

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

30 APRIL 2026

DAY 99



PROCEEDINGS ON 30 APRIL 2026

CHAIRPERSON: Good morning, Mr Sikhakhane.

ADV SIKHAKHANE: Good morning, Chairperson and the Commissioners.

CHAIRPERSON: Good morning. Please place yourselves on record so we can hear your names.

MR NKOSI: Thanks, Commissioners. Good morning. My name is Sibusiso Nkosi. I am from Nkosi SP Inc. I am acting on behalf of Mr Malatji, the witness for today.

10 **COUNSEL:** Good morning, Commissioners. I am Ms ...[indistinct] my initials are MM and I am Counsel for Mr Malatji.

CHAIRPERSON: Oh, so you will be speaking to us, or who will be, who will be speaking?

COUNSEL: He will be leading today, Commissioner.

CHAIRPERSON: He will be.

MR NKOSI: Okay, Commissioner, maybe let me clarify that for a second. She was only engaged from yesterday. But just for the proceedings of today, I will be leading for today
20 only.

CHAIRPERSON: All right. No ...[intervenes].

MR NKOSI: Thanks, Commissioners.

CHAIRPERSON: Thank you. I am trying to remember your rank, Mr Malatji. You are Director, hey? Director. Good morning, Director Malatji. Yes, last time, did we say you

were excused or not really? We did? Perhaps let us take the oath again. Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say, “So help me God”. Your mic is off.

COMMISSIONER MALATJI: So help me God.

TSHUKUDU MALATJI (duly sworn states)

CHAIRPERSON: Thank you, Director.

COMMISSIONER MALATJI: Thank you, Chairperson.

10 Ordinarily, we will start with the evidence of Mr Malatji to continue. However, I have been advised by Mr Nkosi that they intend to raise an issue about, which seems to be a postponement.

CHAIRPERSON: My apologies.

COMMISSIONER MALATJI: Yes, Chair. And that discussion commenced yesterday, but I believe he is going to maybe address the Commission about that postponement.

CHAIRPERSON: Mr Nkosi.

20 **MR NKOSI**: Thanks, Commissioners. Commissioners, yes, indeed, we had some engagements with the gentleman leading evidence yesterday, and also with some other people involved in the Commission to assist in facilitating the process, including the instructing attorneys. Commissioners, with all due respect, we had a serious predicament when we were assisting Mr Malatji to obviously

prepare for the proceedings of today. And well, I saw the email when I was trying to negotiate an agreement, at least for these proceedings of today to adjourn, because we are quite certain that the issues that we are going to bring before this Commission are genuine and are quite substantive for us to be given an indulgence, especially serving in the best interest of Mr Malatji and the Commission as well.

10 So the long and short part of it, Commissioners, we are humbly seeking an indulgence for today, and we are ready to give submissions why we are requesting that indulgence.

CHAIRPERSON: Please do, because thus far you have not stated any grounds. Please do so.

MR NKOSI: Commissioners, after the evidence of Mr Malatji, I think it was the 9th of April, this month, we noted that, of course, there were some questions which were posed to him and from our own observation, we noted that Commissioners were quite not happy. It was our own view
20 as we were assessing the testimony and what transpired on that day.

Of course, Mr Malatji has been given now the second chance just to give the supplement, our supplementary statement, just to clear whatever that came previously. But as we were watching, Commissioner, we

noted that Mr Malatji, our client, was constantly referred to some certain bundle of documents, which we were not in possession of at the time when we were assisting him at that time. Of course, we understand the protocols ...[intervenes].

CHAIRPERSON: Sorry, just to be sure of the timing, when you were assisting him, at what stage exactly, or when exactly?

MR NKOSI: We assisted him briefly when he appeared for
10 the first time, but he came alone, of course. Obviously, we did not anticipate what will transpire when he was giving testimony. But he also gave us an instruction for an advice, especially on what transpired after he gave testimony, Commissioners, and ...[intervenes].

CHAIRPERSON: All right, just to make sure that I am taking everything one step at a time.

MR NKOSI: Correct.

CHAIRPERSON: You also referred to documents that you did not have at the time you assisted him, that from your
20 last response being a reference to before he came to testify. My understanding is that witnesses get bundles of documents before they come to testify, with a few exceptions. When certain documents, which are usually not that bulky, will be given during the testimony of the witness, or sometimes even a day or so before the witness testifies.

So when you refer to documents that you did not have, what exactly are you referring to, because it can be the bundles that the witness would ordinarily have received before coming to testify here.

MR NKOSI: Commissioners, the documents that I am referring to, as I was informed by Mr Malatji, these are the documents which the Commission referred to, which were in possession of the Commission at the time when he was giving testimony previously. And just to make sure that I
10 understand correctly, I wrote an email, Commissioners. It was the 13th of April, where I was very clear to say, I am requesting, among other things which I have indicated in the email, I requested the Commission to furnish the documents which I am talking about, and which we were not in possession of.

I consulted with Mr Malatji, and it transpired, Commissioners, that indeed he was not in possession. I am specifically referring to those that he was being referred to when he was giving testimony. It was the 13th of April. Of
20 course, Commissioner, there is quite a lot which transpired after that, because soon after I have communicated through that email, Mr Malatji received a confirmation from this Commission to say, we have allowed you to have access to your workplace, because one of the issues and which was quite making things difficult for him to give proper answers,

that he was not getting the documents that he needed from his workplace.

We are all aware, Commissioners, he is on suspension and he is currently undergoing a disciplinary process there. And I must safely indicate, Commissioners, that after noting the permission that he was granted to go to his workplace, he obtained whatever documents that he could. Though he had some predicaments, and I think it is fair that I must indicate this, because when Mr Malatji is in
10 management, and all along he is been working through the assistance, especially when it comes to admin issues, because it is a question of throwing some emails, some of which were not specifically written by him, but from his instructions while he was still in active service at work.

But I was astonished to learn that the people that are supposed to help him are being threatened to be charged. But anyway, I am just ...[intervenes].

CHAIRPERSON: What we have always said to witnesses, I am not sure if we said it to Mr Malatji, but I would be
20 surprised if we did not, is that if a witness wants information from their employer and they encounter difficulties, they must seek the assistance of the evidence leaders, and that there is no way that they will not get whatever it is they are looking for.

MR NKOSI: Commissioners, I am taking that point. It is

quite valid, and it is reasonable. What I am indicating, it is within that short period of time. The 14th of April Commissioners was on Tuesday, and then I advised him to say, okay, much as you are having challenges, but at least you have got access ...[intervenes].

CHAIRPERSON: Tuesday, the other week?

MR NKOSI: Yes, that other week. I said, in as much as you are having challenges ...[intervenes].

CHAIRPERSON: And from then, from then, or before then
10 ...[intervenes].

MR NKOSI: Yes.

CHAIRPERSON: Or shortly before then, Mr Malatji would have had the documents that, or at least the bulk of them, that were used during his testimony, or not?

MR NKOSI: No, no, no. From my understanding, as I consulted with him, he was not in possession of that. He only saw the ...[intervenes].

CHAIRPERSON: On the day of testifying?

MR NKOSI: No, except being referred on that time. But he
20 never went back with the hard copies or the document of that sort. He was only, as I was informed by him, Commissioner, he was only referred to those documents, and it ended there. That is why I wrote an email after having a consultation with him to say, furnish us with those documentation.

CHAIRPERSON: [Indistinct]... [microphone off].

MR NKOSI: As it pleases Commissioners.

CHAIRPERSON: Yes, please continue.

MR NKOSI: Yes, Commissioner. So after that, in that week of the 14th, as I indicated, Commissioners, I just requested him to try as much as he can, which he tried, Commissioners. I must safely say that, because he has been constantly indicating to me that, as the day goes, I am able to get some documents there, and that is why I am
10 having some ...[intervenes].

CHAIRPERSON: Did he seek the assistance of the evidence leaders, as I believe I would have indicated he should?

MR NKOSI: Commissioner, he did not seek the evidence. What we agree ...[intervenes].

CHAIRPERSON: If I am mistaken, Director Malatji will just, will correct me, but I would be surprised, I always say that to, especially to witnesses who need documents ...[intervenes].

20 **MR NKOSI**: Commissioner ...[intervenes].

CHAIRPERSON: There will be some who just say they want to supplement their statements and ...[intervenes].

MR NKOSI: Commissioners ...[intervenes].

CHAIRPERSON: And, just a minute.

MR NKOSI: Okay, sorry, sorry.

CHAIRPERSON: And we grant them leave to do so. But with witnesses who require or who need documents, and especially those who are on suspension, I always say, if you encounter any difficulties, seek the assistance of the evidence leader. So I would be very surprised if I did not say the same to Director Malatji. Please continue.

MR NKOSI: Let me address that point, Commissioners. It is not that he was unable to get documents at all. It was going to be easy for him when he liaised with the people
10 that he worked with. But it is not that he was getting zero. He was getting documents, and he was indicating to me. And that is not really the main issue why we are bringing this postponement application.

He managed to source some documents and which were able to assist us when we were trying to assist him anyway. What I am trying to indicate, Commissioners, is that when the week of the 14th came to an end, the Saturday, of course, we have to recollect the information and see how far we are.

20 And Commissioners, at that time, I am requesting the Commission to have an understanding that we do not have a subpoena by that time, though we are aware that it is imminent, it might come any time. That week, starting on the 20th, Commissioner, I had an engagement with him and at that time, Commissioners, we were preparing for an

internal disciplinary hearing, which was scheduled for Friday. Noting that we might ...[intervenes].

CHAIRPERSON: Last Friday?

MR NKOSI: Last Friday, if the week started last week on Monday. Of course, Commissioners, these matters find us when we are attending to other prearranged matters. This is not a secret. But it is not, we always prioritize the work of this Commission, noting the importance of it and the extent of which we are required to cooperate just to assist
10 the Commission in doing its work.

That Monday, 20th, we are noting that because we have not obtained, mainly, the documents that we requested, and we are running out of time, we do not want to find ourselves running when the Commission say come next week and give your testimony ...[intervenes].

CHAIRPERSON: Can you be specific, what documents do you require or did you require?

MR NKOSI: Commissioner, it is ...[intervenes].

CHAIRPERSON: Please itemize them.

20 **MR NKOSI**: There is quite, there were emails. There were some statements. Though I did not get a chance, but I was coming to that, Commissioner, if the Commissioner can allow me to address, I will come to that point. When we realized we do not have time, Commissioners, we were giving the effort. And I must say, Commissioners, that Mr

Malatji has been very much active, showing us that he wants to meet whatever deadline. He did not want to be caught napping. It is not that he was keeping quiet.

Yes, I was a busy man, but I was, you know, helping in as much as I can. Now, noting that we are not going to have enough time, Commissioners, I must say this, I request the City to say, we understand there is an undergoing disciplinary process, and we understand that we need to prioritize it, but remember that you have also not
10 once, not twice, you have requested us to give you an indulgence to accommodate the activities or the directives of this Commission.

I can safely say that Mr Spies, who testified in this Commission, requested us in the internal disciplinary process through the representative of the City, for an indulgence to postpone the disciplinary hearing in order to accommodate the proceedings of this Commission. And Commissioner, we are quite, you know, well aware that, of the importance of the, and the urgency thereof to make
20 sure, you know, this process is being finalized. We do not have an issue, we say it is okay, go and attend there.

But now, why I am bringing this point, Commissioner, when it is our turn to ask for the same favour so that we accommodate this Commission, we do not just get an objection, it is a vehement objection to say, you

are not going to see that, you know. I take the ...[intervenes].

CHAIRPERSON: From ...[intervenes].

MR NKOSI: From the City.

CHAIRPERSON: From who?

MR NKOSI: From the City. Okay, I will say through their representatives.

CHAIRPERSON: Okay. Okay. All right.

MR NKOSI: But it is the City. I have got proof here,
10 Commissioner.

CHAIRPERSON: Was there no postponement on Friday?

MR NKOSI: There was no postponement. I made a substantive request through an email after having made a telephone call, negotiated. On Tuesday, I requested that postponement. It is rejected. I do not have an option after consult, because I am getting frustrated. We do not have time.

CHAIRPERSON: When is Director Malatji supposed to appear?

20 **MR NKOSI**: On Friday, the 24th, Commissioners.

CHAIRPERSON: We are past that date now. I am asking when is he supposed to appear there now?

MR NKOSI: In the hearing?

CHAIRPERSON: Ja, when next? When ...[intervenes].

MR NKOSI: No, it will be May. It was adjourned to May. I

can check, but I think it is the 2nd.

CHAIRPERSON: So, I do not think we need to go into any detail about that then if that is passed and ...[intervenes].

MR NKOSI: Commissioner, the reason why I am raising that point is to show that we were at all times trying to negotiate for time, but we were not given the time and then we did not have enough time. And what I, why I am raising this, Commissioners, is that we had to go and give a specific attention to this internal disciplinary process, which
10 we are being rejected to get an indulgence. Even if we made an official postponement application, they just rejected us. On Friday, Commissioners ...[intervenes].

CHAIRPERSON: What is the point for our purposes? What is the point for our purposes?

MR NKOSI: The point is that we only got the subpoena on Friday after the proceedings of the internal disciplinary proceedings have adjourned this last Friday. And Commissioner, I am sure you are all aware, it is a long weekend, but we still gave some time, one or two days
20 during the long weekend, to prepare for the supplementary statement. We received it in the afternoon.

And coincidentally, I was not feeling well, but I worked, Commissioner. I have got proof of that effect. And then over the weekend, I think we had Saturday or if, or Monday to, just to assist Mr Malatji to craft the statement,

but it transpired that we still do not have that bundle which we requested on the 13th.

CHAIRPERSON: I think I must go back to my question. Can you please itemize the documents that you are complaining about? Please give us, because ...[intervenes].

MR NKOSI: Commissioners ...[intervenes].

