

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

22 OCTOBER 2025

DAY 17



PROCEEDINGS ON 22 OCTOBER 2025

CHAIRPERSON: Yes, Ms Pooe, I assume it is you today.

ADV POOE: Good morning, Chair. Good morning, Commissioners. Chair, we are ready to proceed and present the evidence of Witness B. She is logged on. Witness B will be the second of three witnesses who will testify in the form set out in the amended ruling earlier this week. Chair, I have confirmed with Witness B she will be taking the oath.

10 **CHAIRPERSON:** Thank you. I think I am the one, in terms of terminology, who misled you. I think both are oaths, actually. But it is just that one swears, and the other one affirms. So do not blame yourself, blame me from yesterday.

ADV POOE: I wholeheartedly blame you.

CHAIRPERSON: Witness B, good morning.

WITNESS B: Good morning, Commissioner.

CHAIRPERSON: Do you swear that the evidence you are going to give is the truth, the whole truth, and nothing but
20 the truth? If so, please raise your right hand and say, so help me God.

WITNESS B: (duly sworn states)

CHAIRPERSON: Thank you. Yes, Ms Pooe.

ADV POOE: Chair, Commissioners, to begin with, I would like to confirm with Witness B the files that she has before

her. Witness B, if you can confirm that you have three files in front of you, the first file being your statement.

WITNESS B: That is correct.

ADV POOE: The second file being the annexures.

WITNESS B: That is right.

ADV POOE: And the third file being the exhibit file. This is the Katiso bail bundle, which was marked CJC4.

WITNESS B: That is correct.

ADV POOE: Commissioners, you will have two additional
10 files, and that is a set of exhibits. And in terms of the order, these should be marked CJC5. They are broken into two files, CJC5.1 in one file, and CJC5.2 and 3 in another.

CHAIRPERSON: I have got file 103, 203, and CJC52 and CJC53. I think you mentioned something else. What is that?

ADV POOE: That would be CJC4 from yesterday, the exhibit file. The Katiso bail bundle. My apologies, Commissioners.

CHAIRPERSON: But we will probably get there much,
20 much later.

ADV POOE: Hopefully tomorrow.

CHAIRPERSON: Hopefully. Thank you.

ADV POOE: Yes, just to say that the exhibit bundles, both CJC4 and CJC5, are going to be used by all three witnesses. So, they are not attached to a single witness.

CHAIRPERSON: Thank you, Ms Poee.

EXAMINATION BY ADV POOE: Witness A, if we can turn to the first file that has your statement.

WITNESS B: It is in front of me.

ADV POOE: Please confirm that this is a statement you have prepared for purposes of giving your testimony before this Commission.

WITNESS B: I confirm.

ADV POOE: And if you turn to page 50 of the statement,
10 please confirm that that is your signature at the end of that statement.

WITNESS B: Yes, indeed it is.

ADV POOE: Commissioners, having confirmed the statement, we will now proceed to deal with the contents thereof. For anonymity purposes, we do not propose to deal with much of the service history and part of the introduction. We will focus on those parts that do not reveal Witness B's identity. Witness B, can you confirm the correctness of paragraph 1 of your statement?

20 **WITNESS B**: That is correct.

ADV POOE: And in paragraph 2 and 3 of your statement, you deal with the cases you are investigating. Can you briefly take the Commission through these cases and the charges that are involved in these cases?

WITNESS B: Yes. The charges I will start with the case

numbers. It is case number 275/04/2024. As I would say, it has its babies, of which it is Bramley case number 149/04/2024. Also, Klip River 77/04/2024 and Sunnyside case number 286/01/2024. And then the charges thereof Vereeniging is murder. Kliprivier, it is possession of a unlicensed firearm. Bramley it is possession of a unlicensed firearms and motor vehicle. Sunnyside, it is hijacking.

ADV POOE: Thank you, Witness B. At paragraphs 4 to 6,
10 you deal with your service history. Can you confirm the correctness of these paragraphs?

WITNESS B: Yes, that is correct.

ADV POOE: Witness B, at paragraph 7, you deal with the Swartz murder. And before you go into the murder investigation itself, you talk about complexities that you faced. Can you take the Commission briefly through these complexities and the unique challenges you faced?

WITNESS B: Throughout my career, I have been dealing with complex matters, mainly serious and violent crimes, of
20 which it had its own challenges. But with this case, it has been a unique one. I think it has escalated to the extreme. And it has so many interferences. It has so many threats. Not that I never dealt with threats before, but in this instance, it was so intense.

Amongst other things that were unique, it was the

docket itself. There is a lot of people who had an interest in those dockets, of which it was quite strange. And there was a lot of people who had, not the docket itself, maybe if I may put it like that, just the interest in the information, of which it was quite unique. Mainly not because there was an interest in the docket for the good of it, but mostly to the side of the suspect, which was quite strange.

It was like, I do not know how to put it. There was something so special about the suspects that were involved
10 in this one. Because as I have said, I have been dealing with so many serious crimes that some of them were to be published even in the newspapers and so on. But I have never seen so much interest in those cases. But in this one, there was too much.

ADV KHUMALO SC: Can I just ask a question quickly? Witness B, this is Commissioner Khumalo here. When you say there was a lot of interest, was it interest coming from members of the public or from within the service? And at what levels, if it is within the service?

20 **WITNESS B:** Thank you, Commissioner. It was from all spheres, from public to the service, to all kinds of threats.

ADV POOE: Thank you, Commissioner Khumalo. Witness B, Witness A spoke in detail about the scene. But at paragraph 8, you deal with your initial attendance to the scenes on the 17th of April. Can you take the Commission

through this?

WITNESS B: Yes, Commissioners. As Witness A has indicated, yes, indeed, we attended the crime scene on the instruction of Brigadier Gopape. Initially, it was just myself and my colleagues. And then we were joined by two other colleagues. Yes, indeed, the scene was consisting of four crime scenes, of which we will break it down by saying mainly we were called to attend the scene at Bramley, whereby the suspects were arrested.

10 And then those scenes, one of those scenes it was divided into two, because it is where the suspect, when they come from Vereeniging, using a different vehicle, went in, parked that vehicle there with some certain exhibits. And then they drove in a different vehicle to almost two streets away from that street where they were apprehended. So, and then the next one, it was at Engen 1-Stop Garage at Klip River area.

 And then the other one, it was at Vereeniging. Us being called to the scene where people were apprehended,
20 it was worth it for us to be able to coordinate all these four scenes in order to get a picture of what is happening. Because as much as we were called at Bramley, the murder scene, actually, it was at Vereeniging where everything started.

 Because that is where Mr Armand Swart was

brutally killed. And then everything started from there, when the CCTV footage from the company could identify the vehicles that were circulated. And then subsequently, they were arrested at Bramley. And then what brought Klip River 77 or as they were moving from Vereeniging to Joburg and then one suspect got a puncture and then he was forced now to stop at Engen Garage at Klip River where he was subsequently arrested.

ADV POOE: Thank you, Witness B. And at paragraph 10,
10 you deal with the three suspects arrested. Can you explain that to the Commission?

WITNESS B: Yes, as I have said, we first attended the scene at Bramley where we found three people contained at that point, of which we ought to interview each and every one. Subsequently, only two were detained. One was never detained, given the explanation and the connection to the crime. It did not warrant him to be arrested. Therefore, the third person that we talk about in this whole thing is the one that was arrested in Klip River, who was part of this
20 crime that happened at Vereeniging.

Let me first say what happened at Vereeniging. At Vereeniging, there were two cars that were there of which one, it is an I20, white I20 Hyundai, that had two occupants who I would say they were shooters because they were the ones that confronted Mr Swart and brutally shot at him.

And then there was the one that was scouting. But when you look at the video footage, you can see that both cars, they are together. They are working together. And there is one portion where they signal to each other to show that they are working together.

ADV POOE: Witness B, just before you continue, I just want to bring to the Commissioner's attention that Witness B has prepared a timeline, which we will flight which will make it easier for the Commissioners to follow the timeline.

10 We will also be using other visual aids, which will also be projected. These are covered extensively in the statement, but they are just an infographic representation of what she will essentially be explaining. So, we will ask you to also have regard to the screens in front of you. Witness B, you were going to touch on the names of the three people who were arrested on the 17th.

WITNESS B: Yes, the first two people that were arrested at Brimley, it was Michael Pule Tau, who is an ex-police detective at Johannesburg Detective Branch. And the
20 second one, it is Musa Kekana. And then the third one who was arrested at Klip River it is Floyd Tlego Danny Mabusela.

ADV POOE: Thank you. At paragraph 11, you deal with the roles that each of these individuals played. Can you explain this to the commission?

WITNESS B: Yes, as I have already indicated, these people were driving in two cars, of which in one of the cars it was two occupants. Two occupants, it was Musa Kekana and Pule Tau. They were the ones that actually, the shooters. And in one of the other vehicles, it was Danny Tlego Mabusela, of which his role, it was scouting.

CHAIRPERSON: And the one in which Mr Tau and Mr Kekana were in, is that their Hyundai?

WITNESS B: That is correct, Commissioner, it was her
10 Hyundai I20.

ADV POOE: At paragraph 12, you deal with the summary of the evidence used to link the three accused persons. Can you take the Commission through that?

WITNESS B: The evidence that was used, it comprises of different methods, if I can put it like that. That would be including a video footage. Hence, I have indicated that at Q-Tech there was a video footage that gives us a glimpse of what happened there. And that actually helped the investigation by leading the police to know which vehicles.
20 Subsequently, with that information, they were arrested at Bramley through the information that was extracted from that video footage.

Other than that, there is also witnesses that managed to take down the registration other than the footage. Because in the footage, you hardly see the

registration. But with the help of the witnesses that were in the vicinity at the time, that quickly thought of taking down the registration and escalated to the police. It made it easier to be able to track these vehicles.

And then other than that, there was a lot of investigation tools that were used, including cell phones. Hence, I believe that - I do not believe, I know for sure, that Witness A has touched on the exhibits that were found shortly after an arrest, that amongst those, it was cell
10 phones. And as much as I was busy with other things, I could not follow everything that he told the Commissioners. But it worth noting that during the preparation, that kind of murder, it was not just the hit and run one.

It was well prepared. Amongst the preparation, it was that the suspect will leave their personal phone, RICA phone, to them at home and then use what we call banner phones, the phone that is not easily traceable. That would be mainly used for the certain job and discarded. But the fact that all those phones were recovered during the arrest,
20 it helped a lot to link the suspect and the crimes, all four crime scenes, if I may put it like that.

Other than cell phones, people, footages, there was also firearms. Hence, we know that at Vereeniging, it was a brutal killing Obviously, firearms were used. And then subsequently, firearms recovered that also helped in the

linkages.

ADV KHUMALO SC: Sorry, Witness B, the video footage at Q-Tech around 7 o'clock on the 17th of April 2024, does it actually show the shooting incident? Because as the Commission, we have only seen the still shots of the CCTV. But the video footage that you have watched, does it actually show the occupants of the Hyundai firing at Mr Swart.

WITNESS B: Thank you, Commissioner. Yes, of course, it
10 shows the shooting. But maybe if I should paint a picture, yes, you can see the occupants that there are two. But what you cannot see is their facials to be able to identify from there.

ADV KHUMALO SC: Thank you.

ADV POOE: Witness B, you explain with reference to paragraph 13, that the exhibits that were found on the scene were taken for analysis. Can you take the Commission briefly through the types of analysis that you engaged with?

20 **WITNESS B:** In terms of the cell phones, the cell phones were taken to cybercrime for downloading. And then there was also section 205 in terms of the data extraction. And then when we get into firearms, were also taken to ballistic for analysis. And then when I am talking about the cell phones, with the section 205 looking at the data, it was

quite a quicker process.

But when it comes to downloading, it took a little bit lengthier because of its dynamics and obtaining of the warrants and then the specifics to the people that are going to extract specific in terms of what the Magistrate is looking for. So, if I may put it like to say that it delays a little bit because you prepare a warrant. When you get to the Magistrate, he might be taking you back to the rectifier here and there.

10 You go back to rectifier, you come back, the Magistrate is satisfied. When you take the actual exhibits to cybercrime, they say, no, we do not want it like this, we want it like that. And then there was like those pulling in and out because when you get to the Magistrate, you might be saying no, but I am supposed to give the permission. They cannot tell me how to do it.

 They must follow what I am saying. So, there was like those struggles of which they might have taken a month or two. That is why I am saying it delayed the whole
20 process. But in terms of section 205, that was quicker. And with that only, without even having the downloads, we were able to have some linkages. We were able to identify certain people of interest. Mainly we were able to place the accused in the crime scene.

ADV POOE: Yes, Witness B, for the Commission's benefit,

the section 205 you referenced, you just talked about, is to obtain the call data. Am I correct?

WITNESS B: That is correct.

ADV POOE: And the firearms would have been sent for ballistic analysis?

WITNESS B: That is right of which that was also not a lengthy process. It was just a quick one.

ADV POOE: Thank you. The next topic ...[intervenes]

CHAIRPERSON: Sorry, because there is mention of more
10 than one place where ballistic testing was sought. Please mention the name of the first place you sent these to.

WITNESS B: The first place, it was ballistic at Silverton. Maybe it worth mentioning that the firearms, after recovery, were sealed by a photographer, an LCRC member, and then booked at Bramley SAPS. The very same member went to Bramley SAPS and booked those exhibits to the ballistic. While in that process, I was not the one, but I was communicating with the member to ask him to take those firearms as quick as possible to the ballistic.

20 **ADV POOE:** Witness B, can you just explain what LCRC is, just for our benefit?

WITNESS B: LCRC is Local Criminal Records Centre.

ADV POOE: Thank you. You then start to deal with a different topic, and this relates to the accused's first appearance on the 19th of April. Can you take the

Commission through that?

WITNESS B: Yes, I will be able to do that. On the 19th, it was the first appearance of the accused at court, and then there were a few things that were noted that were unusual. Hence, I have said we have been at court like all our ...[indistinct], but in this one, there were some unusual things that happened at court. Well, to mention the large numbers of the supporters of the suspect, maybe it is beside the point, but what happened thereof, maybe it worth
10 mentioning.

I would say amongst the troops that were there, what we have noted is that the interest more than to be at court, it was on us. As much as we would identify people trying to take video footage of us, and then some of the things were informed by the security at court because they also noted some strange stuff, like they came to me, they know me because I have been to that court in the past, and other matters they might be telling me that, hey, these people are trying to take your photo, but we have controlled
20 it and everything.

Some of the things that we did not see the security informed us about, and there is this one particular utterance that was uttered by a certain lady that I think it is also worth mentioning. She was saying out loud more like bragging, and intentionally so because we were close by. It is like

when someone is trying to indirectly convey a message to you but not really saying it to you but knowing very well that you will get the message. She said:

“KT will make this thing disappear.”

We did not understand where does it come from and why is it necessary, and why so loud and so bragging? Why also next to us? And then after the court, when all that happened, we noted after the court when we have to disperse now, I have noted that most of the people that
10 were at court now were all out in front of the court. But we were standing not far from each other, still briefing with each other.

I was briefing with my colleagues. They were standing just there looking at us, and I have noted, and I told my colleagues to say, you know what, those people I feel like they want to see which car we are going to ride in. I do not feel comfortable going to the car because I was supposed to drive my car all alone, and I did not feel comfortable about that.

20 But anyway, the team felt that we will stand here until when if they do not move. If eventually they want to see that and they invested to see it, then they will not move until we move, and then we will wait here until when. And then I then asked one of my colleagues to come drive my car because I did not feel good about it. Then we drove in

three different cars and then Witness B being the one at the back.

I guess he touched on this, and then he noticed certain things, and then he contacted us about those, and then we stopped at the garage not far in the town. And then we debriefed, and then we tried to say, let us now keep driving, like not jumping into that car because I cannot drive alone now. And then let us see if they start following us, and then indeed they keep on following us, of which it was
10 noted they even tried to drive us off the road.

And then amongst the cars, if I may make mention, at a later stage we began to know who they are linked to. Not all of them, but one of the cars that were in the convoy that was following us, driving us off-road. When we were doing other duties where the suspects are concerned, we find it parked there in that house, so we started to recall to say, but this car is one of those cars.

ADV POOE: Witness B, I am going to take you back just to ask, in high-profile matters, is it regular for the people in
20 the gallery to have an interest in you, or was this something that was unusual?

WITNESS B: It was very unusual. It was very unusual. People, they may become supporters of the suspect and all that, but not really to take interest in us.

ADV POOE: And when you deal with the cars that followed

you after the proceedings, you mentioned that one of the cars you spotted while you were doing investigations over there, you said a house over there. Are you at liberty to disclose where you saw some of these cars at a later stage?

WITNESS B: Okay, maybe I am going to jump the miles now, because with everything, the arrest on the 19th, there was bail applications, there was bail on new facts, and subsequently one of the accused got a bail on bail on new
10 facts, and he was given strict instruction to stay at home and whatever. And then I was also tasked to time and again to go and check him, of which I did not for the longest time, but on that one day when I decided to go and check him in his house, that is where I found the very same car that I am talking about parking outside his house.

ADV POOE: And just for clarity, the accused that you are referring to is?

WITNESS B: It is Mr Pule Tau.

ADV KHUMALO SC: And what car was this?

20 **WITNESS B**: It was a RAV4.

ADV POOE: And you say in your statement that after the cars pursued you on your way back from the first appearance, you went back and reported this. Can you take us through this?

WITNESS B: Yes, we went back to the office, and we

reported those occurrences, of which subsequently we were advised to do some TRA, to fill in some forms in order for TRA to be conducted on us, of which we did. We did fill the forms. We submitted to the office of our Colonel Mokoena. However, unfortunately, nothing really came forward for this effort.

ADV POOE: At paragraph 19, you explain that at that stage you did not fully appreciate the gravity of the case. Can you explain why?

10 **WITNESS B**: As much as we have seen that we have been followed and all, at the back of our minds it was like, okay, they are trying to intimidate us. We did not know how deep it is, because even when we were confronted for the first time by the name KT who is going to make this disappear, we did not really at that point know who is KT, how is he connected, how is he going to make this disappear, what powers does he hold to make this disappear. As much as we were aware that this has a potential danger, but to the degree we did not really understand it at the time.

20 **ADV POOE**: And this inform you not escalating this formally with your commander?

WITNESS B: I would say we did not escalate it formally. The fact that we went back and reported the steps, it is not a small step to fill the TRA. It means we were saying, please look at this, there is a potential danger here. It is

just that there is nothing that came forth out of it. Maybe we should have known about the dangers right then and there.

ADV POOE: Thank you, Witness B. In your statement you move on to the next topic, that is the phone analysis, and you take us through the two processes that are followed in this regard. Can you explain this to the Commission?

WITNESS B: Yes, we have, as I said, we first got a section 205 for data, and then after that data that we have
10 applied for came back. Then there was another process to analyse it, and through those analyses there were linkages that we had out of that process alone, let alone the downloading. And then we have the second part that I said it took a little bit longer, of which now it is an actual downloading of the cell phones, where now we can be able to see the communications, the WhatsApp's, the messages.

