

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**28 APRIL 2026**

**DAY 98**



**PROCEEDINGS HELD ON 28 APRIL 2026**

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

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

**CHAIRPERSON:** Good morning, Deputy Chief.

**DEPUTY CHIEF DHLAMINI:** Good morning, Commissioner.

**CHAIRPERSON:** Yes, Mr Chaskalson. And which files should we have close by?

**ADV CHASKALSON SC:** I think Files 3 and 4.

**CHAIRPERSON:** Thank you.

10 **ADV CHASKALSON SC:** General Dhlamini, we sent you, we provided this morning copies of cell phone records for you. I suspect you have not had much time to look at them, so I do not want to touch on them now, but I just want to let you know that we will come back to those cell phone records and the TMPD-1 tender maybe after the tea break or after the lunch break so that you can look at those cell phone records and consider them before I take you to them.

**DEPUTY CHIEF DHLAMINI:** Ja.

20 **ADV CHASKALSON SC:** For now, I want to go to the tender that you say was the Mpumalanga tender, and to take you to page 449 of File 4. In fact, 448, I have got the page wrong. Do you have it?

**DEPUTY CHIEF DHLAMINI:** Yes, SC.

**ADV CHASKALSON SC:** And you will see that at chat 6, Sergeant Nkosi sends you a message saying:

“Ngaphesheya is Grade B and has nothing in the documents.”

Followed by another message:

“Mfowethu, please send to US and request him to provide him with information for the correction. We need Grade A guards.”

Those three messages. Do you see them? 6, 7 and 8.

**DEPUTY CHIEF DHLAMINI:** Yes, SC.

10 **ADV CHASKALSON SC:** And did you understand those messages to be messages that Sergeant Nkosi was forwarding from the CFO?

**DEPUTY CHIEF DHLAMINI:** No, SC. At that time, I did not know.

**ADV CHASKALSON SC:** Even the second one, which says, Mfowethu, please send to US?

**DEPUTY CHIEF DHLAMINI:** At that time, I was not aware that they are coming from the CFO.

**ADV CHASKALSON SC:** Okay. What did you understand  
20 these, and let us go over the page to 449 where Sergeant Nkosi sends a message, it was sent on Tuesday:

“Let me check now-now.”

What did you understand these four messages sent on the 24<sup>th</sup> of April to refer to?

**DEPUTY CHIEF DHLAMINI:** As it was indicated, SC, that

Nico was helping them with the tender of Mpumalanga. As much as I forwarded those messages to him, with those notes from Nico, when he sent to say it was sent on Tuesday, let me check now-now, because I sent him to say these are letters that Nico sent. I mean, they already have them, they dealt with them.

**ADV CHASKALSON SC:** Sorry, they already have them, they dealt with them?

**DEPUTY CHIEF DHLAMINI:** To say Nico helped them with  
10 those issues, much as he sent me screenshots of those things.

**ADV CHASKALSON SC:** Well, the screenshots were sent by you to Sergeant Nkosi.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Yes. And those screenshots, if we look at them, they are not so much screenshots as photographs. They start at page 535. And 535 is a certificate of registration. What is the purpose of sending this to Sergeant Nkosi?

20 **DEPUTY CHIEF DHLAMINI:** I received the information from Nico Mathobela saying he has this in his desk, he has been dealing with these matters, and Nkosi said I must check with him.

**ADV CHASKALSON SC:** And what was Nico doing?

**DEPUTY CHIEF DHLAMINI:** He was busy with the tender

that was indicated to say it is the tender from Mpumalanga.

**ADV CHASKALSON SC:** But if we go back to 449, we see Sergeant Nkosi is sending you messages, requesting information for the correction, Mfowethu, please send to US and request to provide him with information for the correction. What is going on here? Why are you sending these documents to Sergeant Nkosi?

**DEPUTY CHIEF DHLAMINI:** As I indicated, SC, to say I received this information from Sergeant Nkosi to say I need  
10 to check it. Then I checked with Nico Mathobela who forwarded me this photo screenshot to show me that he has this document in his, I mean, desk and these are matters that he has dealt with. So I sent it to Sergeant Nkosi to show him.

**ADV CHASKALSON SC:** But if we go down to 537, for instance, you will see that there is a list of six problems on 537 and another list of six more on 538. It says, PSiRA, company not certified. 2, Grade B director. 3, letter of good standing, also indicates Grade B. 4, firearms, no  
20 licence. 5, proof that you are up to date with Provident Fund. 6, SOP. What does this relate to?

**DEPUTY CHIEF DHLAMINI:** I indicated that, SC, previously to say he is helping with quite a number of aspects and these were different matters that he was dealing with.

**ADV CHASKALSON SC:** On its face, what this post-it card looks like is a list of, this one is a six problems with compliance. That the company is not certified at PSiRA. That the director has only Grade B status. That the letter of good standing indicates only Grade B. There are no licences for firearms. Did you understand what this document was? Did you play any role in relation to this document other than being a conduit from Nico to Sergeant Nkosi?

10 **DEPUTY CHIEF DHLAMINI:** I did not play any role, SC. I was relaying the information as I was receiving.

**ADV CHASKALSON SC:** So you were just forwarding what you got from Nico to Sergeant Nkosi?

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

**ADV CHASKALSON SC:** But Nico was already dealing directly with Bheki. Bheki had asked Nico to help him on this case.

**DEPUTY CHIEF DHLAMINI:** SC, as you could see that Nkosi will continuously sometimes send me information to  
20 check and verify, I will do so. Then I will verify and then I will relay back the information to Sergeant Nkosi.

**ADV CHASKALSON SC:** But why were you in the slip? And this is, on your version, this is a tender for an Mpumalanga Municipality that Ngaphesheya is bidding for. What does it have to do with you?

**DEPUTY CHIEF DHLAMINI:** I indicated earlier on that I raised Nkosi. I took interest from him since 1997 when he started working at the yard. So he will continuously sometimes ask for me to intervene and assist.

**ADV CHASKALSON SC:** But he and his brother have a series of pending bids before the City at this point that you are aware of. In TMPD-1 and TMPD-3, Ngaphesheya is a bidder.

**DEPUTY CHIEF DHLAMINI:** I am aware about it, SC.

10 **ADV CHASKALSON SC:** Did you not think it was inappropriate for you to be assisting Ngaphesheya in another bid?

**DEPUTY CHIEF DHLAMINI:** As I indicated earlier on that when Sergeant Nkosi approached me, I referred him to Nico for assistance because I did not want to assist him.

**ADV CHASKALSON SC:** Well, then why when Nico approaches you do you not say to Nico, deal directly with Sergeant Nkosi, deal directly with Bheki?

20 **DEPUTY CHIEF DHLAMINI:** The issue of sometimes being convenient. Speaking to someone, SC, you cannot rule it out to say you will just chase someone who wants to either feel comfortable or confide with you better and feel that if he has spoken to you, you will be able to assist or intervene.

**ADV CHASKALSON SC:** But do you not see it as

inappropriate for you to be assisting Ngaphesheya in tenders at the same time as they are bidding for tenders from the City?

**DEPUTY CHIEF DHLAMINI:** I did not personally assist it, SC. I have the capacity and the skills to do so, but I did not at this stage.

**ADV CHASKALSON SC:** Yes, but you are acting as the conduit between Ngaphesheya and Nico.

**DEPUTY CHIEF DHLAMINI:** I am not a conduit. I  
10 indicated that I had a relationship with Sergeant Nkosi that backdates some years back.

**ADV CHASKALSON SC:** Yes, but you are factually acting as a conduit between Sergeant Nkosi or Ngaphesheya and Nico. When Sergeant Nkosi wants Nico to do something in relation to Ngaphesheya, he asks you. When Nico wants documents to go back to Sergeant Nkosi and Bheki, he gives them to you.

**DEPUTY CHIEF DHLAMINI:** I do not agree, SC.

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

20 **CHAIRPERSON:** What do you understand by conduit, Deputy Chief?

**DEPUTY CHIEF DHLAMINI:** A conduit, Commissioner, is like a three-way of communication, of which I am not. I have a personal relationship with Sergeant Nkosi that I indicated.

**CHAIRPERSON:** That does not focus on conduit. There may be a three-way communication, but without any one of the three people being a conduit. So you have not answered the question, what do you understand a conduit to be?

**DEPUTY CHIEF DHLAMINI:** As much as I am indicating, Commissioner, that a conduit is like someone who acts between two people. And in this instance, I was not acting between Bheki and Bheki, because I have a personal  
10 relationship that was built some years back with Sergeant Nkosi.

**CHAIRPERSON:** A conduit is either a person or a thing through which something, maybe communication, passes between two other people, without that person, the one through whom the information or whatever else passes, being personally involved in what is happening between the two destinations. It just passes through. That person or thing are used merely for purposes of whatever it is that passes through to pass through. So it is just for purposes  
20 of it passing through.

In this communication, or in what was happening here, according to what you say, you were exactly that, a conduit. You were passing information to Sergeant Nkosi from Nico and you would also pass information from Sergeant Nkosi to Nico. So according to you, you were

actually a conduit.

So I do not understand why you say no when Mr Chaskalson is asking you why you were a conduit. So I do not understand your denial. With the explanation I have given, unless you say I am wrong in my explanation. So with the explanation I have given, can you now answer the question by Mr Chaskalson? Why were you a conduit?

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

**CHAIRPERSON:** When Nico could have communicated  
10 directly with Bheki or with Sergeant Nkosi for that matter, why were you a conduit?

**DEPUTY CHIEF DHLAMINI:** I still do not agree, Commissioner. We maintain different levels of relationship with both people that I maintain with Sergeant Nkosi and Nico. So someone would prefer to speak to me to either engage someone. So I do not think I am a conduit, Commissioner.

**CHAIRPERSON:** Were you playing any role other than just passing the information from this point to the other point  
20 and vice versa? Were you playing any active role?

**DEPUTY CHIEF DHLAMINI:** I will intervene if there is misunderstanding. Sergeant Nkosi will request me to say perhaps intervene, then I will intervene in that instance or ...[intervenes].

**CHAIRPERSON:** Did that happen all the time or would it

happen only on odd occasions that there is a need for you to intervene?

**DEPUTY CHIEF DHLAMINI:** It was not on all occasions.

**CHAIRPERSON:** So for the most part you were just passing information between the two, for the most part. Correct?

**DEPUTY CHIEF DHLAMINI:** He will communicate something, I will communicate to him ...[intervenes].

**CHAIRPERSON:** Can you please answer the question  
10 directly? So for the most part you were merely passing information between the two. Correct?

**DEPUTY CHIEF DHLAMINI:** I am not sure about that, Commissioner.

**CHAIRPERSON:** No, no, no, no. Why not? Why not? You have said it would only be on the odd occasion that you would have to personally intervene. So if that was the case, surely what you did for the most part would be merely to pass information between the two. Not so? If you say not, then explain what else or what more you did.

20 **DEPUTY CHIEF DHLAMINI:** Commissioner, I have explained that I hold different relationships with both parties.

**CHAIRPERSON:** No, I have heard that.

**DEPUTY CHIEF DHLAMINI:** Yes.

**CHAIRPERSON:** But that has nothing to do with my

question, Deputy Chief. That has nothing to do with my question. My question is, is it not so that for the most part you pass information from the one to the other?

**DEPUTY CHIEF DHLAMINI:** That is correct, Commissioner.

**CHAIRPERSON:** That is enough for my purposes. Now, so which means for the most part you were a conduit. If all you did was to pass information from the one to the other, except for those few occasions or the odd occasion when you had to intervene. So for the most part you were a  
10 conduit.

**DEPUTY CHIEF DHLAMINI:** I do not agree, Commissioner, that I was a conduit.

**CHAIRPERSON:** In my language I would say ...[vernacular]. I will leave it at that.

**ADV CHASKALSON SC:** Thank you, Chair. Whether or not you accept that you were acting as a conduit, why were you playing any role in this? Why were you not telling Sergeant Nkosi and Bheki on the one side and Nico on the other side to deal with each other directly and not to draw you into this  
20 process?

**DEPUTY CHIEF DHLAMINI:** In any life situation, SC, you will sometimes become a role model to other people. They will put their trust in you. So you would not dismiss someone that you feel, I mean, you can assist.

**ADV CHASKALSON SC:** So you are assisting

Ngaphesheya because you are Sergeant Nkosi's role model. Is that your answer? You do not want to disappoint him because you are his role model.

**DEPUTY CHIEF DHLAMINI:** I am not assisting Ngaphesheya. I referred Sergeant Nkosi to Nico Mathobela to assist him.

**ADV CHASKALSON SC:** Yes, but you are keeping yourself in the picture. You have referred them to Nico months ago and you are still being the person who passes Nico's  
10 messages to Ngaphesheya and who passes Sergeant Nkosi's messages to Nico. You are staying involved. Why are you staying involved?

**DEPUTY CHIEF DHLAMINI:** Much as I indicated, I have a relationship with Sergeant Nkosi. I nurtured him and I will take interest in helping him.

**ADV CHASKALSON SC:** How are you helping him in this regard if you are not helping Ngaphesheya?

**DEPUTY CHIEF DHLAMINI:** I am not helping Ngaphesheya. SC, as I indicated, I could have assisted  
20 Ngaphesheya with the skills and the capacity that I have, but I chose to refer them to Nico Mathobela to assist them.

**ADV CHASKALSON SC:** But you just said that you are keeping yourself in the picture or you are not removing yourself from the picture because you are helping Sergeant Nkosi. How are you helping him?

**DEPUTY CHIEF DHLAMINI:** Yes, SC. Sergeant Nkosi will come to me for intervention, then I will intervene where there is a need.

**ADV BALOYI SC:** Mr Dhlamini, the question is, you say you are helping Sergeant Nkosi. The question is, in this tender, how are you helping him? What is it that you are doing that is to help Sergeant Nkosi?

**DEPUTY CHIEF DHLAMINI:** Commissioner, I indicated initially in my statement that I referred Sergeant Nkosi.  
10 When he came to me, I refused because he wanted me to assist Bheki direct. I said I cannot. I referred him to Nico Mathobela for assistance. Sometimes they will have a misunderstanding where Sergeant Nkosi will come to me and request intervention, or Nico will say pass this information to Sergeant Nkosi. That is what I will do.

**ADV BALOYI SC:** Maybe for now, let us limit it to these documents and this information that you are passing on to Sergeant Nkosi. Let us limit it to that. How is that to help Sergeant Nkosi? It is a Ngaphesheya tender. You say in  
20 Mpumalanga, it is Ngaphesheya. When you are sharing this information that you are passing on from Nico to Sergeant Nkosi in relation to a Ngaphesheya tender, how is that to help Sergeant Nkosi?

**DEPUTY CHIEF DHLAMINI:** He enquired. Commissioner, I gave him information to say Nico indicated to say this

document, he had them in his desk and he is addressing them because Sergeant Nkosi, I mean, raised that matter of, I mean, documents that, I mean, they need to be completed.

**ADV BALOYI SC:** Yes, Mr Chaskalson?

**ADV CHASKALSON SC:** Deputy Chief, before we leave this topic, I just want to take you to a document which supports your argument that this tender did not relate to TMPD-1. It was not TMPD-1. It is the document on page  
10 536. And you see it is a letter of withstanding issued by the Private Sector Industry Regulation Authority, PSiRA.

**CHAIRPERSON:** Are you going to make it bigger, please? Yes?

**ADV CHASKALSON SC:** You will see that the date it was issued on its face is 6 February 2025. Do you see it?

**DEPUTY CHIEF DHLAMINI:** I will agree to that, but yes.

**ADV CHASKALSON SC:** And that it was certified by the South African Police Service in Soshanguve on the 20<sup>th</sup> of February 2025.

20 **DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Now, those dates are after the submission date of TMPD-1. TMPD-1 had a deadline of October 2024.

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

**ADV CHASKALSON SC:** So, on the face of this document,

this document could not be a document that was submitted as part of the bid for TMPD-1 because it was only created on its face in February 2025. You see that?

**DEPUTY CHIEF DHLAMINI:** I see that, SC.

**ADV CHASKALSON SC:** So, I am putting that document to you because it does support your evidence that these documents that you were exchanging between, that you were passing from Nico to Sergeant Nkosi did not relate to TMPD-1.

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

**ADV KHUMALO SC:** Mr Chaskalson, can I ask you a question? It is not for the witness. Are we, as the Commission, able to get the full set of documents of Ngaphesheya that were assessed by the BEC for the purposes of TMPD-1? Because while what you are saying is possible, it may also be that, in fact, what was done was that this very document was submitted long after the closing date and those who assessed the bid relied on this document as proof of good standing. So, there are multiple  
20 possibilities here.

**ADV CHASKALSON SC:** There are, and we will attempt to get the full set of documents for the bid we have.

**ADV KHUMALO SC:** Can I ask Deputy Chief Dhlamini, this municipality in Mpumalanga, I mean, it is only 11 months ago when these chats were exchanged between you and

Sergeant Nkosi. Surely it should not be difficult to establish which municipality Ngaphesheya was dealing with for the purposes of what we are discussing now. And whether, in fact, that municipality ever had a tender out, and whether Ngaphesheya ever responded to that invitation to bid.

**DEPUTY CHIEF DHLAMINI:** Yes, Commissioner, I think that perhaps the CFO will be able to assist on that because he was the one who was assisting them.

**ADV KHUMALO SC:** No, unfortunately the CFO was not  
10 able to assist, and the name that Sergeant Nkosi gave us, the Matthews Posa Municipality, the Commission has established that such a municipality does not exist. So, we are not talking about 10 years ago, we are talking about 11 months ago.

I mean, surely one of you should remember which municipality it was, but all you are giving us at this stage is a province to say it was in Mpumalanga. But if you are more specific and you say that municipality had a tender out, and it was that municipality that invited bids, and it was  
20 in respect of that bid that Ngaphesheya submitted a bid, then we will be able to close this line of enquiry once and for all.

**DEPUTY CHIEF DHLAMINI:** I will verify with Nico, Commissioner, which one we are specifically dealing with.

**ADV KHUMALO SC:** Are you able to do that during the tea

break?

**DEPUTY CHIEF DHLAMINI:** I will do so.

**ADV KHUMALO SC:** Thank you.

**ADV BALOYI SC:** What might also be helpful, perhaps as you verify, is that if you look at page 538, the very last item relates to rates and taxes as some of the information that was missing that needed to be included. So, item 12 is rates and taxes, it says company is in arrears, and there is no lease, and then it says directors' rates and taxes are not  
10 attached. That would suggest an address of Ngaphesheya in that area, in that jurisdiction where that tender belongs, and the address of the director. So, if you have Ngaphesheya as address in that municipality where that tender, in the jurisdiction of that municipality where this tender you say was for, then it should help you with identifying the municipality. You understand what I am saying?

**DEPUTY CHIEF DHLAMINI:** I understand you, Commissioner.

20 **ADV BALOYI SC:** Okay.

**DEPUTY CHIEF DHLAMINI:** But I think that might be difficult for me to do that. It will require either Bheki or someone new. I will ask Nico if he has that.

**ADV BALOYI SC:** Well, this is not just a question to Nico. I think Bheki can answer the question. He either has an

address, and his company has an address in that municipality, in the jurisdiction of that municipality, or he does not have.

**DEPUTY CHIEF DHLAMINI:** I am not sure, Commissioner.

**ADV BALOYI SC:** So, it should be easy to verify.

**DEPUTY CHIEF DHLAMINI:** Much as I indicate the person that I will be able to talk to is Nico, I will ask him about which tender was this one.

**ADV BALOYI SC:** Okay. Well, I am suggesting to you that  
10 you should be able to speak to Bheki as well because you are assisting him with this tender.

**DEPUTY CHIEF DHLAMINI:** I was not helping him, Commissioner, with this tender.

**ADV BALOYI SC:** All right. [Indistinct]... what you come back with.

**ADV CHASKALSON SC:** Can we leave this tender for now, and then go to TMPD-3? And before we get to your involvement in relation to TMPD, I just want to sketch the timetable of TMPD-3 that we have established through the  
20 CFO.

The timetable for TMPD was that the bid was advertised on the 12<sup>th</sup> of August 2024. If you can just take these dates down, this was the evidence of the CFO. The closing date was 21 February 2025. The first meeting of the BEC was 24 March 2025. The BEC recommended an

award on either 28 May or 29 May. The minute of the meeting recommending the award is dated 28 May. The score sheets are dated 29 May. The BAC resolved to cancel the tender on 23 October.

So that is the chronology. Now, your involvement that we want to look at starts on page 437. And on the 25<sup>th</sup> of March 2025, page 437 of File 4, you send to Sergeant Nkosi a dropped BEC report on this tender. It is 25 March and it runs from page 437 all the way down to page 439.

10 And the document that you sent is actually attached as an annexure from page 511.

And it may be, well, it runs from page 511 all the way through to page 524. Why did you send that document to Sergeant Nkosi on 25 March?

**DEPUTY CHIEF DHLAMINI:** SC, Sergeant Nkosi requested me to send him a list of companies on that day and I requested my office to download it for me on the web. Unfortunately, the website was off for the City of Tshwane. Then they requested from supply chain management if they  
20 have a list of bidders.

Then they were also told that the website is still off. Then they provided them with this draft admin report. It is not a BEC report, SC. It is a draft report that they are preparing, a closeout report that they usually put on the website. So it is not a BEC report.

**ADV CHASKALSON SC:** Well, you say it is a closeout report that they normally put on the website.

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

**ADV CHASKALSON SC:** What they normally put on the website, and you have attached that in your additional documents, is just the list of bidders. It is a separate document. So if you go to File 5, page 67, you will see the list of bidders for TMPD-3 that you can access from the website.

10           And your evidence on Friday was that that is the document that you will get if you go onto the website and click the tab that says tender bid register. And that screen you have attached as one of your additional documents on page 36 of File 5.

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

**ADV CHASKALSON SC:** So the document that you sent is not the tender bid register that everyone has access to. It is a draft administrative report that the public does not have access to.

20   **DEPUTY CHIEF DHLAMINI:** SC, when documents get received, what is prepared by the admin, it is what you see from page 67 that I have attached to show, I mean, to say it is up to the last page of this document up to page 88. And this was already on the web.

The website was off when they already loaded this

document on the web. If you can check, I mean, the tender closed on the 12<sup>th</sup> of August, as you indicated. This was already out there on the web when I forwarded it to Sergeant Nkosi in March. The challenge was that the website was off. Then my office requested the CM, they gave them this draft admin report. It is what they are using to prepare the closeout report before they can load it on the system. So it is not a BEC report.

**ADV CHASKALSON SC**: Okay, let us call it the draft  
10 administrative report.

**DEPUTY CHIEF DHLAMINI**: Yes.

**ADV CHASKALSON SC**: Who prepares it?

**DEPUTY CHIEF DHLAMINI**: SCM, there is admin, when tender closes, there is admin staff that do that, which they hand it together with all the documents to the BEC for them to commence their work. They need a closeout report of all the bidders that have bid together with the tender document.

**ADV CHASKALSON SC**: So it is a report that is prepared  
20 for the BEC.

**DEPUTY CHIEF DHLAMINI**: Correct.

**ADV CHASKALSON SC**: And what this is, is a draft of a report that is being prepared for the BEC.

**DEPUTY CHIEF DHLAMINI**: They were preparing a closeout report so much as they made draft admin reports

before they completed to be this closeout report that goes on their website.

**ADV CHASKALSON SC:** No, no, the closeout report does not go on the website. What goes on the website is the document that we see at page ...[intervenes].

**CHAIRPERSON:** 67? Not at page 67?

**ADV CHASKALSON SC:** At page 67, which is accessed from the link at page 36, the tender bid register.

**DEPUTY CHIEF DHLAMINI:** It is the closeout report.

10 **ADV CHASKALSON SC:** No, no, the documents are different. If you look at the document at page 67, it is just a list of bidders and prices.

**DEPUTY CHIEF DHLAMINI:** You can continue, sorry.

**ADV CHASKALSON SC:** So if you go to the end of the document at page 67, you will see that it ends with the last bidder. You see it says total number 435, there is a stamp at page 88, and that is the document that one can access from the website.

**DEPUTY CHIEF DHLAMINI:** Yes.

20 **CHAIRPERSON:** Did he agree? I did he not hear your response.

**DEPUTY CHIEF DHLAMINI:** I am saying this draft report, Commissioner SC, when they register their bids, they use this draft admin report to prepare this closeout report that they load on their web. It is a working document. By the

day I wanted to access the closeout report, the system was off.

Then they requested, my office requested from supply chain, they provided with them because the information contained on this draft is the information that they are going to access on their web.

**CHAIRPERSON**: What gets uploaded? Is it the document starting at page 67 through to 88?

**DEPUTY CHIEF DHLAMINI**: Yes.

10 **ADV CHASKALSON SC**: That is a different document from the document that you sent to Sergeant Nkosi. What you sent to Sergeant Nkosi was not the bid register that you can access from the web. It was a draft of a closeout report being prepared for the BEC.

**DEPUTY CHIEF DHLAMINI**: That is correct, SC. As I indicated to say that day the website was off. Then they requested the report, the closeout report that they were provided with this draft admin report because it contains the same information that was going to be accessed on there.

20 It is not a confidential document. It is not a BEC report.

**ADV CHASKALSON SC**: That is not the version that you gave in your statement. If you go to page 10 of your statement in File 1, do you have it?

