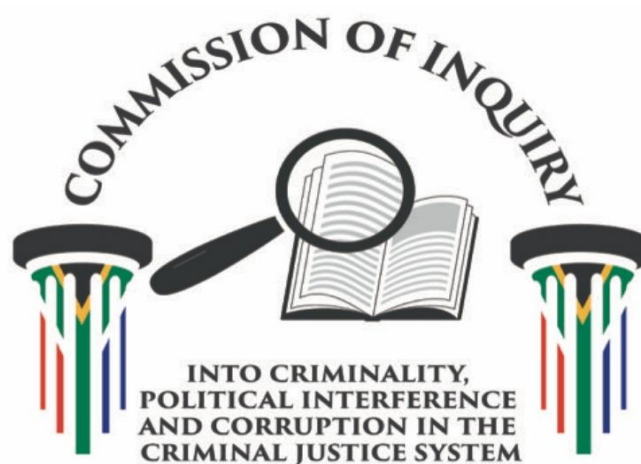


**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM**

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

24 APRIL 2026

DAY 97



CHAIRPERSON: Good morning, Mr Chaskalson.

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

CHAIRPERSON: Good morning, Deputy Chief Dhlamini.

DEPUTY CHIEF DHLAMINI: Good morning, Commissioner.

CHAIRPERSON: Thank you. Yes, Mr Chaskalson.

ADV CHASKALSON SC: Chair, I have just been told that the Deputy Chief has another document that he wants to put before the Commission and he has, in response to the
10 Commissioner's request at his last appearance, produced a series of documents and I think it might make sense to start with the new documents that the Deputy Chief has produced.

And, Deputy Chief, I have not seen the latest document that you want to put up, so can we deal with it at the end of the list. But maybe you can take the Commission through the documents that you have produced in response to their request and they are in file 5. I hope you have a file 5 there.

20 **DEPUTY CHIEF DHLAMINI:** Yes.

ADV CHASKALSON SC: And it is, if I can provide some context, I think from pages 1 to 34, what you are dealing with there is invoices in relation to *ad hoc* security services and some correspondence in that regard. And can I just confirm with you that at page 1, we have an invoice tracking

sheet for the company Triotic in relation to the additional *ad hoc* services that they performed up to 6 March 2025. The date 6 March 2025 is at the bottom right-hand corner of that document. And then the invoices themselves appear from pages 3 to 7, together with a cover sheet that summarises them on page 2. Would that be correct?

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: And then the, we have a similar situation in relation to the company, Kgalagadi, again, an
10 invoice tracking sheet on page 8 for invoices for *ad hoc* security services that were still outstanding on the 6th of March 2025, a summary sheet on page 9, and then the invoices themselves from 10 to 14.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: Then we get to Gubis, and on page 15, we have again that invoice tracking sheet as of 6 March 2025, the summary sheet on page 16. But when we get to page 16, I should just point out that what the summary sheet does not include is the Gubis invoice
20 Rooiwal 001, which was the one from the previous financial year.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: And then the invoices that are referred to on the summary sheet are dealt with from pages 17 through to, I think, 25, along with the statement, sorry,

23. No, I have got it wrong. 22, there is just a consolidated statement at page 23. Then, page 24 is a confirmation that Gubis did perform the services in those, reflected in those invoices, and that is from a JT Seleka in your department.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And it is signed Deputy Director, Budget Control and Procurement Management Services. On page 25 and 26, there is an email change dealing with the
10 complaints by Gubis and the failure of the City as of, I think, the email chain ends in, the email chain, the substantive content of the email change ends February 26. So as of February 26, this was Gubis' complaint about non-payment. There is a statement attached at page 27, along with the invoices running, that we have already seen, running from page 28 to page 34.

Then, on page 35, you have a screenshot taken off the City's webpage, which identifies the, is it the pending tenders that are being advertised?

20 **DEPUTY CHIEF DHLAMINI:** Yes, it is, as is the, I attached the website where tender bid register is and the screenshot.

ADV CHASKALSON SC: So, it is the bid register. It is a website where you can find the bid register for any tender.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: I see. So, and on the following

page it is the same website, but the tab that would be relevant is tender bid register.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: So if you click on one of those tenders, you will get this screen.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: If you click on tender bid register, you will get the register.

DEPUTY CHIEF DHLAMINI: Yes.

10 **ADV CHASKALSON SC:** Then on page, from page 37 to page 64, you attach a copy of a bid committee submission in another completely independent tender that the subject matter of the tender is not relevant to our proceedings. As I understand it ...[intervenes].

DEPUTY CHIEF DHLAMINI: No, it is not relevant.

ADV CHASKALSON SC: You ...[intervenes].

DEPUTY CHIEF DHLAMINI: I just wanted to demonstrate what is the bid committee document, the BEC report, how is it.

20 **ADV CHASKALSON SC:** What a BEC report looks like.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And as I understand it, your reason for doing so was to contrast this document, which is a confidential document, with the bid register, which is not.

DEPUTY CHIEF DHLAMINI: Correct, SC.

ADV CHASKALSON SC: That is explained in your email to the Commission at page 65. You have that?

DEPUTY CHIEF DHLAMINI: Yes, it is the link that I have attached.

ADV CHASKALSON SC: And then on page 67, you attach what is the bid register, tender bid register for TMPD 3-24/25.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: Is there anything that you would
10 like to highlight about these documents beyond what we have just gone through?

DEPUTY CHIEF DHLAMINI: No, I will do so, I think, during cross-examination, SC, as I can do so to indicate that these are not confidential documents, as it was alleged that they are confidential documents.

ADV CHASKALSON SC: We will get to that in due course, thanks. Now, I am not sure, I have not seen the latest documents that you have submitted. Can I, if you just bear with me for one minute, I am not sure if the Commissioners
20 have received a copy. Or can I ask that we deal with that document after the tea break, so that we can ...[intervenes].

DEPUTY CHIEF DHLAMINI: We can do so, SC.

ADV CHASKALSON SC: Just briefly, if you can describe to me what that document is, so that I know what I am looking for and how to understand it.

DEPUTY CHIEF DHLAMINI: SC, it is an email that relates to HR matters. Remember, there are HR issues ...[intervenes].

ADV CHASKALSON SC: Yes.

DEPUTY CHIEF DHLAMINI: That are here, so it is an email that relate to ...[intervenes].

ADV CHASKALSON SC: Thank you. We will have a copy made in the tea adjournment and circulate.

DEPUTY CHIEF DHLAMINI: Correct, SC.

10 **ADV CHASKALSON SC:** Then, if we can then start to the questioning proper, and I just needed to clarify a few issues arising out of your statement, which is in file 1.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And file 1 is, essentially has two paginated series of documents. The first set of pagination relates to the two statements that you have given, and then it goes back to one for the annexures. So, if I am going to refer you to an annexure, I will say, annexure, page 1, but it will still be file 1. And what I wanted to clarify, first of all,
20 is what your job entails in the Tshwane Municipal Police Department. It is an issue that you deal with in, on page 10, sorry, page 9 of file 1 in your statement, and it is, and then you refer also to an organogram at page 155 of the annexure bundle, also in file 1. So, can I take you to, I will just read what you say in page 45, and then maybe if you

can explain it in more detail with reference to the organogram. In 45 you say:

“My subordinate sections in the Support and Administration Division include Administration Bureau, Police Logistics Support, Internal Affairs, Management Administration Support, and Ceremonial and Employee Wellness.”

10 And then you refer to an annexure listed under paragraph 45 above, which is an organogram, and that appears from page 155 of the annexure bundle. So, can we go to that organogram, and probably it is best to start at page 156, where there is a high-level description of the four departments that fall under you, the four sub-departments, directorates that fall under you.

CHAIRPERSON: What is the file number of the ...[intervenes].

ADV CHASKALSON SC: The same file.

20 **CHAIRPERSON:** Same file.

ADV CHASKALSON SC: But there are two paginated halves of that ...[indistinct].

CHAIRPERSON: You said page what?

ADV CHASKALSON SC: 156.

CHAIRPERSON: 156, thank you.

ADV CHASKALSON SC: And there we see those four directorates, Management and Administrative Support, Police Logistics Support, Administration Bureau, and Internal Affairs. And very briefly, can you just describe to me what each of these directorates is responsible for? I am not looking for much detail, but just broadly.

DEPUTY CHIEF DHLAMINI: Thanks, SC. I think I have done it previously when I was reading my statement to the Commissioners on pertinent matters that affected this
10 Commission, but I will do it again briefly for you. When we come to Management and Admin Support, that is MAS, and that is where it deals I mean with issues of finance, issues of HR, issues of, I mean OHS, issues I mean of performance management, and so forth. In brief, that is where they deal with.

Project Management, as I indicated, they deal with issues of contract management, I mean, assisting divisions with bid specifications, I mean with issues of ensuring that, I mean, tenders get advertised as soon as they are
20 awarded. Then they draft I mean SLA, assisting various divisions to ensure that SLA's are in place in order to assist I mean accounts payable, that SLA should be in place, loaded on SAP, contracts are in place, loaded in SAP, so that when payments get done, they can be sure that there is a contract for such a payment, and so forth.

And also, at the beginning of the financial year, you could have picked it up that I mean if you are not in the City, you might not specifically, you might confuse the processes like when the CFO was here, he outlined the question of, from receiving an invoice, creating I mean PO's, and so forth. He started it on the second step, which created an assumption that in the City of Tshwane, you work before a PO gets generated.

Why it is not the case, because each and every
10 financial year, at the beginning of the financial year, the finance section accounts payable, once the budget get loaded, they create requisitions, they create PO's. I think I have given an example, for instance, we have a uniform tender. They will create PO's at the beginning of the financial year, give to company B to say we need 500 trousers or 1,000 trousers.

Company B, September comes and say we can only produce 500. They deliver 500 trousers. They deliver an invoice. Then you start now, create the requisition again.
20 You create a PO for the quantities that have been delivered. You have a PO already for the entire financial year. I have given an example with South African Post Office to say we do not know how many infringement notices will be issued, so we create the PO for the entire year that debit against that PO as we receive an invoice.

So you cannot work in the City without a purchase order, but the CFO started it in the middle when they are going to pay. So it creates an impression as if you start by working, giving an invoice, then is then we create a PO. So I just wanted ...[intervenues].

ADV CHASKALSON SC: Can I, I appreciate that clarification, because I also was quite confused by what the CFO said in that regard, because he seemed to be suggesting that the PO only gets issued after the work is
10 done and that is incorrect, is it not?

DEPUTY CHIEF DHLAMINI: No, he started the process when, after, I mean work has been delivered, they come with an invoice. I am giving an example with the uniform.

ADV CHASKALSON SC: Yes.

DEPUTY CHIEF DHLAMINI: You create a PO for 1,000 trousers to be delivered. The supplier can only manufacture 500. So when he comes and delivers 500, they certify the invoice again. So, and we create a requisition and a PO for 500. We pay that. But the PO has been
20 created for the entire year on those aspects.

So for South African Post Services, because our budget it is segmented in quarters and so forth, we create for the entire year. As soon as we receive an invoice, because we are not sure how many infringement notices are they going to post, what will be the cost of that. So as soon

as they post it, they are sure, we verify against what they posted and the invoice. Then we start that process again. So it is twofold.

ADV BALOYI SC: Can you explain that using the security contract?

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: Just explain it so that we understand.

DEPUTY CHIEF DHLAMINI: The security contract, because we know it is a contract, there are figures in that contract on a monthly basis, we create, I mean, requisition and PO. Same applies. But, for instance, let me take for demolition, a supplier for Red Ants. He demolish shacks as and when there are invasions and so forth. We are not aware how many shacks will be demolished. Same applies. We create PO's for the entire period. So it works against, it debit against those PO's. So as soon as we receive an invoice, we do a requisition again. We do a PO of the exact figure of an invoice that will debit against that.

CHAIRPERSON: So in a sense, the PO is upfront.

20 **DEPUTY CHIEF DHLAMINI:** It is upfront.

CHAIRPERSON: And that is not what the CFO said, and that is what we tried to contradict him on. In fact, yesterday, one of Major Phiri's annexures also contradicted what the CFO said. I think it was the very last bullet of that annexure. Unfortunately, I do not remember which one it

was. Do you perhaps remember, Mr Mosikili? But do you remember the annexure I am referring to? Pity we cannot identify it.

ADV MOSIKILI: I do, Chair.

CHAIRPERSON: But we did not raise it specifically with Major Phiri. It did not really concern his testimony. But going through it, we actually saw it, and all three of us, and we saw that it also contradicted what the Chief Financial Officer had said. Yes, Mr Chaskalson.

10 **DEPUTY CHIEF DHLAMINI:** I think that is, Commissioner, to indicate to say the CFO might not be, he is correct. He only started the process on the second phase. It is upon the duty of each and every departmental head to ensure that, I mean, at the beginning of financial year, I mean, PO's get generated before work can be executed.

ADV CHASKALSON SC: I think I may have to come to the defence of the CFO here, because it is not something I usually do. But I heard your explanation slightly differently because you were describing, in relation to the post office
20 example or even the *ad hoc* security example, there is a purchase order issued at the start of the financial year ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Based on what your budget for the whole ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes. [Cellphone ringing]

ADV CHASKALSON SC: Sorry, it is not me.

DEPUTY CHIEF DHLAMINI: Sorry, I forgot. I forgot to switch off the – my apologies, Commissioner, I thought I had switched these phones off. Apologies, SC.

CHAIRPERSON: No problem, Deputy Chief.

ADV CHASKALSON SC: If it is any consolation, Deputy Chief, I have done that also. But, so you, and let us take the *ad hoc* security services where there are a number of
10 different service providers.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You have a budget for the whole service. You have, say, eight service providers. You estimate what, I mean, you then divide the budget by eight for each of the service providers, or either you do that or you estimate which service provider is going to get which portion of the budget, but will you issue a purchase order for each service provider at the start of the financial year?

DEPUTY CHIEF DHLAMINI: Let us go on the *ad hoc*
20 services, SC. The tender, when it gets advertised, it advertise with two portions of I mean payments to say what are your fixed rate per month, per guard, and so forth. So as soon as the contract get awarded, it has got a fixed monthly figure of the particular service providers, because *ad hoc* services, it is as and when required. These are not

fixed services. They can come for three months. They can go as a need arises. So these are not fixed. And it is incumbent upon the Assets Protection Services to say as they receive a request from either Electricity, from Housing, or whoever, for additional guards to say maybe we are busy upgrading a power station, we will require additional guards, to say we will need additional guards, they cost the guards. They require an invoice from the service provider to say how much, because already they have rates for a service provider to say for so many guards, this will be the price. They give to the Service Department to say identify for us a GL account, which will be journal to ensure that these payments get done, because it is not within, I mean the Watchman Services budget, because it is an annual budget. So we create purchase order for service providers for the duration of a year on the Watchman Services. So those comes as additional. So they create I mean GL to ensure journal of those, I mean monies.

ADV CHASKALSON SC: But when does the purchase order, the Electricity, let us take an example, the Electricity Department says we are about to do some work at a substation and we are going to need *ad hoc* security for protection.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: We are going to need two guards

24 hours a day for two weeks.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: At that point, you designate one provider who you want to provide those guards.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You already have fixed rates for those ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: So you know what it is going to
10 cost.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Is that the point at which the purchase order gets issued?

DEPUTY CHIEF DHLAMINI: Then they designate a GL with a figure to accounts payable, Finance Department, hours, then they create a PO in that regard.

ADV CHASKALSON SC: But it happens before you actually deploy the guards ...[intervenes].

DEPUTY CHIEF DHLAMINI: [Indistinct]... [cross-talking].

20 **ADV CHASKALSON SC:** That should happen before you deploy to site.

DEPUTY CHIEF DHLAMINI: Ja, they are deployed, yes.

ADV CHASKALSON SC: Right. And then, so what needs to happen is you identify the GL, the place on the general ledger that provides for this.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Once you are satisfied that there is provision for it in the general ledger, you issue a purchase order.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You know what the numbers are going to be because you have already got a contract that says you know, R24,000.00 per week or whatever.

DEPUTY CHIEF DHLAMINI: Correct.

10 **ADV CHASKALSON SC:** You issue the purchase order. They then provide the services on site pursuant to the purchase order and the deployment order and once they provided the services, they invoice you.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: But by the time the invoice comes in, there should be a purchase order that covers it.

DEPUTY CHIEF DHLAMINI: Correct, SC.

ADV CHASKALSON SC: Thank you. Sorry, that was a bit of a diversion, but it was something that we did need to
20 clarify. If we go back to your organogram ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You are talking about one, and maybe the best place to go to is page 157, where you give us a fairly detailed description of the one of the four directorates underneath you, the Management and

Administrative Support.

CHAIRPERSON: May this please be projected and expanded, 157, or 156 for a few seconds. So if we go to 156, we see you have four different directorates underneath you. The one that we have been looking at is Management and Admin Support.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: There are three others, Policing Logistics Support, Administration Bureau, and Internal
10 Affairs.

DEPUTY CHIEF DHLAMINI: Correct, SC.

ADV CHASKALSON SC: You have described both in your statement and in the organogram on page 157, and also in the previous hearing, Management and Administrative Support. Can you very briefly describe what Policing Logistics Support, Administration Bureau, and Internal
Affairs deal with?

DEPUTY CHIEF DHLAMINI: Policing Logistics deal with the fleet management of the department, and they also deal
20 with issues of, I mean it is logistics of the department, uniform, fleet, which it is, I mean vehicles, building maintenance, and all equipment, I mean IT, and so forth. So they deal with those aspects I mean of assisting I mean the department in ensuring that their IT get set, and so forth. They also deal with issues I mean of, I mean

ensuring that assets management, to ensure that, I mean assets get managed accordingly, as you know that we should ensure that all assets get registered and they are managed accordingly.

ADV CHASKALSON SC: And Administration Bureau?

DEPUTY CHIEF DHLAMINI: Administration Bureau deals I mean with issue of I mean infringement, capturing of infringement notices. As the divisions go out to issue notices, it is upon this division to ensure that I mean they
10 capture notices, they are posted on ENATIS, they liaise I mean with, I mean RTMC in ensuring that I mean all the infringements are posted. They liaise with SAPO in terms of receiving invoices and payment of such.

ADV CHASKALSON SC: Sorry, SAPO?

DEPUTY CHIEF DHLAMINI: South African Post Office, sorry.

ADV CHASKALSON SC: Sorry, sorry.

DEPUTY CHIEF DHLAMINI: Ja, South African Post Office. So they deal with that also. They deal with issues of I
20 mean ensuring that they follow up in issuing executions of warrants of arrest and so forth. So that is the section basically that deals with that.

ADV CHASKALSON SC: And Internal Affairs?

DEPUTY CHIEF DHLAMINI: Internal Affairs deals with issues of I mean investigation of I mean departmental laws.

If members are involved in an accident, they need to investigate if the member was at fault or what, damage and loss control. They deal with issues of, I mean, issues, liaise with legals on litigations and also issues of conduct within the department.

ADV CHASKALSON SC: Thank you. So I certainly, you have clarified for me what I needed to understand. Moving forward, unless the Commissioners have any other questions in relation to job description, I am going to move
10 to another area of your statement. At page 3 of your statement, you describe your relationship with Sergeant Nkosi and you say you met him when he was still at primary school in Soshanguve, and you are both from the same neighbourhood. And you say:

“In 1996, I became actively involved in managing the family business, which was when I started having close interaction with Sergeant Nkosi. Sergeant Nkosi used to frequent the
20 business and he would volunteer to clean the vehicles and he would sometimes receive a stipend for his efforts.”

So I am assuming the family business was a taxi business.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And do you still have that taxi business?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And how many taxis are in your family business?

DEPUTY CHIEF DHLAMINI: I do not think that it is relevant ...[indistinct] to disclose here.

ADV CHASKALSON SC: Sorry, you do not think it is a
10 relevant disclosure?

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: Well, I want to ask the question. You can object about, I mean, do you want me to justify the relevance of it?

CHAIRPERSON: Please do ...[intervenes].

DEPUTY CHIEF DHLAMINI: No, I will object to ...[intervenes].

CHAIRPERSON: Please. Sorry, sorry, Deputy Chief. Please do, Mr Chaskalson.

20 **ADV CHASKALSON SC:** Well, what we are investigating here involves investigating allegations of people who are linked to the taxi industry with, well, linked to the taxi industry and are alleged to have been involved in organised crime and are also alleged to have been involved in efforts to infiltrate the SAPS and the TMPD. And your status as

someone inside the TMPD, Deputy Chief of the TMPD, and a taxi business operator raises questions in that regard and I am trying to establish whether you are a serious player in the taxi industry, a very small operator in the taxi industry, and I am going to ask you questions about the taxi industry and your relationship to other people in the taxi industry. And in that context, it seems to me that the scale of your business is a matter which is relevant to our investigations.

CHAIRPERSON: Please answer the question, Deputy
10 Chief.

DEPUTY CHIEF DHLAMINI: No, I mean, Commissioner, as much as I am saying, as I indicated, it is a family business. I am not running it, I am not involved in it. It is run by my brothers, so I do not think it will be proper for me to disclose their ...[intervenes].

CHAIRPERSON: You are talking about who runs it. Who owns it.

DEPUTY CHIEF DHLAMINI: I am not owning it. It is owned by the family, my brothers.

20 **ADV CHASKALSON SC:** And you receive no proceeds from this business?

DEPUTY CHIEF DHLAMINI: From this business, I receive no proceed?

ADV CHASKALSON SC: Yes. Are you saying you receive no proceeds whatsoever from this family business?

DEPUTY CHIEF DHLAMINI: It depends on what, if I am being assisted by my brothers or not. I do not know what you are referring to, but I do not get a salary out of this business.

ADV CHASKALSON SC: No, no, do you receive any proceeds from this business? Does your brother make any payments to you from this business, not on a salary basis, but from time to time.

DEPUTY CHIEF DHLAMINI: No.

10 **ADV CHASKALSON SC:** Have you never received any money from this business?

DEPUTY CHIEF DHLAMINI: If I have something to do, work or something, brothers will assist. If I do work for my son or a marriage or whatever, they will assist.

ADV CHASKALSON SC: So, how much money from this business has been paid to you by way of that sort of assistance, just an estimate.

DEPUTY CHIEF DHLAMINI: I cannot tell how much or whatever. It is brothers, if someone has got something, I
20 will assist. If I have something, they will assist. Someone can do a tent, can do whatever, so.

ADV CHASKALSON SC: In total, are we talking about thousands of rands, tens of thousands of rands, hundreds of thousands of rands?

DEPUTY CHIEF DHLAMINI: It becomes, I mean it depends

what type of work are we doing. If we do lobola negotiations for my son, someone will say I will buy food, I will buy drinks, I will do whatever and so forth.

ADV CHASKALSON SC: In total, how much do you think over the years you have received from this business, more than a hundred thousand rands, more than a million rands?

DEPUTY CHIEF DHLAMINI: It cannot be. It cannot be.

ADV CHASKALSON SC: Not more than R1 million?

DEPUTY CHIEF DHLAMINI: Huh-huh.

10 **ADV CHASKALSON SC:** More than R100,000.00?

DEPUTY CHIEF DHLAMINI: No, it cannot be.

ADV CHASKALSON SC: More than R50,000.00 do you think?

DEPUTY CHIEF DHLAMINI: Maybe at that.

ADV CHASKALSON SC: And how big is this business? How many taxis does your brothers' business have?

DEPUTY CHIEF DHLAMINI: I will, with due respect, SC, I think I cannot disclose their operations. Let me make you understand to say sometimes in a taxi industry you work
20 with positions. You will have positions from, I mean Rustenburg to, Pretoria to Rustenburg, Mabopane to Rustenburg, I mean Pretoria to Limpopo, Pretoria to Johannesburg.

CHAIRPERSON: You mean routes?

DEPUTY CHIEF DHLAMINI: Routes, yes. And sometimes

you will find that I mean you get someone perhaps who is either battling the route, it is not, it is not, I mean, it has some challenges. You put a kombi either under his name, you operate that route. So I mean, disclosing such things compromises even the other party.

ADV CHASKALSON SC: Sorry, compromises?

DEPUTY CHIEF DHLAMINI: The other person. Let us say I have an arrangement, you have a route from Mabopane to Johannesburg ...[intervenes].

10 **ADV CHASKALSON SC:** So you are saying you do not, if I have come to your brother and say I cannot, I have this route, I cannot service it, I need a taxi, will you help me out ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You do not want to compromise me.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: But if you just tell me how many taxis are in your brothers' business, that does not
20 compromise me because nobody knows whether I am using one of those taxis.

DEPUTY CHIEF DHLAMINI: As much as I am saying that is their business and I think it is me sitting here, so exposing their things here I do not think will be ...[intervenes].

CHAIRPERSON: Mr Chaskalson, what about if we do what we have done a good few times and ask the Deputy Chief to write the number down for our consumption only, yours and ours?

ADV CHASKALSON SC: Would that, I would be happy with that arrangement where we do not say it publicly but you just write the number on a piece of paper that the Commissioners and I can see and then it will not be broadcasted.

10 **CHAIRPERSON:** We will not divulge it.

DEPUTY CHIEF DHLAMINI: Can I speak with them first?

CHAIRPERSON: Sorry?

DEPUTY CHIEF DHLAMINI: If they agree. I need to get permission from them if they agree ...[intervenes].

CHAIRPERSON: Can we leave it then ...[intervenes].

DEPUTY CHIEF DHLAMINI: ... exposing someone.

CHAIRPERSON: Can we leave it until after the tea break, then ...[intervenes].

20 **DEPUTY CHIEF DHLAMINI:** Ja, you are exposing someone.