But with the data mostly we could see that there were phone calls from two, but we will not really see any messages, to be precise, mostly. But when we take to the
20 other process, where now we can follow even the messages, we can hear what was said to who. That is another process. That is why now I am saying it is two. And that is why earlier on I said as early as in the process of data analysis, we are able now to link the suspects to the crime scenes.

We are able now to link the extended people that are called people of interest. Now you can see now that this person has been contacted prior, during, or after the crimes are committed. That is why at the time we said it is the person of interest because it was worth pursuing why.

ADV KHUMALO SC: Witness B, can you just clarify paragraph 21 of your statement? You say that after seizing numerous mobile phones found at the scenes, does that include Vereeniging or are you only referring to Bramley
10 NQ?

WITNESS B: Thanks, Commissioner. When I am talking about cell phones, all cell phones, maybe it is worth mentioning all cell phones, except one, they were recovered at Bramley where the arrest happened, all of them, except the one telephone that was with Mabusela at Engen 1 Stop. And maybe I should make it a little bit more clear because maybe it might be confusing.

As we have said that mostly they will leave their original cell phone at house. So, what happened here is
20 after they came back and they felt it was safe now, they were not arrested, the mission was accomplished, they took their original phones, got into the Viano with their original phone, including a burner phone. That is where all those phones were confiscated. And then also the one at Engen was also confiscated, but it was booked at Klip River SAPS.

But most of the phones, including Mabusela's original phone, it was also confiscated at Bramley.

ADV KHUMALO SC: Thank you.

ADV POOE: Witness B, you mentioned the person of interest at paragraph 25. Will you share the name with the Commission?

WITNESS B: At the time he was a person of interest because we could see the habits, we could see the trade. We could see that this person was very important into this
10 case because seemingly the calls were going to him during scouting and shortly after the murder. So, this person later on we found out that it is Mr Katiso Molefe, who was subsequently later added in this murder.

ADV POOE: Yes, Witness B, then at paragraph 26, you deal with how Mr Molefe was then linked to the Swat murder. Can you take the commission through this process?

WITNESS B: Yes, besides what I have already touched on by the cell phone data, and it goes a little furthermore
20 because even the downloads, they still bring him closer to this case. Not even closer. He is part of that. What I can say now, there is a date that I am going to mention. But maybe before I go to the date, let me first explain to the Commissioners as to why are we here in the first place.

This all started when the company at Transnet

called SK Group, was awarded with a tender. And in this tender, it has been established that there was a lot of manipulation. First of all, in the process of awarding that tender, there was two things that were very outstanding. It is to say, in competition with this SK Group, there was two also more companies, of which it was Mountgate Trading and Stryforth[?]. And then as investigation progresses, we learned that this Mountgate and Stryforth, they actually domain companies. Meaning there was no competition in
10 the first place for the SK ...[intervenes]

ADV POOE: Witness A, can you just stop for a second? Our apologies, Witness B. We were just having a technical difficulty. Can you explain the scheme again? The Transnet scheme.

WITNESS B: Okay, yes, it starts from a tender that was awarded to a group called SK. And then the SK Group, the awarding process itself, it shows that there was a problem because the two competitors, it was Stryforth and Mountgate. When we do investigation, we can tell now that
20 those two were just domain companies, meaning this SK did not have any competition to start with. But I will go back to SK itself.

SK itself, it is connected to the person called Lucky Molefe. Lucky Molefe is the nephew to Katiso Molefe. This SK Group was awarded this tender. And then after it was

awarded this tender, all we can tell it was a manipulation because of these two companies. Already Lucky Molefe is the buyer, is the one who was facilitating this process. So already Lucky Molefe knew that he is going to give it to SK because these ones were just there to make it look like, but it was not really the true reflection of the competition.

There was no competition for SK. However, what makes this thing complex is that we have a company called Q-Tech that has a relationship with Transnet for over 40
10 years. And it has been supplying Transnet with they call it springs and accessories. I do not know if that is the right word, but it is a small spring. I have seen it during the course of my investigation that was supplied to Transnet straight from them as they are the manufacturers.

However, in 2023, they were surprised because they learned now that there is this SK Group coming to them. So, by the very same spring that they normally supply to the Transnet. But in this instance, it looks like the tender was awarded to SK. And their first surprise was,
20 normally the tenders are advertised and this one, it was never advertised.

They were surprised to see that there was actually a tender by this SK coming to them to buy these springs. But it gets worse because now they sell these springs with a little like 3.95, but nothing more than R4 each. However,

the SK Group, when they submitted their purchase order to them, they were shocked to see they are selling this very same spring that was 3.95 to Transnet on the price of R151.

And then when the inspector came to inspect the springs before they were released, they raised a concern to say, are you aware, Transnet, that you are buying something that is worth less than R4 for R151? And then the inspector said, no, we are not aware, but I am going to escalate it to the managers, of which, according to the
10 inspector, he did not.

But eventually, they got to know about the grief of the Q-Tech. That is where the problem started now, because suddenly there was a new purchase order with now an amended price that was now R5.10, that was sent to Q-Tech now. Now they have got two different prices with two purchase orders. Seeing what they have seen, they have decided now to report this matter.

There is a whistleblower from the company that decided to report to the Department of Enterprise. And then
20 that is where everything started. Then the department told Transnet to have an investigation. Then investigation ensued, and then eventually, Lucky was requested, to finish the processes of the tender that was awarded to SK, of which he delayed.

He delayed up until the 12th of April. That is where

everything started to connect the dots to our case now, because the investigating officer from Transnet, he then now confronted him to say, I need those processes papers. And then we see something happening now in this case. Exactly on the 12th, we see Dow driving to Katiso Molefe's house, according to the data. And then also the vehicle tracker. And then they both drive to Q-Tech for the first time. They both scout there. And they scout ...[intervenes]

ADV POOE: Witness B, before you move onto that portion, 10 perhaps to just point out to the Commissioners that the scheme is described at paragraph 36.3 until – sorry, 26.3 until 26.5.

ADV KHUMALO SC: Do we have that graph that was displayed?

ADV POOE: We can make it available.

ADV KHUMALO SC: So that we can insert it into our files.

ADV POOE: Certainly.

ADV KHUMALO SC: Thanks.

ADV POOE: Thank you, Commissioner Khumalo. Witness 20 B, if you can then start at paragraph 26.6. This is now where you deal with the relationship between Mr Lucky Molefe and Katiso Molefe and his, I guess, request for assistance in this regard once the scheme was discovered.

WITNESS B: Yes, this is now, as I have said, on the 12th that is when now the investigating officer from Transnet

requested those documents from Lucky Molefe. And then, okay ...[intervenes]

ADV POOE: Just to assist you, Witness B, this is where you start to deal with the communication and information from the cell phones, which shows you the communication between Mr Lucky Molefe and Mr Katiso Molefe, as well as Mr Pule Tau.

WITNESS B: The communication, it is mostly between Mr Molefe and Tau. And then we then see them meeting
10 personally for the first time on the 12th, after Lucky learned that he was requested to bring the papers. But instead of Lucky bringing the papers, we see action happening between Tau and Molefe, when they start now going to the very same Q-Tech to scout.

You could see that from data that Tau drove to Katiso's place, and then they were together picking up at the same tower at Katiso's place. Shortly, they did not even take some time. Shortly, they both seen driving together to Vereeniging at Q-Tech. And then from there,
20 they go back to Katiso's house. Then Tau goes his way.

ADV POOE: And does the scouting only happen on the 12th of April?

WITNESS B: This was the beginning. This was the beginning of it. That is why I am saying it was triggered by the investigating officer requesting these papers. Now it

seemed to be urgent, something needed to be done urgently, otherwise there was going to be problems. Because from the 12th, there was a scouting. The 13th, there was a scouting. The 14th, there was a scouting. The 15th, there was a scouting. The 16th, there was a scouting. Subsequently, Armand was killed on the 17th.

But there are things that happened in between. We see Katiso sending a name and a number of the intern that supposedly they thought it was a whistleblower. But let me
10 just say of the employee from the Q-Tech, he sent it to Tau. Tau started sharing this with her girlfriend named Lerato, asking her to search and find who is that person, of which Lerato indeed she searched and searched until she found the intended target with his boss, and she sent it back to them, to Tau.

Let me not say to them. Sent it back to Tau, Tau sent it back to Katiso and they agreed that this should be him. And then the scouting continued and then we could see there was a testing of vehicles and so forth. And in one
20 of the days, we could see Tau's Viano there up until the knock-off time where everybody will leave Q-Tech. I think they were trying to identify the target. And what is notable, after the 16th from scouting, they go back to ...[indistinct] again.

ADV POOE: Thank you, Witness B. Commissioners, this

is described in detail at paragraph 26.8 and the said paragraphs thereafter.

ADV KHUMALO SC: Maybe just before you leave 26.8, Witness B, you say at one-point Katiso Molefe sent details of employees of Q-Tech to Mr Tau.

WITNESS B: That is correct. That is correct, Commissioner. That is why now he sent the cell phone number of the person that was intended to be shot, that was believed to be a whistleblower, and the name. I do not
10 know if it is safe to call out the name of the victim.

ADV POOE: No, Witness B, that is not necessary.

ADV KHUMALO SC: But it was not Mr Swart, is that correct?

WITNESS B: No, it was not Mr Swart. It may be worth mentioning that in all of those, unfortunately and sadly, Mr Swart was never the intended target. It was a mistaken identity.

ADV KHUMALO SC: I do not think we should get to who the actual whistleblower is. Let us leave it there for their
20 own safety.

WITNESS B: Yes.

ADV KHUMALO SC: Yes.

ADV POOE: Commissioners, just to cross-reference, this would be the annexures that Witness A went through yesterday with all of the stills. So that information is

contained there.

ADV BALOYI SC: Yes, it is what I was going to raise. Witness A gives dates of scouting, and I think that is at 12, 13, 14, 15, 16. I think it would be helpful that you cross-reference from yesterday's files, that you tell us the 12th is this exhibit that we looked at yesterday, the 13th is this, because to read this without reference to annexures will be very difficult when the witness is not here.

ADV POOE: Commissioner Baloyi, we will do so. I will
10 just ask that once I get my file with Witness A's annexures, I will do that exercise and give you the references.

ADV BALOYI SC: I am happy that you can even start with that tomorrow morning if you need the rest of today in the evening to do that cross-referencing.

ADV POOE: Thank you. Witness B, at paragraph ...[intervenes]

ADV BALOYI SC: Can I interrupt before you move off this. At paragraph 26.8.4 and perhaps Ms Pooe, it still falls in the category of what I am asking, what I have asked that
20 you do for us. There, the witness says, on 12 April first Mr Tau's seen driving to Mr Molefe's place, and then they both drive, they both drive to the location for scouting. I do not recall, and the witness, you can remind us, I do not recall that we saw evidence that they were both in the vehicle. I do recall the evidence about the vehicles, the vehicle going

to Mr Molefe and then it is leaving. Is there evidence that they were both in the vehicle? And perhaps when you do the exercise that I have asked for, you can try and locate that.

ADV POOE: Commissioner Baloyi, I think Witness B will be of assistance. She referred to cell towers being used to show that they were both at that location.

ADV BALOYI SC: Let me direct the question to her. Let me do that.

10 **ADV POOE**: Certainly.

ADV BALOYI SC: Witness B, at 26.8.4, you say on the 12th first Mr Tau's seen driving to Mr Molefe's place, and then they both drive to the location for scouting. How do you know that they were in that vehicle together to the location for scouting?

WITNESS B: Commissioner, we know that through the call data. It is the call data that informs us that, you can see from Tau's call data and tracking reports, driving to Molefe and then from Molefe's house according to call data, they
20 both driving, were picking in the same towers up until at Vereeniging Q-Tech where they were scouting. Why I would refer to say they were driving together, I am very much aware of the explanation that he gave during the bail that he forgot the cell phone inside Tau's car.

But I am not convinced, Commissioner, because in

between he was making calls, let alone receiving calls. Receiving a call, I will maybe give him the benefits of the doubt because even doubt can answer but making calls from your phone, that is extreme and I know he was using an iPhone and I am definitely sure that Tau would not be able to access iPhone without him because I know the security is in the iPhone, I am using an iPhone.

ADV BALOYI SC: Thank you, Witness B.

ADV POOE: Thank you, Commissioner Baloyi. Witness B.,
10 you wrap this section up at paragraph 26.9 where you talk to the motive. Can you explain this to the Commissioners with reference to paragraph 26.9? Thank you.

WITNESS B: Yes, the motive, yes, hence I reference to the 12th to say we see something common about the dates, the 12th because the 12th is when Lucky was pressured to give the documents and knowing that there was manipulation and that would have costed him his job and everything that he worked and then instead he reached out to the uncle and the uncle called out to the friend and they
20 both start scouting as immediately as the 12th because the 12th is the genesis of why we are here now. And then ...[incomplete].

CHAIRPERSON: Sorry, sorry, Witness B., what is your belief that Mr Lucky Molefe ordered the hit based on?

WITNESS B: It is based on this SK tender and the

whistleblower because, Commissioner, the actual person that was intended to be killed here is the whistleblower that was blowing the information in this SK tender thing. So, unfortunately, we find Mr Swart being killed but not the person that was intended to be killed because now it was creating problems for Lucky at work now that the investigator is now needing to have these documents.

And the same documents was going to reveal that these two companies that he said they were in competition
10 with SK, they are actually non-existent and SK itself, it has its own problems because the investigation has revealed that even that it was a pawn in Lucky Molefe and Thapelo Molefe, who is the son to Katiso Molefe's ...[indistinct] because when the money was paid now.

Maybe, I do not know if I am going too forward, but when the money was paid now to this SK, what happens, it gets paid to SK account but the whole amount is transferred to Thapelo Molefe's account and Thapelo Molefe is the one paying people including the so-called director of SK. He is
20 getting as little as 30 000 out of 1.2. So, now it tells you who are the mastermind of this SK Group and this tender and it gives you a clear picture why Mr Molefe was interested and had to do something because he was protecting the interest of his own son and the nephew.

CHAIRPERSON: I understand about calls or other contact

between some of the people alleged to be involved in the murder that is before the murder and even the report to Mr Katiso Molefe after the murder that I think it said, we are fine, something like that. So, I would understand the basis for inferring or concluding that Mr Katiso Molefe could have ordered the hit. I am not so sure that I get how you get to the conclusion or inference that Mr Lucky Molefe could have ordered the hit, but I will leave it there. You have made your point.

10 **WITNESS B**: Commissioner, can I add a little something on Molefe?

CHAIRPERSON: Yes.

WITNESS B: Molefe meaning Lucky. Lucky is the person who awarded this tender to SK Group and Molefe is referred to as the buyer at Transnet. Definitely, Molefe, Lucky is not the first time he buys these certain springs for Transnet. And Molefe is at liberty to look at the history in the system for the people who have been supplying them with the springs of which at the most the people that maybe were
20 expensive, they were not above R6 mostly.

I am not talking about where he facilitated, where other employees facilitated the process. The least is R6. But in every tender where he was involved, it is a hundred plus. So, what I am trying to put out there is to say Molefe is not only the first tender that he awarded in this fashion.

So, opening an investigation for him, it was crucial because it was going to expose not only this and others as well. That is why this whistleblower had to be taken care as quickly as possible before everything come to light.

ADV POOE: And perhaps, Witness B, just to clarify with reference to the infographic, there is a dotted line next to Molefe on the right where you mentioned that further investigations have found other schemes. Can you explain that briefly?

10 **WITNESS B**: That is correct. Unfortunately, that is still under investigation, but it is safe to say it is more than one. It could be 10, 15 or 3, but it is more than one.

ADV POOE: Thank you, Witness B ...[intervenes]

WITNESS B: Sorry, Commissioner, one last information that I forgot to include where Q-Tech is concerned. That is why it was so important to eliminate, excuse me, to eliminate Q-Tech. is that on the system, they have been having this relationship with Transnet for over 40 years. But when at the first when the investigations were done, it
20 was so strange that they were not appearing in the system. Somebody had deleted them so that it can never be seen.

ADV POOE: Thank you, Witness B. The next section in your statement, you deal with ongoing signs of intimidation, threat and interference. You explain at paragraph 28 what kept happening as you went to further appearances. Can

you take the Commission through this?

WITNESS B: Which paragraph am I dealing with now?

ADV POOE: We are dealing with paragraph 28.

WITNESS B: I am trying to follow so that I ...[intervenes]

ADV POOE: Just to explain to the Commissioners that the witness has a slight problem with her eyes. So, we are trying our best for her not to read. So sometimes that is why we give cues. Yes, this is where you talk about some of your experience with the ongoing court appearances.

10 **WITNESS B:** Yes, that will be obviously as ...[intervenes]

CHAIRPERSON: Not ongoing signs of intimidation, threats and interference.

ADV POOE: Yes, Chair. That, but with reference to when they go to further appearances, that is the first line of paragraph 28.

CHAIRPERSON: Thank you.

WITNESS B: Yes, the following, it is worth noting that it was not for the first appearance only. It has been going on. And people trying to take photo of us, it has now become a
20 thing. But at least we had securities that they were aware now that they were looking at each and every one who is trying to take our photos. They might be coming and explaining to us that we stop certain individuals trying to take your photos and everything.

And there was this one individual who would always

make a point that he comes closer to us. And we know for sure that he is a friend to Mr Tau. But we did not understand why this guy would want to be closer to us. And we believe it was his way to identify us. Hence, at the later stage of the investigation, we learned that he was tasked by facilitating the elimination of us. So now that actually ...[connectivity issue] maybe somebody needed to see us and they would say, the ones that I would go closer to them, it is them. I do not know.

10 **ADV POOE**: And at paragraph 29, you deal with some of the intelligence you were receiving. Can you tell the Commission about that?

WITNESS B: Yes, and then this would be the information that would be deliberately delivered amongst the team to say, you have only - you, like us investigators, we only have two options. You only have an option to accept the bribe and do what those criminals want, or you die. Actually, the second one, it is not even an option. It is like that. It is either you do this, or you will die. And then where the
20 suspects were concerned, there was a time where a person was informing one of our members to say, now there is only three options. The suspect will escape. The suspect will kill you. Or the suspect will buy his way out.

ADV POOE: And based on ...[intervenes]

WITNESS B: So, it was like those bribes were not coming

in a form of, like, enticing you anymore. It was coming in a form of threatening you as well.

CHAIRPERSON: Let me understand the evidence on the bribes. Before today, I do not remember, I may have forgotten, but I do not remember that there ever was a categorical offer of a bribe. There was mention of envelopes. One envelope being for the prosecutor, another one for the investigators, plural, and another one, was it for the judicial officer? Yes, three envelopes.

10 And my understanding was that Witness A inferred from that that this was an enticement to you, the investigators, to take a bribe on the basis that the reference to envelopes was reference to bribes. He never, if I am correct, ever said that an offer was made here is a bribe. Take it. If you do not, B will happen. I may be incorrect.

ADV POOE: Chair, that is correct. Witness B is referring to what informants that they work with would tell them. So not express but perhaps let us direct this to the witness to explain it. But it is more that this was outside of official
20 channels. This was the informants informing them that you have these two options.

