

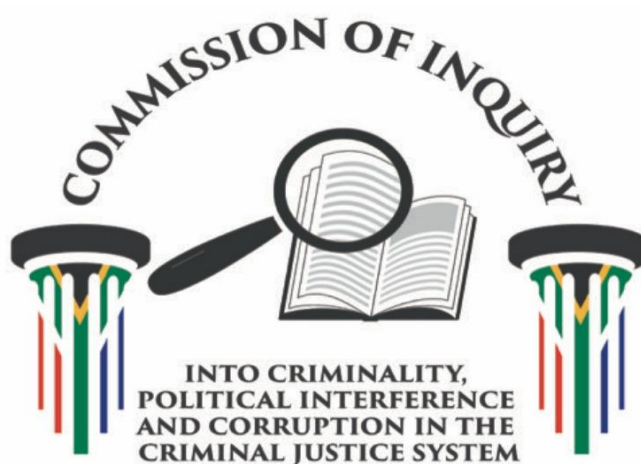
**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**18 MARCH 2026**

**DAY 80**



**PROCEEDINGS HELD ON 18 MARCH 2026**

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

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

**CHAIRPERSON:** Good morning, Mr Ngoato. Your mic is off. Good morning, Sergeant Nkosi.

**SERGEANT NKOSI:** Good morning, Commissioners.

**CHAIRPERSON:** Thank you.

**ADV CHASKALSON SC:** Morning, Sergeant. I want to take you to your chats with the person you describe as  
10 Mthakathi Mswazi, and they are at page 786, and I have lost my file descriptors, of File 2.

**MR NGOATO:** Mr Chaskalson, that page number, page 789?

**ADV CHASKALSON SC:** 786, 786. Do you have them, Sergeant?

**SERGEANT NKOSI:** 786?

**ADV CHASKALSON SC:** 786. The actual chats themselves start on the following page, 787. You just ...[intervenes].

20 **CHAIRPERSON:** Are you there, Sergeant?

**SERGEANT NKOSI:** Yes.

**CHAIRPERSON:** Okay.

**ADV CHASKALSON SC:** You have the number for Mr Mthakathi Mswazi named, saved under the name Mthakathi Mswazi, but what is Mr Mthakathi's full name?

**SERGEANT NKOSI**: Pheyelo. Pheyelo. And as I understand it, it is Mothakathi as opposed to Mthakathi.

**SERGEANT NKOSI**: Ja, Mothakathi, I think it is the surname.

**ADV CHASKALSON SC**: And is he described, is he sometimes called also Ivan Mthakathi or Irvin Mthakathi, I-r-v-i-n?

**SERGEANT NKOSI**: I would not know, but I call him Mabu [?] Mthakathi.

10 **ADV CHASKALSON SC**: I see. And did you buy, did you assist to buy one of those can-ams for him?

**SERGEANT NKOSI**: That is correct, Commissioner.

**CHAIRPERSON**: Sorry, sorry, Mr Chaskalson. Commissioner Khumalo has just reminded me about spelling the names, but I have been thinking these past few days that the transcriber needs to do a little more and try to find a practical way of establishing the spellings of the names. Surely there should be a practical way.

20 I mean, take for example silly things like having Khayalami spelled K-y, you know? Silly, silly assumption by whoever named Khayalami the way they chose to name it. And one does not understand why they did not ask the African people who call Ikaya as Ikaya. So the transcriber as well should just do a bit of effort and spell the names correctly. But perhaps with just this one, Mthakathi as it

appears at 786 is M-t-h-a-k-a-t-h-i. But then Mr Chaskalson referred to another spelling which I think starts with M-o.

**SERGEANT NKOSI**: That is correct, M-o-t-h.

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

**ADV CHASKALSON SC**: And, Sargent, just to clarify, if you go to page 732 of the same file, there you will see your chats with someone called Renier from Waterworld Boats, and I understand it is not just boats, it is also motorcycles.

10 **ADV BALOYI SC**: Mr Chaskalson, what is the page number?

**ADV CHASKALSON SC**: 732. If you see there, you were discussing the purchase of two motorcycles, one for Mr Msibi and one for Mr Mthakathi. And for the purposes of, I presume, for registering the licence of these vehicles, you gave the names as Jotham Msibi and Irvin Mthakathi. That is at 03:46:09 PM. Do you see that?

**SERGEANT NKOSI**: I confirm.

**ADV CHASKALSON SC**: And that is the same person as Mthakathi Mswazi in your chats?

20 **SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: Can we then go back to the chats with Mthakathi Mswazi? And they start at page 787. And, in fact, the very first chat at, I think these dates, ja, it is the 5<sup>th</sup> of February 2024. Mthakathi Mswazi sends you a document, and you will find that document at page 311 of

File 4. Do you have it?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And you see it is a document that is headed Case Numbers for Joseph Anyoni, and then there are seven case numbers. One at Joburg Central, one at Pretoria Central, One at ...[indistinct], two at MTN Taxi Rank, and one at Brooklyn. Why did Mr Mthakathi Mswazi send you this document? What did he want you to do with it?

10 **SERGEANT NKOSI:** There was a – after Mr Jotham passed on, there was a stream of taxi violence or taxi murders in Johannesburg, Pretoria Central. So what transpired? The SANTACO Executive Committee, they then decided to go and meet the then Minister of Police, that is General Bheki Cele, to discuss with him about this matter, that they must be investigated. Because after Mr Msibi died, these were people who were most murdered. Some taxis were burned here. So Mr Mthakathi was part and parcel of that delegate on behalf of the family.

20 **ADV CHASKALSON SC:** Sorry, on behalf of the family or on behalf of SANTACO?

**SERGEANT NKOSI:** On behalf of the family.

**ADV CHASKALSON SC:** But that – so it is seven, presumably seven different families or not? At least seven different families because there are seven different cases

and some of them may involve more than one death or more than one burned taxi.

**SERGEANT NKOSI**: Okay. It was one family because of these vehicles that were shot at belonged to the Msibi family.

**ADV CHASKALSON SC**: So all of the vehicles involved in these cases belonged to the Msibi family and Mr Mthakathi Mswazi on behalf of the Msibi family was wanting these cases investigated as taxi violence cases directed against  
10 the Msibi family?

**SERGEANT NKOSI**: Yes, after they had a meeting with the board or the committee of SANTACO together with the Minister of Police.

**ADV CHASKALSON SC**: And was Mr Sibanyoni the President of SANTACO at the time?

**SERGEANT NKOSI**: Not as yet.

**ADV CHASKALSON SC**: Not yet?

**SERGEANT NKOSI**: Yes, by that time I think it was Mr Abnar Tsebe.

20 **ADV CHASKALSON SC**: So why does the heading of this document say case numbers for Joe Sibanyoni?

**SERGEANT NKOSI**: Can you repeat that, Commissioner?

**ADV CHASKALSON SC**: Why is this document's heading case numbers for Joe Sibanyoni?

**SERGEANT NKOSI**: At that time it was alleged that Joe

Sibanyoni is the mastermind behind these cases.

**ADV CHASKALSON SC:** So Mr Sibanyoni was alleged to be a suspect in these cases?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And why did Mr Mthakathi Mswazi give this document to you? Let me proceed that question with another one. There was a meeting between the SANTACO Executive Committee and Minister Cele. Is that correct?

10 **SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And were you part of that meeting?

**SERGEANT NKOSI:** No, I was not part.

**ADV CHASKALSON SC:** Do you know whether any channels of communication, official channels of communication in relation to the taxi violence problem were created after that meeting? So in other words, was someone within SAPS or the Ministry designated as a contact person to take forward the issues relating to taxi  
20 violence?

**SERGEANT NKOSI:** I am not sure if I get your question.

**ADV CHASKALSON SC:** The question is, there is this meeting between Minister Cele and SANTACO about taxi violence.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And presumably, coming out of that meeting there would have been some mechanism to take the matter forward. Or was it just a once-off meeting that was never going to result in any further action?

**SERGEANT NKOSI:** No, I think it was going to be a matter of being taken forward.

**ADV CHASKALSON SC:** So my question is, how were issues going to be taken forward? At that meeting, did Minister Cele designate someone within SAPS or someone  
10 within the Ministry who should be approached on all taxi violence issues and did SANTACO designate anyone who would be their communication point to take matters forward?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Do you know who was the SANTACO contact person and who was the SAPS or Ministry contact person?

**SERGEANT NKOSI:** I think at that time it would be Abnar Tsebe or Mr Masase.

20 **ADV CHASKALSON SC:** Sorry, Mr Masase?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And that is on the SANTACO side?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Who was going to be the contact

person on the SAPS side?

**SERGEANT NKOSI:** I would not know at that time.

**ADV CHASKALSON SC:** But there would have been a contact person from the SAPS side?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So my question then is, why did Mr Mthakathi Mswazi bring this list to you? Why did he think you were the appropriate person to receive a list of cases allegedly involving Mr Sibanyoni?

10 **SERGEANT NKOSI:** Okay, I think according to him, it was just to inform me that there is something that is happening. As a family head at that time, he was trying to make means to solve what has happened to Mr Msibi's cases. This is what I thought.

**ADV CHASKALSON SC:** And what did you do when you received this list?

**SERGEANT NKOSI:** Okay, the other thing after he sent me this, he said to me even though the Ministry or the meeting was resolved that they would find a dedicated team to  
20 investigate this matter, he is just alerting me. And then I said the other people that are working on taxi violence in the province is the Taxi Violence Task Team.

**ADV CHASKALSON SC:** And who led the Taxi Violence Task Team?

**SERGEANT NKOSI:** At that time, there were two teams. It

was the team of Brigadier Ramangwa. It was the team of this Colonel – let me just remind myself. Colonel Bayat.

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

**SERGEANT NKOSI:** Bayat or Bayas.

**ADV CHASKALSON SC:** How would you spell it? B-a-y-a-t-a?

**SERGEANT NKOSI:** I think so.

**ADV CHASKALSON SC:** Now at the time that you – well, once you received this document, what did you do with it?

10 **SERGEANT NKOSI:** I did nothing.

**ADV CHASKALSON SC:** You did nothing at all?

**SERGEANT NKOSI:** The reason that I did nothing is because I thought it was the information to be known because they had a meeting with the highest office. So I did not, if I can remember, I did not. But I am sure to be corrected if there is anything that can come.

**ADV CHASKALSON SC:** So Mr Mthakathi Mswazi, or the families, or the family, in addition to giving you this document, also had a meeting with the highest offices and  
20 conveyed that information to them is what you understood?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And did you have any involvement in any of these cases?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Did you discuss them at all with

Mr Sibanyoni?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And what did – well, when did you discuss them with Mr Sibanyoni?

**SERGEANT NKOSI:** I cannot quite remember clearly, but I did discuss them with Mr Sibanyoni.

**ADV CHASKALSON SC:** And what was the purpose of your discussion then with Mr Sibanyoni?

**SERGEANT NKOSI:** Okay. After that meeting that was  
10 held with the Minister. The Minister deployed Lt-Gen Mkhwanazi on that matter and then General Mkhwanazi informed me that he has got a task team on this issue to make enquiries.

**ADV CHASKALSON SC:** To make enquiries in relation to these specific cases?

**SERGEANT NKOSI:** That is correct. And then I must make an appointment with Mr Sibanyoni to be interviewed.

**ADV CHASKALSON SC:** Okay, and that instruction came from General Mkhwanazi?

20 **SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And do you know approximately when it would have been?

**SERGEANT NKOSI:** The meeting?

**ADV CHASKALSON SC:** Well, the meeting or even the instruction to hold the meeting, because we have not got to

the meeting yet.

**SERGEANT NKOSI:** Can you come again with that question?

**ADV CHASKALSON SC:** So when would General Mkhwanazi have instructed you to set up a meeting to put these allegations to Mr Sibanyoni?

**SERGEANT NKOSI:** It was not an instruction, it was a request. Fannie, can you arrange a meeting with Mr Sibanyoni? We need to make enquiries about this.

10 **ADV CHASKALSON SC:** But hang on, when a general makes a request, is that not something that is an instruction?

**SERGEANT NKOSI:** I am trying to, you know, to put it on the right way like instruction that yay, you must, you know, yes.

**ADV CHASKALSON SC:** But he expected you to do it, did he not?

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** So when did he make that request that he expected you to implement?

**SERGEANT NKOSI:** I think maybe a few days after this.

**ADV CHASKALSON SC:** And did the General know that you had independently been approached by Mr Mthakathi Mswazi on behalf of the Msibi family to make this investigation?

**SERGEANT NKOSI:** No, no.

**ADV CHASKALSON SC:** Did you then not tell him?

**SERGEANT NKOSI:** No, no, I did not.

**ADV CHASKALSON SC:** Why not?

**SERGEANT NKOSI:** I did not think that I should tell him, even though I was supposed to tell him. I thought because now Mr Mthakathi sent me this and now he is coming in to enquire as well about this, I thought because of that it was part and parcel of the family, I thought maybe.

10 **ADV CHASKALSON SC:** So you thought it was essentially a private request?

**SERGEANT NKOSI:** Private request, I do not know.

**ADV CHASKALSON SC:** From the family?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** But I still do not know then why you would not report it to the General, at least when the General says I want you to investigate these matters.

**SERGEANT NKOSI:** Who said I must investigate these matters?

20 **ADV CHASKALSON SC:** Sorry, at least when the General says I want you to set up a meeting with Mr Sibanyoni for these allegations to be discussed.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But why would you not then mention to the General, by the way, the family have asked

me, have reported these allegations to me independently. The family clearly are expecting something from me in that regard.

**SERGEANT NKOSI:** I cannot remember if I did inform him or not, but I am not sure about that.

**ADV CHASKALSON SC:** And did you set up the meeting with Mr Sibanyoni?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did you have an earlier  
10 relationship with Mr Sibanyoni, did you know him, were you his friend?

**SERGEANT NKOSI:** I would not say his friend. Remember now, Mr Sibanyoni was Mr Msibi's friend. So on those basis, I knew him.

**ADV CHASKALSON SC:** So he was Mr Msibi's friend, but after Mr Msibi's death, Mr Msibi's family suspected that he was behind violence directed at the family taxis.

**SERGEANT NKOSI:** It is because before Mr Msibi died, they were no longer in good terms, they were fighting.

**ADV CHASKALSON SC:** And did Mr Sibanyoni attend the  
20 funeral of Mr Msibi?

**SERGEANT NKOSI:** I did not see him, did not.

**ADV CHASKALSON SC:** Did he send a message of condolence in relation to Mr Msibi's death?

**SERGEANT NKOSI:** I do not know, I do not know about

that.

**ADV CHASKALSON SC:** Can you just bear with me for one minute? Do you recall that Mr Sibanyoni, if we go to your chats with Mr Sibanyoni, you can see there on page 1015, if you can go to 1015.

**ADV BALOYI SC:** Mr Chaskalson, are you still coming back to this 311?

**ADV CHASKALSON SC:** Yes. Do you have it?

**SERGEANT NKOSI:** Yes.

10 **CHAIRPERSON:** 10 what, Mr Chaskalson? 10?

**ADV CHASKALSON SC:** 15.

**CHAIRPERSON:** Thank you.

**SERGEANT NKOSI:** Do you see there at March the 20<sup>th</sup>, 2024, Mr Sibanyoni sent you a screenshot at 04:22:11 PM?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Do you remember that that was a screenshot of a conversation between him and Mr Mandla Gcaba, both expressing condolences in relation to the death of Mr Msibi?

20 **SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So he did express condolences in relation to the death of Mr Msibi. He did, Mr Sibanyoni. It is not being streamed and that particular chat is not in the bundle. The chat is in the bundle, the screenshot is not. I can read it out for you if you want.

**SERGEANT NKOSI:** It is fine.

**ADV CHASKALSON SC:** So at least publicly after the death of Mr Msibi, Mr Sibanyoni was expressing his condolences in relation to that death. Is that not correct?

**SERGEANT NKOSI:** Yes, that is correct, according to this chat.

**ADV BALOYI SC:** Mr Chaskalsosn, was this directed to the family when you say condolences were ...[intervenes].

**ADV CHASKALSON SC:** The chat was a chat with Mr  
10 Gcaba. It was copied to Sergeant Nkosi. Sergeant, did you understand why Mr Sibanyoni copied the chat to you, his chat with Mr Gcaba in which they both expressed condolences for Mr Sibanyoni? What did you understand him to be wanting you to take from that?

**SERGEANT NKOSI:** I think he wanted maybe me to know that he is also saddened and he feels bad about what happened to Mr Msibi.

**ADV CHASKALSON SC:** And what further involvement did you then have in relation to the planned meeting between  
20 Mr Sibanyoni and the SAPS in relation to these allegations that had been brought to your attention by Mr Mthakathi Mswazi?

**SERGEANT NKOSI:** Can you repeat that again?

**ADV CHASKALSON SC:** Well, to go back to how we got here, it was ...[intervenes].

**SERGEANT NKOSI:** What other plans did I make, if I understood correctly?

**ADV CHASKALSON SC:** You had now made an approach to Mr Sibanyoni to set up a meeting in relation to these allegations that the family had brought to you and the SAPS. Did you have any further involvement in that process? Were you at the meeting?

**SERGEANT NKOSI:** I was at the meeting or I had any further involvement?

10 **ADV CHASKALSON SC:** You approached Mr Sibanyoni to set up a meeting?

**SERGEANT NKOSI:** Yes, I did.

**ADV CHASKALSON SC:** Was a meeting then held?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Were you present at the meeting?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Who else was present at the meeting?

**SERGEANT NKOSI:** General Mkhwanazi.

20 **ADV CHASKALSON SC:** And what was discussed at the meeting?

**SERGEANT NKOSI:** Okay. Just a background on how did this fight come about and is it true that indeed these allegations were made by him and then what is it the fight now, because he is no longer there, what is it the fight all

about.

**ADV CHASKALSON SC:** You said, is it true that these allegations were made by him? What were the allegations and who made them?

**SERGEANT NKOSI:** No, no, no. It was these allegations of taxi violence after Mr Msibi died. So Mr Sibanyoni was being asked that if he is involved in these things or not.

**ADV CHASKALSON SC:** So, I see. So essentially those cases that were on the list from Mr Mthakathi Mswazi were  
10 presented to Mr Sibanyoni and he was asked, are you involved in any of this taxi violence?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** In these cases?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And what was Mr Sibanyoni's response?

**SERGEANT NKOSI:** He said he was not involved.

**ADV CHASKALSON SC:** And did you have any involvement in this matter beyond that meeting with Mr  
20 Sibanyoni?

**SERGEANT NKOSI:** I do not know. I do not understand clearly what is your question about.

**ADV CHASKALSON SC:** There was this meeting, Mr Sibanyoni said he was not involved.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Was that the end of the matter as far as your involvement was concerned? Did you have any further involvement either in investigating the matter or in discussing it with Mr Msibi or was that the end of the matter?

**SERGEANT NKOSI:** I did not investigate any matter, but I would be involved maybe Mampane, Baba's right-hand man.

**ADV CHASKALSON SC:** Baba meaning Mr Msibi?

**SERGEANT NKOSI:** That is correct. His taxis will be  
10 stopped by the queue marshals and then they will refuse him to load the passengers and then he will phone me and I will go back to Mr Sibanyoni and inform him, ...[indistinct] Mampane has been stopped, can you intervene? He said, I have got nothing to do with it, but I will make enquiries with that effect. So I was regularly communicating with Mr Sibanyoni on those bases.