**DEPUTY CHIEF DHLAMINI**: Yes, SC.

**ADV CHASKALSON SC**: There you will see in paragraph

50 you say in response to a question, the reason or purpose of your discussions of procurement matters with Sergeant Nkosi. You say:

10                   “Sergeant Nkosi requested assistance with a lists of bidders. We did not have any discussions on procurement matters. I have shared the two documents with him, which are administrative records (closing reports) relating to bids and their pricing, which are available public documents.”

So what you said in your answer was that the document that you sent to him was an available public document, but it is not an available public document. It is a document that you managed to source from procurement.

20                   **DEPUTY CHIEF DHLAMINI**: Correct, SC. But the information that is contained in that document is available in the web. The challenge, we could not access the website on that day, but the same information that is in the draft admin report is what was in the website.

**ADV CHASKALSON SC**: And let us go again on page 11, paragraph 56. You repeat the earlier explanation:

                  “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.”

Now that is not true, is it? They are not public documents what you gave to Sergeant Nkosi.

**DEPUTY CHIEF DHLAMINI:** They are, SC. It is just the format of that one that was provided is that, I mean, it was, they knew that it is already in the system. We could not access the system on that particular day. So it does not  
10 change the content of that information.

**CHAIRPERSON:** Deputy Chief, the document at 511 in so many ways says draft. You see that?

**DEPUTY CHIEF DHLAMINI:** I see that.

**CHAIRPERSON:** 511 of file – you do see it. Surely a draft is meant to be a final document at some stage. Correct?

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

**CHAIRPERSON:** And whilst it is a draft, surely it is a document that is still being worked on within the Metro. Correct?

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

**CHAIRPERSON:** So if at any stage it is to be public, it will only be public once it is final. Correct?

**DEPUTY CHIEF DHLAMINI:** It is correct, Commissioner.

**CHAIRPERSON:** Thank you.

**ADV KHUMALO SC:** Can I just ask a question?

**DEPUTY CHIEF DHLAMINI:** Can I?

**ADV KHUMALO SC:** Just explain and then I will ask my question.

**DEPUTY CHIEF DHLAMINI:** Yes. To say, I mean, on the 25<sup>th</sup> of March, Commissioner, I indicated to say this document was already loaded on the system. It closed on the 12<sup>th</sup> of August, this tender. It was already available in the system. The issue was access to the system when they provided this document to say the information that is  
10 contained when they prepared this, they have this draft, but the information contained will be there on the system.

**CHAIRPERSON:** What do you mean by system?

**DEPUTY CHIEF DHLAMINI:** The website.

**CHAIRPERSON:** So a draft was on the website?

**DEPUTY CHIEF DHLAMINI:** No, the final one was already loaded on the ...[intervenes].

**CHAIRPERSON:** I have been engaging you on the draft and not on the final document from beginning to end. I was engaging you on the draft and whether a draft would be  
20 made public and you said not. And you said what would be made final would be the final document if it were meant to go public at all.

**ADV KHUMALO SC:** Deputy Chief, if Sergeant Nkosi had called the SCM office and asked for this draft report, would they have given it to him?

**DEPUTY CHIEF DHLAMINI:** I believe so, Commissioner. From the first day when the tender closed, if you request this information of bidders, if it is already available, they will provide it to you.

**ADV KHUMALO SC:** No, I am not asking about the list of bidders. I am asking about the draft administration report. If Sergeant Nkosi had asked SCM for the draft administration report, would they have given it to him?

**DEPUTY CHIEF DHLAMINI:** Commissioner, he was going  
10 to ask for a list of bidders and ...[intervenes].

**ADV KHUMALO SC:** That is exactly my point.

**DEPUTY CHIEF DHLAMINI:** I believe they could have provided it to him because it was already loaded on the website. The tenders were already there, the pricing and everything.

**ADV KHUMALO SC:** So they would have given him a document that includes paragraphs 2, 3 and 4 that you see on page 524? They would have given him that information? So ignore paragraph 1 because that is the list of bidders  
20 and we know that it is 435 of them. If you go to page 524, are you on 524?

**DEPUTY CHIEF DHLAMINI:** Yes, Commissioner.

**ADV KHUMALO SC:** SCM would have given that information to Sergeant Nkosi? Paragraph 2.1, paragraph 3, paragraph 4, paragraph 4.1?

**DEPUTY CHIEF DHLAMINI:** I believe so, Commissioner, because there is nothing confidential in this document.

**ADV KHUMALO SC:** Okay.

**DEPUTY CHIEF DHLAMINI:** Remember I said I shared confidential documents with Sergeant Nkosi and I wanted to indicate that there was nothing confidential that I shared with Sergeant Nkosi.

**ADV KHUMALO SC:** Thank you.

**ADV BALOYI SC:** Deputy Commissioner, perhaps forget  
10 for now the confidential part of this information. The question that is being put to you is whether this document that we see at page 511, forget the information, this document, because you sent this document to Sergeant Nkosi. Was this document that starts at page 511 on the website and therefore accessible to the public as it is on the day that you sent it to Sergeant Nkosi? Was this a publicly available document?

**DEPUTY CHIEF DHLAMINI:** Commissioner, the document that was already loaded on the website, as I attached on  
20 File 5, is the same, the names of companies with their pricing and everything, it was already on the website. Not the document as it is.

**ADV BALOYI SC:** So the document that starts at 511 was not available on the website, was not available to the public? It was not on the website, available to the public?

The document that starts at 511.

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

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** So just one last one. I am sorry, Mr Chaskalson. Something related to what Commissioner Khumalo asked you. You seem, on my understanding, you seem to equate this document starting at 511 with just a list of bidders. Do I understand you correctly?

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

10 **CHAIRPERSON:** And to you, that is all it is and nothing more. Just a list of bidders.

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

**CHAIRPERSON:** Let me take you where Commissioner Khumalo took you, which is 524. And look at number four towards the foot of the page. And the heading there says:

“Disqualification due to non-registration  
on CSD.”

And it says, joint venture CSD. I understand that to be dealing with what entity or entities were disqualified. Do  
20 you understand it the same way?

**DEPUTY CHIEF DHLAMINI:** No, Commissioner. It is a standard form that, I mean, they use when they are capturing. So there is no company that is listed here which was disqualified. It is just a standard form that they will follow.

**CHAIRPERSON**: But that document is meant to deal with it, not so? Even if at this stage they may not have written in any entity, but that is what the document is meant to deal with.

**DEPUTY CHIEF DHLAMINI**: Yes, a standard form for inputting when they do the evaluation.

**CHAIRPERSON**: And the entry just below that:

“The following 435 bidders were evaluated on pre-compliance.”

10 I guess on that as well you will see that is just standard form.

**DEPUTY CHIEF DHLAMINI**: Yes, Commissioner.

**CHAIRPERSON**: But by the time this document is finalised, everything has been entered. There will be some information on there. Correct?

**DEPUTY CHIEF DHLAMINI**: As soon as the BEC has completed its report or something, they will be able to evaluate, but this way they have not done anything.

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

20 **ADV CHASKALSON SC**: Now, you say that the document at File 5, page 67 was already on the website.

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

**ADV CHASKALSON SC**: So if you wanted to give that document to Sergeant Nkosi, you could have got that document from supply chain management, could you not?

**DEPUTY CHIEF DHLAMINI:** Their website was off, SC.

**ADV CHASKALSON SC:** Yes, but the website uploads documents that somebody else has created from within supply chain management.

**DEPUTY CHIEF DHLAMINI:** They could not get it, SC.

**ADV CHASKALSON SC:** They could not get it off the website or from the person who had created it?

**DEPUTY CHIEF DHLAMINI:** Yes, SC.

**ADV CHASKALSON SC:** Which?

10 **DEPUTY CHIEF DHLAMINI:** From the website and from someone who was supposed to assist.

**ADV CHASKALSON SC:** Who were you asking for this, for these documents?

**DEPUTY CHIEF DHLAMINI:** I requested my office to request. I am not sure who assisted them in this regard, SC.

**ADV CHASKALSON SC:** And what did you ask your office to request?

20 **DEPUTY CHIEF DHLAMINI:** To request for a bidders register.

**ADV CHASKALSON SC:** But why did you need to ask your office to request the bid register? Did you know that the website was down when you asked them to request the bidders register?

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

**ADV CHASKALSON SC:** So you knew the website was down, and you asked your office to find the bid register?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Who in your office did you ask?

**DEPUTY CHIEF DHLAMINI:** I requested, I think it was, I am not sure whether it was Itumeleng or it was Dorkas who helped in that regard.

**ADV CHASKALSON SC:** To find the bid register?

**DEPUTY CHIEF DHLAMINI:** Yes.

10 **ADV CHASKALSON SC:** And they reported to you that they could not find the bid register?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** But that somebody in supply chain management had given them a draft report?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Did they say who had given them the draft report?

**DEPUTY CHIEF DHLAMINI:** I never asked that, SC.

20 **ADV CHASKALSON SC:** But you had asked for a bid register and you got back a draft report?

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

**ADV CHASKALSON SC:** And you did not, you thought you would just give Sergeant Nkosi the draft report?

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

**ADV CHASKALSON SC:** Why was it necessary to give

Sergeant Nkosi the draft report? Why could he not, like everybody else, wait for the bid register to become available?

**DEPUTY CHIEF DHLAMINI:** I believe, SC, he requested information on tender, on bidders and their code, and this was the information that was shared. So it is the same as to the information that he will receive as soon as, I mean, if the website was on.

**ADV CHASKALSON SC:** But why should he not just wait  
10 like everybody else who has to wait until the website comes back up?

**DEPUTY CHIEF DHLAMINI:** I cannot tell on that one, SC.

**ADV CHASKALSON SC:** No, no, you can tell because you were the one who chose to give him a document that is not a public document and that he hadn't requested for on your version.

**DEPUTY CHIEF DHLAMINI:** When he wanted it, he requested me, yes, you are correct, and this is what I could access, they could provide me with, I gave it to him  
20 because that is what he requested. And I saw no harm because the same information, it is not a confidential information, it is information that is already loaded on the website.

**ADV CHASKALSON SC:** Yes, but nobody else could get access to that information at that time because the website

was down.

**DEPUTY CHIEF DHLAMINI:** Correct, the website was down, SC, but there was no harm in sharing the same information that he was going to get later on.

**ADV CHASKALSON SC:** What role did you have to play in this procurement process? Why was it appropriate for Sergeant Nkosi to ask you for lists of bidders?

**DEPUTY CHIEF DHLAMINI:** I did not play any role, SC.

**ADV CHASKALSON SC:** So any other bidder would have  
10 to deal with the procurement officer and someone who did play a role in the tender?

**DEPUTY CHIEF DHLAMINI:** I beg your pardon?

**ADV CHASKALSON SC:** Any other bidder, any one of the other 435, if they wanted this list, would have to ask someone in the procurement officer for the tender register, and they would be told the website is down, we cannot find it, you will have to wait.

**DEPUTY CHIEF DHLAMINI:** I am not sure about it, SC.

**ADV CHASKALSON SC:** But Sergeant Nkosi had a line to  
20 you, and you had a line to the procurement department to get the draft report. Is that not how it happened?

**DEPUTY CHIEF DHLAMINI:** That is what transpired, but it is not like he was getting any favour, SC.

**ADV CHASKALSON SC:** Well, he was getting a favour, he was getting information that nobody else could get. Nobody

else could get the draft report. They had to wait until the website came back up and they could get a register of tenders.

**DEPUTY CHIEF DHLAMINI:** I am not sure who else could have asked the information I believe they were going to provide to him, SC.

**ADV CHASKALSON SC:** What did you tell the procurement office in relation to your request for this information?

**DEPUTY CHIEF DHLAMINI:** As I indicated, I requested my  
10 office to get it for me.

**ADV CHASKALSON SC:** To get what?

**DEPUTY CHIEF DHLAMINI:** The bid register.

**ADV CHASKALSON SC:** Yes, but that was not your version. If they – sorry, sorry, sorry. They asked for the bid register. Did they say why they needed the bid register?

**DEPUTY CHIEF DHLAMINI:** I am not sure what did they tell them, why did they want the bid register.

**ADV CHASKALSON SC:** But why would your office be looking for bid registers from procurement? What role does  
20 your office have to deal with bids and to be looking for bid registers?

**DEPUTY CHIEF DHLAMINI:** It is because I requested them to ask it, and it is a public document, SC.

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

**ADV BALOYI SC:** Deputy Commissioner, the tender, when

it is advertised, it has a reference. It gives a name of a contact person. Now, you have told us that in respect of TMPD-1, you could not assist Sergeant Nkosi. You referred him to Nico. Why did you not refer him to the person at SCM who is the contact person for this bid?

**DEPUTY CHIEF DHLAMINI:** Commissioner, he requested me to assist Bheki with compiling a tender document. I could not do that.

**ADV BALOYI SC:** Yes, now he is asking you to give him  
10 information about bidders. In fact, your evidence, actually, your evidence was that he wanted to know whether his brother had submitted a tender, that is what you said, and if he asked you that question, and then you went and got the register or the document that we have discussed earlier. My question is you are not involved in SCM, your office is not involved in SCM, why do you not refer him to the contact person at SCM to give him this publicly, what you say is publicly available information, in an ongoing bid process?

20 Why do you insert yourself improperly in an ongoing bid process when there are processes? There is a protocol relating to this tender, and the protocol is that there is a contact person. Nobody else should be getting involved with information relating to this tender. Why did you not say to Sergeant Nkosi, here is the person, speak to

them?

**DEPUTY CHIEF DHLAMINI:** Commissioner, I think he requested it from me as someone as he knows as a brother and so forth. I did not see any harm providing him with that information.

**ADV BALOYI SC:** You did not see any harm sharing information in an ongoing tender process which you are not part of? Your office is not part of it at all. You did not see any harm in getting involved that way?

10 **DEPUTY CHIEF DHLAMINI:** That is correct, Commissioner, because the information I shared was already a public information in the website.

**ADV BALOYI SC:** No, we have established from your answer that the information that you shared at page 511 was not publicly available. You have said that. You have accepted that that document, because that is a document you shared. You did not just write down a list of the 435 bidders.

20 That is not what you did. What you did is you went into the system and got a City of Tshwane document that you agree was not available to the public, the document at 511. It was not available to the public, and you shared that with him. So, please do not repeat that that document at 511 was available to the public. It was not. You have settled that in your earlier answer.

You go into the system, you pull out an internal document that is at 511, which contains information in an ongoing tender process which you personally and your office are not part of, when there is a person who is in charge of that information that you could have referred Sergeant Nkosi to, to get that information, and the question is, why did you not do that?

I know he asked you, so the answer cannot be because he asked me to help him. We know that is what he  
10 did. I am asking a different question to you. Why did you not direct him to the person designated for that purpose when he asked you to help him?

**DEPUTY CHIEF DHLAMINI:** Commissioner, I think we indicated to say Sergeant Nkosi is like a brother to me, and I took interest in him ...[intervenes].

**ADV BALOYI SC:** Okay, I am going, I have to stop you ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** The information that ...[intervenes].

20 **ADV BALOYI SC:** I have to stop you. You have said that repeatedly. It does not answer my question, so please do not repeat it, and I will hand back to Mr Chaskalson. Thank you.

**ADV CHASKALSON SC:** Do you recall your evidence yesterday about Mr Mampane, that he is ...[intervenes].

**CHAIRPERSON:** On Friday.

**ADV CHASKALSON SC:** Sorry, on Friday. On Friday. That Mr Mampane is a taxi industry businessman, and that he is the son of a Mr Mampane with whom your late brothers worked.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Now the evidence of Sergeant Nkosi was that on 30 April, that is just over a month after he got this draft report from you, he forwarded it to Mr  
10 Mampane. Were you aware of this?

**DEPUTY CHIEF DHLAMINI:** I was not aware of it.

**ADV CHASKALSON SC:** And Mr Mampane's response to receiving this draft list from him was:

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

Did Mr – sorry, did Sergeant Nkosi ever talk to you about TMPD-3 again?

**DEPUTY CHIEF DHLAMINI:** No, SC?

20 **ADV CHASKALSON SC:** Did that not strike you as strange?

**DEPUTY CHIEF DHLAMINI:** No.

**ADV CHASKALSON SC:** He had asked you for a list of bidders, had he not?

**DEPUTY CHIEF DHLAMINI:** It was not strange, SC?

**ADV CHASKALSON SC:** Why was it not strange? He talked to you extensively in relation to TMPD-1.

**DEPUTY CHIEF DHLAMINI:** He never spoke to me about it, and I do not see it as being strange. And as I indicated earlier, even on TMPD-1, I was just assisting him. He never spoke to me.

**ADV CHASKALSON SC:** No, no, you did speak to him in relation to TMPD-1. You exchanged many texts and you had many voice calls to clarify those texts.

10 **DEPUTY CHIEF DHLAMINI:** That is what he requested, SC, and I never made a follow-up with him as to what is happening, SC, with that. He requested.

**ADV CHASKALSON SC:** But your evidence is that despite the fact that you exchanged many texts in relation to TMPD-1 and calls to clarify those texts, you did not speak at all in relation to TMPD-3.

**DEPUTY CHIEF DHLAMINI:** No.

**ADV CHASKALSON SC:** Do you know what happened to TMPD-3?

20 **DEPUTY CHIEF DHLAMINI:** Yes, I know that TMPD-3 was later on cancelled, as the CFO also indicated when he testified.

**ADV CHASKALSON SC:** And what is the situation now in relation to the services that ought to have been provided under TMPD-3?

**DEPUTY CHIEF DHLAMINI:** I think it was indicated, SC, that there is an extension that was granted for the current service providers.

**ADV CHASKALSON SC:** And those current service providers are the providers who were appointed to the tender, which I think is tender 1/2016/2017, is that correct?

**DEPUTY CHIEF DHLAMINI:** I am not sure if it is 2016 or what.

**ADV CHASKALSON SC:** It is certainly from the previous  
10 decade, is it not, the tender? It is from the 2010s, it is not from the 2020s.

**DEPUTY CHIEF DHLAMINI:** No, I think it is from the 2020s.

**ADV CHASKALSON SC:** No, no, it is definitely from the 2010s, the tender.

**ADV KHUMALO SC:** Mr Chaskalson, I think the confusion here is there was that 2021 court order.

**CHAIRPERSON:** Yes.

**ADV KHUMALO SC:** And those service providers were  
20 appointed pursuant to that court order. And that is where I think the misalignment between you and the Deputy Chief is.

**ADV CHASKALSON SC:** Yes, but the tender itself pursuant to which they were appointed is a tender from the previous decade.

**DEPUTY CHIEF DHLAMINI:** Not ...[indistinct] SC.

**ADV CHASKALSON SC:** Sorry, I did hear that answer.

**DEPUTY CHIEF DHLAMINI:** I am saying it is not ...[indistinct] SC.

**ADV CHASKALSON SC:** No, no, it is. We have seen the evidence.

**DEPUTY CHIEF DHLAMINI:** I do not think so.

**ADV CHASKALSON SC:** On what basis do you say you do not think so?

10 **DEPUTY CHIEF DHLAMINI:** As I indicated, either it might be 2021/2022 financial year because it only ended in February 2025.

**ADV CHASKALSON SC:** That was the appointment pursuant to a court order in 2021.

**DEPUTY CHIEF DHLAMINI:** They started, yes, either 2022, because the three year ended on the 28<sup>th</sup> of February 2025.

20 **ADV CHASKALSON SC:** But the tender itself pursuant to which those bidders were appointed was a tender from the previous decade. It was 2016/17, I think.

**DEPUTY CHIEF DHLAMINI:** That is not true, SC.

**ADV KHUMALO SC:** Mr Chaskalson, it is the issue of language. I am sorry to do this. When it was originally advertised, it was 2016/2017. When it was eventually awarded, it was pursuant to the court order sometime in

2021. And then they started in 2022 for three years, ending in 2025.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** But you are talking about the same tender. Your start point is the court order. Mr Chaskalson's start point is when it was first advertised.

**DEPUTY CHIEF DHLAMINI:** But they were not working at that time.

**ADV KHUMALO SC:** Yes, because they only started  
10 working after they were appointed pursuant to the court order.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** When they were issued those letters that said, because of the court order, all 22 of you will be appointed.

**DEPUTY CHIEF DHLAMINI:** From 2022?

**ADV KHUMALO SC:** Yes.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV KHUMALO SC:** But it was advertised for the first time  
20 in 2016/2017.

**DEPUTY CHIEF DHLAMINI:** I verified that it might be correct that it was advertised prior.

**ADV CHASKALSON SC:** You can assume from outside that it was advertised in 2016/2017. What would flow from that is that the specifications that were requested were

specifications that were drawn up at the very latest in 2016. Do you accept that? If the tender was advertised in 2016/2017, the specifications could not have been drawn up after 2016.

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

**ADV CHASKALSON SC:** Now, have the specifications for these sorts of services remained constant? Have the City's needs for these sorts of services remained constant over the last 10 years?

10 **DEPUTY CHIEF DHLAMINI:** I am not sure about that.

**ADV CHASKALSON SC:** Are the City's needs for ad hoc security services today identical to what they were 10 years ago?

**DEPUTY CHIEF DHLAMINI:** The City's needs change gradually. It can change. I mean, within a month and so forth they might build a clinic, so it will change gradually.

**ADV CHASKALSON SC:** And over 10 years, will there be some substantial change?

20 **DEPUTY CHIEF DHLAMINI:** Definitely. The assets of the City will increase.

**ADV CHASKALSON SC:** So will you accept that the result of the cancellation of this tender is that service providers who are providing the services are providing those services in terms of specifications which are now out of date because they are specifications that are 10 years old?

**DEPUTY CHIEF DHLAMINI:** I am not sure about that, SC, because, I mean, specifications that relate either to tender for Watchman Services, I mean, if they need an armed guard and so forth, they need the following things on their side. They will remain, I think, the same.

**ADV CHASKALSON SC:** So you are saying that the specifications will not have changed over 10 years?

**DEPUTY CHIEF DHLAMINI:** Yes, the portfolio of the assets might have changed, but the specifications might  
10 remain. I mean, you will find the current tender that was advertised, when you look at it with the previous one, you might find the specifications being the same.

**ADV CHASKALSON SC:** Have you yourself compared them?

**DEPUTY CHIEF DHLAMINI:** I have not.

**ADV CHASKALSON SC:** So you are speculating at this point?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Can we move to a different topic,  
20 which is the invoices that were paid on. or the process to pay invoices on the 5<sup>th</sup> and 6<sup>th</sup> of March 2025, and there we should go to page 426. And you will see at the foot of page 426, in chat number 8, that at 09:46 in the morning, the Sergeant Nkosi sends you a screenshot of a conversation that he is having with the CFO. And that screenshot is at

page 503.

And if you go to the bottom of 503, you will see that the CFO has asked Sergeant Nkosi:

“Mfowethu, Mfowethu, is General winning?”

And Sergeant Nkosi has responded:

“Morning, my brother, I am on to him.”

And that screenshot got sent to you at 10 o'clock that we see at – sorry, at 09:48 that we see at the foot of the page.

10 And then at 10 o'clock on page 504, we see a second screenshot that Sergeant Nkosi sends you, which is his response:

“Morning, my brother, I am on to him. He confirmed it will be sorted now-now. He will give feedback soon before 12 o'clock.”

And the CFO has responded at 09:55, saying:

“Okay, it is not yet in my system.”

Your response to both of these screenshots is:

20 “Sharp, Captain.”

Can you just remind us again, what is taking place here? What are these exchanges relating to? Why is Sergeant Nkosi forwarding you his chats with the CFO?

**DEPUTY CHIEF DHLAMINI:** SC, as I indicated that on the 4<sup>th</sup> of March, I received a call from Sergeant Nkosi, who

was with the CFO, and the CFO spoke to me about outstanding payments that was owed to three service providers for a period of, I mean, six months or so. He requested my intervention to go and investigate and assist in ensuring that we sort out the matter.

And on the 5<sup>th</sup> of April, then I checked with my office. Indeed, there were outstanding payments for a period of six months that were not paid to the service provider. The CFO indicated that they were threatening to  
10 go to court, and he requested my intervention in that regard.

**ADV CHASKALSON SC:** Can we go back to your evidence on Friday in relation to how the system should work? And how the system should work is that for these sorts of ad hoc services, you know what the price per guard is, and so when you get a request from a user department, say electricity – sorry, you are nodding, can I just ask you for the record to say yes as it goes on. So you know what the contract with the service provider says in relation to rates.

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

**ADV CHASKALSON SC:** So you have a fixed rate that you will apply when you use that service provider.

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

**ADV CHASKALSON SC:** When you get a request from a user department, and we used the example of electricity for

some guards to guard a power station that they would be working on, you know how many guards you are going to need and for how long.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** You then look at the general ledger to see if there is money provided for two guards 24 hours a day for two weeks, which is what the electricity department wants. And if there is, you authorise the deployment of the guards and you issue a purchase order.

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

**ADV CHASKALSON SC:** The guards then are provided by the private company with whom you have the contract. They do the work and at the end of that process the company invoices.

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

**ADV CHASKALSON SC:** And the invoice matches what your purchase order has provided for because you have your purchase order authorised two guards 24 hours a day, two weeks.