CHAIRPERSON: Because it is quite crucial, the nature of the documents is quite crucial for the determination of your request or application, because, for example, off the top of
10 my head, I remember that Director Malatji said he never gave any instruction to Major Phiri to do anything with regard to the *ad hoc* appointments. Major Phiri showed us emails which he interprets to mean that Director Malatji actually did give him instructions with regard to *ad hoc* appointments. I am just giving that by way of example ...[intervenes].

MR NKOSI: Yes.

CHAIRPERSON: To make the point that to go through, you cannot even take more than one minute to go through those
20 emails, so ...[intervenes].

MR NKOSI: Commissioner ...[intervenes].

CHAIRPERSON: Please, please, please hear me out.

MR NKOSI: Sorry, my apologies. My apologies.

CHAIRPERSON: Please hear me out.

MR NKOSI: Yes.

CHAIRPERSON: Ja, I think you are given to responding whilst I am talking.

MR NKOSI: My apologies.

CHAIRPERSON: Yes. The point I am making there is to say, specificity with regard to the nature of the documents is necessary because, depending on the nature, we may be able to say from such and such a date, whatever the date you receive the documents on, you should have been able to go through those documents. You should have been able
10 to consult with Director Malatji on those documents.

I am just giving that one example to say, less than one minute to read. If you give us all of them, maybe we will be able to engage you on all of them. Please itemize them.

MR NKOSI: Thank you, Commissioner. Commissioner, there is a document which we received only yesterday. It is appearing on the bundle that we received from the Commissioner. It is a 418-page document, which Mr Malatji ...[intervenes].

20 **CHAIRPERSON:** What is its nature?

MR NKOSI: It is the tender documents, tender TMPD 2-2015/2016, the main document in which the crux of the testimony of Mr Malatji was based when he was giving testimony previously. It is here. It is in our possession. It was only given to us in the midday of Tuesday, a day before

yesterday, Commissioners. And of course, when we had a quick browse on it, it was after we have already submitted the supplementary statement.

CHAIRPERSON: And you say it is what, 400 pages?

MR NKOSI: It is, the document ...[intervenes].

CHAIRPERSON: 400 plus, you say?

MR NKOSI: It has got 418 pages, documents, Commissioners, and ...[intervenes].

CHAIRPERSON: And you say that is the tender document
10 itself?

MR NKOSI: That is the tender documents. And like I said, Commissioners, it ...[intervenes].

CHAIRPERSON: But I do not know, of course, I am still going to give Mr Sikhakhane an opportunity to respond, but I would be surprised that for purposes of Mr Malatji's testimony, there will be a need to traverse a tender document from beginning to end. I will be very, very surprised.

MR NKOSI: Commissioners, there were questions about
20 this tender, which were at quite length posed to Mr Malatji. And when we were doing the ...[intervenes].

CHAIRPERSON: I am making a different point.

MR NKOSI: Commissioners, yes?

CHAIRPERSON: Yes, surely there would have been questions relating to certain aspects of the tender.

MR NKOSI: Yes.

CHAIRPERSON: But my point is, I will be very surprised if the tender document itself, the nitty-gritty of the tender document itself will be dealt with from page 1 to page 418.

MR NKOSI: Well ...[intervenes].

CHAIRPERSON: I will be, but as I say, we will hear what Mr Sikhakhane says as to the purpose. I am looking at your face.

MR NKOSI: Well, Commissioner, I am very stressed. I am
10 getting stressed.

CHAIRPERSON: Yes, you do look stressed.

MR NKOSI: It is a common practice ...[intervenes].

CHAIRPERSON: Yes.

MR NKOSI: That if there is a quite voluminous document which is presented, you need to look into the documents. There is ...[intervenes].

CHAIRPERSON: Let us, all right, let us go to the next one.

MR NKOSI: Okay.

CHAIRPERSON: That is the first one.

20 **MR NKOSI**: Yes, and then now, there is also the other paginated document, again, which was submitted late. It is 122 pages. It talks about the statements of Revo Spies. It talks about the statement of Sean Bolhuis. There are also transcripts that are involved, you know.

CHAIRPERSON: Just, no, no, one at a time. So a 122-

page document talking about ...[intervenes].

MR NKOSI: Yes.

CHAIRPERSON: Spies and Bolhuis ...[intervenes].

MR NKOSI: Yes.

CHAIRPERSON: Their what, their testimony?

MR NKOSI: Yes, their statement, the testimony, the transcript. There is also a copy of the CDR. And, Commissioners, I must say, we never got a chance to have ...[intervenes].

10 **CHAIRPERSON**: The last thing you said, is that a separate document which was ...[intervenes].

MR NKOSI: It is a, yes, it is a separate document.

CHAIRPERSON: Can you please articulate it again?

MR NKOSI: Okay, can I start from the beginning, Commissioner?

CHAIRPERSON: No, I have got the others.

MR NKOSI: There is a copy of the CDR, Tshwane ...[intervenes].

20 **CHAIRPERSON**: The tender, the 418-page tender document.

MR NKOSI: Yes.

CHAIRPERSON: Was the third document you mentioned, the CDR Tshwane ...[intervenes].

MR NKOSI: Tshwane contract analysis, yes.

CHAIRPERSON: Okay.

MR NKOSI: There is also contract summary.

CHAIRPERSON: Just, just, please, please.

MR NKOSI: Thank you, Commissioner.

CHAIRPERSON: Contract analysis. And, okay, that is number three. Number four?

MR NKOSI: Number four, well, it is not really much. It is going to be contract summary plus cellphone number index. It is not really much, two pages for that. But in ...[intervenes].

10 **CHAIRPERSON**: [Indistinct]... [microphone off].

MR NKOSI: Yes, but in essence, the document has got 122 pages.

CHAIRPERSON: Okay, what else?

MR NKOSI: Commissioners, in the ...[intervenes].

CHAIRPERSON: What else?

MR NKOSI: In the early hours of, is it, I think it was, let me just, I am quickly browsing to that email. Commissioners, just a second. There is an email which I received from Diale Mogashoa Attorneys this, it was almost
20 12 o'clock, but I saw it in the early hours of the morning, where they were addressing the same point, which we are addressing now, the issue of the outstanding documents, but what is very surprising ...[intervenes].

CHAIRPERSON: So, a response?

MR NKOSI: A response to the instructing attorneys. Now,

there is a paragraph which is also upsetting us, because in that email, after having addressed our concerns, and they responded, they are again, they are saying, kindly we hereby provide the link containing additional documents, and they give us the link, and we saw this email in the early hours of the morning. I can even safely say, Commissioners, we have not even been able to look into what is being attached in the email which they sent at 23:52 yesterday, just before 12 o'clock.

10 That serve as another indication, Commissioners, that we are not prepared, because if there are some other documents that are still going to be produced at the last hour, when we should have already prepared and finalized our preparations for these proceedings, it becomes a problem. And Commissioners, the fact that it is a link, because I tried to download this document, I was just struggling.

 But anyway, I had to prepare to come to this Commission as well. It shows that the document might be
20 quite voluminous as well. We have not read, and I believe they would not have to send us the document if there was no purpose in sending it to us. Of course, Commissioners, I think it will be fair for Mr Malatji to be afforded that opportunity to look into what has been sent through there.

 And Commissioner, another quite aspect which I

need to indicate while I am on that, in total, these documents are just over 600 pages, excluding these ones which have been sent this morning, and we saw the need through the instruction of Mr Malatji, of course, because there was quite a number of things to do, to engage the Counsel, to say, let us get the second opinion on how we can fast-track this issue going forward, which is why the Counsel accompanied me today, and we formed the legal team for Mr Malatji, just to fast-track the process and make
10 things easy.

She is still going to go through the documents and see what is happening and give the input. In fact, Commissioners, I can safely say that the statement which was submitted on Monday, it was not to our satisfaction, and even for the satisfaction of Mr Malatji. We were under extreme pressure, but of course, Commissioners, we understood Mr Malatji's concern, because he did not want to find himself on the wrong side of the Commission's directive, even though it transpired that we are not ready to
20 submit the statement.

But he just insisted, and we understood his frustration, of course, to say, at least because we have got something to submit, let us do that to respect and comply with the directive of the Commission, even though the subpoena and the directive was given right towards the

close of business on Friday, when it was a long weekend and so on, but at least let us submit something to make it a point that we submit Commissioner, and then Commissioner, honestly, really, we are not prepared, and Mr Malatji is also not prepared, and I do not think the Commission will suffer prejudice. We are just asking a reasonable time.

We are going to bend ourselves, Commissioners, to make it a point that we come back with a very well-informed
10 statement, fully prepared, and make it a point that we give the information that is required. And Commissioners, this is to the benefit of the Commission as well, because we might have very valid inputs, which we are not aware at this stage, which will assist the Commissioners in, you know, making its correct finding and making the work of the Commission to be quite easy, Commissioner.

So based on that, Commissioners, I can add, I see my Counsel is also taking some notes, but it is a humble request, Commissioners, we are not prepared. I mean, we
20 are humbly requesting to be afforded an opportunity. We will come back within reasonable time. We promise we are going to try our outmost best to make it a point that we come back ready. We understand it is a testimony of Malatji, but he definitely needs to be advised. We have got all the documentation as we speak now, and I am sure we

will be in, it will be quite easier going forward to help him have the final and the full preparation properly, so that he gives a very informed, you know, evidence before this Commission.

Those are my submissions for now. Otherwise, I will address the Commissioners at a later stage if it is necessary.

CHAIRPERSON: On a light note, there has been somewhat of a refrain that you grudgingly had to work over a long
10 weekend. I was a practitioner once, and for many years, those are the hazards of legal practice. I also had to work over weekends, working to the early hours of the morning, 3am, during the week, and you know, hazards of the profession, so you should not be grudging over that.

MR NKOSI: Ja. Commissioner, I am in full agreement with that. Of course, I will have to mention it in passing, it is not a normal day. You know, I am not well. I am from the doctor. I am on medication and all those things.

CHAIRPERSON: Ja. No, no. No, I heard you
20 ...[intervenes].

MR NKOSI: [Indistinct]... [cross-talking].

CHAIRPERSON: I heard you and as I say ...[intervenes].

MR NKOSI: As it pleases the Commissioners, yes.

CHAIRPERSON: On a light note. Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. Just to be clear,

there is two things. One is that I only engaged Mr Nkosi this morning about the issue of the postponement. Mr Malatji appeared last, and his appearance is not a new appearance. It was on pointed questions, which I think with the evidence, it would be clear that what is being requested are not issues that would help or supplement the answer thereto, but in any event, the issue of the bundle that was given to him, it was given on the 28th, which was the Tuesday, the bundle that was used in his last testimony.

10 Then in respect of the documents, the additional documents, I will itemize what they are, briefly which was communicated yesterday with Mr Nkosi by the attorneys, it was essentially the supplement, the additional transcripts, and those additional transcripts are in the majority his testimony.

CHAIRPERSON: Whose testimony?

ADV SIKHAKHANE: Mr Malatji's testimony, extracts of Mr Phiri's testimony, and even there, I am relying on a very narrow point, and that narrow point is on the issue of the
20 instructions that was, that there is some dispute about, about having been given to Mr Malatji, I mean given by Mr Malatji, I beg your indulgence, and so it is a very narrow point.

And then the other issues of documents that my learned friend says they were provided late, for example,

the 400 and odd pages with the tender documents
...[intervenes].

CHAIRPERSON: So, transcripts is only to Mr Malatji's and
Mr Phiri's?

ADV SIKHAKHANE: And Mr Mnisi, ja.

CHAIRPERSON: Mr Mnisi.

ADV SIKHAKHANE: Mr Mnisi.

CHAIRPERSON: And on Mr Mnisi, what ...[intervenes].

ADV SIKHAKHANE: It is again a very narrow point.

10 **CHAIRPERSON**: Which is what?

ADV SIKHAKHANE: The point is about the probity report
that was, that in relation to tender 3, TMPD 3.

CHAIRPERSON: A lot was said, especially by Mr Mnisi, on
the probity report, so is, does what you want to cover relate
to all of that, or does it relate to something that is within a
narrow ambit?

ADV SIKHAKHANE: It is a very, two very narrow points,
and maybe one of them will dispose the other. So it is just
the issue of Mr Malatji's presence in a BEC meeting. If he
20 indicates that he was not present, then it disposes of the
follow-up questions. That is just on that point.

And then the other issue, and again, it was just on
his view about the cancellation of that tender, but nothing
really turns on it. Then the tender document that is being
relied on, it is a document that were part of the initial

bundle. So the reference to the tender documents, these are the documents that were already provided on the, yes, that is what Mr Malatji testified on, and in any event, I do not intend to probe him on them any further that much. So, essentially ...[intervenes].

CHAIRPERSON: So are you effectively saying you will not be dealing with the tender document at all?

ADV SIKHAKHANE: In great detail.

CHAIRPERSON: Oh.

10 **ADV SIKHAKHANE**: I do not want to take that right away, but in great detail. If, for example ...[intervenes].

CHAIRPERSON: In great detail.

ADV SIKHAKHANE: There is a dispute about it.

CHAIRPERSON: A difficultly, I see if you say not in great detail is where must, where in that document must Director Malatji and his attorneys focus? Are you able to zoom in on any particular section of the document or part of the document?

20 **ADV SIKHAKHANE**: It largely depends on the, well, it is more so about the court order, the appointment of the, that is one of the focus areas that I have, the appointment of the 22 contractors by a court, but even then, it is just another ...[intervenes].

CHAIRPERSON: Is that in the tender document itself?

ADV SIKHAKHANE: It is part of it.

CHAIRPERSON: Is that not, or was it not extraneous to ...[intervenes].

COMMISSIONER MALATJI: No, no ...[intervenes].

CHAIRPERSON: The tender document? I would have imagined it is extraneous to the tender document.

ADV SIKHAKHANE: Yes, no, no ...[intervenes].

CHAIRPERSON: So if your focus is the award through ...[intervenes].

ADV SIKHAKHANE: Through the court process.

10 **CHAIRPERSON:** Through the court order, that would be something else, or something outside of the tender document. So perhaps you then have to direct your colleague's attention to that part specifically.