CHAIRPERSON: All right, maybe let me just listen. I will hear what Witness B says when they visit Pretoria. I will say nothing about who they were visiting in Pretoria.

ADV POOE: Thank you, Chair. Witness B, do you want to

comment on the information you are referring to from informants on bribes and the threats that you were facing?

WITNESS B: Yes, I would like to comment. Commissioner, maybe just put everyone on the picture of what was happening here. And yes, I understand we say informant, but this kind of informants, actually, let me say the one that was telling us that information, it was not somebody who detached himself from the closeness of the suspects, if I may put it like that.

10 He would put it in a way as if it is a message. It is a message from where the suspects, they have interest or whatever is to say, this is what is going to happen. This is what you should be doing or else this is what is going to happen to you. And it went as far as at some point, even though there was never a direct approach to say, here is the bribe, we take it, or we die. But there was a point whereby an amount was mentioned ...[intervenes]

CHAIRPERSON: Witness B, ...[intervenes]

WITNESS B: To inform ...[intervenes]

20 **CHAIRPERSON:** Witness B, can you please tell us under what circumstances this happened? Where were you when this was said to you? Where was the person who told you this? Were you in the presence of each other? Unless you are not willing to tell us who this person was, who was this person?

WITNESS B: I cannot say who was the person, but I would say this information to me, it gets to me through the colleague because this informer is directly reporting to the colleague. I was saying at some point, the very same informer told the colleague that the amount that was already paid to the investigators, let me say to me in particular, he said I was paid 1.2 and this information comes shortly after Tau is granted bail.

He said, you see I told you that this person has
10 been paid, like he is speaking from the point of knowing, even knowing the amounts and everything that he has warned my colleague about it is happening. So, it is easy to believe such a person when he says tomorrow this person is going to get bail and the person gets bail. Now he tells my colleague that I have been paid 1.2, so he was supposed to believe even that, but unfortunately, he knows me better than that.

CHAIRPERSON: And are you also not willing to tell us who the colleague was?

20 **WITNESS B**: Commissioner, I cannot.

ADV POOE: Chair, I am going to have to protect the witness from you.

CHAIRPERSON: Sorry.

ADV POOE: I am going to have to protect the Witness B from you for a little bit and I think they will touch on the fact

that sometimes referring to colleagues compromises them at the stations they work at, so they are not able to reveal that.

CHAIRPERSON: Well, the witness must tell me that. The witness must tell me that. I did not for one minute suggest that I was going to press. If for whatever reason the witness says that they are not willing to divulge who the colleague is or was.

ADV POOE: Thank you, Chair. Witness B, can you explain
10 to the Chair why it is you are unwilling to divulge the name of even your colleague?

WITNESS B: It is going to expose their identity.

CHAIRPERSON: I will leave it there.

ADV POOE: Thank you, Chair. Witness B, you explained that after the escalation or ongoing threats and intimidation, you took measures to protect yourself. Can you take the Commission through what measures you adopted?

WITNESS B: This happened shortly. Most of our drastic decisions were taken by us after the release of Tau, as
20 much as we were in danger before. But now that he was released, we knew that the danger has escalated ...[intervenes]

ADV POOE: Witness B, let me help you. We are at paragraph 29 of your statement, so we are not at Mr Tau's release yet. This was when you stopped driving.

WITNESS B: Yes, no, what I did there, I was really afraid to drive the vehicle that was assigned to me, a state vehicle, because that vehicle had been driving me since it was handed to, the first time I was driving that vehicle. So, it was easy to track me on that vehicle. Therefore, I was afraid to drive it, and I gave it to my colleague to drive it, and then I stopped completely to drive it.

ADV POOE: And at paragraph 30, you refer to assistance that was given from a private security company. Can you
10 explain this to the Commission?

WITNESS B: Yes, this assistance happened shortly, hence I am saying maybe I will be too forward, because some of these occurrences happened shortly after Tau was released. Even me stopping driving the vehicle, that was exactly the time when I stopped driving that vehicle, and then we got assistance from the private security that was helping us during the course of the investigation, giving us protection, because it was becoming so impossible now to do investigation out of fear, knowing that Tau is out there,
20 and we learned that he already, while inside, tried to facilitate our assassination. Then now that he can do it himself, it was so, so, so difficult.

ADV POOE: And at paragraph 32, you deal with the threat and risk assessment that you initially done. Can you explain this process?

WITNESS B: All right, and then after this now, before we even go for this TRA, we first - let me, maybe it is time now, I start immediately after Tau was released, what happened. That was Friday. On the following Saturday, we had to regroup, me and my colleagues, to ...[intervenues]

ADV POOE: Okay, Witness B, let me stop you, because chronologically, that happens a little later, so perhaps before we deal with the drastic steps that you took after Mr Pule Tau's release, let us first deal with then the meeting
10 with General Shibiri that happens on the 15th of May. So, you deal with this at paragraph 34 of your statement. You start from the call you received from Colonel Mokoena. Can you take it from there?

WITNESS B: Yes, and then on this day, it was after hours, I was at home already, and then I received the call from Colonel Mokoena, and then he told me that he was with General Shibiri and that he wanted to meet with me, and that he wanted to talk to me, and that he wanted to talk to me.

20 **ADV POOE:** Witness B?

WITNESS B: General Shibiri through Colonel Mokoena ...[intervenues]

ADV POOE: Witness B, can we stop for a second? I think the connectivity is bad. Can you say something, just so that we can hear that it is gotten better?

WITNESS B: Can you hear me?

ADV POOE: Yes, yes. Please start again from the call that you received from Colonel Mokoena.

WITNESS B: Yes, it was after hours, I was home already, I received a call from Colonel Mokoena, and then he told me he was with General Shibiri and General Shibiri would like to talk to me. He then handed over the phone, and then I spoke to the General, and the General was basically asking me questions, trying to understand the whole case and the
10 linkages and everything.

Therefore, unfortunately, I was not in the liberty to do that. I feel so uncomfortable to do that over the phone, because after realising the people we are dealing with, that it was too sophisticated, so we are not really discussing any of the cases and concerns over the phone. Therefore, I explained that to the General, to say, I do not mind giving General the briefcase, but I cannot do it over the phone for this and that reason, of which he understood. He said, okay, cool, and then you can please come to my office so
20 that you can give me this information on this case.

CHAIRPERSON: That is the visit to Pretoria that I was referring to earlier.

WITNESS B: Yes.

ADV BALOYI SC: Witness B, in the reporting line or hierarchy, what is Colonel Mokoena in relation to you? Is

your direct superior?

WITNESS B: Yes, Commissioner, he was my direct, and then he reports into the Brigadier, and the Brigadier reports into the General.

ADV BALOYI SC: Brigadier being who? The name of the Brigadier to which Colonel Mokoena reported?

WITNESS B: And then Brigadier Gopape, sorry.

ADV BALOYI SC: And then Brigadier Gopape reported to which General?

10 **WITNESS B:** General Khumalo because of mainly Khumalo we say General Mbuso Khumalo.

ADV BALOYI SC: Thank you. I do not recall whether yesterday we got the name of Colonel Mokoena. His first name?

WITNESS B: I only know him as Colonel Mokoena. I do not know his first name.

ADV BALOYI SC: All right, we will get it. I am sure Ms Pooe will help us at some point. Thank you, Witness B.

20 **ADV KHUMALO SC:** So, Witness B, you are not on first name basis. We can leave it at that for now.

ADV POOE: Thank you, Commissioners. We are about to go into the content of the meeting, and I note slightly early, 3 minutes before tea. Perhaps, Chair, this is an opportune time to break.

CHAIRPERSON: Let us adjourn and resume at quarter

past.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV POOE: Chair, Commissioners, before the break the witness was asked about the names of Colonel Mokoena. It is Isaac Ben Mokoena.

CHAIRPERSON: Thank you. And has the connectivity improved?

ADV POOE: Yes, Chair ...[intervenes].

10 **CHAIRPERSON:** You hope so.

ADV POOE: We tested before we left for tea. Witness B, if you can confirm that your connectivity has improved by saying something.

WITNESS B: I hope you hear me better now.

CHAIRPERSON: Yes, we do. Thank you.

ADV POOE: Thank you. Chair, Commissioners, I would also like to note, sorry, that in the service history, so paragraphs 4 to 6, we have referred to the witness' full service history, which is contained in the SAP96. That is
20 Annexure 1, W1 – sorry, B1 of the annexures. And in another exchange, Chair, witness B would like to address the short exchange you had with her regarding the colleague, so if we can just revisit that paragraph. Witness B.

WITNESS B: I am here. Commissioners, when I was

asked from the information stream where I was referring to in terms of the information where the bribes and the amounts were concerned, and I believe the Commissioner asked specifically as to from which colleague where I got this information from. I would like to say it was from Witness A in particular. As much as this information were coming in different streams but that one in particular it was from Witness A.

CHAIRPERSON: Thank you, Witness B.

10 **ADV POOE:** Thank you, Commissioners. We were dealing with the meeting that took place on the 16th of May with General Shibiri. That is at paragraph 35 of the witness' statement. Witness B, can you take the Commission through what happened on the 16th of May.

WITNESS B: On the 16th of May, as per the call the previous night, we proceeded to, well, maybe I must note that it was at the early stage of this case, it was a hectic one, so we were busy. We only managed to get to Pretoria a little late towards tjaila time, towards four. And then we
20 had a brief meeting with the General. It was not really a formal meeting, if I may put it like that. It was more like a briefing, a briefing that was not formal. In all essence, what I can say, evaluating from what was said in that meeting, mostly General at first he was giving us a layout to say he understand that the case that we are investigating is

of a serious nature.

He even referred to a case that he once investigated himself and his team of late General Masangani, of which he also highlighted the challenges himself and the team that encountered the dangers that they encountered. And then he eventually advised us that we need to look at TRA because that will provide a better security given the circumstances and then he took us through the process of safe houses and then like he was giving us a glean of what
10 it entails and what it means and then where it starts.

You must first have a TRA and then those measures may come, because he was speaking from an experience and then the conversation went on and on and on. And then eventually we were given a chance also to give a proof of the case that we are having. He further give us also a more insight on this case in particular now to say, oh, well, this case is of a serious nature and your life may be really in danger, because those people are connected to a figure called Mswazi. of which, at the time, I did not really know
20 when one says Mswazi, what does that mean, but that name was dropped.

And then he furthermore tell us that those guys are of a great danger because they are not only limited to Mswazi's, they are also working with some of the Police Officers from TOMS. There was a name there that in

particular stood out. He said it was Philani Zungu, he was working with him. Well, I do not know him. I still do not know him even now. And then there was also a conversation about that he knows ...[indistinct]. The Attorneys that they are using, he knows how do they work. And then he further said, that is where now this issue of envelopes come in. He knows there is already three envelopes prepared, of which it had names on it to say one is for Magistrate, Prosecutor, and the IO's.

10 So, well, it started now to me to take a different turn because that is not the conversation I would have with my superiors, especially the one at the General's level, let alone being a General at the National Office. It started to feel otherwise for me. Apparently, I could not keep it in because like, I was in like off place at that point of the time to say what possibly this could mean.

 And then I asked, I asked the General to say, General, if now we are sitting here, you are telling us that as a General, you know of the Police Officers who are doing
20 wrong and you are telling us what has been done, because I do not think that is the kind of conversation we should be having. When there was no clear answer on that, it was like the inquiry, like he took me through the steps that should be happening, not that are in place already or that are intended. So that was it.

And then for me now to move from this uncomfotability that I was in at that time, I decided to take advantage and maybe swerve it to help the investigation rather. I then make a request from the General to say, can you please assist me expediting the ballistic reports, because it was crucial for us to have that ballistic report, given the fact that we already expected to link the weapons found in Bramley back to the scene at Vereeniging. So that was a crucial point for us. Therefore, indeed, immediately
10 he started making phone calls in assistance.

ADV KHUMALO SC: Witness B, before you move to the issue of ballistics and the assistance, what was your reaction to the talk of the three envelopes and how did that conversation end?

WITNESS B: My understanding, hence I have just indicated to the Commission that for me it just became uncomfortable, because I did not think me and the General would have such conversation, because according to me, it is wrong. Even if maybe the General knows of that, he
20 cannot tell me as a junior about it.

ADV POOE: Yes.

WITNESS B: And reading the room and the whole situation, and with everything that I know now, but at that moment, it was just uncomfortable and I read it as if this is the kind of enticement, because tell me, if you tell me about

the monies that are there in relation to the case that I am investigating and amongst the people that are supposed to get the envelope, it is the investigating officers, what are you trying to say?

ADV BALOYI SC: Witness B, the slide that we are looking at says the meeting with General Shibiri was on the 16th of September and yet your statement says the, rather 16th of May, I beg your pardon, and your statement says the 15th of May. Which is the correct date?

10 **ADV POOE:** Commissioner ...[intervenes].

WITNESS B: The 15th of May, it is when I received the call, Commissioner ...[intervenes].

ADV BALOYI SC: Oh, yes.

WITNESS B: The visiting ...[intervenes].

ADV BALOYI SC: I beg your pardon.

WITNESS B: Was actually on the 16th.

ADV BALOYI SC: Alright, my mistake. I beg your pardon. Secondly, the slide speaks of a JMPD officer confirmed to have tested plates for the matter, for the ...[indistinct]
20 rather, and sent to KT. What is that all about? It is to summarize, to understand.

WITNESS B: That information comes from a different – Commissioner, I think me putting it in my statement in that sentence, it will be need to be rectified. He never really spoke about it. It is from a different stream of information,

but not General Shibiri.

ADV BALOYI SC: So it is a mistake that it is recorded as if it was a discussion with General Shibiri at that meeting?

WITNESS B: Yes.

ADV BALOYI SC: All right.

WITNESS B: That and also the one for somebody in Johannesburg Central. Those, they do not fit in this meeting.

ADV BALOYI SC: All right, thank you.

10 **ADV POOE:** Thank you, Witness B. Thank you, Witness B. You explained that after the meeting on reflection, you drew a conclusion about why General Shibiri called you to that meeting. Can you explain to the Commission what that was?

WITNESS B: Yes, from our own reflection, all we could conclude is to say he just needed to find out the progress of the case as to how is the accused linked and then how strong is the case against the accused of which well after this, after this meeting, he indeed give me a call again, a
20 follow up call to ask me the things like the linkages in terms of DNA, in terms of primer residue. It was like to me, okay, this was all about that.

ADV BALOYI SC: Witness B, if you could just allow me to take you back a bit. It is a question that I had wanted to ask and forgot somehow. Earlier in your paragraph 33 you,

this is where you are discussing the TRA that you requested right at the beginning and you say you filed a form and submitted it to Colonel Mokoena's office. You remember that, where you then ...[intervenes].

WITNESS B: I do.

ADV BALOYI SC: You remember that. Now you conclude that paragraph 33 by saying:

“Unfortunately, nothing ever came of that process.”

10 Did you make inquiries or did you come to understand why that request was not met, nothing happened?

WITNESS B: No, Commissioner, we really never make a follow-up on that, but as when things started escalating, there was another TRA, but we did not even, we did not really follow it up to say why did nothing come out of this and wara-wara, where does it get stuck and everything, no. We did not, but there is something about it that struck me because shortly after we filled this form, the very same
20 information from the stream of informer, from witness A, he touched on this, of which it was so strange to say there is nothing coming forth out of this, but he seems to know something about this TRA, because he made a comment to Witness B to say, oh, these days I understand you are belonging to General Lekalakala, knowing that General

Lekalakala's office would be the one handling the TRA, it struck me to say, how did he knew, because even inside ...[indistinct] we do not get any feedback, but he seemed to know.

ADV BALOYI SC: So if I am, just to make sure I understand, are you saying that after you submitted the TRA, an informant came to know about it?

WITNESS B: I do not know if he knew about it physically, but he knew that there is a process of us escalating things
10 to General Lekalakala.

ADV BALOYI SC: Yes. Okay, thank you. Thank you, Ms Poee.

ADV POOE: Thank you, Commissioner Baloyi. In your statement, Witness B, you move on to talk about how you proceeded to move after the meeting with General Shibiri and that you exercised caution. Can you explain this to the Commission?

WITNESS B: Can you please direct me to the paragraph ...[indistinct] same page.

20 **ADV POOE:** This is at paragraph 40 of your statement.

WITNESS B: Oh, yes, this is where now we took measures about the case itself as to how to treat it, as to who do we communicate with in terms of this case. And beside that, we are also instructed by Brigadier Gopane after she learned that we already had a meeting with the General

without her knowledge, then there was a strict instruction that she gave to us to say, this case is too sensitive, therefore, I would appreciate if you only give progress to me or to General Khumalo. Those were the only two people that were supposed to share any information where this case is concerned, because even in the group chat, we never really said anything where this case is concerned.

ADV POOE: Thank you, Witness B. In your statement, you then move on to the ballistics investigation and at
10 paragraph 41, you begin with the call that you received from Colonel Mokoena telling you about a telephone call from General Shibiri. Can you take the Commission through that call?

WITNESS B: Yes. I do not remember the exact date, but it was between May and July, and June, actually, early June, I received a call again from my Colonel Mokoena. He informed me that General Shibiri has called, he said that the report is ready, I can collect. And then I went to Ballistic, together with other colleagues. I did not go alone.
20 And then we went there. On our arrival, we went to the office where the report is supposed to be handed because there is a specific office. When we got there, we were told that we should wait.

ADV POOE: Witness B, did you move away a little bit from the computer?

ADV KHUMALO SC: Your voice is fading, witness B.

WITNESS B: Can I try again?

ADV POOE: Try again and just a little louder.

WITNESS B: Okay. It has been ...[indistinct].

ADV POOE: Witness B, can you hold on one second? Did you make any movements to where you were sitting?

WITNESS B: No.

ADV POOE: Oh, no, it sounds better now. If you can proceed to your arrival and going to the collection office at
10 the ballistic section.

WITNESS B: Yes. I received a call again from my Colonel Mokoena telling me that the General has called, telling me that the report is ready, I can go and collect. Indeed, I proceeded to the ballistic together with my two other colleagues and then on our arrival, we went to the office where they issue the reports only to find that they said no, the report is not with them. We must wait for the analyst of which he came and then he told us no, there is a mistake on the report and then he needs to rectify it. Then he took us
20 to his office where ...[intervenes].

ADV POOE: Witness B, before you move on to what happened at his office, do you want to identify the officer you were dealing with?

WITNESS B: Yes, at the time that was Warrant Officer Makgotloe, but currently it is Captain.

ADV POOE: Thank you. And what happened when he took you to his office?

ADV BALOYI SC: How do you spell that for the transcript?

ADV POOE: Can you please spell that for the transcript?

WITNESS B: It is M A, what, it is G O T L O E.

ADV KHUMALO SC: It appears here ...[intervenes].

WITNESS B: That is K G.

ADV KHUMALO SC: Yes.

WITNESS B: It is M A K G O T L O E.

10 **ADV POOE**: Thank you, Witness B. So you proceeded to his office.

