was served on the municipality. And if you see, there is a

stamp there under Ekurhuleni Metropolitan Police Department of the 15th of August 2023, city of Ekurhuleni. He testified that that stamp is one held by the PA to the municipal manager.

That is what he stated, right? He then testified that he brought this matter to the attention of the city manager, Dr Mashazi, at the time, who, having perused it, rejected it and called it an attempt to smear Commissioner Mkhwanazi's name. You were not part of that discussion, 10 so I am informing you what he testified to. And he testified that Doctor Mashazi insisted that, clearly, Julius had nothing to do with this operation and, therefore, with this complaint.

That is what Chief Mapiyeye says, Doctor Mashazi. That was Doctor Mashazi's response to him in a meeting between the two. What I am saying to you is to the extent that Doctor Mashazi would have said that Doctor Mashazi is wrong. Because, firstly, she would have learned from this document that members of your unit, Kersha Leigh Stols 20 and MacKenzie, were involved, are part of this complaint. That is what the document says. And that you, at least as their commander, ought to be engaged, if anything, to investigate the matter.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: So, she was wrong to reject outright your

involvement. And today we know that she was doubly wrong because, perhaps at the time, she did not know that this was your operation, having been initiated by you in conjunction with Gauteng, and that you personally had tasked these two members. She probably did not know that at the time. But rejecting it outright meant that she did not allow herself to get the full picture of what transpired. Would you accept that?

COMMISSIONER MKHWANAZI: Yes, but I know that when
10 the internal investigations were formally informed. But the process has started anyway.

ADV SELLO SC: Okay, thank you. Thank you. Then I think I am, let us move from this subject because we are going to run into time problems. And I do not think that the Chair will be quite impressed by a notion of sitting here till 11 pm. So, we are going to have to move double time. I would like us to, in fact, please do not take the Mapiyeye file away because what I need is in another file. My note refers to another file, but then seeing as it is already before
20 us, I will find the same documents here in Mapiyeye. Now, unless I spoke too soon, I might have. So may we close Mapiyeye and then we will pull up Spies, Spies annexure file. Thank you. Thank you.

COMMISSIONER MKHWANAZI: I close this. It is disturbing me.

ADV SELLO SC: If we have located that file, you remember you – okay, perhaps let us go to Annexure's RS10 and RS11 of Spies. Please hang on a second, Commissioner Mkhwanazi. No, no, no.

CHAIRPERSON: Please speak for yourself, Commissioner Mkhwanazi.

ADV SELLO SC: Unless on the previous subject there is something that Commissioner Baloyi wanted, we are turning our attention to the next topic and for that purpose I ask
10 that you draw out the Spies file and then you can put away the Magagula file. So, what we will have now is the Spies file and the exhibit file. Now, in the Spies file I would like us to please turn to RS10 and RS11, which you will find at pages 25 and 32 respectively. Now, you will recall that we have dealt with these two documents, Commissioner Mkhwanazi.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: These are the memoranda of agreement that, I do not know if I am correct to say were initiated by
20 you or you were a part of sometime during 2021, in terms of which an association, a formal association was sought between EMPD and Medicare 24 on the one hand, and in the second one at RS11, Ekurhuleni EMPD and CAT VIP Protection. You remember these?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And when we parted in December, I think, 25, the general understanding is that these agreements were never given effect to because they were never approved within the municipality.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And neither were they approved within EMPD.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: So, we accepted that. Is it correct to
10 conclude that notwithstanding that state of affairs, that they were never approved, that you gave effect to what they sought to achieve? Did you? In any manner or form?

COMMISSIONER MKHWANAZI: It is correct. I even said when the Commission was asking that I fully agree, I take responsibility. I saw that it was, in fact, I do not remember the correct words, but I admitted that we moved too fast trying to - I want the correct English. Sorry?

ADV KHUMALO SC: You implemented what is contained in the document.

20 **COMMISSIONER MKHWANAZI:** Yes, yes, I accepted that.

ADV SELLO SC: Oh, so you did accept that.

COMMISSIONER MKHWANAZI: Yes, I accepted that.

ADV SELLO SC: And, in fact, okay, let us, we can flip through them. We can start with the first at RS10, which is the memorandum between EMPD and Medicare 24/Anubis

Protection Services. How much of this agreement have you implemented? Can you give us a brief sense of what did you implement arising from this agreement, notwithstanding the fact that it was never approved?

COMMISSIONER MKHWANAZI: Even though I will not remember anything, because it was 2021, 2022.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes, it was this, they provided, Mike provided the COVID assistance, I will just
10 summarise, COVID assistance. There was the question of us, but it is different with the CAT, getting the cars.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Even though it was not concluded at that point, but that one, yes, there was part of this as them providing services, yes, as them providing services with other emergency services to the city. You see, there is this one that I did not touch, where we met with the chief and the politicians, MMC, not MEC. MMC, where we wanted to, it is just that it was not part of the
20 question, where we wanted to benchmark in the City of Cape Town of, what is this?

It is a place called the volunteers of the city. Oh, it is the agreement, I remember now, which I know that we are consistent on that, the agreement of private companies working with us, you see. And we wanted to, there is this

City of Cape Town, it is having, I do not know what we call this. We spoke about it yesterday. Let me say volunteers, I will find a better word.

ADV BALOYI SC: Are you thinking of public-private partnerships?

COMMISSIONER MKHWANAZI: No, it was a private partnership, but there is this way that we wanted to implement the reserve force, the reserve, the reserve force, because the City of Cape Town is taking it and it is working
10 smooth. We wanted to implement that with an engagement with the chief and the MMC, with some of the councillors. It was a very good idea, you see, that we are going to implement that.

There were some of the trainings that we started in terms of peace officer or volunteer, looking at what the City of Cape Town has done, benchmarking on that. There was a communication that we had, or the team that we had, you see, and I will always update the MMC about that. We were so excited that we decided to implement that. It was even
20 before the province of the traffic wardens.

In fact, it is more or less something like that, but on our side, we wanted to work with the city. We wanted to work with the security companies, so that at least we do not pay monies, at least they are organised. They will just assist where we want to assist, and we will have a close

cooperation, a close working relation, and there will be the peace officers that are there.

ADV SELLO SC: Thank you.

COMMISSIONER MKHWANAZI: There are many things. I know that they were coming in when I was asked before, even though I did not touch all of them, but there were many things that we wanted to implement. In fact, I felt that ...[intervenes]

CHAIRPERSON: I thought the question was not so much
10 about what the memorandum envisaged, but more about what was actually implemented.

COMMISSIONER MKHWANAZI: I am talking about that.

CHAIRPERSON: Okay.

COMMISSIONER MKHWANAZI: That is what I am saying.
Peace officers ...[intervenes]

CHAIRPERSON: No, do not start again. Thank you.

COMMISSIONER MKHWANAZI: That is what I am talking
about. I think that - what is the other thing? Officers
attending treatments, for free treatments, at the Medicare
20 24, many hospitals or clinics in Boksburg. And I have
accepted that we did that. I do not know, I do not
remember. Last time I said, after Commissioner Baloyi
again I know that it was not part of the question. After
Commissioner Baloyi said, do you think a private company
can just come and willingly give, not expect anything in

terms of publicity? He said, no. Many things, cars and what not. And I ended up saying, no, I accept that. You will assist me ...[intervenes]

ADV SELLO SC: Indeed, indeed. If you need to be reminded to the extent that I can, I am happy to assist. Now, I would like us to go to Annexure RS10, and that is the - I will call it the draft MOU with Medicare 24 and Anubis Protection Services. And in particular, I would like you to go to page 30. Three zero. Now, you will recall
10 when we dealt with these documents last time, we considered what each party - what the document anticipated each party will do.

At page 30, it reflects the responsibilities of Ekurhuleni. For the purpose of our conversation now, I am interested in the last bullet point, and we did discuss this matter. And I do remember you vehemently denied it, so I will place that on record before I pose my question. The last paragraph stipulates that:

20 “EMPD will assist with registration of vehicles under EMPD as official vehicles, and we will be permitted to use blue and red lights to respond for and on behalf of EMPD.”

Do you see that?

COMMISSIONER MKHWANAZI: It is paragraph 4.

ADV SELLO SC: The fourth bullet point.

COMMISSIONER MKHWANAZI: Where it is collaboration on providing outreach.

ADV SELLO SC: Say that again.

COMMISSIONER MKHWANAZI: One, two, three, four ...[intervenes]

ADV SELLO SC: Oh, sorry. I am the one who caused confusion. My apologies.

COMMISSIONER MKHWANAZI: EMPD will assist in
10 registration of vehicles.

ADV SELLO SC: Yes, and will be permitted to use blue and red lights to respond on behalf of EMPD. You see that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: OK, now you were – and I think you did testify to this last time. You were in consistent communication with Mr Van Wyk around these MOUs. Is that correct?

COMMISSIONER MKHWANAZI: You are correct.

ADV SELLO SC: And you discussed the matter of their
20 vehicles being permitted to use blue and red lights. You discussed the matter with him.

COMMISSIONER MKHWANAZI: Yes, that is why I clarified that in terms of emergency vehicles in registered institutions. We do not use ambulances or healthcare emergency vehicles. Yes, I remember that. I remember

that, yes.

ADV SELLO SC: And I would like to play a recording of a message to you from Mr Van Wyk on this matter, and then we can discuss it. We can discuss what he says.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Okay, thank you.

[AUDIO CLIP PLAYED BACK]

10 “Hi, Julius. Sorry to bother you. I need to know something. I bought myself a new bakkie because my other bakkie is done now. So, they are branding it for me and everything. Would I be able to put blue and red lights in? It will only be ready on Friday. But I do not want to drive with something and then I get arrested for impersonating a police officer. And then I need to register it just on the fleet. And then just tell me the signs. Can we put EMPD at the back of
20 the bakkie? Will you find out for me, please? I really appreciate it. Thank you.”

Okay, just to confirm one thing before I deal with that. If you go to page 36, there is a telephone number, cell phone number reflected there in the first message. I am not going

to call out the number.

COMMISSIONER MKHWANAZI: Page?

ADV SELLO SC: 36. Sorry, exhibit bundle. Exhibit bundle. My apologies. I forgot to say that. 36 of exhibit bundle. I am referring you to page 36 because these are WhatsApp chats extracted. The first number appearing there, is that your number? Will you confirm that is your number?

COMMISSIONER MKHWANAZI: Yes.

10 **ADV SELLO SC:** That is your number. Okay, so, the message I just played was to that telephone number, which is your number.

ADV BALOYI SC: Maybe, Ms Sello, for the record, you say they are extracted from whose device?

ADV SELLO SC: They are extracted from Mr Van Wyk's device.

ADV BALOYI SC: Okay, thank you.

ADV SELLO SC: That is correct. So, are you - Commissioner Mkhwanazi?

20 **COMMISSIONER MKHWANAZI:** Yes, yes, yes, it is my number.

ADV SELLO SC: It is your number. All right, so, he sent that voice message to that number, which you say is yours. And he specifically asked whether he could use the lights as described, you remember, in RS10, blue and red lights,

and to use markings, EMPD markings. That was his specific question. Did you respond to him and how did you advise him?

COMMISSIONER MKHWANAZI: I may not remember. I may not remember. I do not remember. But according to me, I know that blue, red lights and red lights are not for health care, are not for police. It is health care.

ADV SELLO SC: So, you do not remember. Is it fair to assume that you would have told him, absolutely not, you cannot use those lights because you are correct, you will be
10 seen to be impersonating a police officer?

COMMISSIONER MKHWANAZI: Was it answered according to his record? Because I do not see the response.

ADV BALOYI SC: If you look at the next chat, it is you, it seems to be you saying, hi, Mike, do you see where I am reading? And maybe just for completeness, and Ms Sello, you can confirm this, the ...[intervenes]

COMMISSIONER MKHWANAZI: Commissioner?

20 **ADV BALOYI SC:** Yes, for completeness ...[intervenes]

COMMISSIONER MKHWANAZI: We tie these two?

ADV BALOYI SC: Okay, that is what I was going to do. So, the clip that Ms Sello says to you, that it is that message that we have just listened to from Mike ...[intervenes]

ADV SELLO SC: Commissioner Baloyi, if I may, I do beg your pardon. No, I was referencing page 36, just to identify the telephone number. It was just strictly for purposes of identifying the telephone number. And to have Mr Mkhwanazi confirm that the number appearing in the first entry at page 36 is indeed his number. And the point I was making is the message I played was sent by Mr Van Wyk to that number which now Commissioner Mkhwanazi has confirmed is his telephone number.

10 **ADV BALOYI SC:** Okay, maybe then let me let you carry on the way you were planning, because he had already said - I was dealing with him saying he did not respond. He is not sure if he responded.

ADV SELLO SC: Indeed. When I referred you to page 36, I just wanted us to place on record your cell phone number.

COMMISSIONER MKHWANAZI: Yes, you are correct.

ADV SELLO SC: And you confirmed.

COMMISSIONER MKHWANAZI: Yes.

20 **ADV SELLO SC:** So, I said that recording is extracted from Mr Van Wyk's device. And this is a message he sent to that number. And indeed, when it starts, it says, hey, Julius. So, it confirms that it is a message to you.

COMMISSIONER MKHWANAZI: That is my numbers.

ADV SELLO SC: Yes, so, my question then was, having heard that recording, whether you responded to that

message, and you advised Mr Van Wyk, and if so, how, in light of the fact that he was requesting you advise whether he is permitted to use those lights, the blue and red lights as contemplated in that memorandum of understanding that was never given effect to, together with EMPD insignia. I wanted to find out whether you responded to him, and what advice did you give him? Your response was you do not recall if you did.

COMMISSIONER MKHWANAZI: No, I do not recall, but red
10 and blue are not for EMPD.

ADV SELLO SC: Now, my next question then was ...[intervenes]

ADV BALOYI SC: Before you go to your next question, he had asked for the dates, because he cannot see it. So maybe for the record, give him the time stamps of the call from Van Wyk. Because he says he cannot see it, and he wanted them to be read out to him.

ADV SELLO SC: Perhaps please leave page 36. I went to page 36 purely for purposes of identifying the telephone
20 number. As to when specifically, this recording was shared with him, or sent to him, by Mr Van Wyk, that is another page. I went to page 36 purely to identify the cell phone number. So, when he says he does not see it, I do not expect it to be on this page.

I am not suggesting it is on this page. So, during

the lunch break, perhaps I can talk to Commissioner Mkhwanazi about where that particular, the date that particular message was sent, voice note was sent to him. Do not confuse yourself with the content of page 36. I wanted page 36 because it reflects a cell phone number. And I wanted to confirm that it is your cell phone number.

COMMISSIONER MKHWANAZI: Okay.

CHAIRPERSON: You do follow that, Commissioner.

COMMISSIONER MKHWANAZI: Yes, Commissioner.

10 **CHAIRPERSON:** Okay.

ADV SELLO SC: I see the time.

CHAIRPERSON: Yes, Ms Sello. Please, do not forget to engage on the documents, the issue that the Commissioner made a request about.

ADV SELLO SC: We shall.

CHAIRPERSON: Thank you. Thank you. Let us adjourn and resume at 5 past 2.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **CHAIRPERSON:** Yes, Ms Sello.

ADV SELLO SC: Thank you, Chair. Before we continue, I believe we have an update on what the Chair had instructed that Commissioner Mkhwanazi and I attend to. I confirmed that Commissioner Mkhwanazi and I conferred regarding the issue of documents. And he indicated that some of the

documents he would have liked to have received arise from Ms Masuku and Mr Magagula's annexures.

And these are documents that are found in the actual dockets of the investigations. I explained to Commissioner Mkhwanazi the principle that the Commission applies, which is a full disclosure by investigators of the matters they are working on to the Commission is strictly on the basis that it is for the Commission to enable the Commission to discharge its function.

10 Normally, third parties would not be entitled to the contents of that docket. So, we maintain that approach, and to the extent that they are able to access it, the normal course of law would follow, which is when they are an accused person at some point, lawfully they will be entitled to access the full docket. What we do, for purposes of preparing a witness, is to extract from such dockets documents that are relevant to the particular witness, and first we must confirm with the investigator that in so doing, we are not compromising the investigations.

20 So, we become very limited in terms of what we can disclose. Commissioner Mkhwanazi accepts that so far, what we have disclosed, if the basis is relevant, that we have disclosed to him, from those dockets, what is relevant to him and his testimony before this Commission. He would have wanted to see the entire docket. I have explained the

challenges that he is not entitled to the full docket, and I think we have reached an agreement that he cannot demand the full docket. He could confirm if I misunderstood him, or if I misquoted him.

CHAIRPERSON: Thank you, Ms Sello. Yes, Commissioner, do you confirm?

COMMISSIONER MKHWANAZI: Yes, thank you, Commissioner, I confirm and also agree that where I have challenges, I will communicate, he will guide, and this one
10 you cannot, I confirm that, Chair.

CHAIRPERSON: If there are issues that you still want to raise, you will communicate, and you have agreed on that as well.

COMMISSIONER MKHWANAZI: Yes, Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: And I will confirm that we have confirmed our availability to assist where we can, but that availability itself is subject to limitations that there may be. So should he ask for a document that he is not permitted to have, we
20 will respond accordingly and he will accept our response.

CHAIRPERSON: All right, all right.

COMMISSIONER MKHWANAZI: Confirm, Chair.

CHAIRPERSON: Thank you.

ADV SELLO SC: Thank you, Chair.

CHAIRPERSON: Thank you very much for successfully

engaging in that exercise.

ADV SELLO SC: Thank you, Chair. Clearly, these matters need to go off record in order to be successfully engaged with. So, thank you.

CHAIRPERSON: Thank you. Thank you to both of you.

ADV SELLO SC: We were dealing before lunch with the memoranda of understanding, you recall, and that was Spies RS10 and RS11. You remember? I am trying to orientate us, yes.

10 **COMMISSIONER MKHWANAZI:** Yes.

ADV SELLO SC: Now, you did testify, I think just before lunch, when you explained to the Commissioners the extent to which you had already started implementing the memoranda of understanding, notwithstanding the fact that they were not approved. You spoke of a number of engagements and their provision of services. And you touched on the issue of peace officers, correct?

COMMISSIONER MKHWANAZI: Yes, peace officers.

20 **ADV SELLO SC:** Can you tell us more about what you did in that regard, what your thinking was? And I would like to start, perhaps, at your understanding of what a peace officer is and how one becomes a peace officer.

COMMISSIONER MKHWANAZI: What is the peace officer is the understanding. There is something that you mentioned before.

ADV SELLO SC: And how one becomes a peace officer.

COMMISSIONER MKHWANAZI: Thank you, Chair. Chair, on our understanding, I know when you say our understanding, we will ask is it in plural? But let me say my understanding, you see when we crafted this, as I have said, that we engaged the MMCs, some of the politicians, and we had a meeting with the Chief of Police, that we want to extend our personnel with some of the officers who are already recruited or working for security companies to
10 assist of becoming peace officers, working with different companies that will assist in terms of executing some of work which are limited to the powers of peace officer, which are not police officers. Police officer, it is the right to arrest with us. Executing of bylaws, a peace officer can execute bylaws of the city. With traffic, we are using traffic wardens, but we can also, where we are limited, just to control or allow traffic, maybe driving a funeral, it is over the weekend, we cannot pay overtime. But there are certain security companies within the area of ...[intervenes]

20 **CHAIRPERSON:** Is that describing what a peace officer is?

COMMISSIONER MKHWANAZI: Peace officer.

ADV SELLO SC: From my understanding, he had referenced peace officer.

CHAIRPERSON: Yes, yes. I just wanted to know if the

lengthy answer the Commissioner is giving is defining or describing a peace officer.

COMMISSIONER MKHWANAZI: She said from my understanding.

CHAIRPERSON: Okay, all right, all right, please continue, please continue.

COMMISSIONER MKHWANAZI: It is those powers where you will be assisted. In fact, the objective that we had is that they will be assisting us in those areas. Then the
10 peace officer, in terms of the city, we are training them, the individuals or the volunteers. We are training them. After training them, they are given a peace officer's card that they will be assisting, but it is limited in terms of the powers.

It is a civilian card. It is not Metro Police. They are two different. No, there are three with us. You see, you have got a traffic warden, you have got a Metro Police officer, a traffic warden, both of them are employees of the city. On this one, we wanted those that are employed. We
20 know that there are those that want to volunteer, want to become peace officers and assist. Some will drive around, you see. But we wanted in the concept of, I always forget, it is SAPS, the one that I mentioned earlier on.

ADV KHUMALO SC: Reservist?

COMMISSIONER MKHWANAZI: Reservist, yes. We

wanted it in that concept, you see. Because the city of Cape Town is serving reservists. It is the only city in the country. Then we wanted to be the first. That is an objective, you see. Then the training is that.

CHAIRPERSON: So, you are not able to neatly say, a peace officer is this and that and that full stop? Just a clear, concise definition.