ADV SIKHAKHANE: Indeed, Chair.

CHAIRPERSON: Ja, I hope I am making sense.

ADV SIKHAKHANE: Yes, Chair, it does. In fact, it would then take away the reliance ...[intervenes].

CHAIRPERSON: The reliance to ...[intervenes].

ADV SIKHAKHANE: As I say ...[intervenes].

20 **CHAIRPERSON:** Rather, the complaint ...[intervenes].

ADV SIKHAKHANE: It is difficult ...[intervenes].

CHAIRPERSON: The complaint about a 418-page tender document.

ADV SIKHAKHANE: What the point I was trying to make, Chair, is that this is this file containing not just the tender

document. It is various documents which Mr Malatji has testified on. It is the tender documents, the declarations. We have got the correspondence of 12 March, which he has already testified on. The termination of *ad hoc*, the letter, that is the letter by Mr Spies, by Commissioner Spies. And that is essentially what I am relying on. But he has had sight of those documents ...[intervenes].

CHAIRPERSON: Of those ...[intervenes].

ADV SIKHAKHANE: Even prior.

10 **CHAIRPERSON:** Before.

ADV SIKHAKHANE: And has testified on it. It is just a matter of rehashing and linking to what his supplementary statement says. So it is nothing really new on that.

CHAIRPERSON: Then, are there not new documents? If there are, can you please identify them and deal with them in terms of why, if at all, there is not going to be prejudice to Director Malatji if we do not postpone?

ADV SIKHAKHANE: Sure, the additional documents is the, I think I have addressed it, which is the probity report. I
20 wanted to point him to the BAC, the cancellation of the tender that was, Mr Mnisi relied on. And then it was on the correspondence between Gubis and Mr, and the City about the late payments, which, in a sense, he has already identified. It may not be an issue that I need to re-canvass as well.

And then it is the statement of Mr Phiri and the annexures that have to deal with the emails, those emails to him. And Mr Phiri testified, and I would presume that ...[intervenes].

CHAIRPERSON: Is the focus not going to be on the emails?

ADV SIKHAKHANE: It is on the instruction.

CHAIRPERSON: Less about, less about the statement itself ...[intervenes].

10 **ADV SIKHAKHANE:** Finance. No, no ...[intervenes].

CHAIRPERSON: But more, more the emails themselves, on which Mr Phiri relies in making the point that I was instructed by Director Malatji.

ADV SIKHAKHANE: That is the relevance of Mr Phiri's reference, I mean, the statement.

CHAIRPERSON: Ja.

ADV SIKHAKHANE: The other issue is canvassed. The reason also I tend to include the entire statement is that I am not accused of sort of pulling a page. It is just a matter
20 of context, to provide context.

CHAIRPERSON: And the 11:52 documents of last night, what exactly are those, 11:52 pm, ja?

ADV SIKHAKHANE: Pm.

CHAIRPERSON: That, ja, close to midnight, and which include a link that Mr Nkosi could not download. What are

those?

ADV SIKHAKHANE: It is essentially it would appear, when I look at it, these documents that I am referring to, so that I have come to learn about them.

CHAIRPERSON: Can you explain why they were given to the other side at 11:52 last night?

ADV SIKHAKHANE: Chair, I have some sort of difficulty myself, but the, it seems like there was some process to redact some of the documents that I advised that was
10 engaged on, but that is as far as I can take the ...[incomplete].

CHAIRPERSON: Can you again, can you again, you say the 11:52 documents are part of what you had already referred to just before I specifically referred to documents served at 11:52. Can you just focus on the documents served at 11:52, what exactly are they? Are you going to be relying on them at all? Are you in a position to forego reliance on them at all? What is their nature, and how crucial are they for today's proceedings?

20 **ADV SIKHAKHANE:** Chair, the one document that is crucial is the probity report, which is, essentially, even there, I am relying on a page of it.

ADV BALOYI SC: I thought that was sent on Tuesday.

ADV SIKHAKHANE: No, no, no ...[intervenes].

ADV BALOYI SC: Was given Tuesday already.

ADV SIKHAKHANE: Yes, it was sent last, last ...[intervenes].

CHAIRPERSON: Last night at 11:52. You say you are going to rely on one page?

ADV SIKHAKHANE: Just on one page.

CHAIRPERSON: What does that page deal with?

ADV SIKHAKHANE: It relates to the sitting of Mr Malatji and his submission of his scoresheets in a tender process.

CHAIRPERSON: Submission or lack of it?

10 **ADV SIKHAKHANE:** Or lack of it.

CHAIRPERSON: Because, I am saying or lack of it because, was it Mr Mnisi ...[intervenes].

ADV SIKHAKHANE: Mr Mnisi.

CHAIRPERSON: Mr Mnisi, who said that Director Malatji had not submitted his scoresheets even though he was part of the BEC.

ADV SIKHAKHANE: So essentially ...[intervenes].

CHAIRPERSON: So, you say that is one page?

20 **ADV SIKHAKHANE:** That is one page. Essentially, if his answer ...[intervenes].

CHAIRPERSON: Is that part of the document that was sent in the form of a link?

ADV SIKHAKHANE: Yes.

CHAIRPERSON: So, in the link that could not be downloaded by Mr Nkosi, you will be using only one page.

ADV SIKHAKHANE: It is the annexures, but essentially it is the annexures to Mr Phiri ...[intervenes].

CHAIRPERSON: Sorry, sorry, sorry. You referred, or rather you said that there is a document from which you are going to be relying on only one page.

ADV SIKHAKHANE: Yes, that ...[intervenes].

CHAIRPERSON: Which document is that?

ADV SIKHAKHANE: It is the probity report.

CHAIRPERSON: It is the probity report.

10 **ADV SIKHAKHANE:** Correct. Which is, and then the emails from Mr Malatji to Mr Phiri, which were annexures ...[intervenes].

CHAIRPERSON: That is part of 11:52.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: Part of 11 – but the probity report you say you will be relying on ...[intervenes].

ADV SIKHAKHANE: It is just a page. In fact ...[intervenes].

CHAIRPERSON: Just the one-pager.

20 **ADV SIKHAKHANE:** [Indistinct]... one answer to my question will then not invite follow-up questions. But essentially, it turns on one issue.

CHAIRPERSON: But of course, you never know what my co-Commissioners may require.

ADV SIKHAKHANE: Ja, so ...[intervenes].

CHAIRPERSON: Which, ja, which may also turn on what Mr Malatji says.

ADV SIKHAKHANE: May I propose this, Chair, to be constructive and also not to be fair to my learned friend. Perhaps I may join him in the indulgence seeking of requesting maybe 30 minutes to peruse through these documents and see what it is that is a problem.

CHAIRPERSON: Ja, I do not think 30 minutes will be enough if we are inclined to go that route, because Mr
10 Nkosi and Counsel will not only want to go through, will want to go through the documents, but at the same time, also consult with Director Malatji on them. So I do not think 30 minutes will be enough, if we choose to go that route. Just a minute.

Oh, Mr Sikhakhane, you did not come to a point where you said you were done. We were just discussing the issue you raised or the possibility you raised. We are still going to hear Mr Nkosi, but for not more than three minutes, please. Yes, Mr Sikhakhane.

20 **ADV SIKHAKHANE:** Chair, thank you. It was ...[indistinct] engaged about the adequacy of the time if we are to postpone, I mean, if we are to stand down, if we had to, my request ...[intervenens].

CHAIRPERSON: Leave that to us if we do go there.

ADV SIKHAKHANE: If we have to go.

CHAIRPERSON: Ja, please leave that to us.

ADV SIKHAKHANE: In any event ...[intervenes].

CHAIRPERSON: We are still going to hear Mr Nkosi on the issue.

ADV SIKHAKHANE: Yes, in any event, my question, I would seriously be opposed to postponing, to postponement. I think in any event, his statement, Mr Malatji's statement and the annexures, do, I would be able to go through them and at least for the first part of the day
10 and then either at lunch, they can then see whether there is anything ...[intervenes].

CHAIRPERSON: I was hoping we would be done by lunch, but anyway, anything else, Mr Sikhakhane?

ADV SIKHAKHANE: We may be done, Chair, even. Thank you.

CHAIRPERSON: Thank you, thank you.

ADV BALOYI SC: Mr Sikhakhane, in the, in your explanation of the documents, I heard Mr Nkosi refer to a 122-page document with, about Spies and Bolhuis, and then
20 he said something about a CDR Tshwane contract, this is if I am not mistaken. Have you dealt with that? Is that all in the link? Is that documents given previously? Is it new documents and new as in Tuesday or last night?

ADV SIKHAKHANE: So, two points on that one. One is those are the documents that were provided to Mr Malatji

when he was testifying.

ADV BALOYI SC: He has had them previously, from the previous appearance.

ADV SIKHAKHANE: [Indistinct]... [cross-talking].

ADV BALOYI SC: Okay.

ADV SIKHAKHANE: And then they were, in any event, provided by a link on Tuesday at around 3.

ADV BALOYI SC: But you say when he testified previously, he had been provided with those documents
10 already?

ADV SIKHAKHANE: Yes, it ...[indistinct] the authority of Mr, of Inspector Phiri, as he was then.

ADV BALOYI SC: Okay, thank you.

CHAIRPERSON: I will be generous, instead of the 3 minutes I indicated earlier, I will give you 5.

MR NKOSI: Thank you.

CHAIRPERSON: Thank you.

MR NKOSI: Commissioners, just to start, while my friend was giving submissions to the Commissioners regarding our
20 application, I managed to download what has been given to us yesterday at night, before 12. Commissioner, there is quite important documents that are there. I am sure you will recall, Commissioners, that especially these transcripts of Mr Phiri, a person who is working directly with Mr Malatji.

I do not even want to comment on the issue of one page. Commissioners, evidence control itself, we have seen it happening for quite some time. Questions come up as and when the testimony is being given.

So, for my friend to say on that document which was provided on the last hour that I am going to use one page, I mean, practically part of it is just impossible. The fact remains ...[intervenes].

CHAIRPERSON: On transcripts, I think you and Director
10 Malatji should actually consider yourselves fortunate that you were furnished with the transcripts of the testimony of other witnesses. We have countless times here confronted witnesses with what was said by other witnesses on issues that we think of as the witness is testifying. And we will say, but witness A, B, C, D, said this and this on this issue. What do you say about that? So, I do not think it was even strictly necessary for you to get that transcript.

MR NKOSI: Commissioners, it is not only the transcript. And it is quite clear that I am just giving an abrupt response
20 based on what I see now in a minute or two. Fairness dictates that I should be afforded an opportunity. I hear my colleague talks of 30 minutes. That is quite impractical, Commissioners. I will have to, we will have to read into these documents. If one were to make just a ...[intervenes].

CHAIRPERSON: But the transcripts, I believe you had the

transcripts from Tuesday already or not?

MR NKOSI: No, Commissioner, that is not correct. The transcripts are the documents that were submitted through, in a form of a link at 11:52, yesterday just before 12 noon, the very same documents that I am saying I struggled to download because at the same time I was preparing to come here.

CHAIRPERSON: But if I understand Mr Sikhakhane correctly, if we, for example, look at Mr Mnisi's transcript, 10 he says all that he is going to be dealing with in that regard is what relates to the lack of scoring, if that is true, by Director Malatji when he sat on the BEC. So he sat there, but he did not do any scoring. That is the allegation. So that is something within a narrow ambit and Mr Sikhakhane could direct you to that part of the testimony. So that is something within a very narrow ambit.

And then regarding, what is the other issue? Major Phiri, regarding his testimony, there again it is something within a very narrow ambit and it relates to whether Director 20 Malatji did give Major Phiri an instruction with regard to *ad hoc* postings. That is, and he says the major, major focus there is going to be on emails and email trail. And I said to you earlier that you can read those emails within, in less than a minute. So there again it is something that is within a very narrow ambit. That is how I understand Mr

Sikhakhane.

MR NKOSI: Commissioners ...[intervenes].

CHAIRPERSON: So on both issues, I think he can actually even assist and direct you exactly where you should look on those transcripts. Anything else?

MR NKOSI: Commissioner, it is quite common that much as my learned friend is saying is going to use, it is his case. I want to read the whole documents. I want to get the gist of what is being given there.

10 **CHAIRPERSON**: As I said to you, you are very fortunate that you got the transcripts anyway. Ordinarily, ordinarily witnesses are confronted with what other witnesses said without any transcript having been given to those witnesses.

MR NKOSI: Commissioner, on those documents, there is even a bundle, statement of bundle, annexures that were submitted by Phiri. And it has been a ...[intervenes].

CHAIRPERSON: The five minutes is up. Should I give you ...[intervenes].

20 **MR NKOSI**: Just the last one, Commissioner.

CHAIRPERSON: Yes, please.

MR NKOSI: It has been a common point that Mr Phiri has been working with Mr Malatji quite a number of times. That is quite voluminous bundle that are talking about that information and information which we have not even

perused at this stage or not. It is just not doable, Commissioners, that we can just have 30 minutes, an hour or so to look into ...[intervenes].

CHAIRPERSON: Can that not be addressed by filing a supplementary affidavit that you may be minded to file based on what will be traversed with Director Malatji?

MR NKOSI: Our main aim was to replace that supplementary after having gone through what we are looking for in this quite a number of documents that were
10 sent to us and file this supplementary statement afresh and in that way, we would have afforded ...[intervenes].

CHAIRPERSON: I am talking about a supplementary affidavit that will be addressing whatever you may feel was not sufficiently addressed as Director Phiri is testifying. That is the supplementary I am talking about.

MR NKOSI: I am noting that, Commissioners, but the fact remains he would have testified by that time. He would have not been given, got a chance to get a proper advice after we have gone through what the evidence leaders are
20 going to use in this matter. That is all I am asking.

CHAIRPERSON: Ja, Mr Nkosi, this is not, these are not court proceedings, so you should not necessarily expect what you would ordinarily get in a court process. We try as far as possible to be fair to witnesses. And my feeling, our feeling is that whatever unfairness may be visited upon

Director Phiri will, in my view, be sufficiently addressed by whatever you may say by way of a supplement, depending on what will come out during his testimony.