WITNESS B: Yes, we proceeded to his office where in his office, he was not alone. He was with another Warrant Officer. I just cannot remember his surname, but as we talked there, I learned that it is the same person that they attended the scene with at Vereeniging. So they started working now on what was so-called rectification of the reports.

20 **ADV POOE**: Witness B, just to clarify, the report that he said needed rectification, did he ever tell you what the rectification was that was necessary?

WITNESS B: No, unfortunately, we were never privy to that information. And what we saw, it looked like the report had to be started all over afresh because of the time that it took to rectify. It took us almost an hour, if not more, given

the fact that they were working on it, both of them.

ADV POOE: And in your experience, is this normal?

WITNESS B: No. Well, there is a first time in everything. In my experience, it was for the first time to have that because sometimes we will be the one identifying maybe mistakes and we go back and it is a matter of a minute or 20 minutes, and then they rectify just that, and then we could, or else they might be saying, it is fine, we will rectify, and then you will get it from the ICDMS. But this one, it
10 was for the first time, given the fact that the reason why we visited, it is because of we were informed of the readiness of the report.

ADV POOE: And at paragraph 43, you explain that during this process of rectification, Captain Makgotloe started to tell you information. Can you take us through that?

WITNESS B: Yes, we had a very interesting conversation there in terms of why I am saying it is interesting because for me as an IO, there is nothing interest me like linking the cases through whatever investigation tool. So one of the
20 things that were said there, they excited us to say, okay, we have more ...[indistinct] or maybe, because maybe I should note to the Commission that in the investigation we not only relied to those investigation tools like ballistic ...[indistinct]. We also rely on information.

It went noting that we already had information on

certain scenes. As soon as the suspects were arrested, some people, they started giving information to say, look at that and this case, these people were involved there. That is what piqued our interest. And then when we have this conversation, it was like, okay, they inform us they were not lying. There is something here. So they were, we had the conversation where we were warned to say you need to be very careful when you deal with these cases. They are of high profile nature and it is extremely dangerous to work on
10 because it involves people in high places.

Well, at some point, because I always, when I get puzzled, I ask. I do, I did ask. That is how I became to know that they were at the scene, both of them, because I said, you seem to know too much as an analyst, and you seem to know more than myself as an IO, as an analyst, where this case is concerned. And he said, no, I was at the scene. The people were talking then well. I understood that I know when you are at the scene, you get to hear all this sort of information because indeed people, they do talk.

20 **ADV KHUMALO SC:** Is the scene now the scene in Vereeniging or Bramley?

WITNESS B: In Vereeniging, Commissioner.

ADV KHUMALO SC: Thank you.

WITNESS B: But now it is the part that I said it is interesting. Now he started to be specific to say these

cases are linked to high profile. I noted okay, high profile, meaning now we have an insight. This is not just, anyone can say this. And he also mentioned that they are also involved in the CIT's and like it piqued my interest. And as they were working on the reports, and it took this long, at the back of my mind, without even asking, it was like, okay, they are dealing with all this information that they are telling us about, only to find when we are done and the report is handed, like the mood was okay, the conversation
10 was flowing. There was no reason for us to even suspect that we will not find what we are told about in the report.

It was like we are talking about something that is there in that report, only to find that when we get to the car, one of our colleagues decided to look at the reports and the discoveries was, hey, what were those people were talking about, because there is none of those in this report except the linkage between Vereeniging and Bramley, of which we anticipated, because from the initial investigation, it was expected. It was just to confirm there was nothing wow
20 about that.

ADV POOE: Witness B ...[intervenes].

WITNESS B: I thought maybe it is failing to – sorry?

ADV POOE: Witness B, just before you go past this, you mentioned that they said the weapons were linked to CIT's. Can you explain what that is?

WITNESS B: Oh, that will be cash in transit.

ADV POOE: Okay. And based on this information of high-profile cases and the likes, what were you expecting to see in the report?

WITNESS B: I was expecting to see the linkages of the cases of CIT's as stipulated, the cases where high-profile people were involved as like he alluded, but there was none of that. It was like limited exactly to what we already anticipated and we were like having it at the back of our
10 minds that the chances are these firearms are going to come back and say they are the ones that shot at Vereeniging given the period of incident and when the people they were arrested. It was not really hard to think that is a possibility. But this other things they were going to be a whole new information to us that we needed to investigate, but there was none. There was none to follow. Now it makes us wonder where, where did he see them, why did he not provide it to us.

ADV POOE: And, Commissioners, just for the record the
20 initial report that was done by Captain Makgotloe is marked B2 at pages 15 to 23 of the annexure bundle. Witness B, will do a side-by-side comparison when we get there later, just to explain the discrepancies. Witness B, so after you see the report and that it does not have the linkages that Captain Makgotloe referred to, what did you then do?

WITNESS B: I think those linkages not being there, we went and then we decided to consult further with our Commanders to say we have this information, but we do not have this report. But before we even go there, I went back because remember now this is the discovery as we leave there, and then I went back on another day to say, hi, I am puzzled. You told us about 1, 2, 3, but it is not here in the report. And to my surprise, when I come to make a follow up, now I find the Captain, he wants to pretend as if he
10 does not know what am I talking about, he never have this conversation with me. It is like as if I have some sort of amnesia or so.

And I was puzzled by that action and then I went further to say, hah, you cannot do that to me, because I was not the only one here. It was three of us. You were also not alone. There was a second person in the room when this conversation was heard. And then he now said, no, I can only remember one or two. But the impression that he gave us, it was, it is more, it is more. From that point, in
20 my mind, I could see ten plus, but now he says to me, I can remember one or two. Even that it is not ready, I must speak to the IB's and stuff like that.

And it was like more dismissing than me getting answers. That is what now prompted me to go to my Commanders to explain this whole behaviour and my

frustration out of it. And then given the fact that I was, information that I was sharing with my Commanders that look, we already have information of one, two, three, four, five. It is crucial for us to get the confirmation from the ballistic of this information. And now things are hinted to us that we do not get any joy in terms of the report. Therefore, the Brigadier said we must speak to the General, General Khumalo and then General made a decision to say okay now that you are saying this, take this firearms to
10 Amanzimtoti for a second opinion. That is what was it in actual fact to see if what you were told about they are going to tell you the same thing there.

ADV POOE: And just for completeness, Witness B, when you say General Khumalo, who are you speaking about?

WITNESS B: I am still speaking about General Khumalo ...[indistinct].

ADV POOE: And his position?

WITNESS B: Let me say he is a Provincial Commissioner for the Detectives.

20 **ADV POOE:** Okay. And so you then had to take the weapons to Amanzimtoti for further analysis. So when does this take place?

WITNESS B: This happens on, it is sometimes ,,,[indistinct] trying to look on my paper when exactly the date.

ADV POOE: Yes, this ...[intervenes].

WITNESS B: That was on the 12th.

ADV POOE: Yes, and can you take the Commission through this?

WITNESS B: Yes, we went to KZN taking this weapons for the second opinion. And then when we got there, we already have the report that I am talking about, it does not include this linkages that I am talking about, just to show them why, what is the reason I had to bring that report
10 along. And then I was having an opportunity to speak to an analyst, and the analyst looked at my reports, and he just browsed, and he just pick up a problem already. He pointed me to say, okay, I hear what you are saying. And he was frankly telling me at the point to say, I understand that you want linkages, but at this stage, given the fact that all the exhibits are in Johannesburg, the only thing that I can do for you now is to check the mechanism of the firearms only. What you want here, I will not be able until maybe I am instructed to go and get those exhibits and compare myself.
20 Other than that, I cannot give you any linkages except the mechanism part.

However, when he looks at the report, he was able to point out to me to say, but in this report there is some sort of omission because I see you have, in your exhibits you have this exhibit in particular, that was 15 cartridges,

but in your results as to after examination, are they linking or not. It is not accounted anyway.

ADV POOE: And Witness B, what is the implication of this kind of omission?

WITNESS B: Looking at a case, this is the crucial parts of linkage. Given the fact that the scenes were explained by Witness A yesterday and how the arrest happened and how the exhibits were found, these exhibits were actually found like directly in possession of the suspects. So it was very
10 crucial to link them.

ADV BALOYI SC: May I? Witness X, the, I think what Ms Pooe is asking, or let me say that I am asking, is the failure of now of Warrant Officer, of the Warrant Officer at Silverton to include the linkages in the report. What consequence would that have had on the case if that was the report you were using in court? What would it have caused in the case itself?

WITNESS B: I am afraid of what I am about to say now. It might give an idea to the defence because this case is still
20 at Court.

ADV BALOYI SC: All right. No, you do not have to answer then. Thank you.

ADV POOE: Thank you, Commissioner Baloyi. You mentioned that you were talking to a Warrant Officer. Can you please identify this Warrant Officer at Amanzimtoti?

WITNESS B: It is Warrant Officer Kader.

ADV POOE: And once he looked at the report, were you then able to leave the firearms that you had for testing?

WITNESS B: It was a little bit of a struggle, but eventually all the Commanders were roped in and then there was a point where they are ...[indistinct] it is fine, we can leave them, and then we left.

ADV POOE: And just to complete what Warrant Officer Kader did, he provided you a report. You deal with that at
10 para 49. Can you explain what his report found?

WITNESS B: Can I please go through this one, just to make sure that we are talking in the same context?

ADV POOE: Yes, this is the report that Warrant Officer Kader gives much later, but because of the limitations in his analysis, you dealt with the report here.

WITNESS B: Oh, you are talking about etching. Okay. Yes, maybe the phrasing in my statement is not exactly correct, but I will be able to explain what I meant by saying that. After I got the report from, that is in a later stage,
20 after I got the report from Warrant Officer Kader, what I discovered is that with Warrant Officer Makgotloe he said he did the etching on the firearms, but, that right. But when I take the firearms to KZN, in one of the firearms, Warrant Officer Keida managed to do the etching and he was able to reveal the serial number of the firearm. Maybe I should go

further to say what is etching, even though I am not an expert there. What I understand about etching It is what, I do not know what they do to the firearm, but whatever that process they do is to recover the firearm that has been fired off. And then they managed to give us that serial number so that we can do further investigations. Well, I do not know if it is the same process or not, but in one lab it was impossible to discover the serial number, but on the second lab they were able to do so.

10 **ADV POOE**: So is your evidence that at Silverton they were not able to recover the serial number, but at Amanzimtoti they were able to do so?

WITNESS B: Yes, that is my evidence.

ADV BALOYI SC: Is it a, Witness B, is it a case of they were not able to or they did not? There is a difference.

WITNESS B: No, they were not able to because when I read the report it says etching was done, but they could not.

ADV BALOYI SC: Thank you.

WITNESS B: It does not say it was not done.

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

ADV POOE: Commissioners, the report by Warrant Officer Kader, although I heard Ms Segeel-Ncube pronounces as Kader, so I am not sure about the pronunciation. but his report is at B3 at page 24 to 29.

ADV BALOYI SC: Sorry, if I can just clarify something.

Witness beyond that, the last question that I asked, whether they were not able to or they just did not do it, in your statement at paragraph 49, you say the initial report did not attend to etching or checking for serial number. And that is where my question came from. If it is a case of it was done and, or they were unable to do it, then that statement is not correct.

WITNESS B: Yes, Commissioner, at the beginning of my opening statement, as I said, the phrasing in my statement,
10 it is not right.

ADV BALOYI SC: Okay.

ADV POOE: Witness B, in paragraph 50, you note that upon your return, you then proceeded to see the Prosecutor in this matter. Can you explain this?

WITNESS B: Yes, given the fact that now I explained that how was the relationship when I keep on following up on the linkages, it all ...[indistinct] to me that now I become unwanted here, so I did not want to push the limits, maybe to make the relationship sour also by keep coming with
20 questions or queries or something like that. So I decided to go at different routes around. I just went to the Prosecutor, Senior Prosecutor was working on this matter.

I explained it to her and then she then wrote to the lab for ratification. And maybe before we go any further, it is worth noting that as much as at that point there was this

omission noted, at that point of investigation it was like we did not take it as if maybe there is something more than just a human area in ...[indistinct] at that point. That is why I said, no, let me take you to a Senior Prosecutor who is here so that she can help me resolve this amicably without any, how can I put it, strained relationship. That is how it happened and she indeed wrote to the lab and then that was rectified indeed and she gave me a copy and then investigation proceeded until we get to the disclosure of the
10 docket where now we needed now to have the original report.

ADV POOE: Witness B, before we deal with the events of getting the original for disclosure, just to note for the Commissioners that the e-mails sent by the Prosecutor are attached as Annexures B4 and B5 at pages 30 to 33 of the annexures bundle and the amended report is attached at B6, as B6, which is at pages 34 to 41 of the annexures bundle.

Commissioners, I propose for the witness to take
20 you through the discrepancy that was found by showing you the two reports alongside each other. So you will have to look at your screens. I do not know if you can see clearly. Witness B, I am going to ask that we - do you have the side-by-side comparison of the initial report and the rectified report before you?

WITNESS B: Yes, I do.

ADV POOE: Commissioners, just one second. I just need to find my own. Just for the record, the pages we are looking at in the initial report is page 15, and in the rectified report, it is page 34. That is where the reports begin and the particular page that are displayed for the initial report, the first sort of extract deals with page 19 compared to page 37 of the rectified report. Witness B ...[intervenes].

ADV BALOYI SC: Sorry, could you enlarge a bit? Okay,
10 are you happy with that? It does not distort your pages?
Yes, that is fine.

ADV POOE: Witness B, can you explain what would ordinarily be found in that paragraph 4.9 or paragraph 4 of the ballistics report?

WITNESS B: On 4.9, it is exhibits of which it is 15 cartridges, 7.62 x that 9mm calibre fired cartridge cases, and mark them, and there is a mark there. Maybe I should read it? Should I?

ADV POOE: No, I do not believe that the mark will make
20 much of a difference for our understanding. What I would like you to explain is that in the actual report, paragraph 4 lists the exhibits that would have been provided to the lab. Is that correct?

WITNESS B: Yes.

CHAIRPERSON: Where is this 4 on the screen? I see 4.8

and 4.9, for example.

WITNESS B: 4.9.

ADV POOE: Commissioners, if you can open your annexures bundle, in particular, Annexure B2 at page 18.

CHAIRPERSON: B2, 18.

ADV POOE: It is also on the screen.

CHAIRPERSON: Did you say compared with basics at 34?

ADV POOE: At 37.

CHAIRPERSON: 37, thank you.

10 **ADV POOE:** So the point there, Commissioners, is that the 15 cartridges were noted as part of the exhibits given to the lab for examination. Witness B, can you then explain what the lab does at para 10, which is where it deals with the linking.

WITNESS B: Okay, at paragraph 10, it is, he confirmed that he received those exhibits and it says, I examined the fired cartridges, cases, bullets mentioned. There is a lot of them, but I want us to look at 4.9 amongst those that were examined. And then going further down from 10.1 to 10.6 is
20 the account of, after comparison, what were the findings thereof. But you will note then on that one that for 4.9 there is nothing said about it.

ADV POOE: So this would be what you are seeing on the column in the initial report, that 4.9 is highlighted as being examined, but the findings which are detailed at 10.1 to

10.6, there is no reference to a link to 4.9.

WITNESS B: That is correct.

ADV POOE: I am looking to the faces of the Commissioners to see if ...[intervenes].

CHAIRPERSON: I see on the column on the right-hand side, you have a yellow highlight there, 10.2. What is the significance of that highlight?

WITNESS B: All right. Commissioners, and then this one is the rectified one now, after this was highlighted by
10 Warrant Officer Kader and escalated, and then this is the rectified report now that still highlights there by 4.3 those 15 cartridges, as it was accounted for also from the very onset. But the difference now here is that on 10.2 now, that 4.9, sorry, I said, ja, that 4.9 cartridge, 15 cartridges now, the results thereof are there at 10.2. Now it says the cartridge cases, eish, my eyes now – the cartridge cases mentioned in 4.9 were fired in the firearm mentioned in 4.1. That is now the linkage that was not in the initial report.

CHAIRPERSON: And please speak to the 3.4, which is a
20 10.2. on the left-hand column. The sentence looks exactly the same in both columns, except that in the column on the left, there is reference to 3.4, and on the column on the right, there is reference to 4.9, but the rest is exactly the same. Can you please explain what the significance of the differences is? Do you get ...[intervenes].

WITNESS B: Where now I am not the right witness to deal with that, all I can say is that on 10.2 now I can see these 15 cartridges being linked to the firearm. And then as to now what happened to this 3.4 and 4.1, I am not the right person to speak to that.

ADV POOE: Chair, if you have regard to the initial report at 3.4, which is on page 18 né, it describes the item itself that was checked and you will there it is a 7.62 calibre fired bullet scores and marked with them with a particular
10 reference number, and you see 4.1 being an assault rifle. So what 10.2 did was to link the assault rifle with 3.4 being the two calibre fired bullet in the initial report that is.

ADV BALOYI SC: Ja, maybe also just to try and see if I ...[intervenes].

WITNESS B: [Indistinct]...

ADV BALOYI SC: Witness B, go ahead.

WITNESS B: Maybe to get the clarity from the Commissioner, if I understand the question well, I think he was, I stand to be corrected, I understood as why do we
20 have on 10.2 now different entry of 4.9 linked to the firearm, what happened to the linkage that was at 10.2 from the initial report. That was the question?

CHAIRPERSON: 10.2 in both columns looks or reads the same, except for the fact that in 10.2 on the left, there is reference to 3.4. And in 10.2 on the right, there is

reference to 4.9. I wanted to understand the significance of that difference.

ADV BALOYI ISC: Can I, to try and get an answer to this question, Ms Pooe, is the simple point you are seeking to make that if you look at the report on the left, which you say is the incomplete report, right, in that very first line where it says, I examined the fire cartridge cases and bullets mentioned, and then you have those paragraph numbers, that includes paragraph 4.9.

10 **ADV POOE:** Yes.

ADV BALOYI SC: The bullets in paragraph 4.9, that is in the incomplete report. And then in the revised report, and then you say, in the body of that incomplete report, nothing is said about the cartridges in 4.9.

ADV POOE: Yes.

ADV BALOYI ISC: Is that the point you are making?

ADV POOE: Yes.

ADV BALOYI SC: And then in the new report, in the very first line, that report says, I examined the cartridges in all
20 of those paragraphs, including 4.9. And now in paragraph 10.2 of that revised report, we now see findings about the paragraph 4.9.

ADV POOE: Yes.

ADV BALOYI SC: Is that the simple point you are making?

ADV POOE: Yes, and that it is only at this stage that the

15 cartridges are now linked to the firearms.

ADV BALOYI SC: Okay.

ADV POOE: Yes. Can you confirm that, Witness B?

CHAIRPERSON: Thank you. I get what my co-Commissioner says, but I still do not follow why there is 3.4 on the left column. That is all I am trying to establish, and I thought the witness will be able to speak to that.

ADV POOE: Commissioners, the answer is at 10.6. You will note there in both reports that the findings related to
10 3.4, those bullets, was that it was not suitable for microscopic comparison due to the damage. There will be a stage where the witness explains whether this, whether she believes this was an omission or otherwise, but that was the rectification that was sought from the lab.