**ADV KHUMALO SC:** Can I just? In what capacity were you doing that? Was it as a policeman or as a family friend to the Msibi family? In what capacity were you intervening  
20 in those disputes?

**SERGEANT NKOSI:** As a family, no, I cannot say as a family man, as a...

**ADV KHUMALO SC:** As a family friend, so you are a family friend of the Msibis including his right-hand person. So I am just trying to understand, were you playing a role of a

policeman when you were intervening in disputes about taxis being allowed to load passengers at taxi ranks? Or were you just a family go-between and trying to resolve a dispute between two families?

**SERGEANT NKOSI**: I was trying to solve a dispute between two families.

**ADV KHUMALO SC**: As a family friend, not as a policeman?

**SERGEANT NKOSI**: No.

10 **CHAIRPERSON**: I am not sure I understand the no in that context.

**SERGEANT NKOSI**: Okay. The no that I am referring to is the no of as a family friend, even though I am a family friend ...[intervenes].

**CHAIRPERSON**: You were doing it as a family friend?

**SERGEANT NKOSI**: No.

**CHAIRPERSON**: No. You were not?

**SERGEANT NKOSI**: I do not understand clearly.

**CHAIRPERSON**: You were not doing it as a family friend?

20 **SERGEANT NKOSI**: Okay, I was doing it as a family friend.

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

**ADV KHUMALO SC**: So it was not a police case, it was not a SAPS case.

**SERGEANT NKOSI**: That is correct.

**ADV KHUMALO SC:** It was a case between two families that own taxis and you just got involved because you know these two families.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Thank you.

**ADV CHASKALSON SC:** But presumably, when General Mkhwanazi made that request to you, was he making that request to you in your capacity as a SAPS officer? Or did he understand that you were someone who could possibly  
10 broker peace between these two families because you knew them both and he would want you to try and broker peace?

**SERGEANT NKOSI:** I think at that time he knew that I knew Mr Sibanyoni and I knew Mr Mswazi because I once introduced Mr Sibanyoni to General Mkhwanazi.

**ADV CHASKALSON SC:** This all started with a message from Mr Mthakathi Mswazi. I want to go back to the chats with Mr Mthakathi Mswazi and can I take you to page 788?

**ADV BALOYI SC:** Before you do that, let me ask my question. Sergeant, this list at page 311, and if you have  
20 already explained it, I apologise to ask you to do it again. Why did Mr Mthakathi send it to you, you say?

**SERGEANT NKOSI:** I ...[intervenes].

**ADV BALOYI SC:** Because you get that list and within a minute you are on a call with him when one looks at page 787. So either before he sent you this list or after he sent it

to you, he called you or you spoke on the phone and he explained to you why he is sending this list to you. What did he say?

**SERGEANT NKOSI**: Okay. The call was about, at least there is going to be a movement from the SAPS because we have already spoken to the Minister. So he was making a follow-up on the photos that he sent me.

**ADV BALOYI SC**: But if all he did in that call was to tell you that there is now going to be progress because the  
10 Minister has become involved, he did not need to send you this list. That does not explain why you get this list from him. Why did he send you this list? What did he want you to do with it?

**SERGEANT NKOSI**: I think, I do not know, to be honest with you, he wanted me to have the knowledge about it.

**ADV BALOYI SC**: No, no, Sergeant. He sends you a list. He must have told you before he sent the list that I am sending you a list and this is why. Or if he did not tell you before that, he sent you a list and in the call that happens  
20 within a minute of you getting that list, he explains to you why you have that list.

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: Yes. And I am asking you to tell us, why did he send you this list? He is not friends with Mr Sibanyoni, so he is not making enquiries on behalf of Mr

Sibanyoni. At least I think we can discount that. He must have told you why he is sending you this list and what you are supposed to do with it.

**SERGEANT NKOSI**: I still say maybe he wanted me to know about ...[intervenes].

**ADV BALOYI SC**: To know what?

**SERGEANT NKOSI**: That there is going to be a progress or there is progress that is not yet administered.

**ADV BALOYI SC**: Sorry, that there is going to be?

10 **SERGEANT NKOSI**: A progress in terms of the investigation. This is what I think, because it happened some time back, so I cannot recall exactly.

**ADV BALOYI SC**: You may not recall exactly, but the list must remind you, must jog your memory. It is not every day that you, I assume, and with hope, that it is not every day that you get lists of cases from Mr Mthakathi in which he has got an interest on behalf of the family or on any other basis. It is not every day.

**SERGEANT NKOSI**: Yes.

20 **ADV BALOYI SC**: You are able to recall the time when this list was circulated. It was about around a certain period. You recall specifically there was going to be a meeting with a Minister before this. You recall that General Mkhwanazi called you. You recall all of that. It is difficult to accept that you do not recall why this list was sent to you, what he

said is the reason for sending you this list. It is difficult. You would have asked him, why are you sending me this list? Or he would have told you, I am sending you this list for A, B, C reason. And it is just not believable that he just sent it to you to say there is going to be progress now that the Minister is involved.

**SERGEANT NKOSI:** I...

**ADV BALOYI SC:** Okay, you cannot take it any further. What did you do with this list when you got it?

10 **SERGEANT NKOSI:** I did nothing.

**ADV BALOYI SC:** You did nothing. You did not ask him, why are you sending me this list? And you did nothing about it.

**SERGEANT NKOSI:** No, no, no. According to me, there was no need to ask him why he was sending me this list because I know ...[intervenes].

**ADV BALOYI SC:** Because you understood what it was.

**SERGEANT NKOSI:** Yes.

20 **ADV BALOYI SC:** And without a message and a telephone call, what did you understand it to be?

**SERGEANT NKOSI:** I understood it to be the case numbers of Mr Sibanyoni.

**ADV BALOYI SC:** Yes.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** And what about them? They come from

his, I am going to use the word because I cannot think of another one, they come from his enemy, in quotes. The list of cases that relate to Mr Sibanyoni, they come from his enemy. Surely, surely you ask, what am I supposed to do about this? What do you want me to do? And then you say, I can do something about it or no, I cannot.

**SERGEANT NKOSI:** No.

**ADV BALOYI SC:** It is improbable that he sent this to you without saying anything to you about it. It is just  
10 improbable that he did – I want to put to you that he did tell you why he is sending you this list and you are not sharing with us. Do you want to comment? Otherwise I leave it there. You know my position about it is it was sent to you for a purpose and you were told the purpose of it and you are just not being open with us about its purpose.

**SERGEANT NKOSI:** Okay. I would say the other reason that he sent me said their investigation, also investigates.

**ADV BALOYI SC:** Yes, exactly. I want to suggest to you that the last part is actually what happened is he sent it to  
20 you to say look at these cases. Look inside these cases. Right?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Thank you. Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** Can we then go to page 789? Back to Mr Mthakathi Mswazi.

**SERGEANT NKOSI:** 7?

**ADV CHASKALSON SC:** 89.

**ADV KHUMALO SC:** File 2 of 4.

**ADV CHASKALSON SC:** Do you have it?

**SERGEANT NKOSI:** Yes, I have it.

**ADV CHASKALSON SC:** And there, what you will see in the second last chat on that page is that 11:54 on the 17<sup>th</sup> of April 2024 you phoned Mr Mthakathi Mswazi. Do you see that?

10 **SERGEANT NKOSI:** 11?

**ADV CHASKALSON SC:** 54. Second last chat at the bottom of the page. Sorry, 788, not 789, I apologise. Bottom of 788. You see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, if you run through to page 791 all the way from 788 to 791 you will see that on that day you and Mr Mthakathi Mswazi exchanged 23 calls.

**SERGEANT NKOSI:** Sorry, sorry, sorry, sorry about that. You said 791?

20 **ADV CHASKALSON SC:** You start with 788 and then 789, then 790 and then 791. If you count those calls you will see there were 23. The calls will be blank boxes.

**SERGEANT NKOSI:** Yes, I know.

**ADV CHASKALSON SC:** And on 791.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** 791.

**SERGEANT NKOSI:** I only have 790, I do not have 791.

**CHAIRPERSON:** It is 2 of 4.

**SERGEANT NKOSI:** Yes. Indeed, sir. I think the page got lost along the transit of the...

**ADV CHASKALSON SC:** You see 7 ...[intervenes].

**CHAIRPERSON:** Mr Ngoato, that is probably attributable to the fact that even though you had the Commission files you told us when we resumed on Monday that you made  
10 your own files. Now, Sergeant Nkosi says pages are missing on the files that you created despite the fact that they are Commission files and you were furnished with Commission files. I must say that I just did not understand why you would have created your own files, but I did not – I chose not to make anything of it. I see ...[intervenes].

**MR NGOATO:** I do have an answer because you are attributing something to me in terms of you made our own files.

**CHAIRPERSON:** Sorry? Yes, I am attributing it to you  
20 exactly because you made your own files despite the fact that there are Commission files. Now, in your file, Sergeant Nkosi says that certain pages are missing. That is why I am saying it is attributable to the fact that you made your own files despite the fact that there are Commission files which you were furnished with.

**MR NGOATO**: Commissioner, Chair, we made our own files because obviously when we consult we need to go through files. There was no way that I could consult with a client without files ordinarily. And secondly, the same pages have been identified in the last three days. Colleagues and I have been sharing this information in terms of having to provide those things. It cannot be, Commissioner, that it is attributable to us out of negligence or whatsoever. We have identified that issue with the colleagues.

10 **CHAIRPERSON**: What was the source from which you made your own files?

**MR NGOATO**: They were sent on WeTransfer and we downloaded that. And also, colleagues as well, they made mistakes in their file. I was collegiate enough to go back to them and say in terms of your file, there is an error that is also there. Can you also correct it?

**CHAIRPERSON**: All right, all right. Thank you, thank you, Mr Ngoato.

**MR NGOATO**: Thank you.

20 **ADV CHASKALSON SC**: Sergeant, at page 791 you will see that in the middle of all of these calls at 07:43:28 PM Mr Mthakathi Mswazi just sends you a one-word message:

“Send.”

And you respond in chat number 4 by sending a contact card. And that contact card is at page 312 of File 3. It was

a contact card for Warrant Officer Zungu. It is being displayed now.

Now, Warrant Officer Zungu seems to be the only person who you called more than Mr Mthakathi Mswazi on that day. If you go to the new file, new File 3, additional File 3, at page 1315. I am already quite into trouble for what I said yesterday, so I will not describe what sat behind that redacted picture.

**ADV KHUMALO SC:** You have to warn us first, Mr  
10 Chaskalson.

**ADV CHASKALSON SC:** So, if you look through page 1315 to 1317, you will see there were over 30 calls between yourself and Warrant Officer Zungu on that day.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, do you recall what it was that you and Mr Mthakathi Mswazi and you and Warrant Officer Zungu were calling about on that day?

**SERGEANT NKOSI:** Yes, I recall, Commissioners.

**ADV CHASKALSON SC:** And what was that? What was it  
20 that you were calling about?

**SERGEANT NKOSI:** Okay. I was at my office. Then Warrant Officer Zungu called me that they are in their own – okay, I can recall clearly that they were in Joburg already or they are on their way there.

**ADV CHASKALSON SC:** From where?

**SERGEANT NKOSI**: They were from Pretoria. They are on their way to the scene of crime that was committed there in Vereeniging or Johannesburg, ja. I think it is Vereeniging, ja.

**ADV CHASKALSON SC**: And what did that have to do with Mr Mthakathi Mswazi?

**SERGEANT NKOSI**: I am still on my statement before I can ...[intervenes].

**ADV CHASKALSON SC**: Sorry, I apologise for  
10 interrupting.

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: Please just tell me to stop interrupting if you want to. I mean, I do not want to interrupt you, so if I do, just tell me you are still busy.

**SERGEANT NKOSI**: Okay. After Mr Zungu contacted me that him together with his team, they are on their way there to the scene of crime where one white African male was murdered. And it is alleged that the people who committed that particular murder, they are known to Mr Mthakathi.  
20 That is when I say I phone Mr Mthakathi and informed him that I heard that there are people that you know that have committed murder in Vereeniging.

Then Mr Mthakathi said to me, who are those people that committed? I then went back to Warrant Officer Zungu. That is why you see most of my calls have been

communicated. So when I was calling him, we talked and I will come back to you. I am still checking because we are still on our way and so forth.

So, I then went back telephonically to Mr Mthakathi. They said it is people whom you know from Atteridgeville, but they are close to you. Then Mr Mthakathi said let me check all people that I know. They do not give you a name? They did not give me a name.

I had to go back again to Warrant Officer Zungu.  
10 He did not answer. Phone him, did not answer. Phone him, I will come back to you. I still want to confirm. Then Mr Mthakathi came back to me and said to me, I heard that Danny is being arrested. Can you confirm that indeed it was Danny?

I said, I am not in the scene and I just received that information from Warrant Officer Zungu who is at the scene or he is on the way to the scene. And then later that I think maybe few minutes or a minute after Mr Mthakathi sent me the ID number of Danny Mabusela. I said, is this one that  
20 was arrested? I said I do not know, I will confirm, but I did not even confirm. Then I left it there at that time.

**ADV BALOYI SC:** Can I just ask this Warrant Officer Zungu, is he the one that you said came from the DPCI and joined?

**SERGEANT NKOSI:** Yes. At that time, at that time he was

still in DPCI, Commissioners.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** So Mr Mthakathi Mswazi was helping you with information in relation to this investigation. You on your evidence were told that a murder had been committed by someone alleged to be known to Mr Mthakathi Mswazi. You asked him to find out who that person was. You put him in touch with Warrant Officer Zungu to get enough information to be able to identify who it was and he  
10 came back to you with the name and the identity number of someone who had been arrested. Is that all correct?

**SERGEANT NKOSI:** That is not correct.

**ADV CHASKALSON SC:** What have I got wrong?

**SERGEANT NKOSI:** You got wrong when you say they were helping, Mr Mthakathi was helping me with investigation. I was not investigating.

**ADV CHASKALSON SC:** But then why were you asking him for information at the start of this process?

**SERGEANT NKOSI:** That sentence is still wrong. You are  
20 still wrong.

**ADV CHASKALSON SC:** You were not asking him for information?

**SERGEANT NKOSI:** I was not asking him. Okay, let me just start. Mr Chaskalson, you are putting words into my mouth again. I said now Mr Zungu phoned me and told me

that there are people who are arrested or who committed murder. I cannot be quite sure about that. And they are known to Mr Mthakathi. That is when I then called Mr Mthakathi.

Hey, Baba, there are people who are arrested there and they are known to you. He said I do not know, let me check. He then phoned me, who are those people? I said, I do not know. I was phoned by someone who is either going to the scene or at the scene. That is Zungu.

10           Then I kept on calling Zungu. Zungu, who are those people? They say they are known by Mr Mthakathi and being arrested of murder. Then he said to me, no, I will come back to you. Then Mr Mthakathi phoned me and say, no, I just received a call now that it is, can you confirm that it is indeed it is him? That is when Mr Mthakathi sent me ID number of Danny Mabusela to check if it is indeed him. That was probably the only one that is from Atteridgeville that he knows.

20           And then I phoned Zungu that can you verify and confirm what are the charges? What is happening there? The reason that to give Mr Mthakathi that because he said he is someone that he know.

**ADV CHASKALSON SC:** So, Mr Mthakathi Mswazi was not giving you information. You were giving him information. Is that what you are saying?

**SERGEANT NKOSI**: It is not what I am saying. It was exchange of information between myself and Mr Mthakathi. Right. Zungu is phoning me, right? I am phoning Mr Mthakathi. Mr Mthakathi said, can you verify if it is Danny that is arrested because I am the person that I know from Atteridgeville. He sent me his ID number. I said, I am not at the scene. I do not know who is there. It is Zungu who is giving me this information. I then sent, if I can recall better, I then sent Zungu's information to Mr Mthakathi.

10 **ADV CHASKALSON SC**: Let us go back to step one. You initiate this exchange with Mr Mthakathi. The first call comes from you. It comes way back on page 788 at 11:54 in the morning. Why did you call Mr Mthakathi Mswazi at 11:54 in the morning? What was the purpose of making that call?

**SERGEANT NKOSI**: It is after I received a call from Mr Zungu.

**ADV CHASKALSON SC**: And what did the Warrant Officer Zungu or Captain Zungu, sorry, was it Captain or Warrant at  
20 that time?

**SERGEANT NKOSI**: At that time it was Warrant.

**ADV CHASKALSON SC**: What did Warrant Officer Zungu tell you and what did he tell you?

**SERGEANT NKOSI**: Warrant Officer Zungu told me that, I cannot remember if they were already at the scene or still

going to the scene, right? He said there are suspects that are arrested there, Commissioner, at the scene with the allegation of murder.

**ADV CHASKALSON SC:** And what did he say that made you want to call Mr Mthakathi Mswazi?

**SERGEANT NKOSI:** Okay. he said specifically, I quote his words, that they said these people are known to Mr Mthakathi.

**ADV CHASKALSON SC:** So Warrant Officer Zungu on your  
10 evidence at 11:54 knew that the suspects were known to Mr Mthakathi Mswazi.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And explained it to you.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Did he ask you to do anything in relation to Mr Mthakathi Mswazi?

**SERGEANT NKOSI:** Check with him. I think something like of sorts was discussed there of hey, check, I heard one of the people that known to Mr Mthakathi are arrested, can  
20 you confirm? I think those were the words.

**ADV CHASKALSON SC:** So he wanted you to check with Mr Mthakathi Mswazi if he knew that anyone known to him had been arrested that morning?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** For what purpose? What did he –

why did he need to know if Mr Mthakathi Mswazi was aware that the arrests had taken place?

**SERGEANT NKOSI:** I do not know.

**ADV CHASKALSON SC:** Did he want the identity of the arrested person? Did he want to know the identity of the arrested person?

**SERGEANT NKOSI:** He just said, can I confirm?

**ADV CHASKALSON SC:** Confirm what?

**SERGEANT NKOSI:** If he knows.

10 **ADV BALOYI SC:** If he knows what?

**SERGEANT NKOSI:** Okay. He said, Commissioner, can I confirm if he knows those people because it is alleged that they are from Atteridgeville and they are known to Mr Mthakathi. So I must confirm with Mr Mthakathi if are there such people.

**ADV BALOYI SC:** Okay, just so that I understand your answer. Did he ask you to confirm whether there were people that morning who killed Mr Swart and who were arrested, were in fact sent by Mr Mthakathi?

20 **SERGEANT NKOSI:** No.

**ADV BALOYI SC:** Is that what you are saying?

**SERGEANT NKOSI:** No, no, no, I am not, I am not.

**ADV BALOYI SC:** Yes, can you just explain what it is he was asking you to confirm exactly?

**SERGEANT NKOSI:** Okay. Firstly, Commissioners, he did

not say I must confirm that they were sent by Mr Mthakathi. He said I must confirm whether he knows them or not, because according to him or the information, the suspect are known to him.

**ADV BALOYI SC:** Did he give you names of those people, those suspects that you are supposed to check with Mr Mthakathi?

**SERGEANT NKOSI:** Okay. At that time, Commissioner, he did not give me the names. Now, after I called Mr  
10 Mthakathi, Mr Mthakathi said, hey, you cannot say people who are known to me but I do not know who are those people. Go back to that person who told you that. I phoned again, that is the reason there is a stream of calls that I was phoning Warrant Officer Zungu. Hey, chief, the name of those people, up until Mr Mthakathi phoned me and said, indeed, it is confirmed that Danny has been arrested. And then he sent me the case numbers. It confirmed to Warrant Officer Zungu that indeed, these people were arrested.