ADV CHASKALSON SC: We can certainly leave it until after tea.

DEPUTY CHIEF DHLAMINI: Ja, you are exposing someone.

ADV CHASKALSON SC: Is this family business affiliated

to any particular taxi association?

DEPUTY CHIEF DHLAMINI: When it started, I think my brother started it in 1986 or so, they worked with the ...[intervenes].

CHAIRPERSON: 1956?

DEPUTY CHIEF DHLAMINI: 86.

CHAIRPERSON: 1986.

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: It is a long way back. I am afraid the
10 history may take us a bit of time. I think the question is about now.

DEPUTY CHIEF DHLAMINI: Yes, I can say ...[intervenes].

CHAIRPERSON: Is it ...[intervenes].

DEPUTY CHIEF DHLAMINI: I am saying I know that they formed SALTA together ...[intervenes].

CHAIRPERSON: What is he with now? Is he affiliated? If so, with which ...[intervenes].

DEPUTY CHIEF DHLAMINI: SALTA changed, so I might not be sure now, because it was South African Long
20 Distance Taxi Association. So I think it changed, included long, local and so forth. So it is SALBO, then it came, it included busses and so forth. So I am not following it, Commissioners.

CHAIRPERSON: I think that is – yes.

ADV CHASKALSON SC: Now, Sergeant Nkosi has

testified to this Commission about his relationship with the late Mr Msibi.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And he described that relationship like that of son and father. You describe your relationship with Sergeant Nkosi as a relationship like that of one between brothers in your statement. Did you have any relationship with the late Mr Msibi?

DEPUTY CHIEF DHLAMINI: Mr Msibi worked very closely
10 with my brother and actually we grew the same area. Mr Msibi, when he goes home, he pass next to my father's house, so it is just the back street where I grew from. So I knew him, I mean, long time before because he will come sometimes at home to my brother, they will sit together. And when they grew there before, each and everyone has his own yard, what we call [vernacular]. They used to operate from one yard where their taxis were sleeping together. So I know him as such, but never had a relationship with him. He had a relationship, close
20 relationship with my brother.

ADV CHASKALSON SC: And what is the name of this brother who has the taxi business and who had the relationship with Mr Msibi? What is his first name?

DEPUTY CHIEF DHLAMINI: It is my brothers. It was Willy, it was Peter. Two brothers, it is Willy and Peter.

CHAIRPERSON: Two, oh. Does that mean the family business is run by two brothers?

DEPUTY CHIEF DHLAMINI: It was run by two.

CHAIRPERSON: It was?

DEPUTY CHIEF DHLAMINI: The other kids remaining – yes.

ADV CHASKALSON SC: And did Peter pass away?

DEPUTY CHIEF DHLAMINI: They passed away, both of them. [Indistinct]... but there is other two that are
10 remaining running.

ADV CHASKALSON SC: Sorry, I just lost you there.

DEPUTY CHIEF DHLAMINI: The two brothers have passed away, the elder brothers. So it is only, I am left with two other brothers who are running it now.

ADV CHASKALSON SC: And the brother who had the relationship with the late Mr Msibi was Willy, or Peter as well?

DEPUTY CHIEF DHLAMINI: Both.

ADV CHASKALSON SC: Both. And now, are you aware of
20 the man who Sergeant Nkosi described as the right hand man of the late Mr Msibi, Mr Mampane?

DEPUTY CHIEF DHLAMINI: I have never met Mampane because the person that my brothers worked with was the father to Mampane, so I do not know the Mampane person, I have never met him, I do not know him.

ADV CHASKALSON SC: But his father worked with your brothers?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And do you know of him, even if you have not met him personally? I mean, you know who he is, the son?

DEPUTY CHIEF DHLAMINI: I know the name to say, because he takes it from, their father was Mampane, so it is Mampane who is running.

10 **ADV CHASKALSON SC:** And are you aware that the father who worked with your brother, introduced Mr Joe Sibanyoni to the taxi industry? Are you aware of that?

DEPUTY CHIEF DHLAMINI: Yes, I am aware of that. Mr Sibanyoni was in the taxi industry, but he was operating from Mpumalanga. So only when they were forming these routes from Pretoria to Johannesburg and so forth, that is when he joined them. He was in the taxi industry, he was operating from the Mpumalanga side.

20 **ADV CHASKALSON SC:** But he became part of the Pretoria taxi industry through ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Mr Mampane's father.

DEPUTY CHIEF DHLAMINI: True.

CHAIRPERSON: Deputy Chief, I do not know now whether we use the singular or plural, do we say brothers or do we

still say brother in relation to your family business.

DEPUTY CHIEF DHLAMINI: Brothers.

CHAIRPERSON: At the beginning you were saying brother, brother, brother singular, but ...[intervenes].

DEPUTY CHIEF DHLAMINI: Brothers.

CHAIRPERSON: A few responses back you introduced the plural, brothers.

DEPUTY CHIEF DHLAMINI: Ja, it is brothers.

CHAIRPERSON: Ja, I am asking this because Mr
10 Chaskalson is continuing to say brother and I do not know
now whether he want us to say brothers.

DEPUTY CHIEF DHLAMINI: It is brothers.

CHAIRPERSON: All right, thank you.

ADV CHASKALSON SC: So let me ask the question again
just using the plural. So it was your brothers
...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Who assisted Mr Sibanyoni to get
into the Pretoria taxi industry. Sorry, not your brothers.

20 **DEPUTY CHIEF DHLAMINI:** No.

ADV CHASKALSON SC: It was Mr Mampane's father
...[intervenes].

DEPUTY CHIEF DHLAMINI: [Indistinct]... yes.

ADV CHASKALSON SC: Who, yes, who helped Mr
Sibanyoni get into the Pretoria taxi industry and it was Mr

Mampane's father who worked with your brothers, plural.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Now, given your family's connections to the taxi industry, did you not think that there is something of a potential conflict in relation to your job which involves a whole range of matters relating to law enforcement with respect to the taxi industry?

DEPUTY CHIEF DHLAMINI: Not at all.

ADV CHASKALSON SC: Can you explain why?

10 **DEPUTY CHIEF DHLAMINI:** I am not directly involved with them and I mean whatever they run, they comply. I do not interfere with anything.

ADV CHASKALSON SC: Well, your department, as I understand it, deals with all traffic law infringement notices in the City.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Now, that is a matter of, I would imagine, of particular interest for the taxi industry, is it not? I mean, the taxi industry is at real risk if, in relation to
20 infringement notices, both in relation to money, fines that they have to pay, and in relation to the risk of having vehicles taken off the road. Sorry, let us take them one by one. The taxi industry is at risk in relation to infringement notices regarding fines that may be issued to it. Do you accept that, taxi operators?

DEPUTY CHIEF DHLAMINI: I mean, fines get issued to drivers if they do not comply. They do not come to the owners. It goes to a driver.

ADV CHASKALSON SC: It goes to a driver.

DEPUTY CHIEF DHLAMINI: Yes.

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

DEPUTY CHIEF DHLAMINI: As much as you will nominate the driver.

ADV CHASKALSON SC: Okay.

10 **DEPUTY CHIEF DHLAMINI:** You will nominate the driver for a particular vehicle.

ADV CHASKALSON SC: And if the infringement affects the roadworthiness of the vehicle, or relates to the roadworthiness of the vehicle and the capacity of the vehicle to stay on the road?

DEPUTY CHIEF DHLAMINI: It is very rare.

ADV CHASKALSON SC: Very rare?

DEPUTY CHIEF DHLAMINI: Yes.

20 **ADV CHASKALSON SC:** If it is very rare, that may relate to the lack of law enforcement in that regard, but at least in principle, if one is testing the roadworthiness of vehicles and finding vehicles that are not roadworthy.

DEPUTY CHIEF DHLAMINI: As much as I am saying it will be very rare.

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

DEPUTY CHIEF DHLAMINI: They run a professional business. They have got their own yard and so forth, own mechanics. So it is very ...[intervenes].

ADV CHASKALSON SC: Yes, but who has to pay for the repair of the vehicle that gets fined for not being roadworthy?

DEPUTY CHIEF DHLAMINI: I am saying it is very rare. It will be the owner, but it is very rare.

ADV CHASKALSON SC: What dealings do you have with
10 the Road Traffic Management Corporation?

DEPUTY CHIEF DHLAMINI: The Road Traffic Management Corporation, remember, is the people responsible for AARTO, so as the City of Tshwane, we are currently on AARTO, so they are responsible for AARTO, I mean, ensuring that, I mean, because through ARTIA, Road Traffic Infringement Authority, those infringement notices get posted through them, so that is our relationship with them. So you post the notices. You are responsible for issuing the ARTO notices, not for issuing, for posting them
20 ...[indistinct] [intervenes].

DEPUTY CHIEF DHLAMINI: To ensure that they are captured, they are posted.

ADV CHASKALSON SC: Yes. And you are suggesting that those notices are of no major significance to the taxi industry?

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: How can you suggest that AARTO notices are not of major interest to the taxi industry? The taxi industry, if a taxi business finds that it is being issued with a series of AARTO notices, and its drivers are being issued with a series of AARTO notices, why would that not be a concern to it?

DEPUTY CHIEF DHLAMINI: I am saying, I mean, the routes they are running, there is no point for you to run, for
10 a driver to be rushing. You have a position to ferry people, so you do not run to Johannesburg, because you will still have to wait for your position, so they do not, they are not ...[indistinct].

ADV CHASKALSON SC: Are you suggesting that cases of taxis driving over the speed limit are rare in this country?

DEPUTY CHIEF DHLAMINI: It depends, I mean, which route are those people working on? It depends on the route. Circumstances differ.

ADV CHASKALSON SC: And the execution of warrants?

20 **DEPUTY CHIEF DHLAMINI:** Yes.

ADV CHASKALSON SC: You get a warrant of arrest to arrest the driver for negligent driving. You are, it is your department responsible for that?

DEPUTY CHIEF DHLAMINI: We are, but currently we are on AARTO, né. Remember that currently we are on AARTO.

Most of the warrants are by-law related warrants and so forth. So currently RTMC use enforcement notices to say if fines are not paid, they enforce, they block the driver or whoever on the system to ensure that they pay.

ADV CHASKALSON SC: And negligent driving, who would deal with the execution of a warrant for negligent driving?

DEPUTY CHIEF DHLAMINI: It becomes, I mean, cases either I mean of negligent driving, they usually do arrest in that instances because AARTO prescribed for this offence,
10 what is the charge and so forth.

ADV CHASKALSON SC: But who is responsible for the execution of those warrants?

DEPUTY CHIEF DHLAMINI: Much as I am saying, currently under AARTO we do not have, I mean, those warrants.

ADV CHASKALSON SC: And when did AARTO become applicable to the City of Pretoria? When was its extension rolled out to the City of Pretoria?

DEPUTY CHIEF DHLAMINI: If I am not mistaken, I am not
20 sure, either 2007 or 2009, we have been on AARTO as the City.

ADV CHASKALSON SC: So you have ...[intervenes].

DEPUTY CHIEF DHLAMINI: I am not sure, but I can confirm ...[intervenes].

ADV CHASKALSON SC: You have not been executing

warrants for traffic offenses since 2007, you are saying?

DEPUTY CHIEF DHLAMINI: Yes. Previously we used to have what we termed the white pass, whereby we will have I mean these warrants stopping on the intersections to ensure we execute them. But currently, yes, we have a leg that deals with tracing. Even if we go for a roadblock checking infringement notices, we can only advise you as a driver to say, you have an outstanding infringement, these are your outstanding infringement, if you opt to pay, there
10 you pay. If you cannot, we will just encourage you, but we cannot arrest you for it.

ADV CHASKALSON SC: So are you telling me that the next time anyone is stopped at a roadblock in Pretoria by your department in relation to outstanding fines, they should know that they have the choice whether to pay them voluntarily to you or just to say, I elect not to pay, goodbye?

DEPUTY CHIEF DHLAMINI: We do that. Even the media communication does inform I mean the public to say, this is
20 the situation, we just encourage people. Some people yes, they pay on the spot because they do not have time to go to offices, they do not want their licenses to be blocked, so they will opt to pay, to settle them.

ADV CHASKALSON SC: And you do not threaten to arrest people?

DEPUTY CHIEF DHLAMINI: No, no, no, we do not.

ADV CHASKALSON SC: And no one needs fear of arrest from your department in relation to traffic offenses?

DEPUTY CHIEF DHLAMINI: No, we do not do that.

ADV CHASKALSON SC: Let us move on. You say in your statement, you have never interacted with Mr Sibanyoni or Mr Mandla Mgcina.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: Do you know, it is clear you know
10 who Mr Sibanyoni is. We have discussed that already.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And we have discussed aspects. Do either of your brothers running the business interact with Mr Sibanyoni?

DEPUTY CHIEF DHLAMINI: They do, but very rarely. Remember, Mr Sibanyoni is the big boss for, is it SANTACO now? Ja, I think it is SANTACO now. The tax industry, there are systems, there are queue marshals, there is rank managers and so forth to interact with. There is also an
20 office if you have challenges to interact with, so it is a formal arrangement.

ADV CHASKALSON SC: Maybe we will come back to this after we understand the scale and size of your brothers' business. Mr Mgcina, do you know who he is? Sergeant Nkosi told the Commission that he was a nephew of Mr

Sibanyoni. Were you aware of that?

DEPUTY CHIEF DHLAMINI: I do not know him.

ADV CHASKALSON SC: You do not know him?

DEPUTY CHIEF DHLAMINI: Huh-huh.

ADV CHASKALSON SC: I am not suggesting that you know him personally, but I am asking do you know who he is? Do you know that he is the nephew of Mr Sibanyoni?

DEPUTY CHIEF DHLAMINI: I do not know who he is.

ADV CHASKALSON SC: Now, your late brother Peter, was
10 he the father of Kamokelo Hlatshwayo?

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: You are certain about that?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Do you know Kamokelo
Hlatshwayo?

DEPUTY CHIEF DHLAMINI: Kamokelo Hlatshwayo?

CHAIRPERSON: Yes.

DEPUTY CHIEF DHLAMINI: Huh-huh, I think I might, do I
know him? Yes, I know him.

20 **ADV CHASKALSON SC:** How do you know him?

DEPUTY CHIEF DHLAMINI: As Sergeant Nkosi indicated,
he is a friend to Bheki.

ADV CHASKALSON SC: And when have you met him?

DEPUTY CHIEF DHLAMINI: I do not meet with him. I do
not know when did I see him.

ADV CHASKALSON SC: So have you ever met with him?

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: When did Sergeant Nkosi tell you that he was a friend of Bheki?

DEPUTY CHIEF DHLAMINI: He told me when, you say ...[intervenes].

ADV CHASKALSON SC: When did, you said Sergeant Nkosi said he was a friend of Bheki. When did Sergeant Nkosi tell you he was a friend of Bheki?

10 **DEPUTY CHIEF DHLAMINI:** When he was testifying here.

ADV CHASKALSON SC: When he was testifying here?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: No, he did not.

DEPUTY CHIEF DHLAMINI: He did.

ADV CHASKALSON SC: I stand subject to correction.

DEPUTY CHIEF DHLAMINI: You can go to his transcript, he did. He said he worked with Bheki when there are events and so forth.

ADV CHASKALSON SC: Sorry, he works with Bheki?

20 **DEPUTY CHIEF DHLAMINI:** When they run events.

ADV CHASKALSON SC: Sorry, but that, Mr Hlatshwayo runs events, works with Bheki when Mr Hlatshwayo ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And Bheki run events.

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: The question, if I understood, Mr Chaskalson will correct me, the question was when did Sergeant Nkosi tell you and your response is when Sergeant Nkosi was testifying. So is what you are saying that Sergeant Nkosi did not tell you, but you heard when he was testifying?

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: All right.

10 **ADV CHASKALSON SC:** I will check the transcript again. I do not recall raising this with Sergeant Nkosi at all. It is possible that even though I did not raise it, he mentioned it, but I will come back to that after the tea break. Sergeant Nkosi has Mr Hlatshwayo's name saved in his WhatsApp's as Kamokelo Dhlamini.

DEPUTY CHIEF DHLAMINI: I do not know who is that.

ADV CHASKALSON SC: He is not, you are adamant that he is not a relative?

DEPUTY CHIEF DHLAMINI: Huh-huh.

20 **ADV CHASKALSON SC:** And in particular that he is not the son of your late brother Peter.

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: And did you know that Kamokelo Hlatshwayo is the only director of a company called Elshadai?

DEPUTY CHIEF DHLAMINI: I do not know.

ADV CHASKALSON SC: You do not know.

DEPUTY CHIEF DHLAMINI: Huh-huh.

ADV CHASKALSON SC: When you say you do not know that Kamokelo Hlatshwayo is the son of your late brother Peter, are you denying that he is the son of your late brother Peter or are you saying you just do not know?

DEPUTY CHIEF DHLAMINI: I do not know. He has never introduced me to him.

10 **ADV CHASKALSON SC:** Your late brother never introduced you?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: What relationship did you have with your late brother, a good relationship or, I mean would you know all of his sons?

DEPUTY CHIEF DHLAMINI: Very good relationship.

ADV CHASKALSON SC: So you would know all of his sons?

DEPUTY CHIEF DHLAMINI: I would not say so.

20 **ADV CHASKALSON SC:** So you cannot deny that Mr Hlatshwayo is the son of your late brother Peter?

DEPUTY CHIEF DHLAMINI: Much as I am saying I do not know. He has never told me.

ADV CHASKALSON SC: Can we now move to TMPD 1-24/25, the tender, the demolition tender and can I ask you

to go to page 431 of, it will be file 4. We will be dealing with file 3 and file 4 now, page 431. And the chats that I will take you to in file 4 are chats between Sergeant Nkosi and yourself and the chats in file 3 are chats between Sergeant Nkosi and the CFO. And just to alert you, because of a software setting in relation to the printout of the chats in file 3, they printed out with timestamps that are called UTC, which is two hours less than South African time. So one needs to add two hours to the time of any
10 message in file 3. But the chats in file 4, the chats between you and Sergeant Nkosi are chats in South African, with date stamps and timestamps in South African time. At the top of page 431, chat number 1, you see a chat, a message that you send to Sergeant Nkosi and it reads as follows.

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

And now Sergeant Nkosi has confirmed that you sent this chat to him on the 9th of March 2025 at 7:35 pm. Was this a message that you composed yourself or were

you forwarding it from someone else?

DEPUTY CHIEF DHLAMINI: Thanks, SC. This is the message I got from Nico. Sergeant Nkosi, a day before, when I spoke to him, requested me to check with Nico if he has done compliance, he is done with compliance for the tenders of I mean Ngapesheya and Elshadai. He requested me to confirm with Nico and send him the information and unfortunately I could not on that particular day much as I then on Sunday, as you could see, I am apologising for the
10 delay in terms of reverting back to him, then I then sent him this message.

ADV CHASKALSON SC: And now who is Nico?

DEPUTY CHIEF DHLAMINI: Nico, it is someone who does administrative work in terms of assisting people in tender compilations and so forth.

ADV CHASKALSON SC: Is his surname Mathobela?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And he assists bidders in getting their bids in order so that they will be compliant?

20 **DEPUTY CHIEF DHLAMINI:** Correct.

ADV CHASKALSON SC: And you are saying that Nico sent this document, sorry, Sergeant Nkosi had asked you to check with Nico as to whether the bids for Ngapesheya Security Services and Elshadai were compliant?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: Which bids?

DEPUTY CHIEF DHLAMINI: For?

ADV CHASKALSON SC: Which bids?

DEPUTY CHIEF DHLAMINI: For Ngapesheya and Elshadai.

ADV CHASKALSON SC: Bids for what?

DEPUTY CHIEF DHLAMINI: For land invasion.

ADV CHASKALSON SC: And Nico reported to you that they were compliant?

10 **DEPUTY CHIEF DHLAMINI:** Nico sent a message to me, then I shared that message, edit it. Usually you will see my writing, everyone will tell you when I write because most people send messages without greeting. I will then share the message, I will edit and then read and add whatever that I want to add and forward.

ADV KHUMALO SC: Sorry, when you say land invasion, in Tshwane?

DEPUTY CHIEF DHLAMINI: Correct.

ADV KHUMALO SC: Okay.

20 **ADV CHASKALSON SC:** And Nico said they were compliant?

DEPUTY CHIEF DHLAMINI: That is what Nico indicated.

ADV CHASKALSON SC: So Sergeant Nkosi wanted to know from Nico whether the bids of his brother's company, which is Ngapesheya, and the bid of Elshadai, which is Mr

Hlatshwayo's company, were compliant?

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And Nico confirmed that they were?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And this was sent on the 9th of March 2025?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: Then, two days later, you get,
10 you send a message to Sergeant Nkosi with a list of seven other companies. Sorry, before we get to that list, so going back to that first list, not the first list, the first message that the two companies were compliant, from your perspective, you had now told Sergeant Nkosi what he needed to know?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And there would be no need for Sergeant Nkosi to communicate this information to anyone else other than possibly Elshadai and Ngapesheya?

DEPUTY CHIEF DHLAMINI: That is correct.

20 **ADV CHASKALSON SC:** He certainly did not need to tell anybody else inside the City?

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: Let us get to the second message, chat number three. It is two days later. It is the 11th of March and there is a list of seven companies that

you send to Sergeant Nkosi at 3:06 pm, and then a few minutes later you send him a message to explain and you say:

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

10 Now, just to clarify, you refer to Sergeant Nkosi in these chats as Captain?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And you refer to the CFO as Mfowethu?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And they refer to you as General?

DEPUTY CHIEF DHLAMINI: That is correct.

20 **ADV CHASKALSON SC:** Let us go through this message and just clarify. The above is from the Red Berets. That is presumably the EFF.

DEPUTY CHIEF DHLAMINI: It is not from the EFF. Two guys, as I indicated previously, Musi and Sipho, came to me claiming to be having these companies from the EFF, of which I wanted to ascertain how true is it, because these

are people I know years back while we were still students in the student movement, so only to find that it is not true, there is nothing like this.

ADV CHASKALSON SC: I understand that, but when you refer to Red Berets, you are referring to the EFF, even though in this particular case you later established that Musi and Siphos did not represent the EFF.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: What did Musi and Siphos want
10 you to do with that list of companies?

DEPUTY CHIEF DHLAMINI: Sorry, beg your pardon?

ADV CHASKALSON SC: Musi and Siphos, who pretended to represent the EFF, what did they want you to do with that list of companies?

DEPUTY CHIEF DHLAMINI: It is common knowledge, SC, that people sometimes take chances. They moonlight, and many people are name-dropping people's names. For instance, they indicated they were with the CFO, which is not true. So people take chances. I mean, they do many
20 things just to access I mean money from companies and so forth.

ADV CHASKALSON SC: But what were they wanting to do? I mean, we have established that they were taking chances, but what were they hoping they would achieve by giving you this list of companies?

DEPUTY CHIEF DHLAMINI: Someone will come and say, I am connected to these people and so forth, who can assist you and approach me and so forth. I mean, I grew up with them. They said I mean they were with the CFO only to find it is not true. They have never been with the CFO. They said, if I have a way, remember I once worked ...[intervenes].

CHAIRPERSON: Sorry, Deputy Chief, we get the name-dropping.

10 **DEPUTY CHIEF DHLAMINI:** Yes.

CHAIRPERSON: But what were they seeking to achieve?

DEPUTY CHIEF DHLAMINI: They thought I have a way within I mean this process to help them.

ADV CHASKALSON SC: So were these companies who were bidding for TMPD1, these seven companies?

DEPUTY CHIEF DHLAMINI: These seven companies, yes, correct.

ADV CHASKALSON SC: And they thought if they told you that these companies were the EFF's companies, they
20 could, you might be able to help them get the tender?

DEPUTY CHIEF DHLAMINI: I think so.

ADV CHASKALSON SC: That is how you understood their approach?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You said in your message to

Sergeant Nkosi, please check with Mfowethu, please check with the CFO, if it is the same with his, from CIC Juju. So you thought that the CFO would have a list of EFF companies from Mr Malema?

DEPUTY CHIEF DHLAMINI: I never thought, they said they were from the CFO. They said they gave this list to the CFO.

ADV CHASKALSON SC: But then why, sorry, when you refer to CIC Juju, are you referring to Mr Malema?

10 **DEPUTY CHIEF DHLAMINI:** That is what I wanted to check, because that is what they said.

ADV CHASKALSON SC: They said what?

DEPUTY CHIEF DHLAMINI: They said they are working with Mr Malema, these people, only to find it was not true, they were lying.

ADV CHASKALSON SC: But what you say is, check with Mfowethu, check with the CFO if it is the same with his, from CIC Juju, which is a reference to Mr Malema. So you are saying check with the CFO if it is the same with the list
20 that the CFO got from Mr Malema. Is that not what you are saying?

DEPUTY CHIEF DHLAMINI: No, that is not correct.

ADV CHASKALSON SC: What are you saying then?

DEPUTY CHIEF DHLAMINI: I am saying they said they gave the same to the CFO, so I am saying you must verify if

this is the same.

ADV CHASKALSON SC: But that is not what you say in the message. What you say in the message is please check with Mfowethu if it is the same with his from CIC Juju.

DEPUTY CHIEF DHLAMINI: Much as I am saying that is not what the message said. The message was saying check if this is the same, that is what they said, they gave the CFO the same list.

ADV CHASKALSON SC: But then why mention from CIC
10 Juju in the message? Why draw Mr Malema into this at all?

DEPUTY CHIEF DHLAMINI: That is what they said, they gave the CFO the same.

ADV CHASKALSON SC: Yes, but did they say they went to ...[intervenes].