CHAIRPERSON: Okay, thank you.

ADV KHUMALO SC: Is the other point not that 3.4 has nothing to do with the cartridge cases? So if you just go to 3.4 ...[intervenes].

ADV POOE: Yes.

20 **ADV KHUMALO SC**: On page 18, it refers to fired bullet calls and that is what you find in 10.6.

ADV POOE: Yes, that is the case.

ADV KHUMALO SC: So there was an omission in 10.2 of the 15 cartridges that had been found in Bramley, I believe.

ADV POOE: Yes.

ADV KHUMALO SC: Yes.

ADV POOE: Witness B, can you ...[intervenes].

CHAIRPERSON: I guess that is a simple explanation I wanted from the witness, because this is not my area of expertise.

ADV POOE: My apologies, Chair. I will say that we also had to take a crash course in ballistics to be able to read and understand the nature of the omission.

CHAIRPERSON: Thank you.

10 **ADV POOE:** Witness B, then we can return to your statement where you now deal with the fact that after you obtained, well, after the Prosecutor obtained the report electronically, she sought the original and it was time for disclosures. Can you take us through that process?

WITNESS B: Yes, when it was a time of disclosure, now we were required to have the original report and we indeed went to a ballistic lab to seek that report. But unfortunately, we could not find it still at that office where we were supposed to get it. And then we were taken
20 through a lot of process, help by ...[indistinct] to trying to locate that report. He went as far going to the system now trying to check where he can get it and then still he could not find it.

Subsequently when he was browsing in the system something of interest he saw play on that report. He said

they cannot find now, he was mentioning what is on the system and he said there is Ibis, that is the, when he, on a further look we took interest because now Ibis is the one that was supposed to give us their long-awaited linkages and then we were like okay, maybe now we are going to get the answers, only to find that when we asked further on that he said no on the system it shows that it is deleted.

And then we were strucked, why now is it deleted. We tried to get answers. At the back of our mind, trying to
10 pursue still the linkages as per conversation now when you say there was ever a report on the system that is deleted, now we wanted to know more as to why it was deleted, was there any particular reason? We spent a lot of time, Colonel Lesu said, no, I cannot be able to explain to you where Ibis is concerned. I will take you to somebody that knows about that field.

Indeed, he took us to a certain guy who only was known by the name of Desmond at the time and then he went through the system. All he could say to us is the same
20 as Colonel Lesu that yes, indeed, it was deleted. And then he gave us a date that it was deleted on the 6th of December. That is all he could tell us. He said, I cannot tell you any further than that. The list that we were asking is to say who deleted it, at least maybe the person he can have, or she can have answers, but seemingly he was not

having that information. And then from there ...[intervenes].

ADV POOE: Witness B, before you move on to who you were taken to next, what is the significance of the 6th of December?

WITNESS B: Well, in the field of my investigation, in this case on the 6th of December, two things were happening. One, it was an arrest of Mr Katiso Molefe. Two, on a different team that I was not part of, there was an operation happening at Mr Matlala's house as well.

10 **ADV POOE:** Thank you. And so having had no answers from Desmond, where next were you taken?

WITNESS B: We were taken to Captain Nitini's office who actually gave us a crash course as to what happens from when the firearms gets to the lab, what steps, no offense to the Captain, all that I cannot even remember because I find it irrelevant to the question that we were asking. We did not get any answers to that. Instead, we spend more time unnecessarily there.

20 **ADV POOE:** And after the crash course with Captain Ntini, what then transpired?

WITNESS B: After it came to light that there is no answers, we find no answers, we went back to Colonel Lesu to say, we are not getting any answers as much as you said you do not have, so we are back to square one. What, where, how we get this report because you also do not have

answers as to where is the report. And then he said, you know what, the person who was dealing with us is, can I stick to Captain, because now I cannot refer to back then now, back then now, to Captain, it was Captain Makgotloe, therefore gave us his number and say the person who can assist you further it is him.

And then indeed shortly we went out of the lab, we contacted him, but unfortunately, I think it was early at that time because the first thing that we did is to go to the lab
10 thinking we are going to collect and proceed with other investigations. So the direction of investigation, it was taking us further than where he said he was. So we agreed that later when we come back, we are going to contact him and then we are going to meet with him and he suggested that it is not a problem, as long as you come back, tell me where are you, what time, and then you come to the side of
Loate, the Police Station, can meet at Loate Police Station.

Indeed, we proceeded with the days investigations and then later, I think it was around five, we proceeded to
20 Loate where we met with Captain Makgotloe. And then we requested a room for us to have a chat with him, explaining our reason for visits and everything. Indeed, we were given a room just not far from the CSC where we had a chat, explaining all this process that we had in the lab earlier on and then why do we urgently need this report because we

were supposed to disclose to the defence and the original one was of the importance that we get and disclose.

ADV POOE: And when you explain to Captain Makgotloe the urgency of having to obtain the original, what was his response?

WITNESS B: At that time, he said, no, I will need to have my file. I will need to have my workstation so that I can be able to assist you, which eventually we agreed on us going to his office. But prior to that, there was some
10 arrangements made because it was late by then. It was late by then. Remember, we got to him at around 6 and then we sat there, we chat and then by the time we start the process of engaging the superiors in order to obtain the permission to go to the lab where he said he can be able to assist us there should we get there. He then himself, using his cellphone, called the Brigadier, Brigadier Mkabela. He first called the very same Colonel Lesu so that we saw earlier that day and then they spoke and he even tell him because he was on loudspeaker that yes, we were there in the lab
20 and he could not find the reports.

And then he told him that he needs his file, because he wants to assist us and then – oh, no, no, no. At first they did not speak to Colonel Lesu, because Colonel Lesu did not answer. The first conversation was with Brigadier Mkabela, but the call was made to him, but he was

not found. And then he spoke to Brigadier Mkabela and then Brigadier Mkabela sent us back to Colonel Lesu to say he must call Colonel Lesu so that he can make that file available. And then he said it is okay, we can go to the lab and he is going to contact the General, General Mulaudzi.

Then that was it. And then he called – no, he did not call this time. Colonel Lesu is the one who came back and then they spoke and then he told him all the things, all the Brigadier comment and what did the Brigadier said and,
10 eish, I do not know if I should be saying this now what he said. But he said, hey, I cannot come there, I am drunk.

And then shortly he called again back and he said, no, that file I remember now, it is not there, it is at KZN. And then Captain Makgotloe said no, if I cannot get hold of the file, I think all my work is on my desktop, I think I will be able to help you on my desktop. That is when now we moved to the lab.

ADV POOE: So, Witness B, it was Captain Makgotloe who suggested that you proceed to the lab?

20 **WITNESS B:** Yes, because he first said we can go to the lab and then, but we prior need to make arrangements. That is why all these calls to the Brigadier, to Colonel Lesu were made. And then we did not understand ...[indistinct] that is why he made those arrangements for us to go there.

CHAIRPERSON: You are now moving to the lab from

Loate.

WITNESS B: Yes. He further said, okay, it is good because he has his keys in his car. He went to his car, he took the office keys, and then he jumped into the vehicle with us. We all drove through.

CHAIRPERSON: I was actually going to ask if he had come to Luate in his own car, so you have answered that. What is the explanation for him getting into one of your cars or getting into your car instead of driving to the lab in his
10 own car?

WITNESS B: My understanding that it is because he was on leave using his petrol. It was easier to use the state petrol rather than using his own car, because he was on leave, he was using a private car.

CHAIRPERSON: Well, thank you. I am sure you know why I am asking is because there is the allegation of kidnapping.

WITNESS B: I understand, Commissioner, but it was not, anybody forced and he did not even suggest to say, okay, let me, let us drive, let me drive my own car. It was like we
20 never even said jump into. It was a common understanding to say you cannot ask somebody to assist you while on leave and expect the person to further use his own petrol.

ADV POOE: Thank you, Chair. Witness B, then you proceeded to the lab and this was quite late at night. What transpired at the lab?

WITNESS B: Okay, firstly, when we get to the gates, none of us alighted from the vehicle. He is the one who alighted, spoke to the security, telling them that all is well, it is just him, he just need to access certain things in the office and then they opened the gates, we all went in.

ADV POOE: Witness B, so it was Captain Makgotloe who gets out of the car and confirms that it was fine for all of you to go in?

WITNESS B: Yes. I do not know what was the
10 conversation there, but I guess he was explaining that he got a permission from the superiors and stuff like that because obviously they will want to understand why are we coming there, are ...[indistinct]. That is an assumption. I do not know what was the conversation all about there outside.

ADV POOE: But you were then allowed to enter the lab.

WITNESS B: Yes.

ADV POOE: And once inside, can you explain what then happened?

WITNESS B: And when we were inside, then he went into
20 his workstation, started working on his laptop trying to retrieve these reports that we needed. I must say I am not that good with an IT and then some of our colleagues, they are very good at that. Maybe as to, as the details of what was found on there and what was found not to be, Witness C is the one who is going to dwell on that because he is

going to give the Commission a better understanding than what I can do if I try to do that now.

ADV KHUMALO SC: Witness B, in light of the fact that as far back as April, May, you had asked for the ballistics report to be expedited, what did you make of all these delays, because it looks like we are now in December of the same year, which is seven months later, and you still do not have what you had asked for and what you had asked to be expedited.

10 **WITNESS B:** Commissioner, can I clarify there. What I was asked to be expedited at the time it was the initial report of which I would say it was indeed because at the beginning of, at the end of May and June, I was told that I can go and collect, even though that came with its own challenges, but it was expedited because I got it then.

ADV POOE: Perhaps, Witness B, if you can explain the initial report you obtained in May, and you had been asking for rectification of the report without success, and the Prosecutor had to intervene, and even after that
20 intervention, you only now physically have to go and get the report in January. And so I think Commissioner Kumalo is asking what you made of that delay.

WITNESS B: Maybe now in totality of what an investigation or information that are I have gathered all along, it starts to make me feel as if some of the things

were deliberate to delay the investigation, if I may put it like that. Maybe I want to go a little bit further where the linkages are concerned because maybe I should mention that around December, eventually we had to ask certain cases to be compared manually and eventually we got certain linkages that I believe it is amongst the ones that we alluded then, of which at a later, much later stage, I think the CFI of August, it is only well now the very same Captain Makgotloe gave us a link, what is this, a report that
10 is having most of what he alluded then. So somehow when I look at it, I feel like there is deliberate delays intended in the investigation.

ADV POOE: Witness B, you have now explained that Witness C will take the Commission through what was found on his computer. However, you note in paragraph 62 that multiple versions of the reports were found on his computer and you took steps after that. Can you take the Commission through that?

WITNESS B: Oh, yes. After that, then the decision was
20 taken to say we have now to confiscate that workstation in order to take it to the Cyber for the integrity now, because it was quite concerning, given the fact that we still have the report that was wrong, that we do not know what was wrong about it.

ADV POOE: And then in relation to Captain Makgotloe, did

you, and this is in reference to what you say at paragraph 64. So you have already spoken about seizing his workstation. Was there anything else?

WITNESS B: No. And then at that point, my colleague needed to take a statement now in respect of what now is discovered, the different reports, what was going on, at least he must give the account and explain what was happening there. And then while he was obtaining that statement, so I was surprised now where there was Colonel
10 Shole and other colleagues of others who came there and informed us that there was a kidnapping. We were all shocked about the kidnapping, who is kidnapping now.

ADV POOE: Witness B, before you talk in detail about the kidnapping, during the time that you were engaging with Captain Makgotloe, and that is from the moment you enter his office at about 9.30 to 11 o'clock when you inform him that his workstation would be seized and he needed to make a statement, during that time before that, the statement taking and the seizure of the workstation, what was Captain
20 Makgotloe doing and what was the general interaction between you all in the room?

WITNESS B: He was mostly on his phone. He was mostly on his phone and then there was calls coming in. He was, keep telling people, I guess they were checking on him, he was, keep telling people no, it is, he is fine and then he is

coming back soon and stuff like that. There was nothing in particular that I can point out that he was doing.

ADV POOE: And so now you would say to him he needs to do a statement and that his workstation would be seized to preserve the evidence. Before the Police Officers come in alleging that there is a kidnapping, at paragraph 65, you deal with the calls that were received by some members of your team.

WITNESS B: Oh, yes, there was a member that were
10 outside the vehicles, and then we learned that Captain Masilo received a call as well, checking on him where he was because he was needed by his office to say there was a hostage situation at the lab and he was ...[indistinct] said, no, I know nothing of that and I am at the lab. And we were informed by him that also the negotiator was, also called him asking if he knows anything about this kidnapping. And then he explained and then they said, oh, it was a false alarm.

ADV POOE: Okay. And after these calls, you then explain
20 that a group of officers came in and that is at paragraph 67. Can you take us through what happened then?

WITNESS B: Yes, they came now telling us that there was, they have been sent because they were informed that there was a kidnapping situation in the lab and stuff like that. So we were all shocked now. We explained exactly what

happened and that we know nothing about the kidnapping and everything. And also Colonel, I mean Captain Makgotloe was also there. I never heard him say, hey, I am the one who has been kidnapped or something like that. We were like all shocked at that point and then there was a phone call that the Colonel Shole who was leading those colleagues of ours, he made a call to the General to explain now the situation he found in rather than what and he was sent as a kidnapping. He was explaining now the situation
10 as to what is actually happening. And then we were given the ...[indistinct] the loudspeaker, not we, all of us were listening, but the actual person who spoke to the General, it was the other colleague of ours, I do not know if I should be mentioning his name.

ADV POOE: No, that is fine. Oh, please do not mention his name.

WITNESS B: Yes, and then that thing, we spoke, he spoke to the General and the General understood and General said, because now there is a whole lot of this thing, he is
20 requesting us just to leave everything that we are doing and come back in the morning, including leaving that workstation, or maybe I omitted to say the workstation was already ...[indistinct] it was already packaged.

ADV KHUMALO SC: Witness B, so there is all this activity all because you wanted a rectified ballistics report.

WITNESS B: That is right, Commissioner.

ADV KHUMALO SC: And you have all these Police Officers coming to the forensic science laboratory to now deal with an alleged kidnapping, instead of attending to the preparation of a forensics report, ballistics report, rather.

WITNESS B: That is correct, Commissioner.

ADV POOE: And ...[intervenes].

ADV BALOYI SC: Ms, sorry, Ms Pooe, before ...[intervenes].

10 **ADV POOE:** Oh, apologies.

ADV BALOYI SC: Before you proceed, and I do not know if witness B is able to do that, to do this and do it now, there is a whole lot of names from paragraph 65, and some of them appear to be people of importance, because they give instructions to inform the team to, rather to instruct the team to withdraw and come back the following day. Are we going to be, to get evidence about who are these people? For example, there is a Colonel Barties, there is a Colonel McIntosh and so on and so on. So that is the one question.

20 And there's a General Mulaudzi and others who seems to be of seniority that he gave instructions, but why is he able to give this instruction and what is the significance of him being the one that gives instruction? That is the one. The second is just to clarify with Witness B, Witness B in paragraph 65, you speak about that false alarm, that there

is a hostage situation by people in a black Vito, and this is the first time a black Vito is mentioned. Is that a vehicle that you were driving in and your team, you were all driving in one car?

WITNESS B: That is correct, Commissioner. That will be the car that we were driving in, and that was the only car that we were driving in on that day.

ADV BALOYI SC: Yes. So Ms Pooe, if you, I do not mean to burden you and the witness unnecessarily, but there are
10 many names and one, I am not sure about their significance for purposes of this evidence, but in the course of the terms of reference that we are required to comment on.

ADV POOE: Commissioner Baloyi, perhaps we can bookmark the end of paragraph 67, just to turn back to paragraph 59, because that is where the names begin. The first name that appears in this instance is Brigadier Mkabela. Witness B, do you know who Brigadier Mkabela is?

WITNESS B: It is the Commander at the lab. That is all I
20 can say. Ja, it is one of the senior officials at the lab.

ADV POOE: And then there is General Mulaudzi. Do you know who he is?

WITNESS B: He is the overall Commander of the lab as a whole.

ADV BALOYI SC: He is the?

ADV POOE: Overall Commander of the lab as a whole. And just to note that some of these individuals will be called to the Commission to provide the ballistics evidence. And then there is Colonel Lesu. Do you know who he is?

WITNESS B: Yes, I know. He is also one of the officers at the lab. He has helped me in, more than once at the lab.

ADV POOE: Is he an analyst at the lab?

WITNESS B: No, no, he is also a Commander. The Commanders are in different levels. He is also a
10 Commander. But now me not being the personnel at the lab, I will not be able to be specific as to what exactly.

ADV POOE: Okay, and then there is Captain Masilo. Do you know who he is?

WITNESS B: It is a Special Task Force Commander.

ADV POOE: My apologies, Commissioners, we are now at paragraph 65. The next person is Colonel ...[intervenes].

ADV KHUMALO SC: Sorry, can you repeat that for Captain Masilo?

WITNESS B: Special Task Force Commander.

20 **ADV POOE:** And then there's Colonel Barties.

WITNESS B: Same unit, also is the Commander.

ADV POOE: And then there is Colonel McIntosh.

WITNESS B: I do not know ...[indistinct].

ADV POOE: He is noted in the statement as a hostage negotiator.

WITNESS B: Oh, yes, yes.

ADV POOE: The next is at paragraph 67, that is Colonel Shole.

WITNESS B: Colonel Shole, I think is from the Highway Patrol. I do not remember if that, from which unit, but it is the person that was dispatched to attend to the complaint.

ADV POOE: The next person is Warrant Officer Ndumiso.

WITNESS B: He is a member from LCRC, yes.

ADV POOE: The next is Colonel Shaku.

10 **WITNESS B:** Colonel Shaku and Shole is one person. I think it is a spelling error.

ADV POOE: Okay. I think we have dealt with General Mulaudzi. Okay. Commissioners, those are the names that appear in the preceding paragraphs to 68, which is where we are.

ADV BALOYI SC: Thank you, Ms Pooe.

ADV POOE: Witness B, you note at paragraph 67 that you then withdrew from the lab. Can you explain what then happens at that point of withdrawal?

20 **WITNESS B:** After instruction from General Mulaudzi that we must leave everything and come back tomorrow, that was the pathway. We left everything as instructed, and we went outside. While we were outside, we were walking outside, all of us, those members, Colonel Shole, Captain Makgotloe, and we were all laughing as to, it is like we did

not know who created the situation, all of us, at the time, because we were all laughing about it as to say, who created the situation?

Who said there was a hostage in the first place here? Who said there was a kidnapping here? And then, but there was something I noted. After that, Captain Makgotloe said, no guys, I am not driving with you going back, I will go back with Colonel Shole, because he stays nearby from where I am staying, so there will not be any
10 need for you to drive me back there. And then that is what, it is, then we all go to our different directions.

ADV KHUMALO SC: Sorry, is that spelling error then Shole, not Shaku?

WITNESS B: Yes. Yes, Commissioner.

ADV KHUMALO SC: So in paragraph 68 and 67, we must replace Shaku with Shole.