**ADV BALOYI SC:** Did Warrant Officer Zungu tell you who  
20 told him that these people are connected to Mr Mthakathi? Because you are saying he may have been on the scene or he may still have been going there. Someone must have told him. Did he say where he got this information that these people are known to Mr Mthakathi?

**SERGEANT NKOSI:** There are two things that I cannot

100% confirm. Because of when he phoned me, he said he was on the way to the scene, so I do not know whether he confirmed that on his arrival or already when he was going there, already received that information, it was who. But I am the one who sent it. I am the one who received that ID to check according to Mr Mthakathi that is this one that was arrested.

**ADV BALOYI SC:** Ja, and before you get to the ID, I am not yet at that.

10 **SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** I am still at Warrant Officer tells you, says to you it is said these people are known to Mr Mthakathi. So my question is, what did Warrant Officer Zungu say to you about the source of that kind of information that these people are known to Mr Mthakathi? Surely, you must have asked him, who told you that? Who tells you these people are known to Mr Mthakathi? It seems a natural question to ask.

**SERGEANT NKOSI:** Yes.

20 **ADV BALOYI SC:** Did you ask the question and what did he say to you in answer?

**SERGEANT NKOSI:** I did not ask because I knew for the fact that when he calls me and inform me that these people are known by Mr Mthakathi, automatically he knew.

**ADV BALOYI SC:** And at that time you did not ask him for

the names?

**SERGEANT NKOSI:** No, no, no.

**ADV BALOYI SC:** You just called Mr Mthakathi to say what to him? To say there are people who have been arrested who are in this incident, do you know them? Is that what you asked Mr Mthakathi?

**SERGEANT NKOSI:** I asked Mr Mthakathi that I received this call from Mr Warrant Officer Zungu asking me that, or telling me that there are people who are arrested or who are  
10 ...[intervenes].

**ADV BALOYI SC:** In relation to an incident that morning, you must have told him that, you must have given him the details that it related to this and that, yes?

**SERGEANT NKOSI:** 100% I agree. So this is what I told him.

**ADV BALOYI SC:** And you asked him, do you know anything about them?

**SERGEANT NKOSI:** He said he does not know.

**ADV BALOYI SC:** I am just trying to make sense of this  
20 conversation that has gaps in it, because you get a call from Warrant Officer Zungu and he says, there has been this incident, someone, Mr Swart, someone was killed and people have been arrested.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** I hear that they are known to Mr

Mthakathi. That is what you say happened. And I am trying to make sense of that, that if he does not give you names in that first call, if he does not say to you, it is Mr Mabusela, it is Mr whatever, other names in that first call, how are you making, are you expected to make an enquiry with Mr Mthakathi if you do not have names at that point? So there are two possibilities.

He either gave you names in that first call and then you passed it on to Mr Mthakathi on your version, or he said  
10 there has been this operation or this incident, ask Mr Mthakathi if he knows anything about it, if it involves these people. It is one of the two. Because one of the two, only then does it make sense when you call Mr Mthakathi, because then you say to him there are these names, do you know anything about them? Or there is this incident, does this have anything to do with you? It seems to me that it has to be one of the two for your conversation with Mr Mthakathi to make sense.

**SERGEANT NKOSI**: None of the above are correct.

20 **ADV BALOYI SC**: Sorry, say that?

**SERGEANT NKOSI**: None of the above are correct, Commissioner.

**ADV BALOYI SC**: Yes. So you just got a call from Zungu to ask Mr Mthakathi if he knows the people, unidentified people?

**SERGEANT NKOSI:** No, from Atteridgeville.

**ADV BALOYI SC:** Yes.

**SERGEANT NKOSI:** Now, that is why now you see Mr Mthakathi calling me more often, then I call Zungu more often, then Mr Mthakathi comes back to me and say, I just received information that it was Danny. Can you confirm? If, ja.

**ADV BALOYI SC:** Thank you. Thanks, Mr Chaskalson.

**ADV CHASKALSON SC:** So, it was Mr Mthakathi who said  
10 to you I got information that it is, well, Mr Mabusela.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Who is ultimately still standing  
trial for the murder of Mr Armand Swart.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** He said this is my information,  
can you confirm?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And what did you do to confirm?

**SERGEANT NKOSI:** I did nothing, I called the Zungu  
20 again. They said it is Danny, can you confirm? Because  
they said it is Danny, and the ID number is here. Can you  
confirm that it is Danny? Can you confirm it is Danny?

**ADV CHASKALSON SC:** So, the sequence is, you ask –  
Mr Mthakathi Mswazi says it is Danny. He gives you the ID.  
You call Warrant Officer Zungu to confirm whether it is

Danny. And Warrant Officer Zungu says, well, you have given me the ID number, it is correct, it is this person. Is that right?

**SERGEANT NKOSI:** I was not asking per se, now I was telling him, because now I had information from Mr Mthakathi that they said it is Danny.

**ADV CHASKALSON SC:** So, how does the ID number come into it? It is because of Mr Mthakathi sent it to me and confirmed. So, I told Warrant Officer Zungu after that,  
10 that they say it is Danny.

**ADV CHASKALSON SC:** So, Warrant Officer Zungu said it was Danny, you then told Mr Mthakathi Mswazi it was Danny, and he then gave you Danny's full name and ID number.

**ADV KHUMALO SC:** Sorry, can I just understand this? Did they send you a – you know, in an ID you have, depending on whether it is the green one or the card one, did they send you the card or the number? Or did they send you the green with the photo? What exactly did they send you?  
20 Because a number on its own will not tell you anything unless it is linked to a name and a face.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** So, that is where I am. Did they send you a copy of the ID or did they just give you the number, the ID number and the name?

**SERGEANT NKOSI:** It was the ID number, Commissioners, by Mr Mthakathi. So, Warrant Officer Zungu did not tell me it was Danny. Only it is Mr Mthakathi himself who told me it is Danny. He just received a call it is Danny.

**ADV CHASKALSON SC:** So, he tells you it is Danny and he gives you Danny's full name and ID number?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Now I understand. Why then did you send him the Warrant Officer Zungu's contact card?  
10 Why did you give him – why did he ask for Warrant Officer Zungu's details and why did you send it? You see it is 743 and 744. He asks, he says send and you send.

**SERGEANT NKOSI:** Okay. The reason that I sent Warrant Officer Zungu's number to Mr Mthakathi, I felt that it was back and forth. Mr Mthakathi's and then Zungu decide, Mr Mthakathi said the person who has got this information, is Warrant Officer Zungu, phone him.

**ADV CHASKALSON SC:** Yes, no, that is what I understood. And then they were in contact with each other  
20 directly.

**SERGEANT NKOSI:** That is correct, I assume, because I have already sent.

**ADV CHASKALSON SC:** You sent it at his request.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** He says send, you send.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But what is strange to me is that when you sent it at 07:44 PM, so from 07:44 PM he is now in direct contact with Warrant Officer Zungu. So if he needs, if Warrant Officer Zungu needs him to establish the identity of Danny, they are speaking to each other.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** He can do it. Why then, more than two hours after that, would he send you Danny's full  
10 name and ID number? What was the purpose of that?

**SERGEANT NKOSI:** I think it was the matter of confirming with Warrant Officer Zungu. I might have sent the number to Mr Mthakathi, but there are possibilities that they might have contacted each other or they might have not. That is the reason maybe he sent me that ID.

**ADV CHASKALSON SC:** Now, you see, I think that possibility is quite remote because he asks you for the contact number, you send it.

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** He would only ask for it if he wanted to use it.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And if he did not receive it when he asked for it, he would have asked for it again or he would have told you, I have not received it. I mean, you

sent it at 07:44:20 and four minutes, 17 seconds later, you were on the phone to him at 07:44:37.

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: So he must have, if he had not received it by then, he would have told you.

**SERGEANT NKOSI**: He would have told me if he did not receive it.

**ADV CHASKALSON SC**: If he had not received the contact card, he would said, send it to me, you sent it. 17 seconds  
10 later, you had a voice call.

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: So we can assume that he had received it.

**SERGEANT NKOSI**: That is correct.

**ADV CHASKALSON SC**: And we know that he was the one who asked for it. So if he had received it on his own request, he would have used it.

**SERGEANT NKOSI**: But it depends on when he would have used it. He would maybe not use it on the very same  
20 time that I gave to him or at the later stage, I would not know.

**ADV CHASKALSON SC**: But why he wanted it was to speak to Warrant Officer Zungu to get details to enable him to clarify who it was that he was supposed to be looking for.

**SERGEANT NKOSI**: I think so because it was him phoning.

What is Zungu saying? Zungu phoning. When I phone him, he does not answer. So I then decided, no, no, let me give these two the numbers so that they must communicate whatever they want to communicate. So now I am saying to the Commission that there are possibilities that by the time I sent, they might not have spoken to each other. That is the reason Mr Mthakathi proceeded to send this ID number to me to confirm or verify with the person was at the scene.

**ADV KHUMALO SC:** Mr Chaskelson, can we steal a few  
10 minutes of your time? Maybe it will go to the tea break. Sergeant Nkosi, did you know Tiego Floyd Mabusela before this date, before you received the details that we see on page 791?

**SERGEANT NKOSI:** No.

**ADV KHUMALO SC:** You said he is from Atteridgeville.

**SERGEANT NKOSI:** I said he is from Atteridgeville.

**ADV KHUMALO SC:** Why do you call him Danny? Because the details given to you are Tiego Floyd Mabusela, but you call him Danny. It is a familiar name. Like if  
20 somebody's a friend of yours, you would call them by their name ...[intervenes].

**SERGEANT NKOSI:** I said – okay, sorry, sorry.

**ADV KHUMALO SC:** Yes, please answer.

**SERGEANT NKOSI:** I have learned that later, Commissioners, as now it is all over. Hey, Danny, Danny,

Danny, this Danny, that means that Tiego Mabusela.

**ADV KHUMALO SC:** But on the day the name you were given is Tiego Floyd.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** So it was not Danny. No, I was just curious because you kept saying they said it is Danny, as if it is somebody that you know.

**SERGEANT NKOSI:** Ja.

**ADV KHUMALO SC:** And then tell us about Mr Mthakathi.  
10 Who is he? What is his business? And what is his relationship with you? Or what was his relationship with you at the time? Remember, we are on 17 April 2024.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Yes.

**SERGEANT NKOSI:** I must tell you now or after tea break, I hate to say it.

**ADV KHUMALO SC:** Who is he? What is his business? And what is his relationship with you?

**SERGEANT NKOSI:** After tea break?

20 **ADV KHUMALO SC:** Now.

**SERGEANT NKOSI:** Now? I misunderstood you. Sorry about that. Okay, Mr Mthakathi was a friend to Mr Msibi. They were business associates. Mr Mthakathi is in taxi industry, is in security industry. So I took him as an uncle because of this is ...[indistinct] these are the friends. So as

a result, when they bought bikes, Baba bought the bike first and then he sold it, then he wanted these three wheel bikes. Then Mr Mthakathi got into the picture. I also wanted a bike. So that is when I started to facilitate it and so forth.

When the bikes were delivered, I started to train him on those particular bikes and get them a regalia. But over and above that, there were people who were very close with Baba. So when I am in the space, obviously their  
10 friends are also Baba's friends, are also my father, so my uncle, if I can relate to that.

**ADV KHUMALO SC:** So Warrant Officer Zumu knew ...[indistinct] Mthakathi.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** And then there was one incident, probably a week later, I think it was on the 21<sup>st</sup> of April ...[indistinct] when you sent a text to General Sibiya that you were going to be meeting Mthakathi and others over the ...[indistinct]. Do you remember that?

20 **SERGEANT NKOSI:** I remember it.

**ADV KHUMALO SC:** Yes. Did General Sibiya know Mthakathi? Did he know who Mthakathi is? So if maybe you go to File 1 of 4 on page 218, then you can answer that question. File 1 of 4 on page 218.

**ADV BALOYI SC:** Sergeant Nkosi, while they are taking

you to that page number, it seems to me it is not the kind of question that requires a file reminder.

**SERGEANT NKOSI**: Yes.

**ADV BALOYI SC**: You know the answer, yes or no?

**SERGEANT NKOSI**: No, I am going through the file based on the instruction of ...[intervenes].

**ADV BALOYI SC**: But you are able to answer without going to the file, are you?

**SERGEANT NKOSI**: Yes.

10 **ADV KHUMALO SC**: Look at the screen there. They have flighted it on the screen. So you will see that in chat 5 you say:

“Indeed, good day, General. I have a meeting with Mthakathi and others in regards to the Mama issue.”

Do you see that?

**SERGEANT NKOSI**: Yes.

**ADV KHUMALO SC**: And then General Sibiya says:

20 “But I also want to meet them urgently. I am sitting inside a plane to Brazil, coming back on Friday.”

So at that time, did General Sibiya know who Mthakathi is?

**SERGEANT NKOSI**: No, according to my understanding, yes, he knew.

**ADV KHUMALO SC**: He knew?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** And he wanted to meet Mthakathi?

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** And he wanted you to arrange a meeting with Mthakathi?

**SERGEANT NKOSI:** I was already meeting with Mthakathi.

**ADV KHUMALO SC:** No, no, you were meeting with him, but General Sibiya also wanted to meet with him?

**SERGEANT NKOSI:** Yes.

10 **ADV KHUMALO SC:** Yes, and he wanted you to arrange that meeting, the meeting between him and Mthakathi? Yes.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** Yes, and do you know why he wanted to meet with Mthakathi?

**SERGEANT NKOSI:** I would not know. I would not know.

**ADV KHUMALO SC:** You would not know. How does General Sibiya know Mthakathi? Because you say, according to you, General Sibiya knew Mthakathi. How did he know him? Did he see him at Baba's farm, or did he  
20 meet him at some other place?

**SERGEANT NKOSI:** There are possibilities that he might have met him there. You know why, Commissioners? General Sibiya has been around for a long time.

**ADV KHUMALO SC:** Yes.

**SERGEANT NKOSI:** And there is no way, I am not painting

him bad, or he might have not known them, but I think he would be in a better position on how did he met Mr Mthakathi, but according to me, he knows him.

**ADV KHUMALO SC:** Why do you say Mr Matlala? We talking about Mr Mthakathi?

**SERGEANT NKOSI:** No, I said Mthakathi. Did I say Mr Matlala?

**ADV KHUMALO SC:** Yes, that is what I heard. Let us do this. Mr Sibiya, General Sibiya has been to Baba's farm, Mr  
10 Msibi's farm. No, no, do not look at the screen. I am asking you a simple question. Remember the earlier question was where could he have met Mthakathi? Did he meet him at Baba's farm or at some other place? You said it is possible that it could have been at the farm.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** So my follow-up question is, has General Sibiya been to Mr Sibiya's farm? Have you seen him there?

**SERGEANT NKOSI:** Yes.

20 **ADV KHUMALO SC:** How often?

**SERGEANT NKOSI:** I cannot ...[intervenes].

**ADV KHUMALO SC:** A few times, five, more than 10, less than 10, 20, less than 20? You do not have to be exact. Do not say to me 18 times. You can say between two and 10, between 10 and 20, less than 20. I will not hold you to a

specific number. That is my point.

**CHAIRPERSON**: Well, in a different context, you said so many times that I cannot even count.

**SERGEANT NKOSI**: Yes.

**CHAIRPERSON**: I will throw that in as another possibility in addition to the possibilities that Commissioner Khumalo is giving you.

**SERGEANT NKOSI**: Okay. Maybe.

**CHAIRPERSON**: So many times that you cannot even  
10 count?

**SERGEANT NKOSI**: Not so many times. I am thinking that of Commissioner Khumalo that maybe three, four, two, ja, something like that.

**ADV KHUMALO SC**: You have seen General Sibiya at Mr Msibi's farm at least three or four times?

**SERGEANT NKOSI**: Yes.

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

**ADV CHASKALSON SC**: Chair, I know it is the time for the  
20 break, but I just have a couple of questions that I would like to ask to finish this topic, or to finish this part of the topic.

**ADV BALOYI SC**: Mr Chaskalson, before you do that, let me just raise something here on this page 791. On the back of the answer that you had given, Sergeant Nkosi, that you did not know whether Mr Mthakathi and Warrant Officer Zungu had spoken by the time he sent you, by the time Mr

Mthakathi sent you Mr Mabusela's details.

I want to point out to you that you would have known whether they have spoken or not because after you send him Mr Zungu's contact details, you do have a conversation with Mr Mthakathi. If you look at that sequence there, you send the contact details, then there is a call from you, and then there is a call from Mr Mthakathi, and then the next thing that happens is he then sends you those contact details.

10 So the question still stands that having given him Mr Zungu's details, contact card, why does he send this to you when in fact you have had telephone calls with him in between? So you would have known that they have spoken or they have not spoken.

**SERGEANT NKOSI**: I cannot remember, I cannot remember.

**ADV BALOYI SC**: Okay. Mr Chaskalson, I am sorry about that.

20 **ADV CHASKALSON SC**: I have got a related question. It is, if we look at the timeline again, you send the card at 07:44. You call Mr Mthakathi Mswazi at 07:44. That is all on page 791. If we go now to 1.3.1.7, 1.3.1.7, or not 1.3.1.7, yes, 1.3.1.7, you will see that between your call at 07:44 and your last call to Warrant Officer Zungu on the day, which is chat number 7, 2026, you and Warrant Officer

Zungu spend seven calls, or you exchange seven calls.

So you have now given the card to Mr Mthakathi Mswazi and you have had seven calls to Warrant Officer Zungu. Now, if we go back to 791, sorry, just mark that the last of those calls is at 20:25, 08:25 PM.

**SERGEANT NKOSI:** Page what?

**ADV CHASKALSON SC:** If we go, I am taking you back to 791, but the calls with Warrant Officer Zungu on page 1317 and the last call of the day is at 20:25. After 20:25, so in  
10 other words, after your last call to Warrant Officer Zungu, chat number 6, 08:58, Mr Mthakathi Mswazi calls you. Chat number 7, at that point, he gives you the name and ID number. It is 09:59 now.

It is well over, it is over an hour since your last call of the day to Warrant Officer Zungu, and then you call him back. So if he was giving you this ID number for you to confirm with Warrant Officer Zungu, you would have had to have called Warrant Officer Zungu back at some stage after 09:59 PM, but you did not. So he was not giving you this ID  
20 number to confirm with Warrant Officer Zungu. He is giving it for another purpose. What is your response to that?

**SERGEANT NKOSI:** You are wrong.

**ADV CHASKALSON SC:** Why was he giving it to you then?

**SERGEANT NKOSI:** It was because of what I said earlier.

**ADV CHASKALSON SC:** Well, maybe you can say it again.

**SERGEANT NKOSI**: The reason that I did not communicate with Warrant Officer Zungu about that again, I felt that it was no use to me because I gave Mr Mthakathi the number of Warrant Officer Zungu, and obviously they were supposed to communicate.

**ADV CHASKALSON SC**: But that does not answer the question of why he would give it to you. Why would he give the ID number to you? What was the purpose? What was his purpose in giving it to you? What do you say his  
10 purpose was?