DEPUTY CHIEF DHLAMINI: They are saying they are from CIC Juju, so as much as I say check.

ADV CHASKALSON SC: Sorry, they are saying?

DEPUTY CHIEF DHLAMINI: They said they are from the
20 CIC, the Siphon and Muzi claim to be, I mean bidding for the
CIC Juju.

ADV CHASKALSON SC: Yes, Siphon and Muzi were chancers, they were saying they were bidding for the EFF.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: They were not, as a matter of fact. You later established they were not.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: But then why mention Mr Malema in this message, because what you say is check with the CFO, Mfowethu, if it is the same with his from CIC Juju.

DEPUTY CHIEF DHLAMINI: Much as I am saying they said they are from the CIC Juju, much as I mentioned it here.

ADV KHUMALO SC: I mean, that is not what you are saying in the email. You may have meant that, but that is not what the chat says, sorry, not the email.

10 **DEPUTY CHIEF DHLAMINI:** Yes, much as I am saying, I mean writing a message might not mean what you actually want to translate, but that is what I meant.

ADV KHUMALO SC: And you do not mention Muzi and Siphon at all in this chat.

DEPUTY CHIEF DHLAMINI: Yes, I did not mention them here.

ADV KHUMALO SC: So why do you mention Mr Malema? Why do you not say check if the list he has is the same one from Muzi and Siphon?

20 **DEPUTY CHIEF DHLAMINI:** They claim to be coming from the CIC.

ADV KHUMALO SC: But that is not what you are saying here. You are not saying they are claiming.

DEPUTY CHIEF DHLAMINI: I wanted to be clear so that when he verify, he says, remember that we are not only

speaking on messages only. We also, I also called to say this is the situation, explain in detail. The message will not capture everything, Commissioner.

ADV BALOYI SC: Deputy Commissioner, what the message does capture is that you know the CFO to have a list from the CIC. That is what your message conveys.

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: You know him to have a list from the CIC. That is ...[intervenes].

10 **DEPUTY CHIEF DHLAMINI:** From Siphon and Muzi.

ADV BALOYI SC: No, that is not what your message says. That is not what is captured in your message. Your message captures that you know that the CFO has a list from the CIC and you are asking Sergeant Nkosi that the CIC should look at that list which he has from the CIC and compare it with the list that you say comes from, came to you from Muzi and Siphon. That is what you are doing. There are two different lists.

20 **DEPUTY CHIEF DHLAMINI:** Commissioner, Muzi and Siphon ...[intervenes].

ADV BALOYI SC: Oh, sorry, the CFO should – let me start. I do not want to be misunderstood. Let me start. Your message conveys that in so many words, it is not a question of interpretation, your words in this message is, conveys that you know that the CFO has a list that he got,

and it is a list of the CIC, in brackets, Juju. You know that the CFO has that list. And what you are doing with your message is saying to Sergeant Nkosi the CFO should compare that list which you know he has from the CIC, compare it with this list that you say was given to you by Muzi and Siphon. That is what your message is conveying.

DEPUTY CHIEF DHLAMINI: No, Commissioner. Siphon and Muzi came to me and say we have a list from the CIC that we have given to the CFO. I am saying verify if this is the
10 same.

ADV BALOYI SC: Ja, but your message does not say the CFO must confirm that the list he got from Siphon and Muzi he should compare them that it is the same as the one that they gave you, the same people gave to you. That is not what you are conveying. You are clearly conveying that the CFO is sitting with a list that he got from the CIC. That is what your message says.

DEPUTY CHIEF DHLAMINI: That is what I learned from Siphon and Muzi, Commissioner.

20 **ADV BALOYI SC:** Right. Thank you.

CHAIRPERSON: A few answers back you said you do not communicate through WhatsApp chats only, you also talk. Who are you referring to? Who would you talk to?

DEPUTY CHIEF DHLAMINI: I called Sergeant Nkosi to explain, to say I was with these two individuals that I grew

with ...[intervenes].

CHAIRPERSON: Okay. All right, I just wanted to know who you were referring to. Yes, Mr Chaskalson.

ADV CHASKALSON SC: Why did you want to know if Muzi and Sipho were telling the truth when they said those companies came from the EFF?

DEPUTY CHIEF DHLAMINI: They are name dropping the CFO, they are name dropping the EFF, and I do not know them as members of the EFF.

10 **ADV CHASKALSON SC:** Why is it relevant whether those companies came from the EFF or not?

DEPUTY CHIEF DHLAMINI: People name drop, they tarnish people's name. I mean you know that I mean since this appeared, people have been I mean reporting false things about Mr Malema having companies and so forth while they are not from him.

ADV CHASKALSON SC: What would you have done if the CFO reported to you that yes, these companies are from the EFF, I have been told these companies are from the EFF?

20 **DEPUTY CHIEF DHLAMINI:** I just wanted to establish the link of those people. I know them from SOSCO, COSAS and so forth and to say where are they. I know them as members of the ANC and if they have shift now to the EFF, what is happening? These are youngsters that are growing. They are older now. They were youngsters I grew up with.

ADV BALOYI SC: Deputy Commissioner, you say these people wanted you to help them or assist them with a tender.

DEPUTY CHIEF DHLAMINI: Yes, Commissioner.

ADV BALOYI SC: Right, you say that. So you know that is why they gave you this list, they want to get a certain advantage through your assistance to do with a tender. So when you send the same list to the CFO, even on your version, even if one accepted your version that you were
10 not, you did not know that he has a list from the, you were not conveying that he has a list from the CIC, on your version you sent this list to what end?

You know the purpose of the list, it is to get assistance and advantage in the tender process. When you send it to the CFO it is for what purpose? It cannot be you want to verify that they are members of the ANC or the EFF it is irrelevant. This is a tender process. It is a tender process of the City has nothing or should have nothing to do with whether people are ANC or not. It should not
20 matter. In fact, you should, if you were acting properly you would have kicked them out of your office, right, and said I want nothing to do with this. You do not do that. You forward it to the CFO.

DEPUTY CHIEF DHLAMINI: Commissioner ...[intervenes].

ADV BALOYI SC: To what end are you giving him the list?

DEPUTY CHIEF DHLAMINI: Commissioner, they make name dropping. There is number of people who come to my office. There is ex-combatants who come sometimes with the hope that I might assist them. If they are honest and I can see these people are honest, I do explain to them to say I am no longer working with these things, I am not involved in these things, because they were honest. But people who come and name drop someone, you will definitely want to verify their authenticity.

10 **ADV BALOYI SC:** So if this was authentic, what, you would have helped them with a tender?

DEPUTY CHIEF DHLAMINI: No.

ADV BALOYI SC: Then exactly my question, what is the point of you sharing this list with the CFO? Name dropping cannot be your explanation for it. We are talking about a tender process. They do not come to you to say we know so and so. That is not the purpose. They did not come to you to say we know the CIC.

20 They came to you, on your version, for help with the tender process and that help is to help them get this tender. That is why, and that is what you understand. You forward the list with that understanding that these people have come to you not to name drop, but to get assistance with a tender. You forward it.

And the question is why do you forward it when you

know that it is been given to you for an improper purpose?
It does not matter whether they say the President, the
Mayor, Deputy Mayor, it does not matter. It should not
matter. What matters is they come to you to say assist us
to get this tender and you know that is improper. When you
give it to the CFO, it is for what purpose?

DEPUTY CHIEF DHLAMINI: If they come to me,
Commissioner, and say assist us and not use people's
name, I will explain to them, but they are using people's
10 name. If they could have come and be frank and honest
then I could have done that, but they are using people's
name.

ADV BALOYI SC: All right, that is your answer. Thank
you.

ADV CHASKALSON SC: Why did you ask Sergeant Nkosi
to check with the CFO rather than just asking the CFO
yourself directly?

DEPUTY CHIEF DHLAMINI: I know that Sergeant Nkosi
has a relationship with the CFO. I do not have the CFO's
20 numbers. I do not have I mean a relationship with the CFO.

ADV CHASKALSON SC: Why can you not just look up the
CFO's number on an internal Tshwane directory?

DEPUTY CHIEF DHLAMINI: Because I knew that Sergeant
Nkosi know him and he has a relationship with the CFO. It
was going to work better for me for him to verify for me.

ADV CHASKALSON SC: But on the face of it, this is a matter concerning the business of Tshwane, is it not?

DEPUTY CHIEF DHLAMINI: It is correct.

ADV CHASKALSON SC: Someone is coming to you with a list that they say is the EFF's list and suggesting that you might interfere with the tender process in Tshwane tender TMPD 1-24/25 to privilege these companies. That is what the approach is about, is it not?

DEPUTY CHIEF DHLAMINI: That is correct. As I
10 explained, SC, that if they could have come like other people who come and say, look, we are ex-combatant or we are military veterans, can you assist, I will explain to them to say, I do not have that authority to be able to do so. I have done so in many people but they were name-dropping people's names, which becomes dangerous in this instance.

ADV CHASKALSON SC: And they are suggesting not only do they expect you to assist them, but they also expect the CFO to assist them because they are telling you he is got the same list from Mr Malema.

20 **DEPUTY CHIEF DHLAMINI:** They are claiming so, trying to canvass me.

ADV CHASKALSON SC: Yes. So they are suggesting to you that you, or one, that the CFO is implicated in an attempt to rig this tender in favour of a list of companies that are ostensibly EFF companies, and two, that they want

you to do that as well. Is that not what they are suggesting to you?

DEPUTY CHIEF DHLAMINI: That is what I think they were name-dropping. They were doing two things, name-drop the name of the CFO, the EFF in this whole thing.

ADV CHASKALSON SC: But the clear implication of their letter, of their message or their communication to you, we do not know if it was WhatsApp or face-to-face, was it WhatsApp or face-to-face?

10 **DEPUTY CHIEF DHLAMINI:** They came to me.

ADV CHASKALSON SC: So it was face-to-face with the conversation they had.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Did they come to you in your office or at your house?

DEPUTY CHIEF DHLAMINI: They came to my office.

ADV CHASKALSON SC: So they come to your office and they essentially communicate to you that Mr Malema has given a list of EFF companies to the CFO, that is correct?

20 **DEPUTY CHIEF DHLAMINI:** They are saying they were with the CFO. They have given him a list from the CIC Juju and they are giving me the list.

CHAIRPERSON: The answer to that, Deputy Chief, should have been a simple yes. Am I wrong?

DEPUTY CHIEF DHLAMINI: No, as he says Mr Malema

gave a list to the CFO which is not correct, Commissioner.

CHAIRPERSON: Mr Chaskalson, did you say it was Mr Malema who gave the list?

ADV CHASKALSON SC: That the CFO has a list from Mr Malema is what I said, and ...[intervenes].

CHAIRPERSON: Oh, oh, oh. Apologies, Deputy Chief. Apologies.

ADV CHASKALSON SC: So they did not convey to you that Mr Malema had given a list to the CFO?

10 **DEPUTY CHIEF DHLAMINI:** No.

ADV CHASKALSON SC: They did not. They just said that they had given a list to the CFO.

DEPUTY CHIEF DHLAMINI: Correct, SC.

ADV CHASKALSON SC: Why then, in your message, did you refer to a list that Mfowethu had from CIC Juju?

DEPUTY CHIEF DHLAMINI: Much as I am saying it is a message, but that is what they said. My typing maybe might have appeared to be sounding otherwise.

20 **ADV CHASKALSON SC:** Well, it is not your typing, it is your message. You say check with Mfowethu if it is the same with his from CIC Juju. So your message says, presupposes, that there is a list from Mr Malema that has been given to the CFO.

DEPUTY CHIEF DHLAMINI: From them. The list came with them.

ADV CHASKALSON SC: Yes, but you are now telling us that what they told you is that there was a list that they gave to the CFO and that they did not mention Mr Malema.

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: But you were then the first person to mention Mr Malema.

DEPUTY CHIEF DHLAMINI: To say they are doing that on behalf of the EFF.

ADV CHASKALSON SC: Yes, but according to you, they
10 did not say that the list, that they told the CFO that the list came from Mr Malema. They did not tell you that.

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: So they did not say we have come from the CFO and given him a list from Mr Malema.

DEPUTY CHIEF DHLAMINI: They said they have a list, that it is from Mr Malema, they gave it to the CFO. When I verified with the CFO, it was not true.

ADV KHUMALO SC: Sorry, how did you verify with the
20 CFO, because you said earlier you were not talking with the CFO, you were ...[intervenues].

DEPUTY CHIEF DHLAMINI: I verified through Sergeant Nkosi. I sent this message to Sergeant Nkosi.

ADV KHUMALO SC: But then why do you say I verified with the CFO? Why do not you say I verified with Sergeant Nkosi?

DEPUTY CHIEF DHLAMINI: Through Sergeant Nkosi.

ADV KHUMALO SC: Where is the text where you verified through Sergeant Nkosi with the CFO?

DEPUTY CHIEF DHLAMINI: I sent a message to Sergeant Nkosi.

ADV KHUMALO SC: Yes, where is that? I am asking for that message. Where is it?

DEPUTY CHIEF DHLAMINI: 431, Commissioner. In message 431 I am saying:

10 Afternoon Captain, I trust you are well.”

I am saying:

“The above is from the Red Berets. Please check with Mfowethu if it is the same with his ...”

And so forth.

“To verify the authenticity.”

ADV KHUMALO SC: Yes, where is that verification? Where do they come back to you and say there is no list
20 from the EFF or there is no list from the CIC?

DEPUTY CHIEF DHLAMINI: Sergeant Nkosi called me and informed me.

ADV KHUMALO SC: Oh, it was a phone call?

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: Deputy Chief, is there no contact list of

the Tshwane employees?

DEPUTY CHIEF DHLAMINI: There is Commissioner.

CHAIRPERSON: What was so difficult with you getting the CFO's number from that contact list, calling him and directly verifying from him? Why did this have to go via Sergeant Nkosi?

DEPUTY CHIEF DHLAMINI: I took advantage of the relationship Sergeant Nkosi has ...[intervenes].

CHAIRPERSON: No, no, that does not make sense.

10 **DEPUTY CHIEF DHLAMINI:** With the CFO.

CHAIRPERSON: No, no, that does not make sense. That does not make sense. If you want to make a genuine verification with an employee of Tshwane, you being an employee of Tshwane, there is a contact list which is readily available. Why do not you take that contact list and call the CFO and seek this verification? What you say about their relationship does not make sense. Why did you not do that? Why not pick up the contact list and call the CFO directly?

20 **DEPUTY CHIEF DHLAMINI:** Commissioner, if you are close to someone, I have never had a meeting with a CFO. We meet only when it is formal meetings. I have never had a chat with a CFO.

CHAIRPERSON: This is not about closeness. This is about Tshwane business. This is about Tshwane business

and the sort of thing you should inquire about directly from another Tshwane employee. It has nothing to do with familiarity. Why did you not pick up the contact list, get the number and call the CFO? What you are saying does not make sense at all.

DEPUTY CHIEF DHLAMINI: Commissioner, I think we should agree that we might not approach matters on the same way.

CHAIRPERSON: On the what?

10 **DEPUTY CHIEF DHLAMINI:** On the same way. It might be ideal that I could have looked for the CFO's contact numbers and call ...[intervenes].

CHAIRPERSON: Let us assume that you were not aware of any relationship between the CFO and Sergeant Nkosi, what would you have done then?

DEPUTY CHIEF DHLAMINI: I could have left it.

CHAIRPERSON: Not enquire at all?

DEPUTY CHIEF DHLAMINI: Yes, I could have left it.

CHAIRPERSON: Did you see a need ...[intervenes].

20 **DEPUTY CHIEF DHLAMINI:** Because I did not trust them.

CHAIRPERSON: Did you see a need to enquire from the CFO?

DEPUTY CHIEF DHLAMINI: I did not trust them.

CHAIRPERSON: Did you see the need to enquire from the CFO?

DEPUTY CHIEF DHLAMINI: Yes, Commissioner.

CHAIRPERSON: But you say you would have dropped the subject altogether without verifying just because there was no Sergeant Nkosi. Is that what you are saying?

DEPUTY CHIEF DHLAMINI: I am saying because I knew their relationship, I ...[intervenes].

CHAIRPERSON: No, no, no, I am talking about dropping, because I understood you two questions back to say you just would have dropped the whole thing. So I am saying
10 just because of the absence of a Sergeant Nkosi you would have dropped the subject even though you considered it something serious enough for you to have had to enquire from the CFO. So you would have dropped it because there would be no Sergeant Nkosi.

DEPUTY CHIEF DHLAMINI: If I could have met him in a meeting sometime yes, I might have asked him.

CHAIRPERSON: No, no, no, that is not my question. My question is would you have dropped it just because there was no Sergeant Nkosi?

20 **DEPUTY CHIEF DHLAMINI:** I am saying I could have either wait up until I go to a meeting where he is, then I would have asked him.

CHAIRPERSON: No, you said, you said you would have dropped the subject.

DEPUTY CHIEF DHLAMINI: At that time.

CHAIRPERSON: And, and ...[intervenes].

DEPUTY CHIEF DHLAMINI: I am saying at that time but because I knew Sergeant Nkosi at that time much as I wrote this message to him quickly.

CHAIRPERSON: And then you would have asked him if an opportunity presented itself for you to meet the CFO and then you would have asked him you say.

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: But I still do not understand. There is a
10 contact list. Why wait for a chance meeting? There is a
contact list. Why not pick up that contact list and call the
CFO? Why wait for a chance meeting, which might never
eventuate?

DEPUTY CHIEF DHLAMINI: That was going to be more
ideal for me, Commissioner, to discuss with him
...[intervenes].

CHAIRPERSON: That is ...[intervenes].

DEPUTY CHIEF DHLAMINI: Face to face ...[intervenes].

CHAIRPERSON: That is ...[intervenes].

20 **DEPUTY CHIEF DHLAMINI:** Because I have never had his
contact or called him just to ask him about these matters.

CHAIRPERSON: ... that is true, Deputy Chief, does not
make sense. Do you want to comment?

DEPUTY CHIEF DHLAMINI: No Commissioner.

CHAIRPERSON: Yes Mr Chaskalson. Oh, let us just look

at the time. Let us adjourn and resume at 11:35. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: Chair, before we start, there were two issues that we had to address from the morning session. The one was a further document that Deputy Chief Dhlamini had obtained for the Commission. And I
10 understand that copies of that document are about to be handed up to you. And then there is the separate issue of the number of taxis in Deputy Chief Dhlamini's family business. Sorry, Deputy Chief, do you have the latest document?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Can you just explain to the Commission what it is and what you want the Commission to make of it?

DEPUTY CHIEF DHLAMINI: Thanks. I, think, SC, I
20 thought maybe we will read it when we come to issues of recruitment, because it relates to recruitment, my involvement.

ADV CHASKALSON SC: If that is the convenient way of doing it, I am happy with that. Then it was suggested this morning by the Chair that you could just write down the

number of taxis in your brother's family business, but you wanted to speak to someone before you did that.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Can you report on that conversation?

DEPUTY CHIEF DHLAMINI: I was advised by my family that I should not expose them, put them to exposure.

ADV CHASKALSON SC: There will not be any exposure because it will not be made public. It will just be shown to
10 myself and the Commissioners.

DEPUTY CHIEF DHLAMINI: They feel they are a party to them, so it should not be a must.

CHAIRPERSON: Let us leave it there, Mr Chaskalson.

ADV CHASKALSON SC: Thank you, Chair. Can we then go back to where we were? We had been discussing the three messages that you sent to Sergeant Nkosi on the 9th and 11th of March last year. Now, that last message:

20 “Afternoon, Captain. I trust you well and your family. Above is from the red berets. Please check with Mfowethu if it is the same with his from CRC Juju to verify the authenticity.”

You wanted Sergeant Nkosi to show that to the CFO to get the CFO's response. You are nodding that that is a yes.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: The first one:

“Afternoon, my brother. I trust you well and your family. My sincere apologies for the delay in sending this message. The two vehicles for land are Ngaphesheya Security Services and Elshadai Security Services.”

Did you want him to send that to the CFO as well?

DEPUTY CHIEF DHLAMINI: No, he requested me to get
10 information from Nico. Then Nico sent me a message to say the two vehicles for land are the following. Then I shared that message. I only edited that message and added certain information on it and sent it to Sergeant Nkosi.

ADV CHASKALSON SC: Now, if we go to ...[intervenes]

ADV BALOYI SC: Sorry, Mr Chaskalson. And you say this message about the two vehicles, it was for what purpose?

DEPUTY CHIEF DHLAMINI: He said it was for land invasion. He said I must check with Nico Mathobela which
20 companies did he prepare compliance for. The one of Bheki and the other one to forward it to him.

ADV BALOYI SC: I see. Thank you.

ADV CHASKALSON SC: Can I just ask a question? How would you and Nico Mathobela know whether the Elshadai and Ngaphesheya bids were compliant?

DEPUTY CHIEF DHLAMINI: He was helping them with compliance, as I indicated earlier on that I referred Sergeant Nkosi to Nico Mathobela to assist him in that.

ADV CHASKALSON SC: So, he had essentially been engaged, or they had engaged him to help put a compliant bid together?

DEPUTY CHIEF DHLAMINI: Sergeant Nkosi approached him to assist Bheki. I said I cannot assist I refuse to help. I said I referred him to Nico Mathobela to be able to help
10 him with that.

ADV CHASKALSON SC: So, he asked you to assist Bheki. You said I cannot do it, I am in the city, but I can refer you to Nico.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: I see. And then Bheki and Nico presumably had some sort of meeting where they worked on putting the bid together so it would be compliant.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: But why then did Sergeant Nkosi
20 need you in March 25 to find out from Nico whether the bid was compliant?

DEPUTY CHIEF DHLAMINI: I think he preferred speaking to me to ascertain certain factors.

ADV CHASKALSON SC: But presumably Nico and Bheki had worked together and by the time the bid was submitted

Nico had done what needed to be done to make the bid compliant. That was Nico's function, was it not?

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And Nico would have told Bheki, okay, we have got everything in order, you can submit now.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: So why some five months later did Sergeant and Nkosi need you to go back to Nico to ask is the bid compliant?

10 **DEPUTY CHIEF DHLAMINI:** I think he wanted to ascertain that.

ADV CHASKALSON SC: Yes, but Nico would have told Bheki before Bheki submitted that the bid was compliant, would he not? That was his job.

DEPUTY CHIEF DHLAMINI: It is a level of trust maybe that he has in me. It is a young boy that I have groomed so perhaps the level of trust he has within me.

ADV CHASKALSON SC: Sorry, who is the young boy, Nico or Sergeant and Nkosi?

20 **DEPUTY CHIEF DHLAMINI:** Sergeant and Nkosi.

ADV CHASKALSON SC: But I still do not understand because you put Bheki in touch with Nico through Sergeant and Nkosi.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: You say this is a man who knows

how to help with the administrative requirements of tenders, he will help you, I cannot.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: Then Nico and Bheki together work on the Ngaphesheya bid so that they can submit a bid that is compliant. You are nodding again, yes.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: Now presumably, before that bid goes in, Nico has said to Bheki, we have now ticked all the
10 boxes, our bid is compliant, we can now submit it, it is now a question of price and BEE. That was Nico's job, was it not?

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And Nico would have told Bheki, we have done what we can, this bid is compliant, we can submit it.

DEPUTY CHIEF DHLAMINI: It is correct, SC.

ADV CHASKALSON SC: And that would have happened before the bid was submitted.

20 **DEPUTY CHIEF DHLAMINI:** That is correct, SC.

ADV CHASKALSON SC: And the closing date for bids was, I think, 2 October of the previous year.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: So, five months previously, Nico and Bheki would have had one or more meetings where they

finalised the bid. Nico would have told Bheki, this bid is, we are good to go now, submit.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: So, why would Sergeant Nkosi now, five months later, need you to ask Nico, was the bid compliant?

DEPUTY CHIEF DHLAMINI: He asked me to say, much as I indicated, he requested me a previous day. Unfortunately, I could not verify to say, apart from Bheki, which bid did he
10 also assist in terms of compliance. He wanted me to send him those names.

ADV CHASKALSON SC: So, the request from Sergeant Nkosi was not confirmed that the bids are compliant, but did Bheki help anybody else?

DEPUTY CHIEF DHLAMINI: Did Nico help anybody else?

ADV CHASKALSON SC: Sorry, did Nico help anybody else?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And Nico writes back saying, yes,
20 well, Nico informs you that he helped Ngaphesheya and Elshadai.

DEPUTY CHIEF DHLAMINI: To say the two vehicles for land are the following.

ADV CHASKALSON SC: So, the wording, the two vehicles for land are Ngaphesheya and Elshadai, was Nico's

wording?

DEPUTY CHIEF DHLAMINI: Was Nico's wording.

ADV CHASKALSON SC: But when I asked you at the beginning whether this was a message that you composed or one that you forwarded, you said you composed it.

DEPUTY CHIEF DHLAMINI: I said that I edited the message and sent it to Fana.

ADV CHASKALSON SC: Okay. So, afternoon, my brother, is what you put in.

10 **DEPUTY CHIEF DHLAMINI:** Yes.

ADV CHASKALSON SC: I trust you are well and your family. My sincere apologies for the delay in sending this message. That is all you?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And then you have cut and paste from Nico?

DEPUTY CHIEF DHLAMINI: The message I got from Nico.

ADV CHASKALSON SC: I see.

20 **CHAIRPERSON:** Just to make sure that I understand. So, please read what came from Nico.

DEPUTY CHIEF DHLAMINI:

“The two vehicles for land are...”

He sent that message.

CHAIRPERSON: All the way to the end, up to love.

DEPUTY CHIEF DHLAMINI: No, no, no, no.