Also, you have the right to re-examine, but I know you will say I will not be able to re-examine sufficiently if I have not read the documents at leisure and according to the sort of comfort that I, that is you, would have wanted.

MR NKOSI: 100%.

CHAIRPERSON: So you have, but I still say, you do have
10 the right to re-examine, and maybe by the time that comes, there is an opportunity to re-examine, you will have had a bit of time to rush through the documents, but the main point is that you will have an opportunity to prepare a supplementary affidavit with Director Malatji and address whatever shortcomings you feel there may be during his testimony.

MR NKOSI: Commissioner, I have noted ...[intervenes].

CHAIRPERSON: Ja, I think we should close the debate now. We cannot ...[intervenes].

20 **MR NKOSI**: Ja, just the last point.

CHAIRPERSON: We cannot go on and on, yes.

MR NKOSI: I noted that, Commissioner, but correctly as you are saying, there will not be sufficient time, even if I were to be afforded that re-examination. Why do not we shorten this process and avoid even giving further

documents or supplementary statement and come at, you know, at once when everything is, there will not be any complaints, but those are my submissions, Commissioner.

CHAIRPERSON: Thank you, thank you very much.

MR NKOSI: I do not intend to spend more time on that. I am going to respect the decision of the Commissioner.

CHAIRPERSON: You see ja, you have taken up about a minute of your time. I wanted to give you an hour to look at the documents.

10 **MR NKOSI:** As it pleases.

CHAIRPERSON: May we adjourn and resume - just a minute, just a minute. The application for a postponement is refused. Director Malatji is afforded an opportunity to go through whatever documents he wishes to between now and half past 11. Let us adjourn and resume at half past 11.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane.

20 **ADV SIKHAKHANE:** Thank you Chair, we are indebted to your indulgence. Perhaps I think we have given my learned friend an opportunity and we have pointed him to the documents that he should have consideration to. So, I do not think there would be anything preventing us from commencing.

CHAIRPERSON: Yes, I think the direction was that we are

commencing now. If I give Mr Nkosi an opportunity to say something, he just might say he is not ready. And I am not ready for that. May we start?

ADV SIKHAKHANE: Thank you Chair. Good morning again, Director Malatji.

DIRECTOR MALATJI: Good morning, sir.

ADV SIKHAKHANE: Thank you. And when we adjourned last time, you were provided with questions that the Commission sought answers from, and also you had
10 indicated that you needed some documents from your employer, correct?

DIRECTOR MALATJI: Correct.

ADV SIKHAKHANE: And you have provided a statement, and I would presume you would have made - you would have obtained documents from the employer, which now supports the statement.

DIRECTOR MALATJI: Yes, I am, I think, yes.

ADV SIKHAKHANE: Thank you. Before you, you should have five files, but primarily for our purposes, we are going
20 to start with file 1, which is divided into two inside. Thank you. Thank you. Thank you, Chair. And as I said earlier, we - this is the - at the top is your supplementary statement.

DIRECTOR MALATJI: Thank you.

ADV SIKHAKHANE: Correct?

DIRECTOR MALATJI: Correct.

ADV SIKHAKHANE: That starts at page 1. Do you consent to that?

DIRECTOR MALATJI: Confirm.

ADV SIKHAKHANE: Then if we go to the end of that statement, at page 4, you have signed it before a commissioner of oath, correct? Page 4 of that statement.

DIRECTOR MALATJI: Page 4. No, no, Commissioner, I think I am maybe going through a wrong statement here,
10 because on page 4, there is nowhere I have ...[intervenes]

ADV BALOYI SC: Refer him to the folder. It is under folder 7.

DIRECTOR MALATJI: Oh, it is folder 7?

ADV BALOYI SC: Yes.

DIRECTOR MALATJI: I will just ask them.

ADV SIKHAKHANE: Page 4. Are you there? Commissioners, did you manage to locate the statement? Thank you. Do you confirm that that is your statement that you have signed before a commissioner on oath on page 4?

20 **DIRECTOR MALATJI:** On page 4, it is not my statement. It is an Annexure TP1. I need a file with my statement so that I confirm. Okay, thank you very much. Correct, that is my statement.

ADV SIKHAKHANE: Correct that is your statement. Thank you. And you have provided various annexures from ST1

up to ST12, correct? Those are your documents.

DIRECTOR MALATJI: Yes, yes, I confirm.

ADV SIKHAKHANE: Thank you. Can we then go back to page 1 of your statement so that we go through it? As I said from the last time we adjourned, there were questions that needed to be addressed and essentially that is what we are going to go through. And your answers and then test them where necessary. And then what you - I just want us to also be mindful of the answers we provided in the initial
10 testimony. I do not need to rehash them, but I will remind you where necessary. Can we then go to paragraph 4 of your statement? From there, can we then start reading it out and then we will deal with questions thereafter.

DIRECTOR MALATJI: Paragraph 4 of my statement, Commissioner, it reads as follows:

20 “I have noted concerns from the Commission and wish to respond thereto as follows. Emails and communications detailing executive discussions regarding outstanding invoice for Gubis and other ad hoc security services. Five, I have attached emails, marked Annexures ST1, ST2, ST3, and ST4, respectively.”

ADV SIKHAKHANE: Perhaps, Mister, it would be helpful to point us to the emails you seek to rely on for your answer.

Like what you were answering to.

DIRECTOR MALATJI: All right, I think ST1 annexure. On ST1 annexure, there is a trail of emails. There is a trail of emails. The first one being from Revo Spies on Wednesday, the 25th of June 2025, at 14:07 to my PA, to myself, and he copied other colleagues, Mr Mahlangu ...[intervenes]

CHAIRPERSON: Sorry, sorry, sorry, Director. Is the first one not the one right at the end? Or rather, refer to a page
10 number.

DIRECTOR MALATJI: Okay.

CHAIRPERSON: At what page is the first one?

DIRECTOR MALATJI: The first one is on page 1 just after ...[intervenes]

ADV SIKHAKHANE: Perhaps, if I may assist you. So, in essence, the Chair is saying an organisation of emails goes backwards. So, your first email starts at the end.

CHAIRPERSON: The first email is usually the one right at the end. And you read them by going up, up, up, up. And
20 the first one, in terms of the pages, will actually be the last email.

DIRECTOR MALATJI: Noted, Commissioners.

CHAIRPERSON: Am I making sense?

DIRECTOR MALATJI: Yes, I think the Commissioner is right.

ADV KHUMALO SC: Maybe with these ones, because they are not in that order. On page 1 is the April emails. But when you go to the end, on page 17, you will see that is the May emails. And then, in between, there is the June emails. So they are not in the normal order that we often see emails. Maybe you can direct us to page numbers and which ones you are referring to.

DIRECTOR MALATJI: Okay, all right.

ADV SIKHAKHANE: Certainly, as long as the
10 Commissioner and its different individuals in those emails.
So, it is different.

CHAIRPERSON: The director must please direct us there.
Please take us to the one you want to take us to.

DIRECTOR MALATJI: Okay, thank you. Okay, I think on
page 2 – let us have a moment.

CHAIRPERSON: The one from Deputy Chief Revo Spies to
Winnie B Mahlangu, you, yes, and yourself.

DIRECTOR MALATJI: Okay.

CHAIRPERSON: Copied to other people.

20 **DIRECTOR MALATJI:** Yes.

CHAIRPERSON: Okay, all right.

DIRECTOR MALATJI: On this one, Commissioner, Mr
Revo Spies was talking to my office about - I am reading
the subject:

“Budget and fund transfer for watchman

services [91 million]. Please provide evidence of how this was instructed or decided upon. Who from energy or water services requested this email?"

It was in June the 25th. And my office through Winnie B Mahlangu, the same June 25th. And we copied my team members there. Please find attached document on behalf of director - I mean, on behalf of Tshukudu Malatji.

ADV BALOYI SC: Director Malatji, can I just point out
10 something relating to this? If you look at the date stamps, starting from page 2, and then ending at the bottom of page 4, you will see that the earliest email on that day starts at page 4.

DIRECTOR MALATJI: Page 4.

ADV BALOYI SC: So, if you just go to page 4.

DIRECTOR MALATJI: I am on page 4, Commissioner.

ADV BALOYI SC: All right, look at the bottom, the email that says from COO. You see that?

DIRECTOR MALATJI: I see it, yes.

20 **ADV BALOYI SC:** And then it is addressed to quite a number of people. The time is 07:54 in the morning.

DIRECTOR MALATJI: Yes.

ADV BALOYI SC: I think that is a point that Commissioner Khumalo was trying to address you to. So that is 07:54 on that day. And then if you go to the email on top in the same

page, it is at 8 o'clock, 08:01.

DIRECTOR MALATJI: I can see that one.

ADV BALOYI SC: And then you are addressed in that one.

You see that?

DIRECTOR MALATJI: Okay.

So, V BALOYI SC: And then if you go to page 3, that is now your email on the same day at 12:29. So the order is from page 4, and then you come to page 3, and then you come to page 2. So, the one that you started with from
10 Revo Spies seems to be the last in this sequence of emails.

DIRECTOR MALATJI: All right, thanks, Commissioner. I think Revo Spies addressed this email to my office, and it was about the budget and fund transfer for Watchmen Services 91 million. He indicated, please provide proof where ad hoc watch services have been deployed since 2024 and January 2025. Right.

ADV BALOYI SC: Can I just ask a question arising from that? So, in this email from Deputy Commissioner Spies, he says in the last paragraph, he says:

20 “See hereunder email communications
 where it is now disputed that ad hoc
 services were requested.”

Do you see where I am reading?

DIRECTOR MALATJI: Yes, I see, Commissioner.

ADV BALOYI SC: Now in the email below that one, on that

same day, it is from the COO, and it is written to COP. I think COP is Chief of Police.

DIRECTOR MALATJI: Correct.

ADV BALOYI SC: Someone says, I am not aware of any prior agreement that the COO cluster would finance this. Are you able to comment what this is all about? It continues to the next page maybe if you want to look at it.

DIRECTOR MALATJI: Okay. My comment, Commissioner, with regard to this trail of emails is simple and straight to
10 the point. It is clear based on these emails that at some point after a complaint was lodged with the office of the CFO, there were executive meetings arranged and held. These executive meetings included office of the Chief of Police, the COO, the CFO, and others if we could go through.

So, in most of these executive meetings, myself as Director Malatji, was not involved to participate. I became – and what were – it is evident that these meetings were mainly discussing about budget and funds to enable the city
20 to pay outstanding invoices to the tune of R9.1 million, which I believe was also including ad hoc services which were instructed by the Department of Water and Sanitation.

So, when I went through all of these emails, I came to the conclusion, Commissioner, that at the executive level, discussions went on. The Chief of Police was

participating in those discussions. Mr Revo Spies, Mr Bolhuis is part of the executive, Deputy Chief Dhlamini, part of the executive, the CFO, and the COO, and other representatives from the Department of Water and Sanitation.

These senior officials in the city met to find ways and means through which they could get money to pay for these invoices, which include invoices for Gubis85 in respect of services that they carried out as a result of
10 instructions from the department in question. So, what is worrying me in particular is the fact that while I was not participating in those processes, right, at the end of the day, it looks like, or it seems, everybody wants to pass the buck.

He wants to pass the buck to Director Malatji, more especially the Chief of Police, Mr Spies, and Commissioner Bolhuis, right. Because, for a lack of a better word, Commissioner, throughout this process until today, I have actually been asking myself a question. Can someone blow
20 a whistle against himself or herself? This question haunted me so much, and it was based on the fact that those who were meeting to say, where are we going to get the money to pay these invoices, came to testify before this Commission, and in their testimony, they have already created a narrative that says, that Director Malatji is

responsible for whatever amount of money that has been paid to these ad hoc service providers, yet they knew before time, they knew before they could even come to this Commission, right.

They knew through the explanation and records that Director Malatji was not responsible or did not instruct allocation of those sites, deployment of those service providers. But they chose to come, and they testified the way they have testified. But evidence contained in this
10 testimony of mine today, right, I hope when I finish testifying, this Commission would be informed about actually what happened, how it happened, who was involved, and so forth and so on.

I also want to take this opportunity, Commissioner, and say, without referring, maybe the evidence leader will assist me in terms of the annexures there. I have annexed proof of requests by the Chief of Police, in respect of which requests, she was supported by the CFO, and the City Manager approved. Now, the question is, if indeed these ad
20 hoc services were irregular, why would they go as far as requesting money to pay for something that they know up front, this is irregular?

I find it very difficult, but I am saying to the Commission, please help me understand this. Because from where I am sitting, if I am aware that this is wrong, I

would not go as far as requesting money, getting money, making sure that this thing that I consider, I considered irregular gets paid. Only to come afterwards and say there were irregular services rendered, and as such, I am blowing a whistle.

So, I feel there could be a reason other than the irregularity of this thing, something that I believe will come out as my testimony goes forward. But the long and short under this specific what it is called, is can I blow a whistle
10 against my own self, come and present evidence that which, from the look of things, I am also complicit. Because the witnesses that came here are the ones in terms of this trail of emails, right.

Who were meeting, discussing weighing options, where can how much be found to pay for these services, right. Why would they go up to that extent? So, it is a question that I think has bothered me for a while, hence I decided, as part of my testimony, I want it on record to be there. I still do not understand, because they requested the
20 money. Commissioner, for the sake of time, let me not repeat myself and proceed with the testimony.

ADV SIKHAKHANE: Mr Malatji, can I just, you still wanted to proceed, I just wanted to take through the analysis of these emails so that we get over with them.

DIRECTOR MALATJI: Okay, okay.

ADV SIKHAKHANE: Would that be fine? Just to develop from what you are saying.

DIRECTOR MALATJI: Thanks very much.

ADV SIKHAKHANE: No, can I just take you, if you go to page 16, for example.

DIRECTOR MALATJI: Page 6.