**SERGEANT NKOSI**: I have answered it earlier.

**ADV CHASKALSON SC**: Maybe I do not recall it clearly enough, so tell me again. What was his purpose in sending this ID number to you at 09:59:58 PM? What I understood your answer to be was so that you would have it so that you could convey it to Warrant Officer Zungu who could confirm that the person in custody was the person known by Mr Mthakathi Mswazi. Was that his purpose?

**SERGEANT NKOSI**: That is correct.

20 **ADV CHASKALSON SC**: Sorry?

**SERGEANT NKOSI**: Can you repeat that question again?

**ADV CHASKALSON SC**: I understood you to say that he gave you this name and ID so that you could convey it to Warrant Officer Zungu so that he, Warrant Officer Zungu, could confirm that the person in custody was the person

known to Mr Mthakathi Mswazi. It was to establish through Warrant Officer Zungu that the person in custody was the person known to Mr Mthakathi Mswazi.

**SERGEANT NKOSI**: At that time, I repeat again, Mr Mthakathi sent me the ID number. He said he just received a call that indeed this people were arrested, I must confirm with Warrant Officer Zungu that is indeed this person. That is when he sent me the ID. So to me, I then said, because I have already sent the Warrant Officer Zungu's contact  
10 number, he was going to communicate with him. That is the reason after he sent that thing, I just kept quiet.

**ADV CHASKALSON SC**: You did not think it was prudent to check with Warrant Officer Zungu that now that you had confirmed the identity of the suspected murderer of Mr Armand Swart, you should just check that he got the identity too?

**SERGEANT NKOSI**: No.

**ADV CHASKALSON SC**: You were just happy to leave it to Mr Mthakathi Mswazi to convey this information to Warrant  
20 Officer Zungu or not?

**SERGEANT NKOSI**: I do not get it when you say I was happy to give it to him.

**ADV CHASKALSON SC**: Content, let us not say happy, content. You were content to leave it up to Mr Mthakathi Mswazi to give this information to Warrant Officer Zungu or

not to give it?

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Sorry, let me ask. Sergeant was on the day, this is we are talking the 17<sup>th</sup>, the day of the incident itself, was this a TOMS case or a Hawk's case? Let me ask that way.

**SERGEANT NKOSI:** I cannot be sure if it was their case. I think because they were in TOMS, maybe they were responding to the scene. But I would not be sure that it  
10 was the DPCI or...

**ADV BALOYI SC:** Yes. Well, I am asking because I want to understand why would Warrant Officer Zungu be the person to check the details of an arrested person?

**SERGEANT NKOSI:** It is because of TOMS was there or on their way there. But the bottom line is TOMS and Zungu, they were there.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** Let us adjourn and resume at 11:35.

**INQUIRY ADJOURNS**

20 **INQUIRY RESUMES**

**ADV CHASKALSON SC:** Thank you, Chair. Sergeant, I would like to take you down to page 792. You will see that on the 21<sup>st</sup> of April, at 02:51:16, Mr Mthakathi Mswazi sent you a video, a media file. You, have it?

**SERGEANT NKOSI:** I have it. It is 792, right?

**ADV CHASKALSON SC:** 792. And that video, I am not going to play it at this stage, but what it is, is it is the CCTV footage of the murder of Mr Armand Swart.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Why did he send it to you?

**SERGEANT NKOSI:** As you see, after he sent me, Commissioner, after 45 minutes or an hour, I gave him a call to ask him why did he send me this. He said no, he wanted to show me that he also got this information from  
10 what it is alleged that they did Mr Mabusela and the others.

**ADV CHASKALSON SC:** So, he had the information, he had CCTV footage of the murder?

**SERGEANT NKOSI:** He just sent it to me. Then I asked him where did he find it. He said it was from the scene. And I did not ask him whom did he got it from.

**ADV CHASKALSON SC:** Why not?

**SERGEANT NKOSI:** At that time, I did not ask him, but I did ask whom did he got it from. He never told me.

**ADV CHASKALSON SC:** So, he did not tell you who he got  
20 it from?

**SERGEANT NKOSI:** Yes, but he said it was a video, as I have seen, from the scene of crime.

**ADV CHASKALSON SC:** Now, Mr Mthakathi Mswazi was someone who knew the alleged murderer. Remember, he gave you the details and that whole conversation started

because ...[intervenes]

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, he knew the alleged murderer.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Mr Mabusela. And he had CCTV footage of the murder. Are you accepting that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did you not think this was a  
10 matter to be investigated extremely urgently, that someone who knew the murderer had managed to get hold of CCTV footage of the murder?

**SERGEANT NKOSI:** Can you repeat that again, Commissioner?

**ADV CHASKALSON SC:** Was this not something that needed immediate investigation, because someone who knew the murderer had managed to get hold of CCTV footage of the murder?

**SERGEANT NKOSI:** I did not see it like that at that time  
20 because automatically it was all over the news and it was also said that the perpetrators or suspects were already arrested. So, I assume that maybe automatically there were people who were investigating it.

**ADV CHASKALSON SC:** Did you look at the video? Have you looked at the video?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** It is CCTV footage taken from inside the premises into which Mr Swart was trying to drive at the point at which he was murdered. Is that not correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now how would Mr Mthakathi Mswazi get hold of footage like that in circumstances that did not call for investigation?

**SERGEANT NKOSI:** I would not know.

10 **ADV CHASKALSON SC:** Well then was not it a matter that needed investigation?

**ADV KHUMALO SC:** Following on the question, within a day of the murder happening, he is already in possession of CCTV footage of the murder?

**ADV CHASKALSON SC:** In fairness, Commissioner, it is three days. Yes, I think it is. It is three days.

**SERGEANT NKOSI:** Now that is four days after the Commission of crime then he sent the videos to me. Commissioners, there in social media there is this crime  
20 bust, vision tactics. They always send the things of the scene of crime, people who are wanted and so forth. Because I could quite remember that immediately, maybe let us say eight hours or nine hours after the murder was committed, it was all over the news. It was flying. So, I would assume, not defending Mr Mthakathi Mswazi, where

did he get this thing from, inside or outside, but I just assume that he might have found it there. I will not say he found it there on the platforms, but he found it inside the yard where Mr Swart was killed.

**ADV CHASKALSON SC:** Did you ask him why he was sending it to you?

**SERGEANT NKOSI:** Indeed, I did.

**ADV CHASKALSON SC:** And what did he say?

**SERGEANT NKOSI:** He said, yes, this was very cruel. I  
10 do not know why they were doing this.

**ADV CHASKALSON SC:** Why did he need to send you a video of a murder to say that?

**SERGEANT NKOSI:** Why did he send me a video of a murder? Remember on previous two or three days we were talking about it. So, he sent me, based on that, that we were talking about it.

**ADV CHASKALSON SC:** And why were you talking about it? Were you involved in the investigation in any way?

**SERGEANT NKOSI:** I was not involved in the  
20 investigation. I am going back again that we were talking about it because of Warrant Officer Zungu informed me about it, and we started communicating.

**ADV CHASKALSON SC:** So, you carried on talking with Mr Mthakathi Mswazi about the murder after those exchanges on the 17<sup>th</sup>?

**SERGEANT NKOSI:** Not specifically that it was a topic of the day or whatsoever. I think he was just talking about it, that this suspect that happened there was gruesome. So that is the reason he sent me. But not that specifically the call was about that.

**ADV CHASKALSON SC:** You see, if we go to page 792, we see there is no communication between the two of you between the 18<sup>th</sup> and the 21<sup>st</sup>. And then after three days, with no intervening communication, he just sends you the  
10 CCTV footage. Did it not strike you as odd?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** And your response it gets sent to you at 02:51, and an hour later, at 03:53, you call him back. Why did it take an hour?

**SERGEANT NKOSI:** Why did it take an hour?

**ADV CHASKALSON SC:** Yes.

**SERGEANT NKOSI:** To call him?

**ADV CHASKALSON SC:** Yes, after he sent you this dramatic CCTV footage.

20 **SERGEANT NKOSI:** It depends on when did I open this file.

**ADV CHASKALSON SC:** So, you may only have opened the file at 03:53?

**SERGEANT NKOSI:** I assume, yes.

**ADV CHASKALSON SC:** Did you call him back

immediately when you opened the file?

**SERGEANT NKOSI:** It depends on when I opened the file.

**ADV CHASKALSON SC:** No, I accept that you may not have opened the file immediately, but once you had opened the file, did you call him back immediately?

**SERGEANT NKOSI:** Yes, I did.

**ADV CHASKALSON SC:** And did you take the matter further in any way? Now that you had a conversation with him and he had said it is a gruesome act, what did you do in  
10 relation to the CCTV footage? I did nothing.

**SERGEANT NKOSI:** I think nothing.

**ADV CHASKALSON SC:** I think that is incorrect. I think you will find that you forwarded it to Warrant Officer Zungu. Can I take you to page 1318?

**SERGEANT NKOSI:** 13?

**ADV CHASKALSON SC:** 18. And there you will see, in chat number 6, that at 14:57 you forwarded the CCTV footage to Warrant Officer Zungu. Do you recall that?

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** So, if you go back, you must have opened it. So, you would accept that by 14:57 you would have opened the file, because you would not have forwarded it to Warrant Officer Zungu if you did not know what was inside it. Do you accept that?

**SERGEANT NKOSI:** I just want to get your question clear.

**ADV CHASKALSON SC:** So, the file is sent to you by Mr Mthakathi Mswazi at 02:51 pm.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** At 02:57 you have forwarded it to Warrant Officer Zungu.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So sometime between 02:51 and 02:57 you have opened the file.

**SERGEANT NKOSI:** Yes.

10 **ADV CHASKALSON SC:** But you only call Mr Mthakathi Mswazi back at 03:53. So at least 56 minutes after you have opened the file, you still have not raised anything about it with Mr Mthakathi Mswazi.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** It is taken you 56 minutes to call, at least 56 minutes to call him back about this file.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So, you did not call him back immediately.

20 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Why not?

**SERGEANT NKOSI:** Because if I decided to call him, I might have maybe been busy.

**ADV CHASKALSON SC:** Well, you were not so busy that you were unable to view the file and send it on to Warrant

Officer Zungu.

**SERGEANT NKOSI:** It depends on what I might be busy with. Because now when someone sends you something, it takes a second just to open and check, oh, is that thing that I was discussing with Warrant Officer Zungu. I sent it to him. This is what has been sent or this is what I have.

**ADV CHASKALSON SC:** So, you are now speculating that you may have been too busy to make a call but not so busy that you could not open a file, look at a video, and send it  
10 through to Warrant Officer Zungu. Is that what you are saying?

**SERGEANT NKOSI:** I think so, yes.

**ADV CHASKALSON SC:** Why did you send it to Warrant Officer Zungu?

**SERGEANT NKOSI:** I sent it to Warrant Officer Zungu. Remember, he was the one who had the knowledge about this. So, it was our communication. We were communicating about it. What happened there, what transpired, and so forth. So, when I found this, it was also  
20 someone who just shared information. Then I shared it with him.

**ADV CHASKALSON SC:** But what is interesting is you just forwarded it to him without any explanation. There is no text saying, just received from Mthakathi Mswazi. There is no indication of how you got it.

**SERGEANT NKOSI:** I would have sent this video maybe after I had made a call, even though I did not write it on the WhatsApp.

**ADV CHASKALSON SC:** But where is the call to Warrant Officer Zungu?

**SERGEANT NKOSI:** It does not appear here.

**ADV CHASKALSON SC:** And if you could call Warrant Officer Zungu, why could not you call Mr Mthakathi Mswazi?

**SERGEANT NKOSI:** I did call Mr Mthakathi here.

10 **ADV CHASKALSON SC:** You did call Mr Mthakathi?

**SERGEANT NKOSI:** Yes, at 03:53.

**ADV CHASKALSON SC:** Yes, at 03:53.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You see, I want to put it to you that that call to Mthakathi Mswazi, and indeed the video, are probably linked to something that Commissioner Khumalo put to you. Because if you go back to page 218 of the first file, you will see at page 218 that on the very same day, at 12:37:42, you WhatsApp General Sibiya saying:

20                   “Good day, General. I have a meeting  
                          with Mthakathi and others in regard to  
                          Mama issue.”

**SERGEANT NKOSI:** Yes, I remember.

**ADV CHASKALSON SC:** Well, what was that meeting about?

**SERGEANT NKOSI:** I was going to submit or discuss a CV about Mama.

**ADV CHASKALSON SC:** And who is Mama?

**SERGEANT NKOSI:** I do not know if I can mention her here. I can write her name down.

**ADV CHASKALSON SC:** If there is a reason to, I am happy to.

**CHAIRPERSON:** What is the reason?

**SERGEANT NKOSI:** I am just sceptical in mentioning  
10 people's names in the public.

**CHAIRPERSON:** You have been mentioning a whole lot of other names, so you must have a reason with regard to this one. What is the reason?

**SERGEANT NKOSI:** That is Yvonne Thobejane.

**ADV CHASKALSON SC:** But, sorry, can you just repeat that? I may not have heard it correctly.

**SERGEANT NKOSI:** That is Yvonne Thobejane.

**ADV BALOYI SC:** Sergeant, is that the same person that Mr Matlala is accused of attempted murder of?

20 **SERGEANT NKOSI:** No, no.

**ADV BALOYI SC:** It is a different person?

**SERGEANT NKOSI:** Yes, it is another person. We will see all about her as we go. Because she is also here.

**ADV BALOYI SC:** Okay.

**CHAIRPERSON:** And why do you call her Mama?

**SERGEANT NKOSI:** This is how I was introduced to her.

**CHAIRPERSON:** She must be referred to like that because someone calls her Mama. Who calls her that?

**SERGEANT NKOSI:** Can ...[incomplete].

**CHAIRPERSON:** When she was introduced, you were just told this is Mama?

**SERGEANT NKOSI:** Yes, no, no. She was introduced by General Sibiya as Mama. That is why I said Mama issue. Mama.

10 **ADV CHASKALSON SC:** And what was the Mama issue?

**SERGEANT NKOSI:** She was looking for employment.

**ADV CHASKALSON SC:** Where?

**ADV CHASKALSON SC:** She had a security contract somewhere in the Menlyn, Pretoria East, if I am not mistaken. And she was once a manager in one of General Sibiya's businesses. As a result, the contract went off. The business collapsed. So, she was unemployed. Then I was asked if I can help her to find employment. And that is one of the things that I enjoy doing, helping people. I contacted  
20 people that I know that they might be of help.

**ADV KHUMALO SC:** Sorry, Advocate Chaskalson. Sergeant, General Sibiya testified here a week or two ago. And when he was asked about this, he said he does not know what the Mama issue is. And as far as he is concerned, this had to do with the bucket system in the taxi

industry. So, if he testified that he does not know what the Mama issue is, he would not have been truthful.

**ADV CHASKALSON SC:** Sorry.

**ADV KHUMALO SC:** You always react to questions like that Sergeant.

**ADV CHASKALSON SC:** I am sorry to cut in, Commissioner, but there actually are privacy interests at stake here. I am going to ask a few more questions, but there are serious privacy interests at stake here. I have  
10 managed to work out what this is about. What I want to know, and I think maybe what - could I ask that we stand down for two minutes and that Mr Ngoato and I just jointly approach you?

**CHAIRPERSON:** Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV KHUMALO SC:** Yes, it is now afternoon, Sergeant. Let us take it a step back. There is no need to mention the names, so let us just be clear, I do not need names of  
20 individuals. You say this person that you call Mama was introduced to you by General Sibiya, correct?

**SERGEANT NKOSI:** Correct.

**ADV KHUMALO SC:** And that she had lost her contract in the security business, correct?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** And General Sibiya had asked you to see if you cannot find work for her, employment for her.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** And when you say you are meeting with Mthakathi and others about the Mama issue, that is what you were meeting them about. You were trying to find out if they cannot get employment for her.

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** That is correct. And my last question  
10 on this topic was, General Sibiya testified a week or two ago and he said, when he was confronted with this very WhatsApp chat, said he did not know what the Mama issue is. So, my question to you is, would he have been untruthful if he said to this Commission he did not know what the Mama issue is?

**SERGEANT NKOSI:** He might have forgotten.

**ADV KHUMALO SC:** He might have forgotten.

**SERGEANT NKOSI:** Yes.

**ADV KHUMALO SC:** If that is your best answer, we will  
20 leave it at that. But you say he knew what the Mama issue was.

**SERGEANT NKOSI:** No, no, he knew. Definitely, no, he knew.

**ADV KHUMALO SC:** And he is the one who actually tasked you to attend to the Mama issue, correct?

**SERGEANT NKOSI:** That is correct.

**ADV KHUMALO SC:** Yes, thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** Sergeant, you say that Mama had lost, had a security company and had just lost a contract.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Do you know what her security company was called?

**SERGEANT NKOSI:** I do not know, but I can maybe find out from her.

10 **ADV CHASKALSON SC:** That would be helpful. And why were you meeting with Mthakathi about this? What was Mthakathi going to do for her?

**SERGEANT NKOSI:** It was the matter of knocking on doors on how I could be of help to her. So, I also thought of Mr Mthakathi.

**ADV CHASKALSON SC:** Why did you think of him?

**SERGEANT NKOSI:** He is a businessman. He might maybe have, if he can help her by himself, maybe in other of his contacts.

20 **ADV CHASKALSON SC:** In relation to giving her work or employing her or giving a contract to her security company?

**SERGEANT NKOSI:** Okay, it was not the matter of maybe security company per se, but anything that would keep her going. Because according to me at that particular time, she was a single parent with four or three kids. So that is the

reason I went further to try to keep the doors open for her.

**ADV CHASKALSON SC:** If we can then go back to where we started here ...[intervenes]

**ADV BALOYI SC:** Before you do that, Sergeant, who are the others that you were going to be meeting here?

**SERGEANT NKOSI:** Okay, at that time when I contacted Mr Mthakathi, he says to me, ...[speaking in vernacular].

**ADV BALOYI SC:** Sorry, he says what?

**SERGEANT NKOSI:** [Speaking in vernacular]... I am with  
10 my friends.

**ADV BALOYI SC:** Okay.

**SERGEANT NKOSI:** So, I did not know who were those friends, but I can confirm he was not alone, he was with his friends. But I do not know who were those friends.

**ADV BALOYI SC:** Okay, but you see when you look at the next chat, at General Sibiya's response, he says:

“I also want to meet them urgently.”

So, it suggests he knows who you are meeting. You are meeting Mthakathi and others, he seems to know who are  
20 these others.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** That is why he says to you he needs to meet them urgently.

**SERGEANT NKOSI:** Yes, I also confirmed to Commissioner Khumalo that General Sibiya knew who

Mthakathi was. And then when Mthakathi, I am the one who wrote to him that I am meeting Mthakathi and others.

**ADV BALOYI SC:** Yes.

**SERGEANT NKOSI:** So General Sibiya did not even ask who are those others, but I did not even bother to tell him who are those others, because according to Mr Mthakathi, Mthakathi says he is with his friends.

**ADV BALOYI SC:** Yes, but if that is what Mr Mthakathi said to you, that it is with his friends, who was General  
10 Sibiya referring to when he said I want to meet them?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** He is not saying I want to meet Mr Mthakathi urgently. He says the people that you are meeting in context, you say I am meeting Mthakathi and others, so he knows you are meeting more than one person.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** And then he responds to you to say I want to meet those people, same people, urgently. So, he must have known who it is that you are meeting when you  
20 say Mthakathi and them, who the 'them' is. He must have known that. Do you not see that? That is what it must mean when he says I want to meet them urgently. He knows who you are talking about.