CHAIRPERSON: So, just the two vehicles for land are one, Ngaphesheya, two, Elshadai. That is all.

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: All right, all right.

ADV CHASKALSON SC: If we go to page 148, that would be file 3, not file 4.

DEPUTY CHIEF DHLAMINI: File?

ADV CHASKALSON SC: Three.

DEPUTY CHIEF DHLAMINI: Three.

10 **ADV CHASKALSON SC:** That is the chat of the CFO and Sergeant Nkosi.

DEPUTY CHIEF DHLAMINI: Maybe if, SC, I wonder if before we go there, I can perhaps take you through some matters to clarify perhaps also this. Or maybe I will do that later.

ADV CHASKALSON SC: Sorry, maybe explain to me what it is you want to go to, because we might get there anyway. But if not, then by all means do it.

20 **DEPUTY CHIEF DHLAMINI:** Maybe I will go when we are done.

ADV CHASKALSON SC: Okay.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: So, do you have page 148?

DEPUTY CHIEF DHLAMINI: File 3?

ADV CHASKALSON SC: Yes. And there you will see that

on the - and remember these are the chats between Sergeant Nkosi and the CFO, so you have got to add two hours to every time that you see on these chats. You will see that on the 11th of March, at 03:21, it says 01:21, but we add two hours, so it is 03:21. Sergeant Nkosi forwards to the CFO all three of the messages we have been discussing. The messages that you sent him. The first one saying:

10 “Afternoon, my brother. I trust your will
and your family. My sincere apologies
for the delay in sending this message.
The two vehicles for land are on
Ngaphesheya, Security Services and
Elshadai. Have a blessed Sunday and
lots of love.”

That is the first, and then immediately underneath, the list of the seven companies, and then below:

20 “Afternoon, Captain, I trust your will and
your family. The above is from the Red
Berets. Please check with Mfowethu if it
is the same with his from CRC Juju to
verify the authenticity.”

You will see that if you go on to page 149, a few minutes after sending, there is a call at 03:24 that Sergeant Nkosi makes or tries to make. Then he sends a message in

Mfowethu. Then there is another call at 03:25, and then at 03:26, the CFO calls back, and then there are some calls later on in the day. Now, from your evidence, I understand that you expected Sergeant Nkosi to forward the second and the third messages to the CFO, because you wanted the CFO's response to the suggestion that those companies were EFF companies. Is that correct?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: But you did not expect him to
10 forward the first one?

DEPUTY CHIEF DHLAMINI: I only asked him to do the one to verify for me the second one.

ADV CHASKALSON SC: Yes.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: So, you do not know why Sergeant Nkosi forwarded the first one?

DEPUTY CHIEF DHLAMINI: No, I did not know.

ADV CHASKALSON SC: Now, you have said to us that you asked Sergeant Nkosi to check with the CFO whether
20 your list from Muzi and Sipho was authentic, and that he reported to you on the phone that it was not.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: Did you take any follow-up action in relation to that?

DEPUTY CHIEF DHLAMINI: I did not take any follow-up

action, much as it was within my feeling that Muzi is not truthful to me.

ADV CHASKALSON SC: Let us then move to the second exchange, and for that I need you to go to page 432. And there in chat number 6, you will see at 26 minutes past 8 in the morning, Sergeant Nkosi sent you a WhatsApp saying:

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

Before we get to that message, I want to take you to page
10 152. Just remember that is 08:26, on the 18th of March.

DEPUTY CHIEF DHLAMINI: Hundred and?

ADV CHASKALSON SC: 152.

DEPUTY CHIEF DHLAMINI: 152, same file.

ADV CHASKALSON SC: Oh, sorry, sorry, I apologise. It is file 3. Sorry, it is file 3. And there you will see, just towards the foot of the page, at 06:22, which means 08:22, 08:22:47, there was a call from the CFO to Sergeant Nkosi. So at 08:22:47, there is a call from the CFO, and if we go back to 432, we will see 08:22:47 was the call, 08:26:32,
20 well, in fact, if we go a little earlier, 08:25, there is a call from Sergeant Nkosi to you, or an attempted call, and at 08:26:32, Sergeant Nkosi sends you a text:

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

What was Sergeant Nkosi asking you for?

DEPUTY CHIEF DHLAMINI: I think the text is clear, SC, that he is looking for companies for a land invasion tender.

ADV CHASKALSON SC: What does he mean, preferred people?

DEPUTY CHIEF DHLAMINI: He said he needs people that, I mean, he preferred people for demolition, but he was looking for me to check with Nico which people did he assist.

ADV CHASKALSON SC: But why would the people
10 assisted by Nico be preferred people?

DEPUTY CHIEF DHLAMINI: I cannot tell, SC, on that one, but that is what he was asking for.

ADV CHASKALSON SC: He was asking which people Nico assisted?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: But you had already told him which people Nico assisted, you told him that a week previously on the 11th of March.

DEPUTY CHIEF DHLAMINI: He needed additional people.

20 **ADV CHASKALSON SC:** Sorry, he needed ...[intervenes]

DEPUTY CHIEF DHLAMINI: He needed additional people.

ADV CHASKALSON SC: Why would he need additional people, did he explain to you?

DEPUTY CHIEF DHLAMINI: He did not.

ADV CHASKALSON SC: So, you understood him to be

asking, please tell me which people Nico assisted with in relation to this tender.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You have already told him a week previously that Nico had assisted Ngaphesheya and Elshadai.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And you had explained to him a week previously that when you forwarded that message, the
10 two vehicles for land on Ngaphesheya and Elshadai, those were the two companies that Nico had assisted.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And you did not find it strange that you had already told him once, these are the people who Nico has assisted, and now he is asking you the same question again a week later.

DEPUTY CHIEF DHLAMINI: That is correct, SC. As much as I am saying, if I can take you to say, when you look at these charts, 431 of file, I mean when I was giving him the
20 names he requested, that is file 4. I gave him what he wanted a day before, that was from Nico, I sent it to him. I mean it is the 9th, if I am not mistaken.

ADV CHASKALSON SC: That is right, chart number 1, page 431.

DEPUTY CHIEF DHLAMINI: And he comes again after 9 or

10 days. He sent me this message on 432, on page 432, say:

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

He sent me now this message, 10 or 9 days after.

ADV CHASKALSON SC: Yes, 9 days later.

DEPUTY CHIEF DHLAMINI: 9 days later.

ADV CHASKALSON SC: And you are saying it was the same question that he had asked you on the 9th?

10 **DEPUTY CHIEF DHLAMINI**: Yes.

ADV CHASKALSON SC: Why did he think the answer might change in the intervening 9 days? Was Nico continuing to assist people?

DEPUTY CHIEF DHLAMINI: I am saying I never responded on that message. You can see that I never responded up until, I mean, when you go to the messages we are in now. I think it might be on the 25th.

ADV CHASKALSON SC: Well, you never responded in writing. But if we look at those messages, what we see is
20 immediately after that text gets sent, at 08:33:52 there is a call from Sergeant Nkosi.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: At 08:34 there is another call from Sergeant Nkosi over the page on 433.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: At 08:37 you call Sergeant Nkosi.

DEPUTY CHIEF DHLAMINI: Yes, he tried to call me, send a message, he tried to call me twice, he never found me. I called him back.

ADV CHASKALSON SC: Yes. So, you called him back at 08:37?

DEPUTY CHIEF DHLAMINI: Yes, and he explained to me what is it that he want.

ADV CHASKALSON SC: And what did you tell him?

10 **DEPUTY CHIEF DHLAMINI:** I said I will verify I will check with Nico. And I never responded to him. I think for days or so. It might be more than that. I think it is how many days that I never came back to him. Up until it was on the 18th.

ADV CHASKALSON SC: Sorry, before we get to the 18th, I want to stay on, sorry, it is the 18th. But we are dealing with the 18th now. So, we are dealing with the morning of the 18th. 08:37 is the end of that attempt of a series of calls. You get back to him at 08:37, he explains to you.

20 **DEPUTY CHIEF DHLAMINI:** Yes.

ADV CHASKALSON SC: Did he mention anything about wanting this information in relation to a call that he had had with the CFO?

DEPUTY CHIEF DHLAMINI: He never indicated to me.

ADV CHASKALSON SC: Never indicated to you?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You see, if we go back to his chats with the CFO. Your call with him is at 08:37. So the sequence is, he gets a call from the CFO, we have seen already, early in the morning at 08:22. At 08:25 he calls you. At 08:26 he sends you this message:

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

Then he tries to get you. You come back to him at 08:37.

10 And you say, you explain to him that the only two people that Nico had helped were Ngaphesheya and Elshadai. Did you point out to him that you had already told him this, nine days previously?

DEPUTY CHIEF DHLAMINI: I said he requested initially, then he said he needed additional people that he had worked on, he had assisted. It is the 18th year of March, as you can see. As I was trying to indicate, to say I might not be privy to Sergeant Nkosi's discussions with the CFO. He came initially, I gave him, he wrote again on the 18th, and
20 up until he explained to me. And I never went back to him. I think perhaps I was caught up or busy with other things. Up until he comes again back to me on the 25th to say, I requested you to check for me. Could you kindly do so? I need that. I mean urgently so.

ADV CHASKALSON SC: Well, we will get to the 25 quite

soon. But before we do, why would people - why would you understand people who had been helped by Nico as preferred people? Because his message to you is the list of preferred people for demolition. What makes the people who have been assisted by Nico preferred?

DEPUTY CHIEF DHLAMINI: I took it maybe because he assisted Bheki, I do not know.

ADV BALOYI SC: No, it does not make sense, Deputy Chief, your answer. But the question is, the message says,
10 the message from Sergeant Nkosi is the list of preferred people. Why would you understand that to mean people who have been assisted by Nico? It is a very specific choice of words.

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: The list of preferred people. He does not say in this message, the list of people assisted by Nico.

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: He said preferred and it does have a specific meaning. Why would you understand this to mean
20 people assisted by Nico?

DEPUTY CHIEF DHLAMINI: Preferred people, I will explain it when we come to the 25. Because he said he needed people who Nico assisted in terms of compliance. That there are bidders Nico could see to say these comply, that he preferred to say they meet the requirements.

ADV BALOYI SC: No, it is the 18th of March, before you get to the 25th.

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: We are on the 18th of March. On the 18th of March, why did you understand this to mean people who have been assisted by Nico?

DEPUTY CHIEF DHLAMINI: As preferred people.

ADV BALOYI SC: Why do you understand Sergeant Nkosi saying preferred people? Why do you understand that to
10 mean people assisted by Nico on the 18th of March?

DEPUTY CHIEF DHLAMINI: I understood it as people who meet the compliance standard of the tender, as preferred people.

ADV BALOYI SC: Can you just explain it again? Maybe it is me, it is not you.

DEPUTY CHIEF DHLAMINI: I am saying I understood it as people who meet all the requirements as preferred.

ADV BALOYI SC: You see, that is different from saying people assisted by Nico. If all he was asking was give me
20 the names of the people that have been assisted by Nico, that is a different enquiry from give me the list of people who have met the requirements.

DEPUTY CHIEF DHLAMINI: I do not know why he wrote it this way, but he said it was people who are preferred in terms of meeting the requirements.

ADV BALOYI SC: No, my question is not about why he wrote it this way. It is, and that is a question of Mr Chaskalson, is why did you understand it the way you say you understood it, or the way you say it means? Which is, he wanted to know who has been assisted by Nico when the message says list of preferred people for demolition. You tell us you understood it, or he was saying to you, give me the list of people assisted by Nico. That is your first answer, and the question is, but how do you understand this
10 message to mean that?

DEPUTY CHIEF DHLAMINI: Yes, it is preferred Commissioner in terms of meeting the requirement, those that he preferred.

ADV BALOYI SC: Okay, no, that answer does not make sense, sorry.

CHAIRPERSON: Deputy Chief, so people here, meant bidders, correct?

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: There is technical language that is used
20 in the procurement industry. Is it not so that ordinarily, with the technical language in mind, that preferred, you have said people means bidders, so is it not so that preferred bidders would ordinarily mean bidders who are preferred to get the award? Ordinarily, please forget about what the actual enquiry was about. Ordinarily, preferred bidders

would mean bidders that are preferred for the award. Ordinarily, is that not so?

DEPUTY CHIEF DHLAMINI: Ordinarily, yes, Commissioner.

CHAIRPERSON: All right, thank you.

ADV KHUMALO SC: Mr Dhlamini, at this stage in March, the bid process was at evaluation stage, correct?

DEPUTY CHIEF DHLAMINI: Correct, Commissioner.

ADV KHUMALO SC: The submission happened in
10 September of the previous year because the closing date was October the 2nd.

DEPUTY CHIEF DHLAMINI: Correct, Commissioner.

ADV KHUMALO SC: Did you not find it odd that the discussion about whether, from Nico's perspective, the bids comply did not happen in October, but it is happening in March of the following year when it is Tshwane that is evaluating the bids?

DEPUTY CHIEF DHLAMINI: As much as I am saying, Commissioner, that is what he requested from me, to verify,
20 to check with Nico.

ADV KHUMALO SC: My question to you is did you not find it odd that this discussion, because if somebody wanted you to verify with Nico, they would ask you that in October of the previous year when Nico was working on the submissions. Why is he asking you to check with Nico when

the bids are no longer with Nico, but they are with TMPD for evaluation?

DEPUTY CHIEF DHLAMINI: It was odd, Commissioner. As much as I am saying, I will show the Commission to say, I mean, I never had interest in this. And I will take you through the steps to say, I never responded to Sergeant Nkosi.

ADV KHUMALO SC: So, you accept that it was odd that you were being asked about a list of people while TMPD
10 was evaluating the same bids?

DEPUTY CHIEF DHLAMINI: Correct, Commissioner.

CHAIRPERSON: A historical fact, correct?

DEPUTY CHIEF DHLAMINI: Correct.

CHAIRPERSON: This is an enquiry that relates to something historical that happened in October.

DEPUTY CHIEF DHLAMINI: It is closed in October.

CHAIRPERSON: In fact, it relates to even before, because it would have related to a period prior to the submission of the bids. So quite historical.

20 **DEPUTY CHIEF DHLAMINI:** Yes.

CHAIRPERSON: It would have served no purpose, so it was an enquiry that was not taking anybody anywhere.

DEPUTY CHIEF DHLAMINI: Correct.

CHAIRPERSON: Useless information.

DEPUTY CHIEF DHLAMINI: Correct, Commissioner. As

much as, Commissioner, you will take into account that when he came back again on the 25th to me, I sent him a first message because I am saying he is looking for something that, I mean, he came for the first time, I gave him those names. He comes again, then I send him the first message that I explained to say these things, I thought, I mean, they are put to rest. This is what Nico ...[intervenes]

CHAIRPERSON: And you did not ask him, you did not ask him, but to what end? This, as I say, is historical. This, as
10 I say, is useless information. This, as I say, this is information that would have assisted nobody.

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: And you do not ask him, but this enquiry, to what end? You do not ask him that.

DEPUTY CHIEF DHLAMINI: I did not go to that extent, Commissioner.

CHAIRPERSON: Why not? Why not? Why not?

DEPUTY CHIEF DHLAMINI: I sent him a ...[intervenes]

CHAIRPERSON: Why not? Please do not tell me what you
20 sent him. Why not?

DEPUTY CHIEF DHLAMINI: I felt I do not have any business to do, Commissioner, with this. I do not have any interest.

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: So, all you did is you told him

again, Nico only helped Ngaphesheya and Elshadai.

DEPUTY CHIEF DHLAMINI: Initially he demanded, I mean, those two. He came back again to say he needs additional names, SC. Much as I am saying if I can take you, I mean, through the sequence of events.

ADV CHASKALSON SC: No, no, no, wait. Before you go forward, you say he demanded those two names. Who demanded those two names?

DEPUTY CHIEF DHLAMINI: Captain Sergeant Nkosi.

10 **ADV CHASKALSON SC:** Sergeant Nkosi.

DEPUTY CHIEF DHLAMINI: Sergeant Nkosi.

ADV CHASKALSON SC: So, he demanded what in relation to those two names?

DEPUTY CHIEF DHLAMINI: To say I must confirm if Nico can give him the two names for land invasion. And I forwarded those names to him.

ADV CHASKALSON SC: So, are we talking about the 9th of March or the 18th of March?

20 **DEPUTY CHIEF DHLAMINI:** We are talking about the 9th of March.

ADV CHASKALSON SC: So, he demanded the two names for land invasion. How did you understand that demand?

DEPUTY CHIEF DHLAMINI: Much as I am saying he said I must check with Nico to give him two names that he has assisted in terms of the land invasion.

ADV CHASKALSON SC: So, the first question that he gets is give me two names from Nico of companies he has assisted for land invasion.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Now, he knows that Ngaphesheya has been assisted by Nico because you have introduced, you have told him.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Use Nico to help your brother
10 because I cannot help your brother.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: So, it is not much use to him to know, to be told by you that Nico has helped Ngaphesheya. He already knows that.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: So, when you say he wanted the names of two companies that have been assisted by Nico, why would he be interested in Ngaphesheya in that context? He knows that Nico has helped Ngaphesheya.

20 **DEPUTY CHIEF DHLAMINI:** Yes.

ADV CHASKALSON SC: So why would he ask you to confirm that which all three of you, you, Nico and Sergeant Nkosi clearly know and have known for the last six months, that Ngaphesheya was helped by Nico in preparing the bid?

DEPUTY CHIEF DHLAMINI: Yes, he wanted two

Ngaphesheya and the other name.

ADV CHASKALSON SC: So, the demand was, I want to know which other company, which one other company apart from Ngaphesheya was helped by Nico?

DEPUTY CHIEF DHLAMINI: He wanted two names, yes.

ADV CHASKALSON SC: Ngaphesheya ...[intervenes]

DEPUTY CHIEF DHLAMINI: Ngaphesheya and the other.

ADV CHASKALSON SC: Yes, but he did not want two names because he already knew one of those names. He
10 knew that Ngaphesheya had been helped. You knew that Ngaphesheya had been helped. Bheki knew that Ngaphesheya had been helped. All three of you knew that Nico had helped Ngaphesheya.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: So, he would not be asking you to confirm that Nico had helped Ngaphesheya?

DEPUTY CHIEF DHLAMINI: That is what he looked for, SC, from me.

ADV CHASKALSON SC: Sorry Deputy Chief, it just does
20 not make sense at all. Because he would not ask you a question, who was helped by Nico? Was Ngaphesheya helped by Nico? When he knew Ngaphesheya was helped by Nico, you knew that Ngaphesheya was helped by Nico. You knew that he knew that Ngaphesheya was helped by Nico. How could he be asking you to confirm that

Ngaphesheya was helped by Nico? You both knew that that was the case.

DEPUTY CHIEF DHLAMINI: That is what he requested, SC and Matcha, so I forwarded him those two names.

CHAIRPERSON: That is not the question, Deputy Chief. Why would he ask this when he knew that all the role players knew that Ngaphesheya had been assisted by Nico? Why? The question is why? Can you please answer the question now?

10 **DEPUTY CHIEF DHLAMINI:** I indicated to Commissioner to say, he asked me to say, give me two names. Ngaphesheya and the other name that Nico assisted.

CHAIRPERSON: That is still not answering the why. Please, please, Deputy Chief.

DEPUTY CHIEF DHLAMINI: I am not sure, Commissioner ...[intervenes]

CHAIRPERSON: That is not about what he asked for. It is about why he would have asked about Ngaphesheya having been assisted by Nico when all the role players, including
20 you, knew that he had been assisted, including Sergeant Nkosi, including you.

DEPUTY CHIEF DHLAMINI: He knew, Commissioner, yes, I confirm, he knew about Ngaphesheya.

CHAIRPERSON: The question is why. Why would the enquiry still have been made? Please.

DEPUTY CHIEF DHLAMINI: He wanted the second name, Commissioner.

CHAIRPERSON: Mr Chaskalson.

ADV CHASKALSON SC: So, you are now saying that what he was asking for was essentially, who is the second company that Nico helped?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: We all know that he helped Ngaphesheya. Who is the second company?

10 **DEPUTY CHIEF DHLAMINI:** Correct, SC.

ADV CHASKALSON SC: And when he asks you on the 18th, the list of preferred people for demolition, what is he asking then?

DEPUTY CHIEF DHLAMINI: SC, as much as I indicated to you to say, I sent him this, he comes again on the 18th to say the list of preferred people for demolition.

ADV CHASKALSON SC: And what did you tell him? Because you explained. Well, first, what did you understand by that request? What was he asking?

20 **DEPUTY CHIEF DHLAMINI:** To say he needed a list of preferred bidders for land invasion who have tendered.

ADV CHASKALSON SC: So now he wanted a list of preferred bidders?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: In other words, the bidders who

have made it through a stage of evaluation to the point at which they designated preferred bidders.

DEPUTY CHIEF DHLAMINI: Yes, bidders who have tendered and so forth.

ADV CHASKALSON SC: Yes, but preferred bidders are different from general bidders. You get a list of bidders on the tender register. Preferred bidders are bidders who have been considered by the BEC, and the BAC and they are the ones who are essentially shortlisted for award.

10 **DEPUTY CHIEF DHLAMINI:** In this instance, preferred bidders for him were those that were assisted by Nico.

ADV CHASKALSON SC: But why would assistance from Nico qualify you as a preferred bidder?

DEPUTY CHIEF DHLAMINI: I cannot tell that one, Commissioner, why he looked for them.

ADV CHASKALSON SC: And how did you know that when he said the list of preferred bidders, the list of preferred people, you understood that what he meant was people helped by Nico?

20 **DEPUTY CHIEF DHLAMINI:** Correct, Commissioner.

ADV CHASKALSON SC: Well, how did you know that was what he meant?

DEPUTY CHIEF DHLAMINI: I understood it as preferred people who were assisted by Nico in terms of compliance of their tender document.

ADV CHASKALSON SC: But how? Why? I mean, it does not say, morning General, can you give me a list of people who Nico assisted in TMPD1? It says, morning General, the list of preferred people for demolition.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: So how did you know that what he actually meant was the list of people Nico helped?

DEPUTY CHIEF DHLAMINI: He called me, SC, and explained to me.

10 **ADV CHASKALSON SC:** And then you called him back and you spoke to him, we see at 08:37am on page 433.

DEPUTY CHIEF DHLAMINI: Yes, he called first and then I called him back.

ADV CHASKALSON SC: And did you then tell him, it is Ngaphesheya and Elshadai?

DEPUTY CHIEF DHLAMINI: I told him, then he said I must also check with Nico the other bidders that he has assisted.

ADV CHASKALSON SC: You see, that does not tally with the external evidence because you will recall this whole
20 exchange with you seems to start with a call from the CFO to Sergeant Nkosi before Sergeant Nkosi sends that text saying the list of preferred bidders. And where it ends is on page 143 when after your last call with Sergeant Nkosi which was at 08:37 at the foot of page 152, at what is 08:50, so it is after your last call.

Sergeant Nkosi WhatsApp's back to the CFO, Ngaphesheya Security Services and Elshadai Security Services. So, he is not waiting for anything further from you. He is telling the CFO, Ngaphesheya and Elshadai. Now, if as you say, you were going to go back to Nico and you told the Sergeant that when you ask for a list of preferred bidders, I understand that you are asking who Nico helped. I have already told you it is Ngaphesheya and Elshadai. You now say I must check if there is anybody
10 else. I have to go back to Nico. I will come back to you. If you had said that to Sergeant Nkosi, why would he then, almost immediately after your call, WhatsApp the CFO with the two names of Ngaphesheya and Elshadai?

DEPUTY CHIEF DHLAMINI: I cannot tell, SC, but as much as I said to him, I will have to check with Nico because I do not have any information with me.

ADV CHASKALSON SC: You see, as between Sergeant Nkosi and the CFO, they understood that this exchange had now been resolved. Because you see, after Ngaphesheya and Elshadai, at the foot of 152, at the top of 153, the CFO
20 writes back, thanks my bro, and Sergeant Nkosi sends him a thank you emoji. All of this is still happening before 9 o'clock in the morning on the 18th of March.

But your evidence is that Sergeant Nkosi actually had asked you, who else apart from Ngaphesheya and

Elshadai did Nico help? And you had told him I need to speak to Nico before I can answer that, because last time he told me Elshadai and Ngaphesheya and I do not understand there to be anybody else. But I will check with him. That is your version.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: Now you can tell me, I think you are going to take me to the 25th and the mandate that was given to Victor by Nico. But before, there is something else
10 that happens before that. So can you just, we will get there, but can you just wait, because I want to do it in the sequence. Because what we see on page 434 on the 21st, can you go to 434?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: In chat number 3, Sergeant Nkosi forwards you a message that says:

20 “Good morning. I had a meeting with ACTIONSA and EFF yesterday. Telling me to submit 5 is an insult and did not sit well with me.”

Now, how did you understand that message?

DEPUTY CHIEF DHLAMINI: He then called me and explained the message, what is it all about, because I did not understand where the meeting with ACTIONSA and EFF in this regard.

ADV CHASKALSON SC: And what did he explain?

DEPUTY CHIEF DHLAMINI: He told me that it was a message that was sent to him from the CFO, I mean, I think he got it from the Deputy Mayor or something like that.

ADV CHASKALSON SC: So, who apparently had the meeting with ACTIONSA and EFF?

DEPUTY CHIEF DHLAMINI: I am not sure who had the meeting.

ADV CHASKALSON SC: But who did Sergeant Nkosi tell
10 you had the meeting?

DEPUTY CHIEF DHLAMINI: I just asked him where did the message emanate from and what is it in conjunction with.

ADV CHASKALSON SC: And he told you that it came from the CFO, and he mentioned the Deputy Mayor?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: But did he say, you know, who had had the meeting with EFF and ACTIONSA?