ADV SIKHAKHANE: 16.

DIRECTOR MALATJI: 16.

ADV SIKHAKHANE: Of the same page, of those emails.

10 And you pointed out, obviously, that these were discussions, this is an email from Sean Bolhuis.

DIRECTOR MALATJI: Yes, yes.

ADV SIKHAKHANE: Last time you said you report to him.

DIRECTOR MALATJI: Exactly.

ADV SIKHAKHANE: And the message, the email is to COO, CFO, amongst others, Chief of Police. The date is 29 May 2025, 02:13 pm.

DIRECTOR MALATJI: Yes, yes.

20 **ADV SIKHAKHANE:** And what we see there is, I think as you said, it is part of some sort of effort to request funding or additional funding, and specifically for ad hoc services.

DIRECTOR MALATJI: Yes.

ADV SIKHAKHANE: Would you agree?

DIRECTOR MALATJI: Yes.

ADV SIKHAKHANE: And would you agree at the amount,

just what is stated, I am just trying to check whether you have any difficulty, that what they say, that is your boss, says the amounts of ad hoc services as follows, January to June 2025, the amount for January, I think that is one of the things we are going to go back to, is an amount of R14 million.

DIRECTOR MALATJI: Yes.

ADV SIKHAKHANE: Or 29. Would that be what you would recall to be what would be for January?

10 **DIRECTOR MALATJI:** Yes, I can.

ADV SIKHAKHANE: And then for the following five months period, it is a total of R82 632 210 for February to June.

DIRECTOR MALATJI: I can see that one.

ADV SIKHAKHANE: Correct. And obviously there is an email prior to that, too much, but what you were pointing us to is that your email, the one you received from Mr Commissioner Spies, and as Commissioner Baloyi was pointing out, was that it was giving you a sense of ad hoc services, the amounts involved, and for you to explain, for
20 example, how were these ad hoc services procured? Would you agree that is the essence of it all?

DIRECTOR MALATJI: Commissioner, if my memory serves me well, in my last testimony, I was on record to say when these specific ad hoc services were procured, my office was not made aware up until it reached a point where I am

talking specifically to Gubis85 Solutions, until it reached a point where they complained to the effect that they have been rendering these services and they were not paid. And fine, that was brought to the attention of the office of the CFO. It was brought to the attention of my office complaining, but being specific to the question, how were they procured this? I am saying, I want to put it on record that ...[intervenes]

ADV SIKHAKHANE: Sorry, maybe what I was just showing
10 you, the evidence, was that the concern was then directed at you in reference to the quantity as to how were these procured, the ad hoc services.

DIRECTOR MALATJI: Okay.

ADV SIKHAKHANE: And I think that is where the other debate will come to.

DIRECTOR MALATJI: Okay.

ADV SIKHAKHANE: Correct. So, the next question I would pose while we are there, did you provide justification or proof as Commissioner Spies said or requested from you
20 as of June 2025?

DIRECTOR MALATJI: Commissioner, in response to Revo Spies, I did provide a response, and my response was very short. But we even attached to my response a list to say, for example, Gubis85 Solutions, the department that requested services was the Department of Water and

Sanitation. We went - I went further on the same summarised thing. I went further to say, for Klipgat ad hoc services, the department is Wastewater Treatment Plant. I believe it is also part of the Department of Water and Sanitation. There was a third one ...[intervenes]

CHAIRPERSON: So why do you not take us to the actual response?

DIRECTOR MALATJI: Commissioner, I am not sure if we were able to annex them here, but I am very clearly, what
10 you call, reminding, remembering what I said to the Commissioner.

CHAIRPERSON: I just want to relate your response to evidence that we have heard.

DIRECTOR MALATJI: Okay.

CHAIRPERSON: For example, Major Phiri said that he was required to, not to deploy, I think the Gubis85 was already on site, and this is on the 31st of December 2024. And he was not prepared to cooperate, and he actually said Gubis85 should get off site. And from that point onwards,
20 there was then an engagement between you and other people as well. The engagement being made by someone who I think is an engineer within Water and Sanitation. I have forgotten the name now.

But an engagement that culminates in you saying that Major Phiri should run with the process. Something

that Major Phiri interprets to mean that you actually gave him an instruction to deploy. So, if you agree that that is how everything unfolded, I want you to relate what you are saying to those facts. Unless you have a different version of facts altogether. Because now as you are speaking, I have this version in my mind, and I do not know what to do with it in the face of what you are saying now. Am I making sense?

DIRECTOR MALATJI: You are making sense,
10 Commissioner.

CHAIRPERSON: Yes, yes.

DIRECTOR MALATJI: I need my learned friend to assist me. I want to talk specifically to that issue. There is an annexure that I have attached. This annexure, it is what we called standing order - I mean standing operating procedure in respect ...[intervenes]

ADV SIKHAKHANE: Just to assist you, it is ST5 at page 34.

DIRECTOR MALATJI: ST5?

20 **ADV SIKHAKHANE:** ST5 at page 34. And I think there is a paragraph in your supplementary statement to it that refers to this.

DIRECTOR MALATJI: Thanks, that is page 34. Commissioner, I wanted to put it on record today. That ad hoc services in the City of Tshwane since the 23rd of

January 2023 have been and are continuing to be managed subject to this correspondence as evidence. So, any ad hoc service that has been undertaken out of the spirit of this would not be - would not be - actually would be having been undertaken outside of what the city has instructed all departments within the city to comply with.

And this gives support to my previous testimony and will continue to give support to my ongoing testimony that Gubis85 ad hoc solutions, I mean ad hoc services,
10 were procured outside the spirit of this instruction or this directive. And Director Malatji and his office, I mean Director Malatji, was not involved when those. Otherwise, I would have made it a point that at an inception, at inception, the department in question complies with all these bullet points, right.

I would have made sure that the department avails budget for which they are going to be servicing these ad hoc services. I would have made sure that there is a period for which those services, right, are going to be running. But
20 because this instruction was not complied with, right, it would not be fair of me to say, I knew, I did not know. I only became aware when there were these complaints.

Whilst on this instruction, I want to say to the Commission, this instruction does not delegate me with any power, duty, or responsibility to deal with any department

within the City of Tshwane, that which is found to be acting contrary to what this instruction is saying. This explanation goes back to the issue of the instruction that was given to me by Revo Spies, cancel all ad hoc services.

Since this directive does not delegate me with powers, duties, and responsibility to intervene and address the issue of non-compliance by departments, there is no way I would have cancelled something that was not ordered and or instructed by me. In actual fact, what I am trying to
10 say to the Commission is that when ad hoc services are requested, it is very critical.

For how long is the department requesting this? Let us say they say six months, right? At what cost would we be having a quotation? Which quotation would have been approved by the department because the department is responsible to pay for those ad hoc services. From my office, part of the responsibility, when everything has been done subject to this directive, from my office is to monitor the rendering of services, the period, the budget, and all of
20 that. And things normally do not fall out of hands because it reaches a point where we are able to say, Department, you said you are requesting these services for three months. This is the last month, right ...[intervenes]

CHAIRPERSON: I am sorry to interrupt you. Did I hear part of this response to say that you could not cancel

because the deployments were not done properly? Or did I mishear you? That is, cancel in accordance with the Deputy Chief Spies's instruction. You say you could not cancel because the deployments were improper. Did I hear you say that?

DIRECTOR MALATJI: Yes, Commissioner. You are saying it maybe if I am allowed to proceed because I have already ...[intervenes]

CHAIRPERSON: I just want to hear just on this one
10 statement. Did you say that or not?

DIRECTOR MALATJI: I said it, Commissioner.

CHAIRPERSON: You said it?

DIRECTOR MALATJI: Yes.

CHAIRPERSON: Would the impropriety not actually be the very reason on which you would cancel? Something went wrong here. This was an improper deployment, so let us kill it now. Let us cancel. Would that not be the logical thing to do or not?

DIRECTOR MALATJI: It would be logical if we were
20 responsible, right, for the deployment of this. Otherwise, I mean, actually, in fact, upon instead of Commissioner Spies instructing me to cancel this, he should have gone through this and direct ...[intervenes]

CHAIRPERSON: Maybe let me ask the question differently. Had everything been done properly, would it

have been within your remit to cancel?

DIRECTOR MALATJI: If everything ...[intervenes]

CHAIRPERSON: Had been done properly, but now there was a need to cancel, would it have been within your remit to cancel?

DIRECTOR MALATJI: If everything was done ...[intervenes]

CHAIRPERSON: Would you have had the power to cancel if the need to cancel arose?

10 **DIRECTOR MALATJI:** I would not – I would have advised the department responsible, right, to cancel because if everything was done properly, right, it would not have reached a point where there is actually an issue whether they must be cancelled or not. But in this instance, right, the ...[intervenes]

CHAIRPERSON: Or let me now – now according to you, everything had been done improperly. Why not advise the department concerned to cancel exactly because everything had been done improperly? If you could advise when
20 everything had been done properly, why not also advise if something had been done improperly? I want to understand your reasoning.

DIRECTOR MALATJI: Okay. By the way, I made a mention of the fact that at a point when Revo Spies was giving me this instruction, right, this matter was receiving

attention at a higher level. And the level at which Mr Spies was sitting, right, so I looked at his approach, and I realised, I convinced myself, I am still convinced, he wanted to throw me under the bus. I am saying this because ...[intervenes]

CHAIRPERSON: By saying cancel, by saying cancel ...[intervenes]

DIRECTOR MALATJI: By saying cancel, because ...[intervenes]

10 **CHAIRPERSON**: Why would you get under the bus if someone says ...[intervenes]

DIRECTOR MALATJI: No, no, he wanted ...[intervenes]

CHAIRPERSON: Just a minute. If according to you there was something wrong, why would it take you under the bus if you simply cancelled?

DIRECTOR MALATJI: I am saying ...[intervenes]

CHAIRPERSON: Are you not actually assisting your employer, the city, if you cancel something that was done improperly?

20 **DIRECTOR MALATJI**: In the context of his instruction, he said cancel all ad hoc services, right. Hence, in my earlier submission before the Commission, right, before even going into the system and confirming and all of that, I said, right, it would not have been possible to cancel all of them. Because not all of them were having the same problem.

CHAIRPERSON: Did you cancel any? Did you cancel any of them?

DIRECTOR MALATJI: At that point in time, no, I did not.

CHAIRPERSON: Were some not even according to what you have just said, were some not done improperly?

DIRECTOR MALATJI: Commissioner, let me say this.

CHAIRPERSON: Just answer the question directly. Were some not done improperly according to you?

DIRECTOR MALATJI: I am not aware of some that were
10 not done properly.

CHAIRPERSON: You have just said not all of them had been done improperly.

DIRECTOR MALATJI: Yes.

CHAIRPERSON: Implicit in that is that some had been. Some had been done improperly. That is how I understand what you are saying. Now, if you say that, the implication being that there was nothing that mattered with some. So my question is why not cancel those that you had no problem with or those that you are not saying there was any
20 impropriety with regard to them? Why not cancel those?

DIRECTOR MALATJI: The instruction, Commissioner, was cancel all. And I knew it was not all of them. It was Gubis. And these Gubis, I could not have it cancelled because it was not instructed by me to deploy. In actual fact, let me put the record straight. Commissioner, this instruction was

...[intervenes]

CHAIRPERSON: It was exactly because of this reference to who the instruction came from. That right at the beginning I asked you, would it have been within your power to cancel? Would it have been within your remit to cancel?

DIRECTOR MALATJI: Yes, hence, I wanted ...[intervenes]

CHAIRPERSON: And I ask that exactly because you keep saying you are not the one who gave the instruction. You may not have given the instruction, but if you have the
10 power to cancel, you could and should have cancelled. Regardless of whether or not you gave the instruction. So, the antecedent question is the question I asked earlier, which is, did you have the power to cancel?

DIRECTOR MALATJI: I said ...[intervenes]

CHAIRPERSON: Did you or did you not ...[incomplete].

DIRECTOR MALATJI: No, in this respect I did not have the power to cancel.

CHAIRPERSON: You did not have the power to cancel.

DIRECTOR MALATJI: Yes.

20 **CHAIRPERSON**: Okay, but anyway, Mr Sikhakhane, I think we have been derailed because I think what the focus of the testimony at this stage, if I am not mistaken, is about the inception.

DIRECTOR MALATJI: Yes.

CHAIRPERSON: The start of all this and not the tail end,

which is the cancellation. Am I mistaken?

ADV SIKHAKHANE: Chair ...[intervenes]

CHAIRPERSON: I may be mistaken. But I thought at this stage the focus - I am not saying it was not to get here at some point.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: But I thought at this stage it is about the inception or the beginning.

ADV SIKHAKHANE: Yes, I suppose what we went through
10 was we got caught up in the issue of the discussion around the quantum and what was supposed to happen. But I will let Mr Director Malatji to continue. It is safe to just pick on one issue, maybe one question, and then I will let him continue. Director Malatji, as I understand it, we have to deal with the evidence as we see it. And it does not appear at any point in the evidence, the one that you have supplemented with, that you either responded directly to Commissioner Spies or anyone about the termination of ad hoc services. Could I correct what it is?

20 **CHAIRPERSON:** He said he responded, but when I asked the director to take us to the documents showing his response, he said he does not have them here.

ADV SIKHAKHANE: Yes, so, however, they do exist.

DIRECTOR MALATJI: Come again?

ADV SIKHAKHANE: I am saying they do exist. You did

...[intervenes]

DIRECTOR MALATJI: Yes, to the first email, right, fund transfer, please provide ad hoc services. My memory serves me well, it is not part of this, but we did respond to this one, in terms of where ad hoc are deployed and whatever it is, maybe.

ADV SIKHAKHANE: Okay, that is fine. Please proceed with your statement, I will ask my question later on. I think you were at paragraph 5 of your statement you were taking
10 us through those annexures.