**SERGEANT NKOSI:** I confirmed that he knew because of when Mthakathi said I am with my friends, I said I am going

to see them. So that means General Sibiya might have known.

**ADV BALOYI SC:** Might have known already ...[intervenes]

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Who Mr Mthakathi is going to be with when you meet him.

**SERGEANT NKOSI:** But I did not know.

**ADV BALOYI SC:** I am happy to leave it for now, at you did not know, you say you did not know, but you accept that  
10 General Sibiya must have known who are these other people that are with Mthakathi, otherwise he would not say I want to meet them urgently. Do you accept that?

**SERGEANT NKOSI:** Might have known. I accept that.

**ADV BALOYI SC:** No, he must have known. Look at the text.

**SERGEANT NKOSI:** I accept that.

**ADV BALOYI SC:** He must have known.

**SERGEANT NKOSI:** I accept that.

**ADV BALOYI SC:** Thank you.

20 **ADV CHASKALSON SC:** But we still need to go back to where this whole conversation started, which is Mr Mthakathi sending you, or Mr Mthakathi Mswazi sending you a CCTV clip of the murder of Mr Swart.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Which you forwarded to Warrant

Officer Zungu but apparently did not speak to Mr Mthakathi Mswazi about. That was your earlier evidence. Did you meet with Mr Mthakathi Mswazi later that day?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** So, the meeting about the Mama issue did not take place?

**SERGEANT NKOSI:** I am not quite sure if I understood your answer - your question.

**ADV CHASKALSON SC:** Remember that the message to  
10 General Sibiya about your meeting with Mr Mthakathi about the Mama issue is sent at 12:37. When you sent that message, were you already meeting with Mr Mthakathi?

**SERGEANT NKOSI:** What page is that, Commissioner?

**ADV CHASKALSON SC:** Page 218:

“Good day, General. I have a meeting with Mthakathi and others in relation to the Mama issue.”

218, 12:37.

**CHAIRPERSON:** That is file 104.

20 **ADV CHASKALSON SC:** So, did you have that meeting on the 21<sup>st</sup> of April?

**SERGEANT NKOSI:** I do not remember, but I think I did not have.

**ADV CHASKALSON SC:** I see. So, you did not have your meeting with Mr Mthakathi Mswazi, but he nonetheless sent

you CCTV footage of the murder. Do you recall that?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** You opened the footage, forwarded it to Warrant Officer Zungu, but did not call back Mr Mthakathi Mswazi until almost an hour after you had forwarded it to Warrant Officer Zungu. That is what the timeline shows.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** So why would you not have  
10 spoken to Mr Mthakathi about this extraordinary video footage that he had got access to and sent to you, CCTV footage from the scene of the murder? Why did you send it to Warrant Officer Zungu before you spoke to him?

**SERGEANT NKOSI:** I do not know at that time why I sent it before. I saw no need to talk to Mr Mthakathi immediately when he sent me that video.

**ADV CHASKALSON SC:** Sorry, you say you still wanted to talk to him immediately.

**SERGEANT NKOSI:** I said I did not see any need.

20 **ADV CHASKALSON SC:** You did not see any need?

**SERGEANT NKOSI:** Yes, there are two things. I might have been busy to talk, or I saw no need, yes.

**ADV CHASKALSON SC:** But why send it to Warrant Officer Zungu? Was he the investigating officer in this case?

**SERGEANT NKOSI:** Warrant Officer Zungu was not an investigating officer. Warrant Zungu happens to be the one who informed me about this particular scene, making enquiries, as I have mentioned earlier. So that is the reason I was sharing this video, because earlier he had also informed me about such. And two, Warrant Officer Zungu is an operator. He works on the ground. Time and again we share information, not that maybe it was this particular one that was shared between myself and Warrant Officer Zungu.

10 **ADV CHASKALSON SC:** Did you not think that this was something that the investigating officer should receive?

**SERGEANT NKOSI:** To my understanding that if Mr Mthakathi had that video two days or three days after the incident, obviously that is me now. Obviously, the investigating officer would have seen it. And secondly again, Warrant Officer Zungu was not involved in the investigation. I think it was a matter of when he was responding to that particular scene, but he was never an investigating officer.

20 **ADV CHASKALSON SC:** You see, I want to put it to you that it is odd that you forwarded it to Warrant Officer Zungu, but you do not forward it to the investigating officer. And the investigating officer is the one who has an interest in information like this. Warrant Officer Zungu is not involved in the investigation. Why forward it to him, but not the

investigating officer?

**SERGEANT NKOSI:** My answer is still that one that I have just mentioned.

**ADV CHASKALSON SC:** All right, I propose to move on to a different topic now, unless there are further questions. And can we now go to your chats with Mampane Taxi Man? And they are from page - sorry I do not have the start, but they will be in file - 864 is where they start and it will be file 3, the last of the new files. Do you have the file?

10 **SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Before we get to the file, I just wanted to clarify, I understood you earlier to say that Mampane Taxi Man is Baba's righthand man.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** What is his name?

**SERGEANT NKOSI:** I do not know his name, but I have only known him by Mampane. That is his surname.

**ADV CHASKALSON SC:** Mampane is his surname.

20 **SERGEANT NKOSI:** So, I addressed him, everybody addressed him with his surname, Mampane.

**ADV CHASKALSON SC:** There is a witness who has testified here previously Mr Suleiman Carrim. I do not know if you saw that testimony – that evidence.

**SERGEANT NKOSI:** I did not see it.

**ADV CHASKALSON SC:** Are you aware of any dealings

between Mr Mampane and Mr Carrim?

**SERGEANT NKOSI:** Not that I know of.

**ADV CHASKALSON SC:** Okay, if we go to the chats themselves, can we start on page 910 and we will be essentially in the same bundle going through, the same file going through, 910. Do you have 910?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And there you will see that on 26<sup>th</sup> of January 2025 you share with Mr Mampane that  
10 breaking SAPS KZN the crisis article that you also shared with Mr Motsumi. You see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Why would you share it with Mr Mampane?

**SERGEANT NKOSI:** I was sharing it with him.

**ADV CHASKALSON SC:** But for what reason? Why would he have an interest in news about SAPS being in – KZN SAPS being in crisis?

**SERGEANT NKOSI:** Okay, the reason that I have shared  
20 with him, Mampane's interest was also in security well-being. And the other thing, again, is they were working hand-in-glove, not hand-in-glove as per se, but whenever they had problems in the tax ranks, they would interact with KZN, Provincial Commissioner. Because at one stage they had a meeting together with Mr Mswazi and Mr Xaba in KZN

with regards to the issues that were to be resolved of taxi violence in KZN.

**ADV CHASKALSON SC**: Chair, we have received a message that the witness needs to take some medication. I wonder if we could just step down for a while.

**CHAIRPERSON**: Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV CHASKALSON SC**: So, you were explaining why the  
10 SAPS case at any crisis report was sent to Mr Mampane?

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: And you were talking about his interest in the security industry? Or maybe you can just repeat your answer.

**SERGEANT NKOSI**: This document was already in public when I sent it to him.

**ADV CHASKALSON SC**: Yes, I know, but I am not suggesting there is anything improper in sending it to him, I just wanted to understand why you sent it to him.

20 **SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: And if I understood you correctly, it had to do with the fact that because of his interest in the taxi industry, there was occasion where if security issues arose, he had to deal with the SAPS and he had previously dealt with General Mkhwanazi?

**SERGEANT NKOSI:** Not per se General Mkhwanazi. They would usually, as a taxi industry, have meetings with road and transport police in general. And mostly there were instances where they were invited in KZN, they had to resolve issues together with the Minister that side and the provincial Commissioner, yes.

**ADV CHASKALSON SC:** And you thought that that meant that he would be interested in news of this nature?

**SERGEANT NKOSI:** To be very honest with you, taxi  
10 industry, they are more interested in police because they are working hand in glove with them.

**ADV CHASKALSON SC:** And if I can take you to page 913, and then 918, there will be - first if you look at 913, you will see, chat number 3, you send another one of these messages, presently he sends out stern warning, we have seen that one being sent to Mr Motsumi as well. And then at 918, there is the similar breaking news piece, ID guns for national police rogue unit, that was also shared with Mr Motsumi. Is your answer - if I ask you why did you share  
20 these with Mr Mampane, would it essentially be the same as your first answer in relation to that first article?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Okay.

**ADV BALOYI SC:** If you are moving on, can I just ask the question? Sergeant, this article, if you start at 910, but

they are pretty much all the same, for purposes of what I want to put to you. That at 910, this puts General Mkhwanazi in a very, very negative light. Do you agree? It makes serious allegations against him, of criminal conduct in fact. Do you agree?

Look at 910, the first paragraph says, it speaks about the iron left in General Mkhwanazi's hand in corrupt activities. I will not read all the paragraphs, but I will try and summarise them. The second one, it speaks about he  
10 has brought KZN to its knees in respect of thievery, theft of taxpayers' funds. And then, he is stealing from Mkhwanazi - affidavits revealed Mkhwanazi stealing the KZN police budget.

That is the tenure of it, throughout. And then, if you go further down, the fourth paragraph, or fifth paragraph from the bottom, it talks about his meetings with underworld figures at his residence, in a plot to oust those four officers. So, all of the paragraphs, they are quite damning, they make damning allegations against General  
20 Mkhwanazi.

Before you distribute something like this, and I will still come to the question, why you would think Mr Mampane should know these negative things about, these negative allegations, about someone that you say you are close to, General Mkhwanazi. Do you care to check whether this is

true or not, the substance of these allegations, before you further spread it on to other people?

Because if Mr Mampane did not know about this, all you have done is you have just become a chain in spreading these untested allegations against General Mkhwanazi. Do you care to check, especially because you are close to him, to check that what you are sending out may not be substantiated and cause damage to him unfairly? Is that something that concerns you?

10 **SERGEANT NKOSI**: Thank you, Commissioner. Maybe one might see it as spreading it wrongfully or unfairly, but because of myself and Mr Mampane shared the same sentiment of loving General Mkhwanazi, you would see here underneath, he said, oh, Mkhwanazi, ...[speaking in vernacular]. This is how we will refer General Mkhwanazi ...[speaking in vernacular]. So, he was also worried. The reason that I sent him, hey, ...[speaking in vernacular] or ...[speaking in vernacular]. So, this is how he responded. He was also worried the way I was worried.

20 **ADV BALOYI SC**: I thought the reason that you sent it was because of his interest in the security industry, taxi people, and the kind of things that happen, not because he loves General Mkhwanazi. That is not your first explanation why you sent this out.

**SERGEANT NKOSI**: What I just explained now, it does not

revoke what I have said earlier. It is an addition to that.

**ADV BALOYI SC:** Okay, all right. So, you still have not answered my question that you do not check. This is not a SAPS police officer, Mr Mampane. This is a civilian. You share with him untested, unless you say they were tested or you say you also suspected that General Mkhwanazi was involved in these things that are listed here, unless you say that is what you also thought.

10 You distribute material like this about a senior police officer who you say is your friend, I think you have said, and you have not checked whether there is any substance to it before you share it with other people. It seems, at best for me, it seems grossly irresponsible for you to do that, at best. Do you have a comment to that?

**SERGEANT NKOSI:** At that time, I did not say it like that because ...[intervenes]

**ADV BALOYI SC:** Because? Sorry, you were saying because?

**SERGEANT NKOSI:** It was already in public.

20 **ADV BALOYI SC:** Now, similarly, if you look at that page 913 that you have shared, as Mr Chaskalson points out, you have already shared it with Mr Motsumi, breaking presidency sends out stern warning at page 913. Did this happen? Did the presidency send out a stern warning when you shared this thing? Did you know that the President has

done this?

**SERGEANT NKOSI:** No, it was just breaking news. It was on Media 24. It was a matter of passing that message from point A to point B.

**ADV BALOYI SC:** You say this was on Media 24?

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Okay, you did not check whether this is true or not before you shared it?

**SERGEANT NKOSI:** I did not.

10 **ADV BALOYI SC:** Okay, and why did you think Mr Mampane is interested to know about the President and the GNU asking the ID and the IPID to investigate your National Commissioner in General Khumalo? Why did you think this is something that Mr Mampane should be aware of? Especially because you say it is in the public domain, so you already decided, I am going to make sure he knows about it. Why did you decide he needed to know about this?

**SERGEANT NKOSI:** I think, Commissioner, I did not mean  
20 any harm to send this to Mr Mampane, vis-à-vis knowing that Mr Mampane believes in the police. When he received it, it was worrying as well, that what is happening to our security industry.

**ADV BALOYI SC:** Okay. You wanted him to know what is happening in the security industry?

**SERGEANT NKOSI:** Yes, in terms of the police, yes.

**ADV BALOYI SC:** You wanted him to know that General Khumalo and Masemola are accused of corruption, fraud, and theft of crime intelligence funds. You wanted him to know that, that there is that kind of accusation against them.

**SERGEANT NKOSI:** To give them just sharing information.

**ADV BALOYI SC:** No, I know you are sharing. Well, the fact is you shared it, so that is not the discussion we are  
10 having.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** I am not asking you that kind of question. I am asking you, you are sharing information because you wanted to make sure. Remember you said it was in the public domain.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** So, you decided it is in the public domain, it is on News 24, I want to make sure that Mr Mampane has seen it. And I am asking you, you wanted to  
20 make sure that he knows that General Masemola and General Khumalo are accused of corruption, fraud, and theft of crime intelligence funds. That is what you were making sure he knows.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** Okay.

**SERGEANT NKOSI:** But, oh, sorry.

**ADV BALOYI SC:** Yes, you say but? I do not want to cut you short if you are still going to say something.

**SERGEANT NKOSI:** No, no, it is fine.

**ADV BALOYI SC:** All right, the same at page 918. I guess you will not have a response to it. Again, it is you wanted to make sure. You are going to say it was in the public domain. Again, my question is you wanted to make sure that it comes to his attention that General Masemola  
10 appeared weak and shaken when confronted by ID. You wanted him to know that ID has confronted him, according to the newspapers, and how he was reacting to it. You were making sure he knows that.

**SERGEANT NKOSI:** Okay, to explain it further, Mr Mampane's got a good interest in the police. I was looking for more than in their business they rely more on police. So, when things like this happen, it gets them worried as well. So, the reason that I am just sending them just to be knowledgeable that this is what is currently happening and  
20 not so forth.

**ADV BALOYI SC:** You see, your message is do not say, do not worry. There is nothing to it, which I would expect you to do. If you say he is got an interest in what is happening and when he sees stories like this, he would be worried, I would expect you to then send a message that says to him,

do not worry. But here you are simply spreading what appears to be gossip, if you like, because you have not verified it. You just spread it on. So, you are just adding to his worry, if you understand what I am saying.

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** You say he would be worried, so you are just adding to his worry by making sure he has seen this, and that does not make sense at all as an explanation why you would send this stuff to him. It does not make sense.

10 You can comment if you want. And if you have no comment, I am happy to hand back to Mr Chaskalson.

**ADV CHASKALSON SC:** Can I go to a related topic? If you go to page 869, there you will see on 23<sup>rd</sup> of August 2024, from page 960, sorry, we will start with 869, you will see that you are sharing a whole lot of photographs with Mr Mampane. And if we look at the photographs, let us start at 960. I do not think we need to show beyond 960 because there are a lot of dead bodies. But 960 is a picture of a registration number of a taxi. And then from 961 to 972,  
20 there are pictures of dead bodies, presumably in the vicinity of the taxi, and several vehicles with bullet holes in them. Why did you share these photographs with Mr Mampane?

**SERGEANT NKOSI:** Thank you, Commissioner. The reason that I have shared these things with Mampane, if I can quite remember well, this thing was in Brits, somewhere

in the mines, where Mr Mampane was intending to provide security services there. In a manner, I was warning him, can you see how people have been killed there? You must be careful before you send in your people to run a project there.

**ADV BALOYI SC:** Sergeant, where did you get these pictures from?

**SERGEANT NKOSI:** I think somewhere in - I cannot remember clearly, Commissioner, where did I find them, but  
10 it was somewhere in Brits. I do not know who sent it to me at that time.

**ADV BALOYI SC:** These are not SAPS pictures. They look like people who were ever seen, attended to the scene and took these pictures. To me, they look like - these are not random photographs. If you look from especially the ones that have people's bodies and guns, they look like SAPS pictures. Not an onlooker who was just looking around. You do not remember where you got them?

**SERGEANT NKOSI:** I do not remember, but I would not  
20 suggest, nor deny that they were from SAPS, but I am sure they were not from SAPS pictures, these ones. Maybe some civilian that was there.

**ADV BALOYI SC:** You have to choose which one it is. You said, I would not deny, or I think you said accept that they are from SAPS, but I am sure I got them from – it was

a civilian out there. I do not understand that answer. It seems to be internally contradictory.

**SERGEANT NKOSI:** Okay, I deny that there are SAPS photos. Reason being, if they were taken officially by SAPS, you would maybe see the cones there, the exhibit marks, people at the scene, and the cordoning tape being cordoned that indeed it was a SAPS photo. So, the way it is taken, it shows that there was no coordination, these photos that were taken there.

10 **ADV BALOYI SC:** So, you know someone who was at the scene who took these pictures and sent them to you? That is really ...[intervenes]

**SERGEANT NKOSI:** That is what I am saying now, my Honourable Commissioner, that I cannot remember clearly whom did I take those photos.

**ADV BALOYI SC:** Okay.

**SERGEANT NKOSI:** Still on that, can I ...[intervenes]

**ADV BALOYI SC:** Yes, you can carry on.

**SERGEANT NKOSI:** No, I do not carry on. I am saying I  
20 am a bit pressed.

**CHAIRPERSON:** Can you please repeat that, Sergeant? Can you what?

**SERGEANT NKOSI:** I think I am pressed.

**CHAIRPERSON:** Oh, pressed. Let us take the lunch adjournment and resume at 2 pm.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Chair. Sergeant, we had left off discussing the photos from 869 onwards. I want to take you now to 891 and there you will see, at the foot of 891, you will see on the 22<sup>nd</sup> of December 2024, you forward to Mr Mampane a situation, a SAPS situation report and that, the message reads:

10                   “Sitrep AP 13.”

So that, presumably, is situation report, all persons 13. So it is a broadcast to the whole of SAPS, is that not right?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** -:

“Captain Morabe report that the detective, LCRC and CI, busy at the scene at Block LL ...”

There is an address.

20                   “And a lot of suspected stolen property recovered. POP members still at the scene searching all over the premises.”

And then an updated report you also circulate, saying:

“The house is locked and fenced with

electric fence. The suspect committed a crime. Most vehicle theft around Pretoria.”

But the second one is interesting, because it says:

“They are at the address, tried to find the owner of the house ...”

They give his name.

“And the house is locked and fenced with electric fence.”

10           So the situation report makes clear that they are looking for the owner. Then if you scroll down, there are large numbers of photographs that you also forward, and they are presumably the stolen property or the property believed to be stolen that was found at that address. Is that correct?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** That is correct. And then at 4:39 on page 896, you forward another situation report.

20           “Members from VIS, CI and Tshwane District and VIS members busy circulating and testing vehicles at Block LL, where the suspect is parking stolen vehicles, and one vehicle is testing positive, according to VIS information, in position waiting for VIS

to complete the testing.”

Now, why did you forward all of this information to Mr Mampane?

**SERGEANT NKOSI**: I was just, I forwarded these photos, even though they were already in public knowledge. So I was just circulating these things because of the way I usually do when there is something around the area, Soshanguve or Hammanskraal, we just send.