DEPUTY CHIEF DHLAMINI: He never explained that to me.

ADV CHASKALSON SC: But the purpose of your call was
20 to get clarity, you know, what is this message about? Surely you would have asked him who is meeting with ACTIONSA and EFF?

DEPUTY CHIEF DHLAMINI: He called me, he just said he wanted to show me that things are happening.

ADV CHASKALSON SC: And did he explain that the things that were happening were happening around TMPD1?

DEPUTY CHIEF DHLAMINI: That is exactly what he said.

ADV CHASKALSON SC: And so, somebody was meeting with ACTIONSA and EFF, he was telling you, and that somebody had been told to submit five bidders and thought that was an insult?

DEPUTY CHIEF DHLAMINI: Yes, that is what the message indicates.

10 **ADV CHASKALSON SC:** And what was your response?

DEPUTY CHIEF DHLAMINI: I just said it means that there is high contestation.

ADV CHASKALSON SC: Sorry?

DEPUTY CHIEF DHLAMINI: I said it seems there is high contestation.

ADV CHASKALSON SC: High conversation?

DEPUTY CHIEF DHLAMINI: High contestation, perhaps in the political sphere or something.

20 **ADV CHASKALSON SC:** Have you encountered, you know, political sphere interference in tenders before in your time at Tshwane?

DEPUTY CHIEF DHLAMINI: I took a decision long ago not to engage with politicians for personal reasons. I do not talk to politicians.

ADV CHASKALSON SC: But have you been aware of

political sphere interference in tenders previously, even if you have not been involved in it?

DEPUTY CHIEF DHLAMINI: No, never.

ADV CHASKALSON SC: So, this was the first time in your experience that you had encountered what seemed to be an attempt at political interference in the award of a tender?

DEPUTY CHIEF DHLAMINI: The message that he showed me, I said there is high contestation. The thing is that I avoid politicians for personal reasons, as I indicated. I
10 have a history in politics, so I avoid them.

ADV BALOYI SC: The high contestation that you referred to, you mean for the tender?

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: To do with the tender?

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: Okay.

ADV CHASKALSON SC: And that is contestation by political parties who want to influence the award of the tender?

20 **DEPUTY CHIEF DHLAMINI:** I took it like that.

ADV CHASKALSON SC: Did Sergeant Nkosi not mention to you that this message had been sent to the Deputy Mayor, Mr Mordise?

DEPUTY CHIEF DHLAMINI: He never explained that to me.

ADV CHASKALSON SC: And your response was what?
Just you do not want to be involved in this?

DEPUTY CHIEF DHLAMINI: Yes. Stay far from politics.

ADV CHASKALSON SC: You see, if we look at the series
of phone calls around this message, it starts on page 154,
file 3.

DEPUTY CHIEF DHLAMINI: File 3.

ADV CHASKALSON SC: And you will see at the top of
page 154 is the message that we have just been looking at.
10 It gets forwarded by the CFO to Sergeant Nkosi. And that
is at 11:07 in the morning. You have got to add two hours.
Then at 11:08 there is a call from the CFO to Sergeant
Nkosi. And we have checked that that call lasted 9
minutes. So that takes us to 11:17.

Which is exactly the time that Sergeant Nkosi
WhatsApp's you the message at page 434. And then
straight after sending you the message he calls you at
11:17. Then if we go back to page 154, we see that he sent
you the call at 11:17. He is made you a call at 11:17. At
20 11:18:26 the CFO calls him. At 11:19:51 he calls back. At
11:20 he calls back.

At 11:20 he calls back again. At 11:21 the CFO
calls him. That is at 11:21. We go back to your exchanges
at page 434. And we see at 11:22 in chat number 5 there is
another call between you and Sergeant Nkosi. So, what we

see is around this particular chat a series of calls between the CFO and Sergeant Nkosi. And a series of calls between yourself and Sergeant Nkosi and they are all interspersed. But you are saying you just made clear to Sergeant Nkosi that you wanted nothing to do with political interference.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: And in those later calls what was going on?

DEPUTY CHIEF DHLAMINI: I indicated that we speak
10 frequently. I might not recall what is it that he might have been calling me for. I mean sometimes he will call me with regard to issues regarding either my son or whatever the case it might be. So, we speak frequently. It might be a coincidence, but when I speak to him it is on many aspects that we speak about.

ADV CHASKALSON SC: You see in – let us go to the third exchange which is I think the one you wanted to take me to which is the 25th of March. Page 439. Now maybe before we get to 439, we should get to 436. Because what we see
20 in 436 is that on the 20 - sorry I have just lost my – if you look at chat number 2 on file 4 at 01:11, Sergeant Nkosi at 01:11 pm sends you a screen shot of a conversation that he is been having with the CFO. And you will find that screen shot at page 509.

DEPUTY CHIEF DHLAMINI: Five?

ADV CHASKALSON SC: 509. So, if you go to 509. And you will see there -no, I apologise, I apologise, we have got the wrong screenshot here, we do not have the correct screenshot, I will not go down that road, that screenshot was sent the day before. We have not got the right one. But if you - yes, we do not have the right document available but what I want to ask you is that the evidence of the CFO and Sergeant Nkosi was that on 25 March, the CFO had asked for a meeting with you and you and the CFO and
10 Sergeant Nkosi were due to meet. CFO says it was due to discuss - it was about discussing issues relating to the invoicing of Gubis. Do you recall having a face-to-face meeting with the CFO and Sergeant Nkosi in relation to the invoicing of Gubis?

DEPUTY CHIEF DHLAMINI: I never turned up for the meeting because I was going for a training run so I could not honour the meeting.

ADV CHASKALSON SC: So, you recall the meeting request as it were but you could not honour it?

20 **DEPUTY CHIEF DHLAMINI:** That is correct.

ADV CHASKALSON SC: Then let us go down to page 439 and there you - you send Sergeant Nkosi a message in chat number 5 that says:

“Captain, I mandate to uVictor aphiwe yona.”

So what was that message about?

DEPUTY CHIEF DHLAMINI: SC, as much as I am saying, let me then explain this to say if you go from, I mean, the matters where they have started as you have been indicating, when I gave Sergeant Nkosi requested those two names, when I gave him on the 9th, you will realise that, I mean, I gave him the names as it was said, I mean, these are my bidders or my companies.

It comes again, I mean, on the 18th with that
10 message, Morning General, the list of preferred people for demolition and we spoke on the phone, he explained to me and I said I will check with Nico. I never went back to him, I think, after 9 days or so in that regard. He speaks again to say I am still waiting we spoke on this and you have not given me any feedback in that regard.

That was the 18th when he gave me, sent me that preferred list for bidders. On the 25th of March, I mean, it comes again, this method and I check with Nico, Nico sent me the list of bidders and say this is what was given to
20 Victor. Then I send it to Sergeant Nkosi and say but this is what Nico told me to say, this was given to Victor, the company, so I am not sure why are you looking for other bidders and so forth.

ADV CHASKALSON SC: So, Nico said that this was a list of companies that he gave to Victor.

DEPUTY CHIEF DHLAMINI: That is what he said.

ADV CHASKALSON SC: When did he give this list to Victor? Did he explain?

DEPUTY CHIEF DHLAMINI: No, I never asked him that.

ADV CHASKALSON SC: And who is Victor?

DEPUTY CHIEF DHLAMINI: Victor, I knew Victor as the person who works at Supply Chain.

ADV CHASKALSON SC: Is it Victor Kgopa?

DEPUTY CHIEF DHLAMINI: I think so.

10 **ADV CHASKALSON SC:** And was he Chairing the BEC on this bid?

DEPUTY CHIEF DHLAMINI: I am not sure about it.

ADV CHASKALSON SC: Well, we have had evidence elsewhere that Victor Kgopa was the Chair of the BEC on this bid.

DEPUTY CHIEF DHLAMINI: Okay.

ADV CHASKALSON SC: So, this was a list that Nico said he gave to Victor who we know to be the Chair of BEC.

DEPUTY CHIEF DHLAMINI: That is correct.

20 **ADV CHASKALSON SC:** And it was in relation to TMPD1.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And when did Victor tell you that this was the list he had given to Victor?

DEPUTY CHIEF DHLAMINI: I was not told by Victor I am told by Nico.

ADV CHASKALSON SC: Sorry, Nico, when did Nico tell you that this is the list he had given to Victor?

DEPUTY CHIEF DHLAMINI: On the 25th when he sent me this list.

ADV CHASKALSON SC: And if we go back to your message to Sergeant Nkosi on page 439, we see that when you send that list of companies, your covering message says:

10 “Captain Nye Mandate uVictor aphiwe
 yona.”

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: So, what you are telling Sergeant Nkosi is that this list of companies is the mandate that was given to Victor.

DEPUTY CHIEF DHLAMINI: That is what Nico told me.

ADV CHASKALSON SC: Now what is a mandate?

DEPUTY CHIEF DHLAMINI: I believe when he said this is the mandate, I am saying Victor, it means he must work on those companies.

20 **ADV CHASKALSON SC:** So, Victor must work on those companies.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: So, Victor must give preference to those companies in the procurement process.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: So, when we are talking about preferred bidders, we are now talking about, sorry, when we previously talked about preferred bidders, we are now dealing with a situation where there is a request for preferred bidders status for these seven companies.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And what did you say to Nico when he told you this is the mandate that I have given to Victor?

10 **DEPUTY CHIEF DHLAMINI:** As much as I send it to Sergeant Nkosi to say he is looking for something while I am being told, to say already Victor has given a list of preferred bidders.

ADV CHASKALSON SC: So, you have got some evidence ...[intervenes]

CHAIRPERSON: Sorry, sorry, please repeat that, I do not understand you.

DEPUTY CHIEF DHLAMINI: I am saying Nico sends me this list and say these are the preferred bidders that were
20 given to Victor on TMPD01. So, I am sending it to Sergeant Nkosi to say you are looking for something else, this is what I am being told.

ADV CHASKALSON SC: So, Sergeant Nkosi asks you for a list of other companies that Nico has assisted.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: You give him back a list that Nico tells you he has given to Victor as the mandate for TMPD01.

DEPUTY CHIEF DHLAMINI: Yes.

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

DEPUTY CHIEF DHLAMINI: Then he tells me to say no, check with Nico, I need to send the other names to the CFO if you can ensure that Nico gives you other bidders that he has prepared in terms of compliance that I need to send to the CFO.

10 **ADV CHASKALSON SC:** So sorry, when did he say that?

DEPUTY CHIEF DHLAMINI: On the 25th when we spoke.

ADV CHASKALSON SC: And when did you speak on the 25th?

DEPUTY CHIEF DHLAMINI: I spoke to Nico again then he sent me a message that I sent to Sergeant Nkosi.

ADV CHASKALSON SC: Sorry, I am just getting the sequence a bit confused. So, you are saying that back on the, well correct me if I am misunderstanding you because I do not want to put words in your mouth that are wrong. But
20 you are saying that back on the, I think it was the 18th, Sergeant Nkosi said, give me, when he said the list of preferred bidders for TMPD, for the demolition tender, what he was actually asking for was a list of other bidders that Nico may have assisted beyond Ngaphesheya and Elshadai.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And then you speak to Nico on the 25th and he says this is the mandate that I gave to Victor.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And you understood that to mean that Nico had been communicating with Victor and had told Victor that these seven companies, we see them on page 525, are the companies that should get the tender.

DEPUTY CHIEF DHLAMINI: That is correct.

10 **ADV CHASKALSON SC:** And so, you go back to Sergeant Nkosi.

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: And you say to him, you ask me for the other companies that Nico had been assisting, this is the mandate that Nico gave to Victor of companies who should be given preferred bidder status.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: So, you knew that Nico was now talking to the Chair of the BEC or to Victor who you knew to
20 be involved in procurement and was giving Victor a list of companies who he wanted to be appointed in this case.

DEPUTY CHIEF DHLAMINI: I do not know that I did not know that and I am not sure if that is correct or it is false or it is true, but that is what he told me.

ADV CHASKALSON SC: Well, Nico had said that he had

talked to Victor and he had given Victor a list of seven companies that should be given preferred bidder status.

DEPUTY CHIEF DHLAMINI: That is what he said to me.

ADV CHASKALSON SC: And what did you do with that information?

DEPUTY CHIEF DHLAMINI: I gave it to Sergeant Nkosi to say, but you are still looking, but this is what was given already.

ADV CHASKALSON SC: Now, Victor is a member of your
10 department, is he not?

DEPUTY CHIEF DHLAMINI: No.

ADV CHASKALSON SC: Victor Kgopa is not a member of the TMPD?

DEPUTY CHIEF DHLAMINI: No, he is not a member of the TMPD.

ADV CHASKALSON SC: Is he from Central Procurement?

ADV KHUMALO SC: I understood him to say earlier that he is in Supply Chain Management.

ADV CHASKALSON SC: Sorry.

20 **DEPUTY CHIEF DHLAMINI:** Yes.

CHAIRPERSON: Just a matter of detail, Mr Chaskalson, if you have touched on this already, please forgive me, but where did Nico get this list from? Do you know?

DEPUTY CHIEF DHLAMINI: I do not know.

CHAIRPERSON: Or you may continue, Mr Chaskalson.

ADV CHASKALSON SC: But at any rate, you had now been told that Nico, who is someone who you deal with.

DEPUTY CHIEF DHLAMINI: I dealt with him when I am dealing with issues of, I mean. I indicated that I worked with him in 1997 when I left the army to manage the taxi business and so forth. I worked with him in terms of ensuring that the permits for vehicles and all those other things.

ADV CHASKALSON SC: Well, let me take a step back.
10 Nico, who is the person who you refer bidders to when they want to put in place compliant bids. Nico is the man you refer them to if they ask you to help them assemble compliant bids. You say, I cannot do it, but I know someone who can. Nico is that man.

DEPUTY CHIEF DHLAMINI: I do not refer bidders to Nico. I only referred Sergeant Nkosi to say let him help Bheki. I do not refer bidders.

ADV CHASKALSON SC: Well, Nico is the person you refer Sergeant Nkosi to.

20 **DEPUTY CHIEF DHLAMINI:** Correct, yes.

ADV CHASKALSON SC: Nico is now telling you that he has gone to the Chair of the BEC and given him a mandate to appoint seven companies for this bid.

DEPUTY CHIEF DHLAMINI: That is what he said. Then he sent me the list.

ADV CHASKALSON SC: Yes.

DEPUTY CHIEF DHLAMINI: I gave it to Sergeant Nkosi.

ADV CHASKALSON SC: But Nico is essentially admitting to an attempt to corrupt this procurement process, is he not?

DEPUTY CHIEF DHLAMINI: I do not know whether this was true or not. People might claim sometimes.

ADV CHASKALSON SC: No, no, but Nico was saying he gave that list to Victor.

10 **DEPUTY CHIEF DHLAMINI:** That is what he said.

ADV CHASKALSON SC: Now, so he has been party to an attempt on his own version to corrupt the procurement process.

DEPUTY CHIEF DHLAMINI: I cannot confirm that.

ADV CHASKALSON SC: Why can you not confirm that? He says, I gave this list to Victor as the mandate for TMPD1.

20 **DEPUTY CHIEF DHLAMINI:** I have seen a lot of people who let people to say they have either connections within their city, they can help them and so forth, just to benefit, of which it is not true.

ADV CHASKALSON SC: Yes, but even if it is not true, he is claiming to have been party to an attempt to corrupt the procurement process here.

DEPUTY CHIEF DHLAMINI: SC, a claim might not be a

reality, people will tell people and say, I know this judge, let us go to him. I have spoken to him. We can either arrange or bail and so forth, sit here, while it is not true. The same thing that other people do, especially with supply chain processes. There is a lot of bogus people who claim sometimes to be having connections, speaking to people while it is not true. So, I cannot confirm that.

CHAIRPERSON: Deputy Chief, assuming that it was true, that is the list or the mandate had indeed been given, would
10 that have amounted to an attempt to corrupt the tender process, assuming it was true?

DEPUTY CHIEF DHLAMINI: Assuming it was true, yes, it amounts to that, Commissioner.

ADV KHUMALO SC: Deputy Chief, you must have assumed it is true. Why else would you have forwarded it to Sergeant Nkosi? Because you cannot forward something that you know to be false to Sergeant Nkosi. So, you must have believed that it is true, because you said earlier, he gave you a list of preferred bidders, and then you said, but I
20 already have this from Victor, so what you are asking me is already there. Which means you must have believed that you are being told the truth, because you used this very list to respond to what he had asked you earlier.

DEPUTY CHIEF DHLAMINI: Commissioner, I asked me to check with Nico, Nico gave me that and said this is what I

have given to Victor.

ADV KHUMALO SC: Exactly.

DEPUTY CHIEF DHLAMINI: So, I assume Sergeant Nkosi must be knowing these things, why does he keep on looking either for additional people and so forth.

ADV KHUMALO SC: But I am saying then, you must have assumed, I am not saying you knew, you must have assumed that it is correct what you are being told that Victor has been given this list.

10 **DEPUTY CHIEF DHLAMINI:** I assumed as such, Commissioner.

ADV KHUMALO SC: And, sorry, Chair, go ahead.

CHAIRPERSON: You said Sergeant Nkosi's enquiry was again about who had been assisted by Nico, correct?

DEPUTY CHIEF DHLAMINI: Correct.

CHAIRPERSON: Even at this late stage?

DEPUTY CHIEF DHLAMINI: Correct.

CHAIRPERSON: Now you are given a list in relation to a mandate of preferred bidders now, that is, people who
20 should be preferred for the award of the tender, correct?

DEPUTY CHIEF DHLAMINI: Correct, Commissioner.

CHAIRPERSON: And then you give that to Sergeant Nkosi, correct?

DEPUTY CHIEF DHLAMINI: Correct.

CHAIRPERSON: And do you give it to Sergeant Nkosi on

the understanding that it was a response to his enquiry?

DEPUTY CHIEF DHLAMINI: Correct, to say it will put him at ...[intervenes]

CHAIRPERSON: How could that be, how could that be a response to Sergeant Nkosi, because now this is about preferred bidders. Sergeant Nkosi had made an enquiry about other people who had been assisted by Nico, but you are not giving him that. What you are giving him is a list of preferred bidders. How could that be a response to
10 Sergeant Nkosi's latest enquiry? The two just do not correspond.

DEPUTY CHIEF DHLAMINI: I thought it would put his request to rest, because Nico has done that, he might not continue.

CHAIRPERSON: No, no, how could it put the enquiry to rest? Because it is not answering the question. The question is, who else was assisted by Nico? And what you get is not a response to that, but rather a mandate in relation to preferred bidders. So, it cannot put the enquiry
20 to rest, because it is not answering that enquiry. So why did you give him something that did not relate to the enquiry, and yet you purported to be doing exactly that? The two do not correspond, as I say.

DEPUTY CHIEF DHLAMINI: Commissioner, there are names there, and I think once he sees those names, then

he will be satisfied.

CHAIRPERSON: Satisfied by something that does not, on your own understanding, answer his enquiry, how could he be satisfied?

DEPUTY CHIEF DHLAMINI: He will take the same name list that Nico provided me to say.

CHAIRPERSON: But that list is not about assistance, it is about preferred bidders. So how could he be satisfied?

DEPUTY CHIEF DHLAMINI: Commissioner, I took it that
10 he would be satisfied with that list.

CHAIRPERSON: Even though it was not answering the enquiry?

DEPUTY CHIEF DHLAMINI: Much as he made a follow-up again with me.

ADV BALOYI SC: Deputy Commissioner, the Nico, who is Nico in the scheme of things?

DEPUTY CHIEF DHLAMINI: Nico does not work for the city.

ADV BALOYI SC: Yes, who is he?

20 **DEPUTY CHIEF DHLAMINI**: He assists people with, I mean, filling bids and so forth.

ADV BALOYI SC: So, when he gives you a list which is a mandate, why do you pass it on, if he is just a random person? Why do you take that list and pass it on?

DEPUTY CHIEF DHLAMINI: Much as I am saying Sergeant

Nkosi, requested me to check with him, then he gave me that list.

ADV BALOYI SC: No, your message says, uVictor aphiwe yona. So, Victor, you have spoken to Nico. He is told you that he is got a mandate to do with this list.

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: Whether he is telling the truth or not is irrelevant to my question.

DEPUTY CHIEF DHLAMINI: Yes.

10 **ADV BALOYI SC:** He tells you, I have a mandate relating to this list. Why do you pass it on to Sergeant Nkosi?

DEPUTY CHIEF DHLAMINI: I was giving him information to say he is requesting names, but names have already been given.

ADV BALOYI SC: No, your message is a mandate. It is a mandate that Victor has been given. That is what Nico tells you. Victor, the Chairperson of the BEC, has been given a mandate. And this is the mandate.

DEPUTY CHIEF DHLAMINI: Yes.

20 **ADV BALOYI SC:** It is a list. Why do you pass on that list to Sergeant Nkosi as a mandate that you are told by Nico has been given to Victor?

DEPUTY CHIEF DHLAMINI: It is because Commissioner, he said he wanted me to get the list from Nico to give it to them.

ADV BALOYI SC: Did Sergeant Nkosi say to you, get me the mandate, the list of mandate that Nico has been given or that Nico has given to Victor? Is that what Nkosi asked from you? Because your answer makes sense only if Sergeant Nkosi asked you to find out what mandate has Victor been given. Then it makes sense, your answer.

DEPUTY CHIEF DHLAMINI: I gave him, Commissioner, much as I forwarded the name list and also, I indicated to say, Nico indicated to say, gave this to Victor as a mandate.

10 **ADV BALOYI SC:** My question is, did Sergeant Nkosi say to you, find out from Nico what mandate has Victor been given? Did Sergeant Nkosi ask you that kind of question?

DEPUTY CHIEF DHLAMINI: No, Commissioner.

ADV BALOYI SC: Okay, so, why is your message to Sergeant Nkosi that here is the mandate that Victor has been given if that is not what Sergeant Nkosi asked you to find out?

DEPUTY CHIEF DHLAMINI: I was making him aware with a view that it will put his request to rest.

20 **ADV BALOYI SC:** The request for what?

DEPUTY CHIEF DHLAMINI: For another companies, names of companies that he wants.

ADV BALOYI SC: That he wants for what?

DEPUTY CHIEF DHLAMINI: He said he wants to send to the CFO.

ADV BALOYI SC: So, he said to you he wants a list of companies that he wants to send to the CFO.

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: And then you say then to him, here is the list that comes from Nico.

DEPUTY CHIEF DHLAMINI: Yes.

ADV BALOYI SC: Okay, thank you.

ADV KHUMALO SC: Can I, Deputy Chief, I am making a plea to you because you must assume that we can read and
10 these WhatsApp's are in English, right? And the answers you are giving do not correspond to these WhatsApp's. Unless these people were speaking in codes and you were speaking in codes, what you are telling us and what the WhatsApp's say, are miles apart.

So, my plea to you is to answer questions truthfully because I do not think you are doing that at this stage. You are being asked for a list of companies Nico assisted. Instead of giving that list, you give a list of a mandate that is given to Victor. And you are saying that will put the
20 enquiry to rest. How can it put an enquiry to rest when the list you are giving has nothing to do with the request to you? You are asked for a list, listen to this, you are asked for a list of companies Victor assisted, of Nico assisted, correct?

DEPUTY CHIEF DHLAMINI: Correct.

ADV KHUMALO SC: But you do not give that list. Instead, you give a list of a mandate given to Victor for a different reason because you said that mandate was given to Victor so that Victor can work with those companies. But that is a different issue to which companies did Nico assist.

DEPUTY CHIEF DHLAMINI: Commissioner Khumalo, I am saying I am requesting the list. There is a list is attached there. I further indicate to say that this was given to Victor as per Nico, as a mandate. There are name lists of
10 companies there.

ADV KHUMALO SC: So, I want you to reflect on my plea during the lunch break. And when you come back from lunch, I am going to ask you to please answer truthfully because the impression I get sitting here, we can read. You must assume we can read. And what we are reading and what you are telling us are miles apart.

DEPUTY CHIEF DHLAMINI: I am answering truthfully, Commissioner.

CHAIRPERSON: The request was for you to reflect over
20 the lunch adjournment and perhaps this is an opportune moment for us to take the lunch adjournment. Let us resume at 2 pm.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Deputy Chief, we were talking about the WhatsApp that you sent to Sergeant Nkosi in relation to what you had learned from Victor. And you had said that you believed – sorry, not from Victor, you spoke to Nico, not Victor – you believed Nico when he said to you he had given a mandate to Victor to give privilege to those seven companies on his list.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: Now, flowing from that, you would
10 have believed that Nico understood that Victor was open to interfering with the regularity of the bid to give preference to those seven companies.

DEPUTY CHIEF DHLAMINI: That I cannot confirm, SC.

ADV CHASKALSON SC: Well, you cannot confirm that he was, but you must surely be able to confirm that Nico thought that he was.

DEPUTY CHIEF DHLAMINI: Yes, much as I am saying Nico might have thought so, but I cannot confirm that.

ADV CHASKALSON SC: Well, I want to ask you, did you
20 investigate this further? Did you conduct any investigation into whether Victor had been compromised in any way in relation to this bid?

DEPUTY CHIEF DHLAMINI: No, I did not do so.

ADV CHASKALSON SC: Is that not something that falls under your responsibilities as head of Internal Affairs?

DEPUTY CHIEF DHLAMINI: No, I think tender irregularities are being dealt at by Group Audit and Risk.

ADV CHASKALSON SC: Now, there is a difference between tender irregularities and tender malfeasance. Somebody who deliberately rigs a tender, does that not fall under your jurisdiction?