COMMISSIONER MKHWANAZI: Yes, as I have said, a peace officer assists in terms of some are law enforcement.

10 **CHAIRPERSON**: No, no, no, no, no, no, I did not. Yes, I was not asking you to repeat.

ADV SELLO SC: Thank you, Chair.

COMMISSIONER MKHWANAZI: Let me check. How does one become, as I have said, that we train. We train people. It is like a crash. It is a course of one week. It is not a serious course, one week. It depends, in fact, on the instructor. They may do it in three days. Just give them a crash course of understanding. And understanding, bylaws of the city or some of the laws of the country, then it is
20 limited. It does not give you the exact powers. But it gives you the understanding.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: I think I have tried to cover.

ADV SELLO SC: Yes, thank you.

COMMISSIONER MKHWANAZI: Those that understand it better, those that are working in college, that train.

ADV SELLO SC: And I ask this because I wanted your understanding.

COMMISSIONER MKHWANAZI: Okay, thank you.

ADV SELLO SC: Right, and as you will have seen from the exhibit file, you, Commissioner Mkhwanazi, had lengthy conversations on WhatsApp *inter alia* I guess with Mr Van Wyk about issuing them with appointment cards. Is that the
10 same thing? Appointment cards as a peace officer, or is there a distinction?

COMMISSIONER MKHWANAZI: Lengthy discussions.

ADV SELLO SC: With Van Wyk?

COMMISSIONER MKHWANAZI: In my cell phone.

ADV SELLO SC: Yes, in your cell phone conversations with Mr Van Wyk.

COMMISSIONER MKHWANAZI: No, I did not have lengthy conversations. The only time I had a conversation was when we did the document. But on cell phone
20 conversations, I do not have lengthy conversations with Mike. I have said that Mike was not that close to me. I cannot have lengthy conversations.

ADV SELLO SC: We will get to that.

COMMISSIONER MKHWANAZI: Yes, please. So, you, let me restate it this way. You have had conversations with Mr

Van Wyk about appointment cards.

COMMISSIONER MKHWANAZI: Yes, yes, yes, yes.

ADV SELLO SC: Now, my question was, are those appointment cards relating to appointment as peace officer?

COMMISSIONER MKHWANAZI: Yes, yes, as peace officer.

ADV SELLO SC: And if I could ask us to go to page 67 of the bundle, that will be CJC144. And exhibit bundle. Have you located it, Commissioner Baloyi? CJC144. No,
10 CJC144, page 67.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you. Commissioner Mkhwanazi, you have located that exhibit?

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: Now, this is a card that reads specialised services for enquiries referred to EMPD Brigadier JD Mkhwanazi with a number. You see that?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: On the left-hand side is the logo for the
20 EMPD, if I see it correctly. And on the right is Anubis. Now, you recall that in the MOU, at Annexure RS10 of Spies's bundles, the party to that MOU was identified as Medicare 24 emergency medical services/Anubis Protection Services. You recall that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Now, this is a card that reflects sort of a joint venture or approval of joint operations under the names of both EMPD and Anubis. And it directs whoever is given the card to make any further enquiries to you. You produced that card, did you not?

COMMISSIONER MKHWANAZI: No.

ADV SELLO SC: Where does - who produced that card?

COMMISSIONER MKHWANAZI: I really do not know, because even the numbers here, I do not know these
10 numbers. I never had such, because in our workplace, you move with your number. When they allocate you the line number or telecom number, it is your number till you get or till you retire. An office number becomes office number. Our office numbers are not checked. I do not know this number.

ADV SELLO SC: Okay, then ...[intervenes]

COMMISSIONER MKHWANAZI: And we cannot produce this thing, because, let me say I do not know. I do not know this.

20 **ADV SELLO SC:** Then let us turn to page 69 of the same bundle. And at page 69 is communication between you, yourself and Mike Van Wyk. The first message at the top of that page of the 6th of December 2021 at 05:53, which, as you note, it indicates it has been read. That would be at the top right corner above the date. It reads:

“Good morning, Mike. Kindly prepare Gcwabe will be coming to finalise the issue of appointment cards today. I have already given him a clue.”

Do you see that? The first message.

COMMISSIONER MKHWANAZI: I see that.

ADV SELLO SC: Okay, what clue had you given to – let me start here who is Gcwabe? Let me start there.

COMMISSIONER MKHWANAZI: Gcwabe is a director of -
10 he was the director of training at that time. As I have said that when you - in terms of Peace Corps, it is them that are running trainings.

ADV SELLO SC: Director of training within EMPD.

COMMISSIONER MKHWANAZI: Yes, he was.

ADV SELLO SC: At the time. So, you are informing Mr Van Wyk that the director is coming to finalise the issue of appointment cards today, that day, which would be the 6th of December 2021. And you say that I have already given him a clue. Right? So, I want to know what- What
20 finalisation of appointment cards was Mr Gcwabe to do?

COMMISSIONER MKHWANAZI: I spoke about peace officer's cards. Not that - I do not know what that is. Not even part of us.

ADV SELLO SC: Okay, so, it was the peace officer cards.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: So, you were intending to issue to Mr Van Wyk peace officer cards?

COMMISSIONER MKHWANAZI: No, no, no. I had - if I remember very well - I will not remember everything because it is a long time. If I remember well, we had engagement of the programme of training for peace officers in terms of - as I have said, in terms of different people that were volunteering, want to be part - who want to become part of those engagements. After we met the MMC and they
10 said, no, no, no, push. I think that programme is going to take us somewhere.

ADV SELLO SC: Mr Mkhwanazi, it reads:

“Good morning, Mike. Kindly prepare.
Gcwabe will be coming to finalise the
issue of appointment cards.”

What were you talking about there? What was he to finalise?

COMMISSIONER MKHWANAZI: Peace officers. The issue of peace officer's cards and training. Because you cannot
20 get a peace officer card without undergoing as a volunteer training.

ADV SELLO SC: So, you are having this conversation with Mike Van Wyk. What were you intending, was my question, to issue such cards to Mr Van Wyk?

COMMISSIONER MKHWANAZI: No, I am saying Gcwabe, I

have said Gcwabe will be finalising.

ADV SELLO SC: I am still trying to understand what exactly he will be finalising.

COMMISSIONER MKHWANAZI: I am talking about peace card, peace officer's card.

ADV SELLO SC: What do you mean by he will be finalising? Perhaps let us take it from that point.

COMMISSIONER MKHWANAZI: They will be engaging, talking and finalising both of them about peace officer's
10 card. What about them?

ADV SELLO SC: What about the cards? What about the cards will they be finalising?

COMMISSIONER MKHWANAZI: As I have said that before we needed volunteers and before you become a volunteer, you must be trained. Gcwabe knows the programme, knows how does it turn and how to become. It is not part of my speciality.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: And I could not even
20 explain it better. Even I could say I cannot explain it better than the person who is running, who understands it better than I.

ADV SELLO SC: Okay.

ADV BALOYI SC: What was Mike Van Wyk's involvement or interest in the training of peace officers and the issuing

of peace officer cards? Why was he relevant to that?

COMMISSIONER MKHWANAZI: Yes, no, he was one of those that were volunteering. That no, no, I want to become one of those volunteers.

ADV SELLO SC: Your answer to Ms Sello is you were talking, Mike Van Wyk was going to be a volunteer. He was interested in being a volunteer peace officer.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: Thank you.

10 **ADV SELLO SC:** Thank you Commissioner Baloyi. So, Mike Van Wyk was going to get a card because he wanted to volunteer as a peace officer?

COMMISSIONER MKHWANAZI: All those that were going to volunteer, all those were going to ...[intervenes]

ADV SELLO SC: Let us say in Mike's outfit, how many people were to get these peace officer cards?

COMMISSIONER MKHWANAZI: I am not sure I cannot answer that.

20 **ADV SELLO SC:** More than what? More than Mike himself or just Mike?

COMMISSIONER MKHWANAZI: No, the volunteers. All that will be volunteering. That I employed by a registered security company.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: For that time, we wanted

to start with that because other volunteers, you are supposed to pay them. But those other volunteering, that will be agreeing that I am not going to get money, but I want to be part of - like the reservists in other institutions, like SAPS does not pay them, but they become the volunteers.

ADV SELLO SC: So now, what would be the value of a peace officer card in the hands of the holder of such a card? What would be the value? What does the card enable them to do, put differently?

10 **COMMISSIONER MKHWANAZI:** Yes, in terms of monitoring, in terms of bylaw when we are dumping, you see, can come and say and communicate and say, I am going to call an officer or the unit that does that. And the person, when they communicate with us as officers, that I will come and charge you in terms of, for example, you find people when they are in accident, they come and cause accident, they run away.

Peace officer will stop and say, wait, wait for an officer, communicate with a trained officer or an appointed
20 traffic warden or an officer. And in terms of this, I mentioned that Saturdays, as we were having similar challenges, where there are funerals and as they say, you cannot pay overtime for each and every one, you see.

But at least if you are having, like now, we are having text associations in different areas, since they are

more controlling traffic. It was going to assist again in stopping what is happening, where you are having people with reflectors that you do not know, where they wear reflectors and come and do traffic control. But it was going to assist us in terms of knowing that there is a volunteer, the name, ID number of that volunteer in that area.

ADV KHUMALO SC: Is the short answer not that it is an identity card for a peace officer? That is how they identify themselves to members of the public and to other Metro
10 officers. If you have that card, it is proof that you are a registered peace officer.

COMMISSIONER MKHWANAZI: And we know you, we can identify you.

ADV SELLO SC: Do you know that the issue of peace officers is regulated in terms of the Criminal Procedure Act, Act 51 of 1977? Are you aware of that?

COMMISSIONER MKHWANAZI: Yes, that is why I said Gcwabe would come and clarify, because it is them that were running training and everything. I do not have too
20 many details of that. That is why I was involved in training, because in our workplace or in our work environment, it is given to training. After that, they would come to us and say, we have got this number, we have got these people, now we can come and work with them.

ADV SELLO SC: Are you aware, and it is going to be

shown on the screen now, that section 1 of the Criminal Procedure Act defines a peace officer as one including a magistrate, justice, police official, and correctional services official. The definition is there on the screen. Are you aware of that?

COMMISSIONER MKHWANAZI: With us, it is different.

ADV SELLO SC: So, you do not comply with the Criminal Procedure Act?

COMMISSIONER MKHWANAZI: No, no, no. It was not the
10 same concept. It was not the same. Our concept, it was not the same, you see. As we have said that, like for example, let us have made an example, that like in the City of Cape Town, it is not magistrate, it is not police officer, it is not, what is this, prison warders. It is just members of community that are voluntary to become.

ADV SELLO SC: I guess what I am trying to communicate to you is that the concept of a peace officer is defined and determined by law, not by employees of EMPD. The law tells us who is a peace officer, and that is the definition I
20 gave you.

COMMISSIONER MKHWANAZI: Yes, but our objective was not for that. Because that, it means it is us. Yes, I am a peace officer, I say, not a police. But the powers that we identified and the responsibilities that we give them is for these ones of a civilian.

ADV SELLO SC: Now ...[intervenes]

COMMISSIONER MKHWANAZI: As I have said that it is the civilians that they volunteered.

ADV SELLO SC: Now, section 334 of the Criminal Procedure Act, it will be projected now, empowers only the minister to declare persons other than those included in the definition as peace officers. So, the minister gets to determine who becomes a peace officer. Over and above those persons identified in the definition, were you aware of
10 that?

COMMISSIONER MKHWANAZI: I am aware of this, but as I have said that, with us, it was not, as I have explained before that, it is not such powers. You see, that is why I said that we are pushing to benchmark with the City of Cape Town, where there are volunteers that are not even us. Because I am a peace officer, as I am saying. As we said that, we are peace officers, the Commissioners are peace officers. But our concept or our understanding was not on that level, that we give them those powers. We cannot give
20 those powers.

ADV SELLO SC: Indeed, because the Criminal Procedure Act tells us what powers they have. And I am going to remind you. A peace officer has the power, in terms of section 40 and section 41 of the Criminal Procedure Act, to arrest without a warrant. It gives such peace officer, in

terms of section 23(1)(a), the power to conduct a search and seizure during arrest. And section 44 of the Criminal Procedure Act also empowers such peace officer to execute a warrant of arrest. So those are the powers of a peace officer.

COMMISSIONER MKHWANAZI: Yes, I get you. But even if you check in this memorandum, or the proposed, or the memorandum, and it does not even talk about those powers. You see, it is something different from the regulation or
10 from the Act. There is nowhere we touch such Acts or such powers.

ADV SELLO SC: But you indicated that the holder of such a card, identifying them as a peace officer, gives him or her a level of authority over whomever it is been presented to. And I am telling you, the authority that the law says is bestowed upon a peace officer.

COMMISSIONER MKHWANAZI: I think I am not putting it, when I say peace officer, I am not putting it the way our objective, or the way we wanted it to be, because it failed.
20 But not the way we wanted it to be.

ADV SELLO SC: Okay. Can we go back to your page 69? And that is the chat with Mr Van Wyk, after you had told him that Gcwabe will be coming to prepare, to finalise the issue of appointment cards. I want you to go to chat number 4 on that. It is a message from you. And it is in response to a

previous message appearing above. What must I tell him so that we are on the same page? I do not know who the 'him' is. I will assume, judging by the date and the time of this conversation, that the 'him' must be Gcwabe. So, he is asking, what must I tell Gcwabe so that we are on the same page? And you respond:

10 “Yes, the appointment should not specify the demarcation. And we need it as soon as yesterday. I will also call and remind him again after 08:30. And the issue of adding members to appointment cards.”

Do you see that?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: So, clearly, in your conversation with Mike, the thinking was that peace officer cards will be issued to more than Mr Van Wyk himself, within Mr Van Wyk's entity, I assume. Are you willing to accept that?

COMMISSIONER MKHWANAZI: Yes, as I have said that any volunteer will undergo training.

20 **ADV SELLO SC:** Yes, but then I am saying those volunteers that you are talking about here are volunteers within Mr Van Wyk's legal entity, his company.

COMMISSIONER MKHWANAZI: No.

ADV SELLO SC: Why would you be talking to Mr Van Wyk about volunteers he knows nothing about?

COMMISSIONER MKHWANAZI: Remember, no, you did not know. Remember, we have discussed many things with Mike. That is why there was this document that I accepted before that, yes, it is me and Mike and others. When we started, we started with that. We had some engagement about this document. After this, we had already had a meeting with the chief. We have already had a meeting with some counsellors and the MMC of community safety. He knows and understands the concept and what we are talking
10 about.

ADV SELLO SC: So, you, EMPD and Mike Van Wyk were discussing the issuing of peace officers to all volunteers for EMPD.

COMMISSIONER MKHWANAZI: Not only Mike Van Wyk.

ADV SELLO SC: I do not know - I am talking about the conversation here. I know it is with Mike. I do not know any other entity, but with Mike. It is about all volunteers.

COMMISSIONER MKHWANAZI: Yes, I was talking about Mike, yes. Not only him, all volunteers.

20 **ADV SELLO SC:** All volunteers. Those who work for Mike and ...[intervenes]

COMMISSIONER MKHWANAZI: I did not say so yet.

ADV SELLO SC: No, I say, I am asking, I am asking. That means all means those who work for Mike and those who do not work for Mike. As long as they have volunteered to

EMPD, Mike is discussing the issue of their appointment cards with EMPD.

COMMISSIONER MKHWANAZI: Yes, I had an engagement because it was part of the discussion and when the concept started, it was part of that.

ADV SELLO SC: Okay. Now, let us go to page 47 of the same file.

ADV BALOYI SC: Sorry, maybe before that.

ADV SELLO SC: Yes.

10 **ADV BALOYI SC:** Before you leave. That chat, Commissioner, that chat 4, where it says, right at the end, it says, and the issue of adding members to appointment cards. Why would you, if you are not referring to members of Mike's company, who are you referring to here? Because this is a conversation with Mike, right?

COMMISSIONER MKHWANAZI: Yes, as I have said, Commissioner, we had engagement and we have had engagement with other volunteers, and he has also had engagement with some of the companies or other
20 companies that he knows that there are volunteers who want to be part of that.

ADV BALOYI SC: Was Mike a representative of all those other companies?

COMMISSIONER MKHWANAZI: No, no, no, but he communicated too. We did not limit it. There was no

specific regulation when one volunteers that to say, no, Mike, do not. He communicated with other people. You are not a representative, per se. Let me say that.

ADV BALOYI SC: Yes, so my question is, why would he be discussing the issue of adding other members who are not members of his company?

COMMISSIONER MKHWANAZI: As I have said, I cannot talk on his behalf, but he had already communicated with other companies because he knows those companies. He
10 knows those people that want to be volunteers.

ADV BALOYI SC: So, he was speaking for other companies as well?

COMMISSIONER MKHWANAZI: Yes, yes, he was engaged and communicated with them. Yes, Commissioner.

ADV BALOYI SC: And you say Gcwabe was then director of training.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: Which is what? He is head of a training institute.

20 **COMMISSIONER MKHWANAZI:** Yes, EMPD Training Academy.

ADV BALOYI SC: Academy?

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: So, what does he have to do with the issuing of appointment cards?

COMMISSIONER MKHWANAZI: No, it is them that are training, you see. After training, then they will give names to the department. This will train 20. This 20 can be issued. We have trained 10. This 10 can be issued. And again, the lawyers, when you appoint those peace officers, you must also communicate within the department. It is the lawyers. In fact, they understand the legislations and everything. And it is them that says, we have trained this and this and this person. Then you can.

10 **ADV BALOYI SC:** So, at this point of this exchange, all of which is on the 6th of December in 2021, had there been training of people from Mike's company? Because, and let me tell you why I am asking that question, is because in that chat 4, you are already telling him what he should say to Gcwabe about what goes on to the card. You say the appointment should not specify the demarcation and tell him we need it as soon as yesterday. So this is very specific about people that have already been trained. Yes, at least that is what it suggests.

20 **COMMISSIONER MKHWANAZI:** I do not remember, Commissioner. I do not remember at that time. Truly, I do not.

ADV BALOYI SC: Yes, but I mean ...[intervenes]

COMMISSIONER MKHWANAZI: In fact, there were some programmes that they have already started. It is just that I

am not sure to how far they went. I do not remember that. You say in the specific time frames or the specific times.

ADV BALOYI SC: Well, chat 4, the way it reads, it suggests that it is specific cards that are going to be discussed. So specific candidates, not just general about what the programme is about, but specific cards that must be issued, that must not say anything about the demarcation. And you will still tell Ms Sello what the demarcation is about, but also there is an urgency to it.

10 They will need it as soon as yesterday, suggests that there are people who are waiting to be issued, who are waiting and ready to be issued with cards. In the way I read it, it must mean that you already had people who had to be issued with cards.

COMMISSIONER MKHWANAZI: We may have trained. We may have trained, just that I do not remember.

ADV BALOYI SC: Okay, thank you.

ADV SELLO SC: Thank you, Commissioner Baloyi. Commissioner Baloyi indicates that perhaps in engagement
20 with me, that we will be able to clarify what you mean in that statement, where it reads, the appointment should not specify the demarcation. Do you see where I am reading? Chat 4, your message from you?

COMMISSIONER MKHWANAZI: That is what the Commissioner was reading.

ADV SELLO SC: Yes, now I want to know ...[intervenes]

COMMISSIONER MKHWANAZI: I cannot see clearly, but I have listened to her when she was reading it.

ADV SELLO SC: Because she had said, I thought she had said that in engagement with me, that it will become clear. So, I am trying to follow up on that. What did you mean by the words, the appointment should not specify the demarcation?

COMMISSIONER MKHWANAZI: The city is divided into
10 three regions. Yes, and the precincts. In terms of our officers, they are limited. No, they are not limited, but for example, in the police station, we have got 10 officers in Tsakane, 10 officers in Daveyton. But you said in terms of volunteers, that is when we can even utilise, for example, the funerals that are in the townships, the numbers, it is not the same as the funerals that are in suburbs.

But when we have volunteers, we can be able to take two or three that site and say, or the card must be saying, you are going to work and assist in Tsakane, not in
20 Duduza, but it must say, you are going to assist in the city or you will be volunteers in the city. That will be assistance in terms of working with them. Because we are demarcated by regions and precincts.

ADV SELLO SC: But EMPD has got authority over the entire Ekurhuleni, and it does not have that, EMPD

members, they operate in all the regions.

COMMISSIONER MKHWANAZI: No, no, they are working per regions.

ADV SELLO SC: EMPD members?

COMMISSIONER MKHWANAZI: Making the south, the south, east, north, then we have got bylaws, then we have got specialised, then we have got your those that do not mean you have got to go to logistic. I forgot the other one. It is divided.

10 **ADV SELLO SC:** So that would mean then an EMPD member allocated to Tsakane cannot operate anywhere within Ekurhuleni and do I understand you correctly?

COMMISSIONER MKHWANAZI: You must get the permission when you leave your area, you must get the permission from your supervisor or your precinct commander.