**ADV CHASKALSON SC**: But I am less interested in the  
10 photographs than in the situation report, and why I ask about the situation report is that the situation report suggests several things. It suggests, first of all, that the suspect has not been apprehended. So you see at page 891, “try to find the owner of the house” and his name is given. And then at the bottom, the final situation report:

“There is no suggestion that the suspect has been arrested.”

So if these situation reports are circulated, and the suspect is still at large, then there is a greater risk that the  
20 suspect will remain at large, because there is a greater risk that the suspect will know that the police are looking for him. What is your response to that?

**SERGEANT NKOSI**: At that particular scene, Commissioners, I think one Zimbabwean suspect was arrested there.

**ADV CHASKALSON SC:** You think that the suspect was arrested at the scene?

**SERGEANT NKOSI:** Yes, in fact I could quite remember.

**ADV CHASKALSON SC:** Because the first situation report, or the second situation report, makes clear that the police are on the scene, but they, if I read, “try to find the owner of the house”. So it is, at the time of the second situation report, they were still trying. He had not been apprehended.

10 **CHAIRPERSON:** Do you want him to comment, or are you still going to ...[intervenes].

**ADV CHASKALSON SC:** Sorry. But your recollection is that there was a suspect ultimately arrested?

**SERGEANT NKOSI:** Yes, that is correct, even though the suspect, he was in control of the premises, but the owner, I am not sure if he was arrested or not, because of the person who was arrested there was a Zimbabwean if I could recall.

20 **ADV KHUMALO SC:** Mr Chaskalson, to be fair to Sergeant Nkosi, where does it say that the suspect is still at large? I do not read it that way. It may well be that it is an interpretation you can put to this chat, but it says the suspect committed crime, most vehicles left around Pretoria. That suggests to me that you know who it is, because how else would you know that he has committed

...[intervenes].

**ADV CHASKALSON SC:** We know the, Commissioner, I read it, it one starts at the top, Sitrep AP 13, members with CI, VIS and Tshwane District stand at, and the address is given, try to find the owner of the house, and his name is given.

**ADV KHUMALO SC:** The owner.

**ADV CHASKALSON SC:** Yes.

**ADV KHUMALO SC:** I am talking about the suspect. I  
10 mean are we able to tell here that the suspect has not been apprehended?

**ADV CHASKALSON SC:** Well, we are able to tell that the owner has not been, the owner has been identified and is being looked for, but has not been found. That is all that I can, that is as high as I can put it. But if one looks at the quantity of stolen property over the next two pages in the photographs, which, I mean it includes large numbers of trucks, it includes some motorcycles, it includes items that we can, well, we do not have the pictures here, but huge  
20 numbers of items scattered across the floor, it seems to me the owner would have something to answer for in these circumstances.

But Sergeant, your answer, if I heard it correctly, was that there was a suspect apprehended at the scene, but the owner could not be found.

**SERGEANT NKOSI:** If I can recall, yes.

**ADV CHASKALSON SC:** Again, why did you circulate this to Mr Mampane?

**SERGEANT NKOSI:** I think I took it from the view that because we always circulate, myself and him talk about crime around the area, Soshanguve, Mabopane, then that is where I took it from.

**ADV CHASKALSON SC:** And where was this house? Was it Atteridgeville, Soshanguve? Which area was it?

10 **SERGEANT NKOSI:** Soshanguve.

**ADV CHASKALSON SC:** Soshanguve. If one goes down to 897, one sees another situation report, and there is a report of a double murder and attempted murder on the 23<sup>rd</sup> of December 2024. Three victims are identified. The suspects are not identified.

“Unknown males driving unknown GTI Golf.”

**SERGEANT NKOSI:** That is ...[incomplete].

**ADV CHASKALSON SC:** And then there is a report about  
20 what was seen. Deceased number one, Mr John Oupa Sithole is known, I presume, to be a taxi boss. Deceased number two was a patron at a tavern. And then it says:

“Injured person was also a patron taken to a clinic for medical examination.”

It identifies which clinic, who was driving him, what registration number the vehicle that was driving him was. Why did you circulate this to Mr Mampane?

**SERGEANT NKOSI:** The person who was killed there was his best friend, Mr Sithole. Earlier that day, or before I could send him the pictures, he phoned me that hey, I heard that my friend has been shot and killed. So when I saw that, I think it was advertised by, or it was circulated by Abramjee and then I forwarded it to Mampane, because it  
10 was already public news.

**ADV CHASKALSON SC:** But was there not a risk that by putting it out publicly, you would identify where the injured victim was, who had driven the injured victim away, and what vehicle the person who had driven the injured vehicle away used?

**SERGEANT NKOSI:** Can you repeat that, Mr Chaskalson?

**ADV CHASKALSON SC:** By circulating what was an internal SAPS communication to someone outside SAPS, in the process you took outside SAPS details of where the  
20 injured victim was now to be found, who drove the injured victim to the place where the injured victim was now to be found, to the clinic, and what vehicle that person who drove the victim to the clinic uses, the registration number, so the vehicle could be identified as well. Was there not a risk that in this process you may have leaked publicly

information that might have compromised the position of the victim and also the person who drove the victim to the clinic?

**SERGEANT NKOSI:** By the time I sent such a picture, as you can see there on top, it was already circulated by Yusuf Abramjee. So it was already in the news.

**ADV CHASKALSON SC:** Sorry, what was already in the news?

**SERGEANT NKOSI:** This information that you are asking  
10 about.

**ADV BALOYI SC:** You say you see that from what at the top?

**SERGEANT NKOSI:** Okay, I am saying that before I could circulate this thing to Mr Mampane, already it was on the news, because if I could quite remember it was circulated on the page of Yusuf Abramjee.

**ADV BALOYI SC:** All of this information, including that there is a surviving victim and the details of the hospital to which he was taken, are you saying Mr Abramjee had  
20 published that already?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And where had Mr Abramjee published that?

**SERGEANT NKOSI:** In his page.

**ADV CHASKALSON SC:** Sorry, I think we are at cross

purposes. Which page are you talking about? Which page number must I go to where Mr Abramjee has publicized it?

**SERGEANT NKOSI:** Okay, I am not referring to this page, but I could remember because I am the one who sent it at that particular time, but I got it from the page of Yusuf Abramjee.

**ADV CHASKALSON SC:** So this was information, but this you did not get from Mr Yusuf Abramjee. This you got from an internal SAPS document.

10 **SERGEANT NKOSI:** What page is that, Mr Chaskalson?

**ADV CHASKALSON SC:** I was on page 897. I think we are, I think you are a bit confused here because I think what you are referring to, if you go to page 872, you see in chat number 2 ...[intervenes].

**SERGEANT NKOSI:** Oh, okay.

**ADV CHASKALSON SC:** On the 25<sup>th</sup> of August, there is a link to a, I mean, it is not visible there, but that is the post of Mr Abramjee. It deals with the killing of two people on the Rietfontein Road on the 25<sup>th</sup> of August, 2024. I am  
20 talking about page 897, which is several months later, which is reporting a murder at a tavern in a different place altogether, or a murder at a tavern in Soshanguve as opposed to a murder on the Rietfontein Road where the deceased, Mr Sithole, was said to be a known taxi boss.

So there is no suggestion that this information had

been put into the public domain before you sent it to Mr Mampane. What Mr Abramjee reported related to a different incident on the Rietfontein Road.

**SERGEANT NKOSI:** Ja, that is correct. Sorry, I just confused the two because of both victims are the Sithole's. There is another one of, that was circulated by Mr Abramjee. That one is the Sithole who was shot inside the bakkie. And then there is this one of Mr Sithole again who was shot inside his vehicle in Soshanguve and I still confirm  
10 that even though this looks like a, indeed it is a police report, but by the time I sent it, it was all over the news.

**ADV CHASKALSON SC:** But was the identity ...[intervenes].

**SERGEANT NKOSI:** And with the same format that it is like that, it was circulating on Facebook.

**ADV CHASKALSON SC:** So this police report was already out on Facebook by the time you circulated it.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Let us look at page 918. It is the  
20 8<sup>th</sup> of February 2025, chat number 2, 11:27 am. There you forward to Mr Mampane:

“Confirmed that investigating director told NasCom today they are investigating Khumalo and his team, real list of offences.”

Do you recall who sent you that message that you forwarded to Mr Mampane?

**SERGEANT NKOSI**: I cannot recall.

**ADV CHASKALSON SC**: If you go to page 159 in the first file, you will see that General Sibiya sent that message to you. 159. So, at 159, you see that at 4 minutes past 8 in the morning of the 8<sup>th</sup> of February 2025, General Sibiya messaged you to say:

10                    “It was confirmed that the investigating  
                      director        told        the        National  
                      Commissioner    today        they        are  
                      investigating Khumalo and his team,  
                      real list of offences.”

And then if you go back to 918 in file 3, you will see that on the same day at 11:27 in the morning, you forwarded that to Mr Mampane. Now why did you do that?

**SERGEANT NKOSI**: I just forwarded it to him. To me, it was a norm that maybe to circulate what I come across, whether it is bad or it is good about the police, because of  
20 Mr Mampane is one person who share good sentiment about the police.

**ADV CHASKALSON SC**: Well, do you not see a problem in circulating information about an ongoing investigation into the Head of Crime Intelligence to a person outside the police?

**SERGEANT NKOSI:** At that time, I did not see any problem. It is just unfortunate that these conversations are seen being sent by me for now, but I can tell the Commission now that each and every time that it is on the SAPS news, it leaks within hours of being put there. It is just unfortunate that it is me now, but ...[incomplete].

**ADV CHASKALSON SC:** But this is not a message on the SAPS news or a sort of all persons broadcast for SAPS. This is a personal message or a private message that  
10 General Sibiya sends to you, confirming what presumably was a confidential conversation between the National Commissioner and him to say that IDAC had told the National Commissioner that they were investigating General Khumalo. Now, it may, from my side, it seems improper for General Sibiya to have forwarded it to you, because I doubt that the National Commissioner intended it to go beyond General Sibiya. But it certainly seems improper to me for you to have circulated that confidential piece of information to a taxi owner outside of the SAPS. What is your response  
20 to that?

**SERGEANT NKOSI:** I do not want to defend something that is undefendable, but by the time that this thing was sent to Mr Mampane, it was already in public. But I understand, I take it, it was wrong.

**ADV CHASKALSON SC:** But why did you send it to Mr

Mampane? What was his interest in knowing that General Khumalo was now under investigation by IDAC?

**SERGEANT NKOSI:** I do not think that Mr Mampane had any bad intentions, and I also do not think that Mr Mampane knows Mr Khumalo that something bad had happened to him. I was only circulating this on the basis that people in his industry are interested in the police things.

**ADV CHASKALSON SC:** In the Head of Crime Intelligence? What legitimate interest does the taxi industry  
10 have in the difficulties of the Head of Crime Intelligence?

**SERGEANT NKOSI:** Not *per se* as Head of Intelligence. One, I do not even think or know that Mr Mampane knows General Khumalo. I was sending him on those basis that because of they enjoy or they like working hand in glove with the police. It was on those basis that, to send those.

**ADV CHASKALSON SC:** But if Mr Mampane did not know that General Khumalo was Head of Crime Intelligence when you sent it to him at 11:27:22 on the 8<sup>th</sup> of February, he certainly knew a few seconds later when you sent him a  
20 report, the next chat, which says:

“The NPA Investigative Directorate,  
IDAC raids National Police  
Commissioner, Fannie Masamola and  
National Crime Intelligence Head,  
Lieutenant General Khumalo.”

So simultaneously with providing him with the message from General Sibiya, you also gave him a press report that identified General Khumalo as Head of National Intelligence. You accept that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Can we then go down to page 925.

**ADV BALOYI SC:** Before you do that, Mr Chaskason, let me ask Sergeant about that page 897 report, 897.

10 **SERGEANT NKOSI:** Okay.

**ADV BALOYI SC:** This is the one that starts:

“Good morning, General, Tshwane District, Soshanguve.”

Are you there, 897? It is where Mr Sithole was killed, Mr Monareng was killed, and Mr Mokgattha was hospitalized. You see that? Do you accept that by sharing the details of this person who is in hospital, their name and where they were taken, that you were potentially placing them at risk when you share this with a member of the public? Do you accept that?

20

**SERGEANT NKOSI:** I accept it.

**ADV BALOYI SC:** Okay. And do you accept that by mentioning the police officers, the detectives on standby, but maybe more importantly, the LCRC member that you mentioned there who visited the scene, that in fact you were

potentially exposing them to whoever you are distributing this stuff to, this note to? We know that investigators get threatened. We have heard from the evidence of General Shibiri that an informer had told him that, in the Swartz matter, that an informer had told him that there was a plan to corrupt a forensic lab person, so we know those things are a problem for the SAPS. Do you accept that by sharing all of this with a civilian who has no business to know these kind of details, you were potentially opening them up to  
10 exposure to those kind of people who may want to corrupt them, who may want to direct them or influence them what to do? Do you accept that potential risk? You accept it?

**SERGEANT NKOSI:** I am not shying away from taking full responsibility, even though it was in public domain, but I think maybe I was wrong to forward it further, but automatically it was no longer confidential because it was already on Facebook.

**ADV BALOYI SC:** Ja, well, I am talking about your distributing it. I mean, we do not know who put it out there  
20 ...[intervenes].

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** Where you say you found it, but I am speaking about you, a police officer, who distributes this to a member of the public, that you must surely accept that you are creating, if there was already a risk, you

contributed ...[intervenes].

**SERGEANT NKOSI:** Yes.

**ADV BALOYI SC:** To the risk that these people were exposed to. Do you accept that? I hear you saying yes.

**SERGEANT NKOSI:** Yes, I accept that.

**ADV BALOYI SC:** Okay, thank you. Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** If we go then to 925, we see in chats 4, 5 and 6 and then over the page on page 926 that  
10 you also forward to Mr Mampane the exchanges that we have seen previously that were forwarded to Mr Motsumi, the approach from Mr Mashego, the City Press newspaper, the response of General Phokane and the internal audit report into Mr Matlala's contract. Why did you share these documents with Mr Mampane?

**SERGEANT NKOSI:** Okay, I, there was nothing much on it at that particular time, Commissioners. The reason I just sent it, it was just for Mr Mampane, hey, look what is happening now with the former security of the house, or of  
20 the farm, about the project that he got. This is what is happening. I was sending him that.

**ADV CHASKALSON SC:** So you were letting Mr Mampane know that Mr Matlala who was running security for the Msibi family, was at risk of having his contract with SAPS terminated.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Did you not imagine that Mr Mampane would take this up with Mr Matlala? Did you expect Mr Mampane to take this up with Mr Matlala?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Why not?

**SERGEANT NKOSI:** Because Mr Matlala already knew it, according to me.

**ADV CHASKALSON SC:** According to you Mr Mampane  
10 already knew it?

**SERGEANT NKOSI:** Mr Matlala.

**ADV CHASKALSON SC:** Sorry, Mr Matlala already knew it. Why do you say that? It may be because you had also given these documents to Mr Matlala. That would be one reason. So I will take back the question. Let us go to the next document. It is on page 938. And you will see in chat 2 on that page, on the 15<sup>th</sup> of May 2025, at 11:10 pm you forwarded to Mr Mampane a screenshot and the screenshot itself that you forwarded is at page 995. And what it is, is it  
20 is a screenshot of a conversation between yourself and General Sibiyi on that day and there are two missed calls after which, well there is a missed call, a call, then General Sibiyi sends you a report on the arrest of Mr Matlala and your response to that report is “Eish”. Why did you say “Eish” in response to the report of the arrest of Mr Matlala?

**SERGEANT NKOSI:** That is page what Commissioner?

**ADV CHASKALSON SC:** 995.

**SERGEANT NKOSI:** Okay. I just said “Eish” because of Mr Matlala is someone that I know.

**ADV CHASKALSON SC:** So it caused you pain that Mr Matlala had been arrested?

**SERGEANT NKOSI:** Come again?

**ADV CHASKALSON SC:** Did it cause you pain that Mr Matlala had been arrested? Were you upset that Mr Matlala  
10 had been arrested?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** What did you mean by “Eish”?

**SERGEANT NKOSI:** “Eish” does not necessarily mean that I am feeling pain. I can say “Eish”, I want to go to the toilet. “Eish” is just a phrase you add when someone ...[incomplete].

**ADV CHASKALSON SC:** What did you understand those two emojis to mean? Can we just zoom into those emojis so we can see them? Is that a special emoji for I want to go to  
20 the toilet?

**SERGEANT NKOSI:** I think to me it is an as look, not that, like this emoji is looking at the left side, this one, the way I put it that “Eish”.

**ADV BALOYI SC:** It looks like a sad face.

**SERGEANT NKOSI:** No, but – okay, noted, but on my

phone the sadness is not like this ones. There is different emojis on my phone, like when someone is sad, but not this one.

**ADV KHUMALO SC:** But were you not sad that somebody that you know has been arrested?

**SERGEANT NKOSI:** It was ...[intervenes].

**ADV KHUMALO SC:** I would be sad, that is why I am asking you.

**ADV BALOYI SC:** Sergeant Nkosi, there is nothing wrong  
10 if you were sad. We know from your evidence that you are quite close to Mr Matlala. And now, as Commissioner Khumalo says, I would also be sad if someone as close to me as we have come to understand your closeness to Mr Matlala, if they were arrested. It would cause me trouble.

**SERGEANT NKOSI:** I was not sad.

**ADV BALOYI SC:** You did not care?

**SERGEANT NKOSI:** Not that I did not care. You know, sometimes, I do not want to say I would be happy that the law took its course, or police have done their work, but I  
20 was just moderate, not that I was sad that he was arrested. I knew there was no way that he could be arrested without having done anything. So there was no way that I could be sad that Mr Matlala was arrested, no, no, no.

**ADV BALOYI SC:** Okay.

**ADV CHASKALSON SC:** Can I then take you to page 938.

**SERGEANT NKOSI:** 9?

**ADV CHASKALSON SC:** 38. Sorry, it is the same page. It is the same page as where that screenshot is in the text. It is not the screenshot page itself, but it is the page in the chats where the screenshot comes from. It is four days after you have had that exchange with General Sibiyi about the arrest of Mr Matlala. It is on the 19<sup>th</sup> of May. You will see at chat 4, that at 12:08 on the 19<sup>th</sup> of May, Mr Mampane calls you and that turns out to be the first of 19 calls.

10 Sorry, of 15 calls, that go up to page 940.

**SERGEANT NKOSI:** Page 940?

**ADV CHASKALSON SC:** And 40. So there are 15 calls between you, and then at 940, at 2:20 in the afternoon, you send Mr Mampane an invitation, an entry code from Mr Motsumi. You see that, chat number 3? In fact, you sent two, chat number 3 and chat number 4. You see that?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And then there are another four calls between you between 2:24, or there are three calls  
20 from 2:24 to 2:27, and then a call at 7:59 pm. Now, we have discussed this meeting at Mr Motsumi's house on the 19<sup>th</sup> and you seem to remember that it was a visit to the clubhouse between yourself and Sergeant Moraka.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But if you, and I think it was, if

we go to page 591 of the second file, we will see the original invitations for this meeting from Mr Motsumi. I mean, we have been there before. I will just give you the references. We do not need to run through it all again. 7:62 is you forwarding that invitation to Sergeant Moraka. 7:80 is you forwarding that invitation to Sergeant Mphela. Now, what did that meeting have to do with Mr Mampane? I mean, yesterday you seemed to remember it was a lunch at the clubhouse, but now that you know that Mr Mampane  
10 also got an invitation or an access code, do you want to try and recollect, well, think back again and see what that meeting may have had to do with?