DEPUTY CHIEF DHLAMINI: No, it does not fall under my jurisdiction.

ADV CHASKALSON SC: So, if you receive information
10 that someone has taken a bribe, I am not saying this happened in this case, but if you receive information that someone has taken a bribe to rig a tender, is that not something that, someone within the City, is that not something that is your responsibility under Internal Affairs?

DEPUTY CHIEF DHLAMINI: SC, I believe that there is quite a number of incidents where people allege things that are not there.

ADV CHASKALSON SC: We will get to that shortly, but my first question is, if you receive information that someone
20 has taken a bribe to rig a tender, is that your responsibility to action as head of Internal Affairs?

DEPUTY CHIEF DHLAMINI: If that is reported, SC.

ADV CHASKALSON SC: If that is recorded?

DEPUTY CHIEF DHLAMINI: If that is reported, it has got a complainant in that regard.

ADV CHASKALSON SC: So, if a complainant comes to you and says, this tender official has taken a bribe on this bid, it is your responsibility to investigate?

DEPUTY CHIEF DHLAMINI: He has to reduce it in writing, Commissioner, SC.

ADV CHASKALSON SC: But in this case, someone from outside the City, Nico, had come to you, claiming to have given a mandate to the head of the BEC to rig a tender in favour of seven companies. You had one potential
10 perpetrator admitting that he had done this. You will accept that?

DEPUTY CHIEF DHLAMINI: That is what he claimed, which might not be truthful.

ADV CHASKALSON SC: But surely, if you have a perpetrator claiming to have rigged a tender to you, the head of the Internal Affairs Department, that is something that needs to be investigated because what he is saying is that the head of the BEC is open to manipulating this tender dishonestly.

20 **DEPUTY CHIEF DHLAMINI:** As I indicated, SC, that is what he might claim, only to find that he does not even know Victor, and so forth.

ADV CHASKALSON SC: Yes, but you can only work out whether he does or does not know Victor after you have done some investigation, can you not?

DEPUTY CHIEF DHLAMINI: I think, SC, there are a number of incidents, sometimes that do happen, people will namedrop either my name. I know that in most instances people namedrop on such matters, even on HR matters, people will namedrop.

ADV BALOYI SC: But you believed him, that is why you passed on this message, which you knew will end up with a CFO, so you believed him. You did not treat him as just namedropping. You took it seriously enough that you
10 forwarded the messages, and well knowing that they will end up with a CFO who is also the Chairperson of the BEC.

DEPUTY CHIEF DHLAMINI: I might have, at that particular time, taken his statement, but much as I am saying, I forwarded it to Sergeant Nkosi with an understanding that he is demanding, I mean, additional names from me, but this is what I had.

ADV BALOYI SC: You forwarded, even if we accept on your version that this was your response to Sergeant Nkosi who had demanded more information on names and you
20 forwarded it for the reasons you say, that is not the conversation. The conversation is you have this list which is a mandate, Nico tells you, mandate to Victor, you pass it on. So at that point you are not thinking his namedropping. You pass it on, and you pass it on well knowing that it will end up with the Chairperson of the BAC.

DEPUTY CHIEF DHLAMINI: He might have shared it with him, yes.

ADV BALOYI SC: No, you knew it was going there. Your dealings, all your dealings with Sergeant Nkosi about this tender are that he is the middle man between you and the CFO, you know that, and we see that in the WhatsApp messages, and we are not disputing that. You knew and you intended to communicate with the CFO through Sergeant Nkosi. So you knew that is what is happening.

10 Sergeant Nkosi is outside TMPD, so it was not just for him to use. You knew this is part of information that will end up before the BEC when you forwarded it.

DEPUTY CHIEF DHLAMINI: That is not correct, Commissioner, because I do not have any dealings with the CFO.

ADV BALOYI SC: You have dealings with the CFO through Sergeant Nkosi. You keep saying, tell Mfowethu this, give this Mfowethu, and you have agreed that Mfowethu is the CFO. Unless you want to change that part of your

20 evidence, but your evidence is you knew that all correspondence, in fact, you say you know that Mfowethu refers to the CFO, you have forwarded things that say, tell Mfowethu this.

So you knew it is stuff that is intended for the CFO, otherwise why are you giving this stuff to Sergeant Nkosi if

it is not meant to be, to come into your TMPD, into your Tshwane tender process? Why is it going to Sergeant Nkosi?

DEPUTY CHIEF DHLAMINI: Commissioner, I still maintain I do not have dealings with the CFO.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: Can I just follow up on what Advocate Chaskalson said? You as head of Internal Affairs, it goes beyond that. You are an employee of the City of Tshwane,
10 correct?

DEPUTY CHIEF DHLAMINI: That is correct, Commissioner.

ADV KHUMALO SC: And this tender concerned your department, TMPD, correct?

DEPUTY CHIEF DHLAMINI: That is correct.

ADV KHUMALO SC: And as employee of the City of Tshwane, do you not have a duty to act in the best interest of your employer?

DEPUTY CHIEF DHLAMINI: I do have that duty, Commissioner.

20 **ADV KHUMALO SC:** And do you accept that if what Nico told you was true, then this tender would have been compromised? If it was true what Nico told you, then this tender would have been compromised?

DEPUTY CHIEF DHLAMINI: Yes, if it was true, but much as I indicate that people tend to be knowing people and it

does not happen. As it stands amongst the mandate list of companies, not even a single one, I think, was appointed. But that is what Nico made me to believe.

ADV KHUMALO SC: But if it was true, you accept that the tender would have been compromised?

DEPUTY CHIEF DHLAMINI: If it was true.

ADV KHUMALO SC: If what Nico told you was true.

DEPUTY CHIEF DHLAMINI: Yes, if it was true.

ADV KHUMALO SC: So why did you not see a need to
10 report it to the City of Tshwane and TMPD that the Chairperson of the BEC may have been compromised or may have been given a mandate to compromise the bid?

DEPUTY CHIEF DHLAMINI: I took it that he might be namedropping, the name of Victor. But once people pick up to say who is the Chair of the bid evaluation, they run with it. They go out to service providers and say we have spoken to this Chairperson and so forth.

ADV KHUMALO SC: So to you it was namedropping and you established that as a fact, that it was namedropping?

20 **DEPUTY CHIEF DHLAMINI:** It emerged as a namedropping.

ADV KHUMALO SC: Did you establish that as a fact or you were only suspecting that it is namedropping?

DEPUTY CHIEF DHLAMINI: I suspected so.

ADV KHUMALO SC: You had not established it?

DEPUTY CHIEF DHLAMINI: No.

ADV KHUMALO SC: And you saw no need to investigate as Advocate Chaskalson asked you?

DEPUTY CHIEF DHLAMINI: I do not think I saw a need, Commissioner, to investigate it.

ADV KHUMALO SC: Let me leave it there.

ADV CHASKALSON SC: Can I ask you this? If a third party from outside the City came as a complainant and lodged a complaint that Nico, who represented a competing
10 bidder, had said that he had given a mandate to the Chair of the BEC to manipulate the bid in favour of seven companies, would you investigate that?

DEPUTY CHIEF DHLAMINI: Correct, SC.

ADV CHASKALSON SC: So if a third party comes and makes a complaint, you will investigate it, but if the facts that the third party complaint, that the notional third party complaint is based on, come to your attention directly, you do not see a need to investigate them?

DEPUTY CHIEF DHLAMINI: The third party, I believe,
20 could have reduced it into a statement, Commissioner, SC.

ADV CHASKALSON SC: But you could reduce it into a statement. You could be the complainant yourself, as is often the case in police matters. You could say Nico came to me and said that he had given a mandate to the Chair of the BEC to manipulate the tender in favour of these seven

bidders. This is the A1 statement in the docket to investigate the Chair of the BEC.

DEPUTY CHIEF DHLAMINI: I did not see it in that way, SC.

ADV BALOYI SC: You may not have seen it in that way, now that it has been raised with you. Nico, an outsider, comes to you and says the Chairperson of the BEC has been given a mandate to prefer these companies. Now we put to you that now, even with the benefit of hindsight, if
10 you like, you could have been the one that lays a complaint that would then be investigated.

You complete a statement and submit whether to your, I think you call it your integrity unit, the right body in the City or to the police, where you say a civilian, a member of the public has told me that the Chairperson of the BEC has been given a mandate. You could have done that.

You did not do it. We know you did not do it. You are telling us you did not see it. Strangely, you say you did not see it that way, but you could have done that.

20 **DEPUTY CHIEF DHLAMINI:** Yes, Commissioner.

ADV BALOYI SC: Thank you.

ADV CHASKALSON SC: So that text that you sent to Sergeant Nkosi was at 08:02PM. An hour later, you sent him a different message. That is at the top of page 440. Chat number 1, 09:03PM:

“Captain, find below our vehicles for land
to be given Mfowethu in order of priority.”

And then what follows is the name of, in fact, six companies, because number four, there are two number fours, so it should be 456 as opposed to 445. There are six companies, and the first two are Elshadai and Ngaphesheya. What was that message about? What were you telling Sergeant Nkosi?

DEPUTY CHIEF DHLAMINI: As indicated, SC, that
10 Sergeant Nkosi insisted that I need to get Nico to give him additional five companies to B7, that he wants to give it to the CFO to ensure that he is able to check for him if they comply accordingly, and I must indicate that Nico must put it in order of priority in terms of the requirements, the first that meets the requirements in terms of how he evaluated in terms of the priority himself when he prepared them.

ADV CHASKALSON SC: So you are saying this was a list that Sergeant Nkosi wanted of seven companies now?

DEPUTY CHIEF DHLAMINI: Correct.

20 **ADV CHASKALSON SC:** That Nico had evaluated and that Nico believed to be compliant?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: But you had already asked Nico a few weeks previously, before the 9th, to give you companies that were compliant that he had assisted, and he had come

back with only two, Ngaphesheya and Elshadai. Why did you think now that he would be able to come up with seven?

DEPUTY CHIEF DHLAMINI: SC, the initial request was that he gives me an additional company on top of Ngaphesheya so that there might be two. Now currently he is looking for additional five companies.

ADV CHASKALSON SC: Additional companies?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: That he would have assisted to
10 complete the tenders?

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: But again, if we look at the message that you send, it just does not square with that explanation. It says:

“Captain, find below our vehicles for land
to be given Mfowethu in order of priority.”

Why would it be necessary to give any of this to the CFO?

What has it got to do with the CFO?

DEPUTY CHIEF DHLAMINI: Sergeant Nkosi requested me
20 that he wants to give them to the CFO to check for him these companies.

ADV CHASKALSON SC: To check what in relation to the companies?

DEPUTY CHIEF DHLAMINI: He indicated that he wants to check with the CFO if they comply, they meet all the

requirements.

ADV CHASKALSON SC: But the CFO has no business doing that, does he? Because the CFO is not a member of the BEC. And that is the job of the BEC, not the job of the CFO.

DEPUTY CHIEF DHLAMINI: That is what Sergeant Nkosi told me.

ADV CHASKALSON SC: Sorry, what did Sergeant Nkosi tell you?

10 **DEPUTY CHIEF DHLAMINI:** He told me that he wants to give them to the CFO.

ADV CHASKALSON SC: But for what purpose?

DEPUTY CHIEF DHLAMINI: As I indicated to say, he needed them in order of priority, as Nico preferred them in terms of compliance, so that the CFO can check and verify if they do comply.

ADV CHASKALSON SC: But how can the CFO check? Well, let me put the question differently. You know that the CFO sits on the Bid Adjudication Committee.

20 **DEPUTY CHIEF DHLAMINI:** Correct.

ADV CHASKALSON SC: Now, if he sits on the Bid Adjudication Committee, he cannot sit on the Bid Evaluation Committee.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: Compliance is an issue in the

first instance for the Bid Evaluation Committee.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: And members who are, and Tshwane employees who are not members of the BEC are not allowed to see anything that serves before the BEC.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: So how could the CFO check for compliance of companies in a bid that was serving before the BEC?

10 **DEPUTY CHIEF DHLAMINI:** SC, I think you should know that I am not, I mean, the relationship that Sergeant Nkosi have with the CFO, I am not, I mean, having the same relationship with myself and the CFO. So what are they discussing or what is he talking with the CFO, I might not be aware of in most instances.

ADV CHASKALSON SC: No, but in this case you were aware because he told you that the CFO would check for compliance on these seven companies, you say?

20 **DEPUTY CHIEF DHLAMINI:** As much as I am indicating, that is what Sergeant Nkosi made me to believe that he is in contact with the CFO on this matter.

ADV CHASKALSON SC: Now, if you believed that, you believed at the time that Sergeant Nkosi and the CFO were together doing something that was not lawful. They were arranging for the CFO to take a look at documents that were

serving before the BEC when the CFO ought not to have had access to those documents.

DEPUTY CHIEF DHLAMINI: He made me to believe that, SC, but even if you can check my chat with Sergeant Nkosi, I gave him the information, there is nowhere where I make a follow-up to say whether what is happening, what is the progress or how far are these things. You would not discover anywhere where I make a follow-up myself because it was not of my interest, SC.

10 **ADV KHUMALO SC:** Sorry, Mr Chaskalson. Deputy Chief, did it not occur to you that it was you now who was interfering in an ongoing tender process? Because when you say to Sergeant Nkosi give this list to the CFO to check whether these seven companies comply with the tender requirements, it is no longer Nico, it is no longer Sergeant Nkosi, it is you now who is interfering in an ongoing tender process because it is you who is making the request to Sergeant Nkosi to give a list to the CFO to check whether these seven companies are compliant. It is you now who is
20 interfering in the tender process. It is no longer other people, this is you.

DEPUTY CHIEF DHLAMINI: Not true, Commissioner, because I indicated that Sergeant Nkosi called me, it is not me. If it was me, I had a vested interest, Commissioner. You would see in this chat, either I would enquire to say

how far is the process or what is happening. There is nowhere in the chats, since the first two names I have given.

I could have either made a follow-up to say either are we winning or what is happening. Nowhere in the chats where you could see me making a follow-up with the names that Sergeant Nkosi requested.

ADV KHUMALO SC: I did not say you have a vested interest. I said by virtue of the fact that you are saying to
10 Sergeant Nkosi, Captain, find below our vehicles for land to be given to the CFO in order of priority. You are giving this to Nkosi and you are saying Nkosi must give this to the CFO.

That action on its own is you interfering in an ongoing tender process. Whether you have interest or not, whether you followed up or not, simply by doing that you are interfering in the tender process. And you are doing ...[intervenes].

DEPUTY CHIEF DHLAMINI: Commissioner ...[intervenes].

20 **ADV KHUMALO SC:** So unlawfully.

DEPUTY CHIEF DHLAMINI: Sorry, sorry, sorry, for interjecting.

ADV KHUMALO SC: And if I may add, so let me put it in two ways. You are interfering in a tender process and you are doing so unlawfully.

DEPUTY CHIEF DHLAMINI: That is not true, Commissioner, because he requested this for me to send him this message and I did as he has requested.

ADV KHUMALO SC: It does not matter who requested you. It does not matter who requested you. The mere fact that you did that, you were interfering in a tender process and you were doing so unlawfully.

DEPUTY CHIEF DHLAMINI: That is not correct, Commissioner.

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

ADV CHASKALSON SC: Well, what you are saying is that that message in chat number 1 was really responding to a request made by Sergeant Nkosi as opposed to making a request to Sergeant Nkosi. Is that what you are saying? That you were responding to his request, you were not making any request to him.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

20 **ADV CHASKALSON SC:** That is not how he seems to have seen it, because his response is not thank you for responding to my request, it is done. In other words, I have done what you have requested me to do. We see that in chat 2 at 09:04.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: So how does that square with your explanation that he had just made a request to you to

give you a list of companies assisted by Nico who could then be checked for compliance, and you just complied with his request. You were not making any request to him?

DEPUTY CHIEF DHLAMINI: He has requested me, SC, because I think when he was responding here, he already told me that he wants to send a list to the CFO for the CFO to assist him to check for compliance. So he was merely indicating to me that he has done that already. It was not my list or my making this list, SC.

10 **ADV CHASKALSON SC:** There is then another call between the two of you at 09:04, and then you respond ...[intervenes].

CHAIRPERSON: Just before you move on. At this stage, the bids had been submitted a long time ago, and as Mr Chaskalson is saying, they were now ready for evaluation. Correct?

DEPUTY CHIEF DHLAMINI: Correct, Commissioner.

CHAIRPERSON: And I am sure you would agree that it is not proper to change the content of non-compliant bids to
20 make them compliant. Correct?

DEPUTY CHIEF DHLAMINI: Correct, Commissioner.

CHAIRPERSON: I am asking this to understand this idea that what was sought from the CFO was for him to confirm whether or not these bids were compliant.

DEPUTY CHIEF DHLAMINI: That is what Sergeant Nkosi

informed me, Commissioner.

CHAIRPERSON: Now, if bids had long closed and you accept that at that stage you cannot change a non-compliant bid and make it compliant, what purpose would the request to the CFO have served?

DEPUTY CHIEF DHLAMINI: I am not ...[intervenes].

CHAIRPERSON: Assuming, for example, that the answer from the CFO was these bids are non-compliant, so what purpose would the enquiry to him or from him have made, or
10 rather, what purpose would that have served?

DEPUTY CHIEF DHLAMINI: I am not abreast, Commissioner, with the discussions between Sergeant Nkosi and the CFO.

CHAIRPERSON: No, no, no, I am not asking about ...[intervenes].

DEPUTY CHIEF DHLAMINI: Yes.

CHAIRPERSON: I am asking you now. I am asking you. Would the enquiry have served any purpose at all?

DEPUTY CHIEF DHLAMINI: That is what Sergeant Nkosi
20 requested, Commissioner.

CHAIRPERSON: No, no, no, no, no. Please answer my question. I am asking it a third time now. Would it have served any purpose for the CFO to pronounce on the compliance or otherwise of these bids? I am asking you. I am not asking about their interaction.

DEPUTY CHIEF DHLAMINI: I do not think it might have served any purpose, Commissioner.

CHAIRPERSON: Thank you. I will tell you that it would not have served any purpose. You have basically agreed in the last answer.

ADV BALOYI SC: Deputy Commissioner, what interest did you have in any one of these companies?

DEPUTY CHIEF DHLAMINI: I did not have any interest, Commissioner, in any one of these companies.

10 **ADV BALOYI SC:** Okay, that is my first question. What interest did you have in any one of them being appointed or being successful in the bid?

DEPUTY CHIEF DHLAMINI: I did not have any interest in any one of them to be appointed because I was not going to benefit or I am not benefiting anything.

ADV BALOYI SC: Then explain why in your message you speak about our vehicles. Why do you refer to these companies as your vehicles, you being part of the people who own these vehicles or who are putting forward these
20 vehicles?

DEPUTY CHIEF DHLAMINI: As I indicated, Commissioner, to say when I receive a message, I will usually edit it and put a name. It came the message as find below our vehicle for land. Then I edited it. I put Captain there to be given to Mfowethu as he requested. Then that is what I did on this

message.

ADV BALOYI SC: So this came from where?

DEPUTY CHIEF DHLAMINI: From Nico.

ADV BALOYI SC: So Nico is the one that gave you this list?

DEPUTY CHIEF DHLAMINI: Correct, Commissioner.

ADV BALOYI SC: For it to go to the CFO.

DEPUTY CHIEF DHLAMINI: No, he gave me the list, but because I knew that Sergeant Nkosi requested that he
10 wants to send it to the CFO, I edited the message accordingly.

ADV BALOYI SC: Okay. I asked you earlier who is Nico and what was your answer to the question?

DEPUTY CHIEF DHLAMINI: I said Nico is someone who deals with issues of assisting people with either tender documents or administrative work on other aspects.

ADV BALOYI SC: And when he says this is our vehicles, because you say that is Nico's language, when he says our vehicles, what did you understand him to be saying?

20 **DEPUTY CHIEF DHLAMINI:** I understood it as the vehicles that they have prepared themselves.

ADV BALOYI SC: What do you mean by that?

DEPUTY CHIEF DHLAMINI: Him, he has done, I think he does not either work alone with people who do this work.

ADV BALOYI SC: All right, let me make my suggestion to

you what I think this is. My suggestion to you is that you are either the person you are referring to as Nico, this is your list, and all the other communication where you keep on saying Nico, you are in fact that person that you are referring to, or alternatively you are not honest about who is this person you refer to as Nico.

So if this list comes from somebody else and it is not from you, then you are not being honest with the Commission about who is the source of the list and
10 everything else that you have said comes from Nico. You are not being honest about that, that is the one.

And I think that is the kindest I can say to you, the most generous I can suggest to you. Worse is you are in fact that person and the source of that list and this reference to our indicates that, that you are part of the people that are propagating or that are promoting these companies. You can comment if you want to comment.

DEPUTY CHIEF DHLAMINI: That is not true
Commissioner, I am not Nico. There is Nico who does this
20 work.

ADV BALOYI SC: Thank you.

CHAIRPERSON: And do you still have the phone you used when communicating with Nico?

DEPUTY CHIEF DHLAMINI: Yes, I do have my phone.

CHAIRPERSON: And do you have these chats on it,

between you and Nico?

DEPUTY CHIEF DHLAMINI: I am not sure if the chats are still there, but we can ...[intervenes].

CHAIRPERSON: What could possibly have happened to them for you to say you are not sure?

DEPUTY CHIEF DHLAMINI: There is a timer, 24 hour timer too.

CHAIRPERSON: Okay.

ADV CHASKALSON SC: So if I understood your answers
10 to Commissioner Baloyi, you are saying that Nico came
back to you with that list in chat number 1, saying these are
the companies that I prepared, that I assisted, and you
should check them for compliance in this order. Is that
what Nico was saying?

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: But how can that possibly be?
Because earlier in the evening Nico had said to you, I have
given a mandate to Victor for these companies and the
companies that he lists in his mandate to Victor are the
20 companies that we see at 525.

Can you go to 525? So on 525 we see a list of
seven companies, but it is seven different companies from
the seven companies that are our vehicles for land to be
given Mfowethu in order of priority. So if Nico is mandating
Victor to rig the tender in favour of seven companies, why

would he choose seven companies that he had not assisted in the bid?

DEPUTY CHIEF DHLAMINI: I am not sure if he has also assisted these ones, I am not sure.

ADV CHASKALSON SC: But when you ask him for a list of companies who he has assisted, he does not mention any of those, he gives you seven different companies.

DEPUTY CHIEF DHLAMINI: It is because Sergeant Nkosi said he must give him the different names from this one.

10 There are additional five companies different from this.

ADV CHASKALSON SC: So Sergeant Nkosi said Nico must come back with seven companies that are different from the ones that he mandated Victor to rig the bid in favour?

DEPUTY CHIEF DHLAMINI: Correct.

ADV CHASKALSON SC: But why did you not mention that earlier? This is the first time we have heard this.

DEPUTY CHIEF DHLAMINI: Beg your pardon?

20 **ADV CHASKALSON SC:** You have not mentioned that earlier. Up till now whenever we discuss what Sergeant Nkosi asks for and what Nico returns in respect of companies called our vehicles for land, you have not mentioned that Sergeant Nkosi has said do not include the seven that you mandated Victor, we want other ones.

DEPUTY CHIEF DHLAMINI: You just asked me now, SC,

that question.

ADV CHASKALSON SC: Well, I did not just ask you that question. I asked you how would it be that Nico would mandate Victor to appoint seven companies that were not companies that he himself had assisted. That was my question.

DEPUTY CHIEF DHLAMINI: Much as I am saying I am not sure if he has assisted also these ones that he claimed to have given to Victor or not.

10 **ADV CHASKALSON SC:** Then why did you send the list that he gave you of his mandate to Victor? Why did you send that to Sergeant Nkosi when Sergeant Nkosi wanted a list of companies that Victor had assisted?

DEPUTY CHIEF DHLAMINI: As I indicated, SC, that I thought Sergeant Nkosi will be satisfied with the list and pick either names from this one.

ADV CHASKALSON SC: No, we are talking about the first list, the mandate to Victor. Why did you send that list to Sergeant Nkosi?

20 **DEPUTY CHIEF DHLAMINI:** I am saying I thought Sergeant Nkosi then will be able to be satisfied about either of these names of the companies then draw the additional five that he wants.

ADV CHASKALSON SC: And why would he want an additional five at this stage if he is just checking for

compliance?

DEPUTY CHIEF DHLAMINI: I do not know why did he want that additional five if he wants to check compliance.

ADV CHASKALSON SC: You see, Deputy Chief, this version that we have heard from you and in a modified form from the CFO is just utterly implausible. The texts say one thing. They ask for vehicles in order of priority. And the version that comes back is no, no, we were just checking for compliance.

10 The text on their face suggests that you, the CFO, and Sergeant Nkosi were trying to rig this bid and you were doing it collectively. And this version of Nico being asked by Sergeant Nkosi through you which one of these bids complies and has been assisted by him just does not make sense for one thing and, for another, is completely incompatible with the actual wording of the texts that are exchanged.

 And third, presupposes that the CFO is going to start scrutinising documents which he should not have
20 access to, bids that should be under seal or not under seal but under lock and key before the BEC. So, how would you respond to those three issues?

 First of all, it just does not make sense. What is your response to that? Why would anyone be interested in checking for compliance at this stage of proceedings when

it is too late to change anything?

DEPUTY CHIEF DHLAMINI: SC, as I indicated that it is not true. I am not close to the CFO and that is a fact. I only started to speak to the CFO when he requested Sergeant Nkosi I think to call me on the 4th of March. I have never spoken to the CFO outside of work before. And if you follow all the tests that I have with Sergeant Nkosi, there is no way where I make a follow-up if either we are winning or either how is the process going and so forth to
10 ...[intervenes].