ADV SELLO SC: Okay, and that is a general principle.

COMMISSIONER MKHWANAZI: Yes.

20 **ADV SELLO SC:** Now understanding the activities of Constable Stols and Constable MacKenzie, what area were they allocated to?

COMMISSIONER MKHWANAZI: Specialised are everywhere. Specialised, they work in the whole city. It is not the precincts, not the police stations, it is per units. In the morning, they can wake up, reporting direct where there

are challenges. They can go to, not they can, they go to Duduza if there are challenges. After noon or during the day, they can move to Duduza and go to Thembisa. All the specialised services, all the 14 units except freeway and airport, but they are part of the specialised units. Freeway, they work strictly in the freeways, not in the CBDs.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Airport, strictly at OR Tambo Airport. Then all other specialised units, as I have
10 said, that others are doing a taxi violence task team. They may wake up, find that today they were waking in Zonkizizwe, so there was a challenge. After noon or during the day, they have stabilised the area. There are challenges in Thembisa.

They must drive from south to north to go and address those, because the unit that deals with taxi conflict, taxi violence, is public order policing. When there are protests, they can wake up and say, this week or this morning, it is quiet in our area. We are waking at
20 Germiston Civic Centre or maybe where we are doing other duties. Because we allow them, that even if you are in public order policing unit, you can issue a fine.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: But if there is a challenge in Duduza, it is too far. It is 45 minutes away, but they

must respond and go. They can wait there for three days. In fact, sometimes they will inform the supervisor when you wake up or the supervisor calls them at night and say, wake up, there is this challenge in such an area. And find that they go there, there is not even the supervisor, they go there and normalise the situation or the supervisor will run there and say, guys, I am here.

Here is the location, come here. Then they will respond to that. Specialised services and bylaws too. It is
10 specialised services, if I am not mistaken, bylaws. Bylaws, again, we have got bylaws that are centralised. A team that works in the whole Ekurhuleni. Then we have got precincts that are also executing bylaws. But there is a team that today, you can see, we are having challenges of hawkers or challenges of the guys that are disrespecting municipal bylaws can go and address them. For example, illegal tech shops, illegal buildings in such areas. They can stay there for a week. Once they are busy, find out there is another complaint of a serious one in terms of bylaws, in terms of
20 erecting structures.

ADV SELLO SC: I understand. I just wanted to get an understanding how it works. And that is why I reference, in particular, Constable Stols and MacKenzie. Now, again, as a general question, how many EMPD ...[intervenes]

COMMISSIONER MKHWANAZI: Can I give you other

names?

ADV SELLO SC: No, please do not, I beg. Rather, how many members of EMPD, before you were suspended, how many members were there of EMPD? And what percentage of them were members of the specialised services, which in this period fell under your command? It does not have to be a specific number. You can give me in percentage terms.

COMMISSIONER MKHWANAZI: 2021 or 2023, let me say
10 it was 1 700 EMPD.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: I am not talking about traffic wardens. I am not talking about those that are doing admin, but who are working. Who are not police officers.

ADV SELLO SC: Yes, I am talking about police officers.

COMMISSIONER MKHWANAZI: Out of that, you have got 400, three or 400 who were, by that time, who were in specialised services.

ADV SELLO SC: That gives me a good sense.

20 **COMMISSIONER MKHWANAZI:** Yes.

ADV SELLO SC: Thank you.

COMMISSIONER MKHWANAZI: Let me say, we try to balance between specialised services and the region in terms of numbers.

ADV SELLO SC: Okay, yes, I accept that.

COMMISSIONER MKHWANAZI: But it will not be exact. You cannot balance it exactly because people are moving on a daily basis. They put transfers, they relocate, they get married, they want to go and stay in this one. There are many challenges. There are no challenges. There are many movements.

ADV SELLO SC: I just wanted to get a number, the split between specialised services and non-specialised services. And I am happy with the explanation you have given about
10 30, 40 percent. I do not take issue with that. I am happy with it, okay?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Now, I would like us to go to page 47 of the same file.

COMMISSIONER MKHWANAZI: Page 47, I have got it.

ADV SELLO SC: You have got it, yes. That is CJC137.

COMMISSIONER MKHWANAZI: So, I will delay you because I must take off the page so that I can try to see.

ADV SELLO SC: Oh, okay.

20 **COMMISSIONER MKHWANAZI:** Even if I am not doing it right.

ADV SELLO SC: No, take your time.

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: Okay, now you remember I showed you a picture of a card that showed both EMPD and Anubis, right?

You recall that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: And you denied any knowledge of that card?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Now, let us go to page 47. At page 47, you start that conversation on the same day, the 16th of December 2021. It is the same day as that conversation we have just looked at from page 69. Remember about you
10 informing Mike that Mr Gcwabe is coming to finalise the appointment cards. So, this is part of that day's conversation, except this is later in the day. Same date, but from 11:54.

ADV BALOYI SC: Ms Sello.

ADV SELLO SC: Ma'am?

ADV BALOYI SC: Maybe you want to look at the timestamp at page 69? Date stamp rather.

ADV SELLO SC: Oh, my, yes. Thank you for that. The eyes do not do what they should. The conversation at 69 is
20 on the 6th. The Commissioner is correct, and the conversation at page 47 is on the 16th.

ADV KHUMALO SC: Let us give the full date for the transcript.

ADV SELLO SC: Oh, I will start again. The conversation at page 69 is on the 6th of December 2021. That is the

conversation we are dealing with earlier. The conversation now I have referred to at page 47 is of the 16th of December 2021. Do you see that?

COMMISSIONER MKHWANAZI: Yes, I see.

ADV SELLO SC: Now, I see at page 47, you, at least on this one, you start this conversation with, hi, Mike. Mike then responds:

10 “Please keep the rest as it is right with Medicare 24. Please just change and add the following for Anubis. Anubis Protection Services VIP Protection and Security. Do you see that?”

COMMISSIONER MKHWANAZI: Yes, yes, yes, yes.

ADV SELLO SC: What is Mike talking about here?

COMMISSIONER MKHWANAZI: I am not sure.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Anubis is the company that he wanted to establish, or he has established.

20 **ADV SELLO SC:** And then you, because in response to that, you say, chat 3, at 12:03:

 “Anubis is added here, please, unless we want it separate.”

So.

COMMISSIONER MKHWANAZI: No, Commissioner, it is difficult to remember such conversation. It was long, long,

long time.

ADV SELLO SC: And my suggestion to you is that you are discussing here what the card should read.

COMMISSIONER MKHWANAZI: No, the card, remember, the card already had Anubis. You see.

ADV SELLO SC: Which one? The card at page 47.

COMMISSIONER MKHWANAZI: The one that I said, yes, yes. And he was only there, he was only asking me, asking us that you could, no - he was not asking anything of this
10 card. Now I am talking about what I read in this, what you have said to me. But the card, but here, remember, here Anubis had already, when you look at that card, it already had that Anubis thing.

ADV SELLO SC: And you wanted to, you say Anubis is added here, please, unless we want it separate. So, you want Anubis separate from.

COMMISSIONER MKHWANAZI: You know, I would be lying. I am not a computer fundi. I cannot design and do all those things.

20 **ADV SELLO SC:** No, I appreciate that.

COMMISSIONER MKHWANAZI: If I was the one who designed it, I could have. But I cannot design such a thing.

ADV KHUMALO SC: Advocate Sello, reading all those chats together, it seems to me that what they are discussing here.

COMMISSIONER MKHWANAZI: Commissioner Khumalo.

ADV KHUMALO SC: Oh, sorry. It seems to me that what they are discussing here are the appointment letters as opposed to the cards.

ADV SELLO SC: I will get to the appointment letters. And I am suggesting that this is the cards as they must look. That is what the conversation is about. I am aware of the appointment letters, and I will get to the appointment letters.

10 **ADV KHUMALO SC:** So, you are saying that conversation.

ADV SELLO SC: That conversation is in respect of the cards to be issued by EMPD and Anubis. And the question is whether or not Anubis should be part of the card.

ADV KHUMALO SC: Where do we see that it deals with the cards and not the appointment letters?

ADV SELLO SC: That is what I am suggesting to him. That it can only be about the cards that they are discussing here. The discussion that started at page 69 about the cards is continuing here to finalise these cards and how
20 they should read.

ADV KHUMALO SC: I will tell you how I read it differently.

ADV SELLO SC: Okay.

ADV KHUMALO SC: If you look at the time stamp, the first one is 11:54.

ADV SELLO SC: Yes.

ADV KHUMALO SC: On the same day. And then the response is at 12 o'clock on the same day. Followed by the one on 12:03. And then the last one is at 12:11.

ADV SELLO SC: Indeed.

ADV KHUMALO SC: But there is no suggestion that the last one is talking to a different topic. It seems like it is one topic in a space of 10 minutes.

ADV SELLO SC: Well, that is because we will get to the ...[intervenes]

10 **COMMISSIONER MKHWANAZI:** Sorry, Commissioner. Commissioner Baloyi, I cannot read correctly. And when you are assisting me, I am not saying you are protecting me. I am saying if I am able to listen to you, I am able to follow.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: I am trying, but I am struggling to read this.

ADV KHUMALO SC: Let us ...[intervenes]

COMMISSIONER MKHWANAZI: Humble apologies.

20 **ADV KHUMALO SC:** Now I am worried because when you were blaming Commissioner Baloyi all along, I hope you were blaming her and not me.

COMMISSIONER MKHWANAZI: A humble, humble apology, yes.

ADV KHUMALO SC: No, no, because I realise that you

cannot see properly. And a question was put to you. I am enquiring from evidence leader, Advocate Sello, whether the chats on this page deal with the cards like the one we saw on page 67, or they deal with appointment letters. So, she will still put the question to you. But to be fair to you, I did not want to allow her to put something to you which may not be correct.

COMMISSIONER MKHWANAZI: Okay.

ADV KHUMALO SC: So I wanted to be sure that what she
10 is putting to you is, in fact, what is reflected on this page.
But she will still put her question to you.

COMMISSIONER MKHWANAZI: Oh, yes.

ADV SELLO SC: Thank you, Commissioner Khumalo. Perhaps if we could just park this, because I am going to get to that issue. And maybe it might get clearer. And that is why I attach the interpretation I do to the first three chats. I will revert. But then to make the point in substantiation of how I interpret it, then I will invite us to page 72.

20 **COMMISSIONER MKHWANAZI:** Must we put back this one?

ADV SELLO SC: You can put it back here. See, still the same file.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: We are staying with the same file. And

this is page 72 now of the exhibit bundle. And that would be for the record CJC149. We are now on the 19th of December.

COMMISSIONER MKHWANAZI: Page 72.

ADV SELLO SC: 72, yes.

COMMISSIONER MKHWANAZI: Same bundle. Oh, sorry.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: If it has got 72 in red in the top right
10 corner, that is where I want you to turn to. And if you see
that chat, that now is on the 19th of December 2021. And it
starts off with you saying:

“Good day, my brother. Tomorrow,
09H00. We are making appointment
cards. Please be at Kempton Park.”

So, I am saying the issue of appointment cards was discussed over a lengthy period. Remember, we started on the 6th of December. On my interpretation, at page 47, it continued. And even on the 19th of December.

20 **COMMISSIONER MKHWANAZI:** Chair, may I suggest something? Now I am struggling to read. But I want to make something simple to the Commission. That I know that with engagement, there were appointment cards that were issued. There were these things that I agreed that we wanted to do. I am saying I do not deny any engagement.

And it is just that I do not remember and I do not see.

I do not want to delay. You will end up at 29H00. But I will still be saying it is fair. Because some of the things, I do not know. To be honest, I am struggling. I am struggling. I am struggling. You see. As I have said before, during that time, I may have. As I have said, during that time, I may have taken some of the decision. I may have done something. I do not want to delay the Commission with this conversation. Because I cannot see
10 it. Then I am bleeding and trying to simplify for the Commission.

CHAIRPERSON: Going through some of the communications may not be avoidable. Because Ms Sello wants to engage you on them.

COMMISSIONER MKHWANAZI: Oh, yes.

CHAIRPERSON: I think how that can be best dealt with is to read each text fully.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: And that way, the problem should be
20 addressed.

COMMISSIONER MKHWANAZI: May fear that it happened in 2021. And I do not remember this. I do not remember this. But I know that there were many activities.

CHAIRPERSON: Let me invite a response from Ms Sello.

ADV SELLO SC: I wanted to understand whether

Commissioner Mkhwanazi's challenge is reading what is on the paper. Is that the challenge you are having?

CHAIRPERSON: Yes, I think you will correct me if I am wrong, Commissioner. I think I understand him to be saying, let us just skip this entire engagement on these texts. Because one, he does not see them. Two, this happened a long time ago. And he does not remember anything much about them. So let us just get a move on and forget about it.

10 **ADV SELLO SC**: I was hoping that you could ...[intervenes]

CHAIRPERSON: Do I understand you correctly?

COMMISSIONER MKHWANAZI: Yes, and I do not deny that I communicated. And I do not deny that I communicated with Mike.

CHAIRPERSON: Oh, and yes.

COMMISSIONER MKHWANAZI: Yes, but I cannot be able to remember any of the specific orientations.

20 **CHAIRPERSON**: That is the important part. He does not deny the content.

ADV SELLO SC: I will address the last part separately. Engaging him, and I understand he might not remember, I was hoping to trigger his memory by referring him directly to the charts. Now, if he says that exercise is not helpful to him because he does not remember, I will accept that. So,

then I propose he must accept that these conversations were had, and it was about appointment cards. And he did say what they came to say. Now, the last point he addresses, I think, is the one that he says he does not deny them.

COMMISSIONER MKHWANAZI: Yes, I do not deny the communication. I communication, even though I will not remember. Sometimes we will meet physically. Sometimes we will send an audio. I will not open an audio. But there
10 was communication, as I have said, with Mike. There was this close communication that we had. I do not deny that.

ADV SELLO SC: And then I am happy to accept it on that basis, that everything that we have in this file that reflects communications between Commissioner Mkhwanazi and Mr Van Wyk, he accepts that that communication happened in the terms reflected in the individual charts. He accepts that.

CHAIRPERSON: You accept this, yes.

COMMISSIONER MKHWANAZI: Yes.

20 **ADV SELLO SC:** No, but then I must address a last issue, which is, unfortunately, back to the charts and the one Commissioner Khumalo raised. At page 47.

COMMISSIONER MKHWANAZI: Please wait. I am still 47.

ADV SELLO SC: I think we are still in the same page. Page 47? That is, oh, I had moved on. You are correct.

Page 47. Now, I would like, if you keep your finger at page 47, but we go to page 64, and this I am going to ask you to confirm. I think it is mainly for the benefit of Commissioner Khumalo.

COMMISSIONER MKHWANAZI: Then we go to?

ADV SELLO SC: We are looking at 47 and 64. So do not lose 47, but we are starting at 64.

COMMISSIONER MKHWANAZI: Hello, Madam. How do I do it? I need your administration skills. Can I keep it like
10 this? That is just that I do not forget that it belongs here. I just forget this. Thank you. Thank you. Commissioners, I said education is dynamic. I have learned something. Now, if the colour is yellow, you put yellow sticker. If it is green, thank you. Thank you. Much appreciated. Thank you.

ADV SELLO SC: So, you have located page 64. Now, page 64, please, we can ignore the date for now.

COMMISSIONER MKHWANAZI: No, this is 72. Must put it on 64.

CHAIRPERSON: 64. And the font size there is bigger.
20 Maybe you will be able to read.

COMMISSIONER MKHWANAZI: You see, I am also training too. Thank you.

ADV SELLO SC: Have you found 64?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: I just have to quickly say for the record,

for the transcript that page 64 is Exhibit CJC141. Now, this is a letter signed by you, as indicated at the bottom, and it reads:

10 “Letter of confirmation. This letter serves to confirm that the Ekurhuleni Metropolitan Police Department EMPD, under the command of Acting Deputy Municipal Police Commissioner/Brigadier JD Mkhwanazi of Specialised Services, has an endless working relationship with Medicare 24 (Pty) Ltd and Anubis to assist EMPD officers in any security and medical emergency services, including the COVID-19 pandemic in and out of the city of Ekurhuleni.”

Do you see that?

COMMISSIONER MKHWANAZI: Yes.

20 **ADV SELLO SC**: Now, those exact same words, or that exact same wording, appears at page 47 of the same bundle, and that is the wording that was proposed to you by Mr Van Wyk in your WhatsApp communication. Do you agree?

COMMISSIONER MKHWANAZI: Are you saying the wording that is here is exactly the same.

ADV SELLO SC: Is exactly the same. At 47, he starts by

saying, this is what it must say.

COMMISSIONER MKHWANAZI: Can you read this one, please, for me?

ADV SELLO SC: It is the same. This letter, the one at page 47?

COMMISSIONER MKHWANAZI: Yes, I can see. Then when you read, I will just confirm.

ADV SELLO SC: Then it reads, for the record, the one at page 47, CJC137, Mr Van Wyk says:

10 “This is what it must say.”

Then there is the paragraph:

 “This letter serves to confirm that the
 Ekurhuleni Metropolitan Police
 Department EMPD, under the command
 of Acting Deputy Municipal Police
 Commissioner/Brigadier JD Mkhwanazi of
 Specialised Services, has an endless
 working relationship and memorandum of
 understanding with Medicare 24, limited
20 and Anubis Protection Services to assist
 EMPD officers in the VIP protection,
 security and medical emergency
 services, including COVID-19 pandemic,
 in and out of the city of Ekurhuleni.”

The only difference between the two is that, where I am

reading, this one references the memorandum of understanding, the letter at page 64 does not reference the memorandum of understanding. I am saying that the wording in the letter was proposed to you by Mr Van Wyk.

COMMISSIONER MKHWANAZI: Yes, you said something about memorandum of understanding.

ADV SELLO SC: In his message here that I just read to you, it says, speaks of an endless working relationship and memorandum of understanding. That is what he had
10 originally suggested.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: What is in the letter is the same except the phrase and memorandum of understanding.

COMMISSIONER MKHWANAZI: But are you saying this letter talks to what we are supposed to do in the memorandum of understanding?

ADV SELLO SC: No. I am saying the letter that you issued at 64, the wording of that letter with that minor amendment was suggested to you by Mr Van Wyk. This is
20 what the letter should read.

COMMISSIONER MKHWANAZI: As per the proposed memorandum of understanding.

ADV SELLO SC: No. Let me answer it this way. You recall that Commissioner Khumalo was of the view that the issue of Anubis and whether it is separate and changing to

Anubis Protection Services, whether it was not speaking to appointment letters, not cards, right?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And I said I interpreted it differently because there is the issue of letters of confirmation which are drafted in the terms as suggested by Mr Van Wyk at the bottom of that conversation. And I was suggesting that what that last message communicates is what should be reflected elsewhere. It has nothing to do with the
10 appointment cards themselves.

COMMISSIONER MKHWANAZI: And it has nothing to do with that card. I think it may have something to do with memorandum of understanding.

ADV SELLO SC: And I am saying it has something to do with the letter of confirmation that you say you can read, which is at page 64, right?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And because that letter is issued by you.

COMMISSIONER MKHWANAZI: I think I am losing you. I
20 think maybe I was responding. I am saying it may have something to do with that proposed memorandum of understanding, not with that card that I saw.

ADV SELLO SC: Indeed, yes. And I think that is the point I was making to Commissioner Khumalo, that at page 47, you actually see a communication about two separate

issues. The letter of confirmation and the appointment cards. So, you were discussing two issues. And that is, I think, how you seem to recall it as well. Okay, are you agreed, are you, do you agree with my interpretation, or do you have challenges with it?

COMMISSIONER MKHWANAZI: Oh, you have already interpreted it. I am very slow.

ADV SELLO SC: I see Commissioner Baloyi has a question.

10 **COMMISSIONER MKHWANAZI:** Oh, yes, Commissioner Baloyi. And please, Commissioner Baloyi, you always guide and assist me. Listen.

ADV BALOYI SC: I accept you are going to be referring to me always. It is okay.

COMMISSIONER MKHWANAZI: Humble apologies.

ADV BALOYI SC: No, you do not have to apologise. It is all right. Ms Sello, can I just make sure I understand?

COMMISSIONER MKHWANAZI: Sorry, before Commissioner, I would request Mr Khumalo to just put 1212.

20 Maybe it will assist me.

ADV BALOYI SC: What is 1212?

COMMISSIONER MKHWANAZI: As I requested yesterday. As I requested yesterday.

CHAIRPERSON: Oh, like yesterday. Let us adjourn.

COMMISSIONER MKHWANAZI: I think it is becoming

worse. Now, if I am struggling to read there.

CHAIRPERSON: Yes, yes.

COMMISSIONER MKHWANAZI: Journalists, they want to know what is 1212 and I cannot tell them.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SELLO SC: Thank you, Chair. Mr Mkhwanazi, before we had to take that abrupt stop, we were dealing with CJC137 at page 47, you remember?