DIRECTOR MALATJI: My statement, you said, is page 34. Okay, all right. Yes, we were on paragraph 4. I think we have deliberated much on emails and communications detailing executive discussions. Number 2, email response to Nwandule regarding his complaint that 13 requisitions were created without invoices. In this case, I made a follow-up with my team, and they responded to Director Nwandule about these 13 requisitions, and they went as far as saying to me, in their view, they could not create these
20 requisitions without attaching emails.

As I wanted to know how this process works, they said, they do not have a function that is used to create purchasing requisitions without invoices. But it is Director Nwandule's staff who have got that function on the SAPS system. And they went further to say, when they enquired,

later when they made a follow-up with Director Nwandule's office, it came to light that those requisitions were eventually cancelled on the system.

But since I am not familiar with the SAPS system, I relied much on what they are telling me, and I think they even said it is possible for the Commission to verify that, maybe by going back to Director Nwandule and finding out exactly the status quo as it stands right now. But further than that, I personally found it very difficult to talk to this,
10 but the long and short of it is that my department responded to Director Nwandule with an email in which they were talking to their language.

I am not conversant with their administrative language in that space. And these things are, of course, functions that are, as we speak currently, performed within the environment of Director Nwandule. I am not hands-on when it comes to that. But from my office, I must put it on record before the Commission that invoices are submitted for further handling, of which further handling would include
20 creation of purchase requisitions and POs going forward. But let me stop at that. I think I have explained based on information.

ADV KHUMALO SC: Director Malatji, we know even from the 2024 invoices that at some point on the 26th of February 2025, those invoices came to you, and you stamped and

signed them. And that was around the time when there was a dispute about non-payment of Gubis' 2024 invoices. So, we do know from the evidence before us that at least on the 26th of February 2025, those disputed invoices came to you and you signed them.

DIRECTOR MALATJI: Commissioner, if they came to me and I signed them, right, I do not think I signed them to close the query, right. By then, I am not sure if that query was already in place. By the way, the Commissioner must
10 please understand that part of my responsibility is to make sure that as and when invoices are submitted, right, I do what I am supposed to do, and I process them further to be handled at a later stage. So, if those specific invoices, right, were brought to my office and I have signed them, I want it to be on record, right. I did not sign them because I was closing any query. I was not aware that there were these invoices that the Director Nwandule has got an issue with.

ADV BALOYI SC: So, are you saying you just signed
20 without verifying whether these services were properly procured with this explanation?

DIRECTOR MALATJI: No, no, we are not. I am not saying that, Commissioner. Every invoice that gets submitted to my office, right, we verify. We verify and part of verification includes, we want to make sure that sites allocated, sites

for which the invoice is talking to, right, are sites that are allocated to the company, right. The risk mitigation process, because if I was asked to sign, any service provider would take advantage that he has got a contract with the city, and he can put even sites that are not part of his or her allocation for me to sign. So, we verify before we submit.

ADV KHUMALO SC: I will ask the evidence leaders to put it up while you continue with your testimony. We may come
10 back to it. It is on page 144 of file 3 of that Umashi Dhlamini. Remember that Gubis invoice that was shared between Dhlamini and Nkosi and it has Director Malatji's signature and a stamp on the 26th of February 2025. So, if it is available nearby, they can put it up on the screen. But for now, if Commissioner Baloyi is finished with her question, then you can continue with what you were dealing with.

ADV BALOYI SC: Let me just finish off my question. If
20 you say you verify before you sign off, would you not then have picked up or should you not have picked up that the services or the deployment was done by somebody who, in your previous evidence, you said did not have authority. We know that Phiri signed deployment letters and your testimony previously was you never firstly, you said he is junior. He does not have the authority to do that, and you

never gave him that authority.

DIRECTOR MALATJI: Yes.

ADV BALOYI SC: Your verification of invoices before you approve, would you not have picked that up?

DIRECTOR MALATJI: I should mention that maybe when we talk signing of invoices, let us not confuse invoices for the main contract with invoices for ad hoc services. Let us not. So, if there are invoices for the main contract, right, verification is very easy. By the way, here we are talking
10 about invoices in respect of sites, which sites were allocated to Gubis85?

ADV BALOYI SC: My question is about ad hoc services. That is a discussion we had with Mr Phiri, where he signed all those deployment letters authorising Gubis and I think Mogalagadi or somebody, and Triotic, but I am happy to limit it to Gubis because that is the company that became the subject of much discussion.

DIRECTOR MALATJI: Okay.

ADV BALOYI SC: So, we know that Phiri signed those
20 different deployment letters. Now, if you are responsible for signing off on invoices that come in, and you can say that you did not sign them if you did not, but if you did sign invoices relating to those ad hoc services, my question is, would you not have picked up that, in fact, the person who authorised these services did not have the authority to do

that?

DIRECTOR MALATJI: Normally, Commissioner, this is how it works. In many instances, all ad hoc services which have been handled properly, as I explained earlier on, normally those invoices would not even end up with me having to sign. The mere fact that everything would have been done according to the book, right, at the end of the day, the service provider consent would submit such invoices to the department consent, not me, right.

10 But the catch with Gubis, Mogalagadi, and Triotic, Gubis was instructed by the Department of Water and Sanitation. Mogalagadi and Triotic Services were instructed by the Office of the Chief of Police [Mr Bolhuis]. That is why such invoices, right, Mogalagadi and Triotic, such invoices were supposed to be signed by me because by virtue of the executive having instructed the deployment thereof, right, I had no, what you call, but those invoices had to be paid from my vote, the Watchman Services, right.

20 Now, with the Gubis ones, right, since the matter was receiving attention from the executive, right, there was a point where a decision, if I understand the situation very well, or remember the situation very well, there was a point where the reason for them to be discussed at that level, right, was to make sure that at the end of the day, instead of having them serviced from the Department of Water and

Sanitation, right, the executive would take a decision, right, get money, get that money transferred into watchman votes' account, and for those services to be paid.

So, with me having signed them, after the executive has decided and got the money, right, I do not think there was anything wrong with that. Because already the executive has taken a decision, already the executive, the Chief of Police, has requested for the 91 million, right, the CFO supported and the City Manager approved. So, the
10 money got into my vote in order to, what you call, the process. I mean, in order to, what you call, the process, yes.

ADV BALOYI SC: Thank you, Director.

ADV SIKHAKHANE: Thank you. Director Malatji, I think what Commissioner Baloyi was getting at is what your answer was at your previous appearance, and your answer was to accept or concede that some of the invoices you signed without verifying that the services were rendered. That was your answer when you appeared and you accepted
20 that possibility, and the fact that, as a result, payments would have been made on the basis of your signature. Do you recall that?

DIRECTOR MALATJI: Yes, let me remind the Commission of what I have said. The question had something to do with, is there a possibility that some invoices could be

signed without verification being done insofar as performance and what a view of services are concerned. I said, that is a possibility. The reason being, we have more than 500 sites, right, for which my monitoring team of less than 10 people, right, is deployed. Chances of them not covering the scope, right, might result with, come the end of the month, right, they were unable to come at site number 457, right, but it is month-end, and invoices are submitted. So, that possibility is there.

10 **CHAIRPERSON**: So, in short, you accept the correctness of what Mr Sikhakhane is saying?

DIRECTOR MALATJI: Yes, no, I agree with you.

CHAIRPERSON: That should be enough. Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. And I think it addressed my concern was, obviously, you were saying that the discussions were happening at a higher level than you were involved, but I wanted to just highlight that your level is director and you had that responsibility to ensure that
20 services that are rendered are actually rendered. As a director, that is one of your jobs, or your level of accountability.

DIRECTOR MALATJI: I agree. Let me say this, Commissioner. My level as a director, right, dictates, right, whatever you are saying about, you know, but let the

Commission not lose sight of the fact that, you know, I have spoken at length about staffing problems. I have spoken at length, you know, about many other shortcomings. Now, I think it is obvious that if I was treated accordingly, right, I should have participated. Somebody should have invited me to participate, right, in these executive meetings. But let me not proceed with this. But I was never invited to participate. And at the end, whatever the executive decides upon, I accept, hence.

10 **CHAIRPERSON**: Mr Sikhakhane, perhaps let us just do the statement all the way to the end and do the probing afterwards. It is a very short one, only four pages.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Okay, you were at the question after paragraph 6.

DIRECTOR MALATJI: Okay, question under paragraph 6:

20 “Written response to Commissioner Spies. Email the 12th, who approved the ad hoc services?”

I did not immediately respond to email from Commissioner Spies. The reasons for my failure to respond immediately are stated in paragraph 8 below which are covered under response detailing a failure to immediately carry out instruction to cancel all ad hoc guards. And the background

explanation provided to Commissioner Spies, I mean Bolhuis, detailing the initiation of ad hoc deployments.

Regarding my failure not to cancel all ad hoc services, I did not carry out the instruction of Commissioner Spies immediately because of the following. The instruction was white as it included cancellation of ad hoc services which were not affected. That is reason number 1. Number 2, the instruction was not directed to the initiator of the ad hoc services in question.

10 The instruction was issued without observing the content of the standing operating procedure. Accusation of additional new services dated the 23rd of January 2023. I have attached the SOP marked Annexure TS5. Commissioner Spies was aware of the SOP. Yet he instructed termination of ad hoc services in respect of Gubis, Triotic Protection Services and Mogalagadi Security.

I later complied with this instruction by drafting letters of termination for his signature. He signed these letters. I personally called the company, served them with
20 termination letters. And I have attached one of these termination letters marked A6. Now, there is something I want to add onto this paragraph. What I want to add onto this as another reason.

On the 12th of March 2025, when Commissioner Spies gave me this instruction, I want this Commission to

note that Commissioner Spies I want this Commission to note that Commissioner Spies did not have legal authority to do so. I am saying he did not have legal authority to do so because in terms of TMPD organisational structure in place, Commissioner Spies position was not part of the structure.

And with him not being part of the structure, there is no way in terms of the law that Commissioner Spies would give Director Malatji instructions, right. Yet he is well aware that he is not part of the structure. It is like anyone who says I was supposed to carry out instructions from Commissioner Spies would then agree with me to say, when I walk out of this Commission, I can meet someone right out there and he said, I am the Deputy Chief and I am giving you instructions, go and do 1, 2, 3, 4.

So, I am saying in terms of the law, Commissioner Spies was not having any legal authority to do so because legal authority in the city gets derived from approved organisational structure by council, not by individual senior managers within the City of Tshwane. By council. Approval by council gives effect to appointments and anything to do with the rendering of services within this.

So, he realised this, that is why when I say I later cancelled the 3, right, it was after June. There is a reason, Commissioner, why after June he came back to me to say

cancel Mogalagadi, Tiotic, Gubis, because it was only after the 4th of June that Commissioner Spies was accommodated on the structure of the TMPD and that accommodation still was not via any resolution of council. That accommodation was not via any resolution by council, which then means, with my knowledge, right, after the approval, the said approval, even though it was not done via a resolution of council, right, that position should have been advertised ...[intervenes]

10 **ADV BALOYI SC**: Let me interrupt you because now you are talking about adverts. I just want to clarify that I understand what you are saying. At 12 March 2025, who did you report to?

DIRECTOR MALATJI: In view of Spies, it was said, actually, he imposed himself on me, because nobody, not even the Chief of Police ...[intervenes]

ADV BALOYI SC: Okay, let me – my answer does not need an explanation, honestly, Director. I have asked you a simple question.

20 **DIRECTOR MALATJI**: Okay.

ADV BALOYI SC: Who at the 12th of March 2025, who did you report to?

DIRECTOR MALATJI: I was supposed to report to the Chief of Police.

ADV BALOYI SC: Who did you report to at the 12th of

March 2025? I am not asking you who you were supposed to.

DIRECTOR MALATJI: There was no ...[intervenens]

ADV BALOYI SC: We know there was Bolhuis at some point, so you were never reporting to the Chief of Police, because on the evidence, on the testimony that we have heard, Bolhuis, I think Deputy Commissioner, I think that is his position, Bolhuis was overseeing APSS. And then at some point, he stopped, and Deputy Commissioner Spies
10 becomes responsible for that. So, keep that in mind when you answer my question.

DIRECTOR MALATJI: Okay.

ADV BALOYI SC: On the 12th of March 2025, who were you reporting to?

DIRECTOR MALATJI: In terms of his presence, right, I reported to him, but ...[intervenens]

ADV BALOYI SC: Him being Spies?

DIRECTOR MALATJI: I reported to Spies, right, by virtue of him being there ...[intervenens]

20 **ADV BALOYI SC:** I have said to you, I do not want you to give an explanation about structures and the politics, and who did what, did not do what. I am asking the simple question, who was your immediate superior that you reported to at the time, and you have answered, you have said you reported to Spies.

DIRECTOR MALATJI: Yes.

ADV BALOYI SC: Thank you.

DIRECTOR MALATJI: Okay, I am at point 11:

10 “I fully explained to Commissioner Bolhuis the process on how ad hoc deployments work, as it is contained in the City Manager's SOP dated the 23rd. That is what I did. I further explained to Commissioner Bolhuis that Gubis Solutions, ad hoc services, were initiated by the Department of Water and Sanitation without complying and/or observing the SOP mentioned above.”

Can I proceed?

20 “After 12th, formal suspension letter, the preceding notice inviting your presentations on the suspension, written response to - I have attached the requested documents marked as Annexures T7, ST7, 8, and ST9, respectively.”

ST7, ST7, Commissioner, it is my - it is a letter addressed to me, Notice of Suspension Pending Allegation of Misconduct, CP Malatji and in brackets it is my PAYE number. Can I proceed:

“With reference to the Notice of Intention to Suspend you, dated the 26th of June 2025, following allegations of misconduct, in that you failed to declare all directorships and financial interests to the municipality in terms of the Municipal Systems Act, scheduled through Code of Conduct form, municipal staff members, the subsequent submission of representation by yourself, taking the seriousness of...”

ADV SIKHAKHANE: Commissioner Malatji, I think you can skip that.

DIRECTOR MALATJI: Oh, we can skip that?

ADV SIKHAKHANE: Yes.