WITNESS B: That is correct.

ADV POOE: And at the point that Captain Makgotloe tells you that he will no longer drive with you, what was his mood
20 or attitude towards you and the team?

WITNESS B: Hence I am saying we went there in the front door of the lab and hence I am saying we were all laughing. It appears as if all of us were puzzled as to who created the situation in the first place. It was a laughable matter at that point.

ADV POOE: And when you say you were all laughing just for completeness, this includes Colonel Makgotloe, Captain Makgotloe?

WITNESS B: All of us. All of us.

ADV POOE: Thank you. And then at ...[intervenes].

ADV BALOYI SC: Did I mishear you ...[intervenes].

ADV POOE: Oh, apologies.

ADV BALOYI SC: Witness B, I thought earlier on you testified that when the members, when some of them were
10 now there, Captain Makgotloe said that he was kidnapped. Did I misunderstand you or mishear you?

WITNESS B: I said he did not.

ADV BALOYI SC: Thank you.

ADV POOE: Just to clarify that, Witness B, you are saying when Captain Shole, Colonel Shole entered with his people, Captain Makgotloe did not say that he was the victim or the complainant in this kidnapping situation?

WITNESS B: No.

ADV POOE: Did he express anything at that point?

20 **WITNESS B:** No. In actual fact, Colonel Shole spoke to us rather than Captain Makgotloe. That is when he was asking questions that what took us ...[indistinct] where he informed the General, because it was like he was not understanding why he was ...[indistinct] in the first place, because the explanation is different now and there was nothing that

came from the Captains who say maybe, hey Colonel, the people that kidnapped me they said that and that. I never heard any of such.

ADV POOE: Thank you, Witness B.

CHAIRPERSON: Have you had sight of the contents of the kidnapping docket, CAS 118/01/2025?

WITNESS B: Unfortunately, I do not know what is in that kidnapping ...[indistinct] we only learned maybe three days later about. We were not aware that there is kidnapping
10 and stuff. So we never had the liberty to see what is in there.

CHAIRPERSON: All right. You may take the witness back to where she was, Ms Pooe.

ADV POOE: Thank you, Chair. Witness B, we were now at paragraph 69, where you detail what happens the following day as General Mulaudzi had instructed that you leave everything and return the following day. So this is now the 8th of January. Can you take us through ...[intervenues].

WITNESS B: [Indistinct]... went back and we were taken to
20 Brigadier Mkabela's office and then he said we must explain what happened last night. We took him through everything that happened and then we explained why did we needed to have that report that urgently in the first place. We showed him the reports that we were having and the reports that we were requiring. And then after the explanation and showing

the Brigadier, the reports that we were having and the omissions there, or not the omission at this time, it was a ...[indistinct] of the Commission and then he eventually understood and he said to us, he can see now where the problem is.

And he said, indeed, you must take this workstation and when you get the report, you must share with us because we need to institute our internal, what did you say, internal proceedings in terms of what we pointed out, 10 because he even took the phone and called the General and put him on the loudspeaker and explained what exactly is going on. And the only thing that he said, the General, he said, I told these people not to do this and Makgotloe is guilty as charged.

And then he was happy now that ...[indistinct] we can take this work station, but he said we must ...[indistinct] because they are using it and then he said but mostly we must share the outcomes therefore with them. And he further told us that they were not understanding what was 20 happening and then according to what they were briefed, or I do not know who briefed them, it is not exactly what we are telling them, therefore they advised the Captain to open the case and he said therefore they will tell him not to proceed, because there is no reason for him to open the case. The reason why they advised him is because they

were not understanding at the time. And then we thought then everything is resolved.

Maybe it is worth mentioning that for the first time visiting a police office and then you may find the Brigadier buying you some food and cooldrinks. We enjoyed ourself there and then we left. But in the process of taking the work station, there was a female Colonel, I just forgot her name, that was part of that proceed instructed by the Brigadier.

10 **ADV KHUMALO SC:** Did you eventually get a statement from Captain Makgotloe as to why there were multiple reports in his workstation?

WITNESS B: Unfortunately, we have not, because from that day on, when we go to the lab, we were not even allowed to enter the gate. We needed ...[indistinct]. There was a certain way of handling us when we go to the lab up to when Witness C, I think is going to dwell on that when now he was instructed or tasked to go and obtain the statements of the events as I am narrating has happened.

20 Then now the Generals, they did not want to give those statements. The Brigadier, they did not want to give the statements. Even the Colonel he said he did not want to give the statement of all the happenings as they happened from when we were in a quest to find this final reports.

CHAIRPERSON: Let us adjourn and resume at 2 o'clock.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Pooe?

ADV POOE: Thank you, Chair. We were at paragraph 70, just concluding the meetings, trying to obtain the original amended ballistics report. Witness B, if I can take you to paragraph 70, there you deal with the collection after the collection of the workstation and processing that it was returned. Can you explain what happened there to the
10 Commission?

WITNESS B: When it was part of the team that was returning it, it was returned on the 16th of January, just before the Captain would go back to work.

ADV POOE: And then you deal with the efforts of Witness C to try and obtain a statement from General Mulaudzi. Can you explain why the statement was sought and what efforts were taken to obtain the statement?

WITNESS B: After now, we learnt that there was a case
20 opened and also we were seeking to have the statements because all the steps that were followed and all the permissions that were granted, we needed now the general and the ...[indistinct] to put it in writing now because it became relevant to have such statements given the fact now that the so-called case that the Captain was advised.

And I want us to look at this point of being advised,

that initially it was not even Captain Makgotloe's initiation, he was advised to do this. So we had to have such statements at our disposal because we followed certain procedures, we seek certain permissions that were granted. There is nothing that, of our knowledge, we did forcefully or any other way.

Therefore, Witness C was the one tasked to go and obtain such statements and then he had some interactions even over the phone with the relevant people that were
10 supposed to depose the statements. However, I would rather leave it at that. Maybe Witness C can tell the Commission a little better, hence he was the one interacting and he was the one tasked to do such.

ADV POOE: Thank you, Witness B. At paragraph 72 you comment on the kidnapping case that Captain Makgotloe opened against you and your team members. Can you tell us your thoughts about this?

WITNESS B: Yes, as I have already indicated, that to me it was so strange to say there was a kidnapping. First of
20 all, the said kidnapping, it should be the crime scene, it should be a police station. It is ...[indistinct]. How can you kidnap somebody from police station where all the help is there to prevent crime?

Further than that, we were going to the office, not our office. We cannot be the one directing how we get

there, how we gain entrance there, how we access the office. Obviously, the person who is leading us is the person who was working in the office.

Thirdly, there is security at the gate. You cannot just access the ballistic without going through the security. All that, he is the one who was talking to the security to assure them that there is nothing wrong that is happening, it is him, he is with us and we have got permissions and all that. So, even after when now everybody was called, got
10 notes knows who called people that supposedly attended that kidnapping, but when they get there, find the explanation, otherwise the way that people were supposed to open that kidnapping, that is how crime works and we were not supposed to be let go if now we committed crime.

That is why when you find the suspect on the act, that is where now you arrest, you do not tell the suspect that, go, you come back some other time, I will arrest you some other time. And given the fact that kidnapping is taken as a serious crime, it was supposed to be opened
20 there and there because the police were there to attend to it. However, all that did not happen.

And the fact that we were told that he was advised and he would be unadvised. So, all that did not happen. It makes you wonder, why was it opened in the first place? What is the reason? Because there must be a reason.

ADV POOE: And knowing what you know now, have you established a reason?

WITNESS B: All I can say now is just that there are things that I would rather speak to it, maybe to the Commission only because of the integrity of the investigation. So be mindful that this case is still at court, it is not yet finalised and there is sensitive information that I would not want to speak at this platform, maybe to add on my comment.

ADV BALOYI SC: Witness B, when you say this case, you
10 mean the? Which case are we talking about?

WITNESS B: I am talking about the Vereeniging CAS 275.

ADV BALOYI SC: Okay.

WITNESS B: All these reports that we are referring to, most of them, they are from that case.

ADV BALOYI SC: Okay, thank you.

ADV POOE: Witness B, we are at the end of that section. Commissioners, Witness B wants to go back to the section where we were dealing with the General Shibiri meeting.

ADV BALOYI SC: Before you do that, then maybe let me
20 ask questions on this last part. Witness B, in your paragraph 71, that is where you discuss contact with General Mulaudzi to interview him and take a statement and you explain that he did not make himself available. So should we take it that as matters stand now, there is no statement from General Mulaudzi?

WITNESS B: That is correct.

ADV BALOYI SC: And you say General Mulaudzi is the head, the overall head of the laboratory?

WITNESS B: That is correct, Commissioner.

ADV BALOYI SC: And do you know what is happening with that case that is now, you say, sitting with IPID? Have they interviewed you? Is anything happening there?

WITNESS B: All I know is that we submitted our warning statements to the IPID. As to how far, there is never - we
10 never had any other reports as to what is happening. We do not know.

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

ADV POOE: Thank you, Commissioner Baloyi. If we can...

ADV BALOYI SC: While Ms Pooe is still trying to find her place, let me ask a further question about the General Mulaudzi's failure to provide a statement. Has anyone of your team or you specifically reported this to your superiors, this problem of getting an interview and
20 statement with General Mulaudzi?

WITNESS B: Yes, we did.

ADV BALOYI SC: And who in particular have you reported it to?

WITNESS B: We reported it to our immediate commander where we are reporting currently. That would be Colonel

Khumalo.

ADV BALOYI SC: Okay. And you do not know whether he has done anything about it or what he has done about it?

WITNESS B: No, I do not know.

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

ADV POOE: Thank you, Commissioner Baloyi. If we could go back to page 15 of the witness' statement? And this is where Witness B ends talking about the meeting with General Shibiri. Witness B, you mentioned that you would
10 want to make some observations based on what you know now in relation to your meeting with General Shibiri.

WITNESS B: It is just one aspect there. Now, holistically looking at this whole thing that we are facing here, I was so shocked later on after the arrest of Cat Matlala. When we look at his cell phone analysis and then to find that the general has the relationship or if it is not a relationship, the talking relationship with this Vusi Matlala.

And I would also note that this phone that we have of Vusi Matlala, it was only in use from December. And
20 indeed, what I can say in my comment on this is to say I noticed that the very same General who was in communication with Vusi Matlala using a WhatsApp voice calls from the period of that December up until May. However, I noted that in April they never spoke. But consecutively from December up until May, however, April

is not there.

And furthermore, I learned that their relationship is so serious that there is even an exchange of monies between them. So it made me question everything that I questioned initially as to what was the purpose, what was supposed to mean, especially the conversation of the ...[indistinct]. What was its intention?

Maybe I will deal with why this is so strange and it makes me feel otherwise when I discover this at a later
10 stage when we are dealing with the syndicates now. Maybe that is where I will deal with this part to say why was it so questionable to me.

ADV POOE: Commissioners, without the AV people displaying my screen, just to say that the conversations that the witness is referring to is displayed. I know that it is part of the record. I am just not sure which part of the record this evidence has been presented to the Commission. So those are the conversations that the witness is referring to.

WITNESS B: And on top of that, may I speak?

20 **ADV POOE**: Yes, you can.

WITNESS B: Ja, on top of that, hence we have said now since we have started with this investigation, we are getting a lot of streams of information. We were like shocked to learn from one of the streams of information that the same General was also giving information as to how to counter

the investigation, including the very same Vusi Matlala.

So that made me question everything and question myself if where would I be safe maybe to discuss certain investigations if maybe now we would have such information about they are supposed to be our heroes because they are our leaders. They are supposed to guide us. And when you get such information, because when we were called in that meeting, to be honest with the Commission, I was so proud to say we are doing something that is noticeable by the
10 national office, not even knowing that it is not even the purpose.

CHAIRPERSON: Ms Pooe, speaking amongst the three of us, our recollection is that perhaps these were touched on during the testimony of Witness X. We may be wrong. But whatever the position, you may perhaps just prepare a schedule, you do not need to go through it with this witness, in which you indicate where what is with regard to what this witness has said.

ADV POOE: We will do so. Commissioners, if we go back
20 to paragraph 74 at page 26 of the witness' statement, Witness B, there you begin to talk about the bail application that Mr Tau made. Can you take us through this?

WITNESS B: Yes. Tau's bail was scheduled to the 2nd of ...[indistinct] and then ...[intervenes].

ADV POOE: Perhaps before you go to when it was

scheduled, can you explain to the Commission what happened to his prior bail applications?

WITNESS B: Okay. The initial bail application where all three accused have applied, that bail was denied by the Magistrate at Vereeniging. And then later on Tau brought a new bail application on new facts, of which on those new facts he alluded that he was sick and his sickness was worsening since he was in prison. And according to him, the doctor recommended that he needed to go to a certain
10 clinic that is the only clinic that can assist to control his disease. And then apparently then he was granted a bail on those basis.

However, I would like to put on record that prior he was granted this bail, he was at the prison since the 17th after the arrest and his condition has been treated. There is facility inside the prison that is treating the very same condition. And when we learned that he brought this based on this sickness, I went to the prison.

I met with the health practitioner there in prison
20 and then I asked them if they have means to assist a person with this condition. They told us that yes, of course, they have been managing this sickness like his for years and they have got about 120 – I do not remember the number very well because I am not referring it to anything. I am just relying on my recollection of the events then. He said

they have some 100 and plus of the patients with exactly the same sickness and they manage it very well.

And we learned that people with the same sickness, they know even how to manipulate it to make it look like it is uncontrollable. And according to the health practitioner, that was the case with Tau anyway. And even when ...[intervenes].

CHAIRPERSON: For the record ...[intervenes].

ADV POOE: Witness B, just one second.

10 **CHAIRPERSON**: For the record, Witness B, what is the medical condition?

WITNESS B: Okay, it is diabetic.

ADV POOE: Yes. Witness B, you can continue. Yes, I have learned that from the health practitioner that those patients, they know how to manipulate the sickness to make it look like it is uncontrollable. They know what to do to trigger certain sickness to make it look like it is uncontrollable. So they have said even in prison, there is a lot of prisoners that have went that route, especially when
20 they want to use those grounds as the grounds for bail.

Well, we even obtained the affidavits from the health practitioner at the prison to say we are able to control this, but if the accused does not want – he wants to go out from the prison to be treated, even that they can assist, they can take him wherever that he needs to go. But

however, he was granted bail based on those conditions and then he was placed on the house arrest with strict condition, I must say, because he was not even supposed to go out anywhere other than three places of which it will be court, it will be the clinic that he alluded and to see his legal team only. And even then, it was said that he must use the shortest route without ...[indistinct] and prior he must let the IO know and the routes thereof.

ADV KHUMALO SC: Witness B, in paragraph 75.1 of your
10 evidence you talk about an inappropriate discussion preceding the bail, the granting of bail.

WITNESS B: Can I just...

ADV POOE: Commissioner Khumalo, before we go there, just to complete this, Witness B, this evidence was placed before the magistrate, the evidence related to the health practitioners?

WITNESS B: Yes, it was. And after he was out on bail and he violated his bail condition, I went to the clinic that he alluded that is the only clinic that can help him to control
20 his sickness. To my surprise, the doctor never saw him since 2021, if I am not mistaken. He never treated him for this sickness as he alluded. And the doctor even deposed a statement to say he does not even need to see him, he can treat this via emails, he can consult via emails. So he basically lied to Court.

ADV POOE: Thank you, Witness B. Commissioner Khumalo was taking you to paragraph 75 where you deal with the alarming circumstances or concerning events around the bail application itself. So if we can, we can go there and then you can start with the first event.

WITNESS B: Yes, we were preparing for a bail on new facts. It was on the 2nd, I think, between the last, I do not remember the dates, but towards the 2nd, let me put it like that, July towards the 2nd. On Tuesdays at our office we
10 always have a meeting where we discuss crime, we discuss everything that concerns investigations and everything. So it was one of these meetings when I was approached by my colleague, Sergeant Chigudu. And he told me that he was sent to me by Brigadier Nkhwashu to plead with me not to oppose the bail for Tau.

And then that was so strange because this bail, it was not even an initial bail, it was bail on new facts. My stance was already known because I already opposed that bail successfully. So there was nothing that was going to
20 change with this one because whatever facts that were there then, they were still there even now, except that now he alluded at court that now his sickness is worsening because he is in prison, he might die. Then the Magistrate, he said, no, you cannot die on our account.

And then this request was unusual because in the

case where we have met a suspect, or let me say serious crime suspects, all the commanders will tell you to go and oppose bail. And this was so strange to say you should not be opposing bail.

ADV POOE: Witness B ...[intervenues].

ADV BALOYI SC: Are you still on 75.1?

ADV POOE: Yes. Witness B, can you explain to the Commission who Sergeant Chigudu is and who Brigadier Nkhwashu is?

10 **WITNESS B**: Okay. Sergeant Chigudu is my colleague, same office. And then Brigadier Nkhwashu, well, I learned that he is a District Commissioner at Sedibeng, but I do not know him even today, but I got messages only from him according to my colleague.

ADV BALOYI SC: Witness B, did Sergeant Chigudu tell you why Brigadier Nkhwashu, or Brigadier Nkhwashu's reasons why you should not oppose bail? Did he say, how did he explain it?

20 **WITNESS B**: Commissioners, I did not even entertain. I just told him that there is no way that I will not be opposing this bail. Since it is already out there, you know that I am opposing this bail. I even went as far to say, because I thought it was for a good cause that meeting, to say this docket is being watched by the generals at the national office, thinking it was for that purpose.

ADV POOE: Then at paragraph 75.2 you deal with a call that Witness A received. Can you tell us about that?

WITNESS B: Yes, before the bail verdict, he received a call telling him that Tau was going to get the bail. There was a call to Witness A from his contact, and then indeed on the 2nd, he was granted bail. And then after he was granted bail, I still received a call from the very same colleague of mine, Sergeant Chigudu. He requested us to meet, and remember at this point, I am afraid even to leave
10 my house because of I understand the danger has escalated now.

So he called me, and then we met somewhere around Mall of the South, and then he delivered the message to me. He says he was sent again by Brigadier Nkhwashu to say thank you. And I was like, that was so uncomfortable, that one, because I was like, why? Why are you thanking me? Because you came with a request that I did not grant. What is the reason for thanking me now?

I asked him, why, why, why is he thanking me? He
20 said, no, I do not know, I am just a messenger. And to me, that felt like a disguised threat to say with or without you, and now that you made your point, where do you stand? Thank you. So that is how it felt to me. Even today, it felt like a disguised threat.

ADV POOE: And ...[intervenes].

WITNESS B: Worse, because it was delivered by somebody who knew what was the answer from the request, why did he feel the need to bring this message? What is it supposed to mean?

ADV BALOYI SC: Witness B, this Sergeant Chigudu, are you friends with him, or is he just a colleague? How do you interact with him socially and workwise?

WITNESS B: We are colleagues, but we have a good relationship in that space. It is somebody that I would
10 request assistance from, knowing that he would really come through. He is a ...[indistinct] person, if I may put it like that.