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

ADV SELLO SC: And you wanted me to read out to you what I say, the wording that I say, Mr Van Wyk suggested to you for the letter that appears – now I have lost my letter – at page 64. Remember that conversation?

COMMISSIONER MKHWANAZI: Yes, yes, yes, yes.

ADV SELLO SC: And I said the wording is exactly the same except in the WhatsApp chat, Mr Van Wyk suggests the addition of the words memorandum of understanding. I just want you to remember that conversation that we were
20 having before we broke.

COMMISSIONER MKHWANAZI: You are saying Mr Van Wyk suggests that we add memorandum of understanding?

ADV SELLO SC: Yes, indeed.

COMMISSIONER MKHWANAZI: I hear you, I hear you.

ADV SELLO SC: Okay, yes, I just wanted us to find our

place.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: So it would appear that you wrote the letter at page 64 and you were confirming an endless working relationship with Medicare and Anubis to assist EMPD in and out of The City of Ekurhuleni. You confirmed that, that is in the letter.

COMMISSIONER MKHWANAZI: Yes, with emergency services.

10 **ADV SELLO SC:** Yes.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Yes, so in December of the same year, on the 16th of December 2021, at page 47, EXHIBIT CJC137, Mr Van Wyk suggests ...[intervenes].

COMMISSIONER MKHWANAZI: This page, right?

ADV SELLO SC: Yes, that page. At the bottom, Mr Van Wyk suggests that the letter read the same, except after the wording an endless working relationship, you must add the words end memorandum of understanding. That is the only
20 difference between the two. That is what that message says, but you said you are struggling to read.

COMMISSIONER MKHWANAZI: Yes, and the letter does not talk about memorandum of understanding.

ADV SELLO SC: Yes, indeed.

COMMISSIONER MKHWANAZI: That is what you are

saying.

ADV SELLO SC: And that letter is dated the 16th of October 2021 and Mr Van Wyk's suggestion comes on the 16th of December, 2021, about three months later.

COMMISSIONER MKHWANAZI: Yes, according to this, did I respond to that?

ADV SELLO SC: According to?

COMMISSIONER MKHWANAZI: To the conversation, did I respond to that?

10 **ADV SELLO SC:** In fact, I was going to ask you whether you amended your letter at page 64 to include an memorandum of understanding. I have not come across such an amended letter. I do not know if you will recall whether you made the amendment that Mr Van Wyk suggests.

COMMISSIONER MKHWANAZI: May I protest?

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: To ...[intervenes].

ADV BALOYI SC: Maybe before you answer.

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

ADV BALOYI SC: Ms Sello, there is another addition, and I think it is quite important. It is an important addition.

ADV SELLO SC: Yes.

ADV BALOYI SC: Which Mr Van Wyk suggests, which is any VIP protection. The letter did not include, the draft

letter referred only to security and medical emergency services.

ADV SELLO SC: That is correct.

ADV BALOYI SC: And Mr Van Wyk proposes to include that ...[intervenes].

ADV BALOYI SC: Commissioner Baloyi, you are so soft.

O

ADV BALOYI SC: I am so sorry.

COMMISSIONER MKHWANAZI: Yes.

10 **ADV BALOYI SC:** No, I was correcting Ms Sello that the draft letter did not include as a service area of cooperation the provision of VIP protection. It was not included in your letter of the 19th of October. And then Mr Van Wyk then suggested in this email, rather in this WhatsApp exchange that you should also include VIP protection. Do you understand what I am doing?

COMMISSIONER MKHWANAZI: Okay, no, I hear you. Yes, yes, yes, yes.

ADV BALOYI SC: Thank you.

20 **ADV SELLO SC:** Thanks, Commissioner Baloyi. That is correct.

ADV KHUMALO SC: This reminds me of those games in magazines where you have to spot 10 differences.

ADV SELLO SC: Yes.

ADV KHUMALO SC: Because the third one is, and this is

why I think this related to the letter. The one on 64 has Anubis, and that is all. Anubis to assist. But if you go to the chats on page 47, chat 2 says:

“Please just change and add the following for Anubis.”

ADV SELLO SC: Yes.

ADV KHUMALO SC: And then they want the full name, Anubis Protection Services.

ADV SELLO SC: Protection Services.

10 **ADV KHUMALO SC:** And then the last one, if you look at it, it now says, this is what the letter must say. And then you have the full...

ADV SELLO SC: I think, did Mr Mkhwanazi, Commissioner Mkhwanazi, understand me?

COMMISSIONER MKHWANAZI: I am struggling now, but let me try to respond.

20 **ADV KHUMALO SC:** Let me make it simple. Remember the first change, the difference between what is on page 64 and what is suggested, what is the suggested wording on 47? The first issue we have already agreed was the memorandum of understanding. And then the second issue, Commissioner Baloyi correctly pointed out, was to include VIP Protection Services and other services, I think. And then the third one I am pointing out is that he wanted the full name of Anubis Protection Services to be added. So it

is those three things.

COMMISSIONER MKHWANAZI: Yes, Mike wanted the full name.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: Okay.

ADV KHUMALO SC: So those are the three things that needed to be added in what I assume is the new letter that was going to be issued after the 16th of December.

COMMISSIONER MKHWANAZI: Yes. Can I identify them?

10 It is VIP Protection Services.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: It is Anubis, it is a full name.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: Anubis Services.

ADV BALOYI SC: Protection Services?

COMMISSIONER MKHWANAZI: Yes. The other one, the first one, there is the first one that you mentioned.

20 **ADV KHUMALO SC:** The first one is the memorandum of understanding.

COMMISSIONER MKHWANAZI: Okay.

ADV KHUMALO SC: Yes. So it is all three, you have them?

COMMISSIONER MKHWANAZI: Yes, yes, Commissioner.

ADV KHUMALO SC: Thank you, Advocate Sello.

ADV SELLO SC: Thank you, Commissioners. So my question from that is, you remember your letter is October? These suggestions come in December of the same year. It was to enquire whether you reissued the letter of confirmation in the terms as suggested by Ms Van Wyk. Do you recall if you ever did?

COMMISSIONER MKHWANAZI: No, I do not recall. But out of what the Commissioners and what you have read, it shows that I did not even write it, or it was not even writing.

10 I may have given one, somebody instruction to do this, but maybe it is not according to what Mike suggests.

ADV SELLO SC: Because yours came first in October. Then in December, Mike suggests that you improve on that letter by making those additions.

COMMISSIONER MKHWANAZI: Yes, it is what I was asking now is that, did I respond, but I see you do not include.

ADV SELLO SC: No, not to respond. My question was whether you reissued the letter at 64 to reflect the changes
20 as suggested by Mike Van Wyk. Do you recall if you ever did?

COMMISSIONER MKHWANAZI: No, I do not. I do not recall.

ADV SELLO SC: You do not?

COMMISSIONER MKHWANAZI: I do not recall.

ADV SELLO SC: Okay. So if we go back to 64, then it lists vehicles there that you say will be working with EMPD. Correct?

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: A, on your previous appearance, we dealt with a letter much similar to this one that had been introduced by Commissioner Spies, and that was RS2(ii). I will project it on the screen. And in your testimony then, you denied that you ever issued such a letter and you
10 almost suggested that it was the fabrication, notwithstanding the signature there at the bottom.

Now, I point this out to say the letter that is on the screen introduced by Commissioner Spies is also dated the 16th of October 2021 and it reads in the same exact terms as the one in the exhibit file, page 64. The only difference is the letter introduced by Commissioner Spies is in respect of CAT VIP, and the letter we are looking at at page 64 is in respect of Medicare 24 and Anubis.

COMMISSIONER MKHWANAZI: I am listening to you.

20 **ADV SELLO SC:** Yes. So do you have the Spies file close to you? Spies, you can see it.

COMMISSIONER MKHWANAZI: I do not see it, but I remember I was talking about the letter.

ADV SELLO SC: So I am saying the letter on the screen and the letter at page 64 are exactly the same. They bear

the same date. They are worded in the same terms exactly, except for the following. The letter on the screen is in respect of CAT VIP only, and the letter in the file we are looking at is in respect of Medicare 24 and Anubis.

COMMISSIONER MKHWANAZI: You know, Commissioner ...[intervenes].

ADV SELLO SC: And the second difference is that they then provide different details of the vehicles. So the one on the screen is in respect of companies associated with or
10 belonging to CAT VIP. The cars in page 64, the file before you, are the three in respect of Medicare 24 and Anubis. Do you understand?

COMMISSIONER MKHWANAZI: I understand what you are saying.

ADV SELLO SC: So my proposal or my suggestion to you is that you are disputing the letter on the screen as you did last time is wholly without basis. It is the same letter worded in the same terms. If you admit as you have the one at 64, you must admit the one at Annexure RS2(ii)
20 introduced by Commissioner Spies.

COMMISSIONER MKHWANAZI: Yes. Commissioner, you know this I cannot dispute because there is an engagement and strictly talking about this, you see. And in my conversation, there is no conversation where I talk about this letter and have the – because one of the things that

made me to deny it is about the cars that are there, because I have said to – I know that Commissioner Baloyi was very, and Commissioner Khumalo, they were very strict and said, but this talks about, I have said, but the number of cars there and those cars are not the one, if I remember very well, it is not the one that were not in the letter of commit. Letter of commit, if I am not mistaken.

ADV SELLO SC: Yes, the commitment letter, I think, from Mr Matlala.

10 **COMMISSIONER MKHWANAZI:** What I think may have happened, because when I communicated with Mike, they may have maybe drafted and added, or somebody may have drafted and added the cars, you see.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: But I will not, let me say, let me not, I will not deny, because I do not remember it very well, you see. But I remember that there was some engagement, you see.

20 And why I remember this one, it was because of the duties that in the memorandum of understanding, you see, we discussed, you see, and I accepted when this was drafted the concept that in our VIP and images, when there is a principal that is involved in a vehicle or in an accident, we do not have a person with specialised, or who is a qualified. They do not use a, registered nurse like any

other VIP protection units. They are only serving a Medicare or a person who is trained to assist.

I know that there are a few incidents where our principals have been involved, and there was no – and the concept of Mike, I accepted. As I have said that I was talking to Mike, I do not deny that, you see. And the concept that you introduced, I accepted it. That is why I was saying to the City that they will assist in terms of image and response when there is a VIP involved and assist, or
10 else we will identify certain VIP or senior, let me say ...[intervenes].

CHAIRPERSON: Commissioner, the answer is so long that I am totally confused.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: With the letter at page 64, you confirmed to have written it.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

CHAIRPERSON: Now, can we get a short, direct answer? That is page 64 of – yes, of the exhibit bundle.

20 **COMMISSIONER MKHWANAZI:** Yes.

CHAIRPERSON: Now, this one is at page 4 of the Revo Spies Annexures.

ADV SELLO SC: Indeed, Chair.

CHAIRPERSON: Yes. Now, I would like to get a direct answer to whether you confirm that you wrote this one as

well.

COMMISSIONER MKHWANAZI: I may not remember in that one, no, Commissioner.

MS PETERSON: But you cannot deny either.

COMMISSIONER MKHWANAZI: Yes, as I have said that ...[intervenes].

CHAIRPERSON: So, just a minute. So you may well have written this one as well.

COMMISSIONER MKHWANAZI: Yes, yes.

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

ADV SELLO SC: Thank you, that settles my point.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Yes, and that was what I was trying to establish. And before it goes off screen, just to remember for the record, we settled last time you appeared that vehicles number two, five, and six, are they say, are part of the vehicles that you directed Mr Chris Steyn, or you submitted to Mr Chris Steyn for transfer to EMPD, those ones.

20 **COMMISSIONER MKHWANAZI**: It is those that are in the letter of ...[intervenes].

ADV SELLO SC: No, at item two, five, and six, okay.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: All right, then ...[intervenes].

ADV SELLO SC: You see, Commissioner Khumalo

...[vernacular].

ADV KHUMALO SC: No, to be fair to you, I think you wanted to say it is those that are referred to in that letter that Mr Matlala wrote, confirming that certain cars will be donated to Ekurhuleni.

COMMISSIONER MKHWANAZI: Thank you, thank you.

ADV SELLO SC: Okay. All right, then I would like to, and I know you hold the position that these conversations you had a long time ago.

10 **COMMISSIONER MKHWANAZI:** Yes.

ADV SELLO SC: So we are now leaving the peace officer cards and the letters of confirmation, but I need to draw your attention to something because I was hoping you will be able to make me understand better what is here, if you do recall. And I would like us then to turn our attention to page 36, and that is EXHIBIT CJC128.

COMMISSIONER MKHWANAZI: Page?

ADV SELLO SC: 3-6, 36.

COMMISSIONER MKHWANAZI: On the same panel, ja?

20 **ADV SELLO SC:** Yes, the exhibit bundle. We all have ours on our faces.

CHAIRPERSON: No, please continue.

ADV SELLO SC: Thank you, Chair. We are now at page 36 of the exhibit bundle. And again, I will have to rely on your memory. And this is chat number 3, the third chat on

that. And this is a message from you. You say:

“Hi, Mike. You are loaded on a system. You are just not in as employees, but are finalising today with the National Chief for the national objectives.”

Do you recall what that was about? Firstly, I am interested to know what system are they loaded on? You say not as employees. My question would be, what are they loaded as on that system?

10 **COMMISSIONER MKHWANAZI**: Even I want to call in terms of this conversation, but I think the way we read it, it was about what I have said, that they are peace officers and peace officers must have identity or name so that we can know you in our system.

ADV SELLO SC: Yes. So when you say they are loaded on a system, it is the peace officers loaded?

COMMISSIONER MKHWANAZI: Yes, I think it was about that.

20 **ADV SELLO SC**: Okay. Now, can you tell us what is the system? Because if, as I suggest, your notion of peace officers is not consistent with the provisions of the Criminal Procedure Act, so therefore they are not peace officers. If they are loaded onto a system, do you accept then that they must be removed from such a system because they are, in law, not peace officers?

COMMISSIONER MKHWANAZI: No, I accept that.

ADV SELLO SC: Okay, now ...[intervenes].

COMMISSIONER MKHWANAZI: But that time, my understanding was that they would be loaded in our system.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Or they are loaded in our system as the City.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: After all the processes.

10 **ADV SELLO SC:** So my question then would be, are we able to specifically identify the system so that if the Commission has to recommend their immediate removal, it can point to a system where they are loaded in?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: What system were you referencing here?

ADV SELLO SC: There is a system where each and every cut that we issue, there is a system, there is a machine that the system, all the names are loaded there, then they produce that. That system.

20 **ADV SELLO SC:** Okay.

ADV BALOYI SC: Who would have been responsible for this if we are to want to get more information about who is loaded on the system? Who in The City, by way of position, or in the EMPD, by way of position or even unit or department is responsible for that?

COMMISSIONER MKHWANAZI: It is Mr Xolani Mkhwanazi. But he is promoted, I do not know which role he is playing, because it was 2021 that time. I think it was Mr Xolani Mkhwanazi.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: And I know that I also had conversation with him, or with Gcwabe and them. I had conversation with many people in terms of that. I do not want to deny that, Commissioners. I had conversation,
10 because this thing was running, we wanted this thing to be operational.

ADV BALOYI SC: What was Xolani Mkhwanazi's position at the time? Is it human resources? What unit did he belong?

COMMISSIONER MKHWANAZI: No, remember before our ...[intervenes].

ADV BALOYI SC: I she training academy?

COMMISSIONER MKHWANAZI: No, before there was this new structure, we had our own people that do admin every
20 day. He was part of those people.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: But he is an officer.

ADV BALOYI SC: He is still in the City?

COMMISSIONER MKHWANAZI: He is EMPD, yes, yes, yes.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Commissioner Mkhwanazi, as we are sitting here today, are you telling us that these types of cards are still in circulation? There are people walking around with these types of cards?

COMMISSIONER MKHWANAZI: I do not think so, Commissioner, because that thing collapsed. In fact, when ...[intervenes].

ADV KHUMALO SC: Were they withdrawn? Were the
10 cards withdrawn from these people?

COMMISSIONER MKHWANAZI: I cannot recall that conversation.

ADV KHUMALO SC: So it is possible that there are people walking around Ekurhuleni with these cards and they are displaying them when they interact with members of the public?

COMMISSIONER MKHWANAZI: Can I try to make a follow-up on that and confirm?

ADV KHUMALO SC: Is it possible? I am not saying it is a
20 fact. Is it possible that people like Mr Van Wyk are walking around with these types of cards?

COMMISSIONER MKHWANAZI: Yes, it may. It may be possible.

ADV KHUMALO SC: Thank you.

COMMISSIONER MKHWANAZI: Because I do not

remember the meetings after that, what we discussed. But I know that after the whole noise and everything, after seeing newspaper articles, we met and we discussed, we said, no, no, no.

ADV KHUMALO SC: Thank you.

ADV SELLO SC: Thank you. So then, where would you direct a complete list of such persons who were loaded on this system be found?

COMMISSIONER MKHWANAZI: I think to him.

10 **ADV SELLO SC:** To Mr Xolani?

COMMISSIONER MKHWANAZI: Because he is the only person that – Xolani, yes.

ADV SELLO SC: Okay, which then would lead me to page 71 of the same bundle. And that is a screenshot of a WhatsApp conversation. I take it that that is with you. 7-1. You need to put your page back.

COMMISSIONER MKHWANAZI: Page 71?

ADV SELLO SC: Page 71. You see that conversation? And I am just looking at the messages that would appear to
20 come, to go to Mr Mkhwanazi and I am interested there in the green, in the messages in green that reads:

“Bafo, can Mike collect the cards tomorrow?”

So, the second one:

“ETA.”

And then the third message reads:

“We are willing to even fetch it this afternoon.”

So that is a communication with Mr Xolani Mkhwanazi. And I am saying to you that that is perhaps confirmation that there is still somebody within EMPD who may have knowledge of these names in the system. You are saying it is Mr Xolani Mkhwanazi, and this would appear that he has knowledge. He does actually have knowledge of the cards.

10 **COMMISSIONER MKHWANAZI**: He is a relevant person, yes.

ADV SELLO SC: Okay. Thank you. Then if we could move on to a slightly different topic? I know you say some of these issues happened too long ago for you to remember precisely. So I am going to project some communication that is supposed to be between yourself and Mr Van Wyk, where there is either a video or an audio. And then I will play the audio relating to that specific communication, do you understand?

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

ADV SELLO SC: And I just want you to see if you have any recollection of such, receiving such audios or making such audios to Mr Van Wyk.

COMMISSIONER MKHWANAZI: Can I say something?

ADV SELLO SC: You either recall or you do not.

COMMISSIONER MKHWANAZI: But it will show if I received.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: Yes. So if technology ...[intervenes].

COMMISSIONER MKHWANAZI: But I will listen.

ADV SELLO SC: Yes, yes, you will hear it. And just to let you know, it is the same audio clips that you received from us before you appeared now. So ...[intervenes].

10 **COMMISSIONER MKHWANAZI:** I am only listening.

ADV SELLO SC: Yes, so you have heard them recently. And hopefully they ...[intervenes].

COMMISSIONER MKHWANAZI: Commissioners, they gave me, the audios gave day, hours before I come here. I am protesting again, this is not fair.

ADV SELLO SC: They were given to you on Monday, they were extracted. There are a number of audios, but specifically for your purposes, they were extracted and handed over to you on Monday.

20 **COMMISSIONER MKHWANAZI:** Monday afternoon.

ADV SELLO SC: So were you able to listen to them or not?

COMMISSIONER MKHWANAZI: No, some. Some I was able to. They were able to help me through.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: And I am not sure which one is that. But I will be honest, if I listen to them ...[intervenes].

ADV SELLO SC: You will point out if you do not remember.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: Okay, then. I will play the first one. And that would be an audio clip received by – no, sent by – no, the first one we have played, it is the one about whether he can use blue and red lights.

10 **COMMISSIONER MKHWANAZI**: Okay.

ADV SELLO SC: We have dealt with that one.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: The second one ...[intervenes].

ADV BALOYI SC: Ms Sello, actually, now that you mentioned that this first clip, I thought you were still going to come back to it. That is the clip that speaks about the blue and the red lights and branding of Mr Van Wyk's bakkie in the EMPD.

ADV SELLO SC: Yes.

20 **ADV BALOYI SC**: Did we canvass, did you canvass that branding issue? Are you still getting there?

COMMISSIONER MKHWANAZI: No, if memory serves me well, I enquired whether Commissioner Mkhwanazi responded to that voice note and how he advised Mr Van Wyk in that regard.

ADV BALOYI SC: Yes.

ADV SELLO SC: And if I understood correctly, he does not recall whether he responded and what he would have said.

ADV BALOYI SC: Well, maybe then let me ask my question. Let me ask my questions about that.

COMMISSIONER MKHWANAZI: Yes, Commissioner.

ADV BALOYI SC: The private vehicles, in that WhatsApp voice note it was about a private vehicle. It is not a Matlala VIP or a Medicare vehicle. We hear Mr Van Wyk saying, I
10 think it is a private vehicle. He says, I have just bought myself a bakkie. Can I get it branded EMPD?