DIRECTOR MALATJI: ST8, Notice of Intention to Suspend ...[intervenes]

CHAIRPERSON: I think we can skip that as well.

DIRECTOR MALATJI: Okay.

20 **CHAIRPERSON:** Because you dealt at length with your suspension when you gave your testimony earlier.

DIRECTOR MALATJI: Thank you. ST9, this was my representation, to Commissioner Faro, representations against intended suspensions ...[intervenes]

CHAIRPERSON: I think we can skip that too.

DIRECTOR MALATJI: We can skip this one.

CHAIRPERSON: Yes.

DIRECTOR MALATJI: Right. Let me go to just after point number 13:

“The correct advertisement for the position of Deputy Chief of Police, Asset Protection and Security Services, it is attached there as per ST10.”

CHAIRPERSON: Is there any salient point we want to deal
10 with here?

DIRECTOR MALATJI: I think not much except to say if the Commissioner goes through this correspondence, the Commissioner will realise that both Mr Spies and myself are actually charged with one and the same responsibility.

CHAIRPERSON: We will decide that, because if I am not mistaken, I think Commissioner Baloyi, when you testified earlier, took you through what his responsibilities are and what yours are, and Commissioner Baloyi was seeking to demonstrate that these are not necessarily the same. Yes,
20 Commissioner Baloyi confirms my recollection.

ADV BALOYI SC: My recollection also, Director, is that you had attached the wrong - I think that is what you said. You had attached the wrong advert, and we were talking off that advert.

DIRECTOR MALATJI: Okay.

ADV BALOYI SC: And that is why you have given us page 44.

DIRECTOR MALATJI: Exactly.

ADV BALOYI SC: It is the correct one.

DIRECTOR MALATJI: Okay, yes.

ADV BALOYI SC: Okay.

DIRECTOR MALATJI: Now, hence, Commissioner, I am saying, having attached a wrong one, today my testimony is putting it on record.

10 **CHAIRPERSON:** So basically, you are now saying, or rather you are insisting that, now that I have the correct advert, I am insisting that the duties are the same.

DIRECTOR MALATJI: Correct, Commissioner, yes.

CHAIRPERSON: That is your point. Maybe Commissioner Baloyi will again take you through similar points as she did previously. I am not pushing her to. Is there anything else?

ADV BALOYI SC: Not at this stage.

20 **CHAIRPERSON:** Is there anything else you ...[incomplete]?

DIRECTOR MALATJI: No, not on this one.

CHAIRPERSON: Yes.

DIRECTOR MALATJI: I am just happy that I brought to the attention of the Commission what I wanted to bring in respect of the two of us sharing one and the same

responsibilities.

CHAIRPERSON: Okay.

DIRECTOR MALATJI: Thank you, Commissioner.

CHAIRPERSON: And then there is the last point at page 4.

DIRECTOR MALATJI: Okay:

“Documents addressing funding request
for 2025 period.”

Commissioner, I have attached here documents marked
Annexed T11 and 12.

10 **CHAIRPERSON**: Any salient points or issues you wish to
raise with regard to these?

DIRECTOR MALATJI: No, no. From where I am sitting,
Commissioner, what I want to put on record is that the
documents that I have attached here are evident enough to
assist the Commission in determining who has requested
funds and for what. And very specific, I want to say I want
to make this point that these documents they are evidence,
right, which indicate explicitly, right, who requested the
R99.1 million, right, in order to pay the invoices that have
20 been and are continuing to be a subject of my testimony
before the Commission. Thank you.

CHAIRPERSON: No, in respect of ad hoc deployments.

DIRECTOR MALATJI: Exactly, Commissioner. Thanks.

ADV KHUMALO SC: Before we break for lunch, is that
document ready to be displayed? Can you please display it

so that maybe Director Malatji can respond to Commissioner Baloyi's question? Director Malatji, look to your left there.

DIRECTOR MALATJI: Oh, okay.

ADV KHUMALO SC: Do you see that it is a Gubis invoice from June 2024 and it relates to ad hoc services?

DIRECTOR MALATJI: Correct, I see.

ADV KHUMALO SC: And then on the 26th of February 2025, you stamped and signed it.

DIRECTOR MALATJI: Yes, Commissioner.

10 **ADV KHUMALO SC**: You see that?

DIRECTOR MALATJI: I see.

ADV KHUMALO SC: So, the reason I wanted to refer you to this document is I do not agree with you that you were not aware that there were ad hoc services that were being rendered because you were approving invoices. And this do not even relate to the additional deployments in January and February. This is deployment that happened in 2024. And in relation to which, if you remember, there was the dispute because there were no purchase orders and it was
20 not clear who had authorised these deployments. But when it came to you, you stamped it and you signed it.

CHAIRPERSON: Are you ready to respond or do you want to respond after lunch?

DIRECTOR MALATJI: I think I can respond now.

CHAIRPERSON: Please do then.

DIRECTOR MALATJI: This invoice was signed 26 February 2025. I think even though it was dating back to 2024, right, there is evidence in my testimony, I made mention of the fact that invoices were, in January, February, ad hoc invoices involving Gubis were already receiving attention, right, from different levels. But the directive obviously would be that they were receiving attention at the executive level, right. Hence, when this invoice was sent to me, right, I took it that since the
10 discussion is about how such invoices would be disposed of, right, there was no – what do you call it - wrongdoing on my part in signing this invoice.

ADV KHUMALO SC: But did you know for certain that those services had been rendered when you were signing and approving this invoice? Did you know that Gubis had rendered those services?

DIRECTOR MALATJI: In, in, in, in, in.

ADV KHUMALO SC: Director Malatji, did you know or did you not know?

20 **DIRECTOR MALATJI:** Let me say I did not know. Thank you.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: Let us adjourn and resume at 2 pm.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Mr Sikhakhane?

ADV SIKHAKHANE: Thank you, Chair. Good afternoon, Advocate Malatji.

DIRECTOR MALATJI: Good afternoon.

ADV SIKHAKHANE: We need to go through some of the questions that we have with your statement. I do not want us to repeat what you have already indicated, but what we do not have and I want us to be clear in my questions is to keep in mind that – thank you.

10 We have established from today and your last testimony that the deployments as they happened and as you signed them off, some of them were not, you did not verify them, we have established that as a fact. We have also established, I think, as a fact that in terms of the capacity which you said and the report that was earlier provided that the sites were not monitored properly. You accept that?

DIRECTOR MALATJI: Correct, yes.

20 **ADV SIKHAKHANE:** And we have to also accept the – sorry, we have to accept, then we have to get into the authority about deployments and the last time the interest was around the deployments of January, January 2025 and that was closer, that had Mr Phiri, everyone said Mr Phiri's evidence was that you instructed him to issue those notices of deployment where you signed them. Do you want us to

go to them, or do you remember those deployment letters?

DIRECTOR MALATJI: Commissioner, I do not explain, I do not remember instructing Mr Phiri to deploy any ad-hoc service, either in January or before.

ADV SIKHAKHANE: Okay, so your evidence is that previously you have never instructed Mr Phiri or Inspector Phiri to issue deployment letters?

DIRECTOR MALATJI: Normally, without having to repeat
10 what I have said, but in brief, deployment letters are issued in respect of services, ad-hoc services that have taken note of the SOP directive that I alluded to earlier on. So, any ad-hoc service that was undertaken without alluding to the SOP, as indicated earlier on, would not have a deployment certificate signed by our office. But now, if it happened that he signed them, he did it out of his own, not with my instruction.

ADV SIKHAKHANE: Okay. Would you also accept that at
20 some point those may have gotten to your desk and you signed for them? You cannot make that comment.

DIRECTOR MALATJI: Come again?

ADV SIKHAKHANE: I am saying do you know if you would have seen the deployments of February, of January, sorry, that you have signed, or invoices relating to those?

DIRECTOR MALATJI: It could be, but unfortunately.

ADV SIKHAKHANE: Yes. It could be.

DIRECTOR MALATJI: I am not having ...[intervenes].

ADV SIKHAKHANE: Okay, not as sufficient. That is fine. Then, Mr Phiri came – or maybe before that, when did you become aware that Mr Phiri, or Inspector Phiri, I apologise, now Major, signed these deployment letters?

DIRECTOR MALATJI: Which deployment letters are you referring to?

ADV SIKHAKHANE: The one of January 2025.

10 **DIRECTOR MALATJI:** I do not remember seeing such signed deployment letters. I do not remember.

ADV SIKHAKHANE: Okay, that is fine. Could you then go to File 5, page 52? This is an annexure, it is a trail of emails from Mr Phiri and yourself and, yourself and Herman Segolela from the Department of Water and Sanitation. The version that Mr Phiri gave before this Commission was that this discussion via emails and later on in meetings, you gave him authority or delegation, using the term loosely, to issue deployment letters in respect of sites that the
20 Department of Water and Sanitation required. What would be your comment to that version?

DIRECTOR MALATJI: My comment is simple, straight to the point. By ordering Mr Phiri to convene a meeting or attend a meeting, I was not in any way giving him authority or delegating him responsibility, a duty to deploy any ad hoc

services. So, it happens very often, not only with ad hoc services, if you are held up somewhere and there is something important for discussion, you assign whoever to go and attend that meeting, but attending a meeting does not mean I have delegated a duty or responsibility for him to deploy the...

ADV SIKHAKHANE: No, that is fair enough, and I am not going to belabour the point, but your version is that you never delegated him, and you do not ...[intervenes].

10 **CHAIRPERSON:** Let me take you to the email just before that, and that email and a couple of others demonstrate, at least on my reading, that the overarching purpose of all these email exchanges was ultimately to have a deployment. That one is from Mr Herman Segolela. It is at the foot of page 52. It is addressed to, amongst others, you. And it says – do you see it?

DIRECTOR MALATJI: I see it, yes.

CHAIRPERSON: Yes:

20 “Good day. We have responded and forwarded all the information needed by Metro Police Department. We are still waiting for them to confirm deployment.”

That is what Water and Sanitation want, is deployment. And then it says:

”Today I just received the bad report that

the Klapperkop water pump station has been badly vandalised during the festives. Mr Malatji, kindly urgently confirm when you may be able to deploy.”

So this is about deployment:

“...security as the sites are vulnerable to further vandalism.”

And then there is the one about an urgent meeting that you just referred to. I will skip. And by skipping, that is going
10 backwards because as we discussed this earlier, the emails will start from the bottom up. I will take you to page 44. There again, it is an email from Mr Segolela. That is the person I referred to earlier this morning as an engineer. I think he is an engineer, but the important thing is that he is from Water and Sanitation. Again, he is writing to you and he says:

“Good day, Mr Malatji. Attached find the updated list of security. Deployment need.”

20 So it is on the basis of the repeated reference to deployment, deployment, that I am saying what is overarching here is deployment. And then I will next take you to page 43. Now it is you writing, and you are writing to Kwapeng@Gmail. Who is Kwapeng?

ADV SIKHAKHANE: Senior Sup Madihlaba, Colonel

Madihlaba.

CHAIRPERSON: Doctor Ma?

ADV SIKHAKHANE: Madihlaba, yes.

CHAIRPERSON: Doctor Madihlaba, okay. And you say:

“Good evening. Kindly find request from Mr Herman from the Department of Water and Sanitation for further handling.”

And then you say:

10 “Please get Phiri to run with the process and let us monitor progress.”

Bear in mind that throughout the overarching purpose is deployment, deployment, deployment. So Mr or Major Phiri says this is what instructed him to deploy. In context, that does appear to make sense or that does seem to make sense. Do you care to comment?

DIRECTOR MALATJI: My comment is starting with me ordering Mr Phiri to attend the meeting.

CHAIRPERSON: Let us leave the meeting. We have
20 discussed that with Ms Sikhakhane. Let us leave that.

DIRECTOR MALATJI: Okay. It is not true that by instructing them to run with the process, I was meaning that they should continue deploying security because they themselves know very well that in order for deployment to be carried out, there must be a ...[intervenes].

CHAIRPERSON: Are you going to refer to the SOP again?

DIRECTOR MALATJI: Exactly.

CHAIRPERSON: And it starts with what? With the request from the relevant department.

DIRECTOR MALATJI: Exactly, and ...[intervenes].

CHAIRPERSON: Which there was here. There are repeated requests. And Mr Segolela goes so far as to say there is continuing vandalism. So there is a request.

DIRECTOR MALATJI: Yes, Commissioner, I agree with
10 you. There is a request. But that request, it runs short of critical information that is necessary for both of us to comply with the SOP that I alluded to earlier on. There shall be no deployment done unless the department requesting security has committed funds to service the deployment. Number two, the department ...[intervenes].

CHAIRPERSON: As you sit there, are you able to say no funds have been committed as you sit there? Or are you making an assumption?

DIRECTOR MALATJI: At this point in time, at the point
20 when we are communicating ...[intervenes].

CHAIRPERSON: As you sit there now, are you saying funds were not committed? Or are you making an assumption that they were not?

DIRECTOR MALATJI: No, if my memory serves me well, there were no funds committed at that point in time.

CHAIRPERSON: Okay, continue.

DIRECTOR MALATJI: So apart from the issue of the funds, the SOP requires it of us to make sure that there is a critical element of, for how long are we requesting these ad hoc services, right? So it was imperative for us, through Phiri and Madihlaba, to have those things before a decision could be taken to deploy security.

So if I go, having gone through this, right, I do not see anywhere where they came back to me with
10 ...[intervenes].

CHAIRPERSON: You could not sit and fold your arms and wait for them to come back to you. Not when Mr Herman Segolela had repeatedly asked for urgent deployment. And not for the sake of it. He says in so many ways that there is continuing vandalism and that the Klapperkop Reservoir has recently been vandalised. You could not sit and fold your arms.

So if you interpret the sentence that says, please get Phiri to run with the process and let us monitor
20 progress, if you interpret that sentence differently from Mr Phiri's interpretation, what became of that process and your monitor? What became of that? Because if you never did anything that saw that process to the end, we may well be forced to interpret this in the same manner as Major Phiri does.