ADV BALOYI SC: Well, I am asking because I want to understand, why would he feel so comfortable to come and relay to you what looks like obviously irregular, if not unlawful, communication with you?

WITNESS B: That part, that is why I said it was an uncomfortable one, because as I am saying, the guy is a very bubbly person. He is a to-go person sometimes when
20 you get stuck because you know he is open, but we never had such conversation in the past.

ADV BALOYI SC: So you think maybe it is because he is bubbly that he is sent to relay these kind of messages, inappropriate messages?

WITNESS B: I will not really know what was the reason,

but what I know is that I am not the first person that he tried to relay. I do not know. I know that my colleague, Witness B, was on leave when these things are happening. He informed me, he also got the call from the very same colleague, and then he told him that he is on leave, and basically the person he talked to is me. I guess he needed, he really needed to deliver this message. He found himself had to. I do not know. I will not know what is the reason behind it.

10 **ADV BALOYI SC:** Okay, thank you. Thank you, Witness B.

WITNESS B: And then after that, after me now feeling so threatened in that manner, I reported this matter to Brigadier Gopane.

ADV BALOYI SC: Do you know if Brigadier Gopane has done anything about it?

WITNESS B: Yes, I do. I do. I do. After Tau was re-arrested now after he failed to stick to his bail conditions, during the arrest, as I kept reporting things to the Brigadier, she told me, she point blank told me that I did call Chigudu
20 and reprimanded him to stop conveying the messages. I told him that this person is arrested and he must stop conveying such messages to you, and he apologised.

ADV BALOYI SC: Thank you, Witness B.

ADV POOE: Commissioners, the statement from Brigadier Gopane is attached as B7, where she gives this exact

account. Witness B, at paragraph 76 you deal with yet another encounter, this time directly with Brigadier Nkhwashu. Can you explain to the Commission what happened there?

WITNESS B: All right. This is a later now this year. Like when I say later, I mean like in the events that I have been speaking to. Now we come to 2025, April 16th. I received a phone call from Colonel Grundling from Vereeniging. He was telling me that he got the call from District
10 Commissioner. He wants the docket. He wants certain dockets, let me put it like that, including the one that I was investigating.

And then there was timelines, and it was like he was getting pressure, that is why he called me and he said, you know what, I told him that I do not have a docket, it is at DPP. He said, okay, fine, because this is – I was being ...[indistinct] to give this docket, please – he gave me the cell phone numbers of the Brigadier and then he said, please call him and explain what you are explaining to me,
20 because he does not want any explanations from me, he wants the docket.

So you are in a better position to give account to the docket, because I do not have a docket. I just know you are investigating the docket. Of which, indeed, I called the Brigadier, I explained, I introduced myself, I explained my

situation where the docket is concerned, and then he said it is okay. Ja, it is okay. Then the docket, it at the DPP.

But shortly after that, he called me back, said no, this docket, is that one of Molefe. I said, yes. He said, no, no, no, no, do not bring the docket to me, I do not want it. You must give it to the Provincial Commissioner, but I do not want anything to do with that docket.

ADV POOE: Witness B ...[intervenes].

WITNESS B: He then said – there is something that he
10 said. He said he is a suspect on that docket. And I was
like shocked, and I asked, are you a suspect? And then our
conversation ended there.

ADV POOE: Thank you, Witness B. Commissioners,
Witness B has provided us with the recordings of these
calls, and so we would like to play these two recordings, the
call that Witness B makes to – my apologies, just one
second, I would like to confer with my colleague.
Commissioners, my apologies, in order to play the two
recordings, we just need a short adjournment to sort out
20 this out.

CHAIRPERSON: Let us adjourn. You will let us know.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV POOE: We will first start with the call that Witness B
makes to Brigadier Nkhwashu. Just to note that we will be

playing the call from 20 seconds in because she starts by introducing herself, but we will provide the full clip to the Commissioners.

CHAIRPERSON: And we are sure Brigadier Nkhwashu does not address the witness by name somewhere in the conversation?

ADV POOE: We have listened to both to make sure.

CHAIRPERSON: All right, thank you.

[AUDIO CLIP PLAYED BACK]

10 “**BRIGADIER NKHWASHU**: We got an instruction from the PC, and to collect all those dockets, including that docket of yours, and go give it to him, and the instruction was given to us as District Commissioners. And if we are not handing in those dockets to him, we are going to be facing the disciplinary steps. So I gave the case numbers to all the stations, to collect all the

20 stations for me to go and give it to the PC. So that is the reason we want that docket.

WITNESS B: Okay. Look, for now, it is going to be a problem because I do not have that docket with me. It is at

DPP.

BRIGADIER NKHWASHU: Okay. No, it is not a problem. You can just write me a report that the docket is at DPP, and you send me that report on email. And my email is nkhwashuam2@saps.gov.za, or you can send it to the District Commissioner's email at Sedibeng and then we will, as we hand the other dockets, we will tell him that that one is at the DPP. It is not a problem.

10

WITNESS B: All right, I will do so.

BRIGADIER NKHWASHU: Okay, thank you so much.

WITNESS B: Thank you, bye.

BRIGADIER NKHWASHU: Bye.”

ADV POOE: Commissioners, I hope that was clear and there is no need to replay.

20 ADV KHUMALO SC: Can I just ask Witness B to identify the people on the call for the record?

ADV POOE: Witness B?

WITNESS B: Commissioners, that will be myself and the Brigadier.

ADV POOE: Thank you. Commissioners, we will proceed

to play the call that happened shortly thereafter, and this call is from the Brigadier to Witness B.

[AUDIO CLIP PLAYED BACK IN VERNACULAR]

ADV POOE: Commissioners, I hope that was also clear. Witness B, for the record, can you please confirm?

CHAIRPERSON: I think it was clear, but I think I am a bit lost. Maybe context. No, no, I get it, I get it.

ADV BALOYI SC: Ms Pooe, the recording is in Zulu. For the record, I think you do need the witness to explain what
10 that conversation was.

ADV POOE: Commissioner Baloyi, this is specifically in reference to the second ...[intervenes].

ADV BALOYI SC: It is the second call, yes.

ADV POOE: Witness B, the second call is in IsiZulu. Can you translate that call to the Commissioners?

WITNESS B: I will try. Basically, the Brigadier called me back to ask me in particular if that case was for Katiso Molefe and I said yes, and he said no, on that case, he is the suspect, therefore, I should not bring the docket to him.
20 I must take it straight to the Provincial Commissioner. He does not want it.

ADV POOE: And for the record, who was the Provincial Commissioner at that time?

WITNESS B: It is General Mthombeni.

ADV POOE: Thank you. Witness B, did General

Mthombeni's office or even the Sedibeng District Commissioner's office ever communicate this request formally to you or your Commanders?

WITNESS B: No, no, that was the last time we had such conversation about the docket.

ADV BALOYI SC: Witness B, you say in your statement that as investigating ...[indistinct] whether he is a suspect, do you now know as you testify whether he is a suspect?

WITNESS B: Up to today, I am not so sure what the
10 Brigadier was talking about because as far as I understand in those dockets, the suspects are arrested, there is only one outstanding with the J50. So I have no idea.

ADV BALOYI SC: And at any point, at any point before this telephone, the two telephone conversations, had General Nkhwashu been involved at all to do with this, with your docket, the Vereeniging docket?

WITNESS B: No, no, except when he was making requests through my colleague, that is the only thing I had to know this name from, but other than that, no.

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

CHAIRPERSON: Could he possibly have been a reference to Mr Katiso Molefe?

WITNESS B: I beg your pardon, Commissioner, I did not get it.

CHAIRPERSON: I am saying could the he, he as a

suspect, could that possibly have been a reference to Mr Katiso Molefe?

WITNESS B: I am actually not so certain, but there is one thing that I can note while we are there, maybe it might bring a picture to the Commissioners. On the 9th, shortly after Molefe appeared at court, I learnt from the Prison Head that there was a request from Brigadier Nkhwashu to go to prison to see Katiso Molefe afterhours, and the reason why he wanted to go there, according to the reasons given
10 to the Prison Head, is that he was apprehended that morning at the airport, so he needed to bring him some clothing and some food. And it was quite afterhours for visitation at the prison, and indeed, according to the Prison Head, he went there, but they also noted certain things that they mentioned to me to say ...[intervenes].

CHAIRPERSON: Witness B ...[intervenes].

WITNESS B: He kept driving in the BMW without registrations ...[intervenes].

CHAIRPERSON: Witness B?

20 **WITNESS B:** Of which it was ...[intervenes].

ADV POOE: Witness B, just one second.

CHAIRPERSON: Yes, the ambiguity with regards to the pronoun does not arise if we listen to IsiZulu. My co-Commissioner says the brigadier said *ngi, ngi* suspect, so the *ngi* refers to the Brigadier himself. It only arises when

we read it in English, so you cannot be sure whether the he refers to the Brigadier or refers to Katiso Molefe. So my co-Commissioner says he said *ngi*, which would mean that it is the Brigadier who is the suspect.

ADV POOE: Yes, Chair.

WITNESS B: That is correct.

ADV POOE: And we will be providing objective transcripts of that recording.

CHAIRPERSON: Thank you.

10 **ADV POOE**: My apologies, Witness B, you were also providing that confirmation?

WITNESS B: Yes, he indeed said *ngi, ngi, ngi* suspect, meaning he was referring to himself to say I am the suspect.

ADV BALOYI SC: Witness B, you were explaining, and I think some of it got lost, or at least I lost it along the way, it was in response to my question whether General Nkhwashu has had any involvement with this case, and I think you were starting to explain – you had started to explain that on
20 the morning or after Mr Tau was arrested at the airport. Can you just repeat that? What happened, and how, and I think you were speaking to the involvement of Brigadier Nkhwashu with that.

WITNESS B: I am saying all I know where Katiso is concerned, all I know is that I got a call from the Prison

Head informing me that they had a request from Brigadier Nkhwashu, whom he said Katiso was being arrested on that morning at airport, then he was – actually he was requesting to be granted permission to see Katiso afterhours on the 9th, and then he indeed went to prison driving in a vehicle without registration numbers, of which the Prison Head noted and said we find it strange, why would the Brigadier now drive in a vehicle without registrations?

10 However, they told me that they could not allow him to see Katiso, but they took the clothing from him, and they refused to take food because their policies does not allow so. And ja, that was it about that day, and then furthermore, he told them that he was related to him in a way. But when they made their own enquiries, Katiso denied being related to him. So they felt like there was something wrong happening, that is why they reported that incident to me.

ADV BALOYI SC: I do not know how prisons work, but is
20 an incident such as this recorded in the prison's record where a visitor is asked to come in to see a person? Would there be a record in your experience of this?

WITNESS B: Yes, there is also some reports that the Prison Head made and also deposed the affidavits in that respect.

ADV BALOYI SC: Thank you.

WITNESS B: Even the video footage, I saw the video footage where they were showing me the person that they say it was the Brigadier entering there.

ADV BALOYI SC: And do you know if anything has been done about this arising from that report, whether any action has been taken to deal with this?

WITNESS B: No.

ADV BALOYI SC: Thank you, Witness B.

10 **ADV POOE:** Commissioners, just to link the past two days' testimony, Witness A, you will recall, testified that he placed with the prison officials strict instructions that there are only certain categories of people who are allowed to visit, and this is part of the reason why they were alerted of the visit. Furthermore, Witness C will come and deal with the specifics of the visit, including the records they received from the prison officials.

ADV BALOYI SC: Thank you.

20 **ADV POOE:** Witness B, we can then look at paragraph 77, and this is where you discuss your meeting with Witness A to discuss all of the concerns that you now had, especially given Mr Tau's release. Can you talk to the Commission about this?

WITNESS B: Yes. On that day, we could not even sleep. We met, we reflected on everything that has happened, and

we also reflected at the danger that was facing us now that Tau was granted bail. On our first attempt, we tried to get hold of Brigadier, trying to explain to her how do we feel now, what is at stake right now, and then we could not find the Brigadier. She was not in the province. She was having something out of the province.

And then failing to get hold of her, we then tried now to think what else can we do. Given the fact that already we had an instruction to say speak to me or the
10 General, now we tried to think how can we reach the General. At that point, we did not have a direct line with the General. So we engaged one of our colleagues that we have worked with in the past, the one who was not even in our office, and then that would be Sergeant Matendra, who was – we knew that she has got an easy access to the General.

Therefore, we drove to him, and then we delivered it there. And one of the reasons why we opted to go to Sergeant Matendra, I guess Witness A has touched on this,
20 because we have a history of working together in the serious cases. We once worked on several cases. Therefore, there was one member that we used to work with, of which Witness B mentioned that passed away. Maybe it is not the right word to say passed away, because he did not pass. Actually, he was killed.

And then with the situations that he would communicate with us, he would say hey, there is a problem here and there, and then I might be killed. And we find ourselves in the same situation ...[intervenes].

CHAIRPERSON: Ms Pooe?

WITNESS B: Witness B ...[intervenes].

WITNESS B: And the person who best ...[intervenes].

CHAIRPERSON: Witness B?

WITNESS B: Witness B?

10 **WITNESS B:** It was Matendra because he knew what we faced and subsequently what happened to him, so ...[intervenes].

ADV KHUMALO SC: Witness B?

WITNESS B: So we knew that he will understand our situation ...[intervenes].

ADV POOE: Witness B?

WITNESS B: But the main point, it was for him to connect us with the General ...[intervenes].

CHAIRPERSON: Witness B ...[intervenes].

20 **WITNESS B:** Of which he subsequently did ...[intervenes].

CHAIRPERSON: Witness B, please hold your thoughts. Do not forget where you were. Ms Pooe, did you not introduce this discussion by making reference to paragraph 77?

ADV POOE: Chair, I was waiting for a pause to pull the

witness back to the sub-contents.

CHAIRPERSON: Yes. Why I am asking that is because you said the witness' eyesight is not that good and that she would not be able to read. I just have the feeling that 77, inclusive of 77.1 up to 77.7 should be read into the record, and perhaps you should do that and just get the witness to confirm. I would like for that to go into the record.

ADV POOE: Chair, not to be defiant, I will first ask the witness if she can touch on these issues because I think
10 she had forgotten them and went straight. But I will do so, I will read to the record.

CHAIRPERSON: And are you hoping that she is going to go 7.1 up to 7.7 point by point? You see, that is my concern.

ADV POOE: Okay.

CHAIRPERSON: My concern is that it is probably going to be a generalised narrative, whereas she says the two of us had reflections and these are our reflections, 77.1 all the way to 77.2, unless you think the witness is going to be
20 able to do that.

ADV POOE: Chair, lest I be disappointed or misleading the Commissioner, I will read the paragraphs into the record.

CHAIRPERSON: Thank you.

ADV POOE: Starting at paragraph 77:

“After the granting of the bail and into

the early hours of 3 August 2025, Witness A and I met to discuss the case. We were extremely concerned about Mr Tau's release and the danger that this would pose for us. We also reflected on the worrisome things that had already taken place during the course of the investigations. In particular, we recalled threats and intimidation whenever we attended bail applications, including the cars that followed us and attempted to drive us off the road after the accused person's first appearance. Threats and warnings from senior SAPS officials expressing both that brown envelopes had been prepared and that if these were not taken, our lives would be in danger. Interference from SAPS members, including from Brigadier Nkhwashu through Sergeant Chigudu. The omission of linkages in the ballistics report and general unresponsiveness from Captain Makgotloe. Intelligence on the nature

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of the criminals involved and their reach. In particular, that the targets of the investigations were close to senior SAPS members. The withdrawal of three of the five members who were working on the case with us. Mr Tau had now been released on bail. We were aware of his access to resources and had been warned that if released, we would be his target. Moreover, we learned from an inmate informer that he had tried to procure hitmen to assassinate us while incarcerated.”

Witness B, can you confirm the contents of these paragraphs?

WITNESS B: I confirm.

ADV POOE: Thank you.

ADV BALOYI SC: Before you move on, Witness B, in that paragraph 77.4 where you speak about the unresponsiveness from Captain Makgotloe, from what you have described regarding General Mulaudzi, would it be wrong to include him, or is there a reason that you do not include him in that complaint about unresponsiveness?

WITNESS B: I do not think I understand the question, Commissioner.

ADV BALOYI SC: You have described to us in your evidence earlier that General Mulaudzi has been uncooperative in giving you an interview and a statement about the events that have happened at the laboratory. What I am asking you is, does that conduct not also qualify his failure to cooperate with you? Does it not qualify as unresponsiveness as well?

WITNESS B: It could, but at this point we were concerned with what we saw as some threats and the issue of General
10 Mulaudzi giving a statement, it came later on. I guess by this time I was looking at those things, I was looking way back from where it started as it reflected as it happened. And at this point, I did not really look at that to form part of the reflections that we were having at the time. And remember, these are reflections we were having on the 3rd of August before we even attempted to get statements from the Generals.

ADV BALOYI SC: I understand, thank you.

ADV POOE: Commissioner Baloyi, on that point there is a
20 typo on paragraph 77. It should read 3 August 2024, not 5. So the incident with General Mulaudzi happens in January of this year.

ADV KHUMALO SC: I saw from B7 that Mr Tau was re-arrested in September.

ADV POOE: Yes, shortly after his bail release. Witness B,

can you speak to Mr Tau's re-arrest after his bail release?

WITNESS B: Yes. He was arrested on the 20th of September. And after he violated his bail conditions, then what happened is amongst the – what is this – bail conditions, was expected to check on him any time, any day. He was instructed to allow the police to check on him any time, any day. And then by the first day when I decided to go to check on him, he was not at home. And then we found his son there who told us that he went to work and he
10 is the person who always go. Then I just knew there and there that we have a problem now.

We applied for search and seizure for his DVR because we learned that he had some cameras to monitor now what was happening all along. Only to find that shortly after his arrest, he never even obeyed that house arrest. He was going as if there was no restrictions. He would leave, come midnight and everything. Then the docket as per section 67(a) was opened and then subsequently a J50
20 was executed. And then he has been in prison since then and then that case has since been finalised and he has been convicted on that.

ADV POOE: Thank you, Witness B. You were at paragraph 78 and just explained your approach to Sergeant Matendra. And in your explanation you told the Commission

why Sergeant Matendra was the right person to approach, and I believe that the story you were conveying there is important to you. So if you can explain to the Commission there what happened?

WITNESS B: Sergeant Matendra is a colleague that we have been working with, especially in the serious crimes that involve multiple murders. And then we had another member that we used to work with, that is with Sergeant Ndlovu, who I said he was then killed in line of his duty.

10 And then knowing that Matendra and myself and Witness A and Sergeant Ndlovu would work together on certain cases, we knew that he was the person that would understand our situation at the time, why we desperately needed to speak to the General about our situation, because we knew now that our situation, like our story, it was just the same script, different characters.

We were going to the roots where this other Sergeant finds himself in, because he would say that hey, what I am going through here, I might be killed. So he died
20 knowingly so that he might be killed, as much as we already knew by that time that we are at the verge of being killed ourselves. So the best person who would understand our story, who understood it back to Sergeant Ndlovu, it was Sergeant Matendra.