Now we know that cards were issued, the kind of cards that we are discussing. We know there is a letter. Were private vehicles like that as part of the memorandum intended also to be branded with EMPD? That is one. Two, was Mr Van Wyk's or anyone's private vehicle branded EMPD as a result of this memorandum?

COMMISSIONER MKHWANAZI: No, no, no. No vehicle that was intended to be branded by us and there was no
20 vehicle that was branded. You see, I know that there was no vehicle, even though I do not remember, but there was nothing like that. As I have said that those powers belong, it is an emergency. It is for health and emergency. It is not for us, Commissioner.

ADV BALOYI SC: No, branded as in has the name EMPD,

like EMPD vehicles. That is what he wanted.

COMMISSIONER MKHWANAZI: No, no, no.

ADV BALOYI SC: He was asking you in that voice note, can I get my bakkie branded EMPD at the back.

COMMISSIONER MKHWANAZI: No, no, there was nothing like that.

ADV BALOYI SC: Okay, yes.

ADV SELLO SC: Thank you, Commissioner. Now, I am going to play the next clip for you. May I suggest, because
10 I think I noticed that the exhibit file does not contain all the communication. So may I suggest that we loan you one of the computers for the moment that has them, and then we work on the basis of what is on the computer. I will update your file thereafter. Remember, mine is to get an understanding of whether you recall these engagements with Mr Van Wyk.

COMMISSIONER MKHWANAZI: They were not submitted to me.

ADV SELLO SC: Yes, some of them, yes. No, some of the
20 chats. But I want to show you on the screen where an audio or a video has been extracted from. You remember we have the chats in the exhibit file here.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And I am saying that they are not complete. You got more audios than you got the actual

chats from which they have been extracted.

COMMISSIONER MKHWANAZI: Now we are talking about the chat or the audio?

ADV SELLO SC: Some of the chats that you were not given, but were given the audio relating to such chat.

COMMISSIONER MKHWANAZI: Are you saying you are giving this to me now?

ADV SELLO SC: The chat?

COMMISSIONER MKHWANAZI: Yes.

10 **ADV SELLO SC:** Yes, the audio you already have. I will leave the chat and I will play the audio and then you can recall whether or not you received that. Right?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: I will, for purposes of the record, indicate ...[intervenes].

COMMISSIONER MKHWANAZI: But you are saying if I see it is going to assist me. No, I am not saying you must not do it, you see. I want to get an understanding and the difference between what you are going to play and what you
20 are saying I must look at these gadgets or computers.

ADV SELLO SC: It is not different. I am saying to you, you received a file of audios.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And I am saying those audios are accompanied by the chats that are in your file. So the chat

was received with an audio and we say this is the audio that you received on this day.

COMMISSIONER MKHWANAZI: But with me, the audio that you are going to show me now, was I able to open them? Because there were many audios, some were opening, some I could not open them.

ADV SELLO SC: I do not know. Hence, I am saying to you that the best I can do is to play the audio and see whether or not you remember the audio.

10 **COMMISSIONER MKHWANAZI**: Okay.

ADV SELLO SC: Receiving it at all and listening to it.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: Can we do it that way?

COMMISSIONER MKHWANAZI: Yes, yes, yes, Commissioner.

ADV SELLO SC: Okay. So, it is a series of audios coming from these chats that are in the bundle here. And it is 16:02 now and I promise the Chair we will be done at 17:00. So, I have to move double time. So if you will permit me,
20 these audios appear, I extracted from Mr Van Wyk's phone.

As they reflect here in the communication we have given you, it does show whether it is a video or an audio that you received. You said you do not recall much of the conversation with him. I just want to test whether you recall having received a particular audio message. You may, you

may not.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: Okay. Now, if you could share your computer with him? The first is, it appears it is marked as CJC125 in the exhibit bundle.

COMMISSIONER MKHWANAZI: CJC125.

ADV SELLO SC: And I suggest that perhaps – at page 33, yes. So I needed to indicate for the record. I needed to give the exhibit number for the record before it plays. And
10 the gentleman will sit by you to help you work through the computer, okay, as we go through these various chats.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Are you ready?

CHAIRPERSON: Please grab a chair and just sit next to the Commissioner.

ADV SELLO SC: So, what you are looking at is page 48 of the Mr Van Wyk's chats, and that is a chat he had with you. And you see on that screen that there is a video clip. And I suggest to play the video clip. The link is there, but it will
20 not work from your computer and that is why it was extracted. I want to play the clip here for you and to find out if you, did you receive this video? And if so, to explain to the Commissioners what it was about. Okay?

COMMISSIONER MKHWANAZI: Yes, yes, yes, yes.

ADV SELLO SC: Ja, okay. Here it is on the screen.

[AUDIO PLAYED BACK]

“Hey, Julius. I hope you have a warm day like we have here. You know, it is warm. This fan of mine is not working so *lekker*. I do not know if it is because it is hard. I am not sure what it is doing. You know, I have another one here. Let me put this one here and try this one. It is also hard. I am going to spend this
10 fucking money now. Please tell me where we are going. Have a *lekker* day.”

Now, my question is, do you remember receiving this clip from Mr Van Wyk?

COMMISSIONER MKHWANAZI: No, no, I do not remember receiving this from Mike Van Wyk.

ADV SELLO SC: Would you know what Mr Van Wyk is talking about?

COMMISSIONER MKHWANAZI: Can you repeat it? I was just looking at his action there. I do not know what he is
20 saying.

ADV SELLO SC: You want me to rerun the video?

COMMISSIONER MKHWANAZI: Yes, so that I can listen or you can ...[intervenes].

ADV SELLO SC: No, no, it is here. You can listen from the source.

[AUDIO PLAYED BACK]

“Hey, Julius. I hope you have a warm day like we have here. You know, it is warm. This fan of mine is not working so *lekker*. I do not know if it is because it is hard. I am not sure what it is doing. You know, I have another one here. Let me put this one here and try this one. It is also hard. I am going to spend this fucking money now. Please tell me where we are going. Have a *lekker* day.”

ADV SELLO SC: No, I do not remember.

ADV SELLO SC: You do not remember?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Yes, you had said, but my question was, would you know what he is talking about?

COMMISSIONER MKHWANAZI: That is what I am saying. The first one I answered, the second one, I do not even remember what he is talking about.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Then we move on to the next ...[intervenes].

CHAIRPERSON: There is a big difference between I do not

remember and I never saw it. A video like this, there is no way you would not remember if you had seen it. Did you see it?

COMMISSIONER MKHWANAZI: No, Commissioner. I do not, and I do not remember it, Commissioner.

CHAIRPERSON: But did I not see where you first referred us to? Did it not say read? Or was I looking at the wrong place? Oh, that was an audio. That was an audio.

ADV SELLO SC: Yes, that was.

10 **CHAIRPERSON:** That is totally different. All right, all right. No, thank you. Thank you, Commissioner.

ADV SELLO SC: How ...[intervenes].

ADV KHUMALO SC: Can I just add one issue on this point? At the start of that audio, that video, he says hi, Julius.

COMMISSIONER MKHWANAZI: Yes.

ADV KHUMALO SC: Did you hear that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

20 **ADV KHUMALO SC:** And you are saying he was not talking to you.

COMMISSIONER MKHWANAZI: No, I am saying I do not remember seeing it.

ADV KHUMALO SC: But it is possible that you did.

COMMISSIONER MKHWANAZI: I do not think so.

ADV KHUMALO SC: It is not possible?

COMMISSIONER MKHWANAZI: Yes.

ADV KHUMALO SC: Okay.

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: On that score and in response to the chair's question, that video ...[intervenes].

COMMISSIONER MKHWANAZI: Sorry, Commissioner. You remember one said that Mike is not a person who would give any person money. Mike is this businessman who wants to receive, not even, or he can give, not cash, he can
10 give services. That person talks about services. I am so surprised here, Commissioner. I do not want to, that is why I am saying I do not remember.

ADV KHUMALO SC: But I thought he donated R300 000 for cadets. What do you now say ...[intervenes].

COMMISSIONER MKHWANAZI: Not cash, Commissioner.

ADV KHUMALO SC: Was it equipment?

COMMISSIONER MKHWANAZI: No, not even equipment. He said the photocopying and the ink or the papers cost him, that is what he told us, plus minus R350 000.

20 **ADV KHUMALO SC:** But it means he paid cash for that. If it cost him that much, it means he paid that much for those things.

COMMISSIONER MKHWANAZI: But how can we confirm that he did reach that?

ADV KHUMALO SC: Because you said so in your letter.

COMMISSIONER MKHWANAZI: Yes, that is what he said. I do not want to lie and say, but I cannot confirm that. But he provided those services. I cannot say because he is not here, I will talk bad.

ADV SELLO SC: Thank you, Commissioner. On the question that the Chair asked whether you read it, that message as you see there, it does indicate that video, it marks it as read, the video we have just played. Do you see that?

10 **COMMISSIONER MKHWANAZI**: Watched or read?

ADV SELLO SC: It is marked as read. So it suggests it was opened and watched. And it was addressed to you, so the assumption must be it was opened and watched by you, the recipient for whom it was intended. You do not remember?

COMMISSIONER MKHWANAZI: No, I do not remember that.

ADV SELLO SC: Then ...[intervenes].

COMMISSIONER MKHWANAZI: Commissioner, you said
20 ...[intervenes].

CHAIRPERSON: You may not remember opening, but it is something else altogether whether you watched. Because as I said earlier and as you agreed, there is no way you would not remember a video like that.

COMMISSIONER MKHWANAZI: Commissioner, I do not.

CHAIRPERSON: No, no, no. Remember I said there is a difference between not having viewed the video altogether and not remembering that you did. And my point is, I would understand if you were out and out saying I never viewed it, but I will not understand you altogether if you say you do not remember viewing it, suggesting that you may well have viewed it, but you have since forgotten. That I will not understand. Not a video like that. Somebody fanning himself with a thick word of money like that.

10 **COMMISSIONER MKHWANAZI**: I would be lying to you, Chair. I would be lying to you.

CHAIRPERSON: So which is which between the two possibilities I am positing to you?

COMMISSIONER MKHWANAZI: Maybe I viewed and I do not remember, or I never viewed it at all. And you are saying which is which ...[intervenes].

CHAIRPERSON: I will tell you now that I do not believe you if you say you may well have viewed it, but you do not remember. I will find that very, very difficult to believe. It
20 is something else altogether to say – because this says read, you may well have clicked on that video, but never got to view the video itself. That is something else.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: So I could understand that. But to say that you may well have viewed it, but you have since

forgotten about it altogether, that I find very difficult to understand, or to accept.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

CHAIRPERSON: Do you get the distinction?

COMMISSIONER MKHWANAZI: No, no, I get you, Commissioner.

CHAIRPERSON: So can you please address me on those two possibilities?

COMMISSIONER MKHWANAZI: Yes, I am trying to recall
10 maybe the ever, ever, ever. What is the date? I know it is 2021, but in which month?

ADV BALOYI SC: It is in December 2021. I think it is the 13th of December, thereabout.

COMMISSIONER MKHWANAZI: No, Commissioner.

CHAIRPERSON: Do you have the date where it says read?

ADV SELLO SC: Yes, just scroll up.

COMMISSIONER MKHWANAZI: Here it says read.

ADV SELLO SC: The one that we had projected earlier?

CHAIRPERSON: Yes, yes. You heard it just now.

20 **ADV SELLO SC:** We are putting it up.

CHAIRPERSON: Yes, yes, yes. There it is, Commissioner. You see 13 December 2021.

COMMISSIONER MKHWANAZI: In fact, we are confused about time. To me, it must appear in this something greenish.

CHAIRPERSON: Look at the one at the bottom of the page. Not where there appears to be a chat, but with no content. The very last one with content. It says there is a bracketed mic and then read and then 13 December 2021 at 10:51. There it is. You asked for the date. So, there it is.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

CHAIRPERSON: Now can you comment on the two possibilities I posited to you?

COMMISSIONER MKHWANAZI: No, Commissioner. I do
10 not remember seeing this. I do not want to lie to you. I do not remember. I do not remember seeing this. As I have said, I do not deny that I had many conversations with Mike, but I do not remember Mike and money. In fact, I do not even associate him with money, you see. But here it shows that he is getting money.

ADV BALOYI SC: Can we go back to the clip? Just to share an observation and a comment, can we go back to the clip? You see, if you would just expand it? So, at 10:50:59 Mr Van Wyk says to you:

20 “Can I send you something? But you
 need to delete after.”

Note the time. It is 10:50:59. You respond at 10:51:18. You say:

 “Sure.”

And the next thing that happens at 10:51:30, within a

minute it is that clip, that video clip. So, you are in communication with Mr Van Wyk because you have responded when he said to you, can I send, but you must delete after.

So, in the context here, you get the clip, you are having communication with him. That is fact from these chats. The observation that I make about it also is this is the same period when you are discussing those letters of acknowledgement. Right? You are having those WhatsApp
10 exchanges. It is about the same period.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: And I want to suggest what it looks like, at least to me. It looks like you are making arrangements for him to get those letters, those confirmation letters that give him power and whoever else to move around in and out of Ekurhuleni on the basis that they are helping the City. And in return, or as part of that scheme, he is offering you money.

That is what that video suggests. Because he
20 says, call me and tell me where we are going. The whole act of that video, when you look at it in the context of read, I am sending you something, delete after and you say sure, so you are in communication with him. He sends it to you. So you do receive it. That is what it suggests.

And that whole money stunt on video, it suggests

that that was to be a payment to you. It contains an offer of money that is going to come to you and you call him so that you tell him what to do. What is your comment to that?

COMMISSIONER MKHWANAZI: No, no. It is not like that, Commissioner. As I am telling you that I do not associate Mike with monies and – no, no. It is not like that, Commissioner. It is not like that. If I remember, I was going to say yes, but I did not even receive that money. But now I am saying I do not even remember.

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

ADV SELLO SC: Thank you ...[intervenes].

COMMISSIONER MKHWANAZI: He is a person who received you the whole day, talk and show you photos and show you these things. Not about money and what-what. Not Mike.

ADV BALOYI SC: Well, in the video, the video is what it is.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: He is waving money around and he says
20 call me and tell me where we are going.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Thank you, Commissioner. And perhaps this might help jog your memory, Commissioner Mkhwanazi. If we go to the exhibit file and you go to page 63A, It is

around the same time period because the chats at page 63A, and that will be CJC140. They are from the 6th of December 2021. There are three of them. They are initiated by you. You say:

“Salute.”

And Mike then responds:

“The amount we spoke about.”

He says it is APPT, but then he corrected it below and said approved. So that message should read:

10 “The amount we spoke about is
 approved.”

And that is on the 6th of December 2021 at 10:20. And that appears as read by you, and the money clip is on the 13th of December 2021. So you either have to explain to us what the amount you spoke about, what for, and it being approved. My question being, by whom? If you say you do not remember, then I suggest that that conversation is directly connected to that video where he fans himself with words of money.

20 **COMMISSIONER MKHWANAZI**: Wait. What is my first message here? I do not know.

ADV SELLO SC: Your first message to him at 63A, salute.

COMMISSIONER MKHWANAZI: Yes, yes. I can see it here. No, is it the same thing? No, it is not the same. No, for the mere fact that I said salute, I do not talk about

money. He is the one that talks about money. It shows that I do not discuss money with Mike.

ADV SELLO SC: But he discussed money with you and he said the amount we spoke about is approved. So what amount was this and approved by who?

COMMISSIONER MKHWANAZI: No, no, no. I do not know. I do not know this amount.

ADV SELLO SC: You do not know?

COMMISSIONER MKHWANAZI: And I saw that it says
10 read, as you were saying.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes, no, no.

ADV SELLO SC: And there is no record of you asking him what are you talking about?

COMMISSIONER MKHWANAZI: No, I do not remember me asking.

ADV SELLO SC: I am saying there is no record of you asking him that.

COMMISSIONER MKHWANAZI: No, I am saying I do not
20 remember me asking Mike.

ADV SELLO SC: You say you do not remember. I am saying from the chat it does not appear that you challenged him and said, Mike, what are you talking about?

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: So it suggests that you accepted that you

and him had spoken about an amount.

COMMISSIONER MKHWANAZI: No.

ADV SELLO SC: No, the chat suggests so.

COMMISSIONER MKHWANAZI: No.

ADV SELLO SC: And I will take it further then and say that being the 6th of December and him sending you the video on the 13th of December the same year, is continuing that conversation. He told you the amount is now approved and then he sent you this wonderful video of him fanning himself
10 with words of money and saying, tell me what to do. So basically, I am suggesting that is tell me where to deposit your share.

COMMISSIONER MKHWANAZI: No, no, I do not have a share with Mike. As I am telling you, Mike is not a person who would go to shout. He would talk about services and talk about this. He is not a person who would come and say, hey, this is the money, or this is the money for what-what. Mike is that businessman.

ADV SELLO SC: So, basically, you are saying he is given
20 to doing these lunatic actions where he just sends you a video of himself saying hi, Julius, and then fending himself with this word of money and then ask you specifically, tell me what to do. You watch that and then you sit there and you say I have no idea what Mike is talking about. Is that what you are telling the Commissioners?

COMMISSIONER MKHWANAZI: That he is just showing off.

ADV SELLO SC: That you do not know, you have no clue what he is talking about.

COMMISSIONER MKHWANAZI: Yes, he is just showing off there.

ADV SELLO SC: Okay, and then he asks ...[intervenes].

COMMISSIONER MKHWANAZI: Even if you can look in my bank account, such money, *ai*.

10 **ADV SELLO SC:** Yesterday you did indicate that you paid Hanekom R100 000 and it is not in your bank account.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: So that would be the money under the mattress. So similarly here, that is where it could go.

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: Okay. All right. Let us go to the next one, the next one in your pack.

COMMISSIONER MKHWANAZI: In the pack?

20 **ADV SELLO SC:** In the file, sorry. The exhibit file. It will appear on the screen as well. EXHIBIT CJC126, page 34.

COMMISSIONER MKHWANAZI: 126?

ADV SELLO SC: CJC126. The number on the flag.

COMMISSIONER MKHWANAZI: Page 34?

ADV SELLO SC: Page 34. Now, you see the first video indicated, the first one in green on the screen there behind

you.

COMMISSIONER MKHWANAZI: I cannot see the screen.
That is why ...[indistinct].

ADV SELLO SC: Ja. I am saying you see you see the
screen.

COMMISSIONER MKHWANAZI: I am saying I cannot see
the screen. I am looking here.

ADV SELLO SC: Okay, okay. He will show you that. You
have located it. It is that video. It is that audio. Page 81
10 in your pack there. You see the top one on your screen?
You see at the top there it shows that he sent an audio?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And now I am saying we are going to play
that audio, which also appears you listened to.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: And I want to see if you recall receiving
such and what you did after receipt.

COMMISSIONER MKHWANAZI: Yes.

[AUDIO PLAYED BACK]

20 "Hi, Julius. Mike here. How are you
doing? Please, if it is possible, give me
a shout so I can know when to send
Dylan for his photo and pick up my card.
Then just a question and I want you just
to think about it. After my discussion

with Vusi, I mean, we had a little bit sank in the water. We cannot do anything really until the National Commissioner comes to the party, but we cannot use even the peace officers legally, this card, if we are not appointed by EMPD as whatever. You have the appointment as a peace officer, but it is not loaded on the system, the national database. The person like me, for example, is not loaded as appointed whatever by Ekurhuleni. So that is just a concern Vusi also have and myself and we need to know where we are standing on that. So please, please, please, please, Chief, I will appreciate if you can just get back to me.”

And perhaps before you answer, to help you recall, if you look at page 36 of the exhibit bundle, that is that message we dealt with where you say to him:

“Hi, Mike. You are loaded on a system. You are just not in as employees, but are finalising today with the National Chief for the other national objectives.”

So you are responding to that message.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: You recall receiving that?

COMMISSIONER MKHWANAZI: No, no, this one I can talk to.

ADV SELLO SC: You recall?

COMMISSIONER MKHWANAZI: Yes, this one I can ...[intervenes].

ADV SELLO SC: And he clearly says discussion with Vusi, and I take it is Vusi Matlala, and the concerns expressed by
10 both himself and Vusi Matlala.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: About the cards and say about their validity absent a letter. Okay, and you did you issue such a letter? Because you recall our page 64 is from 2021. His message here and to you is in January 2022.

COMMISSIONER MKHWANAZI: Here he is not talking about the letters, he is talking about the cards. Sorry, I am lost.

ADV SELLO SC: Okay, she says he acknowledges receipt
20 of the cards and he says they are worried about the validity of them absent a letter, you giving a supporting letter.

COMMISSIONER MKHWANAZI: Can you replay it?

ADV SELLO SC: Ja, absolutely.

COMMISSIONER MKHWANAZI: I only captured the cards.