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

**ADV CHASKALSON SC:** And then once you have the purchase order in place at the beginning and the invoice that is issued after the work is done, you check whether the work was in fact done. Is that correct?

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

**ADV CHASKALSON SC:** And if the work was in fact done, you then authorise payment in accordance with the purchase order that was issued at the start of the process.

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

**ADV CHASKALSON SC:** So how can you find yourself in a situation that you are describing now where there are a whole lot of invoices that have been issued and have not been paid and for which it seems there are no purchase orders? That is a question. How do you find yourself in  
10 that situation?

**DEPUTY CHIEF DHLAMINI:** Sc, I think let me indicate to say one, as it was indicated here, to say the question of deployment of guards, it falls precisely under APSS and by then it was overseen by DC Police. One, they allow a service provider to continue providing services for a period of six months. DC Police says it just happened under his nose.

There is coaching every quarter with the directors where you check your budget, your everything. He could  
20 not pick it up the first quarter. He could not pick it up the second quarter to say there is expenditure taking place in his department that it is happening.

They go to an extent of certifying services as being rendered for those service providers. They sign off invoices, certify them that services have been rendered,

they received an invoice, bring the invoices to my office for processing for payment.

My office engaged with them to say you were supposed, you know the procedure that in the first instance you were supposed to ensure that one, you liaised with the sister department around the GL, they provide you with the GL, you give us a GL account, we are able to create POs for those services, I mean, that need to be rendered.

Because the department will indicate if it is Water  
10 and Sanitation or it is electricity, they will indicate to say we need services for a period of three months. we are refurbishing a substation. or whatever the case it might be. That is the process that need to have taken place that I think it was supposed to have been overseen by the Director and the Deputy Chief concerned.

They deploy service providers, they allow them to render services for six months, then invoices are not paid. The services are still continuing. They have not terminated them for those months. Then I had to intervene in this  
20 instance because as the CFO indicating that the service providers were contemplating to go to court. And in most instances, they get granted and the City's account gets attached.

It is not the same incident of such nature that transpire where the service providers will go to court to say

due to non-payment, they attach the City's account for non-payment. I had to intervene to say but services were rendered, they have been certified as such because there is no dispute that services were rendered and companies need to be paid to avoid, I mean, the City's account being attached.

That is where my intervention came in, in this instance, to ensure that we pay those outstanding invoices because the section concerned have certified to say  
10 services have been rendered and so forth. So, we had to ensure that we make payment to those service providers that have worked to avoid court, I mean, processes in that regard.

**ADV CHASKALSON SC:** Let us go back to the start of the process. One of the invoices that gets paid is an invoice from July 2024.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** So, an invoice has been issued in July 2024 to the City claiming payment for services  
20 rendered.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** What was the back story to that invoice? Was there a purchase order for that invoice before the service provider was put on site?

**DEPUTY CHIEF DHLAMINI:** No POs were generated by

that.

**ADV CHASKALSON SC:** So, how was it possible for the service provider to be deployed to site without a PO? Who did that?

**DEPUTY CHIEF DHLAMINI:** They were deployed within APSS. I think the Director there will be able to respond to that, Director Malatji, because he is the one who is overseeing those services.

**ADV CHASKALSON SC:** So Director Malatji should not  
10 have deployed those service providers to site in July 2024 without first ensuring that there was a purchase order in place?

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

**ADV CHASKALSON SC:** An invoice then comes in at the end of the month of July 2024. That invoice presumably goes to your department.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** What does your department do?

**DEPUTY CHIEF DHLAMINI:** Accounts payable from my  
20 section, if services were certified as being done, they need to ensure that, I mean, they create requisitions, request SCM to create POs to ensure that, I mean, those invoices get processed.

Remember, there is a policy in the City that invoices need to be processed within 30 days. And in this

instance, much as I was indicating to say, I mean, invoices sit for a period of longer than six months without not being attended to.

**ADV CHASKALSON SC:** But your department gets an invoice at the end of July 2024 for services which were ostensibly rendered, but in respect of which there is no purchase order. What does it do?

**DEPUTY CHIEF DHLAMINI:** Much as I indicated, my section continuously engaged with the section from Director  
10 Malatji from the onset when they brought in those invoices to say, please, we need the following.

**ADV CHASKALSON SC:** Well, there are two separate issues that I see. One is, were the services asked for and provided? If so, vis-à-vis an outsider, the City probably has to pay. The second issue is, why were City procedures not followed? Why was a purchase order not issued in advance of asking these people to provide the services? Let us take the first issue.

It is July 2024. You get an invoice for services  
20 provided. There is no purchase order. What does your department do to establish whether or not it should pay this invoice?

**DEPUTY CHIEF DHLAMINI:** As I indicated, SC, these invoices came to my attention, to the accounts payables' attention in February or so when they were brought to them.

**ADV CHASKALSON SC:** But in the ordinary course of events, if Gubis, a service provider to the City, issues an invoice in July 2024, what happens to that invoice? Surely it must come to your department.

**DEPUTY CHIEF DHLAMINI:** It goes to APSS. Remember, they must certify that services have been rendered. They must ensure that it is signed off because we are not monitoring those security services. I will give you a classical example.

10           If the specifications of a tender says we need two armed guards on a site, the company does not post. Either they post one armed guard, the other guard is not armed. If the tender has got what we call the penalty clause, they should be able to penalise it.

              So when they bring an invoice, it must come either, I mean, with those, I mean, penalty clause being indicated to say they were penalised. So much as the section concerns must certify services as rendered, sign it off before it comes to accounts payables. Accounts payables' 20 duty is to ensure that there is an invoice, the invoice is in order, there is an SLA in place for that particular service, the contract, its existence.

**ADV CHASKALSON SC:** And purchase orders?

**DEPUTY CHIEF DHLAMINI:** And there is also budget in that regard.

**ADV CHASKALSON SC:** There is budget and there is a purchase order, or not? Do you have to look for a purchase order?

**DEPUTY CHIEF DHLAMINI:** Correct. Remember, purchase orders, as I indicated, we get created. Each and every beginning of financial year we look at the budget, we get loaded, we create purchase orders for Watchman Services for the entire financial year.

**ADV CHASKALSON SC:** And you are saying that in  
10 respect of these invoices, going back to, in fact, June 2024, but we will deal with June separately, but let us take the ones from July 2024, the first that those invoices were forwarded to your department, you say, is February 2025?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Who was at fault there?

**DEPUTY CHIEF DHLAMINI:** I take the section concern, I think Director Malatji because he was overseeing these, I mean, services. He is supposed to ensure that, I mean, on a monthly basis, I mean, at finance section, they want to  
20 say before the 10<sup>th</sup> of every month, all invoices.

I mean, there is what we call, there is a meeting that deals specifically on a monthly basis with invoices, whereby they indicate to say this department has got, I mean, either two invoices outstanding for non-payment, and so forth, where we report on a monthly basis, I mean, to

monitor the UIFW, unauthorised, irregular, fruitless expenditure, and so forth, that we report on.

There is a workstream that deal with that. The City also has established Secular 113 meeting to ensure that, I mean, we avoid audit, I mean, negative audit queries, whereby there is also report on issues of invoices in that regard. And they sat for the entire six months, no report, nothing is happening to say there are these invoices, services have been rendered, and so forth.

10 **ADV CHASKALSON SC**: So, let us stay with our July 2024 invoice. That invoice should have been forwarded to your department by 10 August 2024, if the system was followed.

**DEPUTY CHIEF DHLAMINI**: The latest, before the 10<sup>th</sup>, we encourage that at least we receive invoices. I mean, when it is month end, at least the latest, the 5<sup>th</sup> or so, so that we are able to accrue every invoice with finance.

**ADV CHASKALSON SC**: But instead it was sent to your department more than six months overdue, that July one.

**DEPUTY CHIEF DHLAMINI**: Correct.

20 **ADV CHASKALSON SC**: What steps were taken to hold anyone accountable for this?

**DEPUTY CHIEF DHLAMINI**: No one was held accountable. It will be the thing of passing the buck, much as I am indicating to say, I mean, we have monthly, quarterly coaching whereby these matters could have been picked up,

dealt with. The risk also that was associated with these invoices.

The contract was ending on February. If we could not have secured an extension for that four months, it means these invoices were not going to be paid. People were going to go to court and we were going to pay them on a court order because there will no longer be a contract to pay those invoices.

**ADV CHASKALSON SC:** But hang on a minute. A contract  
10 normally ends at a given point. And in the last month, the performance of the contract services are performed.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** And the service provider issues an invoice at the end of the performance of the services. But by the time the City gets the invoices, that invoice, the contract is no longer operative, but the invoice relates to a period when the contract was operative. So why is the end of the contract crucial in any respect?

**DEPUTY CHIEF DHLAMINI:** It is crucial. SC, remember,  
20 the last invoice, the contract, if it ends February, that will be the last invoice that will be accrued and be paid. So if there is no longer a contract in place, you will no longer be able to process those invoices because there is no contract in place so it then requires you to generate a report in that regard.

We had an instance of a contract that ended and then had to go a *post facto* issue, CCTV, which is under some form of investigation that process. So once the contract ends, you will not be able to process an invoice because you need a contract to be in place.

**ADV CHASKALSON SC:** So are you saying to me that the rush at this point was because the contract was due to expire at the end of February?

**DEPUTY CHIEF DHLAMINI:** It was in March, SC. The  
10 extension was granted end of February. I am just indicating to say these were going to be the risks.

**ADV CHASKALSON SC:** Yes, but by the time the rush was taking place on the 5<sup>th</sup> and 6<sup>th</sup> of March ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** There was already an extension.

**ADV CHASKALSON SC:** There was an extension for three months or four months.

**DEPUTY CHIEF DHLAMINI:** Four months, up until June.

**ADV CHASKALSON SC:** But my earlier question is, if  
20 someone is responsible for not following the City's systems and for not forwarding invoices to your department promptly when the invoices are issued by the service provider, why are they not held to account?

**DEPUTY CHIEF DHLAMINI:** I think the City, much as I am saying they have introduced these measures, the UIFW and

so forth, and the Secular 113. And that is why I think the CM has put his feet down to say it cannot be business as usual. Consequence management needs to take place for non-performance to say you cannot be sitting with an invoice which, I mean, ends up without being accrued at the end of financial year. The City then gets, I mean, a finding around it.

**ADV CHASKALSON SC:** But in this case, there was no management of consequences? Nobody was held to  
10 account for sitting on invoices for six months?

**DEPUTY CHIEF DHLAMINI:** In this instance, there was none, SC, that was taken.

**ADV CHASKALSON SC:** But your evidence is that your department only received these invoices in February?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Can we go to your message in chat 4 also on page 427:

20 “Good morning, Captain. Please just confirm for Mfowethu, *boetie*, I am processing the issue. I have spoken to Cain and Vusi also to increase the target value as the amount is a bit higher. And as soon as all of them are released, I will let you know for his intervention to ensure that Tommy makes payment

urgently.”

You see that?

**DEPUTY CHIEF DHLAMINI:** I see that, SC.

**ADV CHASKALSON SC:** Cain is Cain Mpofu in supply chain management?

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

**ADV CHASKALSON SC:** Who is Vusi?

**DEPUTY CHIEF DHLAMINI:** Vusi works within accounts payable contract management within TMPD.

10 **ADV CHASKALSON SC:** And Vusi's surname is?

**DEPUTY CHIEF DHLAMINI:** Mabona.

**ADV CHASKALSON SC:** And Tommy?

**DEPUTY CHIEF DHLAMINI:** Tommy works at the budget office.

**ADV CHASKALSON SC:** And his surname?

**DEPUTY CHIEF DHLAMINI:** I think I am not sure his surname. I know him as Tommy. Sometimes you will know the name or the surname of officials.

20 **ADV CHASKALSON SC:** Okay, well, there cannot be too many Tommies in the budget office.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** You say to increase the target value as the amount is a bit higher. What are you referring to there?

**DEPUTY CHIEF DHLAMINI:** It is around increasing the

contract value. Remember, as I said, we load, we do requisition, we do POs for the entire year. So it has got a value, the contract value for payment for that particular month. So you need to increase it to cover this shortfall.

**ADV CHASKALSON SC:** And was that because the amounts that had been charged were in excess of the aggregate amount for the six months, or was it because suddenly you had to deal with six months' worth of invoice in one month?

10 **DEPUTY CHIEF DHLAMINI:** You have to deal with six months' invoices for one month.

**ADV CHASKALSON SC:** So the amounts in the previous months were just not touched at all?

**DEPUTY CHIEF DHLAMINI:** No, you had to deal with six months' invoices in a month which now exceed the contract value for that particular month.

**ADV CHASKALSON SC:** And what happens to the unspent amounts in the previous six months? Do they not roll forward or not?

20 **DEPUTY CHIEF DHLAMINI:** No, you do not bring money forward. Remember that on a monthly basis, these were additional services that they have requested, the ad hoc. There is normal invoices for every month for Watchman Services.

**ADV CHASKALSON SC:** Yes.

**DEPUTY CHIEF DHLAMINI:** Yes.

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

**DEPUTY CHIEF DHLAMINI:** They were paid too.

**ADV CHASKALSON SC:** Sorry, the normal services were paid?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Yes, but the ad hoc provision that you have in your general ledger for these services, do you not roll it forward if it is not used?

10 **DEPUTY CHIEF DHLAMINI:** No.

**ADV CHASKALSON SC:** The exchanges with the CFO and through Sergeant Nkosi continue and we see them all the way through pages 427 and 428. You have explained to us why there was this need. So I do not want to take you to the substance of the payments. What I want to ask you is why was Sergeant Nkosi involved in this process? Why were you not dealing direct with the CFO?

**DEPUTY CHIEF DHLAMINI:** As indicated, I think the CFO indicated to say he saw Sergeant Nkosi working, him  
20 working through Sergeant Nkosi being the best way. He made Sergeant Nkosi his extension to communicate with me. I think that is what transpired in this case.

**ADV CHASKALSON SC:** But why did you participate in that arrangement that way? You are dealing with City business between yourself, the Deputy Chief of TMPD and

the CFO. Why is there any need for Sergeant Nkosi to get involved? And two, why is it appropriate for Sergeant Nkosi to get involved? So first, is there any need for Sergeant Nkosi to get involved? Could you not have done this directly with the CFO?

**DEPUTY CHIEF DHLAMINI:** SC, as I indicated to say the CFO saw it fit that he must use Sergeant Nkosi to communicate with me. He made Sergeant Nkosi his extension, and I was responding to the CFO through  
10 Sergeant Nkosi. That is what actually transpired in this case.

**ADV BALOYI SC:** Deputy Commissioner, you are not a junior employee who just follows what the CFO chooses to do, even when it is irregular and maybe even unlawful. You are a senior. You hold a senior position, Deputy Commissioner. You realise you must have known that – in fact, let me say you must have known that Sergeant Nkosi has no business being involved in this by the CFO, if he is involved by the CFO.

20           You must have known that. A person at your level of seniority, why did you not choose to deal directly with the CFO when you saw, yes, when he first involved Sergeant Nkosi, you who has the power and status to deal with him directly, why did you not decide to deal with him directly?

          You are not a junior employee in this picture who is

afraid of the CFO, unless you tell us that you were afraid to upset the CFO for whatever reason. But I want to assume that you did not have that kind of problem. You have the authority to deal directly with the CFO. Why did you not give those answers directly to the CFO? Because you are improperly dealing with City affairs through Sergeant Nkosi, and there is no debating that. It is simply improper to involve Sergeant Nkosi in this. You must have known that. Why did you choose to continue anyway?

10 **DEPUTY CHIEF DHLAMINI**: Thanks, Commissioner. I did not choose, Commissioner, out of my own. I know that if you go to, in most instances, if you go to File 1 in page 146, Commissioner, File 1, 146.

**ADV BALOYI SC**: Yes.

**DEPUTY CHIEF DHLAMINI**: On the 6<sup>th</sup> of March, I was requested to provide feedback by the Chief's office around this matter of payment of the service providers. In most instances, Commissioner, I will request my office that we need to respect the higher offices so that I give feedback to  
20 my Chief, and if the Chief needs to give feedback to the CM or the CFO or whatever, he will do so, so that I can maintain that chain of command, rather than I communicate direct with either send information to the CM or the CFO.

And I have adopted this, and I agree with you to say in this instance also, I think I might have either decided

to get either contact of the CFO, but he made Sergeant Nkosi an extension that I must respond to on his questions and so forth, which became a very unfortunate situation that transpired.

**ADV BALOYI SC:** Do you accept that it was improper for you and the CFO to involve Sergeant Nkosi in this discussion about resolving these invoices?

**DEPUTY CHIEF DHLAMINI:** Not me, Commissioner. He was involved by the CFO. The CFO ...[intervenes].

10 **ADV BALOYI SC:** Do you accept that it is improper for the CFO to have dealt with this issue involving Sergeant Nkosi?

**DEPUTY CHIEF DHLAMINI:** He could have either referred me to his PA or ...[intervenes].

**ADV BALOYI SC:** No, Deputy Commissioner, I am asking you a direct answer. It becomes easier when you answer directly. Do you accept that it was improper for the CFO to involve Sergeant Nkosi in resolving the issue of the unpaid invoices with you?

20 **DEPUTY CHIEF DHLAMINI:** It should not have happened, Commissioner.

**ADV BALOYI SC:** You accept it is improper? Do you have a difficulty with conceding that it is improper?

**DEPUTY CHIEF DHLAMINI:** To say it should not have happened.

**ADV BALOYI SC:** Do you have a difficulty in accepting

and conceding that it was improper?

**DEPUTY CHIEF DHLAMINI:** I do not want to bind him.

**ADV BALOYI SC:** No, I am not asking you to bind him. I am asking you to comment on the facts. Facts are that the CFO and you were dealing with a City matter through Sergeant Nkosi, involving Sergeant Nkosi in it. That is a fact. Now I am asking you, do you accept, and your explanation is Sergeant Nkosi was involved by the CFO, not by you, so I am happy to break it down. Do you accept that  
10 involving Sergeant Nkosi, a member of the public, in resolving a payment issue with a service provider, that it was improper for Sergeant Nkosi to be involved in this? You can say no. There are only two possible answers. Only two possible answers. Your answer is either no, it was not improper, or it was improper, and it does not require an explanation.

**DEPUTY CHIEF DHLAMINI:** I would not use the improper, Commissioner. I will say it was incorrect maybe for the CFO to have involved Sergeant Nkosi from the onset on this  
20 matter.

**ADV BALOYI SC:** Do you accept that it was improper for you to respond to the CFO through Sergeant Nkosi? He is a member of the public. Do you accept that?

**DEPUTY CHIEF DHLAMINI:** No, Commissioner. I was responding to the CFO because he made Sergeant Nkosi his

extension.

**ADV BALOYI SC:** So you involving a member of the public in resolving a payment issue, you say that was proper to do, that you involved Sergeant Nkosi?

**DEPUTY CHIEF DHLAMINI:** I did not involve Sergeant Nkosi. He was the CFO's extension, Commissioner.

**ADV BALOYI SC:** So that you communicated through Sergeant Nkosi to the CFO, you say that was proper. There was nothing wrong with that?

10 **DEPUTY CHIEF DHLAMINI:** I was responding, Commissioner, to the CFO. I never communicated to Sergeant Nkosi.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** Let us adjourn and resume at 11:45.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Chair. I want to pick up on page 435. This is after the events of 5 and 6 March.

20 And there, on the 23<sup>rd</sup> of March, at 08:05 pm, you send Sergeant Nkosi a message. And you say:

“Afternoon, Captain.”

Sorry, do you have page 435?

**DEPUTY CHIEF DHLAMINI:** I have it, SC.

**ADV CHASKALSON SC:** You say:

“Afternoon, Captain. I trust you are well and your family. I thought we will meet up today so that I could get clarity on something ku Mfowethu. Cain called me on Friday and asked if Gubis want to meet up with me on Saturday. I then pushed the meeting to Monday with a view of getting direction from ku Mfowethu first today. Please check with him on this and his advice, if I should go or drop them. I do not want to make a mistake on such matters because I believe the centre should be one.”

You see that message?

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

**ADV CHASKALSON SC:** Can you explain what you were asking Sergeant Nkosi to do here and what the context for it was?

**DEPUTY CHIEF DHLAMINI:** Thanks, SC. I think I was asking here Sergeant Nkosi because I know the CFO has got a relationship with Sergeant Nkosi. And when he was requesting me on the 4<sup>th</sup> of March, he was with Sergeant Nkosi regarding the outstanding payment of Gubis. So, I was surprised why should they want to have a meeting with me because I know that they were liaising with the CFO in

this matter.

**ADV CHASKALSON SC:** So, you understood Cain's call with you to mean that Gubis wanted to speak to you about outstanding payments?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** And you would not meet with Gubis because you wanted first to speak to the CFO to find out what his attitude was to a claim from Gubis for outstanding payments?

10 **DEPUTY CHIEF DHLAMINI:** Correct. To say they had a meeting with him, they raised this matter with him, I know that Mr Mahlangu called him as he indicated to me so why would he not call him again in this regard.

**ADV CHASKALSON SC:** Now who is Mr Mahlangu? Is that Mr Calvin Mahlangu?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** He is the director of Gubis?

**DEPUTY CHIEF DHLAMINI:** Correct.

20 **ADV CHASKALSON SC:** And when did Mr Mahlangu indicate to you that he had called the CFO?

**DEPUTY CHIEF DHLAMINI:** I am saying that is what the CFO indicated to me on the 4<sup>th</sup> of March when he was requesting my intervention.

**ADV CHASKALSON SC:** So, before your intervention on the 5<sup>th</sup> and the 6<sup>th</sup>, you knew that Calvin Mahlangu had

called the CFO on the 4<sup>th</sup>?

**DEPUTY CHIEF DHLAMINI:** That is what he said when he called me CFO.

**ADV CHASKALSON SC:** Yes, was it the CFO who called you or Sergeant Nkosi who called you?

**DEPUTY CHIEF DHLAMINI:** Sergeant Nkosi was with the CFO when I spoke to the CFO.

**ADV CHASKALSON SC:** And that was pursuant to the call that Sergeant Nkosi made to you?

10 **DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Now they told you Calvin Mahlangu of Gubis is complaining about non-payment of invoices?

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

**ADV CHASKALSON SC:** Now by this stage the invoices had all been paid except for the June 2024 invoice which was from the previous financial year?

**DEPUTY CHIEF DHLAMINI:** Correct.

20 **ADV CHASKALSON SC:** And what did Cain Mpofu tell you that Gubis wanted to talk to you about?

**DEPUTY CHIEF DHLAMINI:** It was in relation to that outstanding invoice.

**ADV CHASKALSON SC:** The June invoice?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** You again, well you this time,

choose to involve Sergeant Nkosi yourself? You do not go direct to the CFO you go to him through Sergeant Nkosi?

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

**ADV CHASKALSON SC:** Why?

**DEPUTY CHIEF DHLAMINI:** It is because I know he has a relationship with the CFO and when he called me, he used Sergeant Nkosi. And he has been speaking to me as you could have seen with regard to the feedback of payment through Sergeant Nkosi.

10 **ADV CHASKALSON SC:** So, although it is now two weeks later, you still think that it is appropriate to use Sergeant Nkosi to communicate with the CFO rather than speaking to the CFO directly?

**DEPUTY CHIEF DHLAMINI:** That is how I took it at that particular time because the CFO never asked for my contact numbers either to speak to me. And he is senior to me, I would not just go and ask for his contact numbers.

**ADV CHASKALSON SC:** You would not ask for the contact numbers of the CFO in Tshwane? You do not want to speak  
20 to the CFO directly?

**DEPUTY CHIEF DHLAMINI:** We are in meetings, when we are in meetings at MCAMS meetings or budget meetings and so forth, we speak at that level but not through phones and so forth.

**ADV CHASKALSON SC:** Why cannot you just email him?

**CHAIRPERSON:** You are contradicting what you said last week, I am very sorry Mr Chaskalson. You are contradicting what you said last week. Last week you said you accept that it was a matter of relative ease for you to get the contact details of the CFO. But you chose this Nkosi route to the CFO purely because you found it convenient. That had nothing to do with you not wanting to contact somebody who is senior to you. Do you recall that?

**DEPUTY CHIEF DHLAMINI:** I do not recall that.

10 **CHAIRPERSON:** Well, I tell you that was your testimony.

**DEPUTY CHIEF DHLAMINI:** I do not recall that.

**CHAIRPERSON:** Yes Mr Chaskalson.

**ADV CHASKALSON SC:** Was it not relatively easy for you to contact the CFO directly?

**DEPUTY CHIEF DHLAMINI:** SC, under normal circumstances that could have been that way. But in most instances, SC, even myself, if I do not have your contact number, it would not be easy for me to pick up that call when you call me.

20 **ADV CHASKALSON SC:** Why do you not just email him? You have already pushed the meeting into the following week. You get called by Cain on Friday. You have arranged for the meeting to be postponed to Monday. Why do you not just email him?

**DEPUTY CHIEF DHLAMINI:** Since I knew that he has got

frequent meetings with Nkosi or they are seeing each other or they are talking together, I felt it could be an easiest way for me to check with Sergeant Nkosi.