CHAIRPERSON: Deputy Chief ...[intervenes].

DEPUTY CHIEF DHLAMINI: To demonstrate interest.

CHAIRPERSON: Deputy Chief, Mr Chaskalson is suggesting on three bases that you, the CFO, and Sergeant Nkosi wanted to rig this tender process. Now he has gone back to deal with them, I believe, serially. Now he has gone back to the first one and is suggesting to you that, one, this does not make sense. So the lengthy explanation that you are giving does not address that. Do you agree that this
20 does not make sense as one of the bases which when you put them together show that the three of you wanted to rig the bid? So, one, does this make sense?

DEPUTY CHIEF DHLAMINI: Commissioner, I am trying to show you, to say my discussion with the CFO if you can look at everything, was between the 5th and the 6th of March

only. And with regard to payments, the only discussion now is on the 25th of March. And you cannot associate the two as if we have been throughout speaking with the – myself, I am speaking with the CFO, I am honest about it. I am ...[intervenes].

CHAIRPERSON: But you are speaking through Sergeant Nkosi, so you are speaking all the time. So that means nothing. You are speaking through Sergeant Nkosi. And I think right at the beginning you agreed when Mr Chaskalson
10 started probing you, you agreed that you are basically talking to each other but via Sergeant Nkosi. So you are talking throughout. The fact that you may perhaps have spoken directly at a much, much later stage means nothing.

DEPUTY CHIEF DHLAMINI: It is not like we are speaking, Commissioner, about this process or anything. I am not speaking with the CFO.

CHAIRPERSON: So the short answer is you disagree that this does not make sense.

DEPUTY CHIEF DHLAMINI: Yes.

20 **CHAIRPERSON**: Yes, Mr Chaskalson?

ADV CHASKALSON SC: Let us look at your version, that this is all an attempt to establish which companies Nico has been helping and which of those companies are compliant. Now, my first proposition is that makes no sense. And why it makes no sense is that the bids closed on 2 October. And

after 2 October, no one could lawfully change any of the bid documents. And if a bid document was compliant, it would go through the BAC. If it was not compliant, it would not go through the BAC.

There is nothing that can be done five months later to change that outcome. So no one has any real interest in knowing that the bids are or are not compliant in March when the closing date was the previous October. What is your answer to that?

10 **DEPUTY CHIEF DHLAMINI:** You are correct, SC, much as I am saying, but that is the information that Sergeant Nkosi gave me.

ADV CHASKALSON SC: So you see no logical purpose that Sergeant Nkosi, or no logical lawful purpose that Sergeant Nkosi could have in checking for compliance at this stage? You cannot see any legitimate purpose?

DEPUTY CHIEF DHLAMINI: I agree with you, as much as I never even ask him what is happening with these things.

ADV CHASKALSON SC: So this whole process, from your
20 perspective, is one that can have no logical legitimate purpose?

DEPUTY CHIEF DHLAMINI: For me, yes, SC.

ADV CHASKALSON SC: So that is why I say it makes no sense. For me too, I see no logical legitimate purpose of this process. But let us look at the second complaint that I

have in relation to this version. Apart from the fact that it can have, that if it were true, this whole exercise would have no purpose.

The version that you put forward is just not consistent with the texts. Nowhere in the texts does anyone say anything about checking for compliance. Can you go back to any of those texts and show where someone says something about checking for compliance?

DEPUTY CHIEF DHLAMINI: That is what Sergeant Nkosi
10 indicated, SC.

ADV CHASKALSON SC: Yes, but the texts do not say that. The texts say something different. They talk about our vehicles for land to be given Mfowethu in order of priority. And the earlier texts similarly convey a meaning of companies to be chosen for the land tender, not companies to be checked for compliance in relation to the requirements for the land tender.

DEPUTY CHIEF DHLAMINI: I indicated earlier on that I
20 edited the meeting, just included it, I mean, because that is what he told me. He wants to send it to the CFO.

ADV CHASKALSON SC: Yes, but the wording you choose is wording that does not convey check these for compliance. It is wording that says these are companies to be given Mfowethu. Sorry, these are companies for land to be given Mfowethu in order of priority. So you are saying these are

the companies that you must give to the CFO and in this order of priority the CFO must know that our priority is this sequence.

DEPUTY CHIEF DHLAMINI: SC, when the message came to me from Nico it said find below our vehicle for land in order of priority. Then I edited the message, I added Captain, then I also added to be given to Mfowethu because that is what Sergeant Nkosi told me.

ADV CHASKALSON SC: But if this message did in fact
10 come from Nico, why would Nico give you a list of priorities that did not include any one of the companies that he had put on his list that he mandated Victor to give effect to and to rig the tender in favour of? How could that be?

DEPUTY CHIEF DHLAMINI: As I indicated, SC, that Sergeant Nkosi requested that he give me other five different names.

ADV CHASKALSON SC: Yes, Sergeant Nkosi requested five other names you say.

DEPUTY CHIEF DHLAMINI: Yes.

20 **ADV CHASKALSON SC:** When did Sergeant Nkosi request that?

DEPUTY CHIEF DHLAMINI: He requested it on the 25th, SC.

ADV CHASKALSON SC: You see, we see the first time that Sergeant Nkosi knows that Nico has mandated the

seven companies that he gave to Victor is at 08:02PM.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: There is no communication between you and Sergeant Nkosi before you send him back a different list?

DEPUTY CHIEF DHLAMINI: There is. I called him. I think there is incoming calls that you could pick up and an outgoing call, incoming call.

ADV CHASKALSON SC: Well, on WhatsApp there was no
10 communication, either voice calls or messages.

DEPUTY CHIEF DHLAMINI: Just voice calls.

ADV CHASKALSON SC: Well, there is no WhatsApp voice call between 08:02 when you send Nico's mandate to Victor and 09:03 when you send our vehicles for land.

DEPUTY CHIEF DHLAMINI: There is the one, Chair, on 440 on top if you can look at it.

ADV CHASKALSON SC: Sorry, when?

DEPUTY CHIEF DHLAMINI: Page 440.

ADV CHASKALSON SC: Yes, but you have already – let
20 us go back. Let us go to 439, Chat 5.

DEPUTY CHIEF DHLAMINI: Yes, 439.

ADV CHASKALSON SC: Chat 5, you have it?

DEPUTY CHIEF DHLAMINI: Yes, we spoke.

ADV CHASKALSON SC: No, no, you did not speak. That is a text message that you send attaching Nico's mandate to

Victor. That is at 08:02PM. You see it in chat number 5 on 339.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And then the very next communication is chat number 1 on 440. That is at 09:30PM. And that communication is when you first give Sergeant Nkosi the list of our vehicles for land to be given to Mfowethu in order of priority.

DEPUTY CHIEF DHLAMINI: Yes.

10 **ADV CHASKALSON SC:** So there is no voice call or text message in between those two messages. So how did Sergeant Nkosi convey to you that he wanted another seven companies?

DEPUTY CHIEF DHLAMINI: We spoke, SC. It might have been in a straight call, but we spoke.

ADV CHASKALSON SC: So you are saying it would have been on a cell phone call that was not a WhatsApp call?

DEPUTY CHIEF DHLAMINI: Yes, we spoke on a cell phone call.

20 **ADV CHASKALSON SC:** So if we requisition your cell phone records, we will find a call between you and Sergeant Nkosi between 08:02PM and 09:30PM on 25 March?

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And will you accept that if we do that and find no call, then this version is false?

DEPUTY CHIEF DHLAMINI: Yes, I will accept.

ADV CHASKALSON SC: We will do that and we will have it ready by Monday. But you say Sergeant Nkosi in this cell phone call between 08:02PM and 09:30PM said, send me another list. And so there should be a call between you and Sergeant Nkosi and there should also be a call between you and Nico because you would have had to go back to Nico to get the other list.

10 **DEPUTY CHIEF DHLAMINI:** We spoke, yes, through ...[intervenes].

ADV CHASKALSON SC: And would that also have been on a cell phone?

DEPUTY CHIEF DHLAMINI: It might be, yes, on a WhatsApp call.

ADV CHASKALSON SC: Yes. And do you have a log of your WhatsApp calls?

DEPUTY CHIEF DHLAMINI: I am not sure if I still have them.

20 **ADV CHASKALSON SC:** Well, would you make your phone available to us just after proceedings today to look at the log of your calls to Nico?

DEPUTY CHIEF DHLAMINI: You can have it.

ADV CHASKALSON SC: Thank you. We were dealing with my second concern in relation to your version, which is that the version just does not match with the text. And what I

want to put to you in this regard is nowhere in any of the texts – two propositions – first is, nowhere in any of the texts is there any suggestion that what you are looking for is questions of compliance. Do you accept that nowhere in any of the texts is there any suggestion that what you are looking for is issues of compliance?

DEPUTY CHIEF DHLAMINI: It is not me, SC, who was looking for that. It is Sergeant Nkosi.

ADV CHASKALSON SC: Well, nowhere in any of the texts
10 is there any suggestion that what Sergeant Nkosi was looking for was issues of compliance and what you were reporting to him in relation to his requests concerned issues of compliance.

DEPUTY CHIEF DHLAMINI: From my side, he requested Nico to give him additional companies in priority how he prepared them in terms of compliance.

ADV CHASKALSON SC: No, I understand what your version is, but there is nothing in the text that supports that version. Either this was said in voice calls that we cannot
20 see, or we certainly do not see it in the texts.

DEPUTY CHIEF DHLAMINI: You are right.

ADV CHASKALSON SC: What we do see in the texts are messages that are consistent with an attempt to rig the tender in favour of certain bidders, though. Because the texts are consistent with an interpretation that this was an

exercise of rigging a tender in favour of particular bidders. They refer to our vehicles for land to be given Mfowethu in order of priority. Our vehicles for land, order of priority. So the texts are consistent with an attempt to rig the bid, but not consistent with an attempt to investigate issues of compliance. What is your answer to that? Confining it just to the texts.

DEPUTY CHIEF DHLAMINI: SC, as I indicated, this was the choice of words from Mr Mathobela. I just edited on his
10 messages and just added what I wanted to add.

ADV CHASKALSON SC: I see. But whoever the originator of these messages was, the wording of the messages is consistent with an attempt to rig a tender, but not consistent with an attempt to investigate questions of compliance. Will you accept that? Whether it was you or Nico who wrote the wording, the wording is consistent with an attempt to rig a tender. It is not consistent with an attempt to investigate issues of compliance.

DEPUTY CHIEF DHLAMINI: From what I was told to say
20 he wants to give the CFO to check for compliance in order of priority, I would not accept the statement that it was to rig the tender, SC.

ADV BALOYI SC: But if you accept that at this point there could not be any checking of compliance that is useful, or that serves a useful purpose, because the ship has sailed.

Now this is before the BEC. And compliance could not be checked by the CFO. If you accept that that is so, which I thought you did accept earlier, then the purpose could not have been, it is reasonable to say the purpose of distributing this list could not have been to check for compliance.

Unless you say the CFO could, you believed that the CFO could check for compliance. If you do not say that, then you must accept, firstly, that there was no purpose to
10 this list being distributed for compliance, and therefore it must have been distributed for something else, other purpose. And Mr Chaskalson is suggesting what I think is the only possible explanation, it is to rig the bid.

DEPUTY CHIEF DHLAMINI: Commissioner, it might have been that possibility, but I cannot confirm because it was Sergeant Nkosi's request.

ADV BALOYI SC: Ja, but you are assisting in it, when you distribute it, you know that compliance can still be checked at this point. I expect that you know that. That at the time
20 that Sergeant Nkosi asks for the list and you give it to him, you know that compliance cannot be checked. Then the question, or it will not make a difference because it can be checked for compliance at this stage, by Mfowethu. You know that. Then you yourself must be distributing it or sharing it with Nkosi for a different purpose other than

checking compliance because you know compliance cannot be checked at this point.

DEPUTY CHIEF DHLAMINI: He has asked for it, Commissioner. It is not me who is distributing it. That is what he requested, and I am not privy to Sergeant Nkosi's discussions with the CFO.

ADV BALOYI SC: You are distributing it to him. You are giving it to Nkosi, and you are telling us that you are giving it to him so that because he said to you we want to check
10 for compliance, we want the CFO to check for compliance, so you are distributing it. This is not a word play, a play on words.

It is not that. It is conduct. You are distributing the list wherever you got it from, whether it is from Nico in the way you say it or, as I suggest might have been the case, it is your list or you got it from somebody else, you are distributing it to Nkosi. Your explanation is Nkosi asked for a list, so you distribute the list, and what I am suggesting to you, or what I am putting to you is you could not have
20 believed that this list was going to be used to check compliance because you know the tender process at that stage.

So you did not believe that because you either knew the true purpose of the list or in your own reasoning, you knew this cannot be to check compliance because the

ship has sailed, or a third alternative in fact is you knew it would be to check for compliance because you know that the CFO in Mfowethu has a way of dealing with this.

DEPUTY CHIEF DHLAMINI: I do not agree, Commissioner.

ADV BALOYI SC: Okay, thank you.

ADV CHASKALSON SC: Well, Commissioner Baloyi has essentially touched on my third reason why this is, this version of yourself and the CFO and Sergeant Nkosi is utterly implausible, which is that the CFO has no access,
10 has no lawful access to the documents at this stage. He has no lawful access to the documents until the BEC has finished its business and made a recommendation. You know that, because he is not a member of the BEC.

DEPUTY CHIEF DHLAMINI: I know that.

ADV CHASKALSON SC: So, first, questions of compliance are in fact at this stage essentially irrelevant to anything that can be changed. The bid closed on the 2nd of October, it is not possible to cure non-compliance at this stage. You accept that?

20 **DEPUTY CHIEF DHLAMINI:** I accept that, SC.

ADV CHASKALSON SC: So there can be no legitimate reason for wanting to know whether something is or is not compliant. You cannot fix it, it is too late.

DEPUTY CHIEF DHLAMINI: That is correct, SC.

ADV CHASKALSON SC: We dealt with what the words of

the text say, but the third issue is if the suggestion is that this was all about asking the CFO to check for compliance, he could not lawfully check for compliance. He had no access to these documents that was lawful. Do you accept that?

DEPUTY CHIEF DHLAMINI: I accept it.

ADV CHASKALSON SC: So how in the face of those three problems do you expect this Commission to believe that what was going on here was a *bona fide* attempt by you and
10 Sergeant Nkosi to check whether certain companies who had been assisted by Nico were compliant?

DEPUTY CHIEF DHLAMINI: It is not me checking, it was Sergeant Nkosi, SC.

ADV CHASKALSON SC: Well, I mean, the requests come from you. They say:

“Captain, find below our vehicles for land
to be given Mfowethu in order of priority.”

Let us assume we accept your version that you are really just responding to Sergeant Nkosi. Why should this
20 Commission believe that what was really being sought here was a list of companies that Nico had assisted, so that that list could be given to the CFO to check for compliance?

DEPUTY CHIEF DHLAMINI: If you follow my text with Sergeant Nkosi, SC, you will realise that this matter backdates from the 9th of March. There is no way in the

text, if I had, I mean, if these were mine, I could have one way or the other checked for progress or enquired about these matters. There is nowhere in my text where I made a follow-up or enquired about this to show that I do not have, I mean, an interest in them.

ADV KHUMALO SC: Deputy Chief, you are contradicting yourself because when it suits you and the text do not show what you are trying to say, your escape is that, oh, I called him and clarified with him. So why should we not accept
10 that where the text do not show you following up is because you called him and you followed up using a normal phone call?

DEPUTY CHIEF DHLAMINI: I did not. I think I might have either tapped on the messages to check either follow-up if they were mine. I did not call him or make follow-up through a phone or something, Commissioner.

ADV KHUMALO SC: But earlier you said Nkosi and I talk all the time and we talk about a lot of things. So the fact that in the text you do not follow up does not mean you did
20 not follow up in other ways.

DEPUTY CHIEF DHLAMINI: I did not follow up, Commissioner, that is true.

ADV KHUMALO SC: Thanks.

ADV CHASKALSON SC: Let us now look at what happens with your messages that you send to Sergeant Nkosi. Can

we go to page 177 in File 3? And there you will see that when you come back to Sergeant Nkosi with your list of seven companies, seven vehicles for land to be given Mfowethu in order of priority.

DEPUTY CHIEF DHLAMINI: 100 and?

ADV CHASKALSON SC: 177.

DEPUTY CHIEF DHLAMINI: File 3?

ADV CHASKALSON SC: File 3. You recall that the first list that you sent to Sergeant Nkosi had only six names on it
10 and then there was a voice call, then you sent him a revised list with the seventh name Shumila Security Service added. And then at 09:08PM, he forwards your message:

“Captain, find below our vehicles for land to be given Mfowethu in order of priority.”

He forwards that message to the CFO. You see that?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And the CFO's response is:

“Thanks, Mfowethu, I am on top of this.”

You see that?

20 **DEPUTY CHIEF DHLAMINI:** Yes.

ADV CHASKALSON SC: Now, your evidence is that what he wanted the CFO to do was to check whether these seven companies were compliant.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: And the CFO says, I am on top of

this. You see that? Thanks, Mfowethu, I am on top of this.

DEPUTY CHIEF DHLAMINI: I see that.

ADV CHASKALSON SC: Now, that suggests that the CFO is going to check whether these seven companies are compliant.

DEPUTY CHIEF DHLAMINI: I might not be aware about it that he is going to check. I was informed by Sergeant Nkosi, that is what Sergeant Nkosi told me.

ADV CHASKALSON SC: When you read, thanks,
10 Mfowethu, I am on top of this, what does it suggest to you? What does it suggest to you? What do you think the CFO is saying there?

DEPUTY CHIEF DHLAMINI: As I indicated, I am not privy to their discussion. I do not want to make assumptions, SC.

ADV CHASKALSON SC: If you were to read this, if you were to have read it, what would you think the CFO was saying? How do you understand, thanks, Mfowethu, I am on top of this?

DEPUTY CHIEF DHLAMINI: I do not want to comment on
20 that.

CHAIRPERSON: No, no, no, no, Deputy Chief. You can think. All the question requires of you is your understanding of this response. Even assuming that you did not think of it at any other stage, or maybe even if you were to say, no, I never had sight of this before, but as you

read it now, as you read it now, what do you think it means? Surely you can think, and I do not mean this as an insult, but as I said, I do not understand your response, Deputy Chief. What do you think this means as you are looking at it now?

DEPUTY CHIEF DHLAMINI: Much as I indicate that, Commissioner, he says I am on top of this, but I do not want to make assumptions for the CFO.

CHAIRPERSON: I am not asking for assumptions, I am
10 asking for you to think and tell us as you read this, what do you think it means? In the context of everything else that you know that you have said, and even the purpose for which you had forwarded this to Sergeant Nkosi, in the context of all this, of all that, I am sorry, when you look at this now, what do you think it means in that context?

DEPUTY CHIEF DHLAMINI: In the context of what we spoke about, I am thinking that he is assisting Sergeant Nkosi with his request.

CHAIRPERSON: And it was not so difficult after all.
20 Please, please do not be evasive, Deputy Chief. Yes, Mr Chaskalson?

ADV CHASKALSON SC: And that request is to check whether those bidders are compliant, as you have been saying?

DEPUTY CHIEF DHLAMINI: That is what Sergeant Nkosi

indicated to me.

ADV CHASKALSON SC: Now how could the CFO lawfully check whether those bidders were compliant? The CFO was not entitled to look at any of the bid documents at this stage. You have accepted that.

DEPUTY CHIEF DHLAMINI: I accepted that he cannot do that.

ADV CHASKALSON SC: So, on the face of it, it is looking like even on the benign version that you want to give to
10 Sergeant Nkosi's request, the CFO and Sergeant Nkosi are agreeing that the CFO will do something that he may not lawfully do.

DEPUTY CHIEF DHLAMINI: The CFO is doing what?

ADV CHASKALSON SC: He may not lawfully do. He is going to look at the bid documents to see if these bidders were compliant. And he is not allowed to do that. He has admitted he cannot see any of these documents until the first meeting of the BAC.

DEPUTY CHIEF DHLAMINI: Yes, the CFO, he might not
20 have access to the document.

ADV CHASKALSON SC: So how is he going to give effect to his statement that he is on top of this in a lawful fashion?

DEPUTY CHIEF DHLAMINI: I cannot answer that, SC.

ADV CHASKALSON SC: Would you agree with me that there is no lawful way that the CFO can give effect to that

statement at that time?

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: Let us look at the next chats. A minute later, he writes back to Sergeant Nkosi saying:

“This is ours, Mfowethu. This is the final list, right?”

What does that suggest to you? And Sergeant Nkosi responds:

“Yes, it is our final list.”

10 **DEPUTY CHIEF DHLAMINI:** I think the CFO explained to say that is how they speak with Sergeant Nkosi. Then he indicated it is ours because that is how they refer to each other.

ADV CHASKALSON SC: Well, the CFO gave a bit of an Alice in Wonderland version of the pronouns our and we. Sometimes they mean you, sometimes they mean he, sometimes they mean I, sometimes they mean they. But you are saying that in this case, he meant it in the ordinary sense, which meant him and Sergeant Nkosi.

20 **DEPUTY CHIEF DHLAMINI:** That is correct.

ADV CHASKALSON SC: So he was saying, he was asking Sergeant Nkosi, is this the list of you and me? And Sergeant Nkosi is saying, yes, it is the list of you and me. Is that correct? Is that how you read it?

DEPUTY CHIEF DHLAMINI: He said that is how they refer

to each other. Might not be for the CFO, but as I heard him explaining to say, it does not refer to yours or they refer to each other as ours.

ADV CHASKALSON SC: So he is saying that was the list that they wanted.

DEPUTY CHIEF DHLAMINI: Sergeant Nkosi wanted.

ADV CHASKALSON SC: Sergeant Nkosi and the CFO, it is in the plural, ours.

CHAIRPERSON: To put it differently, but meaning the
10 same thing. So the CFO is saying here, Sergeant Nkosi, this is your and my list. Do you agree? He means Sergeant Nkosi, this is your and my list. Do you agree?

DEPUTY CHIEF DHLAMINI: I do not agree, Commissioner.

CHAIRPERSON: Yes, Mr Chaskalson.

ADV CHASKALSON SC: So are we back in the world of CFO pronouns and that when he says this is ours, he means this is yours?

DEPUTY CHIEF DHLAMINI: This is?

ADV CHASKALSON SC: You see, he said he asked
20 Sergeant Nkosi, this is ours, Mfowethu? Are you saying that he is asking, is this your list, Sergeant Nkosi, as opposed to, will you confirm that this is the list of you and of me?

DEPUTY CHIEF DHLAMINI: It might be that he is confirming for him to say he has received it. It is ours as

they refer to each other, I mean, as brothers, if they are one. So it might be a list of Sergeant Nkosi, but even if he says ours, he might not be referring to him being included on it.

ADV CHASKALSON SC: Well, what I want to put to you is that the ordinary meaning of what the CFO said is this is yours and this is mine, this is ours. That is how one normally understands ours.

DEPUTY CHIEF DHLAMINI: I do not agree to it because
10 we sometimes adopt a way of communication with people, how we communicate and refer to each other, a particular set of standards when we communicate. It might not mean what, I mean, you are suggesting, SC.

ADV CHASKALSON SC: And at the time, were you aware that the CFO and Sergeant Nkosi referred to each other in ways that involved strange uses of pronouns like ours, that when they said to each other ours, they did not mean ours?

DEPUTY CHIEF DHLAMINI: That is how they referred to each other, as I know, to say they are one.

20 **ADV CHASKALSON SC:** You see, if you go back to page 440, you will see that after this exchange, in chat number 6, Sergeant Nkosi WhatsApp'd you a screenshot of that exchange and you will see that screenshot which was WhatsApp'd to you in chat number 6 at 09:46pm. that screenshot appears at page 526. And there you will see

that at the bottom Sergeant Nkosi – sorry, can we get 526 up? And can you just zoom in at the bottom text so we can read it? Go scroll up a little bit. You will see:

“Captain, find below our vehicles for land to be given to Mfowethu in order of priority, Elshadai Security Services.”

And the response from the CFO is:

“This is ours, Mfowethu. This is the final list, right?”

10 And Sergeant Nkosi responds:

“Yes, it is ours, the final list.”

So at the time, you had seen the screenshot. You accept that? This was sent to you at 09:46 that evening, if we go back to page 440.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: So what did you understand to be taking place here?

DEPUTY CHIEF DHLAMINI: He was just showing me that he is in communication with the CFO.

20 **ADV CHASKALSON SC:** And that the CFO's going to do what?

DEPUTY CHIEF DHLAMINI: He is going to assist him that we are checking these companies.

ADV CHASKALSON SC: For compliance?

DEPUTY CHIEF DHLAMINI: That is what he indicated to

me.

ADV CHASKALSON SC: If you go to the top of 441, you will see that after he sends you that WhatsApp, at 10:30 that night there is a voice call. And we checked. That voice call lasted over two minutes between you and Sergeant Nkosi.

DEPUTY CHIEF DHLAMINI: At?

ADV CHASKALSON SC: At the top of page 441, chat 1.

DEPUTY CHIEF DHLAMINI: Yes.

10 **ADV CHASKALSON SC:** At 10:30 that night. And you will see there, so after he has shown you his exchange with the CFO, he calls you and you speak for over two minutes, two minutes and 22 seconds. What would you have been speaking about?

DEPUTY CHIEF DHLAMINI: I cannot recall, SC.

ADV CHASKALSON SC: But you have seen now that the CFO is going to do what Sergeant Nkosi wants him to do in relation to this tender, from the screenshot.

DEPUTY CHIEF DHLAMINI: Yes.