ADV SELLO SC: Come again?

COMMISSIONER MKHWANAZI: No, I am saying please replay it because I only captured the cards.

[AUDIO PLAYED BACK]

10 “Hi, Julius. Mike here. How are you doing? Please, if it is possible, give me a shout so I can know when to send Dylan for his photo and pick up my card. Then just a question and I want you just to think about it. After my discussion with Vusi, I mean, we had a little bit sank in the water. We cannot do anything really until the National Commissioner comes to the party, but we cannot use even the peace officers legally, this card, if we are not appointed by EMPD as whatever. You have the appointment as a peace officer, but it is not loaded on the system, the national database. The person like me, for example, is not

20 loaded as appointed whatever by Ekurhuleni. So that is just a concern Vusi also have and myself and we need to know where we are standing on that. So please, please, please, please, Chief, I will appreciate if you can just get back

to me.”

COMMISSIONER MKHWANAZI: Then how do you think – then he said – he talks about the letter. I am saying ...[intervenes].

ADV SELLO SC: No, no, I take that back, the error was mine. I confused it with the previous one. Actually, your response to that particular audio is at page 36 where you say you are loaded on the system and you are finalising with the National Chief for the other national objectives at
10 page 36.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: So you confirm that you will be addressing his concerns, his and Vusi Matlala's concerns, and that is how you address them by loading them onto the system?

COMMISSIONER MKHWANAZI: As I have said that people are loaded in the system, I have confirmed that.

ADV SELLO SC: No, I am saying specifically these two. Because you say you are loaded on the system.

20 **COMMISSIONER MKHWANAZI:** No, I am not talking about the – are you saying specifically Mike and Vusi or about ...[intervenes].

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Are you talking about ...[indistinct]?

ADV SELLO SC: Human beings?

COMMISSIONER MKHWANAZI: Repeat your question.
Sorry.

ADV SELLO SC: No, I am saying he sends you this clip and says the concern he and Vusi have is that they have the cards, but if they are not loaded, if they are not in a system, it may create challenges. Correct?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Then I am saying at page 36 you come
10 back and you assure him that, Mike, you are loaded on a system, you are just not in as an employee.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: So you address the concern he had by saying that they are loaded on the system.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Not as an employee. Yes, I have said that.

ADV SELLO SC: Yes.

20 **COMMISSIONER MKHWANAZI:** Just volunteers.

ADV SELLO SC: Then the next chat, the next voice ...[intervenes].

ADV BALOYI SC: Before you move off. Commissioner, were you discussing with the National Commissioner of Police?

COMMISSIONER MKHWANAZI: No.

ADV BALOYI SC: So what is this about?

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

ADV BALOYI SC: Because Mike also says they need the National Commissioner to do something and then you respond and say you are finalising today with the National Commissioner.

COMMISSIONER MKHWANAZI: I think I was just fooling him, you see.

10 **ADV BALOYI SC:** Okay.

COMMISSIONER MKHWANAZI: I was just fooling him.

ADV BALOYI SC: All right, thank you.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And in fact, I think in your message you referenced National Chief, whoever that is. It is Mike in the audio who says National Commissioner.

COMMISSIONER MKHWANAZI: No, there is no National Chief. There is only one. It is National Commissioner.

20 **ADV SELLO SC:** You wrote National Chief. Who did you mean to ...[intervenes].

COMMISSIONER MKHWANAZI: That is what I am saying I was just fooling him. There is no National Chief.

ADV SELLO SC: You were?

COMMISSIONER MKHWANAZI: I was just fooling him. There is no National Chief.

ADV SELLO SC: Fooling him?

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: We do not have a National Chief.

ADV SELLO SC: Why would you fool him?

COMMISSIONER MKHWANAZI: I think he was just pressurising.

ADV SELLO SC: Okay.

10 **COMMISSIONER MKHWANAZI:** But here I was just – there is no National Chief. We do not have a National Chief.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: Were you not in fact giving him the impression that the cards, because remember he is raising concern about using the cards and you giving him the impression that you were talking to the National Commissioner, you were in fact giving him the impression that the issuing of their cards and their use of the cards will
20 be sorted out by the National Commissioner? So you were being dishonest and misleading him basically.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Then the next clip is CJC127 and it is still about the cards. Just a quick one, and I will ask you a question.

[AUDIO PLAYED BACK]

10 “I will phone you tomorrow morning as well about something. I lost my *flippen* appointment. Thanks, Julius. I appreciate it. I need to phone you tomorrow morning as well about something. I lost my *flippen* appointment card. I do not know what happened with it. I think they washed it and destroyed it. I do not know. I just do not know. So, ja, I will appreciate it if you can just maybe issue me and then we will definitely chat tomorrow anyway.”

ADV SELLO SC: The audio is not the best, but basically the complaint is that he has lost his appointment card and he is asking for your assistance, in summary.

20 **COMMISSIONER MKHWANAZI:** Okay.

ADV SELLO SC: Did you re-issue him an appointment card? Do you recall? You do not know. Firstly, do you recall receiving that concern from him, Mr Van Wyk?

COMMISSIONER MKHWANAZI: No, I received it. I remember.

ADV SELLO SC: Okay, yes.

COMMISSIONER MKHWANAZI: But I do not recall ...[intervenes].

ADV SELLO SC: If you replaced the lost card.

COMMISSIONER MKHWANAZI: Yes, no, I do not recall.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: But the message I recall because we met. You know why I recall? We also met somewhere around Boksburg physically at Eastgate. We
10 met each other and said, Julius, do not forget I lost the card and what-what, physically. That is why I can remember. Not only on audio. When we were around Eastgate. He stopped me and said, do not forget.

ADV SELLO SC: Okay.

ADV BALOYI SC: Is it fair to say you likely replaced the card because you had no problem issuing him with a card. So the likelihood is you did issue him another card. You may not remember it, but the likelihood is you replaced it.

COMMISSIONER MKHWANAZI: I do not, Commissioner,
20 because I must start by communicating with those that are there.

ADV BALOYI SC: When you say you do not, you mean what? You do not remember?

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: No, I accept ...[intervenes].

COMMISSIONER MKHWANAZI: I do not recall.

ADV BALOYI SC: Ja, I accept when you say you do not recall. I am proposing to you that the likelihood – because remember you have a continuing relationship with him. Other people have got cards that you have been facilitating. You are not in a fight with him.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: When he says I have lost my card, chances are you replace it.

10 **COMMISSIONER MKHWANAZI:** I remember and recall. Yes, I do not recall.

ADV BALOYI SC: Okay, thank you.

COMMISSIONER MKHWANAZI: Now I know the difference between the two, yes.

ADV SELLO SC: Then I would like to go to the next audio. Can you get to page 39? At page 39, I am interested in the first audio. That audio bears the date stamp of 27 November 2021. Do you see that?

CHAIRPERSON: 31 of which?

20 **ADV SELLO SC:** No, on their system. With us, that clip is CJC129 at page 37.

CHAIRPERSON: 37?

ADV SELLO SC: Yes. So, I intend to play the first clip on that message.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: It is coming up now and then we can engage with it.

CHAIRPERSON: I do see we just have placeholders in our relevant one. All right.

[AUDIO PLAYED BACK]

10 “Thanks, Julius. I will appreciate it because my partner is a little bit stressed if they pull him over. My business partner, the one that is paying us. He is hectic about the fleet story. But I hope you enjoy now your honeymoon this weekend and that you guys have fun and enjoy Cape Town and drink a lot of wine. And then when you are back, you can make a turn so we can chat a little bit.”

ADV SELLO SC: Did you follow the message? Did you hear that?

20 **COMMISSIONER MKHWANAZI:** About enjoying Cape Town. I get that, yes.

ADV SELLO SC: The part before Cape Town.

COMMISSIONER MKHWANAZI: The honeymoon?

ADV SELLO SC: The part before the honeymoon in Cape Town. We will replay it and maybe just reduce the sound a bit ...[intervenes].

COMMISSIONER MKHWANAZI: Honeymoon and great wine ...[intervenes].

CHAIRPERSON: The part about the partner that was pulled over, I think.

ADV SELLO SC: I will replay it.

10 “Thanks, Julius. I will appreciate it because my partner is a little bit stressed if they pull him over. My business partner, the one that is paying us. He is hectic about the fleet story. But I hope you enjoy now your honeymoon this weekend and that you guys have fun and enjoy Cape Town and drink a lot of wine.”

There are two messages there.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

20 **ADV SELLO SC:** The first is about his business partner being concerned about being pulled over. Then there is the second part that you heard which is the honeymoon in Cape Town. I accept the honeymoon in Cape Town. I am interested, firstly, do you recall that message?

COMMISSIONER MKHWANAZI: No, I do not recall this, but I know that you always had a partner who is also a something like a girlfriend, let me say so, who was very problematic. He used to call me, this one is fighting people. He used to call me many times ...[intervenes].

ADV BALOYI SC: No, no, no ...[intervenes].

ADV SELLO SC: No, he says business partner.

ADV BALOYI SC: He is talking about a business partner.

COMMISSIONER MKHWANAZI: Yes, he is the business partner. Yes, he is the business partner. It is just that I will not disclose, but he is a business partner. He is correct.

ADV BALOYI SC: And he says that business partner is the one that is paying you.

COMMISSIONER MKHWANAZI: Paying me?

10 **ADV BALOYI SC:** Yes, you and him.

COMMISSIONER MKHWANAZI: No.

ADV BALOYI SC: That is what he says in the clip.

COMMISSIONER MKHWANAZI: Can you replay? Because I know that we used to discuss about his partner who is ...[intervenes].

ADV KHUMALO SC: Listen to the part where it says the one who is paying us. They are going to play the clip again.

ADV SELLO SC: Okay.

[AUDIO PLAYED BACK]

20 "Thanks, Julius. I will appreciate it because my partner is a little bit stressed if they pull him over. My business partner, the one that is paying us."

CHAIRPERSON: The one who is paying us.

COMMISSIONER MKHWANAZI: Maybe he is talking about

them in their business.

ADV BALOYI SC: And it is not his girlfriend. It is him. He says he, him.

COMMISSIONER MKHWANAZI: Yes, Commissioner.

ADV BALOYI SC: So he is not talking about a girlfriend.

COMMISSIONER MKHWANAZI: Yes, Commissioner. Yes, the partner that I am talking about.

CHAIRPERSON: But it could be ...[intervenes].

COMMISSIONER MKHWANAZI: I am not talking about
10 ...[intervenes].

CHAIRPERSON: [Indistinct] ...[intervenes].

COMMISSIONER MKHWANAZI: Let me clarify it.

CHAIRPERSON: It could be a partner in that sense as well.

COMMISSIONER MKHWANAZI: Let me clarify it. I am not
talking about Vusi. I am talking about the partner. That is
why I cannot even disclose everything, you see, about their
partnership. But it is the partner that was in business with
him who was very problematic. It is the partner and he is
20 the business partner too. He is the partner in terms of
affair. He is the business partner to him too.

ADV SELLO SC: So if I understand what you are saying
and that was Commissioner Baloyi's concern, you do not
want to commit yourself as to ...[intervenes].

COMMISSIONER MKHWANAZI: May I write to you?

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes, so that you will understand. Because I do not want to be sued here.

ADV BALOYI SC: What do you want to write?

COMMISSIONER MKHWANAZI: What I am explaining.

ADV BALOYI SC: Okay.

ADV SELLO SC: Yes, please.

ADV BALOYI SC: Yes, you can write down.

ADV SELLO SC: Mr Mkhwanazi, just to point out just a
10 brief note you are writing. You do not have to write chapter
and verse about this matter, about the identity of the
partner. I am happy to leave it as his business partner.

COMMISSIONER MKHWANAZI: I am done, I am done, I
am done.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: I do not want you to sue
me. I do not have money.

ADV KHUMALO SC: It is longer than your first IPID
statement.

20 **CHAIRPERSON:** Please take it to the evidence leaders
first.

COMMISSIONER MKHWANAZI: As I have said, I was
programmed today.

ADV SELLO SC: Okay, thank you.

COMMISSIONER MKHWANAZI: And you see, when I

explain, I explain a lot.

CHAIRPERSON: Please do not leave it. We will bring it to us.

COMMISSIONER MKHWANAZI: Chair, is it not coming to you? Yes, yes.

ADV SELLO SC: I note ...[intervenes].

CHAIRPERSON: It is for the evidence leaders and then ...[intervenes].

ADV SELLO SC: Yes, yes, yes. He did say do not read it.

10 So, while then they are reading that note and understanding, and I understand, we do remember that in the message he says my business partner is worried about being pulled over. You heard that?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: And I am going to suggest to you that, and as I will demonstrate in a minute, that the worry about being pulled over is with the use of the blue lights. That is what I suggest. Now, my question is, did you know the partner to be using blue lights as well?

20 **COMMISSIONER MKHWANAZI**: No.

ADV SELLO SC: No, you do not.

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: Okay. And when he says my business partner, the one who is paying us, is the partner that you have just referenced there, was the partner paying you?

COMMISSIONER MKHWANAZI: No, no, no.

ADV SELLO SC: Who was he paying?

COMMISSIONER MKHWANAZI: He is talking about them.

He is talking about them.

ADV SELLO SC: When he says the one who is paying us?

COMMISSIONER MKHWANAZI: Yes, he is talking about them, not me.

ADV SELLO SC: Okay. I thought the us was inclusive of you in that message.

10 **COMMISSIONER MKHWANAZI:** No, no, no.

ADV SELLO SC: He seems to suggest so.

COMMISSIONER MKHWANAZI: No, it does not say so there. He is talking about ...[intervenes].

ADV SELLO SC: He does say the partner ...[intervenes].

COMMISSIONER MKHWANAZI: He is talking about ...[intervenes].

ADV SELLO SC: The one who is paying us.

COMMISSIONER MKHWANAZI: Us. He was going to say you and us. There he is saying us, them.

20 **CHAIRPERSON:** But why would he have had to tell you about the person paying them if that had nothing to do with you? Because he could just have said my partner, full stop.

COMMISSIONER MKHWANAZI: Yes, I do not know.

CHAIRPERSON: Why did he have to refer to payment?

COMMISSIONER MKHWANAZI: I do not know,

Commissioner. I really do not know. I really do not know.

CHAIRPERSON: But you do accept that grammatically the us could have referred to you as well. I am not asking whether as effect it was referring to you. But you accept that grammatically the us could have referred to you as well.

COMMISSIONER MKHWANAZI: It is difficult to accept that, Commissioner. Let me not lie to you.

CHAIRPERSON: That is because you are focussing on
10 whether as a fact it was, and that is not what I am asking.

COMMISSIONER MKHWANAZI: In fact, I know that environment there, you see.

CHAIRPERSON: I will leave it. It is a matter of interpreting the grammar.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

CHAIRPERSON: I will leave it at that.

ADV KHUMALO SC: The honeymoon, did Mr Van Wyk pay for this honeymoon that he is talking about?

COMMISSIONER MKHWANAZI: I never went to a
20 honeymoon, but I went to Cape Town, but not a honeymoon.

ADV KHUMALO SC: But did he pay for that trip to Cape Town?

COMMISSIONER MKHWANAZI: No, no, no. In fact, me and my ex, we are paying in the same month. From early we used to budget. We know that during the year we do not

have money to – we celebrate our birthday. They were apart, a week apart or two weeks apart. Then we would wait for me after my payday, close to my payday. Then that is when we are adding on top of what we are getting or on top of what we ...[intervenes].

ADV KHUMALO SC: You have answered me. You do not need to give a ...[intervenes].

COMMISSIONER MKHWANAZI: Okay.

10 **ADV KHUMALO SC:** You said no. I accept your no answer.

COMMISSIONER MKHWANAZI: Then, Commissioner, it will go to that when you ask me that if Magagula said – I was going to write a lot of things.

ADV BALOYI SC: Can I just ask, why would Mr Van Wyk speak to you about his partner who is concerned of being pulled aside on the road if it was not because it is a conversation that you know something about and he wants you to do something about it, or he wants to have a further conversation about it?

20 **COMMISSIONER MKHWANAZI:** Commissioner, as I have said that he used to complain about the partner ...[intervenes].

ADV BALOYI SC: No, no, no. He is talking about his partner being worried of being pulled over. My question is why would he? It is not a complaint.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: He is telling you. In fact, he says go well to Cape Town. When you come back, please let us touch base. Right? So my question is, why would Mr Van Wyk talk to you about his business partner who is concerned about being pulled over if it is a matter that is of no relevance to you and that you cannot do anything about?

COMMISSIONER MKHWANAZI: Maybe he thought that I would do magic.

10 **ADV BALOYI SC:** No.

COMMISSIONER MKHWANAZI: Because one of the things Mike – let me answer. One of the things that I detected with Mike is that I was used during the process. Every time when he would call, you see, it was when he was having problems or challenges or obstacles. In fact, he has confirmed in one of his interviews that I was just using ...[intervenes].

ADV BALOYI SC: Okay, let us forget the interview for the purpose of my question. Ms Sello puts to you that this had
20 something to do with the use of the blue lights. I want to suggest to you that indeed it looks that way. It is about something that you have the power to do something about and that he has been discussing with you. He knows you are familiar with this topic.

If you listen to this clip, it has no context. So, he

knows that you are familiar with this topic. I want to suggest to you that you were familiar with the topic. You knew what he is talking about when he says to you my business partner is concerned that he may be pulled over. You knew what the topic was about.

I want to further say to you the reason that he raises it with you or he mentions it to you is because he knows you can do something about this topic. I want to suggest to you that Ms Sello is correct to say this must
10 have been about the use of the blue lights that his partner, who is paying you, and I do not accept, and I think you should understand, that I do not accept your explanation for what it is worth.

I do not accept your explanation that maybe he is talking about his business partner who is paying the people in the office. No. He is talking about his business partner who is using blue lights, who is concerned that as he uses the blue lights he will get into trouble. You must solve it. And it is a partner that you know firstly that partner, but
20 also it is a partner that is paying both you and him.

COMMISSIONER MKHWANAZI: No.

ADV BALOYI SC: I want to suggest those are the facts.

COMMISSIONER MKHWANAZI: No, no, Commissioner.

ADV BALOYI SC: Okay.

COMMISSIONER MKHWANAZI: No, Commissioner.

ADV BALOYI SC: Thank you.

COMMISSIONER MKHWANAZI: Is it no respectful way, Commissioner, or is it...

ADV BALOYI SC: Shall we say that again?

COMMISSIONER MKHWANAZI: I am saying is it no – I am not saying it bad when I say no.

ADV BALOYI SC: No, no, no, you are not being disrespectful.

COMMISSIONER MKHWANAZI: Okay.

10 **COMMISSIONER MKHWANAZI:** I hear you say what I am saying is not correct.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: That is fine. Thank you.

COMMISSIONER MKHWANAZI: I will use that word, Commissioner.

ADV BALOYI SC: Thank you.

20 **ADV SELLO SC:** Thank you, Commissioner Baloyi. Then let us listen to the next clip and see whether it perhaps sheds any light on this particular voice note. And for the record, that will be exhibit bundle, CJC132. Now, if you go to your screen there, Lefa, page 46, and it is being projected now, and it is that first clip at page 46. It starts with – do you see it? Series 95CB [?]. Lefa, is that the right one? Okay. So we are going to play the clip now for you.

[AUDIO PLAYED BACK]

“Hi, Julius. Morning. I hope you had a good weekend. I will see if I am going to have a good week, all depending on what you are going to answer me. Where are we standing, my friend? I need to know, please, please, please. I mean, you want to do Christmas shopping. I need to make sure my boss is not in jail for blue
10 lights, so can you please, please just see what we can do?”

And this was a conversation in December 2021 according to that message, and you read it, and it appears there.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: So he is saying, please help, he is worried and his boss is worried about the use of blue lights there, when he uses blue lights.

COMMISSIONER MKHWANAZI: No, I do not know. I do not have information on that.

20 **ADV SELLO SC:** No, he told you in that message ...[intervenes].

COMMISSIONER MKHWANAZI: Yes, yes, I heard that ...[intervenes].

ADV SELLO SC: Did you listen to that message?

COMMISSIONER MKHWANAZI: I can hear that, I can hear

that.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes, I can hear that.

CHAIRPERSON: And he refers to Christmas shopping.

ADV SELLO SC: Well, the Christmas shopping is by Commissioner Mkhwanazi. He said you are sorted, you are going to have your Christmas shopping, but there is this problem that needs to be resolved ...[intervenes].

COMMISSIONER MKHWANAZI: No, because I saw that
10 ...[intervenes].

ADV SELLO SC: Because of the threat. I will play it again.

CHAIRPERSON: Please, play it again.

[AUDIO PLAYED BACK]

20 “Hi, Julius. Morning. I hope you had a good weekend. I will see if I am going to have a good week, all depending on what you are going to answer me. Where are we standing, my friend? I need to know, please, please, please. I mean, you want to do Christmas shopping. I need to make sure my boss is not in jail for blue lights, so can you please, please just see what we can do?”