And then we explained to him and he subsequently

indeed saw the gravity of our story and he made sure that he connects us with the General, of which we could not get hold of him at that time. But I believe that the Sergeant briefed the General and subsequently, I think on the 5th the General called me and I got a chance to explain what was happening. And ...[intervenes].

ADV POOE: Witness B?

WITNESS B: Yes?

ADV POOE: Before you deal with your conversations with
10 the General, maybe to step back and deal with paragraph
79 where you talk about the dangers and your continued
reliance on the private security company because the SAPS
TRA processes had not produced any results. Can you tell
the commission about that?

WITNESS B: Yes. We were like from the 2nd, we were
relying on this private security company to assist us in
order for us to be able to do our investigations. And then
the TRA also was done on us.

ADV BALOYI SC: Witness B, can you just remind us, when
20 did you first request a TRA?

WITNESS B: It was shortly after the first appearance. I
am not so certain any longer because I do not have the
copy of it, but I believe it was sometime in May.

ADV BALOYI SC: And as at August you had not received it
because ...[intervenes].

WITNESS B: And August, there was a second TRA now that was conducted, seeing that that one, we do not know what happened to it.

ADV POOE: So between May, when you asked, and the beginning of August, nothing had been done on your first request?

WITNESS B: No, no, commission.

ADV BALOYI SC: Do you know ordinarily how long or what is the response time when there has been a request for a
10 TRA? Ordinarily, what would be the response time?

WITNESS B: It was the first time myself dealing with that. I do not know. But what I see on the second TRA, we spoke with the General, I think on the 5th, and then it is either on the 7th or on the 8th already we got response because the officers from the office conducting the TRA, they came to our office, I had an interview with them. So it was that quick on the second one.

ADV BALOYI SC: The second one, just to confirm, the second one was after you had now involved General Mbuso
20 Khumalo for assistance?

WITNESS B: That is right.

ADV BALOYI SC: Thank you.

ADV POOE: Witness B, my apologies, Commissioner Khumalo.

ADV BALOYI SC: Yes. Witness B, you have mentioned

earlier, but you repeat it in this paragraph 79, that you had to use a private security. How did you get this private security? Is this your private arrangement? Was it an SAPS-arranged protection?

WITNESS B: No, it was not SAPS-arranged. I would say it was private given the fact of the relationship that I had with them since 2020. I first met them in 2020 dealing with another case of murder somewhere else.

ADV BALOYI SC: Thank you, Witness B.

10 **ADV POOE:** Witness B, at paragraph 80 you referred to talking to the prosecutor after Tau's release and that she also took some steps of her own accord. Can you tell the Commission about this?

WITNESS B: Yes. This prosecutor has been the person that we have been working closely to on this matter since day one. Therefore, we needed even not to explain anything to her. She understood everything and the dangers surrounding this investigation. So she was very, very concerned. So she wrote to our office. I think she
20 copied more than one office with her concerns where our safety is concerned. So she was requesting that the SAPS must do something in order to protect us and the docket.

ADV POOE: Commissioners, the letter from the prosecutor is attached to General Khumalo's statement and I think also General Masemula's statement. I will provide specific

references in the morning. Witness B, you then deal with now when General Mbuso Khumalo calls you back after being briefed by Sergeant Matendra. Can you explain what happens there?

WITNESS B: Yes. And then the General called me. I explained everything that we were facing and then I summarised all the threats against the investigation team and our concerns since the accused was released. And then the General the following day, I believe, when I go for
10 investigation, he provided some TRT members to assist, accompany me on my investigation, even though I do not know what was the reason, but it was on that day.

And then it was withdrew after that, but I saw something moving after that because after that, on the 8th, that call I got from the General, it was on the 6th, and then the 7th the TRT members came. On the 8th the TRA members also came for interview, even though this TRA thing, it also takes its course. It is not like shortly after that you will get the results. It took its time. I think plus or
20 minus three months in progress, but at least something was happening. Somebody was talking to us. We knew that something was being done, unlike the first one where no one contacted us.

ADV POOE: And just for the record, TRT stands for?

WITNESS B: Tactical Response Team.

ADV KHUMALO SC: Advocate Pooe, because the witness is not reading from her statement, and I know you know where the witness is and where you are, maybe just indicate to us that we have skipped four paragraphs. We are now in paragraph 84.

WITNESS B: My apologies, Commissioner Khumalo. The witness dealt with the prosecutor's letter, which is covered from paragraphs 80 to 82. And then 83 deals with the call that she receives from General Khumalo. And then we are
10 now at paragraph 84 where she was provided with support from TRT and the interview with an officer from the TRA. And just for the record, the letter from the prosecutor is attached in General Mkhwanazi's statement, MK8, at pages 181 to 183. Witness B, at paragraph 84 you deal with the interview with the TRA officer. Can you tell the Commission about that?

WITNESS B: Yes, I would say I had an interview with Colonel Ntuli and Colonel Theron, which I do not think I will be able to say on record what we were dealing with in that
20 interview.

ADV POOE: That is fine, Witness B. And at paragraph 85 you deal at a high level with the findings of Colonel Ntuli. Can you explain that to the Commission?

WITNESS B: Yes. Colonel Ntuli, in his findings, he classified the risk or the danger that we were facing as high

risk.

ADV POOE: And, Witness B, do you know what this means for somebody who does not understand the categories of risk?

WITNESS B: In the lack of better words to describe, I would say it meant now we are at grave risk.

ADV POOE: And at the end of the paragraph you deal with then what is recommended for persons classified as high risk. Do you want to tell the Commission about that?

10 **WITNESS B**: Yes. In his recommendation, he recommended a 24-hour security where we concerned. So, meaning now that was the start of us losing our lives. More like going to prison.

ADV POOE: Thank you, Witness B. At paragraph 86 you talk about an event that happens during the week of the 12th of August with members of the Cold Case Unit. Can you tell the Commission about that?

20 **WITNESS B**: Yes. On the 12th of August, I believe we were at the office for something and then two gentlemen came in and then they said they were from Cold Case, of which each one introduced himself as Deon Mulaudzi. They were sent from their office to request the Vereeniging case with all SAPS dockets that it goes with. And then fortunate enough that we were in the office, I was able to jump into saying, no, those dockets, it is at DPP. In actual fact, they

were not even a DPP because we were shocked in a manner. Why? The first thing that came to our mind, why Cold Case is interested in this case that is so hot? And then ...[intervenes].

ADV BALOYI SC: Witness B?

WITNESS B: The dockets they need to communicate through our commander, that would be Brigadier Gopane.

ADV BALOYI SC: Yes. Witness ...[intervenes].

WITNESS B: That was ...[indistinct]. But shortly after they
10 left, I also got another ...[intervenes].

ADV POOE: Witness B? Witness B, before you deal with the call that you get, Commissioner Baloyi has a question.

ADV BALOYI SC: Yes. Witness B, it is about the Sergeant Mulaudzi and the person he was with. Did they explain to you why they are collecting this docket, the main docket and its sub-dockets from you? Why it should go to Cold Case?

WITNESS B: Sorry, no, Commissioner, they did not explain.

20 **ADV BALOYI SC:** And you did not ask?

WITNESS B: I did not ask.

ADV BALOYI SC: Okay, thank you. Thank you, Ms Pooe.

ADV POOE: Thank you, Commissioner Baloyi. Witness B, in paragraph 87 you talk about the cases traditionally dealt with under the Cold Case Unit. Can you explain this to the

Commissioners?

WITNESS B: Normally, the case that will be referred to as cold case, it is where all investigation has been exhausted and nothing comes forth. So, meaning no breakthrough on that case, and then it will be referred to as a cold case. It does not mean now we stop investigating, but not actively as before, then Cold Case will be dealing with such.

ADV POOE: And for completeness, did Vereeniging and its sub-dockets fall within this category?

10 **WITNESS B:** No, no, that is why I use the word that was so hot. Because, number one, it was fairly not that old. It was a docket that was just opened April. This incident happened in August. Nevertheless, what is the period? The fact is, people will understand, it is a court-going case. It can never be classified as cold.

ADV POOE: And at paragraph 88 you then deal with a meeting that you had with Maj-Gen Khumalo. Can you tell the Commission about this meeting?

20 **WITNESS B:** I think on this meeting, it was the first meeting that we had with the General after Witness A came back from leave, and then we went and see the General and then we spoke about...

ADV POOE: Witness B?

WITNESS B: Yes?

ADV BALOYI SC: You can still hear us, okay.

WITNESS B: Yes, we spoke about the progress of the investigation from then on. And then we were directed that from then on, we would be reporting to him for the guidance on the docket and the responsibility for our safety. And the docket was formally transferred to General Lekalakala, who was going to take us through from then on.

ADV POOE: And do you know what position General Lekalakala holds?

WITNESS B: He is at Gauteng Counter Intelligence.

10 **ADV POOE:** Thank you. Witness B, in paragraph 89 you then say that on the same day as the meeting, you then receive a call related again to the Cold Case Unit. Can you tell the Commission about this call?

WITNESS B: Yes. This time around, I received a call from Colonel Roodt, who was also requesting the very same docket that the two gentlemen came to collect previously. And I directed her to Brigadier Gopane to be the person that she refers the request to.

ADV POOE: And why did you ...[intervenues].

20 **WITNESS B:** The Brigadier also told me so, to say anyone who wants the docket, I must just redirect that person to her. And I shared her numbers also to Colonel Roodt to speak to the Brigadier.

ADV POOE: Again, you describe this interaction as unusual in paragraph 89. Can you explain why?

WITNESS B: For the very same reason, because now already the two gentlemen came to the office. I explained that the Brigadier needs to be contacted. Instead of contacting Brigadier, I still get the same call from the same office to say I must give the docket. And I still gave Brigadier Gopane's numbers, but I also went back to the Brigadier to alert her to say I got this call again, however I gave your numbers, most probably they will contact you, of which it was strange because when I get the briefing from
10 the Brigadier, nobody ever called her.

ADV POOE: And that message from Colonel Roodt asking for the Brigadier's number, you deal with that at paragraph 90.

WITNESS B: Yes.

ADV POOE: Witness B, in that paragraph you explain that you later approached Colonel Roodt for a statement. Can you explain to the Commission why you approached her for a statement and what the outcome of that was?

WITNESS B: Later on, during the course of our
20 investigation, I was instructed by the Commander here to say we must get the statement speaking to the – because he wanted to understand the reason why in the first place the docket was requested. And then we first spoke over the phone, and she said it is okay, I can come see her.

I went to her office under the impression that I

would get the statement. However, when I got there, she said no, she was acting on the instruction from her superior, being Brigadier Gininda. Therefore, she needs to check with him first, and then he said he will call – she will call me. But then when I make a follow-up, then she sent me a message to say I should not be asking a statement from her. I must revert back to the General, to my General, and this matter will be handled at that level.

ADV POOE: And Brigadier Gininda, do you know the
10 Brigadier's title?

WITNESS B: Pardon?

ADV POOE: What is Brigadier Gininda's position?

WITNESS B: She is a commander at Cold Case Unit. He
is, sorry to say, she is the commander.

ADV POOE: And when you say that Lt-Col Roodt said that
it should be handled at the rank of the Generals, what did
you understand by this?

WITNESS B: It is what we always encounter during the
course of an investigation. At times you get undermined
20 because of the rank. It was more like Sergeant, back off,
this is not in your pay grade, therefore it will be handled at
that level.

ADV BALOYI SC: Witness B, before this discussion
ultimately with Colonel Roodt, had Brigadier Gininda
expressed any interest or in any way become involved with

your investigation?

WITNESS B: I never had any interaction with Brigadier. The only time that his name was mentioned is when the Colonel said she cannot give that statement, she needs to check with Brigadier Gininda. That is all. That is it. She just said it, but I do not know because she said she was working from the instruction, but myself, I never had interaction with the Brigadier.

ADV BALOYI SC: Thank you.

10 **ADV POOE:** And, Witness B, are you aware of any discussion that may have happened between your General and her General on this issue?

WITNESS B: I never did that, I do not know.

ADV BALOYI SC: Do you know if there was ever any discussion between Brigadier Gopane, your superior, and Brigadier Gininda about this matter?

WITNESS B: No, according – fortunate enough, we keep tabs with Brigadier Gopane. According to her there was never.

20 **ADV BALOYI SC:** Thank you. Witness B, at paragraph 91 you make a note on the insistence from the Cold Case Unit to obtain the docket, do you want to talk to that?

WITNESS B: All I can say is that up to today I really do not know why they needed to have this docket. Maybe there is a reason that will be at the level of the Generals as

I was informed, but myself, I do not know. I do not have any explanation.

ADV BALOYI SC: Let me ask a question. Do you know who would be Brigadier Gininda's General?

WITNESS B: I do not know.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Witness A, are you authorised in your position – sorry, Witness B, are you authorised in your position to simply hand over dockets you are working on to
10 other units?

WITNESS B: No, not at all. Without the blessings of my Commander, I cannot do that.

ADV KHUMALO SC: You would have to obtain permission from your Commander?

WITNESS B: That is correct.

ADV KHUMALO SC: Okay.

ADV POOE: Thank you, Commissioners. Then in ...[intervenes].

CHAIRPERSON: And ordinarily under what circumstances
20 would the dockets be moved from one unit to another?

WITNESS B: Normally when we have interlinking cases maybe, and then you will find one unit obtaining the dockets from one to another, but normally the one that will seek dockets from another is the one that is having an active investigation that is at court. Maybe when you find

linkages, then you will go obtain from other units in order to place them at the court roll because they will be there more like cold because it will not be a court-going. But when you investigate, like let me say for instance in this one, this docket has demanded us to have more dockets through linkages in terms of, you may find that the other docket is also implicating the same accused that you already arrested, but it can never be that you take the active one to the one that is not yet at court.

10 **CHAIRPERSON**: Where was the i20 Hyundai hijacked from? Was it Sunnyside?

WITNESS B: That is correct, Commissioner.

CHAIRPERSON: So ordinarily that hijacking would be investigated by the police station under which Sunnyside falls, whatever that police station is?

WITNESS B: That is correct.

CHAIRPERSON: And that docket, is it not with you now or not?

WITNESS B: It is. It is, Commissioner.

20 **CHAIRPERSON**: Ja. So that is one example. All right, thank you. I think I get the picture. Thank you.

ADV BALOYI SC: Let me just follow up on that. Witness B, who makes the decision and who is entitled, not name, who makes the decision that a docket must now go to Cold Case Unit?

WITNESS B: Good question, Commissioner. Honestly, I do not want to answer on something that I do not know of. I do not know. But while you are at that, I do not know when the docket is declared it is going to the Cold Case. I want to make mention of one of the cases that subsequently are at court. There is one case that was in socials. It was declared cold. But when now the linkages emerged, I did not find it at Cold Cases, I find it that they are still with an IO. So I do not know when is that decisions are made and
10 when. I have no idea of that process.

ADV BALOYI SC: Is it possible from your knowledge and experience that the Cold Case Unit can declare a docket to be cold and then come and ask for it in the way that they have done with you?

WITNESS B: No, no, Commissioner. I mean, like an active court docket, it can never be at any stage declared as cold. Cold means there is no linkages, there is no court-going, nothing is happening, there is no leads, all the investigation has been exhausted.

20 **ADV BALOYI SC:** Maybe let me just try to clarify my question. My question is, does the Cold Case Unit declare dockets to be cold and then come and get them from wherever they are kept otherwise?

WITNESS B: It will be difficult for me to talk on what happens in Cold Case because I have no idea.

ADV BALOYI SC: All right, thank you.

ADV KHUMALO SC: Witness B, this request from the Cold Case Unit, did they only ask for the Vereeniging murder docket or did they ask for other dockets that you are in possession of?

WITNESS B: It was Vereeniging and all its babies.

ADV KHUMALO SC: Sorry, say that again, all its?

WITNESS B: I said it is babies, I meant to say sub-dockets.

10 **ADV KHUMALO SC:** Just for completeness, can you tell us what those are?

WITNESS B: It was Vereeniging 275/4/2024, Klip River 77/4/2024, Bramley 149/4/2024 and Sunnyside 286/1/2024.

ADV POOE: Commissioners, I was just trying to cross-reference and I will find the reference to General Masemula's evidence and part of it was that the Cold Case Unit is in his office and, Commissioner Baloyi, this is in reference to your question who Brigadier Gininda reports to. We will communicate the reference.

20 **ADV BALOYI SC:** Thank you, Ms Pooe.

ADV POOE: And then at paragraph 92, Witness B, you deal with the unexpected events of the 5th of September while you were at your residence. Can you tell the Commissioners about that?

WITNESS B: On the 5th of September, it was late, around

eight, I was already sleeping. Then I was woken up by the rough knocks. When I check, I see police officers, plus or minus six or eight, I do not remember because that like frightened me, like I was really, really, really scared because I did not understand what was going on because there was no prior alerts to say maybe people will come and everything.

And when they got there, they also did not know who they were looking for, asking me, they are telling me
10 they were looking for – but they were looking for a male person that they mentioned by surname and I was like, no, I do not know that person, only to find that they were referring to me, they just did not know. And given the insight of what was happening, even my colleagues I could not trust because nobody alerted me that they will come. So that did shake me. If I was having some sort of heart disease, I think that was going to be the day I die.

ADV POOE: And did these officials explain who had deployed them to your residence?

20 **WITNESS B**: As to who, I do not remember if they said, but they said they were from Public Policing, old Public Order Policing, and then they were sent to be there at my house until the next morning. Then that was the beginning of the 24-hour protection. Because when they leave, there was a relief, like it went on and on and on like that, there

was never a time where there was no police around me.

ADV POOE: And was it just Public Order Policing that did the 24-hour security?

WITNESS B: No, at night it would be them, but in the morning it would be TRT, and the TRT would be the one who would go with us for investigations.

ADV POOE: And in real terms, what did this look like for you at the time when these two units were providing protection at your residence?

10 **WITNESS B**: Honestly, it was – for me, it was good because I could see something now it has been done, and then it will make you feel better now when you go out and do your investigation. But the only thing that was frightening me was that encounter at night, and then from there on, we understood that that is our life from then on.

ADV POOE: And at this stage, did this have any effect on your family?

WITNESS B: A lot, a lot. As I am saying, that was the beginning of us losing our lives. It was not only on us, on
20 family too, because even the children could not understand why are we now surrounded by people all the time.

ADV POOE: Thank you, Witness A. Commissioners, we are about to move to the next topic, which is a little lengthy. So I seek guidance on whether to start and make use of the next 10 minutes or if...

CHAIRPERSON: What is your preference?

ADV POOE: I would prefer a slightly earlier adjournment.

ADV KHUMALO SC: Can I just ask one more question?

Witness B, you may have covered this earlier, but maybe I did not hear you. Did the Cold Case Unit ever come back to ask for the dockets, or was your communication, I believe it was with Lt-Col Roodt, was that the end of it? They never came back to ask for the dockets?

WITNESS B: That is right, Commissioner. That was the
10 last time.

CHAIRPERSON: Let us adjourn and resume at 09:30 tomorrow.

INQUIRY ADJOURNS TO 23 OCTOBER 2025