**SERGEANT NKOSI:** I still would not call that a meeting like as in it was something was arranged formally. But I can confirm that Mr Mampane also regularly visits Mr Motsumi, because obviously Mr Motsumi used to work with Mr Mswazi where Mampane was residing as well. So Mr Mampane did not need me maybe to meet with Mr Motsumi or to go to Mr Motsumi. It might have happened that at that  
20 particular time the phone was giving him problems and all so forth. But I know that Mr Mampane would numerously go to Mr Motsumi.

**ADV CHASKALSON SC:** So Mr Mampane frequently visits Mr Motsumi?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** But on this occasion he did seem to need your intervention, because you were the one who forwarded the invitation to him, not Mr Motsumi. You sent the invitation. We see that at page 940.

**SERGEANT NKOSI:** Yes, I agree on that, but on the same sentiment, Mampane does not need me to have access to Mr Motsumi's place.

**ADV CHASKALSON SC:** No ...[intervenes].

**SERGEANT NKOSI:** It is just that I do not remember why  
10 as in I sent the code to him. Maybe one, it might have been his phone network or so forth. But Mampane frequently calls Mr Motsumi.

**ADV CHASKALSON SC:** But if his network was down, you would not get hold of him the same way that Mr Motsumi would not get hold of him. Do you accept that?

**SERGEANT NKOSI:** I do not accept that, because of it is not what I said. I am speculating it might have been a problem.

**ADV CHASKALSON SC:** But your speculation was his  
20 network may have been down. Now, if his network may have been down, then there was no better chance in him being reached by you than there was in him being reached by Mr Motsumi.

**SERGEANT NKOSI:** It is just unfortunate now that I cannot quite remember why exactly. But I can still stand by my

statement that says if Mampane wanted to go there, he did not need me or my permission.

**ADV CHASKALSON SC:** No, Mampane, I am sure, could make his own arrangements with Mr Motsumi. But what we are interested in is why, on this occasion, you sent an invitation to Mr Mampane from Mr Motsumi. Did you meet with Mr Mampane on that day?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** So who was he with? Who did he  
10 meet with? Did you, Sergeant Mphela, and Sergeant Moraka all meet with Mr Mampane?

**SERGEANT NKOSI:** Sergeant Mphela came later. Myself and Sergeant Moraka were on bikes.

**ADV CHASKALSON SC:** Yes. And so, if I understood your evidence yesterday correctly, Sergeant Mphela was just there to collect you in a car?

**SERGEANT NKOSI:** That is correct.

**MR NGOATO:** Just, sorry, just before we go too far, I just wanted to get clarity. I did not want to disturb his line of  
20 questioning, but just for clarity, at page 940, did Mr Chaskalson refer to the gate pass as an invitation? Is that, did I get it clear?

**ADV CHASKALSON SC:** Yes, I was referring to the gate pass. So if you want, if I must clarify it as a gate pass rather than an invitation, I am happy to do that.

**MR NGOATO:** Okay, because on page 940 is a gate pass code, not an invitation, but repeatedly I heard the word invitation been used.

**ADV CHASKALSON SC:** It is a gate pass code sent from Mr Motsumi. Can we go to page 741. You will see that the day after this meeting, to which you all gained access with gate passes from Mr Motsumi, you call, Mr Mampane calls you twice, 941. He calls you at 2:34 and then at 2:35. And then at 2:38, he sends you an image and he says:

10                   “Please buy the one with the  
                          toothbrush.”

**SERGEANT NKOSI:** Which page?

**ADV CHASKALSON SC:** It is 941.

**ADV KHUMALO SC:** I think you might have confused them. You said 741.

**ADV CHASKALSON SC:** Oh, 941. I am sorry, 941. He says:

                          “Please buy the one with the  
                          toothbrush.”

20                   Do you remember what he was referring to?

**SERGEANT NKOSI:** Yes, I remember.

**ADV CHASKALSON SC:** What was it?

**SERGEANT NKOSI:** Okay, I was going to see or to visit Mr Mampane on that day. Then he phones me first, he said I must pass there by Clicks because he is got a gum problem.

So there is this toothbrush, it goes with the gel. It is 495 in Clicks. So he said to me, I must buy him that gel. Then he sent this message and said, please buy the one with toothbrush. It is an electric toothbrush.

**ADV CHASKALSON SC:** So he wanted you to buy an electric toothbrush that would deal with gum problems.

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** Did anybody else who was at that meeting, or before we get there, your message back at 3:29  
10 just says “code”. Why are you saying “code” to him? What did you mean? Did he give you a card or something, or did he send cash on e-wallet that you needed a code for his toothbrush?

**SERGEANT NKOSI:** Okay, code, I was referring to the gate pass as he is staying in the estate.

**ADV CHASKALSON SC:** Oh, so you were then going to take the toothbrush to him at his estate. Is that what was going to happen?

**SERGEANT NKOSI:** Maybe, I do not know if I, I will be  
20 putting it right when I say, to rectify your statement when you say putting in, taking in the toothbrush to the estate as in my plan was to buy that toothbrush and take it to his estate. I was on my way there. I was on my way to visit him there, then he said to me, can you please buy this one. He said, I must buy. So it is not like I came on my way to

take the toothbrush to Mr Mampane.

**ADV CHASKALSON SC:** I see. And then of course at 3:31 in chat 6, he does send you a code. He sends you a code. I presume that that estate is where he lives.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So you had met him the day before at Mr Motsumi's estate, and then the next day you met him again. Do you recall why you were meeting him twice in two days?

10 **SERGEANT NKOSI:** I would not recall exactly why, because I did not meet him once. Mampane is someone that we regularly visit each other, so I do not ...[incomplete].

**ADV CHASKALSON SC:** So you frequently meet Mr Mampane?

**SERGEANT NKOSI:** Not that frequent, but ...[intervenes].

**ADV CHASKALSON SC:** Enough times not to be able to remember one from the other?

**SERGEANT NKOSI:** Not enough times, yes.

20 **ADV CHASKALSON SC:** Did he pay you back for the toothbrush? I mean, did you give him a receipt and get paid back by him, or was this just a gift to him from you?

**SERGEANT NKOSI:** I cannot remember, but I do not think a toothbrush is something that can be refunded, but I cannot remember.

**ADV CHASKALSON SC:** Did anybody else who you met the previous day ask you to buy anything for them?

**SERGEANT NKOSI:** I cannot remember.

**ADV CHASKALSON SC:** If you go to page 780.

**SERGEANT NKOSI:** Which file?

**ADV CHASKALSON SC:** 7880 of the, it would be file 2, 2 of 4. And you will recall that the entry pass for that meeting started at, the entry code, access code, was 2:30. At 4:10, Sergeant Mphela sends you pictures of school uniforms.

10 Can you see that on the bottom of 780, going over to 781?

**SERGEANT NKOSI:** Yes, I see it.

**ADV CHASKALSON SC:** Why did he send those to you?

**SERGEANT NKOSI:** You are saying now, why did Mr Mphela send me?

**ADV CHASKALSON SC:** Yes, on the day of your meeting at Mr Motsumi's estate, after the meeting he sends you a WhatsApp, three WhatsApp's of what appear to be school uniforms.

**SERGEANT NKOSI:** Yes.

20 **ADV CHASKALSON SC:** Why did he do that?

**SERGEANT NKOSI:** No, he was sending me the school uniform that he showed me, that he bought his children this school uniform. Then I respond, keep it up, be a responsible dad.

**ADV CHASKALSON SC:** Well, that response comes on

Father's Day, which is almost a month later. You see, that is on the 15<sup>th</sup> of June, which is actually Father's Day, and in fact, that message, "keep it up, be a responsible dad", is a message that you have sent to a lot of people, because, I mean, I think I should say one of the things that is very clear to me from having looked at your chats is that you take fatherly responsibilities very seriously, and you want all of your friends to do that. Would that be correct? I am not trying to catch you out here. One of the things that  
10 struck me is that you are constantly advising friends to take their responsibilities as fathers seriously.

**SERGEANT NKOSI:** I take that?

**ADV CHASKALSON SC:** Well, you do it a lot. It is a distraction from the task at hand. What I, all I want to say now is that meeting on the 15<sup>th</sup> of June is not a direct response to the school uniforms on the 19<sup>th</sup> of May.

**SERGEANT NKOSI:** Okay. Yes, I see that.

**ADV CHASKALSON SC:** So again, why did he send you pictures of school uniforms on the 19<sup>th</sup> of May?

20 **SERGEANT NKOSI:** Myself and Mphela, our children go to the same school together, one. Each time we usually discuss about the school uniform, the classes that they must attend after hours. I cannot remember on here on why, but I can confirm that it was on those basis.

**ADV CHASKALSON SC:** And he did not expect you or

anybody else to pay for those school uniforms?

**SERGEANT NKOSI:** Can you repeat that?

**ADV CHASKALSON SC:** He did not expect you or anybody else to buy those school uniforms for him?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Has Mr Mampane ever paid you?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** What did he pay you for?

**SERGEANT NKOSI:** I do not understand your question in  
10 that sense are you referring to a pay.

**ADV CHASKALSON SC:** Well, has he ever paid you money?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And what was that for?

**SERGEANT NKOSI:** Okay, it was not exactly for myself, but maybe for my brother. Maybe they would want security escort or, yes, and then they would say, can you talk to your brother who owns a security company, and then he would be given that quote, and then he get his money. He  
20 give me money on those basis.

**ADV CHASKALSON SC:** And when has he paid your brother through you?

**SERGEANT NKOSI:** He usually give me maybe cash, and you will give him.

**ADV CHASKALSON SC:** Cash?

**SERGEANT NKOSI:** Ja.

**ADV CHASKALSON SC:** But the question is when. How often does he pay? When, on which occasions, do you remember?

**SERGEANT NKOSI:** It depends on the occasions. Maybe he would want to use him or not.

**ADV CHASKALSON SC:** No, no, but how – or let us ask it this way. How often has he paid your brother?

**SERGEANT NKOSI:** I cannot remember.

10 **ADV CHASKALSON SC:** And does he always pay you in cash when he wants you to pay his brother for security?

**SERGEANT NKOSI:** Sometimes he pays him, sometimes he pays me.

**ADV CHASKALSON SC:** No, no, I understand. We are talking about occasions where he pays you for the purposes of on paying to your brother, but does he always do that ...[intervenes].

**SERGEANT NKOSI:** Mostly he pays in cash.

20 **ADV CHASKALSON SC:** Why would he pay cash to you if he wants to pay your brother?

**SERGEANT NKOSI:** I am the point of contact. Maybe by the time he cannot get hold of my brother, and then he said hey man, I am looking for so-and-so, I cannot get hold of him, and we will find that by the time I am with him. Then it happens if I would find him later, I will convey the message.

**ADV CHASKALSON SC:** Does he know your brother's bank account number?

**SERGEANT NKOSI:** I do not know.

**ADV CHASKALSON SC:** Has he ever paid your brother into his bank account when he engages your brother for security services? Does he not pay into the bank account?

**SERGEANT NKOSI:** I am not sure about that, but that is my brother's business. Sometimes we will communicate directly. So the only time they would communicate with me  
10 was when I am in the vicinity.

**ADV BALOYI SC:** This business of your brother, it is a, you say it is a security company.

**SERGEANT NKOSI:** That is correct.

**ADV BALOYI SC:** So it has its own staff, that if he cannot get hold of your brother, he is able to call the other people in the business to get a quotation, to get the service.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So why does he do that through you? Why, if he cannot find your brother, does he call you,  
20 not the business?

**SERGEANT NKOSI:** No, I think it is a matter of he knows that it is my brother, and I am the right person at the particular time to get hold of him, even though my brother's company's got its logistics and its own people who are working there, so.

**ADV BALOYI SC:** Do you have anything to do with your brother's business? Are you a partner? Are you in any way associated with that business?

**SERGEANT NKOSI:** No, I am not a partner.

**ADV BALOYI SC:** Are you involved with that business at all?

**SERGEANT NKOSI:** I cannot be saying maybe I am involved or not involved. As my brother I do want what is best for him. I do knock on doors for him that hey, let my  
10 brother get something as well for himself to survive. So I am only involved on those basis, where I can engage, I am able to make few calls. If he is lucky, he gets. If he is not, he does not. So I think it is on those basis.

**ADV BALOYI SC:** Yes, I do not have difficulty with appreciating that as a brother you would open, you would be involved in help him open doors. What I do not understand is if this is a serious business with its own infrastructure and people, and address why it is that Mr Mampane would call you, why it is you would give him a  
20 quotation, why it is that he would pay you on those times that you say it has happened. I do not understand that. Otherwise your brother's business is not a serious business, or you are more involved in it than you are telling us.

**SERGEANT NKOSI:** Thank you, Commissioner. I have got no reason to deny my brother's company or to deny his

business. Sometimes it is not the matter of I am the one who is giving quotes. They have worked previously, they know that for this job is this much. So automatically I will be the one at that particular time, so because of it is a norm, they know, both of them, then I will take it from there.

**ADV BALOYI SC:** Thank you. Thank you, Mr Chaskalson.

**SERGEANT NKOSI:** Sorry, Chair, I am a bit, you know, this water, I am sorry.

**CHAIRPERSON:** Let us adjourn.

10 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV CHASKALSON SC:** Sergeant, now this company of your brother that you are talking about, is that Ngaphesheya?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And is your brother sort of known as Bheki?

**SERGEANT NKOSI:** That is correct.

20 **SERGEANT NKOSI:** Has Mr Mampane ever paid you for your own services as opposed to using you as a conduit to your brother?

**SERGEANT NKOSI:** Can you repeat that, Commissioner?

**ADV CHASKALSON SC:** So you have said that Mr Mampane sometimes gives you money that he wants you to pay on to your brother because he wants your brother's

company's security services.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** But does he ever give you money for yourself?

**SERGEANT NKOSI:** For myself?

**ADV CHASKALSON SC:** Yes, does he ever just pay you for you to keep, not to give to your brother?

**SERGEANT NKOSI:** No, for what? I do not think so.

**ADV CHASKALSON SC:** So he has never paid you for  
10 money to keep for yourself?

**SERGEANT NKOSI:** No, for my brother.

**ADV CHASKALSON SC:** It is always for your brother?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And when you get the money from Mr Mampane, it is usually given to you in cash, is it not?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And do you hand it over immediately to your brother? Do you keep it for a while?  
20 What is the arrangement between you and your brother?

**SERGEANT NKOSI:** Sometimes I keep it.

**ADV CHASKALSON SC:** For how long do you keep it?

**SERGEANT NKOSI:** Until I give it to him.

**ADV CHASKALSON SC:** And he presumably knows what it is that you owe him, because he is dealing with Mr

Mampane. So if Mr Mampane gives you R10,000.00 in cash, your brother will ultimately know that you are holding R10,000.00 for him and if he wants it back he can ask you for it.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And do you just keep the money in cash until your brother asks for it? You do not deposit it into his account?

**SERGEANT NKOSI:** No, I keep it cash sometimes.

10 **ADV CHASKALSON SC:** Do you know your brother's account?

**SERGEANT NKOSI:** I do not know it by heart, but I know that it is called ABSA and FNB.

**ADV CHASKALSON SC:** But presumably you have made payments to your brother's account before. You have the, and I am not asking you to recite the bank account details, but you have access to the bank account details, so that you, if you want to transfer money to your brother you know you can do that.

20 **SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Can I take you to page 402. Sorry, it is 402 of file 2, 2 of 4.

**SERGEANT NKOSI:** Where?

**ADV CHASKALSON SC:** 402.

**MR NGOATO:** Sorry, I am struggling to get the 402 on file.

**ADV CHASKALSON SC:** File 2 of 4.

**ADV KHUMALO SC:** Mr Chaskalson, it is 404.

**ADV CHASKALSON SC:** 404, I am sorry.

**ADV KHUMALO SC:** 404.

**ADV CHASKALSON SC:** I am sorry, I apologise. 404. I am sorry, I have directed you to the wrong file. 402.

**MR NGOATO:** [Indistinct]...

**ADV CHASKALSON SC:** File number 4 at page 402.

**MR NGOATO:** Is that the bank statement?

10 **ADV CHASKALSON SC:** Yes, it is the bank statement file. It i's displayed just up on the screen, if it would be more convenient to look at it that way. Do you have it?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** If you go to the fourth transaction from the bottom of the page, you will see that on the 3<sup>rd</sup> of May 2024, there was a R12,500.00 payment to you with the reference "Firstrand Mampane".

**SERGEANT NKOSI:** Yes, I see that.

**ADV CHASKALSON SC:** What was that payment for? Or  
20 let me ask first, is that a payment by Mr Mampane?

**SERGEANT NKOSI:** Yes, that is correct.

**ADV CHASKALSON SC:** And what was he paying you for?

**SERGEANT NKOSI:** I cannot remember.

**ADV CHASKALSON SC:** I have tried to see if there are any payments coming out of your account. Well, if the

payments coming out of your account could be payments to your brother in an amount of R12,500.00, but there is nothing that adds up to R12,500.00 after that. So can we assume that this was not a payment for your brother's security services? Can we assume it was not a payment for your brother's security services?

**SERGEANT NKOSI**: No.

**ADV CHASKALSON SC**: No, we cannot? It was not, or it was?

10 **SERGEANT NKOSI**: It was.

**ADV CHASKALSON SC**: It was?

**SERGEANT NKOSI**: Yes.

**ADV CHASKALSON SC**: So where did you transfer this money to your brother?

**SERGEANT NKOSI**: I did not transfer it.

**ADV CHASKALSON SC**: So how did you pay your brother back?

**SERGEANT NKOSI**: There are possibilities that I might have had.

20 **ADV CHASKALSON SC**: What are the possibilities?

**SERGEANT NKOSI**: I might have had cash from me.

**ADV CHASKALSON SC**: R12,500.00 of your own cash?

**SERGEANT NKOSI**: Can maybe I answer that. It might show that I might have not taken out R12,500.00 for my brother, but I just assume that at that particular time I might

have had cash in my possession.

**ADV CHASKALSON SC:** Are you often in possession of R12,500.00 or more in cash that is your own cash?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Where do you get this cash from?

**SERGEANT NKOSI:** I get it from my side hustles on weekends.

**ADV CHASKALSON SC:** Sorry, you get it?

**SERGEANT NKOSI:** From the side hustles.

10 **ADV CHASKALSON SC:** And who pays you this cash?

**SERGEANT NKOSI:** The people at the time that I provide my services. It might be a matric dance, bike event where maybe they will want, there is tombstone, they want bike entertainment. Sometimes I do team buildings.

**ADV CHASKALSON SC:** So you have a business on the side that involves bike entertainment, team building, and which is essentially a cash business?

**SERGEANT NKOSI:** It is not a business *per se*, it is a side hustle.

20 **ADV CHASKALSON SC:** Well, not a formal business, but you make money from these team building and cycle entertainment services that you provide to people?

**SERGEANT NKOSI:** And boat ride, yes.

**ADV CHASKALSON SC:** Do you and your brother keep any system of accounts in relation to these monies that get

paid to you for your brother's purposes?