**ADV KHUMALO SC:** Deputy Chief, you must have assumed that they are communicating on a daily basis for you to send this message through Sergeant Nkosi. Because if they were only communicating once a week or seeing each other once a week, your message would be delayed by a week. So, you sending it through Sergeant Nkosi must  
10 mean you knew or you assumed that they are communicating on a daily basis so that if you send a message to Sergeant Nkosi, it will immediately get through to the CFO.

**DEPUTY CHIEF DHLAMINI:** I know that they are brothers. They talk frequently.

**ADV KHUMALO SC:** On a daily basis?

**DEPUTY CHIEF DHLAMINI:** I am not sure on a daily, but they speak frequently, Commissioner.

**ADV KHUMALO SC:** But you understand my point that if  
20 they only spoke once a week or after two weeks, your message would be delayed?

**DEPUTY CHIEF DHLAMINI:** Much as I indicated, they frequently speak.

**ADV KHUMALO SC:** Thanks.

**ADV CHASKALSON SC:** Now, you say, I do not want to

make a mistake on such matters because I believe the centre should be one. What did you mean there?

**DEPUTY CHIEF DHLAMINI:** SC, the initial approach of Mr Mahlangu was to speak to the CFO. So, I find it amazing that why would he drop the ball to the lower level and now want to engage with me on such matters.

**ADV CHASKALSON SC:** What do you mean the centre should be one?

**DEPUTY CHIEF DHLAMINI:** When I said the centre should  
10 be one, it means communication lines. They should maintain the same communication lines that they have started.

**ADV CHASKALSON SC:** What is the appropriate communication line in relation to an unpaid invoice? Is one supposed to go straight to the CFO?

**DEPUTY CHIEF DHLAMINI:** No, that is not what is supposed to happen.

**ADV CHASKALSON SC:** What is supposed to happen?

**DEPUTY CHIEF DHLAMINI:** In this instance, if they were  
20 not unpaid, they were supposed to have gone to Director Malatji because they deal with Director Malatji on a daily basis. And either escalate the matter to the Director of Finance. If they do not get joy, then escalate it to myself, to the Chief, in that sequence.

**ADV CHASKALSON SC:** So why did you not say to Cain,

the correct procedure is to go to Director Malatji?

**DEPUTY CHIEF DHLAMINI:** In this case, SC, they have already started their communication with the CFO. And we did not know what transpired in their discussions that I should end up being part of that. We did not sometimes relate the entire thing as they have spoken with the CFO.

**ADV CHASKALSON SC:** So, because they were able to get to the CFO out of sequence or out of procedure on the 4<sup>th</sup> of March, you now took the attitude that they must  
10 always go first to the CFO.

**DEPUTY CHIEF DHLAMINI:** On this matter of payment, they could have raised it initially with him. They must, I think, finish that matter with the CFO. That was my approach in this instance.

**ADV CHASKALSON SC:** And what was the matter of payment that Cain explained to you they needed to address?

**DEPUTY CHIEF DHLAMINI:** One was the issue of the outstanding invoice, as I indicated. That invoice needs a  
20 report, a post-facto report that must go through to legal, for comments, to finance, and so forth. With the mitigation that indicates consequence management, who should be dealt with, who has caused that post-facto report. It should take that route.

**ADV BALOYI SC:** So why did that require the CFO's

involvement? If you say the process about that invoice, is that clear? It must still go internally, including to legal. Why is that not the answer you would give to Gubis? Why do you need to redirect them to the CFO?

**DEPUTY CHIEF DHLAMINI:** I gave them, Commissioner, that answer in our meeting to say the people who should start the process to generate the report, they must go and see Director Malatji, and so forth, to deal with this matter.

**ADV BALOYI SC:** Yes.

10 **DEPUTY CHIEF DHLAMINI:** And furthermore, because they felt it should be dealt otherwise, then I said let them then go and see the CFO as they have started. I mean, if people got higher authorities, I mean, they will feel it can be done.

**ADV BALOYI SC:** So, you thought the CFO might decide it can be done differently?

**DEPUTY CHIEF DHLAMINI:** That is what they believed.

**ADV BALOYI SC:** No, no, no, I am asking what you thought. Remember, you are the one they asked for a  
20 meeting, according to you, and you say it has to do with that old invoice. You are the one that says let them go to the CFO. There must be a reason you sent them to the CFO. And now in your explanation, you say you had already told them about the internal processes and the reports that must be issued. You already explained that,

but you still sent them to the CFO. And I am asking, do you send them to the CFO because you thought the CFO may have a different way, a different solution for them?

**DEPUTY CHIEF DHLAMINI:** No, I never thought as such. I am saying I explained to them in a meeting what is the process to be undertaken in terms of a post-facto payment, what are the processes that they need to undergo. But, I mean, people who are sometimes service providers or believe maybe there might be another way to end it.

10 **ADV BALOYI SC:** Why was your answer not simply, I have given you, I have given to Cain? Why did you not just say to Cain, I have explained the process to these people, I do not have a reason to meet with them? I mean, if you have given them an explanation, why are you involving the CFO?

**DEPUTY CHIEF DHLAMINI:** The explanation was done in a meeting that we had, Commissioner, with Cain and them, Andrew, and here they were just requesting a meeting.

**ADV BALOYI SC:** Yes, and I am asking you, you say the meeting, for the meeting it was to discuss the unpaid  
20 invoice. Remember, that is your evidence.

**DEPUTY CHIEF DHLAMINI:** Yes, I did that.

**ADV BALOYI SC:** Yes, and I am saying once you have given them the explanation of the process, and Cain comes back to you and says they want a meeting, after you have given them an explanation, why did you not just say, I have

nothing more to say? Instead of referring to the CFO so that there is only one centre, whatever you say in that WhatsApp message.

**DEPUTY CHIEF DHLAMINI:** Commissioner, maybe we are speaking over each other. They requested to meet with me.

**ADV BALOYI SC:** Yes.

**DEPUTY CHIEF DHLAMINI:** Then I asked Sergeant Nkosi to say, please check, these Gubis guys want, Cain called me, he said they need a meeting with me. Because I know  
10 that they were dealing with the CFOs on this matter of payment. And we met later on they raised this matter to say there is an outstanding payment. I explained to them the process, what should happen and so forth. And people, if they are not satisfied, you cannot convince them to say this is the route. If they believe either someone is at a higher authority, they think he might come with a different direction to them.

**ADV BALOYI SC:** Did they ask to meet with the CFO? Did Cain say to you, these people want to meet with the CFO?

20 **DEPUTY CHIEF DHLAMINI:** He said they want to meet with me.

**ADV BALOYI SC:** So why do you refer them to the, why do you involve the CFO? Because on your account, you have explained to them, and I understand you completely, so you are not speaking over me in any way and I am not speaking

over you, whatever you mean by that. I have understood you properly. You say you have explained to them in a meeting with Cain and somebody else, you have explained to them the process that will have to be followed in respect of this old invoice. You say that. Then Cain says to you, they want to meet with you again.

**DEPUTY CHIEF DHLAMINI:** It is not for the second time, Commissioner. We only met once.

**ADV BALOYI SC:** Cain told you that Gubis wants to meet  
10 with you.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** At that time, had you explained to Gubis what the problem is, what the process is?

**DEPUTY CHIEF DHLAMINI:** No.

**ADV BALOYI SC:** You had not.

**DEPUTY CHIEF DHLAMINI:** I had not.

**ADV BALOYI SC:** Okay, why do you not meet with them to explain the process? Why do you involve the CFO?

**DEPUTY CHIEF DHLAMINI:** Yes.

20 **ADV BALOYI SC:** Because you have just said to Mr Chaskalson, these things do not go directly to the CFO. There is a process, an internal process. Why do you not say to Cain, all right, I will meet with them to explain the process. Why do you say, I need permission from the CFO whether to meet with them, is really the question.

**DEPUTY CHIEF DHLAMINI:** Commissioner, Cain never explained in detail. I only got to understand when we were in a meeting what is their request.

**ADV BALOYI SC:** If Cain did not give you the detail, why do you involve the CFO? Exactly the question, that if Cain does not give you the detail of what Gubis wants to discuss with you, and therefore you do not know what Gubis wants to discuss with you, why do you involve the CFO? And I want to suggest to you that the reason you would involve  
10 the CFO is because you knew from Cain what they want to discuss with you and you thought it is relevant to the CFO. That is the only explanation why, if Cain does not tell you the detail, as you say, of what Gubis wants to discuss, you then say, I need permission from the CFO. It is because you knew what they wanted to discuss.

**DEPUTY CHIEF DHLAMINI:** That is not correct, Commissioner.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Well, look what you say to  
20 Sergeant Nkosi:

“I pushed the meeting to Monday with a view of getting direction from ku Mfowethu to Thursday. Please check with him on this and his advice, if I should go or drop them.”

How would he be able to advise you if neither you nor he knew what they wanted to talk about?

**DEPUTY CHIEF DHLAMINI:** He met with them, he spoke to Calvin, he was the entry point to speak to Calvin on this matter of outstanding payments and so forth. So, I felt it would be proper for them to exhaust everything with the CFO.

**ADV CHASKALSON SC:** But if it relates to outstanding payments, as I understand it, everything has been paid  
10 other than June 2024.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** And in relation to June 2024, if you go back to 428, you had said on the 5<sup>th</sup> of March, when you forwarded that invoice in chat number 4:

“This one is for the previous financial year we will engage later Mfowethu on how to address in order to avoid post-facto.”

**DEPUTY CHIEF DHLAMINI:** Correct.

20 **ADV CHASKALSON SC:** So, you had said to Sergeant Nkosi we will engage to work out how to address it so that we do not hit a post-facto problem of paying an invoice from the previous financial year. Had you not engaged with the CFO?

**DEPUTY CHIEF DHLAMINI:** No, at that time.

**ADV CHASKALSON SC:** You had not.

**DEPUTY CHIEF DHLAMINI:** No.

**ADV CHASKALSON SC:** You let that one slide for two weeks.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV KHUMALO SC:** Mr Chaskalson, before you leave this point, I think it is only fair to you, Deputy Chief, when I asked the CFO about this invoice and why it was shared with Sergeant Nkosi, he said he did not breach  
10 confidentiality because he did not share it with Sergeant Nkosi. We must ask you, because it was you who shared this invoice with Sergeant Nkosi. So, can you just tell us why you considered it appropriate to share Gubis's invoice with Sergeant Nkosi?

**DEPUTY CHIEF DHLAMINI:** Commissioner, I did not consider it appropriate as I indicated that CFO made Sergeant Nkosi his extension. He was communicating with me through Sergeant Nkosi, and I was providing feedback to the CFO through Sergeant Nkosi.

20 **ADV KHUMALO SC:** So why did you have to share the invoice? You could have just provided the feedback without sharing the invoice.

**DEPUTY CHIEF DHLAMINI:** I did not share it with Sergeant Nkosi. I was sharing it with the CFO.

**ADV KHUMALO SC:** But you did send it to Sergeant Nkosi

as per chat 4.

**DEPUTY CHIEF DHLAMINI:** Correct, Commissioner. And I believe if there are a buyer and a seller, I am selling a car, I contract someone to negotiate for me the price with the buyer. I have contracted the services of that person and that is exactly what transpired in this instance.

**ADV KHUMALO SC:** And you say that person is Sergeant Nkosi?

**DEPUTY CHIEF DHLAMINI:** He made Sergeant Nkosi his  
10 extension.

**ADV KHUMALO SC:** But why did you not say, no, why did you not say, invoice matters are matters between the City of Tshwane and service providers, so I will not go through Sergeant Nkosi because I consider it inappropriate.

**DEPUTY CHIEF DHLAMINI:** The CFO came here, Commissioner, and said for him it was convenient, it worked for him.

**ADV KHUMALO SC:** I understand that for him. I am talking about you. Why did you not say, I am not doing  
20 business that way because this is a City of Tshwane matters. I cannot share with an outsider City of Tshwane issues.

**DEPUTY CHIEF DHLAMINI:** As I am saying, Commissioner, I still stand by saying I was sharing it with the CFO, and he contracted Sergeant Nkosi on this matter.

**ADV KHUMALO SC:** Okay, I will leave it there. Thank you.

**ADV CHASKALSON SC:** Now, we see at chat number 2 that Sergeant Nkosi forwards a screenshot back from the - sorry, of your call that he has sent to the CFO. And asks you:

“Copy General.”

And you say:

10 “Thank you, my brother, we will wait to hear from you, we will wait to hear from the CFO.”

Then there is a series of chats going up to 819 - sorry, chat 4 is at 819. And if we go to page 155, we see that at 825, sorry, file 3, footer 155, file 3. Do you have it?

**CHAIRPERSON:** Are you the Deputy Chief?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** The CFO says:

20 “Let us general meeting then he will brief us on the outcomes of the discussions when we meet later Mfowethu.”

So, I understand that you did then have your meeting with Gubis without the CFO?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** And who did you meet from Gubis?

**DEPUTY CHIEF DHLAMINI:** It was Mr Mahlangu and Mr Andrew something.

**ADV CHASKALSON SC:** Do you know what Mr Andrew's surname is?

**DEPUTY CHIEF DHLAMINI:** Let me check I think it is in the email, SC. I am not sure what is his surname. Is it Kgwadi or something like that? Mr Andrew Kgwadi.

**ADV CHASKALSON SC:** How do you spell that?

**DEPUTY CHIEF DHLAMINI:** K-G-W-A-D-I.

10 **ADV CHASKALSON SC:** And what was discussed at that meeting?

**DEPUTY CHIEF DHLAMINI:** It was the issue of the outstanding invoice that was discussed.

**ADV CHASKALSON SC:** And what did you tell them?

**DEPUTY CHIEF DHLAMINI:** I explained to them since this invoice relates to the 23-24 financial year, it was never accrued accordingly at the end of financial year. There should be a post-facto report which must be generated by the section.

20 **ADV CHASKALSON SC:** And who is the section?

**DEPUTY CHIEF DHLAMINI:** APSS.

**ADV CHASKALSON SC:** That is Director Malatji's section.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** So, did you tell them to go to Director Malatji to get a report generated?

**DEPUTY CHIEF DHLAMINI:** I also did so with them.

**ADV CHASKALSON SC:** And was that all that you told them?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Let us go to 441 when you report on that meeting to the CFO through Sergeant Nkosi. And you say:

“Afternoon Captain.”

It is chat number 7:

10                    “I had a meeting with Cain and those  
                          guys today as I indicated. I told them  
                          that they should go back where they have  
                          started ku Mfowethu. I said to them he is  
                          the only gateway. They cannot go with a  
                          backdoor. I will only be able to assist if I  
                          get an indication from ku Mfowethu.  
                          Protocol must be observed at all costs.”

Sergeant Nkosi responds:

20                    “Nice one General. Let me inform ku  
                          Mfowethu.”

And then he sends you a screenshot of a conversation that he has forwarded. Sorry, if you go to page 178 you see that he forwards his screenshot of his conversation with you to the CFO. That is file 3, page 178. You see it?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** And the CFO's response is:

“Thanks, my bra. This is the way much appreciated.”

Now you have just told us that what you told Gubis was that to get payment to the previous year's invoice they need to get a report issued by the department and that the person to speak to in that regard was Director Malatji.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Do you stand by that?

10 **DEPUTY CHIEF DHLAMINI:** I did so and they also indicated can they come to me on future payments. That is when I said no. They must via through the same way they have done. They cannot cut bridges now. Come to me directly.

**ADV CHASKALSON SC:** Sorry, can they come to you in respect of future payments?

**DEPUTY CHIEF DHLAMINI:** That is what they said.

**ADV CHASKALSON SC:** These are payments in the 25-26 financial year.

20 **DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** They wanted to come to you for future payments, and you said no, you must go to the CFO.

**DEPUTY CHIEF DHLAMINI:** Where they have started.

**ADV CHASKALSON SC:** But why would it be appropriate for them to go to the CFO?

**DEPUTY CHIEF DHLAMINI:** I told them the process that they should work through the APSS. Director Malatji, he will take them through to finance for processing and payment. But they prefer to say I should be on board, I mean to work with them and I refused.

**ADV CHASKALSON SC:** But why would this even be an issue in relation to future payments? Future payments for 25-26, by this stage there will be purchase orders. So, invoices will come to your department with purchase orders,  
10 and your department will authorise payment. Why would there be any need to go to the CFO for future payments?

**DEPUTY CHIEF DHLAMINI:** SC, I explained to them what is the process and so forth and what was my intervention all about and it ended there. The process I have outlined to them to say we have a process that should be followed accordingly, and I cannot be able to be - they communicate with me either direct on these processes of payments and so forth.

**ADV CHASKALSON SC:** Yes, but you told them to  
20 communicate directly with the CFO.

**DEPUTY CHIEF DHLAMINI:** I said if they have challenges, they can go back to the CFO.

**ADV CHASKALSON SC:** But why would that be appropriate? The chain is your invoice is issued against a purchase order. After the work is done and you have

invoiced, Director Malatji's department confirms that the work is done and sends it to your department for payment.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** That is the process, it should end there, should it not?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** So, if your department has not authorised payment, one of two things has happened. Either Director Malatji has not sent you an invoice.

10 **DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Or Director Malatji has said to you this work was not done.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Why would it be appropriate to speak to the CFO in either of those cases?

20 **DEPUTY CHIEF DHLAMINI:** They wanted to draw me on board in terms of communicating with them on future payments and so forth. And of which I said I cannot be part, there is a process that I have outlined like the question of the post-facto payment report. There is a process outlined and they should follow it. I will be able to get indication from the Director of Finance if there are outstanding payments and invoices and if processes have been fully complied with, definitely in that instance I will be able to intervene as I usually intervene in various cases. I

did not want to deal with them as an entity apart from the entire service providers.

**ADV CHASKALSON SC:** But why are you telling them in the case of payments going forward they must speak to the CFO? And why is the CFO thanking you for telling them to go to him for payments in the future?

**DEPUTY CHIEF DHLAMINI:** Much as I indicated, that is where they have started in this process of this payment. And I helped because I intervened as the CFO requested  
10 and also there were emails coming from the Department of Outstanding Payments, from the Chief's Office and so forth. And I believe I have done my part. I do not have any arrangement now to either meet with service providers or discuss with them outside these normal processes.

**ADV BALOYI SC:** Your message says they must go back to the CFO, so you are not talking about future invoices here. Read your message. You say:

20 "I had a meeting with Cain today. I have told them that they should go back where they have started ku Mfowethu."

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** So, you are not talking about future invoices if there are issues? And you are not talking about the old invoice because you say you have explained to them already what the process is. I said to them, he is the only

gateway. So, you are directing them straight to the CFO to solve the problem.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** They cannot go with a backdoor. I will only be able to assist if I get an indication from ku Mfowethu. So, this is not about future invoices because there are no problems in the future yet.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** You say you started at the CFO, go back  
10 there. So, you are talking about something historical here. So, it cannot be correct what you are telling us that you are now talking to them about if there are future problems. This is how it will work.

**DEPUTY CHIEF DHLAMINI:** There were two aspects, Commissioner. The outstanding payment I explained to them, and they did not find joy going to Malatji. That was the first thing. To say in future if they experience challenges, should they come direct to me in this regard. So, it was one post-facto report that they said they will not  
20 get joy from Malatji. Then they want to address it with me. I said I cannot. They will address it with Malatji or if they feel the CFO will deal with it, they will have to go back to him.

**ADV BALOYI SC:** So, you are saying after you told them the procedure and the report, which you know is your

internal processes, that is how it must be.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** You still said to them, go back to the CFO.

**DEPUTY CHIEF DHLAMINI:** They insist maybe there should be a way to resolve it.

**ADV BALOYI SC:** No, you told them, I am asking you, please try to answer my question. You explained to them how the process works according to you.

10 **DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** And you know that is how it works. There is no shortcut to it.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV BALOYI SC:** You still said to them, go back to the CFO and I will assist you if I get an indication from him.

**DEPUTY CHIEF DHLAMINI:** That is what I did.

**ADV BALOYI SC:** So, you say that is what you were directing. So, it is no longer about future invoices. I think you need to just reflect a bit on what your evidence is in  
20 fact.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** Because when you spoke to Mr Chaskalson earlier, you said it is about future invoices. Now we are back at the old invoice.

**DEPUTY CHIEF DHLAMINI:** Yes, Commissioner. I was

clarifying the old invoice also and future working arrangement that they wanted to establish.

**ADV BALOYI SC:** With future working arrangements, you were saying to them, you must go to the CFO. Because he is the gateway. Remember, he is the gateway. You have used those words. You said in your message, he is the only gateway. So, you are saying in future when you have problems, go to the CFO.

**DEPUTY CHIEF DHLAMINI:** No.

10 **ADV BALOYI SC:** You are saying, if you want payment for this invoice, go to the CFO. Because he is the gateway. Remember?

**DEPUTY CHIEF DHLAMINI:** That is what they believed.

**ADV BALOYI SC:** No, I am asking you. I am not asking you what they believed. I am asking you what were you advising them. You record here what you said and we are reading here. I am not putting in words into your WhatsApp message. I am reading the words that you used and what you conveyed. You said:

20                    “I said to them, he is the only gateway. They must go back where they started ku Mfowethu. I said to them, he is the only gateway. They cannot go with a backdoor. I will only be able to assist if I get an indication from ku Mfowethu.”

Now, in your explanation, you say it was about the old invoice and then you also say it was about future problems.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** So, I am asking you this question. You are saying to them, the problem with the old invoice, they must go to the CFO because he is the gateway for payment of that invoice. Even after you explained the process to them.

**DEPUTY CHIEF DHLAMINI:** It is about the working  
10 relationship they want to establish with me in terms of ensuring that I assist them.

**ADV BALOYI SC:** Here what you are saying is you will hear from him, from the CFO, right? So, I am asking you, according to you, the CFO is the gateway for payment of the old invoice, and he will tell you what to do. Is that what you were conveying?

**DEPUTY CHIEF DHLAMINI:** No.

**ADV BALOYI SC:** Okay, future invoices, if there are  
20 problems in the future, the CFO is the gateway because that is what you are saying here. He is the gateway and you will deal with them depending on what he tells you. Is that what you are conveying when you read this message with the explanation that you are now giving to us?

**DEPUTY CHIEF DHLAMINI:** Yes, what I was conveying to them to say because they want to establish the direct

working relationship with me. I said, no, I cannot. They have started with the CFO, and they must go to him.

**ADV BALOYI SC:** Okay, your explanation does not, I am sorry, does not make sense. Mr Chaskalson.

**ADV CHASKALSON SC:** You see, if this meeting was really about invoices, it is difficult to make sense of your communications with the CFO. Because, as we have seen in your exchange with Commissioner Baloyi, telling them to use the CFO as a gateway for the one single outstanding  
10 old invoice does not make sense. You have explained to them the procedure. If they follow that procedure and if Director Malatji makes the appropriate motivation, they will be paid. There is no need to go to the CFO. You accept that?

**DEPUTY CHIEF DHLAMINI:** True, SC, but as I indicated, they wanted to build a relationship with me of which I was not comfortable with working with them.

**ADV CHASKALSON SC:** Well, that is not relating to the old invoice. That is relating to future invoices. You are  
20 nodding your head. Is that a yes?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Now, how would it be appropriate to tell them in relation to future invoices, you must go to the CFO? That is not following procedure at all, is it?

**DEPUTY CHIEF DHLAMINI:** I did explain to them, SC, and

if people feel no, it will be easier if we come through to you while you tell them this is the process in terms of payment. It is a clear process that is clearly defined. Like any other service provider, they follow their processes. There is Priscilla there who accepts accounts payable. There is Jethro, whom they could engage with. So, I find it strange if I must be within their communication.

**ADV CHASKALSON SC:** No, I agree with you that it would be very strange for you to be in the line of communication, 10 but it would be even stranger for the CFO to be in the line of communication, and that is what you suggest to them.

**DEPUTY CHIEF DHLAMINI:** Remember, I know this matter because of the CFO, so it will only be ideal for me to refer them back. Then it will be up to the CFO, how does he deal with it.

**ADV CHASKALSON SC:** Why would it be appropriate for the CFO to be a gateway for them in relation to future payments?

**DEPUTY CHIEF DHLAMINI:** If they manage to see that 20 maybe the CFO intervened for them now, now they want in future if they experience this, I must be on board. I mean, if I cannot help, I mean.

**ADV CHASKALSON SC:** But why are you sending them to the CFO for future payments? Is that procedure?

**DEPUTY CHIEF DHLAMINI:** I outlined the procedure to

them.

**ADV CHASKALSON SC:** And the procedure does not involve going to the CFO?

**DEPUTY CHIEF DHLAMINI:** And it does not also involve me, and they still want to insist that I should be on board.

**ADV CHASKALSON SC:** But you say that the CFO is the only gateway, so you are saying to them, do not come to me, come to the CFO.

**DEPUTY CHIEF DHLAMINI:** I am saying to them if I get a  
10 request maybe in future from the CFO I might assist them, I might assist. Not a request coming direct from them to me.

**ADV CHASKALSON SC:** Well, why would it ever be appropriate for you to assist them on future invoices?

**DEPUTY CHIEF DHLAMINI:** I explained that the process to them of future invoices, how they should be followed and so forth. If I find I am in my section not being able to assist or either I get a request from the Chief of Police to say these companies were not paid to intervene, I will intervene like any other companies that I intervene on.