20 **ADV CHASKALSON SC:** And you know that on your benign version what that is, is that the CFO is going to check for compliance in relation to that list of seven companies, the vehicles for land to be given in order of priority.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: And to do that, he will have to

look at the bid documents or the documents that are supposed to be under lock and key at the BEC in order to check for compliance of those seven companies.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: But he cannot lawfully do that. He is not supposed to have access to those documents.

DEPUTY CHIEF DHLAMINI: Which is impractical for the CFO to do that.

10 **ADV CHASKALSON SC:** It is not impractical, it is unlawful.

DEPUTY CHIEF DHLAMINI: I am saying it is impractical because I do not think he has the keys for...

ADV CHASKALSON SC: So how can he be telling Sergeant Nkosi that he is going to be checking for compliance of those seven companies?

DEPUTY CHIEF DHLAMINI: I am not sure about it, SC.

ADV CHASKALSON SC: He cannot lawfully check for compliance with those seven companies. You will accept that.

20 **DEPUTY CHIEF DHLAMINI:** I agree with you that he cannot check compliance.

ADV CHASKALSON SC: So I want to come back to you in your role as head of Internal Affairs at Tshwane. You now, on your version, have a situation where the CFO is communicating with Sergeant Nkosi, he is undertaking on

your version to check for compliance of seven companies in a pending tender. And you know that he cannot lawfully do that because he cannot lawfully have access to those documents. Did you take this further?

DEPUTY CHIEF DHLAMINI: No, SC.

ADV CHASKALSON SC: Why not? The CFO is committing to Sergeant Nkosi to do something which is unlawful in relation to a tender at Tshwane, on your version.

DEPUTY CHIEF DHLAMINI: Much as I am saying I am not
10 privy of what are they talking, what is it that the CFO might have committed to Sergeant Nkosi.

ADV BALOYI SC: You know what he is saying. You have seen all of this correspondence, including this communication between the two of them, where they are talking about this being a final list and him saying I am on top of it. You know that that is a fact because that correspondence is shared with you. So you should be able to answer that question. You now have the facts.

DEPUTY CHIEF DHLAMINI: Yes.

20 **ADV KHUMALO SC:** And that list came from you?

DEPUTY CHIEF DHLAMINI: It did not come from me, Commissioner Khumalo. I passed it to Nkosi.

ADV KHUMALO SC: You passed it on?

DEPUTY CHIEF DHLAMINI: Yes.

ADV KHUMALO SC: So you know that because you got

the list from Nico, you gave it to Nkosi with a clear request that he must give it to the CFO. So you know what is going on.

DEPUTY CHIEF DHLAMINI: Much as I indicated to say I am not privy to the discussions of Sergeant Nkosi and the CFO, and even if Sergeant Nkosi shows me many things that he speak to this one, he speak to this CFO, and so forth. So I could not say either that is doable or whatever the case it might be what Sergeant Nkosi is saying.

10 **ADV BALOYI SC:** No, but you are privy to their communication. You are. Here. One, you pass on lists and you say it is from Mfowethu. So you know that.

DEPUTY CHIEF DHLAMINI: That is correct, Commissioner.

ADV BALOYI SC: That you give it to Nkosi to pass on to Mfowethu. So you are privy to that communication. You know that Sergeant Nkosi and your CFO are discussing bidders in a tender process or in a bid process that is still underway. You know that is a fact.

DEPUTY CHIEF DHLAMINI: Yes.

20 **ADV BALOYI SC:** Ja, please, let us accept that we know you know that is a fact because that is what the correspondence that is being shared here by you and with you who tells you.

Then you also get to see the communication where the CFO says to Sergeant Nkosi, I am on top of it because

it is shared with you, right? And then you get to see also, is this our final list from the CFO to Sergeant Nkosi. You see that because it is shared with you. So you are privy to those facts.

And so you should be able to answer the question of Mr Chaskalson's question because on the basis that you are privy to these facts and you are head of the internal unit, whatever it is called, you should be able to act. You have the facts to act.

10 **DEPUTY CHIEF DHLAMINI**: That is correct, Commissioner. I was privy to the information, but I did not see it the way you are putting it to say I could have investigated this matter.

ADV BALOYI SC: Mr Chaskalson?

ADV CHASKALSON SC: Can we go to your statement at page 11? File 1, page 11? And there you were responding to a question at paragraph 56 at the foot of the page, which you frame as follows:

20 “Reasons for me to discuss issues/matters relating to procurement of the City of Tshwane and/or the TMPD, particularly in relation to TMPD-2, 1, and 3 with Sergeant Nkosi, also provide reasons for providing Sergeant Nkosi with the names of companies or bidders

for the City of Tshwane and/or Tshwane
Metropolitan Police Department.”

DEPUTY CHIEF DHLAMINI: Page?

ADV CHASKALSON SC: Page 11 of File 1.

DEPUTY CHIEF DHLAMINI: Okay.

ADV CHASKALSON SC: And your answer is:

10 “I have not discussed matters relating to
procurement of the City of Tshwane with
Sergeant Nkosi. I merely provided him
with administrative documents, as he
requested. See paragraph 50, the said
materials are public documents.”

Do you stand by that answer, that you did not discuss
matters relating to procurement with Sergeant Nkosi? It
seems that at least in relation to what we have just been
seeing, looking at, you have exchanged many texts with
Sergeant Nkosi in relation to matters of procurement.

DEPUTY CHIEF DHLAMINI: That is correct, SC. I did not
discuss matters that relate to procurement.

20 **ADV CHASKALSON SC:** So, how do you characterise what
has happened here? We have seen a constant back and
forth in relation to messages concerning TMPD-1. And on
your version, although the messages say one thing, you
have had lots of calls with Sergeant Nkosi where he is
explained that he does not want to rig the tender in favour

of Ngaphesheya and Elshadai. He actually just wants you to check for compliance of those two companies and to check for compliance of other companies that were assisted by Nico.

DEPUTY CHIEF DHLAMINI: Yes, SC. As I indicated, I was just transmitting the names as requested by Sergeant Nkosi. I did not discuss any procurement matter with him.

ADV CHASKALSON SC: So you did not understand this question relating to matters relating to procurement to
10 include your exchanges with Sergeant Nkosi concerning which companies Nico had assisted on the bid, which companies were compliant, which companies were not compliant. You did not understand it to fall within the ambit of the question?

DEPUTY CHIEF DHLAMINI: When it says procurement matters, it is matters either that relates to issues of ensuring that they help me with the document compilation, also discussing pricings and so forth, or transpired within the Bid Evaluation Committee because those matters are
20 confidential and so forth.

ADV CHASKALSON SC: Well, I mean, I am struggling with that answer because it does seem to me that everything we have been looking at would be a matter relating to procurement of the City of Tshwane, particularly in relation to TMPD-1, which bids are compliant in relation to TMPD-1

must surely be a matter relating to procurement of the City of Tshwane in relation to TMPD-1.

DEPUTY CHIEF DHLAMINI: It was only me sharing what he requested, the names of bidders. I did not have any discussion with regard to any procurement matter.

ADV CHASKALSON SC: No, you did because you also gave him a list from Nico that Nico said was a mandate that had been given to the Chair of the BEC. Do you recall that?

DEPUTY CHIEF DHLAMINI: I agree with you much as I am
10 saying those were only, I mean, names of bidders that he requested I forwarded. I did not discuss with him any procurement matter.

ADV CHASKALSON SC: Well, is it not a procurement matter if what you are sending to him is a message saying that Nico tells me he has given a mandate to the Chair of the BEC to rig the tender in favour of these seven companies? Is that not a matter relating to procurement?

DEPUTY CHIEF DHLAMINI: It is not a procurement matter, SC.

20 **ADV CHASKALSON SC:** What is it then? How would you describe it?

DEPUTY CHIEF DHLAMINI: I will describe it as an allegation that one is indicating the names of bidders. He might have found them, I mean, on their website and so forth and indicated that.

ADV CHASKALSON SC: But this is not a random selection of bidders pulled off the website. It is a list of seven bidders specifically identified by Nico as the seven bidders he has mandated Victor to rig the tender in favour of.

CHAIRPERSON: And there are bidders who had submitted bids in respect of this tender. So it is not random bidders. Please respond to the question by Mr Chaskalson.

DEPUTY CHIEF DHLAMINI: It is not a discussion on procurement matters, Commissioners.

10 **ADV BALOYI SC:** It is a discussion on procurement matter. There is an undergoing procurement tender process or evaluation process that is happening. And Nico, not Nico, Victor is the Chairperson of the BEC and these companies are participating in that tender. It is a procurement matter.

DEPUTY CHIEF DHLAMINI: I stand by what I indicated, Commissioners, that it is not a procurement matter to ...[intervenes].

20 **CHAIRPERSON:** Why do you say that, Deputy Chief? Why do you say it is not a procurement matter?

DEPUTY CHIEF DHLAMINI: Why I say that, Commissioner, because the bid documents, if I was discussing either bid document, the question of the specifications, their scope and so forth, that would be procurement matters that I am discussing with you.

CHAIRPERSON: Is the entire process not starting from the specification through to the preparation of the tender document itself, through to the publication of the tender, the submission of the bids, the bid evaluation? Well, we hear from Tshwane that they have something they call probity. So through the probity process, through the evaluation, through to the recommendation to the Municipal Manager in this instance and the final award, is all of that not a procurement process?

10 **DEPUTY CHIEF DHLAMINI:** That is correct, Commissioner, that is a procurement process.

CHAIRPERSON: No, no, no, yes. Then something that relates to any stage during that process would be something relating to the procurement process. Here, for example, it is about names being forwarded or at least required to be forwarded to the CFO about this same process that I have sketched from the beginning all the way to the end and the CFO responds after those bidders, the names of those bidders have been given to him and he responds.

20 And these bidders, they are part of the process in the sense that their bids are to be evaluated and eventually considered if they have been referred to the later stage and to be evaluated by the bid adjudication – no, no, no, and to be adjudicated by the Bid Adjudication Committee if they have gone to that stage. All of that surely is part of the

procurement process, Deputy Chief.

DEPUTY CHIEF DHLAMINI: I do not agree, Commissioner, because bid registers get loaded on a website, it becomes public. So names of bidders does not amount to a procurement process.

CHAIRPERSON: This was not just about the names. It was not just about the names. It was about these are our bidders, basically. I am paraphrasing. And that is the upshot of it all. Is this our list? Yes, it is our list,
10 Mfowethu. Final list, not just any list, our final list. Final list in what process? Final list in the procurement process.

ADV BALOYI SC: Let me add that on your version, check that they are compliant.

CHAIRPERSON: Compliant, compliant with what? Compliant with the requirements for this particular tender. So you cannot escape that. You cannot escape that.

DEPUTY CHIEF DHLAMINI: With due respect, Commissioners, I still do not agree that it is a procurement process.

20 **CHAIRPERSON:** That is because you do not want to agree. Yes, Mr Chaskalson?

ADV CHASKALSON SC: Can we go down to page 444? We are now on the ...[intervenes].

DEPUTY CHIEF DHLAMINI: Which file?

ADV CHASKALSON SC: Sorry, File 4. We are now

approximately two weeks later. It is the 13th of April. And in chat number 3, you send to Sergeant Nkosi at 06:03PM a list of five issues, followed by an explanation at 06:04. So your 06:03 message says:

- “1. Lease agreement for both company and director for rates and taxes.
2. Interpretation of PIE Act.
3. Three years financials must be done by independent auditor and signed or certification that they have been audited.
4. Lease agreement of vehicles. The document submitted of Avis is a quotation. Need an agreement with photos of vehicles, including a five-tonne truck.
5. Public liability insurance for 10 million.”

And then at 06:04, you say:

“Afternoon, Captain, I trust you are well and your family. Please push Bheki to submit the above documents.”

What was this about?

DEPUTY CHIEF DHLAMINI: As it was indicated by Sergeant Nkosi to say they were dealing with a tender in Mpumalanga.

ADV CHASKALSON SC: Yes, Sergeant Nkosi said that it was for the Mathews Phosa Municipality, but no such municipality exists. In fact, Mathews Phosa sent me a message to say there is no municipality named after me. Which municipality do you say it was?

DEPUTY CHIEF DHLAMINI: I do not know, SC.

ADV CHASKALSON SC: You say this is a different tender. It is not your tender. That is not the TMPD tender.

DEPUTY CHIEF DHLAMINI: That is what I indicate, SC.

10 **ADV CHASKALSON SC:** Why were you getting involved in this process?

DEPUTY CHIEF DHLAMINI: Much as I indicated, I referred Sergeant Nkosi to Nico, and Nico would usually send me messages to either forward to Sergeant Nkosi. You would still get the same of four, five, six, the message that I also send around May or so. So he assisted them with different documents, tender documents.

ADV BALOYI SC: Can I just say my difficulty with you being the one that talks to Nico is you were asked much
20 earlier, have you referred other people to Nico to assist them with their tender documents? You said, no. I know him from when I was in the army, and I came back and I was in the taxi business, so I really do not refer people to him. You refer Sergeant Nkosi.

In fact, your evidence is you said to Sergeant

Nkosi, tell Bheki to speak to this person. If that is so, why is Nico talking to you or to Sergeant Nkosi through you and the other way around if, in fact, you had absolutely no involvement other than to say to Sergeant Nkosi, here is the person that you should get Bheki to talk to? Why are you the one that is the conduit between them?

DEPUTY CHIEF DHLAMINI: I think, as I indicated to say, the matter of trust to say maybe if they have spoken to me, Sergeant Nkosi, Nico will do things very quick for them.

10 **ADV BALOYI SC:** And same applies with Nico. So it is a thing of saying if he send me to inform Fanna, Sergeant Nkosi will be able to indicate to me to say, I mean, Sergeant Nkosi will be able to push Bheki to ensure that these things are in order.

ADV BALOYI SC: Well, this is just a list. You do not have any interest in this.

DEPUTY CHIEF DHLAMINI: No.

ADV BALOYI SC: I take it you are going to say that. You have absolutely no interest in this.

DEPUTY CHIEF DHLAMINI: No, I do not.

20 **ADV BALOYI SC:** Okay. So why would you have an interest in pushing Bheki and Nkosi to do this, to provide this information if it is not about Tshwane and you have absolutely no interest in it? Why would any one of them think you will help push?

DEPUTY CHIEF DHLAMINI: I indicated, Commissioner,

that I took interest in Sergeant Nkosi on the earliest while he was still at the primary school. So they are people you have compassion on.

ADV BALOYI SC: No, this is not Sergeant Nkosi's tender. You are telling us it is Bheki's tender, and that is what you say, please push Bheki in this.

DEPUTY CHIEF DHLAMINI: I was telling Sergeant Nkosi to push Bheki.

ADV BALOYI SC: Yes, I am saying why do you have an
10 interest in Bheki's business with another municipality if this is not Tshwane and it is another non-existent Matthews Phosa Municipality which has absolutely nothing to do with you? Bheki is not the one you have referred to as the one you took an interest in. Why would they be so keen for you to be the one that pushes Bheki to submit?

DEPUTY CHIEF DHLAMINI: Commissioner, I think there are people you will have compassion on, of which you will adopt them. The manner in which they grew up and so forth, it touched you such that you adopt them to ensure
20 that you play a particular role in their life.

ADV BALOYI SC: So Nico knew that you have adopted, did Nico know that you have adopted the people that you have compassion for, being Bheki or Sergeant Nkosi?

DEPUTY CHIEF DHLAMINI: He knows that Sergeant Nkosi, I helped him from there.

ADV BALOYI SC: But he has Sergeant Nkosi's number. He could have sent this list to him and he sends it to you instead.

DEPUTY CHIEF DHLAMINI: Sometimes the voice of someone will make certain things to be able to be done, Commissioner.

ADV BALOYI SC: No, there is no voice here. Nico, out of the blue, sends you this list. He sends you this list of things that relate to a Mathews Phosa Municipality to
10 forward. There is no voice about it, and all you do is you forward it on to Nkosi, so your voice does not matter in the exchange of this information.

DEPUTY CHIEF DHLAMINI: When I say the voice, I am saying he believes that if it comes from me, they will be able to run.

ADV BALOYI SC: Okay. Let me, in fairness to you, make my suggestion to you lastly. This is a list from you I am suggesting. It is a list from you alerting Bheki through Nkosi that Bheki needs to complete, to provide this
20 information for his tender to be compliant with your TMPD tender. That is what I want to suggest to you. Because any other explanation, your explanation does not make sense. It does not make sense.

Considering that these people have a direct relationship with each other, you have absolutely no interest

in Bheki's business. You have shown that you prefer Ngaphesheya to be awarded a tender, and this list I want to suggest that this was to assist Bheki fix the shortcomings in this Tshwane tender. Do you want to comment?

DEPUTY CHIEF DHLAMINI: That is not true, Commissioner.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: And then in the last chat where you say:

10 “Sharp, I am also putting pressure.”

So this is now independent of what Sergeant Nkosi is doing. Who are you putting pressure on?

DEPUTY CHIEF DHLAMINI: I am saying I am putting pressure also to Nico to ensure that he also speaks to Bheki.

ADV KHUMALO SC: Why are you putting pressure on Nico?

DEPUTY CHIEF DHLAMINI: Sometimes they have conflict. I am not sure whether because Nico is an adult and they
20 cannot find each other sometimes. I mean, if you check, Commissioner, on 445, Sergeant Nkosi comes back to me and indicates the following. I had to make a call with the two of them to try and work together.

ADV KHUMALO SC: Who had to make a call?

DEPUTY CHIEF DHLAMINI: Myself.

ADV KHUMALO SC: So you were putting pressure on Nico to work together with Bheki?

DEPUTY CHIEF DHLAMINI: To ensure that they find each other in terms of working together.

ADV KHUMALO SC: But what was your interest in ensuring that they work together? Because all you were doing was to put people together. What was your interest? If they have a conflict, why does it matter to you?

DEPUTY CHIEF DHLAMINI: Much as I indicated that I took
10 interest in Sergeant Nkosi and I will want to support him.

ADV KHUMALO SC: But this is not Sergeant Nkosi, this is Bheki and Nico.

DEPUTY CHIEF DHLAMINI: Supporting him, if he supports his brother, it is like you support him.

ADV BALOYI SC: Can I just find out, because you went too quickly to 445 with Commissioner Khumalo, he was not directing you there, he was asking you about:

“Sharp, I am also putting pressure.”

At page 444, who were you putting pressure on about what?
20 Because you have a list, according to you, you have a list from Nico. You have sent it to Bheki, that list, and you say:

“Please push Bheki to submit the above documents”

Sergeant Nkosi says:

“On it, General.”

He responds. You say:

“Sharp, I am also putting pressure.”

Who are you putting pressure on?

DEPUTY CHIEF DHLAMINI: On Nico. T

ADV BALOYI SC: o do what? Because he has given you a list. Nico has given you a list that Bheki needs to comply with and submit documents. Who are you putting pressure on?

DEPUTY CHIEF DHLAMINI: On Nico to work together with
10 Bheki.

ADV BALOYI SC: At this point, why do you think Nico is not working together with Bheki? Because what has happened is Nico has given you a list of non-compliance.

DEPUTY CHIEF DHLAMINI: For me, Commissioner, it indicated that either, I mean, there is disjunction in terms of either communication, because Nico will complain sometimes to me to say I will be in the office, wait for four hours or so, waiting, and so forth.

ADV BALOYI SC: No, these WhatsApp messages do not
20 record that. There is a long list of items that you say are not from you. I have suggested they are from you. You say, no, but that is from Nico. We say, fine, let us work with that.

That list is from Nico, right? Then you say, please push Bheki to submit the above documents. You have an

interest in Mpumalanga tender, Bheki's Mpumalanga tender. You say push Bheki to do this. Then Nkosi says to you, I am on it. Nkosi says, I am working on it. The next thing you say is, I am also putting pressure.

What I am putting to you is, it does not make sense that you get a list from Nico and then in a short while you say – in fact, you get a list from Nico at 06:15, and then at 06:27 you are putting pressure on Nico. To do what? It does not make sense. He has given you a list. You are
10 putting pressure, I want to say to you, you are putting pressure elsewhere, not on Nico.

DEPUTY CHIEF DHLAMINI: That is not true, Commissioner.

ADV BALOYI SC: And the probability is you are putting pressure internally on more Tshwane people about this tender. That is what I want to suggest to you.

DEPUTY CHIEF DHLAMINI: That is not true, Commissioner.

ADV BALOYI SC: Mr Chaskalson?

20 **ADV CHASKALSON SC**: I want to take you to the message from Sergeant Nkosi at the top of page 445 that you referred to but you did not read. It is chat 1, and Sergeant Nkosi says:

“General, I spoke to Bheki now. He tells me he has spoken to Nico when he was

busy with documents of Elshadai.”

Why would Nico be busy with documents of Elshadai if it was not to do with the same Tshwane tender?

DEPUTY CHIEF DHLAMINI: I think, SC, you will understand that companies bid throughout the year. Wherever there is an opportunity, they put tender documents.

ADV CHASKALSON SC: So, fortuitously, Elshadai and Ngaphesheya are both bidding for the Tshwane contract
10 tender and they are on the list, at the top of the priority list that you and the CFO and Sergeant Nkosi have been discussing. And quite fortuitously, in the context of this problem about the Mpumalanga, the alleged Mpumalanga bid, Nico is busy with Elshadai documents when Sergeant Nkosi wants him to be busy with Ngaphesheya documents. It is just a coincidence that. Is that what you are saying?

DEPUTY CHIEF DHLAMINI: SC, I am saying, in most instances, companies that bid, they bid almost either
20 weekly, monthly and so forth in various municipalities and so forth. So, I think they were busy with this one for other bidders also, I mean, assisting the other companies and so forth.

ADV CHASKALSON SC: Let us read on:

“He has spoken to Nico when he was busy with documents of Elshadai. Nico

promised to help but now is no longer answering his phone. Please check Nico. I will push Bheki. These people must know it is one thing and they must work as a team, not other way. And then please, General, intervene. We cannot lose now. We have been waiting for this for a while.”

Now, you are saying, you are not talking about the Tshwane
10 tender, you are talking about a different tender. You are nodding.

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Now, that tender, if it exists, would still not have reached the closing date for bids if what Nico and Bheki were doing was lawful. There would still be an opportunity to submit a bid in the future.

DEPUTY CHIEF DHLAMINI: That is correct.

ADV CHASKALSON SC: How does that square with Sergeant Nkosi saying:

20 “Please, General, intervene. We cannot lose now. We have been waiting for this for a while.”

What would they have been waiting for if the bid deadline had not even been reached yet?

DEPUTY CHIEF DHLAMINI: I take, SC, that because the

CFO is helping Sergeant Nkosi in other areas. I take it that, I mean, either they made arrangements somewhere and so forth, so much as he is saying that.

ADV KHUMALO SC: Listening to yourself, you have just said the CFO.

DEPUTY CHIEF DHLAMINI: Yes.

ADV KHUMALO SC: Listening to yourself.

DEPUTY CHIEF DHLAMINI: Yes.

ADV KHUMALO SC: But you are being asked about Nico
10 here.

DEPUTY CHIEF DHLAMINI: No, I am being asked about the statement of Sergeant Nkosi when he says we have been waiting for this for a while.

ADV KHUMALO SC: So you are saying this is what is happening at Tshwane?

DEPUTY CHIEF DHLAMINI: No.

ADV KHUMALO SC: Then how does the CFO get involved?

DEPUTY CHIEF DHLAMINI: Much as I am saying the CFO is assisting Sergeant Nkosi in other areas.

20 **ADV KHUMALO SC:** How does he get involved in this one that we are talking about? Because here it is Nico and Bheki. The issue is between Nico and Bheki. How does the CFO get involved with this one?

DEPUTY CHIEF DHLAMINI: Commissioner ...[intervenes].

ADV BALOYI SC: Unless it is a Tshwane tender that we

are talking about here.

DEPUTY CHIEF DHLAMINI: It is a ...[intervenes].

CHAIRPERSON: It is a ...[indistinct] slip, Deputy Chief.

DEPUTY CHIEF DHLAMINI: Sorry, Commissioner?

CHAIRPERSON: Never mind, never mind. Mr Chaskalson?

ADV CHASKALSON SC: You see, Deputy Chief, what I want to put to you is that if one looks at all of these texts that we have been going through, the texts between yourself and Sergeant Nkosi, the texts between Sergeant
10 Nkosi and the CFO, and one considers your answers, the only reasonable conclusion that can be drawn is that you, Sergeant Nkosi, and the CFO were in a conspiracy to rig a bid in favour of Elshadai and Ngaphesheya. What is your answer to that?

DEPUTY CHIEF DHLAMINI: That is not true.

ADV CHASKALSON SC: And of course, we do know that at the end of the day, although there were 57 bidders who started, only seven bidders got contracts under this tender. And two of those seven were Ngaphesheya and Elshadai.
20 Do you accept that?

DEPUTY CHIEF DHLAMINI: Yes.

ADV CHASKALSON SC: Chair, I am planning to move to a completely different topic at this point. I wonder if it might not be a good time to break for the long weekend.

CHAIRPERSON: It is, it is. And when do we continue?

ADV CHASKALSON SC: Chair, I think on Tuesday morning at 09:30.

CHAIRPERSON: All right. Deputy Chief.

DEPUTY CHIEF DHLAMINI: Commissioner?

CHAIRPERSON: We will continue with the hearing of your testimony at 09:30 on Tuesday, this coming Tuesday.

DEPUTY CHIEF DHLAMINI: Okay.

CHAIRPERSON: Let us adjourn.

INQUIRY POSTPONED TO 28 APRIL 2026

10 **INQUIRY ADJOURNS**