**SERGEANT NKOSI:** Can you repeat that?

**ADV CHASKALSON SC:** So your brother has a business, a security business?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** I have seen evidence that that business does fairly substantial turnover. It is not, I mean it is a business that I would imagine does a turnover that runs into millions of rands, not thousands of rands. Is that  
10 a fair assessment?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** Now, I presume it has got a proper set of accounts for the business?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So how are these sorts of transactions where cash just gets paid to you to hold for your brother, how are they reflected in your brother's accounts? Do you get given receipts when you pay over R12,500.00 to your brother?  
20

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Is there any accounting record of the R12,500.00 payment that you might make to your brother?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** And as between you and your

brother, how do you keep track of all of this?

**SERGEANT NKOSI:** Maybe he might, or he does record them somewhere, but I am not aware of, but based on our communication, that is our record.

**ADV CHASKALSON SC:** Sir, but you have no record of any of that?

**SERGEANT NKOSI:** Like if it is paid, let us say on Thursday, I meet him next week Monday, I will tell him where does it come from.

10 **ADV CHASKALSON SC:** Yes, but we have seen in relation to the sale of a truck that you had R385,000.00 of your brother's money for months. So it is not always Thursday to Monday, it is sometimes months at a time. Is that not true?

**SERGEANT NKOSI:** Can you repeat that?

**ADV CHASKALSON SC:** You recall that there was cash found in your safe, I do not want to deal with that in any detail now, which you say was not your money, R385,000.00 I think. It was not your money, it was your brother's money, cash.

20 **SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And your version was that that cash had been in your safe for months. Is that not correct?

**SERGEANT NKOSI:** No, that is not correct.

**ADV CHASKALSON SC:** Okay, well, let us not go there now. I intend to go there in some detail later. How long did

you hold that money in your safe for your brother?

**SERGEANT NKOSI:** Two or three days.

**ADV CHASKALSON SC:** Only two or three days?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** And the longest you hold cash for your brother?

**SERGEANT NKOSI:** It depends.

**ADV CHASKALSON SC:** You see, I just do not understand this arrangement. I mean, if your brother comes up to you  
10 and says, give me the R13,000.00 that you owe me, or give me the R8,000.00 that you owe me, how do you keep track of what you actually owe your brother if you do not have any records of it?

**SERGEANT NKOSI:** I keep it in my head.

**ADV CHASKALSON SC:** So you just remember you have got a running total of what you owe your brother, your brother owes you, sorry, you owe your brother at any given moment. Let us move to something else involving Mr Mampane. Can you go to page 932.

20 **SERGEANT NKOSI:** On which file?

**ADV CHASKALSON SC:** Of the, the last file, file 3 of the new files, 932. There you will see that on the 30<sup>th</sup> of April last year, at 11:56, you sent Mr Mampane a long set of, a long list, pages that go on, I think, a list that goes on for I think 15 pages. Do you see that?

**SERGEANT NKOSI:** Yes, I see that.

**ADV CHASKALSON SC:** What was that list? Do you recall what that list was? I mean, do you want me to show you the list, or do you recall immediately what it was?

**SERGEANT NKOSI:** Maybe you can show me once and then we will move.

**ADV CHASKALSON SC:** So if we go to page 980, you will see the list.

**SERGEANT NKOSI:** Okay, now I recall.

10 **ADV CHASKALSON SC:** So what it is, is it is a list of bidders for a Tshwane Municipal Police Department tender, tender 3/2004.

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** And it has not only the bidders, but also their prices. And it is a list of hundreds of bidders who have bid for this contract with all of their prices. You see that?

**SERGEANT NKOSI:** That is correct.

20 **ADV CHASKALSON SC:** Why did you send this list to Mr Mampane?

**SERGEANT NKOSI:** Because he also, okay, it was the list of the people who applied. I sent it to him after it was a public document, because of once it is captured, then it becomes a public document. So I sent it to Mr Mampane because of he already knew that there was this thing that

was coming at Tshwane.

**ADV CHASKALSON SC:** Sorry, I mean there is a lot that I would like to follow up on there, but my question is why did you send it to Mr Mampane? We will get to where you got it from, whether it was a public document later, but why did you send it to Mr Mampane? Why did you send it to Mr Mampane? I think my microphone was off.

**SERGEANT NKOSI:** Because he had applied for that tender.

10 **ADV CHASKALSON SC:** Through which company?

**SERGEANT NKOSI:** I do not know.

**ADV CHASKALSON SC:** I think you do.

**SERGEANT NKOSI:** Why do you say that?

**ADV CHASKALSON SC:** Because I think you know that you saw most of the documents inside the tender process before the tender was awarded. You deny that you saw documents from inside the tender process before the tender was awarded? I need a yes or a no there.

**SERGEANT NKOSI:** No.

20 **ADV CHASKALSON SC:** No, you say. We will get there probably only tomorrow. But let us take a look at that list back at page 980. The sixth name on that list is Elshadai Security Services.

**SERGEANT NKOSI:** 900 and what?

**ADV CHASKALSON SC:** 980.

**SERGEANT NKOSI:** 980 on the same document?

**ADV CHASKALSON SC:** Same document, yes, 980. If you look, each bidder has a number. Number 6 is Elshadai.

**SERGEANT NKOSI:** Okay.

**ADV CHASKALSON SC:** What do you know about Elshadai?

**SERGEANT NKOSI:** I do not know anything.

**ADV CHASKALSON SC:** I think that is not true. You stand by that answer? What do you know about Elshadai?

10 **SERGEANT NKOSI:** I do not know anything.

**ADV CHASKALSON SC:** Is it not true that Elshadai and Ngaphesheya were the two bidders who you, Mr Mnisi, and the Deputy Head of the TMPD, Mr Dlamini, who is described as “General undercover” in your chats, were those not the two bidders that you decided were going to win this tender?

**CHAIRPERSON:** What is the second name in addition to Elshadai, Mr Chaskalson?

**ADV CHASKALSON SC:** Ngaphesheya, his brother's company, Sergeant Nkosi's brother's company.

20 **CHAIRPERSON:** Okay. Your answer, Sergeant Nkosi?

**SERGEANT NKOSI:** No, that is not true.

**ADV CHASKALSON SC:** It is not true?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** It is not true?

**SERGEANT NKOSI:** It is not true.

**ADV CHASKALSON SC:** Did you have any communications with Mr Mnisi and undercover General Dlamini in relation to Ngaphesheya and Elshadai?

**SERGEANT NKOSI:** Not Elshadai, but Ngaphesheya, ja.

**ADV CHASKALSON SC:** So you spoke, you say you spoke about Ngaphesheya, but not about Elshadai?

**SERGEANT NKOSI:** That is correct.

**CHAIRPERSON:** Oh, so the name is Ngaphesheya.

**ADV CHASKALSON SC:** Ngaphesheya. And at no stage  
10 you suggested that Elshadai should also get the contract?

**CHAIRPERSON:** Your response?

**ADV CHASKALSON SC:** Your answer?

**CHAIRPERSON:** Oh, sorry. Sorry. Yes, yes, yes, Mr Chaskalson.

**ADV CHASKALSON SC:** Bear with me. I was not planning to get there today, but I was planning to get there tomorrow. Give me a minute. I will show you where you spoke to them.

**CHAIRPERSON:** Do you want to say something, Sergeant  
20 Nkosi?

**ADV CHASKALSON SC:** Do you want to reconsider your answer before I get there?

**SERGEANT NKOSI:** Ja, no, I think you may get there, but I am pressed a bit.

**ADV CHASKALSON SC:** I will get there quickly. Go to

page 148.

**SERGEANT NKOSI**: Listen ...[indistinct] [cross-talking]

**CHAIRPERSON**: Sergeant Nkosi is having ...[intervenes].

**SERGEANT NKOSI**: I have been holding ...[indistinct].

**CHAIRPERSON**: Sergeant Nkosi, you are a young man. You cannot be pressed this many times.

**SERGEANT NKOSI**: But you know, you know why, it is this medication. I drink more water, more water that they cause me to, I am sorry, Commissioner, it is about that.

10 **CHAIRPERSON**: Let us adjourn. Let us adjourn.

**SERGEANT NKOSI**: I am sorry, I am sorry.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: I trust that was the last one until 4 o'clock. Thank you.

**ADV CHASKALSON SC**: Sergeant, if we go to 148, this is a printout of the chats between yourself and Mr Mnisi and what I need to explain, 148, what I need to explain before we get into the individual chats, that this printout is done on  
20 the software ...[intervenes].

**CHAIRPERSON**: Which file, sorry, sorry?

**ADV CHASKALSON SC**: File 1 of 3. If you go to page 1 of that file, file 1 of 3.

**MR NGOATO**: It is file 1?

**ADV BALOYI SC**: It is file 1.

**ADV CHASKALSON SC:** Yes.

**MR NGOATO:** And that is page 148? Is it page ...[intervenes].

**ADV CHASKALSON SC:** We will start on page 1 because I need to explain what the times mean. Actually, let us go to 148. I will ask Ms Pooe just to display page 1 because I can make my point that way. You do not need to see it. Well, you do not need to see it in front of you. So if you can go to 148 in the meantime.

10           So, you will see that this chat report has a case time zone that says UTC, and UTC is Greenwich Mean Time. So when you see a time anywhere in this chat, you need to add 2 hours to that time to turn it into South African time. So if one looks at the first chat, it says it was at 2:47:44 pm. In actual fact, in South African time, it was at 4:47 pm. So when we are looking at chats together with other chats on this printout, you need to add 2 hours.

          If we go then to page 148, and you will see that on the 11<sup>th</sup> of March, on the report time 1:21, which was 3:21  
20 pm, so it says 1:21 pm, you say, and this is a chat, a message from you to Mr Mnisi:

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

are Ngaphesheya Security Services,  
Elshadai Security Services. Have a  
blessed Sunday and lots of love.”

You remember sending that message?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** So what are you saying to Mr  
Mnisi in this message?

**SERGEANT NKOSI:** Okay, maybe to take the Commission  
a bit back, because from Mr Chaskalson's previous  
10 statement that myself and Mr, General Dlamini undercover,  
and Mr Mnisi, right Mr Chaskalson?

**CHAIRPERSON:** Please pick up, Sergeant Nkosi.

**SERGEANT NKOSI:** Oh. Maybe to take the Commission a  
bit back, to explain how did it come to be on this chats.  
There is, according to Mr Chaskalson that there is General  
Dlamini and the CFO of Mpumalanga. Now, I want to come  
to the time where this thing arose about.

I approached General Dlamini, who is a father  
figure to me, but even though I saved him as a General, but  
20 I was, once stayed his place as a young man when I was  
growing up. So as a result it happened that when my  
brother started to register the company, Ngaphesheya, I  
approached him and said, can you intervene, there is a bid  
that was advertised at Tshwane, can you not help my  
brother?

His response was it will be a contradiction of his work, he cannot get directly or indirectly involved. He would then refer me or my brother, not exactly me but my brother, to someone who is a document expert when it comes to tenders. I referred my brother there, I gave him the numbers of that particular person that was mentioned to me by the General.

Then, as a result, my brother and that particular person whom was attached to him, they started to  
10 communicate about the said documents and project. So now, as a result, then the General came back to me. Before he came back to me, there is now a city of Tshwane that now is ...[indistinct] the one that Mr Chaskalson alleging that we arranged before the bid was even closed.

There is Mr Mnisi who does not even sit on that tender, who does not even influence that tender, who is my friend. Then it happened that after my brother and that person was referred to as Nico agreed or finalised their documents, he sent them to me, he said, show it to the CFO  
20 that indeed these are the requirements. These are the companies that have got relevant requirements. So this chats it emanates from there.

**ADV CHASKALSON SC:** Sorry, are you saying that General Dlamini had nothing to do with this?

**SERGEANT NKOSI:** No, he had nothing to do with it.

**ADV CHASKALSON SC:** You see, that is also false, because if you go to 512 of the same file, sorry, of file 2, 512, do you have it?

**SERGEANT NKOSI:** That is correct.

**ADV CHASKALSON SC:** You will see that that text that I read out to you for the first time that you sent to Mr Mnisi was actually a text that you forwarded to Mr Mnisi from General Dlamini himself. On the 9<sup>th</sup> of March, two days before you forwarded it to Mr Mnisi, he sends you that  
10 message.

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

So he sends you that message. You then forward it on to Mr Mnisi. But in fact his involvement goes much further than that. If you go down two chats to chat number  
20 3, he then sends you a list of seven companies and underneath that, and this is now on the 11<sup>th</sup> of March, underneath that he explains what this list is.

“Afternoon, Captain. I trust you are well and your family. The above is from the Red Berets. Please check

with Mfowethu.”

Mfowethu is Mr Mnisi, is it not?

**SERGEANT NKOSI:** Hm.

**ADV CHASKALSON SC:** You are nodding your head. That is a yes?

**SERGEANT NKOSI:** Yes, yes.

**ADV CHASKALSON SC:** -:

“Please check with Mfowethu ...”

Mr Mnisi.

10 “... if it is the same with his, from CIC  
(Juju) to verify the authenticity.”

So he is saying, he initially gave you two vehicles for land, two companies and then he had a conversation with people purporting to represent the EFF. They gave him a list of seven more companies who were supposed to get this tender and he says, please ask Mr Mnisi to check with Mr Malema to see if those seven companies are the correct companies that EFF wants to get this tender. Is that not what is going on?

20 **SERGEANT NKOSI:** Where is Mr Malema appearing?

**ADV CHASKALSON SC:** I think CIC Juju means Mr Malema. Is that not right?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** Who is CIC Juju of the Red Berets?

**SERGEANT NKOSI:** Okay, I think, I think, I think in this matter, the General was sending me this message to send it to the CFO so that he must verify, because there was a name dropping about this kind of project, so that he must verify that indeed this belong to, this company belongs to the CIC Juju.

**ADV CHASKALSON SC:** No, I am not suggesting that the companies belong to Mr Malema, and I do not think the message conveys that at all. What the message conveys is  
10 that the EFF have put forward a list of seven companies to get this tender to General Dlamini and he wants Mr Mnisi to check that the people who claim to represent the EFF, who have given him those seven companies, do in fact represent the EFF. And how he suggests Mr Mnisi should check that is by contacting Mr Malema.

**ADV KHUMALO SC:** Mr Chaskalson, maybe to be fair, a reference to the EFF, you gleaned that from Red Berets in that chat.

**ADV CHASKALSON SC:** Indeed. Is Red Berets not a  
20 reference to the EFF?

**ADV BALOYI SC:** In fact, Mr Chaskalson, that text, as I understand it, or the way I read it, it requires the CFO to verify that this list is the same as his, that is the CFO's, from the CIC Juju.

**ADV CHASKALSON SC:** That is how I read it as well. Is

that how you read it at the time, Sergeant?

**SERGEANT NKOSI:** Yes.

**ADV CHASKALSON SC:** What you then did is you forwarded those two messages to the CFO. That we see at page 148. So at the foot of 148, it is in file 1, not file 2, you see that on the 11<sup>th</sup> of March, you forwarded first at 3:21, which is recorded as 1:21, at 1:21:43:266, or you forwarded everything at once actually. The second of those three messages is the list of seven companies that  
10 undercover General Dlamini had given to you as coming from the Red Berets.

And immediately below that, you forwarded his message to you, which says:

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

So you have now forwarded those two messages to  
20 the CFO. What then happens is about a week later, at the foot of page 152, you send a message to the CFO. That is on the 18<sup>th</sup> of March and in your message to the CFO, you stand firm. It says:

“Ngaphesheya Security Services and Elshadai Security Services.”

So you are saying only two and these two. Is that not correct? I saw you nod again for the record. We need you to say yes.

**SERGEANT NKOSI:** Can you repeat that so that I must respond correctly?

**ADV CHASKALSON SC:** As I understand this message that you sent on the 18<sup>th</sup> of March at the foot of page 152, you are standing firm on your initial position, which is that it is only those two companies, your brother's company and  
10 Elshadai Security Services, that should get this tender.

**SERGEANT NKOSI:** I deny that.

**ADV CHASKALSON SC:** You deny that. What was the purpose of sending, what did you mean by sending to the CFO on the 18<sup>th</sup> of March a message that just said Ngaphesheya Security Services and Elshadai Security Services?

**SERGEANT NKOSI:** Okay, my understanding or what really transpired is, after I gave my brother Victor, not Victor, the one who was supposed to help them with the  
20 document about this tender, right, I believe now the same person that helped my brother to be compliant with all of his documents, he was also doing the Elshadai document. So as a result, when it was done, my General sent it to me to send it to the CFO to verify if indeed those companies were compliant. That was according to my understanding.

**ADV CHASKALSON SC:** We will come back to that tomorrow because I think you know that certainly your brother's company was nowhere near compliant. It had at least six different manifestly non-compliant features, all of which were pointed out to you by the CFO, I think, or possibly by General Dlamini. And they were only pointed out after this message was sent. Do you admit that?

**SERGEANT NKOSI:** That is not true.

**ADV CHASKALSON SC:** Well, we will get there tomorrow.  
10 But for now, what I want to take you to is the CFO's response to your message. That is at page 154.

**ADV KHUMALO SC:** I think maybe, Mr Chaskalson, to be fair, in 152, before he gives Ngaphesheya and Elshadai, CFO had said about four, just three chats from the bottom. And then his response then follows that call. I think that say about four actually refers to when the CFO is going. So if you look at the preceding chat:

“Mfowethu, I will go just now, say about four.”

**ADV KHUMALO SC:** Okay.

20 **ADV CHASKALSON SC:** And it is sent at, remember the 1:37 actually means 3:37 and 1:41 means 3:41.

**ADV KHUMALO SC:** Ja, thank you.

**ADV CHASKALSON SC:** So at the top of 144, the CFO writes to you, 154, the first message on 154. On the 21<sup>st</sup> of March, on Sharpeville Day, the CFO writes to you saying,

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

What was he saying there?

**SERGEANT NKOSI**: I cannot really remember or recall but ...[incomplete].

**ADV CHASKALSON SC**: Well, let me suggest to you what it looks like to me. You recall how this all started. General  
10 Dlamini gives you two companies who are the chosen vehicles for this tender. You forward that to the CFO. General Dlamini then gives you seven other companies that he says are what the Red Berets want for this tender. And he says, ask the CFO to check out with CIC Juju if this list is correct.

You then send a message which goes back to the original two, Ngaphesheya, which is your brother's company, and Elshadai. The CFO then says to you, a few days later:

20 “I had a meeting with Action SA and EFF yesterday, telling me to submit five is an insult and did not sit well with me.”

So what he is saying is, there were two. We got a list from EFF saying add another seven. We came back and

said two. I met with EFF and Action SA, they said five, and that was an insult. Is that not what is going on?

**SERGEANT NKOSI:** No.

**ADV CHASKALSON SC:** What is going on? I mean, these are your messages.

**CHAIRPERSON:** Your voice has suddenly gone down there, Sergeant Nkosi.

**SERGEANT NKOSI:** No, it is not that maybe my voice has gone down because I am frustrated by the questions. My  
10 voice has gone down because my mind is blocked. I am tired, Commissioners. I am tired.

**ADV CHASKALSON SC:** Chair, we have a long way to go on this topic tomorrow. So can I suggest, it is after 4, we should take the break.

**CHAIRPERSON:** Let us adjourn and resume at 9:30 tomorrow morning.

**SERGEANT NKOSI:** Thank you.

**INQUIRY ADJOURNS TO 19 MARCH 2026**

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