20 **ADV CHASKALSON SC:** Yes, but that is not what you are saying to them. What you are saying is that the CFO is a gateway. He is the only gateway. The CFO is the only gateway. They must go to the CFO if they want their problems sorted out.

**DEPUTY CHIEF DHLAMINI:** They want to work with me, I

refuse, SC, to say I cannot be in the middle of them communicating with me. I do not deal with service providers. I am a free runner. I want to run free. I do not want to owe any person any favour or any other thing. So, I said I cannot be communicating with them direct on matters of payments. There are people within the section who deals with that. Let them work with them.

**ADV CHASKALSON SC:** But why would it be appropriate for the CFO to communicate directly with them?

10 **DEPUTY CHIEF DHLAMINI:** They said the CFO worked with them with this one, so I should. If they encounter future challenges, I must work with them. I said no, that is not the process. I would rather go back to him.

**ADV BALOYI SC:** Why do you say going to the CFO is the protocol? What protocol is that? Because your message says they must go to the CFO because he is the only gateway and you will get an indication from him. And then you say that is the protocol. What protocol is that?

20 **DEPUTY CHIEF DHLAMINI:** They felt so Commissioner because they want me to ...[intervenes]

**ADV BALOYI SC:** No, I am not asking you what they felt. I am asking you what you are communicating. Forget what they felt and said to you. You are communicating something to them, and we are reading it together.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** Let us not play confused. We are reading it together. You convey in so many words. You say go back to the CFO where you started. That is what you say.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** Then you say because there is no backdoor, he is the only gateway, the CFO. And I will only be able to assist if I get an indication from Mfowethu. And then you conclude protocol must be observed. Indeed, in  
10 his communication with Nkosi, with Sergeant Nkosi, the CFO says that is the protocol. So, I would like you to explain to us what is that protocol you are referring to? And where in the City of Tshwane do we find that protocol that you are describing in your WhatsApp message? What document should we ask for that sets out this protocol between you and the CFO?

**DEPUTY CHIEF DHLAMINI:** They want me to come on board and deal with their matter as an individual, as Deputy Chief Dhlamini, to work with me directly on these matters.  
20 And I am saying I cannot.

**ADV BALOYI SC:** Maybe let me ask you differently for the last time. They want you to assist them. You say no, it does not work that way.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** You then say to them you go to the

CFO. That is what you tell them. They must go to the CFO where they started. That is your message. Because he is the gateway and you will only assist if you get an indication from the CFO. And then you say that is the protocol. All of that is your words, is what you have told them.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** And you know the Tshwane workings better than I could ever know them. So, I am asking you the simple question. You are describing what you say is a  
10 protocol. And I am asking you what protocol is this? Where in Tshwane do we find it? Who should the Commission speak to in Tshwane to get a document that sets out this protocol that you have set out in your WhatsApp message? Either you made it up there is no such protocol or indeed this is the protocol. And I would like to know where do we get this from?

**DEPUTY CHIEF DHLAMINI:** Commissioner, the CFO is the financial officer. If they experience difficulties from the Department of non-payment or whatsoever, I am also part of  
20 the Department. And if they cannot win within the Department, they must go to the CFO. Because if I did not resolve their problem within the Department, they must go to the CFO and deal the matter with him. They cannot just come to me and want to work with me directly on matters of their payment.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** You see what I want to put to you is that this set of chats just does not make sense if what you were talking about was invoices. But there is certainly a possibility that what you were talking about was not payment of invoices to something else. Were you aware that Gubis was a bidder for TMPD1?

**DEPUTY CHIEF DHLAMINI:** I was not aware.

**ADV CHASKALSON SC:** You deny that you were aware  
10 that Gubis was a bidder for TMPD1?

**DEPUTY CHIEF DHLAMINI:** No, I was not aware.

**ADV CHASKALSON SC:** Are you aware that Gubis is one of the successful bidders for TMPD1?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** You are. Let us look at what you had, you, Sergeant Nkosi, and the CFO had been discussing two days previously. If we go to page, screenshot from the CFO's chat that is sent back to you, 526, you will see that at 9 o'clock, 09:08, at the top of 536, sorry 526, do you  
20 have 526? On the 25<sup>th</sup> at 09:08, Sergeant Nkosi had forwarded to the CFO your message saying:

“These are the vehicles for land to be given ku Mfowethu in order of priority and you had listed seven names. We discussed that on Friday.”

And at the bottom of the screenshot, the CFO had responded to that specific message about the seven companies in order of priority saying:

“This is ours Mfowethu, this is the final list, right. Yes, it is our final list...”

Sergeant Nkosi had responded. And we had debated on Friday whether it was plausible that this was a list of companies to be checked for compliance or whether it was a list of companies to be awarded the tender in a process of  
10 rigging the tender. Do you recall that?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** And I had put to you on Friday that it was not plausible that this was a list of companies that had been identified by Nico to be checked for compliance by the CFO. I put to you that that was not a plausible version and we had had some exchange around that. Do you recall?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** And one of the issues in that  
20 exchange was linked to the sequence of the chats and you will recall that you had forwarded to Sergeant Nkosi the list of companies that Nico had said was the mandate he had given to Victor.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** And an hour later you had

forwarded him the list of seven companies that you said was our list in order of priority.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** And you had tried to explain that the first list was a list that you got from Nico in response to Sergeant Nkosi's request for seven companies who should be checked for compliance. Do you recall?

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

**ADV CHASKALSON SC:** And the second list was a list of  
10 seven different companies that Sergeant Nkosi asked for because he asked you to check for a list of seven different companies for compliance because he did not like the list that Nico had given you. He wanted another seven.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** And I asked you how would this have taken place because why would Sergeant Nkosi think that Nico was open to giving you another list of seven after the seven that he had first given? And you said, well, Sergeant Nkosi and I spoke between the two lists, and I  
20 said to him and he explained to me that he wanted another seven from Nico.

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

**ADV CHASKALSON SC:** And I pointed out to you that there was no communication between yourself and Sergeant Nkosi between those two messages. That there was no

communication. And you said, I am reading, there is:

“I called him. I think there is incoming calls you could pick up and an outgoing call, incoming call. And I pointed out, well, on WhatsApp there was no communication, either voice calls or messages.”

You said:

“Just voice calls.”

10 I said:

“Well, there is no WhatsApp voice call. Between 08:02 when you send Nico’s mandate and 09:03 when you send our vehicles for land.”

You said:

“There is one, but you then agreed that there was not one.”

You then said:

20 “We spoke, SC. It might have been in a straight call, but we spoke.”

So, I said:

“So, are you saying it would have been on a cell phone call that was not a WhatsApp call?”

You said:

“Yes, we spoke on a cell phone call.”

I said:

“So, if we requisition your cell phone records, we will find a call between you and Sergeant Nkosi between 08:02 pm and 09:30 pm on 25 March.”

You said:

“That is correct.”

And I said:

10 “And will you accept that if we do that and find no call then this version is false?”

And you said:

“Yes, I will accept.”

Well, we did requisition the cell phone records, and we have given them to you. And I can state that there is no call between you and Sergeant Nkosi between 08:02 pm and 09:30 pm on 25 March. It does not exist.

**DEPUTY CHIEF DHLAMINI:** We will check those, SC.

**ADV CHASKALSON SC:** Sorry, you will check?

20 **DEPUTY CHIEF DHLAMINI:** I will go through.

**ADV CHASKALSON SC:** Well, you have had them since this morning and we deliberately delayed until now so that you could look at them at teatime. Do you want me to call them up so we can check them together?

**DEPUTY CHIEF DHLAMINI:** I have not done so. I will

have to check them. I am not sure which numbers of Nkosi did you call - take care of. Whether it is one number because he used to call with two numbers and so forth.

**ADV CHASKALSON SC:** You should have been given lists for both numbers. The Telkom number and the Vodacom number.

**DEPUTY CHIEF DHLAMINI:** For Sergeant Nkosi.

**ADV CHASKALSON SC:** No, for you.

**DEPUTY CHIEF DHLAMINI:** He also used two numbers.

10 **ADV CHASKALSON SC:** He also used two numbers.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** So which number should we be checking Sergeant Nkosi for that we have not checked?

**ADV BALOYI SC:** But Deputy Commissioner, whichever number he used, it would reflect on either one of your phones or both. So, it should be sufficient if we have your numbers.

**ADV CHASKALSON SC:** In fairness to the Deputy Chief, we have given him an extract because we did not want to  
20 show details of numbers that were irrelevant. So, I mean, if he gives us the other number that we should check, we can come back and I can do the exercise and do it for now.

**ADV BALOYI SC:** I understand.

**ADV CHASKALSON SC:** This version is still just about alive. So, can you give us the other number that Sergeant

Nkosi calls you on?

**DEPUTY CHIEF DHLAMINI:** I will check it.

**ADV CHASKALSON SC:** Sorry?

**DEPUTY CHIEF DHLAMINI:** I will check it.

**ADV CHASKALSON SC:** Yes, can you write it down at lunchtime and give it to us and we will do this exercise at lunchtime.

**DEPUTY CHIEF DHLAMINI:** I will check it.

**ADV CHASKALSON SC:** You see, what I want to put to  
10 you is some different propositions. The first is that what  
your communications with Sergeant Nkosi and the CFO in  
relation to vehicles for land in order of priority was about  
was actually about which companies were going to be given  
priority for the tender to be rigged in their favour. And  
Gubis was not on that list. And that why Gubis was so  
anxious to speak to you and then to the CFO was because  
Gubis wanted to be on that list. And somehow Gubis  
managed to find its way into the final award of the tender.  
What is your response to that?

20 **DEPUTY CHIEF DHLAMINI:** That is not correct, SC, as  
much as I am saying if they had access to Mr Mpofu, who is  
the head of supply chain, nearly they did not need me.

**ADV CHASKALSON SC:** But Mr Mpofu involved you.

**DEPUTY CHIEF DHLAMINI:** Much as I am saying if they  
had access, Mr Mpofu and myself, we only spoke about

payment. If they had access, they would not have needed me.

**ADV KHUMALO SC:** Mr Chaskalson, can he respond to the first proposition, which was Gubis is not on either of the three lists. So, if you start on 148 of file 3.

**DEPUTY CHIEF DHLAMINI:** I have it.

**ADV KHUMALO SC:** Are you on 148?

**DEPUTY CHIEF DHLAMINI:** Yes, Commissioner.

**ADV KHUMALO SC:** In the second last chat, remember it  
10 is that list that allegedly came from the EFF and its seven companies.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** And then on 176, it is the one that you said was from Nico to Victor.

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

**ADV KHUMALO SC:** And it is seven companies. It is different from the one on 148.

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

**ADV KHUMALO SC:** And then the one that you said, our  
20 vehicles for land to be given to ku Mfowethu in order of priority, that is on 177. The second last chat.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** And it is seven different companies, so in total 21. And Gubis is not in any of those lists. Correct?

**DEPUTY CHIEF DHLAMINI:** Correct.

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

**ADV CHASKALSON SC:** Before we leave this topic, I just want to take you to the rest of the communications on 27 March. And you will see that on page 442, if you go to 442, chat number 2 is Sergeant Nkosi sending you a screenshot of his communications with the CFO. We will get to it in a minute. Chat number 3 is a voice call from you to Sergeant Nkosi, and we have checked. That voice call lasted five  
10 minutes and 19 seconds. Chat number 4 is another voice call from you to Sergeant Nkosi, and that one lasted nine minutes and 43 seconds. So, if we look at the screenshot, that is at page 527.

**DEPUTY CHIEF DHLAMINI:** You said 442?

**ADV CHASKALSON SC:** 442 is where we see it in the chats at 07:55 pm, but the actual screenshot itself, to look into it, is at page 527. Also, at 07:55, you will see.

**DEPUTY CHIEF DHLAMINI:** I am sorry, SC, you speak about voice calls and so forth.

20 **CHAIRPERSON:** I suspect Mr Chaskalson, he was not with us when you started on this page on 442.

**ADV CHASKALSON SC:** Let us go back to 442 and I will take you through them. You see the screenshot at 07:55, chat number 2?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Chat number 3 is a voice call from you.

**DEPUTY CHIEF DHLAMINI:** Chat number 3 is a voice call.

**ADV CHASKALSON SC:** That voice call we have checked lasted five minutes and 19 seconds. Chat number 4 is a ...[intervenes]

**DEPUTY CHIEF DHLAMINI:** You said, SC, incoming WhatsApp messages. How does it ...[intervenes]

**ADV CHASKALSON SC:** It is incoming for Sergeant Nkosi.

10 So the chats on the - anything that comes from the left-hand side of the page is sent by you. Anything on the right to Sergeant Nkosi. Anything on the right-hand side of the page is from Sergeant Nkosi to you. But these are Sergeant Nkosi's chats, so in respect of him, it is incoming. You are making a call that is incoming for ...[intervenes]

**DEPUTY CHIEF DHLAMINI:** How do we see that is a call, SC?

**ADV CHASKALSON SC:** Sorry?

20 **DEPUTY CHIEF DHLAMINI:** How do we see that it is a call?

**ADV CHASKALSON SC:** Well, those empty bubbles represent calls, and we can generate another download of or extraction report from the image of the phone to find out how long the call lasted for. We have done that and we found in relation to that call that it lasted for five minutes

and 19 seconds.

**DEPUTY CHIEF DHLAMINI:** I think that would be proper because you said these are not calls, they are just chats.

**ADV CHASKALSON SC:** No, we have always treated them as voice calls in these exchanges.

**DEPUTY CHIEF DHLAMINI:** It is not in my chats with Sergeant Nkosi. It only reflects on the CFO, the voice calls and so forth. Mine, it is only chats.

**ADV CHASKALSON SC:** Yes, those empty bubbles are  
10 how this type of report reflects a voice call. It does not  
have text content in it, so it comes across as an empty  
bubble.

**DEPUTY CHIEF DHLAMINI:** I think it will help me also to know that this was a voice call and so forth, if we can get that.

**ADV CHASKALSON SC:** It is not the first time we have  
mentioned that it is a voice call. Over lunch I can give you  
another – on these particular voice calls I can get another  
extraction report extract given to you so that you can see  
20 that these are voice calls. I will give it to you over lunch.  
For now, you can assume that these are voice calls and that  
the first one lasted five minutes and 19 seconds and the  
second is nine minutes and 43 seconds.

If you want to come back to them after lunch, after you have seen the extraction report that I will get you at

lunch, feel free. For now, assume that. If we go to the screenshot, we see the screenshot that was sent to you at 07:55 at page 527. It is a screenshot of Sergeant Nkosi's communications with the CFO. You will see that Sergeant Nkosi at 07:40 has sent to the CFO - sorry, at 18:59 has sent to the CFO your message:

10                   “Afternoon, Captain. I had a meeting with Cain and those guys today. As I indicated, I have told them that they should go back where they have started ku Mfowethu. I said to them he is the only gateway. They cannot go over the back door. I will only be able to assist if I get an indication from ku Mfowethu. Protocol must be observed at all costs.”

And Sergeant Nkosi responds to you:

                  “Nice one, General. Let me inform Mfowethu.”

20                   And then he informs Mfowethu by sending a screenshot of that whole chat with you. The CFO responds at 19:43:

                  “Thanks, my bra. This is the way. Much appreciated.”

There is then a missed voice call and a voice call for five minutes. And then there is a screenshot that the CFO sends of a missed call from Mandla Mgcina to the CFO at

18:55 and two calls between Mandla Mgcina and the CFO at 19:33. And that is what Sergeant Nkosi sends you. Do you see that?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** And then after receipt of these calls, you have two relatively lengthy chats with Sergeant Nkosi in chats 3 and chats 4. Five minutes, 19 seconds, and nine minutes, 43 seconds. All in all, you have spent more than 15 minutes on the phone to Sergeant Nkosi after  
10 receiving this chat on the same night. Now, why would Sergeant Nkosi send you a screenshot that shows that Mandla Mgcina is calling the CFO? Why would he do that?

**DEPUTY CHIEF DHLAMINI:** I cannot tell. I never took that into account. I thought he is just sending me this feedback that I gave him.

**ADV CHASKALSON SC:** Sorry, he is just – you thought this was just feedback? You thought it was completely coincidental that it ends with a series of calls from Mandla Mgcina to the CFO?

20 **DEPUTY CHIEF DHLAMINI:** Yes, I never even took that into account of Mandla Mgcina because I never met with Mandla Mgcina.

**ADV CHASKALSON SC:** And you spoke to Sergeant Nkosi after receiving this screenshot. Do you recall what you spoke to Sergeant Nkosi about?

**DEPUTY CHIEF DHLAMINI:** No, I cannot recall.

**ADV CHASKALSON SC:** You see, I want to put to you that Mandla Mgcina, the evidence will show, is the one who is receiving a large part of the proceeds of Gubis' contracts with the City of Tshwane. Are you aware of this?

**DEPUTY CHIEF DHLAMINI:** I am not aware.

**ADV CHASKALSON SC:** And Mandla Mgcina is the nephew of Mr Sibanyoni. You were aware of that?

**DEPUTY CHIEF DHLAMINI:** I am not aware. I heard it  
10 from you. I said I have never seen him. I have never met him.

**ADV CHASKALSON SC:** I see. Chair, I am about to move on to a different topic. And it is a few minutes before 1.

**ADV BALOYI SC:** Before you leave. Deputy  
Commissioner, in your earlier discussion with Mr  
Chaskalson about the purpose of your meetings with Gubis,  
being that Gubis was initially not on the list of companies to  
be awarded or recommended for appointment. And later on,  
they end up on the list. And that is what the real purpose of  
20 those meetings and engagement was. You answered that  
they did not need you for that because they already had  
Cain. They had access to Cain. You remember that  
evidence?

**DEPUTY CHIEF DHLAMINI:** Yes, I said, Commissioner, if  
really it was about them getting appointment, Cain is the

head of supply chain. They have direct contact with the CFO. Why would they need me to assist them?

**ADV BALOYI SC:** Can I suggest that they knew of your contact with the CFO and Sergeant Nkosi. They knew that triangle, that you have access to the CFO and you have a way of resolving things and agreeing things with the CFO. And that is why they would have - I want to suggest that as a possible explanation, that it is because they knew of your proximity through Sergeant Nkosi and your dealings through  
10 Sergeant Nkosi with the CFO, and they would have wanted to - and they would have had those engagements with you about being awarded the tender on that basis.

**DEPUTY CHIEF DHLAMINI:** That is not correct.

**ADV BALOYI SC:** That is not correct.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** Okay, it is my suggestion to you that in fact that is probably what was happening.

**DEPUTY CHIEF DHLAMINI:** That is not correct.

**ADV BALOYI SC:** Okay.

20 **DEPUTY CHIEF DHLAMINI:** That is not true.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Can I just ask a follow-up question? You said in response to Commissioner Baloyi that they have direct contact with the CFO.

**DEPUTY CHIEF DHLAMINI:** I got their complaint of

payment from the CFO. So, I take – I mean, he indicated also here that Mr Mahlangu called him.

**ADV CHASKALSON SC:** So Gubis would not go to you if they wanted to rig a tender. They would go to the CFO, you are suggesting?

**DEPUTY CHIEF DHLAMINI:** I am not suggesting that they wanted to rig a tender they would go to the CFO. I am saying they had contact of the CFO to speak to.

**ADV CHASKALSON SC:** Why was it relevant then to  
10 mention the CFO in that context? Why was it relevant to say that they had direct contact with the CFO?

**DEPUTY CHIEF DHLAMINI:** I just wanted to express to you that I had no role with Gubis or whatsoever to be in a position even to assist them.

**ADV CHASKALSON SC:** But they had been trying to reach you and to get you to do something which you treated as the function of the CFO or was the preserve of the CFO. Protocol demanded that the CFO was the only gateway.

**DEPUTY CHIEF DHLAMINI:** It was around payment, SC,  
20 and that was all about it.

**ADV CHASKALSON SC:** We have been there. I want to put to you that whatever it was about it is extremely implausible that it was about payment of invoices.

**DEPUTY CHIEF DHLAMINI:** That is not true, what you are saying.

**ADV CHASKALSON SC:** We can leave it here for now.

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

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Chair. We undertook to revert to Deputy Chief Dhlamini on two issues over lunch. The one was the more detailed report of the extract of the cellphone calls to show that the empty bubbles on the evening of, I think it was the 27<sup>th</sup> of March were calls and that we have done. We also undertook to revert on cellphone records in relation to the additional number for Sergeant Nkosi that Deputy Chief Dhlamini gave to us.

10

Our IT experts have told me that there were no calls to that number. They are preparing a consolidated spreadsheet of all calls on that day from both phones of Deputy Chief Dhlamini so that he can see for himself that he did not call that number on that day. The spreadsheet is not here yet. When it arrives, I will ask maybe for a short adjournment to consider it, have it printed out and then to go back to that issue.

20

We had been dealing with the communications in relation to the Gubis meeting. There is one final topic relating to Gubis that I want to address and it starts at page 466 of file 4 and there, Deputy Chief, in chat number 3, you

will see that at 10:12 am Sergeant Nkosi sent to you a document called “Termination Letter COT *ad hoc*” and the letter that that document was is at page 566 and it is a letter from Deputy Chief Spies terminating the provision of services by Gubis at a range of sites in Tshwane. If you go to 566 you will see that letter. Do you have it?

**DEPUTY CHIEF DHLAMINI:** Yes, I do, SC.

**ADV CHASKALSON SC:** Why did Sergeant Nkosi send you this letter?

10 **DEPUTY CHIEF DHLAMINI:** Sergeant Nkosi forwarded this letter to me to say the CFO said I should take note of this termination, he will discuss it with me.

**ADV CHASKALSON SC:** To take note of the termination and to discuss it with him?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** And did you then have a discussion with the CFO?

**DEPUTY CHIEF DHLAMINI:** Later on, yes, we did discuss.

20 **ADV CHASKALSON SC:** And did you meet in person or did you have a call?

**DEPUTY CHIEF DHLAMINI:** I think I am not sure if he called me because I think he requested the numbers from Sergeant Nkosi and called me around this.

**ADV CHASKALSON SC:** And what was the discussion that he wanted to have in that regard?

**DEPUTY CHIEF DHLAMINI:** It was around year-end, financial year regarding to ensure that we accrue accordingly the invoices of the previous financial year so that we do not sit with outstanding invoices which were not accrued accordingly in the financial statements of the City.

**ADV CHASKALSON SC:** But why was the termination letter relevant to that?

**DEPUTY CHIEF DHLAMINI:** To take note to say the services have been terminated, we need to ensure that  
10 there is a MOPA plan in terms of ensuring that there are no outstanding invoices.

**ADV CHASKALSON SC:** Was that a matter of urgency?

**DEPUTY CHIEF DHLAMINI:** Yes, I can say so. Remember that end of financial year people need to ensure that actually we request service providers to submit invoices for June earlier so that we are able to ensure that they are being accrued accordingly.

**ADV CHASKALSON SC:** But by 26 June you would presumably have already made those requests to service  
20 providers?

**DEPUTY CHIEF DHLAMINI:** Definitely they do request. We request divisions to do so, so that invoices should be earlier submitted.

**ADV CHASKALSON SC:** So why was the termination letter relevant to that? It is something that you do always at the

end of a financial year.

**DEPUTY CHIEF DHLAMINI:** As I indicated to say, was say I need to take note that we need to ensure that there are no outstanding payment as it was in the 23/24 financial year.

**ADV CHASKALSON SC:** Yes, but I still do not see why termination was relevant to that. You would have wanted to ensure that there were no outstanding payments whether or not the contract had been terminated.

**DEPUTY CHIEF DHLAMINI:** Yes, SC, he wanted to see,  
10 for me to note that this will be the last invoice for June and there should not be any other. I should be able to also monitor, follow up this process.

**ADV CHASKALSON SC:** Yes, but of course if an invoice came after June, then the City would just refuse to honour it because it had already told Gubis that the services were terminated with effect from the end of June.

**DEPUTY CHIEF DHLAMINI:** I beg your pardon, if the invoices have rendered services, then it comes after June or services were not rendered they bring an invoice, I am  
20 not sure.

**ADV CHASKALSON SC:** No, no, if Gubis continues to render services in July ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** The City is not going to pay for that, because it has terminated the agreement in relation to

those services.

**DEPUTY CHIEF DHLAMINI:** No, definitely. Definitely it was relating to end of June invoices.

**ADV CHASKALSON SC:** So, I still do not understand why a year-end had anything, sorry, why the termination letter had anything to do with this. Let me ask you a series of questions. In the ordinary course of events, any supplier who is supplying the City in terms of a contract that will continue to run into the new financial year, should submit  
10 their June invoices in time to be captured for year end.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** So, in the ordinary course of events, Gubis should have submitted its invoices to be captured for year-end by 30 June 2025.

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

**ADV CHASKALSON SC:** The termination of their services did not change anything in that regard?

**DEPUTY CHIEF DHLAMINI:** I think he was emphasising this. I indicated earlier on with the contract that was ending  
20 in February to say most instances you need to have a MOPA plan if a contract come to an end, because once it ends, invoices are not in and so forth, you might not be in a position to process those invoices. So, maybe it was this emphasis to say we need to ensure that I mean all the invoices for the 25/26 financial year end of June get

accrued accordingly to avoid misstatement in the financials of the City.