ADV SELLO SC: You heard that now.

COMMISSIONER MKHWANAZI: He is saying you had to do.

CHAIRPERSON: You want to do Christmas shopping.

COMMISSIONER MKHWANAZI: It is one in the – okay, yes.

ADV SELLO SC: Now, who is his boss? Who did you understand? Who is his boss? Who is he referring to, using blue lights?

COMMISSIONER MKHWANAZI: No, no, I am not sure. He
10 does not specify here.

ADV SELLO SC: So at least you know from Mr Van Wyk that he has a boss who is using blue lights. The message says so as well.

COMMISSIONER MKHWANAZI: He is saying he needs to be sorted. He does not say he is sorted. He says he needs to be sorted.

ADV SELLO SC: The issue is that he does not go to jail ...[intervenes].

CHAIRPERSON: The question is, you know he has a boss
20 who uses blue lights. Please answer that question, not something about needing to be sorted.

COMMISSIONER MKHWANAZI: No, no, I do not know about that. I do not know about that.

ADV SELLO SC: So, you do not know who the boss is. You do not know that the boss uses blue lights.

COMMISSIONER MKHWANAZI: Yes, no, no.

ADV SELLO SC: Okay. So why would he, and his concern is the issue of his boss being arrested and thrown in jail for using blue lights, and he turns to you to help with that.

COMMISSIONER MKHWANAZI: My understanding with this is he is saying, I need to be sorted. His boss needs to use his blue lights. His boss needs to use his blue lights for Christmas. Not to say that his boss uses the ...[intervenes].

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

10 **COMMISSIONER MKHWANAZI**: Let us play it, Commissioners.

CHAIRPERSON: No, no, no, no. Before you go on, because you are going to be explaining one a wrong premise. No.

COMMISSIONER MKHWANAZI: Okay.

CHAIRPERSON: It is not – the Christmas shopping does not relate to the boss. What the clip says is you ...[intervenes].

20 **COMMISSIONER MKHWANAZI**: Yes, that is what I am saying.

CHAIRPERSON: You, not his boss. You have to do your Christmas shopping.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: So please explain along those lines. Not on the wrong premise that it is the boss that must do

Christmas shopping.

COMMISSIONER MKHWANAZI: No, I am explaining along those lines.

CHAIRPERSON: Please start again. Please start again and respond.

COMMISSIONER MKHWANAZI: He is saying I must do Christmas shopping, then I must sort his boss with blue lights. Something like that. If I understand it. That is what I was saying.

10 **CHAIRPERSON**: Yes.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: No, that is not what you said. Perhaps please redirect us, Ms Sello.

ADV SELLO SC: Should we replay for the last time? Is that what the Chair is ...[intervenes].

CHAIRPERSON: No, no, no. I am talking about your question.

20 **ADV SELLO SC**: My question was and what I heard, he says you are being sorted for Christmas shopping, but he has got a problem. Let me accept what I understand and then you correct me.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: But then he has a problem because he has a boss who has a concern about being arrested when he uses blue lights. That is what he says.

COMMISSIONER MKHWANAZI: No.

ADV SELLO SC: Okay.

CHAIRPERSON: Perhaps let us to avoid a dispute on this, let us play it one more time.

ADV SELLO SC: Play it again and please listen carefully.

COMMISSIONER MKHWANAZI: Yes, yes.

[AUDIO PLAYED BACK]

10 “Hi, Julius. Morning. I hope you had a good weekend. I will see if I am going to have a good week, all depending on what you are going to answer me. Where are we standing, my friend? I need to know, please, please, please. I mean, you want to do Christmas shopping. I need to make sure my boss is not in jail for blue lights, so can you please, please just see what we can do?”

COMMISSIONER MKHWANAZI: You see, you had to do.

ADV SELLO SC: He starts by saying where do we stand?

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

ADV SELLO SC: Yes, and then he tells you about the concern of the boss being arrested for the blue lights and ...[intervenes].

COMMISSIONER MKHWANAZI: No, let us say it the way he said it. He said you had to do after what you have said.

Christmas shopping. Then he touches his boss on blue light. Not to say I am – the way you are putting it is that you have sorted me with money, then I must sort blue light. No, it is not like that. We have repeated it twice now.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: And I am keep on writing it. You have to do, you have to do.

ADV SELLO SC: Well, if I ...[intervenes].

COMMISSIONER MKHWANAZI: You are cornering me to a
10 certain corner.

ADV SELLO SC: No, if I misheard about Christmas shopping, I am happy to accept any correction. I am not concerned about the Christmas shopping. I am more concerned about the second part of that audio where he says, where do we stand? So you and I or us and you. And then he articulates the concern his boss has regarding being arrested, possibly arrested, while using blue lights. And then he says please, please, see what you can do. So the see what you can do can only be see what you can do to
20 avoid my boss being arrested while using blue lights.

COMMISSIONER MKHWANAZI: You know, Evidence Leader, you are very good in using these words, you see. And if I do not become careful, I will end up incriminating myself here. I am still ...[intervenes].

ADV SELLO SC: I was just giving you my understanding of

what he says ...[intervenes].

COMMISSIONER MKHWANAZI: Your interpretation?

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: So is that how you understood or did you understand it differently? And if you understood it differently, what do you understand him to be saying about his boss using the blue lights and the risk of being in jail?

COMMISSIONER MKHWANAZI: My understanding is that
10 he is trying maybe to push me to talk about blue lights, you see. And as I have said, I know nothing about blue lights and I have been consistent about that the City does not issue blue lights. And the letters that I have said, and the letters, the attachment that I have proven and I do not have powers of blue lights, you see.

ADV SELLO SC: Well, if his message is to be understood, he believed differently that you can do something about his boss's risk of being arrested when he uses blue lights.

COMMISSIONER MKHWANAZI: No.

20 **ADV SELLO SC:** He says, he ends that audio with please, please do something.

COMMISSIONER MKHWANAZI: No, it might be ...[intervenes].

ADV SELLO SC: Remember he started by saying, when he was talking about the Christmas shopping, he said

depending on whether you can solve this problem, he just might have a good Christmas. So he asks, where do we stand? He tells you about the risk. He concludes by saying, please, please see what you can do. And you say, what do you understand him to be talking about?

COMMISSIONER MKHWANAZI: In fact, you have just simplified for me.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: He said, you might be.
10 And I know that I do not have those powers. The City does not have those powers. That is why there is no letter that says you can use blue lights. There is no, you cannot find any letter. And the City has not done any branding, any blue lights. I have been explaining that and I am still explaining that.

ADV SELLO SC: Why do you – what do you suggest, why would he turn to you to address that potential risk?

COMMISSIONER MKHWANAZI: I do not know. I do not know.

20 **ADV BALOYI SC**: Maybe because you were involved in the drafting of the memorandum that says they will use blue lights. Can we just stop playing around here? You were involved with Mike Van Wyk in preparing a memorandum. That memorandum makes provision for them to use blue lights. So, according to you, it was proper to have in the

memorandum that they will be using blue lights. So, stop saying to us, no, the City does not do that. Well, you did it. You had it in the memorandum.

COMMISSIONER MKHWANAZI: Commissioner Baloyi, there is no letter, there is no memorandum that says they can use blue lights. The letter does not say so, Commissioner.

ADV BALOYI SC: No, the memorandum where they undertake certain services, the Medicare – you looked at
10 that with Ms Sello. The Medicare24 Anubis memorandum had a bullet point, the very last bullet point there. It says the City will ensure that their vehicles are fitted with blue and red lights. You have signed that memorandum.

ADV SELLO SC: Yes.

ADV BALOYI SC: So, Commissioner Mkhwanazi tells us the City does not do that, but Commissioner Mkhwanazi signed a memorandum that says the City will fit blue lights. Now, Mike in his messages is asking you to sort out the
20 blue lights issue because his boss will go to jail for using blue lights. He is worried that they will stop him on the way. You are involved with that.

ADV BALOYI SC: Commissioner Baloyi ...[intervenes].

CHAIRPERSON: You seem to be questioning even the existence of the memorandum. Remember Ms Sello took you to page 30, I think of the Spies bundle, and where it

says Ekurhuleni Police Department itemising what they are to do. It says EMPD will assist, or rather the assistance, EMPD, last bullet, will assist with registration of vehicles under EMPD as open quote “official vehicles”, that accepts that these are not official vehicles. That is why they put this in codes. And we will be permitted to use blue and red lights to respond for and on behalf of EMPD. The cost of this will be for Medicaid24 slash Anubis Protection Services, and you have signed that document. Page 30.

10 That is what Commissioner Baloyi is referring you to. Can you now respond to Commissioner Baloyi's question?

COMMISSIONER MKHWANAZI: Yes, that is what I am responding to, Commissioner. As I have said, even the first time when I was testifying here, that that thing did not happen, and if it happened in the City, there are systems that you must follow when these things finalise, when you start implementing issues with blue lights, you cannot just, as a department. There is another department that does that.

20 And as I have said, there is a letter that comes from Chris Steyn that confirmed that there were no blue lights, there were no, there was no branding that was done. There is no letter that says specifically people, I do not have those powers. I think Mike knows where all are those powers, he is just playing games and trying to turn me, or I

want a better word, to twist my leg that, can I make a magic or can I make that?

ADV BALOYI SC: Commissioner, we know from the evidence that Mr Matlala's company, Medicare24, was using blue lights. We have seen the videos, we know that. That is the evidence before us. That is what was reported in the media. Spies caused an investigation to be done. So we know that blue lights were fitted to Mr Matlala's vehicles, right?

10 We know you have a memorandum, you signed a memorandum that approves that blue lights will be fitted to their unofficial, to their vehicles, to their vehicles ...[intervenes].

COMMISSIONER MKHWANAZI: Commissioner Baloyi, you are not being fair to me.

ADV BALOYI SC: No, let me finish, you will tell me why I am not fair, and you can give me a full answer, but let me finish.

COMMISSIONER MKHWANAZI: Yes, yes, y es.

20 **ADV BALOYI SC:** We know from the evidence that has been presented before us that motor vehicles which belong to Mr Matlala have been spotted with blue lights, we know that. We know from the evidence before us that you signed a memorandum that agreed or that said the City will allow them to use blue lights and red lights.

This is your memorandum at page 30, that only you from the City signed. So we know that you had no problem from this memorandum with their vehicles having blue lights. You did not have a problem with that. Their vehicles are fitted with blue lights.

Mike Van Wyk is talking to you about blue lights, about his boss being worried that he will be pulled over and spend time in jail because of using blue lights, and he is talking to you about it. So between the memorandum and
10 the message from Mr Van Wyk, the clip that you are listening to now, between that, the memorandum at page 30, and the clip, there has been conversations with you about blue lights being used by his boss, and he comes to you and he says, do something about it. What are you denying about what I am putting to you? What are you denying? You can respond.

COMMISSIONER MKHWANAZI: When I am saying you are not being fair, the letter talks about that memorandum, it talks blue and red lights. The one that I even said I do not
20 have powers because it is another. It is for healthcare services. The memorandum talks about that. And even last time I have said to you, Commissioner, you see, I do not deny that there is communication with Mike and everything, but it has never been presented to me that this is the car we found with blue lights and everything.

It is on me, there is gossips, it is everything, but there is nothing in black and white paper that they have said, or that witness, I do not know the way, or that complainant. As I have said yesterday that even the person who deals with me, she has never came to me and said this is the complaint.

I got it, and I was suspended for something like that, but there is nothing in black and white that says, this is the car, OB number, we have arrested the same person,
10 one, two, three, four, five, because if police stops that, if Commissioner Revo Spies ...[indistinct] to stop the car into those things.

But the memorandum of understanding, the one that I was pursuing, you see, talks about the Medicare Anubis, and they are here at Boksburg, you see. That is why I am saying we are not being fair because you are jumping, you are saying blue, you do not say blue and red lights, as per what is written here.

There is no any official thing that comes from me
20 that talks about blue lights, and I do not have powers to give, even Mike knows that I do not have powers to do that. I will be putting myself in jail if I am taking those powers from the Minister.

ADV BALOYI SC: Okay, no, thank you.

ADV KHUMALO SC: Commissioner, we can all read, and I

do not want us to waste time. You can say whatever you want to say, but we have the memorandum in black and white which you signed, and this is what it says. By signing this MOA, the EMPD agrees to permit the use of blue and red lights by these two entities.

So you are giving them permission, that is what this document says. Whether you like it or not, we can read for ourselves. And it says exactly that. It says we will be permitted to use. It does not say they must follow a
10 procedure, they must do this, somebody must give them a letter. It says on the signing of this document, they will be permitted. That is what it says.

COMMISSIONER MKHWANAZI: Commissioner Khumalo, I am still coming back again. Mike talks about something that I do not know. The memorandum talks about red and blue lights, you see.

ADV KHUMALO SC: Yes.

COMMISSIONER MKHWANAZI: But here you do not say that. You are still speaking to blue lights and it is
20 ...[intervenes].

ADV KHUMALO SC: You are saying ...[intervenes].

COMMISSIONER MKHWANAZI: And it is emergency. We are talking about policy.

ADV KHUMALO SC: It does not mean there must be a red and a blue in one car. That is not what it says.

COMMISSIONER MKHWANAZI: No.

ADV KHUMALO SC: It says they can be red or they can be blue.

COMMISSIONER MKHWANAZI: No, it does not say so. You are changing the letter, Commissioner.

ADV KHUMALO SC: But I guess we will interpret it for ourselves because we have got the document in front of us.

COMMISSIONER MKHWANAZI: Yes, Commissioner.

ADV KHUMALO SC: But I can tell you now, my reading of
10 it is that it gives them permission to use those lights, full stop.

COMMISSIONER MKHWANAZI: I deny it and ...[intervenes].

ADV KHUMALO SC: And that permission came from you, full stop.

COMMISSIONER MKHWANAZI: No, I deny that, Commissioner.

CHAIRPERSON: Commissioner, to my mind, it seems you are being evasive with regard to the question that
20 Commissioner Baloyi was asking you. Because what Commissioner Baloyi says, there is reference to blue lights. Fine, there is also reference to red lights, but there is reference to blue lights.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: And she says, and she says this apropos

your point or with regard to in relation to your – in relation to your point that you have no powers. The Metro has no powers to instal blue lights. And you say that in the context of that claim.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: So Commissioner Baloyi refers you back to that memorandum to show you that whatever powers you may have or not have, but you had undertaken in so many words to assist with blue lights. Yes, you insist on referring
10 to red lights as well.

Now, what Mr Mike Van Wyk appears to be doing here is to be saying you previously promised us or to assist us with blue lights. Now, my boss is getting into trouble with regard to the use of blue lights. Do something about the undertaking you made in that memorandum about blue lights.

So it is in that context that Commissioner Baloyi says come on now, Commissioner Mkhwanazi. You cannot say you do not have the power to instal blue lights or assist
20 with regard to blue lights, rather. You cannot say the Metro cannot do anything with regard to blue lights.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: You have already undertaken in that memo to do something about blue lights. It is on that basis that I say you are being evasive in responding to the

question in the manner in which you are. Do you understand me?

COMMISSIONER MKHWANAZI: No, I understand you. I get you.

CHAIRPERSON: And what is your response? I hope this will be the last question on this point.

COMMISSIONER MKHWANAZI: Yes.

CHAIRPERSON: And what is your response?

COMMISSIONER MKHWANAZI: No, I am not evasive, or I
10 am not running away. I think Mike is trying to twist my leg. He is trying to push me somewhere where I cannot go.

CHAIRPERSON: Twisting your leg with regard to something you had already promised them. That is the thing. It is not as if this thing is new when he mentions it in this clip. You had promised them, you had undertaken, you have your signature on the line.

COMMISSIONER MKHWANAZI: Yes, it was my wish that we had that working cooperation in terms of them assisting us within the ...[intervenes].

20 **CHAIRPERSON**: But remember, it cannot just be a wish. Remember right at the beginning when Ms Sello engaged you on this, she asked you had you begun to implement? And your answer was close to five minutes, if not more, and you were saying in that answer, yes we had begun to implement. So it was not just a wish. You had actually

begun to implement.

COMMISSIONER MKHWANAZI: Commissioner, when you remember the first time I arrived here, we spent the whole day. And I explained, I explained, and I explained that that did not materialise.

CHAIRPERSON: All I am saying is, do you remember, do you remember earlier when this engagement started with Ms Sello, do you remember she asked you did you begin to implement? Do you remember that question?

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

CHAIRPERSON: And do you remember that your answer was, yes we did begin to implement? Do you remember that as well?

COMMISSIONER MKHWANAZI: And I mentioned ...[intervenes].

CHAIRPERSON: No, no, no. Do you remember that as well?

COMMISSIONER MKHWANAZI: Yes, yes.

20 **CHAIRPERSON**: And do you remember that for perhaps not less than five minutes, you itemised the actual implementation? Do you remember that?

COMMISSIONER MKHWANAZI: Yes, Commissioner.

CHAIRPERSON: Thank you. Thank you. Let us leave it at that.

ADV SELLO SC: Thank you, Chair and Commissioners.

And in fact, then here is my proposition to you. What Mr Van Wyk is talking about when he says he needs to ensure that his boss does not go to jail for use of blue lights and calling for your assistance, it is the same conversation from the previous chat where he said, he speaks about his business partner, the one who is paying us, and you wanted to suggest that that business partner is his more of a romantic partner.

And I put it to you that the business partner who is
10 paying you is the boss that he does not want to go to jail. That is one and the same person that he is referencing. And that boss I suggest to you is Mr Vusimuzi Matlala.

COMMISSIONER MKHWANAZI: From my side I deny that. I do not know from his side.

ADV SELLO SC: But he is also paying you. Remember he is paying us? So surely you should know who is paying you.

COMMISSIONER MKHWANAZI: No, no.

ADV SELLO SC: Well, according to Mr Van Wyk, he is
20 saying he is paying us.

COMMISSIONER MKHWANAZI: He did not mention me. He said us. He is talking about himself.

ADV SELLO SC: Okay. I would like to then to move on to the next clip and see if you can assist. And that for the record is CJC142.

ADV BALOYI SC: Before you discuss 142, can I just, and please correct me if I am wrong, the Commissioner can comment if he wants to. The clip that we have been looking at now, the blue lights that we have been listening to, the blue lights that has taken us so long, the date, am I correct that the date is the same as the money clip? The money fan clip.

ADV SELLO SC: I think we can quickly confirm that the ...[intervenes].

10 **ADV BALOYI SC:** December 2021.

ADV SELLO SC: Yes.

ADV BALOYI SC: Am I correct in that observation?

ADV SELLO SC: The one, the money clip, it is the one that where Mike Van Wyk had said, can I send you something but you need to delete after sure. That conversation is the 13th of December 2021.

ADV BALOYI SC: Yes.

ADV SELLO SC: Okay.

ADV BALOYI SC: Yes, and the ...[intervenes].

20 **ADV SELLO SC:** Now the audio that we have just listened to about his boss not wanting to go to jail, I am locating the actual date. It is the 13th of December 2021 at 09:45. It is the same day.

ADV BALOYI SC: Yes.

COMMISSIONER MKHWANAZI: The money clip is at

10:51. The boss going to jail is at 09:45 on the same day.

ADV BALOYI SC: Yes. You follow what is happening?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: I just wanted for the record to record that the dates are the same.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: You accept that that is what the dates are.

COMMISSIONER MKHWANAZI: It shows that he is getting
10 frustrated because I do not give him what he wants even if
he is showing me money. But I accept that.

ADV BALOYI SC: Thank you.

ADV SELLO SC: I had suggested we move on then to the next clip and that would be CJC142. If we can quickly play it? We are under extreme time pressures now. It is page 32 of your screen.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: You see that the clip I am about to play follows that – okay. As you can see just above it is that
20 business card that you denied knowledge of. It is around the same period. Do you see that?

COMMISSIONER MKHWANAZI: Sorry.

ADV SELLO SC: Okay. Now this is that business card is shared on the 8th of November 2021, as you can see there. Now we are going to get to the clip which is the 8th of

November 2021. It is the same day at 08:37 in the morning. Once again, it is marked as read. You did read that.

COMMISSIONER MKHWANAZI: Are you saying it is ...[intervenes].

ADV SELLO SC: No, you received it.

COMMISSIONER MKHWANAZI: It is on the same date with?

ADV SELLO SC: With the business card.

COMMISSIONER MKHWANAZI: Sorry, I was not listening.

10 I was just looking so that I can see.

ADV SELLO SC: No, it is the same day. The business card, but now I am interested in the clip. I am just saying they happened on the same day.

[AUDIO PLAYED BACK]

20 “Yes, morning. How are you doing? I hope you had a *lekker* weekend. I am just trying to get everything in place now and done, and if we can get somewhere. So this is cards that I see some of the metros are using for people that has a little bit of authority, but we need a letter still to authorise us to use it. It does not make us traffic officers. It just says that we work in conjunction with EMPD. I do not know. If you just want to put your

mind maybe around it?”