**ADV CHASKALSON SC:** You see, we have heard this version from the CFO that it had to do with financial year-end which was somehow made more complicated by the termination letter. I do not understand why the termination letter and financial year-end were related in any way or together would cause complications that would not ordinarily just be present. Why was the fact of a  
10 termination letter going to cause any complications for the City?

**DEPUTY CHIEF DHLAMINI:** Not the termination letter, the issue it is around accrual of invoices.

**ADV CHASKALSON SC:** Accrual of invoices for the 24/25 financial year?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** But in any situation, whether or not the contract has been terminated, you need to ensure that the accrual of invoices is properly addressed at the end  
20 of the financial year or in relation to the end of the financial year.

**DEPUTY CHIEF DHLAMINI:** Correct, but you cannot just assume we have seen it that there was an invoice which was not accrued accordingly.

**ADV CHASKALSON SC:** Yes, but that had nothing to do

with termination ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** [Indistinct]... assume and say it is given, it will happen as such.

**ADV CHASKALSON SC:** But that had nothing to do with termination.

**DEPUTY CHIEF DHLAMINI:** It was just an emphasis as I indicated.

**ADV CHASKALSON SC:** But why then was it necessary to get Sergeant Nkosi to forward you a termination letter and  
10 to have a meeting that the CFO described as being very urgent in relation to termination?

**DEPUTY CHIEF DHLAMINI:** SC, I indicated earlier on to say the CFO might have find it easy for him to use Sergeant Nkosi and I could not, I mean be held responsible for the CFO.

**ADV CHASKALSON SC:** Yes. No, no, I do not want to go down that road again, but why was it necessary, why was there any urgency to bring the termination to your attention? Because the CFO suggested that it was very  
20 urgent for you to be made aware of the termination.

**DEPUTY CHIEF DHLAMINI:** As I indicated earlier on to say he said I need to ensure that invoices get accrued accordingly. There is a MOPA plan in terms of the *ad hoc* services that we do not see ourselves having outstanding payments in the new financial year.

**ADV CHASKALSON SC:** Yes, but that, would you agree that that is a problem that you face in relation to all contracts, whether they have been terminated at the end of the financial year or whether they are going into the new financial year?

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

**ADV CHASKALSON SC:** So that does not explain why it was so urgent to alert you to the termination. Did you see any urgency to which the termination was relevant?

10 **DEPUTY CHIEF DHLAMINI:** It is not about the termination, it is about services that were rendered under *ad hoc* services and so forth. So he was just indicating to say this has been terminated, let us ensure that we accrue every invoices, we ensure that I mean we chose the financial year properly.

**ADV CHASKALSON SC:** So from your perspective, if there was any urgency, it did not relate to the termination letter, it related to issues of accrual of invoices which were not specifically caused by the termination letter.

20 **DEPUTY CHIEF DHLAMINI:** That is correct, but we should also take into account, SC, that we communicate in various ways when we communicate certain subject matters.

**ADV BALOYI SC:** Did you receive a termination letter from the CFO in respect of, I think it was Triotic was the other company that was rendering *ad hoc* services. Did you get a

similar letter?

**DEPUTY CHIEF DHLAMINI:** In terms of Triotic, Commissioner and another service provider, remember these *ad hoc* services, with the spreadsheet for six months, we were paying Gubis an amount of, it is 1.8 or something, 2 million when it has inclusive of VAT per month. Come January, *ad hoc* increased just for Gubis to 14 million in February, when I picked it up in March, when accounts payable said to me this is the situation. So this was in  
10 relation to those additional services that were procured since January, which escalated the *ad hoc* services.

**ADV BALOYI SC:** Does your explanation mean only Gubis was informed that ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** Its services have been terminated?

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

**ADV BALOYI SC:** No one else was being terminated?

**DEPUTY CHIEF DHLAMINI:** No.

**ADV BALOYI SC:** The other service providers who were  
20 providing *ad hoc* services who had been authorized by Mr Phiri ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** Are you saying they did not get similar letters that tell them that the service is now discontinued?

**DEPUTY CHIEF DHLAMINI:** I think, I am not sure who

authorized them, but it is mainly the services that were authorized by Mr Phiri were these ones of Gubis, for water treatment plants and so forth.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** But just to clarify, from your perspective, there was nothing urgent created by the termination letter?

**DEPUTY CHIEF DHLAMINI:** There was.

**ADV CHASKALSON SC:** Nothing urgent created by the  
10 termination letter?

**DEPUTY CHIEF DHLAMINI:** Yes, much as I am saying we do not need to look at the termination in isolation of the subject matter that he was talking about. He was emphasizing the issue of invoices, SC.

**ADV CHASKALSON SC:** You see, when he spoke to us, he tried to suggest that it was the termination letter that was creating an urgent situation.

**DEPUTY CHIEF DHLAMINI:** I think he is better placed perhaps to explain that one. My discussions with the CFO  
20 was in relation to accrual of invoices, ensuring that we close the financial year without taking the previous financial year expenditure into the next financial year.

**ADV CHASKALSON SC:** Can I then take you to a chat on page 421, file 4, and there you will see that at the top of 421, on the 6<sup>th</sup> of December 2024, Sergeant Nkosi sent you

a screenshot and at 9:54 pm and at 10:01 you responded:

“Evening Captain, I thought you told him that your wife is in hospital and you had to rush there and reschedule our appointment.”

You see that?

**DEPUTY CHIEF DHLAMINI:** Yes, I see that.

**ADV CHASKALSON SC:** Do you recall what that was about?

10 **DEPUTY CHIEF DHLAMINI:** I cannot recall.

**ADV CHASKALSON SC:** Maybe if you go to page 498, sorry, before we go to 498, there does need to be some sort of trigger warning because there are some fairly gruesome pictures that are sent in this message.

**CHAIRPERSON:** You said it is page?

**ADV CHASKALSON SC:** 498.

**CHAIRPERSON:** 498. Let us just have a look before, perhaps we should not display it.

**ADV CHASKALSON SC:** Yes.

20 **CHAIRPERSON:** The pictures are just too gruesome, ja.

**ADV CHASKALSON SC:** Do you see the picture at 498?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Do you know what that picture, well it depicts some bodies, but do you know what scene it relates to?

**ADV CHASKALSON SC:** I do not know what scene it relates to.

**ADV CHASKALSON SC:** Did Sergeant Nkosi not explain to you what scene it related to?

**DEPUTY CHIEF DHLAMINI:** No, much as I was saying, he said he is rushing to somewhere and he needs to attend. So I said, but I thought you, because your wife is in hospital, you would not be, I mean doing duties on that particular day.

10 **ADV CHASKALSON SC:** Yes, but your response, at the bottom of the message, says:

“My bru ...”

And this is from the sender of the message, someone who Sergeant Nkosi say is Ngoato Advocate. Do you know who Ngoato Advocate is?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Who is it?

**DEPUTY CHIEF DHLAMINI:** It is Sergeant Nkosi's advocate.

20 **ADV CHASKALSON SC:** And have you had meetings with him before?

**DEPUTY CHIEF DHLAMINI:** No, no, no. The only time I think I was booking for a couple's event at his place. I think we were supposed, either we were supposed to go and view the venue with Sergeant Nkosi.

**ADV CHASKALSON SC:** Is that the place at Hartebeespoort dam?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** So it is in fact his attorney, not his advocate.

**DEPUTY CHIEF DHLAMINI:** It is ...[intervenes].

**ADV CHASKALSON SC:** Mr Ngoato who has the place at ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** Yes.

10 **ADV CHASKALSON SC:** Is his attorney. Well, at the bottom of that message, Mr Ngoato writes:

“My bru, any update of number one?”

And that seems to be what you are responding to at 10:01 on page 421, where you say:

“Evening, Captain. I thought you told him your wife is in hospital and you had to rush there and reschedule our appointment.”

**DEPUTY CHIEF DHLAMINI:** Yes.

20 **ADV CHASKALSON SC:** So who was number one?

**DEPUTY CHIEF DHLAMINI:** I do not know who is number one.

**ADV CHASKALSON SC:** But then why did you respond, I thought you told him that your wife is in hospital and you had to rush there and reschedule our appointment?

**DEPUTY CHIEF DHLAMINI:** Much as I am saying to say, we were supposed either to view that venue because we wanted to use it for a couple's seminar in our DPS and his wife was also sick. Much as I am saying, he rescheduled our appointment because he wanted to rush to the hospital. That is what I was indicating.

**ADV CHASKALSON SC:** So did you understand that the message at the bottom saying:

“My bru, any update of number one?”

10 related to a proposed appointment between yourself, Sergeant Nkosi, and Mr Ngoato, to look at the venue? Is that ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** We were not meeting with Mr Ngoato there. We were meeting with the people who are working there at the ...[intervenes].

**ADV CHASKALSON SC:** Well, then a meeting for yourself and Sergeant Nkosi and the people at the venue to look at the venue?

**DEPUTY CHIEF DHLAMINI:** Yes, the manager there.

20 **ADV CHASKALSON SC:** And so when he, when the message refers to any update of number one, then it seems to be referring to you as number one.

**DEPUTY CHIEF DHLAMINI:** No.

**ADV CHASKALSON SC:** Who is it referring to as number one?

**DEPUTY CHIEF DHLAMINI:** I do not know.

**ADV CHASKALSON SC:** But you responded in relation to a meeting that you had planned with Sergeant Nkosi to go and look at Mr Ngoato's venue.

**DEPUTY CHIEF DHLAMINI:** It is two separate incidents, SC, I think. Here he was telling me about this ...[indistinct] he is rushing somewhere. He was, I am not sure, it is a screenshot that he was also showing the advocate to say either he is rushing somewhere there and why he had  
10 initially an arrangement with me to take me to view that venue there, but he also had his wife in hospital, so, and he rescheduled our appointment because, as I am indicating to say, because his wife was admitted and so forth. So we will not be able to go and view the venue.

**ADV CHASKALSON SC:** Yes, but how did you know in response to this message, which says any update of number one, that Sergeant Nkosi was, that a response relating to your proposed appointment to view the venue was what Sergeant Nkosi was looking for?

20 **DEPUTY CHIEF DHLAMINI:** I have nothing on this message, SC. I think it is a communication of Sergeant Nkosi and Advocate Ngoato. I do not know what they were talking about.

**ADV CHASKALSON SC:** Sorry, Deputy Chief, but that answer does not make sense. You get a screenshot at 9:54

from Sergeant Nkosi of his conversations with Mr Ngoato. You respond within seven minutes saying, evening, Captain.

And the last message on that screenshot says, my bru, any update of number one? And you respond, I thought you told him that your wife is in hospital and you had to rush there and reschedule our appointment.

**DEPUTY CHIEF DHLAMINI:** SC, Sergeant Nkosi sent me this screenshot. Then I write to him to say, I thought you  
10 told him that your wife is in hospital and you had to rush there and reschedule our appointment. That is what he told me to say, he is rescheduling our appointment because he is rushing to hospital. So I become surprised if he is attending again to another incident.

**ADV KHUMALO SC:** Deputy Chief, who is the him you are referring to in that chat? I thought you told him. Who is that him?

**DEPUTY CHIEF DHLAMINI:** Advocate Ngoato, because that is the screenshot I think he sent me.

20 **ADV KHUMALO SC:** But why would he tell Advocate Ngoato, because he does not work for Advocate Ngoato? If he does not need to be at work because he is attending to that crime scene, why does he have to tell Ngoato that?

**DEPUTY CHIEF DHLAMINI:** Commissioner, this screenshot he shoots to me because we had an appointment

to go and view the venue. So I am surprised to say, but you rescheduled our appointment to go and shoot ...[indistinct] so, and you said your wife it is in hospital, it is admitted in hospital, which for me it is a valid reason.

**ADV KHUMALO SC:** So the him ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** For him to reschedule our appointment. Now he is attending to something. I am saying, why did you not tell Advocate Ngoato to say your wife is in hospital?

10 **ADV KHUMALO SC:** So the him in your chat does not refer to the number one in the screenshot?

**DEPUTY CHIEF DHLAMINI:** Uh-uh, I do not know who is number one.

**ADV KHUMALO SC:** Thanks.

**ADV BALOYI SC:** I mean, looking at the timestamps here, your answer does not quite explain. This is at night, the screenshot exchanges that you are referring to. At 498, that exchange happens at night. And then your message is also at night, where you say, I thought you told him. So if  
20 your issue is that he had said to you that he will tell him that he is attending, if your account is that Sergeant Nkosi told you that he will tell Mr Ngoato, or he told Mr Ngoato that his wife is in hospital, and that is your issue now that you see these pictures here, because now it has cancelled your viewing as a result of him telling Ngoato that his wife

is in hospital, it does not quite make sense, unless you were going to be viewing the venue at night?

**DEPUTY CHIEF DHLAMINI:** It is not Mr Ngoato's wife. Sergeant Nkosi's wife was in hospital.

**ADV BALOYI SC:** Yes, and ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** So we were supposed to go there and make arrangements for a couples' seminar. He postponed me and say we cannot go there because my wife is in hospital, I must go and visit him. So I am surprised to  
10 say, but you are taking other commitments.

**ADV BALOYI SC:** Okay, but this screen page that Sergeant Nkosi sends to you, it does not say he is at another job. There is no accompanying message that tells you that Sergeant Nkosi is in fact at another scene. Where do you draw that from, that he has gone somewhere else instead of going with you to go and see the venue?

**DEPUTY CHIEF DHLAMINI:** As much as I am saying this chat he was showing me to say he postponed me earlier on, but he is now showing me to say he is attending to  
20 something else.

**ADV BALOYI SC:** Why do you say this says he is attending to somewhere else? Why do you say from this that Nkosi is attending at this scene?

**DEPUTY CHIEF DHLAMINI:** Why am I saying he is attending to this scene?

**ADV BALOYI SC:** Yes, that he is at this scene where these pictures are.

**DEPUTY CHIEF DHLAMINI:** I cannot recall very well, Commissioner, but he might have spoken to me, much as I sent him that message, because I was supposed to finalize the arrangement.

**ADV BALOYI SC:** Well, you are responding by WhatsApp, so he would have had to tell you on WhatsApp that I am at another scene. Then your response would make sense  
10 where you say, I thought you told him that your wife is in hospital. He would have had to say it to you on WhatsApp.

**DEPUTY CHIEF DHLAMINI:** Commissioner, I think this is what I recall about this incident. This one had nothing to do with me. Who is number one, I do not know.

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

**ADV CHASKALSON SC:** Can I take you to a different issue. It is file for page 479 and there, on the 14<sup>th</sup> of September, Sergeant Nkosi sends you a series of receipts from applicants to be trainees in the TMPD, starting from  
20 chat number seven and you will see those receipts in the annexures from page 571. Now can you explain to the Commission what was happening here, why Sergeant Nkosi was sending you receipts, application receipts in relation to particular trainees?

**DEPUTY CHIEF DHLAMINI:** SC, as I indicated previously

to say the application receipts that Sergeant Nkosi have sent me, I received quite a lot of them from various people, family, colleagues, friends, and so forth, to say, perhaps, can you assist with this, with the hope of securing employment in the City. So I received quite a lot of them.

**ADV CHASKALSON SC:** Does employment relations and appointments fall within any of your responsibilities in your position at the City?

**DEPUTY CHIEF DHLAMINI:** It falls within SC because I am  
10 Support and Admin, but I think I have attached a letter there that perhaps we should go to it and read it so that I can be able to clarify.

**ADV CHASKALSON SC:** Let us look at it. Where is it? It is one of your additional documents?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Oh, in fact, I am not sure that it has been paginated because it came in late. It is, I do not know, Chair and Commissioners, it was the email that we spoke about at the start of Friday's questioning. I am not  
20 sure if it has been made available to you. It is, the covering email is from Deputy Chief Dhlamini and is dated 20 April 2026. The email itself is from Veli Nwandule in Tshwane to Deputy Chief Dhlamini on 8 May 2025. Do you have it?

**ADV BALOYI SC:** [Indistinct]... said something about the

8<sup>th</sup>.

**ADV CHASKALSON SC:** Just under, just directly under the covering, so the ...[intervenes].

**ADV BALOYI SC:** Oh yes, I see that.

**ADV CHASKALSON SC:** It is the right one. Can I suggest that we number it in the additional documents bundle, which currently ends at file 5, page 88. It can be file, we can start at page 89 of file 5.

**CHAIRPERSON:** Is there not one to spare? I can share  
10 with Commissioner Baloyi, one to spare for Commissioner Khumalo, please. Are we ready to proceed? And can I suggest that we number it from 89 so that my copy ends at 91 and it goes into file 5.

**ADV BALOYI SC:** [Indistinct]... [microphone off] 89.

**ADV CHASKALSON SC:** 89. 89.

**CHAIRPERSON:** And may the attorneys please make sure that our files are what they should be at the end of the day. Thank you.

**ADV CHASKALSON SC:** Deputy Chief, if you can number  
20 yours accordingly and then let us discuss the document, what you want to tell us about the document.

**DEPUTY CHIEF DHLAMINI:** Yes, I have numbered it, SC.

**ADV CHASKALSON SC:** And the, can you tell us what you want us to take note of in the document?

**DEPUTY CHIEF DHLAMINI:** SC, I want you to take note of

to say the structure might be speaking something else, but in essence practicality, it is not what is happening at the workplace. So this is a typical example. It is not only relating to HR matters, but it also relates to many aspects within my division. It will be internal affairs and so forth, but I will take you through just to understand so that you can have, I mean, a background around these matters of my involvement and so forth on HR related matters.

**ADV CHASKALSON SC:** Please do. It is just that I am not  
10 sure what you want to emphasize here, what – so the floor is yours.

**DEPUTY CHIEF DHLAMINI:** If we go to page 90, you will realize that I am making requests here from my office to the director who wrote this email to say:

“As discussed during your telephonic  
conversation ...” [intervenes].

**ADV CHASKALSON SC:** So you are at the foot of page 90.

**DEPUTY CHIEF DHLAMINI:** Page 90.

**ADV CHASKALSON SC:** And that is the email from Iris  
20 Ngubeni to Veli Nwandule?

**DEPUTY CHIEF DHLAMINI:** Yes. Yes, to say:

“As discussed during our telephonic  
conversation with DC last Wednesday,  
30 April 2025, please submit a plan  
and timeline for the filling of the

advertisement of the recently closed vacancies. Furthermore, you and Ms Silas are required to attend the Monday's meeting at 7:30 for a weekly progress. Lastly, please update on the job forum of 2000 trainee. The advertisement is planned for the first week of July 2025.”

This was my email to Director Nwandule to get a  
10 plan, a sense of what is happening. And he responds to me  
on the 8<sup>th</sup> of May. He says:

“Good morning, Deputy Chief. Please  
note that first and foremost, all  
recruitment applications are received  
by Group Human Capital Management,  
Recruitment section. The process is  
fully controlled by Group Human  
Capital Management. Upon receipt of  
20 the online application, the information  
is organized for the department in  
terms of various positions advertised.  
In an effort to structure a proper way  
forward, I engaged with Nadia Silias on  
6 May 2025, regarding a need for us to  
have a session where we need to

finalize plans, wherein she stated categorically clear that she will only be communicating with the Chief of Police regarding recruitments and she was instructed not to engage any other person in the department. Even though I made it clear to her that I am the Director MAS and cannot be left out at all, she made it clear that she was instructed by the office of the Chief and will brief the Chief on a regular basis via WhatsApp. What I stated here above is an indication that the Metro Police Department is hell-bent on continuing to conduct wrongdoings on a repeated basis when coming to recruitment. One can conclude that it is either arrogance by the department or the key account specialist, and or both conniving and enjoying the same arrogance. I thought the meeting organized by the Commissioner of Police and Deputy Commissioner Support and Admin on 18 March 2025, which was intended to clarify roles

insofar as human resource matters are concerned, was very clear. But I seemed to be wrong. The same meeting was clear that the Director MAS, TMPD and Key Account Specialist, Group Human Capital Management ought to work together on all human resource matters. It is rather strange that Nadia Silas undertook it differently and she cannot even provide proper advice on the right procedure or at least the role of the department director for MAS to whoever is giving the so-called instruction. Right across all departments of the City, the Key Account Specialist and the director MAS would work together seamlessly on all recruitment matters, except in the Metro Police Department, where the Key Account Specialist is only comfortable only in working with white managers and continue to undermine the existence of director MAS, probably because he is African and black in

particular. It is clear that Nadia Silas wants to be a law unto herself when coming to Metro Police Department. This rotten attitude must come to an abrupt end. My expectations going forward is that order and professionalism will be restored in the department by adhering to procedures. All recruitment initiatives and processes will be done through and in conjunction with the director MAS in the Metro Police Department. Given the above, I request urgent intervention in order to determine the way forward.”

10

This I want to bring, SC, to your attention that HR, yes it is under me in terms of structure as you could see that I continuously make attempts to ensure that I mean we work seamlessly in this arrangement. On the 18<sup>th</sup> of March, I arranged a meeting together with the Chief of Police, both the Director and the Key Account Specialist, trying to resolve I mean their working relationship.

20

In that meeting, it was resolved that the Key Account Specialist must liaise with the Director MAS in whatever HR-related matters within the department. But you can take from the email that came back on the 8<sup>th</sup> of

May that there was no any effort of the two trying to work together. And these are work politics I indicated previously to say we sometimes get accused of raising race cards while it is not the case.

There is a click I mean that works within the department of I mean people preferring, Dhlamini it is black, we cannot include him on these matters that relate either to HR or whatever the case it might be. He will prefer to work with DC Bolhuis on any other matter that relates to HR.

10 Much as DC Bolhuis, when he came here, it was clear that he is attending arbitrations and so forth, which are all I mean related, coming from grievances and so forth, which get run by Director Nwandule, who must go to step three.

But because of these I mean matters that he raised here, the *status quo* is such that DC Bolhuis will continue doing arbitrations and so forth. I will only come at the tail end if there is an enforcement order that they are attaching the City's assets. It is when these matters will be brought to my attention to ensure payment for members who either  
20 got an award and now they have an enforcement order.

So I just wanted to bring it to your attention to say it is not an isolated matter. The same applies with internal affairs. It is there in the structure reporting to Dhlamini. But Director Minnaar will be called to the office not to inform DC Dhlamini. I do not attend consequence

management meeting and these are some of the things that are happening. So my involvement on HR matters, it will be when there is an advert, I get inquiries from members of the public, either communities to say is it perhaps a bogus advert or not, confirm if this is a real advert or whatever the case it might be. That is what I will confirm, no, it is a real advert, it is from the City.

Some officials will send me the receipt, you see Sergeant Nkosi has sent me to say either my daughter  
10 applied, can you assist and so forth. I give them information. Most instances it will be when the recruitment process is on course. Either some receive, I mean, SMS's to come and do physical exercise. You will get a lot of enquiries and calls to say my child was not called and so forth, will they be afforded an opportunity? I will just inquire from HR, they will inform me to say they are calling them on batches and so forth.

For a typical example, with the 200 trainees, I will appoint people to say Nadia, you liaise with this  
20 Superintendent and this one. They will change them and put, I mean, white people to say Nadia, you will select white people, you will work with these people only on this matter and ensure that Dhlamini does not get information in this regard. So it is a cabal that it is run in the department and on HR matters, truly speaking SC, that is basically my

involvement.

I receive these things of inquiries within people, various people. I assist them with information and so forth. So I just wanted to bring this to the attention of the Commission to say there is no way I will influence a recruitment process because the panel get appointed by the Chief of Police in conjunction with Ms Silas and Mr Bolhuis, who decide who sits on the panel and so forth, who does what, and all those kind of things.

10 **ADV CHASKALSON SC:** Well, let me clarify some issues. You have a role in relation to appointments within the TMPD.

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

**ADV CHASKALSON SC:** Do you have a role in relation to appointments outside the TMPD?

**DEPUTY CHIEF DHLAMINI:** No.

**ADV CHASKALSON SC:** Now, if we go, for instance, to page 451, we see a series of these receipts at 451 and the actual documents are at page 540. So if we go to 540, we  
20 see the receipts. The first receipt at 540 is for a position of cashier. Is that a position within the TMPD?

**DEPUTY CHIEF DHLAMINI:** The position was within the TMPD.

**ADV CHASKALSON SC:** I see. And the second application at 542, administrative officer, is that also at

TMPD?

**DEPUTY CHIEF DHLAMINI:** The position was within the  
TMPD.

**ADV CHASKALSON SC:** Right. Page 554, there is a letter  
addressed to an applicant saying:

“Thank you for registering on the City  
of Tshwane recruitment page. Please  
update your profile, then apply for job  
opportunities.”

10 That looks like a general letter for someone whose  
profile needs to be updated.

**CHAIRPERSON:** What do we have in ...[intervenes].

**ADV CHASKALSON SC:** 544.

**CHAIRPERSON:** 5?

**ADV CHASKALSON SC:** 44.

**CHAIRPERSON:** Oh, 44.

**ADV CHASKALSON SC:** Do you see it?

**DEPUTY CHIEF DHLAMINI:** I see it, SC. The City has  
introduced the online applications in the City and most of  
20 these youngsters and they are not, I mean aware that once  
you go on the online I mean application website to apply, it  
requires you to create a job profile first. And some people  
will take these as applications because they are not I mean  
fully vested with the system, how does it work.

You need to first create a profile, then go and

select where there are post, you apply specifically. Then it will give you a confirmation receipt that you have applied. So most of the applicants end with creating a profile and think they have applied for a position in the City because they are not well conversant with the system. So this is one of the confirmations that you have a profile now. If you want to apply, you can apply for any position within the City.

**ADV CHASKALSON SC:** But why would it be appropriate  
10 to send that letter to you? What role do you have in relation to general registration on the Tshwane recruitment page?

**DEPUTY CHIEF DHLAMINI:** SC, you will realise that he send this and say he has applied. I said it is, I advised it is not an application. He only created a profile. He must go back to the system and apply.

**ADV CHASKALSON SC:** And take for example 540, the cashier who you say was applying for a post in TMPD. What did you do with this application or this receipt of  
20 application?

**DEPUTY CHIEF DHLAMINI:** SC, much as I indicated to say I receive a lot from various people with the hope that they will either get assistance to secure employment or whatever the case it might be. I mean taking into account I mean the rate of unemployment, people are desperate. They go all

out. Even if it is not positions in the department, for the mere fact that you work in the City, people think you might have a way and so forth. They will send you this I mean confirmation to say my daughter or my son has applied, is there a way to assist? You will receive quite a number of them.

**ADV BALOYI SC:** DC, you received this from Sergeant Nkosi, these letters. In the light of your explanation, does it mean you understood it as him hoping that you would be  
10 able to assist these people, hoping and maybe even expecting that you would be able to help these people obtain employment?

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

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Did you explain to him that you could not do that?

**DEPUTY CHIEF DHLAMINI:** I do explain, SC, to a lot of them, even to him, to say if they want to be Metro Police Officers, they need to be able to be fit, be in a position to  
20 run 2.5, do obstacle crossing and so forth, and pass all the steps.

**ADV CHASKALSON SC:** No, no, I understand that, but did you explain to him that you cannot ease the way for certain applications, you cannot help someone get appointed?

**DEPUTY CHIEF DHLAMINI:** I did, and much as you will

realize that, not even a single candidate on all these applications was successful. Some of them could not do the physical evaluations and so forth.

**ADV CHASKALSON SC:** You see, what seems odd is that if you did explain to Sergeant Nkosi that you could not assist, why did he keep on sending these to you, because he sends them to you over a fairly lengthy period. We see the first batch are on page 451, and that is the 6<sup>th</sup> of May.

**DEPUTY CHIEF DHLAMINI:** Yes, I do explain. It is not  
10 only to him but to a number of people, and they will continue persuading with the view that perhaps one might help.

**ADV CHASKALSON SC:** Well, let us look at the next one, which is at the top of page 461. It is a month later in June, and Sergeant Nkosi says to you in chat 2:

“Morning my General, this one is General Shibiri's daughter, she graduated in 2002, since then no employment.”

20 And he says:

“Please, please, let us make a plan.”

Did you explain to him that you could not make a plan?

**DEPUTY CHIEF DHLAMINI:** I did, to say he need to ensure that he is able to go through the entire processes,

the evaluations, if he is successful, then they will be able to call her for interviews.

**ADV CHASKALSON SC:** But you explained to him that you do not play any controlling role in that process, that they have to go through the correct process.

**DEPUTY CHIEF DHLAMINI:** I do, SC.

**ADV CHASKALSON SC:** Then, a few months later, in 479, page 479 in September, there is another series of these applications that he sends you, these receipts. So he  
10 seems not to accept your answer that you cannot ease the way for particular applicants.

**DEPUTY CHIEF DHLAMINI:** It is a lot of them, SC, that you will explain to them, they will continue persuading to say, perhaps there might be a way, please check for me if you have someone who might be able to assist. So these are indebted with enquiries, SC ...[indistinct].

**ADV CHASKALSON SC:** But how do you respond to those inquiries? Do you leave people with the impression that you might be able to find a way?

20 **DEPUTY CHIEF DHLAMINI:** I do not create any impression, SC. Even from my close friends or close family members, I tell them to say, if you want an opportunity, you need to follow the due processes. Let your child, my sister, be able to run, follow the due processes.

**ADV CHASKALSON SC:** And yet Sergeant Nkosi keeps on

coming back to you with lists of applicants. What is he asking from you?

**DEPUTY CHIEF DHLAMINI:** It is not only him, SC. I will give you a classical I mean example. One of my sister's son went, he ran, he was able to do the obstacle crossings and so forth. He went for driving, he pass. He went for psychometric, he passed the psychometric. When he went for driving and so forth, they required documents. He attached the statement of result. He was disqualified on  
10 that. And my sister will come and say, is there no way that you can assist? I will tell him to say, train your kids to be responsible. If they say these are the requirements, let them follow them. So I might not be able to assist. I indicated to say, I mean, I do not appoint the panel, it is appointed by DC Bolhuis, Nadia and the Chief. I can only assist with enquiries.

**ADV BALOYI SC:** Deputy Commissioner, he says to you in that message, this is General Shibiri's, suggesting you know General Shibiri.

20 **DEPUTY CHIEF DHLAMINI:** I do not know him. I have never seen him. It was for the first, he suggested it is General Shiburi, and I do not know who is General Shiburi. I only saw him ...[intervenes].

**ADV BALOYI SC:** It is Shibiri.

**DEPUTY CHIEF DHLAMINI:** Yes, I only saw him for the

first time when he came to the Commission. I have never seen ...[intervenes].

**ADV BALOYI SC:** You did not ask him who is that?

**DEPUTY CHIEF DHLAMINI:** I felt it is not necessary, Commissioner, for me to ask him.

**ADV BALOYI SC:** Do you know why he would assume you know who General Shibiri is? I mean, it is quite important that he mentions the name of the parent.

**DEPUTY CHIEF DHLAMINI:** He mention the General.

10 **ADV BALOYI SC:** Do you know why he would assume that you would know who it is, and why it would matter to you?

**DEPUTY CHIEF DHLAMINI:** I think he assumed I know General Shibiri, and for the mere fact to say he says it is General, maybe there might be something that I might do.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** Can we go to a different topic, which is the chats on, I just lost my reference, bear with me for a minute, the chats on page 467, and there you will see that on 26 June, Sergeant Nkosi sends you two pictures,  
20 and you will find those pictures at page 567, all in file 4. And so if you go down, 567, 568, 569, and then we will get to 570 shortly. What were those pictures?

**DEPUTY CHIEF DHLAMINI:** I think he shared these pictures with me because I did not know what was happening. We spoke and he told me to say it is General

Khumalo who was arrested and so forth. But I did not even know him because General Khumalo, whoever. I think he shared this for me because one, he knows I am not on social media. Secondly, I mean, I am not watching any TV, nor the news or whatsoever. I think he likes sharing information with me on those basis.

**ADV CHASKALSON SC:** And this is not social media information. These are private photographs of people being taken into a court. Are you aware of that?

10 **DEPUTY CHIEF DHLAMINI:** I am not aware. I would not know, SC, where he got it, but as I indicate to say I am not on social media. I do not watch TV, nor follow I mean these things in most instances.

**ADV CHASKALSON SC:** What did he tell you about these?

**DEPUTY CHIEF DHLAMINI:** He just said there was an arrest of the, I mean General Khumalo and so forth.

**ADV CHASKALSON SC:** And did he explain why he thought you might be interested in these?

20 **DEPUTY CHIEF DHLAMINI:** He never explained it to me because I never asked him further because I never took interest on it.

**ADV CHASKALSON SC:** So you just got these pictures from him without knowing why he sent them to you?

**DEPUTY CHIEF DHLAMINI:** Much as I am saying he was just sharing with me to say there was this arrest and so

forth, there are people were arrested at OR Tambo and so forth, General Khumalo and so forth. So I said, what is happening now, why are they arrested? He said, I do not know, he will let me know, but I never followed up on that thing.

**ADV CHASKALSON SC:** And on the, if one goes to page 570, one sees a list of people with case numbers and SAP14 numbers, occurrence book numbers. Do you see that?

10 **DEPUTY CHIEF DHLAMINI:** I see it.

**ADV CHASKALSON SC:** What was this?

**DEPUTY CHIEF DHLAMINI:** At that time, I never even went through it, much as I am saying I was not interested because he sent these things together with all this. I never went through it.

**ADV CHASKALSON SC:** All right.

**ADV BALOYI SC:** I think, Deputy Chief, the, I think what is curious and does require an explanation from somebody is the very specific information that Sergeant Nkosi is sharing  
20 with you. Firstly, at 467, where you have got those pictures, he gives you names. On the face of it, at least according to me, it suggests that these names must mean something to you. This is not just a sharing of what is on social media. He gives you names of people that have been arrested. At 467, he says General Khabela. He says

Brigadier Madondo, and then there is General Khumalo. So there must be a significance to him mentioning the names. And then when you then turn to that page 570, which is the contents of a diary with names and case numbers, it is difficult to accept at face value that these have no significance for you. At the very least, one would expect you would have asked, why are you sending me these things if you did not know. You would have said, why are you sharing the diary with me? Who are these people that  
10 you have listed, Khabela, Madondo, who are these people? Unless you tell us that, well, I always knew who Khabela is. I knew who Madondo is. I knew who Khumalo is. And so when he sent me those names, it made sense why he would just give me the names. You have just said you know nothing about this.

**DEPUTY CHIEF DHLAMINI:** Commissioner, to be honest, I did not take interest. I did not. I do not follow, Commissioner, the news of SAPS or any news. I did not. I mean, no, much as I ask him later to say what is happening,  
20 then he said General Khumalo was arrested coming from OR and all those kind of things. I never followed up. The chat at 475, I never took interest to go who are the names and so forth because, for me, it was of significant importance, it was not of significant importance to me.

**ADV BALOYI SC:** Ja. You see, from what you are saying,

more the reason why there has to be a better explanation why he would send you this. You say you do not take any interest in SAPS matters. So, on that account, Sergeant Nkosi woke up one morning on a topic that you have absolutely no interest in, decided to share with you information about who has been arrested, the names, that you say I actually have no interest in that.

But perhaps more importantly, certainly more importantly, he shares the contents of a diary which has  
10 people's names, case numbers, and OB numbers. That is not random information that you share with someone who is just interested about something that was in the paper. It is something that you share with the expectation that the person you are sending this to has an interest in receiving this or would be interested to receive this kind of information.

**DEPUTY CHIEF DHLAMINI:** I did not, Commissioner. At that time, I never took interest in this.

**ADV BALOYI SC:** Thank you.

20 **ADV CHASKALSON SC:** Can we then go to page 471, file 4, and there, on the 12<sup>th</sup> of July 2025, at chat 3, you send a WhatsApp to Sergeant Nkosi that reads as follows:

“Morning, Captain. I can see ukuthi that you have captured uMfowethu and he would not want you to leave him.

You should gear yourself to do so forever, my brother. UMfowethu is the best person to be with, uJuda wethu who will do great things for us compared to uBaba wakho ongasekho.”

Now, what were you saying to Sergeant Nkosi when you said that he had captured Mr Mnisi, the CFO?

**DEPUTY CHIEF DHLAMINI:** SC, I think we are reading this message not taking into consideration that I tapped on a  
10 picture there, SC. It is not like I wrote this message purely, so there was a picture that I was tapping on it when I wrote this message.

**ADV CHASKALSON SC:** Sorry, so you say there was a picture that was on this message?

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** That you sent a picture with this message?

**DEPUTY CHIEF DHLAMINI:** Yes, I tapped on the picture, then I responded on the picture.

20 **ADV CHASKALSON SC:** So you, this message was a reply to a ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** A photograph.

**ADV CHASKALSON SC:** To a photograph.

**DEPUTY CHIEF DHLAMINI:** Yes.

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

**CHAIRPERSON:** Are you referring to what appears under chat two, or are you referring to something else?

**DEPUTY CHIEF DHLAMINI:** I am referring to, I think it is chat two that ...[indistinct] it was a picture that was sent to me. I tapped on it, then I wrote this message.

**CHAIRPERSON:** Are you able to take us there, perhaps, Mr Chaskalson?

**ADV CHASKALSON SC:** I am not, it is not a picture, it is a video.

10 **CHAIRPERSON:** A video.

**ADV CHASKALSON SC:** We can, we may or may not be able to display it. Well, let me describe it. Or do you recall what it was that you were responding to?

**DEPUTY CHIEF DHLAMINI:** Yes, SC. Here, as I indicated, to say it was me responding to that picture that was, I was responding to. I want it here. I think I responded to it here.

**CHAIRPERSON:** Do you remember what it was, Deputy Chief?

20 **DEPUTY CHIEF DHLAMINI:** When was?

**CHAIRPERSON:** In terms of content, do you ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** Yes, in terms of content, Commissioner, I wanted to indicate, to say, he have captured the attention of the CFO and much as I indicated

there to say, I mean, you must get yourself to do so every time, because the CFO will always want to ...[intervenes].

**CHAIRPERSON:** No, no, no, Deputy Chief. You say, you said what you have just read now, or paraphrased at least part of it, you said that in response to a picture, and you say that picture is, was what appears under chat number two. So the question by Mr Chaskalson is, what was that? Do you recall what this was?

**DEPUTY CHIEF DHLAMINI:** He was appearing there with  
10 the CFO on that picture.

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Well, the video, if we, Chair, if we are given 2 minutes, I can produce the video. Can I suggest that we stand down for 5 minutes and we can then play the video?

**CHAIRPERSON:** Let us do so. We will come back when we are called.

#### **INQUIRY ADJOURNS**

#### **INQUIRY RESUMES**

20 **ADV CHASKALSON SC:** Chair, Mr Mogotsi was due to be recalled today. In the meantime, we have been informed by his legal team that they are going to apply for my recusal as the evidence leader dealing with his matter. We have not seen an application yet. We have seen an affidavit which we are told is going to form the basis of the application.

We will have to consider our position once we have seen a proper application. I have my own views, but I obviously will need to discuss the matter with the full evidence leader team and to do so once we have seen this application that has not yet been furnished. And what we would want from the Commission is to put Mr Mogotsi's team on terms to file an application. It ought really to have been filed before today because he was due to appear today and the issues to which it relates are issues which apparently have been  
10 around for a long time. Then we would have to consider our position and to respond, if there is a response necessary, I may need to seek permission to depose to an affidavit. That will take some time and I would ask that we set a timetable for resolving this matter within reasonable time limits and certainly not to delay the return of Mr Mogotsi unnecessarily.

**CHAIRPERSON:** And about that timeline, would that be set today still or will there be engagements between the two sides after now, after today?

20 **ADV CHASKALSON SC:** I would like it to be set today if it is possible because I do not want, I want Mr Mogotsi to leave today knowing when he has to come back.

**CHAIRPERSON:** All right, thank you, thank you. Good afternoon.

Good afternoon, Commissioner.

**CHAIRPERSON:** Can you please place yourselves on record?

**MR SEKGATJA:** Thank you, Commissioner. Commissioner, before you and your co-Chairs, it is Mr Makaula William Sekgatja.

**CHAIRPERSON:** Ma?

**MR SEKGATJA:** Makaula William Sekgatja.

**CHAIRPERSON:** Sekgatja?

**MR SEKGATJA:** Sekgatja, that is correct, Commissioner.

10 **CHAIRPERSON:** How do you write Sekgatja?

**MR SEKGATJA:** S-E-K-G-A-T-J-A.

**CHAIRPERSON:** Thank you.

**MR SEKGATJA:** Thank you, Chair.

**CHAIRPERSON:** Thank you, Mr Sekgatja.

**ADV MOHOMANE:** Afternoon, Chair, and co-Commissioners. Before you is Advocate Mohamani. Surname is M-O-H-O-M-A-N-E. Thank you, Chair.

**CHAIRPERSON:** Oh, thank you very much. And who is lead?

20 **MR SEKGATJA:** My apologies?

**CHAIRPERSON:** Who is lead Counsel?

**ADV MOHOMANE:** Your Worship, lead Counsel will be my attorney for the simple reason that my health has taken a bit of a turn. I am on medication, so it is safer for him to proceed, but we are on the same instruction.

**CHAIRPERSON**: Oh, all right, all right. Thank you. Thank you very much. Good afternoon, Mr Mogotsi.

**MR MOGOTSI**: Good afternoon, Commissioners.

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

**MR SEKGATJA**: Thank you, Chair.

**CHAIRPERSON**: And good afternoon to both of you, too. I do not remember greeting you. Thank you. Yes, Mr Sekgatja.

**MR SEKGATJA**: Thank you, Chair.

10 **CHAIRPERSON**: You have heard Mr Chaskalson.

**MR SEKGATJA**: Yes. Chair, we do confirm that there is an intended application ...[intervenes].

**CHAIRPERSON**: Yes.

**MR SEKGATJA**: For the recusal of Mr Chaskalson as evidence leader in relation to the evidence of Mr Mogotsi. I am not sure if the Commission has already received the supplementary affidavit wherein ...[intervenes].

20 **CHAIRPERSON**: Yes, we have received the affidavit, but I do not think we want to go into the content or the detail, perhaps subject to what you say. The best course to take is to, is for Mr Mogotsi, through you, to bring a substantive application for the recusal that has been mentioned by Mr Chaskalson.

**MR SEKGATJA**: Yes, I do agree, and I have already noted through the terms of reference that a substantive

application will need to be brought by our client in relation to this.

**CHAIRPERSON:** Yes.

**MR SEKGATJA:** We are happy, Chair, to adhere to whatever terms which are agreed between the parties in relation to this particular application.

**CHAIRPERSON:** But with regard to the application, I direct that that be filed not later than midday tomorrow. The rest about timelines that are to be agreed relates to when next

10 Mr Mogotsi should appear to testify.

**MR SEKGATJA:** Chair, we are happy to file it by midday tomorrow.

**CHAIRPERSON:** Yes.

**MR SEKGATJA:** Perhaps we can be given a direction as to when will they be expected to respond and ask to also further reply to that particular response.

**CHAIRPERSON:** Yes. Mr Chaskalson, I heard you say you would have to seek permission. As someone who was a practitioner, I am referring to me, I assume that the  
20 permission you are referring to is seeking permission from the Bar Council as Counsel to depose to an affidavit, and you will correct me if I am wrong.

**ADV CHASKALSON SC:** Well, it is not only the Bar Council, it is also PABASA and I need to look and see if I need permission from the Legal Practice Council as well. I

genuinely do not know at this stage.

**CHAIRPERSON:** Yes. But timelines, as Mr Sekgatja says?

**ADV CHASKALSON SC:** If I can respond by 6 May, because I am going to need, the response will not take long, but obtaining permission to depose to the affidavit and submit it, it may take long.

**CHAIRPERSON:** Yes, 6 May.

**ADV CHASKALSON SC:** May take longer.

**CHAIRPERSON:** 6 May.

10 **ADV CHASKALSON SC:** So, 6 May would, I think, give me enough time. It will be a week after the affidavit comes in.

**CHAIRPERSON:** And Mr Sekgatja, by when do you suggest to reply?

**MR SEKGATJA:** Commissioner, it will depend on the veracity of the contents of that particular affidavit, but ...[intervenes].

**CHAIRPERSON:** Length, or what?

**MR SEKGATJA:** The length, yes.

20 **ADV CHASKALSON SC:** And was veracity intended, in the sense that the time you required will also depend on the veracity?

**MR SEKGATJA:** Yes, Commissioner.

**CHAIRPERSON:** Okay.

**MR SEKGATJA:** Also, we need to also obtain instructions from our client in relation to that.

**CHAIRPERSON**: Okay.

**MR SEKGATJA**: Perhaps, I would say 3 days after the affidavit has been filed.

**CHAIRPERSON**: Three days after that. So, by 9 May?

**MR SEKGATJA**: I do not have my calendar with me.

**ADV CHASKALSON SC**: The 9<sup>th</sup> is a Saturday, Chair.

**CHAIRPERSON**: 11?

**MR SEKGATJA**: Yes, my Counsel is suggesting the 11<sup>th</sup>.

**CHAIRPERSON**: Then, so as to have full timelines,  
10 because now we are left with a date for Mr Mogotsi coming  
back and that is what you have agreed to engage on, unless  
when Mr Chaskalson suggests a date, Mr Sekgata agrees to  
that date now, we may have to adjourn very briefly for you  
to engage each other and agree on that date. But, of  
course, there is also the question of when this application is  
argued. I do not know whether it would be on the morning  
of the day when Mr Mogotsi come back or whether it would  
have to be a separate day.

**ADV CHASKALSON SC**: Chair, I do not think that it would  
20 be necessary to set aside two different days.

**CHAIRPERSON**: Yes, yes.

**ADV CHASKALSON SC**: Our program is tight. We are  
already losing time because of this.

**CHAIRPERSON**: Yes.

**ADV CHASKALSON SC**: So, can I suggest that the

hearing of the application and of Mr Mogotsi's evidence, whether it is led by me or another evidence leader, takes place on one of the 13<sup>th</sup>, 14<sup>th</sup> or 15<sup>th</sup> of May, the 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> of May.

**CHAIRPERSON**: On any one of those days.

**ADV CHASKALSON SC**: On any one of those days that Mr Mogotsi's legal team wants to choose.

**CHAIRPERSON**: On your assessment now, would it have taken only one day for Mr Mogotsi's testimony to be  
10 finalized?

**ADV CHASKALSON SC**: Yes, not even a day. And there are limited topics that we were going to traverse with him.

**CHAIRPERSON**: Oh, so ...[intervenes].

**ADV CHASKALSON SC**: So, it is possible to determine the application and to ...[intervenes].

**CHAIRPERSON**: And still hear the testimony.

**ADV CHASKALSON SC**: Deal with the remainder of the evidence.

**CHAIRPERSON**: All right. Which one of those days do you  
20 pick, Mr Sekgatja?

**MR SEKGATJA**: Chair ...[intervenes].

**CHAIRPERSON**: If any at all, but I hope you will pick one.

**MR SEKGATJA**: The 15<sup>th</sup>, Chair.

**CHAIRPERSON**: One five?

**MR SEKGATJA**: Yes, Chair.

**CHAIRPERSON:** Thank you very much to both sides. The substantive application must be filed by close of business tomorrow, 29 April 2026. I have specifically decided to say close of business no longer midday, because it does not serve much purpose to press for midday if the answer is going to be on the 6<sup>th</sup> of May anyway. So, let me start from the top, as the artists say. The substantive application must be filed by close of business tomorrow, 29 April 2026. The answering affidavit must be filed by 6 May 2026. The  
10 replying affidavit must be filed by 9 May 2026. Oh, I am so sorry, 11, 11 May 2026. And the hearing of Mr Mogotsi's testimony will resume on 15 May 2026, and the application for recusal will be heard on the morning of that day.

Mr Mogotsi, you are directed to be here on that day, that is 15 May 2025.

**MR MOGOTSI:** 26.

**CHAIRPERSON:** 2026. You should not have corrected me, Mr Mogotsi. It was then, then you simply not have had to come here.

20 **MR MOGOTSI:** It was on the media that I am not around, so I must quickly say I am here.

**CHAIRPERSON:** Thank you very much to everybody.

**MR SEKGATJA:** Thank you, Chair and the co-Chairs.

**CHAIRPERSON:** You are excused, thank you.

**MR SEKGATJA:** Thank you.

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

**CHAIRPERSON:** Mr Mogotsi, you too, you are excused. Thank you. We are ready when you are, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Chair. It is probably best to, at this point, to play the video to which the Deputy Chief says that his message responded.

**VIDEO PLAYED BACK**

**ADV CHASKALSON SC:** Deputy Chief, did you see that video?

10 **DEPUTY CHIEF DHLAMINI:** [Indistinct]... [microphone off].

**ADV CHASKALSON SC:** What was it, what was the scene that was being described, that was being shown in the video?

**DEPUTY CHIEF DHLAMINI:** Correct, SC, it was Sergeant Nkosi. It is not only a video, SC, there was two. He sent a picture and a video. I am not sure if it appears there in the chat because it was not only that video alone. It was a picture and a video because they were at the funeral, if I recollect very well, of the Deputy President by that  
20 particular day.

**ADV CHASKALSON SC:** So it was the funeral of the late Deputy President Mabuza.

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

**ADV CHASKALSON SC:** And Sergeant Chaskalson was walking with Mr Mnisi at the funeral.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV CHASKALSON SC:** Now, in that context, how are we to understand:

“I can see ukuthi, you have captured uMfowethu and he would not want you to leave him.”

**DEPUTY CHIEF DHLAMINI:** I was referring, as I indicated, to the attention with regard to which I think he has taken the attention of the CFO and he would not want to, I mean  
10 to be far from him.

**ADV CHASKALSON SC:** So the CFO wants to be with Sergeant Nkosi, is what you are saying?

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

**ADV CHASKALSON SC:** And why the verb capture?

**DEPUTY CHIEF DHLAMINI:** Capture signifies here, SC, the attention here.

**ADV CHASKALSON SC:** Well, in context, that is not what it means. Look at what you say at the end of the message.

20 “Umfowethu is the best person to be with. uJuda wethu who will do great things for us compared to uBaba wakho ongasekho.”

**DEPUTY CHIEF DHLAMINI:** SC ...[incomplete].

**ADV CHASKALSON SC:** What I want to put to you is that the capture of the CFO was a process that was designed to

put the CFO in a position to do great things for you.