Did you follow that?

COMMISSIONER MKHWANAZI: Yes, yes, yes, yes.

ADV SELLO SC: So, he wants an official letter confirming that they work with EMPD. He claims that he has seen such letters with other law enforcement agencies. My question to you, do you remember that conversation?

COMMISSIONER MKHWANAZI: No, no, no, I do not remember.

10 **ADV SELLO SC**: At all?

COMMISSIONER MKHWANAZI: Yes, after this, I remember the one is that we discussed. This one, I am not sure what type of – I do not remember. I cannot answer that.

ADV SELLO SC: Did you ever issue him with the letter, the appointment letter that he requires?

COMMISSIONER MKHWANAZI: No, no, no, I do not remember.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: I do not remember.

20 **ADV BALOYI SC**: Can we just go back on the screen here? I cannot find it in my file.

ADV SELLO SC: Yes.

ADV BALOYI SC: The very document that you have now with the business card.

ADV SELLO SC: Indeed.

ADV BALOYI SC: Sorry, you said page in the file?

ADV SELLO SC: On the screen it will be page 46.

COMMISSIONER MKHWANAZI: Before you, Commissioner, can I get a clarity? Is this what Mike want me to do in marking of the vehicle, or you are saying it is the business card?

ADV SELLO SC: Please say that again? I am not sure I understood.

COMMISSIONER MKHWANAZI: No, I am saying it is the
10 marking that you want us to do in the vehicles or you are saying it is a business card?

ADV BALOYI SC: I was going to discuss that with you.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: Yes.

ADV BALOYI SC: Can you just expand?

ADV SELLO SC: Yes.

ADV BALOYI SC: Okay. So, this business card is sent to you on the 8th of November 21 by Mike, right? Can you see that from the message?

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

ADV BALOYI SC: Okay. Then he follows it up with a message that asks you:

“Do you think we can do this so long?”

That is a suggestion from Mike to do a business card like

that. You see what I am saying? What I am reading?

COMMISSIONER MKHWANAZI: No, I see what you are saying.

ADV BALOYI SC: And you respond there and I will read it out for you because you say you do not see. You say to him:

“Please guide me.”

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: You do not say to him, I do not know
10 what you are talking about, why do you have a business card like that which has the emblem of the EMPD and your firm. You do not question any of those things. You say to him, please guide me. Then the next thing is that clip that Ms Sello has just discussed with you which you say you do not remember.

COMMISSIONER MKHWANAZI: Yes. Commissioner, I am even lost is that – remember he was talking about markings, markings, markings. There is no way we talk about business cards. That is why I am not even sure that this is
20 a business card. It means it supports what I am saying, please guide me so that I can be clear. That is why I am saying ...[intervenes].

ADV BALOYI SC: No, I am not talking about markings.

COMMISSIONER MKHWANAZI: No, I am saying from my side.

ADV BALOYI SC: I am talking about what I see on this page.

COMMISSIONER MKHWANAZI: Yes.

ADV BALOYI SC: And all I am simply putting to you for comment about what is on this page is you got that card from Mike. He suggests a card to you and we know from your evidence that you have been talking to Mike about cards, right, that will be issued to peace officers. We know that.

10 Mike sends you a card like that. I do not know if this is the card you said that eventually he got, but I am having a simpler conversation with you. It is not complicated.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV BALOYI SC: It is as simple as Mike sent you this card which has EMPD and Anubis, right? And it gives the name at the top, and then not your name about protection, high risk close protection. That is what the card says, and it comes from Mike to you. And Mike says:

20 “Do you think we can do this so long?”

You do not say no, Mike, EMPD does not work that way, we do not do cards with you, with private companies. You do not say that.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: But you do respond. You say to him:

“Please guide me.”

You do not say no, it is not going to happen. You say please guide me. And the next thing that he does is that audio where he is now asking for a letter. You see that sequence of things?

COMMISSIONER MKHWANAZI: The audio is the same date?

ADV BALOYI SC: Yes, and they are all within a very short space of time. The card is sent to you at 08:35:04. He
10 asks you, do you think we can do this so long at 08:35:17, and then you answer at 08:36:06, which is within a minute. You say please guide me, and then at 08:37 he sends you the video about, I mean the audio about getting a letter. So in this sequence of events you are arranging with Mike what they can use in the meantime, a card and then he says letter. That is all I am putting to you that this is what is represented in this page, and you did respond to it.

COMMISSIONER MKHWANAZI: Yes, Commissioner, but my response does not say it is confirmed or we can do this.

20 **ADV BALOYI SC:** It is worse than that. It says please guide me. You are asking from this man who says we can use this card in the meantime, you say guide me, and then he guides you in the audio. He says give me a letter.

COMMISSIONER MKHWANAZI: Now it is no longer about cards, it is a letter. You see it talks about ...[intervenes].

ADV BALOYI SC: Yes. Do you see what this page says?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: Whether you responded or – do you see, do you accept what I am reading is what is contained here? Exchanges from Mike to you. You responding saying please guide me and Mike now sending a video that says, okay, let us do a letter. You accept that is what this page does?

COMMISSIONER MKHWANAZI: Yes, but something talks about cards that ...[intervenes].

10 **ADV BALOYI SC:** Okay.

COMMISSIONER MKHWANAZI: Okay.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Commissioner, you should not be debating the issue of cards because one of the earlier clips we listened to, Mike confirmed having received a card and having lost it and requiring your assistance.

COMMISSIONER MKHWANAZI: No, this is not the same card that he is talking about. It is a different one. We do not do this. It is a different card. That is why even earlier
20 on I wanted clarity from Evidence Leader that which card are you talking about here to clarify. Peace officers card is not something like this.

ADV SELLO SC: Are you able to perhaps provide the Commission with a copy of the card of a peace officer as you understand it?

COMMISSIONER MKHWANAZI: No, you will get it from...

ADV SELLO SC: Should we request a copy from Mr Xolani Mkhwanazi?

COMMISSIONER MKHWANAZI: Yes, you can do that. Yes, you can do that.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: He is the only person. No one does that in the City.

ADV SELLO SC: Thank you. Then I want to move on
10 quickly to the next clip, and this is CJC143 and it is page 61 on your screen there, and there are two audios there. What we will be playing is the first. Do you see what is on the screen?

COMMISSIONER MKHWANAZI: He has moved. Can you?

ADV SELLO SC: You see there is that hand.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: There is that ...[intervenes].

COMMISSIONER MKHWANAZI: No, there is something. It is from who?

20 **ADV SELLO SC:** What is from who? It is the clip below those hands that I say I am interested in.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: Yes, and that is the one now we are going to play and that clip was sent to you by Mr Van Wyk. It is coming up.

[AUDIO PLAYED BACK]

“[Indistinct]... do you not want to just –
ag, hear me. Sorry, Julius. Do you not
want to send me Vusi's letter as well so I
can print it as well and you can sign that
and I will see you now?”

I will play it again. Please listen.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

[AUDIO PLAYED BACK]

10 “[Indistinct]... do you not want to just –
ag, hear me. Sorry, Julius. Do you not
want to send me Vusi's letter as well so I
can print it as well and you can sign that
and I will see you now?”

Okay. There is background noise where he is. He is asking
you to send him Vusi's letter. You can sign and send him
Vusi's letter so he can print it now. And then I think you
were scheduled to have a meeting because he says, see
you now. What Vusi's letter is this? Is this the appointment
20 letter that we have been discussing throughout?

COMMISSIONER MKHWANAZI: No, appointment is a card,
not a letter.

ADV SELLO SC: Okay, now he says Vusi's letter.

COMMISSIONER MKHWANAZI: No, no, I am lost. I do not
remember.

ADV SELLO SC: But when he sends you these very confusing voice notes, do you ever turn around and say, my friend, what are you possibly talking about?

COMMISSIONER MKHWANAZI: We used to meet and I used to clarify when we were together. You see, say Mike, this is not possible. This is not possible. This is not going to happen. I think when you speak to Vusi, it gives Vusi another impression, you see ...[intervenes].

ADV SELLO SC: Sorry. I am more concerned about what
10 he says to you. You receive these audios and you say they do not make sense to you as you sit here today and I take it that they did not make sense to you on the day that you received them. But after reading and listening to the clip, nowhere do you indicate to Mr Van Wyk that I do not know why you are saying what you are saying in this audio clip because I have no idea what you are talking about. You never once take up that issue with him. Why not? If you truly do not understand what he is talking about.

COMMISSIONER MKHWANAZI: That is why I was saying
20 please guide, because I am becoming lost with what he is saying.

ADV SELLO SC: I cannot guide you. I do not know what he is talking about. Only you and he know.

COMMISSIONER MKHWANAZI: That is where I am saying he says so. That is why I am saying. No, Commissioner, I

am saying that is what I have said to him, not you.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: But it is about this clip. No, you did not. There is a clip on the screen, on your screen as well. Remember, please guide me, is in regards to another communication when he asked you about the business card and he said can we use this so long? That is when you responded please guide me. So we are done with that
10 conversation.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Now he comes, he sends you this audio clip requesting you to finalise and send Matlala's letter for signature so he can print. I am saying to that particular audio clip, you do not say I really have no idea what you are talking about.

COMMISSIONER MKHWANAZI: That is not ...[intervenues].

ADV SELLO SC: And I note it is a consistent pattern to all these videos and audio clips. You sit here and you say I do
20 not know what he is talking about, but you never took up that issue with him in the WhatsApp chats that you do not know what he is talking about. So I want to suggest to you that it is because you knew precisely what he was talking about. That is why you never questioned him.

COMMISSIONER MKHWANAZI: No.

ADV SELLO SC: And you sit here today and you suggest that you are absolutely clueless about what he is talking about.

COMMISSIONER MKHWANAZI: No. Commissioners, I have said Mike will try to twist and pull my hand. I have said again, I used to go, I will go, we will meet. The office that I was in and Mike's office, they are not far apart, you see. And I will explain and tell him those powers and those what, they are not with him.

10 But my thinking is that when I received this now when we were talking is that he was lying to Vusi ...[intervenes].

ADV BALOYI SC: No he was not.

COMMISSIONER MKHWANAZI: He was giving Vusi ...[intervenes].

ADV BALOYI SC: No he was not. You do respond.

COMMISSIONER MKHWANAZI: But my response does not say yes.

ADV SELLO SC: No, you ask:

20 “Must we change the format too?”

So you had an opportunity to respond whichever way you wanted to respond. You say he sends this message at 07:37. You respond at 07:39. 07:37:19, 07:39:45. So in less than two minutes you respond and you say:

“Must we change the format too?”

So you know exactly what he is talking about. You knew what he is talking about.

COMMISSIONER MKHWANAZI: No, here it is the format of what? Of the letter, or the format of that thing.

ADV BALOYI SC: That is what you are supposed to tell us because you wrote this. You listened to the audio and in less than two minutes you say:

“Must we change the format too?”

You are the one that must tell us what format were you
10 talking about changing. You cannot say he must have been
lying to Vusi, I do not know what he is talking about, when
you say within two minutes must we change the format too.
And the question that is legitimate to ask you is what format
were you going to change? What document or whatever
were you talking about here?

COMMISSIONER MKHWANAZI: I do not recall. I will be lying because I am not a computer fundi, as I have said.

ADV BALOYI SC: No, it is not about being a computer fundi, and you do recall what it was about.

20 **COMMISSIONER MKHWANAZI**: No.

ADV BALOYI SC: It is not true that you do not recall. You responded very specifically:

“Must we change the format too?”

That is a very specific response. Anyone who responds that way knows what the preceding message was about. So no,

it is not – you are not being truthful, again, when you say I do not remember. In fact, you are just continuing in this consistent evasive responses to questions where you say well, I do not remember. Here you must remember because you responded.

COMMISSIONER MKHWANAZI: I do not deny that I communicated. It is just that I do not remember that I did that. I do not deny. As I said that I do not deny my communications with Mike. No, I communicated with Mike
10 like as I have said. You can see that we used to communicate. Even not here. We would meet and discuss. It is just that I do not recall that thing.

ADV BALOYI SC: Okay. Let me make a further suggestion. We looked earlier at the letter of October 2021. I think it was the 16th of October 2021.

ADV SELLO SC: Correct, Commissioner.

ADV BALOYI SC: Medicare.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV BALOYI SC: Where a letter of confirmation to
20 Medicare. What Mike is asking for in this clip is a similar letter for Vusi personally. That is it.

COMMISSIONER MKHWANAZI: No, no, no, I get that.

ADV BALOYI SC: That is what he is asking for. So you cannot say I do not know what he is talking about for that reason that you have already issued a letter of confirmation

which says these people work with the EMPD. Right? Mike says to you my boss will go to jail because he does not have blue lights. Mike says he has a business card idea. Mike says we want a confirmation letter in the other clip that we listened to.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV BALOYI SC: Can we get a confirmation letter? Now Mike says, can I get a letter for Vusi? You know what the letter is about. It is exactly the same letter that you gave to
10 Medicare, but now he wants it for his boss in his boss's name.

COMMISSIONER MKHWANAZI: No.

ADV BALOYI SC: You know and understand that is what that conversation, that series of conversations was all about. And where you say you do not know what he was talking about, he must have been lying to Matlala, it is you, Commissioner Mkhwanazi, with respect, who is lying to us. Thank you. I do not mean to stop you from commenting. If you think there is anything you want to say, you can.

20 **COMMISSIONER MKHWANAZI:** No, I do not want to comment, Commissioner.

ADV BALOYI SC: Thank you.

ADV SELLO SC: Okay then that leads me to my next clip. Commissioners, for the record, it is CJC145. Lefa, it is at page 53. Now, I will locate that audio.

COMMISSIONER MKHWANAZI: Commissioner, while she is still locating, can I?

CHAIRPERSON: I am sorry?

COMMISSIONER MKHWANAZI: I am requesting for ...[indistinct].

ADV SELLO SC: Chair, before you grant him the request, after this audio I was going to indicate I still need more time with Mr Mkhwanazi. So we are going to have to stand him down. I am not finishing today.

10 **CHAIRPERSON:** So we can do that even before the clip then, or not?

ADV SELLO SC: I was saying if you accept that I pause my engagement with him today because we have got another witness scheduled, even if we drove it to 19:00, I am not finishing with him. So I am going to request a stand down to a date to be determined, but I was going to do so after we deal with the next clip, and I was going to suggest that we cut it off there.

CHAIRPERSON: Yes.

20 **ADV SELLO SC:** So then he can do his run down after that, if you grant.

CHAIRPERSON: We will have a chat outside. Let us adjourn.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Commissioner, we will just deal with one more clip and we will adjourn for the day.

COMMISSIONER MKHWANAZI: Thank you.

ADV SELLO SC: Thank you, Chair. And after we adjourn for the day, Commissioner Mkhwanazi, you and I will then have a quick sit down and look at diaries as to the most appropriate day for you to return so that we complete.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: Yes. Particularly because we have not
10 had opportunity to deal with some of the issues you raise in your own amended statement and in particular about, by way of example, the appointment of the 55. You mentioned it in passing in your supplementary statement, but we have not engaged with it.

So when we close here today, when you come back, it is to deal with the remainder of the issues that I have and to give you opportunity to address whatever you consider has not been properly placed on record.

COMMISSIONER MKHWANAZI: I think on my side, the
20 evidence that I am happy if you received it to deal with it.

ADV SELLO SC: You are happy if we received it that we deal with it?

COMMISSIONER MKHWANAZI: Yes, because my worry was that maybe you did not receive it. But if you receive it, I am with you. I trust the Commission that we deal with it.

ADV SELLO SC: No, we can do it that way.

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Then it would mean probably that the time you and I then have to set for your return might be just not more than half a day or just slightly over half a day.

COMMISSIONER MKHWANAZI: Okay.

ADV SELLO SC: Okay, so I am playing ...[intervenes].

CHAIRPERSON: And please, even though Ms Sello says that you will compare diaries, a subpoena may still have to
10 be issued for whatever date you agree on. Thank you.

ADV SELLO SC: Thank you, Chair. Thank you for that clarification. So now I am going to turn to the next clip, audio clip. And just to locate you on your screen, this is an audio clip of the 15th of December 2021. And are you at page 53, Lefa?

And it will be the audio clip at 18:30:56. Do you see it? If you look at the big screen, you have got it. So that is the audio clip you received at 18:30 on that date. So now I am going to play the clip and I will invite you to
20 perhaps assist us in some regard.

[AUDIO PLAYED BACK]

“Just maybe I can just ask you quickly who it is. I know Vusi sorted his problems out, but we might need to look at how we are going to pass that or go

around that one. And then the white people, I just cannot put my – who can that be? Because I have checked all the guys and the criminal checks on them as well.”

COMMISSIONER MKHWANAZI: It is not audible enough.

ADV SELLO SC: Say that again.

COMMISSIONER MKHWANAZI: It is not audible enough.

ADV SELLO SC: It is not audible enough?

10 **COMMISSIONER MKHWANAZI:** Yes, yes, yes. I could not hear it.

“Just maybe I can just ask you quickly who it is. I know Vusi sorted his problems out, but we might need to look at how we are going to pass that or go around that one. And then the white people, I just cannot put my – who can that be? Because I have checked all the guys and the criminal checks on them as well.”

20

ADV SELLO SC: Okay. Now, just to put context to it, I am going to put up something. Let us go back to the actual chat and see whether we can place it in context. You will understand it better.

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: You might, you might not. Remember, if we look – okay. If we look at that page 53, it starts – do you see where it reads under, looks like a pin even there. And he says:

“Floor 8, CAT Security, 7AM.”

Do you see where I am reading? Lefa, can you help out?

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

ADV SELLO SC: Okay. Then you at 18:17 say:

10 “Confirmed.”

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: And you thereafter say again:

“Sure, Mike.”

COMMISSIONER MKHWANAZI: Yes.

ADV SELLO SC: Then he says:

“Thanks. See you then.”

Then he poses a question:

“Who is the two...”

I read that to be two:

20 “...with the records?”

And then you respond:

“I am lost.”

He says:

“Who is the criminal records?”

Okay. Then we go, then there is an audio. It continues.

You say to him at 18:29:

“Trinity spoke about two people, the tough guy and the black one guy. Let me confirm with her in the morning, Mike.”

What are you talking about then?

COMMISSIONER MKHWANAZI: Yes, this one I can remember very well.

ADV SELLO SC: Yes.

COMMISSIONER MKHWANAZI: When you get that peace
10 card, they clarified me, the college, that we need to take
check for criminal records. You cannot issue a peace card
to a person who is a criminal record. And she said, it is just
that I was not part when they were having these people. It
is just mentioned that there is a white and a black guy who
are having criminal record. They cannot be issued in the
peace officer's card.

ADV SELLO SC: Did you at any point with him address the
issue, address the issue of Mr Vusi Musi Matlala's criminal
record?

20 **COMMISSIONER MKHWANAZI**: No, remember by that
time, I did not know anything. It is when Trinity told me that
it is a black guy and a white guy who is having criminal
record. You see, it is them that checked and told me that
there are two people who have a criminal record.

ADV SELLO SC: So you did discuss the issue of Mr

Matlala having a criminal record?

COMMISSIONER MKHWANAZI: No, no.

ADV SELLO SC: Because that was my question.

COMMISSIONER MKHWANAZI: No, no, no. I did not know by that time.

ADV SELLO SC: So you never discussed this issue?

COMMISSIONER MKHWANAZI: I said with our own ...[intervenes].

ADV SELLO SC: No, it was with Mr Van Wyk. Have you
10 ever discussed the issue of Mr Matlala's criminal record
with Mr Van Wyk?

COMMISSIONER MKHWANAZI: I think I may have.

ADV SELLO SC: Okay. Now what was the context of that
discussion? What were you discussing there?

COMMISSIONER MKHWANAZI: I do not remember,
Commissioner.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: But I know the lady
reported to me that it is a black guy and a white guy. That
20 one remember very well, that it is a black guy and a white
guy that are having criminal records.

ADV SELLO SC: So basically you testify that you may
have discussed Mr Matlala's criminal record with Mr Van
Wyk, but unfortunately you do not remember exactly what it
is you discussed about that.

COMMISSIONER MKHWANAZI: Yes, yes.

ADV SELLO SC: Okay.

COMMISSIONER MKHWANAZI: I do not remember. I do not recall it.

ADV SELLO SC: That is your testimony?

COMMISSIONER MKHWANAZI: Yes, yes, yes.

ADV SELLO SC: Chair, that is the final clip. I am happy to leave it there.

CHAIRPERSON: Let us adjourn. As indicated, we will
10 resume with your testimony on a date to be agreed upon
between the two of you, but in respect of which a subpoena
will be issued.

ADV SELLO SC: Indeed.

CHAIRPERSON: We will now adjourn and resume at 09:30
tomorrow. Let us adjourn.

ADV SELLO SC: Thank you, Chair.

INQUIRY POSTPONED TO 17 APRIL 2026

INQUIRY ADJOURNS