**DEPUTY CHIEF DHLAMINI:** That is not true, SC, because I do not think you should isolate uJuda wethu to the entire statement.

**ADV BALOYI SC:** Maybe explain uJuda wethu, because you say it has significance.

**DEPUTY CHIEF DHLAMINI:** Much as I said, uJuda wethu becomes the context where I am speaking about this thing which relate to, I mean the gratitude I mean that is, that I  
10 see. It signifies I mean gratitude and it is a praise, it is ...[indistinct].

**ADV CHASKALSON SC:** So why do you not read that last sentence, substituting for uJuda wethu, gratitude or praise or whatever you say it means, so that we understand your context.

**DEPUTY CHIEF DHLAMINI:** SC, when we write these things, it is not like you are writing a formal thesis or whatever that need, I mean we are communicating on WhatsApp groups and so forth, it is not a formal way of  
20 communications. We have our own way of how we communicate and so forth. So much as I am saying, if you will read the entire statement bit by bit and say, uBaba ongasekho capture uJuda wethu, sometimes we might not be able to bring this into context. Otherwise, you will understand it the way you want it to look like.

**CHAIRPERSON:** But surely, as you write, you want it to mean something.

**DEPUTY CHIEF DHLAMINI:** Much as I am explaining, Commissioner, to say here, it represent the attention because I tapped on those videos and pictures, the attention that he has drawn from the CFO.

**ADV BALOYI SC:** Can I say, to me that clip depicts people at a funeral. You say it is a funeral, so I see two people walking together at a funeral. That is what looking at that  
10 clip says. Your message says more than just looking at people. You are not commenting about people who are at a funeral together. You say you have captured uMfowethu, so you have to explain that when I look there and see two people at a funeral who may have arrived together, I do not know whether you know that they went there together, that is why you say you have captured him, maybe they came separately, they happened to arrive together, so the captured means nothing when I look at the video and you have said you have captured uMfowethu. So you have to  
20 explain that you get sent a clip and then it causes you to say you have captured uMfowethu. What are you talking about? You are obviously not talking about two people just because they are at a funeral together. So, do explain. You get a clip that shows you these two people who are at a funeral together. Why do you say that depicts Sergeant

Nkosi having captured the CFO?

**DEPUTY CHIEF DHLAMINI:** He has captured the attention of the CFO, Commissioner, and that is what it precisely means.

**ADV BALOYI SC:** What do you mean he has captured his attention? They are at a funeral, we see a clip that just shows them walking together. What is it about that image or that visual that explains he has captured him?

**DEPUTY CHIEF DHLAMINI:** To say the CFO wants to be  
10 next to Sergeant Nkosi, that is capturing the attention of someone.

**ADV BALOYI SC:** Do you happen to know how it is they are walking next to each other? You have to know. For you to say I see you have captured him it means you know something about how they are ending up together there and that is the part you have to explain. What do you know about how they end up together, walking together there for you to say you have caught his attention?

You do not say to Nkosi I see the CFO has  
20 captured you. You are not saying that. You are not saying I see that you have, you know, you have become interested in the CFO. You do not say that. You say the CFO has become interested in you and he would not want you to leave him.

So you know that it is the CFO in fact who is

interested in Nkosi and wants Nkosi to, will want Nkosi to be there forever, never to leave him. You know that. And what you are being asked or what I am asking you is what are the background facts that make you make that statement?

**DEPUTY CHIEF DHLAMINI:** The background fact is that he seems very happy next to Sergeant Nkosi and this is what I have explained, Commissioner.

**ADV BALOYI SC:** Okay. And then explain why you say  
10 you should gear yourself to do so forever my brother. Has the CFO told you that he wants Sergeant Nkosi to be there forever?

**DEPUTY CHIEF DHLAMINI:** No, Commissioner.

**ADV BALOYI SC:** Where do you get the statement that gear yourself to do so forever my brother, from two people who are walking next to each other looking happy? Why do you say he will want you to do this forever?

**DEPUTY CHIEF DHLAMINI:** Commissioner, I have my own way of, I mean the tools of analysis and I think, I would not  
20 think alike like any other person.

**ADV BALOYI SC:** Yes.

**DEPUTY CHIEF DHLAMINI:** So I will be able to reduce what I see the way I see it.

**ADV BALOYI SC:** Yes.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** Share that analysis with us and then and maybe let me start off by saying you do not pluck analysis out of thin air. There are facts on which you are basing yourself. You say you should gear yourself to do so forever my brother. What, and that is an analysis.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** You have analysed that he will want him to be there forever. What are the facts on which you base that analysis on?

10 **DEPUTY CHIEF DHLAMINI:** He seems happy and at peace with him.

**ADV BALOYI SC:** Okay. Why do you say uMfowethu is the best person to be with who will do great things for us?

**DEPUTY CHIEF DHLAMINI:** When I say great things, it does not end there. I mean, I also went further and say it is not like uBaba wakho ongasekho.

**ADV BALOYI SC:** Yes, I am coming to that.

**DEPUTY CHIEF DHLAMINI:** Yes.

20 **ADV BALOYI SC:** I am coming to that part. So I have asked you a specific question, why do you say the CFO is the best person, one, for what is he the best person? Two, he will do great things for us, what are these great things? And three, who is the us in that statement? So there are three parts to it.

**DEPUTY CHIEF DHLAMINI:** I am taking this from back

2010 because I am referring to someone who, uBaba wakho ongasekho, it has got a history what transpired in the past and I am saying he will be able to nature him in the right way and so forth.

**ADV BALOYI SC:** What will the CFO do for you, Deputy Commissioner Dhlamini, because you say he will do great things for us? Forget the CFO because you are the one that is writing. What is it that the CFO will do for you, Dhlamini?

10 **DEPUTY CHIEF DHLAMINI:** Not for me. When I say for us ...[intervenes].

**ADV BALOYI SC:** No, you said us.

**DEPUTY CHIEF DHLAMINI:** I am saying for us because I indicated that Sergeant Nkosi it is like a brother to me. I regard him as such. So when we talk, I cannot say he will do great things for you. I am saying I am happy for you because there you are having a father who can look after you, nature you in the right way.

**ADV BALOYI SC:** So when you ...[intervenes].

20 **DEPUTY CHIEF DHLAMINI:** So if he does for you, it is like he is doing for me.

**ADV BALOYI SC:** So when you say us, you mean Sergeant Nkosi?

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

**ADV BALOYI SC:** Okay, what are the great things that you

say he will do for Sergeant Nkosi? You must have something in mind. It is not just words.

**DEPUTY CHIEF DHLAMINI:** Great things will, comes in many forms. It is like, I mean looking after someone's welfare, naturing him in terms of advices and so forth, taking interest into a particular person's welfare. So that is what I was referring to. You will see that he will check him with his wife if he is okay. He is recouping well in the hospital and so forth. And I know that Sergeant Nkosi need  
10 that because the way ...[intervenes].

**ADV BALOYI SC:** [Indistinct]... [cross-talking].

**DEPUTY CHIEF DHLAMINI:** The way he grew up he definitely needs someone to be able to encourage him.

**ADV BALOYI SC:** When you say he will do great things for you, you must know something about the CFO. Who do you know him to have done great things for? You know something about the CFO. So tell us, what do you know about the CFO that he has done great things for somebody that makes you say that he will do great things for Sergeant  
20 Nkosi? What do you know about the CFO?

**DEPUTY CHIEF DHLAMINI:** Commissioner, I do not know much that he has done something great things for someone. These are feelings that you have to say this person will be able to look after this person, nature him into a particular direction.

**ADV BALOYI SC:** But you told us in your evidence that your interaction with the CFO is in meetings of the City. That is your limited interaction with him.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** How do you, if that is all you know about him ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** How do you know that he is a person who will do great things, who has a propensity to do great things and will do so for Sergeant Nkosi, for you to make that statement?

**DEPUTY CHIEF DHLAMINI:** Commissioner, perhaps if we can think of great things as material things, then we will be wrong in that assertion because great things will come in the welfare of looking after someone that is well mentally and otherwise he get good advices. You do not need to attach material things to great things.

**ADV BALOYI SC:** So you know that the CFO will provide mental wellness, to use your word, support to the CFO?

20 **DEPUTY CHIEF DHLAMINI:** He will provide guidance also.

**ADV BALOYI SC:** To Sergeant Nkosi.

**DEPUTY CHIEF DHLAMINI:** He will provide guidance.

**ADV BALOYI SC:** Even though you have only met him informal 2, 3, 4, 5 meetings of the Municipality and you have no personal relationship with him, because that is

what you have told us.

**DEPUTY CHIEF DHLAMINI:** Yes.

**ADV BALOYI SC:** You have absolutely no personal relationship with him. You do not even talk to him on the phone. You know that he will support Sergeant Nkosi, that you know, something so personal that has nothing to do with work, you know that the CFO will do for Sergeant Nkosi, even though you do not know the CFO at all.

**DEPUTY CHIEF DHLAMINI:** You do not need to know  
10 someone for years to understand the character of how a person perhaps behaves and so forth. I can meet you twice, then I realize to say, here my daughter or my son will be in good hands to be natured.

**ADV BALOYI SC:** In this case, you determined that from official meetings of Tshwane Metro that, of Tshwane Metro, that the CFO will support Sergeant Nkosi just from your formal meetings?

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

**ADV BALOYI SC:** No, that is not true. I want to put it to  
20 you, it is not true. You are being dishonest with us about what this message is about. Lastly from me, in that same message, you say, compared to uBaba wakho ongasekho, who are you, who and what are you referring to, this uBaba and what did he do for Sergeant Nkosi that you say now the CFO will do for you?

**DEPUTY CHIEF DHLAMINI:** Much as I indicated there is history around that of which I do not think I will be able to divulge here how Nkosi was raised at home and so forth.

**ADV BALOYI SC:** I just want to know what did he do for Nkosi that you now say the CFO will do, and this is relevant to our attempts ...[intervenes].

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

**ADV BALOYI SC:** Because you followed, let me finish, you followed the evidence, you have listened to the CFO's  
10 evidence, it is clear from how you are testifying. You have listened to Sergeant Nkosi's evidence. That is clear from how you are testifying.

You then, so you have that background and you know through engagement with you, your own testimony and their testimony that we are looking at what appears or appearances of improper and corrupt dealings relating to tender in Tshwane. You know that is the evidence that we are looking at. That is what we have been engaging with you about and eventually we must make conclusions about.

20 So, it is a relevant question to ask you. This uBaba wakho that you refer to, that you say used to do things for Sergeant Nkosi, which the CFO will now do, because that is what your message is, he will do things for you that your father used to do, who is no longer there, it is a relevant question to ask you who are you talking about, and two,

what did that person do, more importantly, what did that person do for Sergeant Nkosi which now the CFO will do.

This Commission has an interest in that so you cannot say I am not prepared to discuss it or I am uncomfortable to discuss it. You have made a statement, the CFO will take over what Sergeant Nkosi's father used to do and I am interested and it is relevant, not for the sake of it, it is relevant information that must be given to this Commission, what is the CFO to do for Sergeant Nkosi that  
10 you are referring to in this WhatsApp message.

**DEPUTY CHIEF DHLAMINI:** I indicated, Commissioner, that great things do not refer to material things, it refer to taking care of someone, being concerned about the well-being of a person, and so forth, which the one I am referring to, there were shortcoming in that regard.

**ADV BALOYI SC:** You have heard my comment about that evidence. It is you are not being honest.

**DEPUTY CHIEF DHLAMINI:** I do not agree.

**ADV BALOYI SC:** You are not being open with - yes, you  
20 will not agree obviously, but I have to put it to you, so that you have no mistake where I stand on this matter. You are not being honest about the content of this WhatsApp, what you were conveying. Thank you.

**DEPUTY CHIEF DHLAMINI:** Can I respond, Commissioner?

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

**DEPUTY CHIEF DHLAMINI:** I am honest. I wrote it because I have a background with Sergeant Nkosi, and I understand what I have written here.

**ADV BALOYI SC:** The problem is you do not have a background with the CFO and yet you are saying, now you are giving explanations that can only hold if you know the CFO more than what you have told us, which is out of four, five meetings of the City.

10 **DEPUTY CHIEF DHLAMINI:** I noticed the CFO, how he conduct himself, his behaviour, how calm he is, and so forth, I was referring on those things.

**ADV BALOYI SC:** All right, that is your answer, thank you

**ADV KHUMALO SC:** Deputy Chief, let me remind you about what you said this morning. Remember in relation to what happened in March 2025, you said the CFO, and this was your testimony this morning, that the CFO wanted Sergeant Nkosi to become an extension of him.

**DEPUTY CHIEF DHLAMINI:** Correct.

20 **ADV KHUMALO SC:** And you used an example of a car salesman or an agent, and you said the CFO had appointed Sergeant Nkosi to be his agent ...[intervenes].

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

**ADV KHUMALO SC:** In relation to discussions between you and the CFO.

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

**ADV KHUMALO SC:** Is that not what you mean here that he has now successfully become an extension of the CFO?

**DEPUTY CHIEF DHLAMINI:** That is not true.

**ADV KHUMALO SC:** Why would that not be true if earlier this morning you said that is what the CFO wanted?

**DEPUTY CHIEF DHLAMINI:** The context of this message it is not following the discussion Commissioner. It was a different message. I was referring to pictures that were  
10 sent to me and the videos I have seen and it made me to recall the previous incident what transpired back in 2010 and so forth.

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

**ADV CHASKALSON SC:** Thank you, Chair. Deputy Chief, we have the cellphone records now for you. Have you been through them?

**DEPUTY CHIEF DHLAMINI:** I have not, SC. I just received ...[intervenes].

**ADV CHASKALSON SC:** Well, let me give you the context  
20 for why we sought these records and it goes back to your exchanges with Sergeant Nkosi and through Sergeant Nkosi with the CFO who Sergeant Nkosi captured on the 25<sup>th</sup> of March and the critical period in this regard is the period between the two messages that you sent ...[intervenes].

**CHAIRPERSON:** Please take us to the page again, Mr

Chaskalson.

**ADV CHASKALSON SC:** Sorry. Sorry, Chair. That would be helpful. It is page 440. In fact, it starts at 439. So if we go to 439, we see you sending a message to Sergeant Nkosi with a list of seven companies and the covering message that says:

“Captain, nayi mandate uVictor aphiwe yona.”

Captain, this is the mandate that was given to  
10 Victor and you explained that it was given to Victor by Nico.  
You recall that?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Now the, at the time you, you then explained the next message, the message at 903:

“Captain find below our vehicles for land to be given kuMfowethu in order of priority.”

With six company names on it. You said that what had happened is that after Sergeant Nkosi got the message  
20 saying that Victor had received a mandate from Nico for seven companies, he contacted you and said I want you to find another seven companies for us to check for compliance. Do you recall that? And that is why you sent him the list in chat number 1 at page 440. Do you recall your evidence in that regard?

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

**ADV CHASKALSON SC:** Now that evidence presupposes that Sergeant Nkosi would have contacted you at some stage between the two messages that you sent to him, the message that you sent to him with Victor's mandate from Nico which was sent at 8:02 pm, and the message that you sent to him with the new list of six companies at 9:03 pm. Do you recall?

**DEPUTY CHIEF DHLAMINI:** Correct.

10 **ADV CHASKALSON SC:** Now I pointed out to you that there is no WhatsApp communication between you and Sergeant Nkosi between 8:02 pm and 9:03 pm. Do you accept that?

**DEPUTY CHIEF DHLAMINI:** I will have to verify that because last time you said these are not calls, that are I mean incoming, it is chat messages and today it has changed, some of them are calls and so forth, because I saw there is ...[intervenes].

**ADV CHASKALSON SC:** No, no, sorry, Deputy Chief, I  
20 have never suggested that there are mystery WhatsApp's that are not included on this call. I have also never suggested, I have never withheld from you that the empty messages, that the empty bubbles are voice calls, but one thing that has been always clear is that this is the total list of WhatsApp's between Sergeant Nkosi and yourself over

the period governed by this file 4. So are you suggesting that there is a WhatsApp somewhere between 8:02 and 9:03 and that WhatsApp has mysteriously disappeared? That was not your evidence when we traversed this on Friday.

**DEPUTY CHIEF DHLAMINI:** Yes, much as I said we might have spoken, but I cannot recollect whether we had a call on the 25<sup>th</sup> of March when we spoke. Remember, these things happened quite, I mean two years back. You need to recollect to say how did you speak to him and so forth.

10 **ADV CHASKALSON SC:** On Friday you were fairly clear. When I pointed out to you that there were no WhatsApp calls, then you said oh no, it must have been a voice call. So I then said are you saying that you, my exact words were so you are saying it would have been on a cellphone call that was not a WhatsApp call and there was no doubt in your answer. You said yes, we spoke on a cellphone call. And I said so if we requisition your cellphone records, we will find a call between you and Sergeant Nkosi between 8:02 pm and 9:30 pm on 25 March. No doubt in your  
20 answer, you said that is correct. And then I said and will you accept that if we do not, if we do that and we find no call, then this version is false, and you said yes, I will accept. Well, we have done it and we find no call, so do you still accept that your version is false?

**DEPUTY CHIEF DHLAMINI:** I do not think it was false, SC,

because much as I am saying, I have to recollect the events what transpired so that perhaps if you can allow me to have my own perhaps record, go and check the communications and so forth on my own, because you just gave me these records I think now today, so that I can verify mine.

**ADV CHASKALSON SC:** The critical issue is whether there was a call between the two messages that you send to Sergeant Nkosi, the first one with the mandate to Victor from Nico at 8:02 and the second one with our vehicles for  
10 land to be given kuMfowethu in order of priority at 9:03, which you say, despite the wording of the message, actually means the cellphone company, sorry, the bidders who have to be checked for compliance by Nico and have been shown by Nico to be compliant.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** Well, what I want to put to you is that your version in relation to these messages is false, that what you, Sergeant Nkosi and the CFO were doing was rigging a tender in favour of Elshadai, Ngaphesheya and  
20 some others. And that when you speak of capturing the CFO who will do great things for us, what you are really speaking of is other abuses of public procurement processes that will make you and Sergeant Nkosi very rich. What is your response to that?

**DEPUTY CHIEF DHLAMINI:** I do not agree to that, SC.

**ADV CHASKALSON SC:** Well, I do not propose to take it further than that. If you want to go through these records and at a later stage want to file a supplementary affidavit explaining something that you have discovered in these records that you were not alive to, you certainly have that right and we will look at that affidavit and give you the opportunity to address it before the Commission again.

**DEPUTY CHIEF DHLAMINI:** Okay.

**ADV CHASKALSON SC:** Chair, I have no further  
10 questions.

**ADV KHUMALO SC:** Deputy Chief, good afternoon again.

**DEPUTY CHIEF DHLAMINI:** Afternoon Commissioner.

**ADV KHUMALO SC:** We are almost there. Deputy Chief, go to file 5, please. So, file 5 is the additional documents that you provided to the Commission. Remember when you were last here reading your statement, we asked that you provide additional documents.

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** And they do not form part of your  
20 statement, so they are additional in that sense and you have complied with our request and obviously provided the documents. Now in relation to the Gubis invoices there is a few things that you said that we need to clarify. Maybe let us start on page 26. Are you there?

**DEPUTY CHIEF DHLAMINI:** I am there.

**ADV KHUMALO SC:** So this is the complaint from Gubis about non-payment of invoices. Do you see the subject line of the email ...[intervenes].

**DEPUTY CHIEF DHLAMINI:** Yes, Commissioner.

**ADV KHUMALO SC:** On the 29<sup>th</sup> of January 2025 and that name that, I think it was Chair or Advocate Chaskalson, I cannot remember, they asked for Andrew's surname. So, at the bottom of that page it is Andrew Kgwadi, K-G-W-A-D-I. Do you see that?

10 **DEPUTY CHIEF DHLAMINI:** Yes.

**ADV KHUMALO SC:** So that was the name we were looking for. And these invoices you will see from the email they relate to the *ad hoc* services provided at Rooiwal Water Treatment Plant. Do you see that in the first line of the main email?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** Yes. Now let us go to page 27 of the same bundle. So what they have done there is to attach a statement of account and there are seven invoices referred  
20 to in that statement of account, do you see that?

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

**ADV KHUMALO SC:** Yes, and just to correct one other thing that you said earlier, payments to Gubis per month before January 2025 was not 2 million, it was actually 397,000 per month. Do you see from invoice 1 to invoice 7?

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

**ADV KHUMALO SC:** Yes, the total outstanding, the total balance outstanding was the 2 million, but 2 million was for the 7 months, it was not 2 million per month, and we do know that after January more than 30 sites were added and that is what took Gubis' monthly entitlement to just over 14 million. Do you see that?

**DEPUTY CHIEF DHLAMINI:** I see that, Commissioner.

**ADV KHUMALO SC:** Yes. Now all those invoices that are  
10 referred to there, the original invoices are on page 28 to 34 of that bundle. So you will see that invoice 1 is on page 28 and the invoice number will say Rooiwal001 on the top left of the invoice. And if you go to page 29 you will see that invoice 2 is Rooiwal002 and they continue all the way to invoice 7 which is on page 34. Do you see that?

**DEPUTY CHIEF DHLAMINI:** That is correct, Commissioner.

**ADV KHUMALO SC:** But what is curious about all these invoices is that where you are supposed to insert the purchase order number, it is not there. So if you go back to  
20 page 28 or any of the invoices really, on the right side of the invoice, you will see that there is the vendor number, there is the CSD number, there is the period when the services were rendered and there is the VAT number. Just below the VAT number there is a purchase order number missing. Do you see that?

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

**ADV KHUMALO SC:** And this is the real reason why these invoices could not be paid, correct?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** Because if you go to page 24 of the same bundle, you see that a purchase order number is retrospectively created. Are you on page 24?

**DEPUTY CHIEF DHLAMINI:** Page 24, yes.

**ADV KHUMALO SC:** On the 6<sup>th</sup> of March 2025, you see  
10 that a purchase order 4501267280 was created on the 6<sup>th</sup> of March 2025. Do you see that?

**DEPUTY CHIEF DHLAMINI:** Correct.

**ADV CHASKALSON SC:** And the reason why invoice 1 could not be paid is because the purchase order that was retrospectively created on the 6<sup>th</sup> of March 2025 is created in respect of invoice 2 to 7. Do you see that?

**DEPUTY CHIEF DHLAMINI:** 2 to 7, yes.

**ADV KHUMALO SC:** Ja. And it does not include invoice 1, do you see that?

20 **DEPUTY CHIEF DHLAMINI:** Correct.

**ADV KHUMALO SC:** And that explains why invoices 2 to 7 were then paid and there was no issue with those, because once the purchase order was irregularly created after the event, those invoices could be paid. Do you see that?

**DEPUTY CHIEF DHLAMINI:** I see that, Commissioner.

**ADV KHUMALO SC:** But for invoice 1 there was a problem, because it was for the previous year. So if you go back to page 28, the invoice covered the date 27 May 2024 to 27 June 2024. Do you see that? That was the previous financial year and this explains why this invoice could not be paid and why you had to involve Sergeant Nkosi. In fact, if you go to file 3 on page 144, you will see that that is the invoice that you sent to Sergeant Nkosi to say this one is for the previous financial year, we will engage later  
10 Mfowethu, on how to address it in order to avoid *ex post facto*.

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

**ADV KHUMALO SC:** So that is really the sequence that in relation to the 2025 invoices, although they were eventually paid, there was an irregular process, because the purchase orders were created many months after the event. And in fact, if you want to see how those invoices were fixed, if you go to page 17 of the same bundle, bundle 5, from page 17 to 24, you will see that after the purchase order is  
20 created, the purchase order number is handwritten in all these invoices. So if you look at the top of page 17 all the way to 23, you see that that 4501267280 purchase order is inserted in manuscript, do you see that?

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

**ADV KHUMALO SC:** So that is how this whole irregular

thing was corrected, but for the 2024 invoice it could not be corrected because the City's processes do not allow you to do that. That is why you needed this *ex post facto* arrangement.

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

**ADV KHUMALO SC:** So I have the right order and the right sequence?

**DEPUTY CHIEF DHLAMINI:** You are correct.

**ADV KHUMALO SC:** All right, I just needed to clarify that.

10 Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you Chair. I have no questions from those questions.

**CHAIRPERSON:** Do we resume at 9:30 tomorrow?

**ADV CHASKALSON SC:** Unfortunately not Chair. Mr Carrim was due to appear tomorrow. We have received a medical certificate indicating that he is confined to bed. We were then hoping to proceed with Mr Mogotsi tomorrow, but he has *de facto* secured a postponement by applying for my recusal, so we no longer have a witness for tomorrow. So

20 we will have to resume on Thursday.

**CHAIRPERSON:** Deputy Chief, there was the issue of the documents, or rather phone records. You said you wanted to have a look at them, because they had been given to you today. Will you be wanting to file a supplementary affidavit relating to that issue?

**DEPUTY CHIEF DHLAMINI:** Yes, I will do so, Commissioner.

**CHAIRPERSON:** You are directed to file that supplementary affidavit not later than 4 May 2026.

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

**CHAIRPERSON:** And you are excused. We will resume on Thursday, 30 April 2026 at 9:30. Let us adjourn.

**INQUIRY POSTPONED TO 30 APRIL 2026**

**INQUIRY ADJOURNS**

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