Because from your answer, you seem to suggest that you just sat and waited for them to come back to you and tell you what happened eventually. If that is what you did, or at least if that is what you say you did, we may be inclined to interpret this email in the same way as Major Phiri. Your comment? Or maybe let me ask this first. Did you do anything after this email? If you did, what did you do?

DIRECTOR MALATJI: Commissioner, I did not sit. I have
10 been engaging with Phiri and Madihlaba about the budget issue, right? The budget issue. Because the directive is very clear, whether there is vandalism ...[intervenes].

CHAIRPERSON: Where is the record of that? Where is the record? Throughout we have emails you yourself have been writing. If you will suddenly say to us that I suddenly engaged orally, that will be very odd in the context of what was happening here. Emails were being exchanged. Where is an exchange, an email exchange, that shows that beyond this point you did engage?

20 **DIRECTOR MALATJI:** Commissioner, can I say this? If it is allowed.

CHAIRPERSON: Yes.

DIRECTOR MALATJI: I did not buy. I did not instruct or delegate.

CHAIRPERSON: That is not what I am asking you. That is

not what I am asking you. I said that you have said Phiri must run with the process and let us monitor progress. So, I want to see the progress. I do not want you to answer whether you in fact gave an instruction. That is not where I am right now.

I want to see what you did beyond this email. What did you do, if anything at all? And if you say it was oral, that will be hard to believe because throughout and up to this point, you were all engaging each other by way of
10 email. What did you do beyond this point, if anything at all?

DIRECTOR MALATJI: From a record perspective, it is clear that there were no further communications, but the absence of that does not necessarily mean I gave either Phiri or Madihlaba ...[intervenes].

CHAIRPERSON: Again, I am not asking you whether you gave an instruction or not. I am saying, or I am asking, did you do anything at all beyond this email of the 9th of January 2025 at 08:49PM? Did you do anything at all? No, no, no, I am looking at a wrong one. I am looking at, the
20 date is still the same, the 9th of January 2025 at 20:45. Your email to Kwapeng E. That is the email in which you say, please get Phiri to run with the process and let us monitor. So I am saying beyond that email, did you do anything at all? If you did, what did you do?

DIRECTOR MALATJI: Commissioner, it is on record now.

There is no email indicating what was done, but ...[intervenes].

CHAIRPERSON: I am not asking about whether there is an email. What, if anything at all, did you do, Director?

DIRECTOR MALATJI: Commissioner, I am struggling to get the right word, right? I have issued an instruction. They must run with the process. Running with the process, meaning to do due diligence. They did not come back to me. Right, yes, the Commissioner is saying, what did you
10 do?

CHAIRPERSON: Yes, I want to know what you did because you cannot say, once I gave the instruction that Phiri must run with the process, then you waited and did nothing at all. You yourself actually say in this, you must monitor progress. So you yourself undertook to monitor progress. So what, if anything at all, did you do after you had written this email? I am asking this question for the umpteenth time now.

DIRECTOR MALATJI: Commissioner, I know from where I
20 am sitting and where the Commissioner is sitting, what will convince the Commissioner is something in black and white because ...[intervenes].

CHAIRPERSON: It does not have to be. It does not have to be in black and white. But, of course, I will say, if you suddenly say it was oral when everything else was through

emails, we may be inclined to find it hard to believe. But I am not confining you to emails. What, if anything at all, did you do after this email?

DIRECTOR MALATJI: Allow me, Commissioner, to put it on record again. I have issued my subordinates with ...[intervenes].

CHAIRPERSON: You are supporting what?

DIRECTOR MALATJI: I issued my subordinates.

CHAIRPERSON: Subordinates?

10 **DIRECTOR MALATJI**: Yes, with an instruction. They had a duty, let alone me having to prove. They had a duty to come back to me and say this is how far we have gone, so that I could evaluate, right, whatever they say they have done.

CHAIRPERSON: That cannot be enough. That cannot be enough. You have also undertaken to monitor progress. So if they do not come back to you, you too have a duty to monitor. So that means you going back to them and asking them what is going on with the instruction I gave. So it is
20 not enough for you to – basically you are saying, in the face of vandalism that was taking place, in the face of several requests by Mr Herman Segolela, you just sat and folded your arms and waited for people who were not coming back to you to come back to you.

DIRECTOR MALATJI: I do not agree, Commissioner. I do

not agree.

CHAIRPERSON: Yes?

DIRECTOR MALATJI: The reason why I am not agreeing ...[intervenes].

CHAIRPERSON: What exactly do you not agree with?

DIRECTOR MALATJI: I am not agreeing with the fact that I just sat, folded arms, and waited my subordinates to respond. I am saying ...[intervenes].

CHAIRPERSON: I am saying that because you said they
10 had an obligation or a duty to do the things that you are referring to, and to then come back to you and they never did. My understanding of that is that you are basically saying because they never came back to you, you too did not do anything.

DIRECTOR MALATJI: I think I will not be able to satisfy the Commissioner on this one in terms of my response, you know? But the long and short of my response with regard to deployment, right, I have never instructed both to continue with deployment of security.

20 **CHAIRPERSON:** Thank you. I will close by saying again, that is not my question, but I will leave it there.

ADV KHUMALO SC: Director Malatji, your evidence before this Commission concerns me. You will see that on page 52, where Chair referred you to, it was concern about vandalism at Klapperkop Water Station and the other one,

there were two, and that was on the 6th of January if you look at that email on page 52.

The following day, on page 60, you give an instruction, Tuesday, January 7, 2025, at 11:38. You give an instruction that the service provider will resume deployment of security guards today, 7 January 2025 at 18:00 hours, at the very stations that the Chair was engaging you on.

So you gave an instruction that the deployment will
10 happen from that day. So for you to come to this Commission and say I never gave an instruction to deploy because my subordinates had to do due diligence first, that is untruthful. Because that is your email, where you say deployment will happen today at 18:00. Do you see that? We are on page 60, Director Malatji.

DIRECTOR MALATJI: I am on page 60.

ADV KHUMALO SC: And do you see that in your email you said deployment to these three sites, to these two sites, was to commence at 18:00 on that day?

20 **DIRECTOR MALATJI:** Yes, it is my ...[intervenes].

ADV KHUMALO SC: So you did authorise those deployments. And when Mr Phiri issued letters in respect of these two sites, it was because you had authorised these deployments.

DIRECTOR MALATJI: No, there, Commissioner, there, I

admit I issued instruction. And if you look at the subject on my email, right, it talks to GL account for security services, Klapperkop, Brickfields Pump Stations, as listed here below, right. Without even, if you go to page 61, Herman Segolela, right, GL account for security services, right. He indicates:

10 “Hi ...[indistinct], I agree with your suggestion to utilise Jobin [?] GL. It is the one relevant for this purpose. Colleagues, the GL and cost centre for the security are as follows.”

In as far as deployment of Klapperkop and Brickfields Pump Stations, they are concerned, they are three. The department here has complied fully with the SOP that I alluded to earlier on. Hence, my instruction, right, said the deployment will commence at 18:00.

ADV KHUMALO SC: Mr Malatji, on page 52, Chair was engaging you on the same Klapperkop Water Pump Station. And when Chair was engaging you, you said you never gave instruction for deployment.

20 **DIRECTOR MALATJI:** No.

ADV KHUMALO SC: Mr Malatji, go to page 52 and see what page 52 deals with.

DIRECTOR MALATJI: I am on page 52.

ADV KHUMALO SC: Do you see that it deals with Klapperkop:

“Today, I have just received a bad report that Klapperkop Water Station has been badly vandalised during the festivities.”

That is what the Chairperson was engaging you on. It continues on page 53:

“Mr Malatji, kindly confirm when we may be able to deploy security, as the sites are vulnerable to further vandalism.”

That is the very email Chair was engaging you on. And
10 when he asked you, in the face of this and in the face of the request for deployment, what did you do? You said I never gave an instruction to deploy because, one, there should have been due diligence. Two, there should have been a determination of the duration of the deployment.

Yet, on page 60, before those things are done, there is no due diligence, there is no determination of how long the deployment is going to be. You authorised the deployment. And arising from this email, Mr Phiri issued letters of deployment to these sites. So for you to sit there
20 and say I did not authorise this, I was still waiting for my team to do a deployment and to assess how long the deployment is going to be. Sorry, the due diligence and how long the deployment is going to be. It is simply false.

DIRECTOR MALATJI: I think my response was, I responded not being aware of the email on page 60. So

...[intervenes].

ADV KHUMALO SC: So your evidence changes when you see documents. It is not the truth. You will change it as and when you see documents, or as and when you become aware of documents.

DIRECTOR MALATJI: Not necessarily, Commissioner. I think the Commission must take note of the fact that we are dealing with quite a number of issues here, right? Sometimes it might happen that when I am exposed to what
10 actually has happened, right, that would touch on the evidence that I am giving.

But in this instance, I am exposed to the evidence. Yes, due diligence to a very large extent was done. Confirmation has been made by the Department. Hence, I issued an instruction to say deploy on Klapperkop, deploy on Brickfield substation, as per the scope of work.

ADV KHUMALO SC: Let me tell you what then happened after this, after you instructed that there be a deployment. The same Water and Sanitation went to Phiri because you
20 said Phiri must run with the process. If you go to page 50 of the same bundle, and the email to which that attachment relates is on page 44, and you were copied on this. It is 9 January 2025. It says:

“Good day, Mr Malatji. Attached find the updated list of security deployment

needs.”

So they were saying in addition to the two, there are these additional sites. Where you find those additional sites is on page 50.

DIRECTOR MALATJI: Okay.

ADV KHUMALO SC: And letters were then issue because you had already authorised deployment on the basis that there was vandalism. Letters were then issued that there should be security on these sites as well. That is what
10 happened. And you were copied. So you cannot say, I did not know, I was not aware, because these emails are all sent to you. You can see that the email on page 44 is sent to you.

DIRECTOR MALATJI: I hear you, Commissioner.

ADV KHUMALO SC: Yes. Now I want to ask you about the January invoices because we know that these sites, the additional sites, were added. In February, when Gubis invoiced for the ad hoc services in January, did you sign those invoices? Because the January invoices would have
20 been issued sometime in February. Either in the middle part on the 10th or later in February. But we do know that at the end of January, Gubis would have been entitled to invoice. Did you sign and authorise those invoices in February?

DIRECTOR MALATJI: I would not say yes or no unless

...[intervenes].

ADV KHUMALO SC: No, Mr Malatji.

DIRECTOR MALATJI: Commissioner, can I please be given ...[intervenes].

ADV KHUMALO SC: Please explain.

DIRECTOR MALATJI: Opportunity to explain. I would not say yes or no. Unless without having to say this is how the Commission should direct questions to me, right, unless I am exposed to those emails that I have signed and
10 questions are based on something that I am seeing, right? Probing me on something that I am seeing. But now, just for me to – for the Commission to expect me to some fact responses, I do not think it is fair.

That is why as we move on, I would always be accused of, you know, not answering properly. But the bottom line is, I should be exposed to the evidence. And yes, as we move on, you allow me an opportunity to explain where it is necessary to explain. But under the circumstances, I feel like I am being ambushed. So, which
20 ...[intervenes].

CHAIRPERSON: Are you saying, Director, you may have but you do not recall? Is that the long and short of what you are saying?

DIRECTOR MALATJI: Exactly, Commissioner.

ADV KHUMALO SC: There is a reason why I am asking

you this question, Director Malatji. You see, you told this Commission that you were not aware of this ad hoc appointment until much later. Now, what I am asking you is a factual issue. Either you approved invoices or you did not.

Because if you approved the invoices for January, there is no way you can sit there and say you do not know what those invoices are for because the invoices will tell you it is for this deployment at this site for January 2025.

10 And that is your job.

As we have shown you with the June 2024 invoice, it came to you, you stamped it, you signed it. Had we not confronted you with that invoice, you would also have denied and said, I do not know, I never became aware of this ad hoc deployment, I did not authorise anybody to deploy.

But if you signed those invoices, then your suggestion that you were not aware of this deployment is simply false. And because it is your job, you should be able
20 to answer that question. You should be able to say yes, because no invoice can be paid without my involvement, they would have had to come to me, I would have stamped them and signed them and that is how they would have gotten paid.

You are not being ambushed. You came here to

deal with the Gubis deployments and the payments to Gubis. That is why the emails that are attached here and they show that over five months it was paid R82 million. They relate exactly to the topic we are discussing. It is not something outside of the topic that we are discussing. If you know, you can say I know. If you do not know, I do not know or I do not remember.

DIRECTOR MALATJI: Commissioner, I hear you and I agree with you, right?. The thing is the difficulty I sometimes come across, right? You say I do not remember. It is said no, it means you are not doing what you are supposed to do, right? It is an assumption. But the long and short of this whole thing is, right, I am coming to the additional lists, page 50, right.

Allow me to put it on record, Commissioner. Mr Segolela has taken advantage of my email dated the 7th of January. He knows very well, he should know very well, that for each site there must be a GL account number, right, provided.

20 So, having received my approval as per this email, right, he decided to put additional sites. But I am stating that it was wrong of him to do that. You see? He was supposed to do as he did with Klapperkop and others, right? Avail GL account number from which this additional site would be serviced.

ADV KHUMALO SC: The email on page 44 that attaches an updated list of security deployments is sent to you. If you held the view that they must get GL accounts and other things, then you would have responded to them and said, there will not be any further deployments until you have followed the process that you followed as set out on page 60.

So now you are acting as if they did all this behind your back, they added the additional sites behind your back,
10 but the email on page 44 is addressed to you. So if you thought a different process had to be followed, you could have responded to that email and said this is not the correct process, follow a different process. Instead, what you do 10 minutes later, 20 minutes later, which is the email Chair took you to on page 43, you said:

“Colleagues, note the request for further handling. Please get Phiri to run with the process and let us monitor the progress.”

You did not say, no, unless there is a GL number, we should
20 do nothing about those sites. Unless there is budget, we should do nothing about those sites. Instead, you said, please note the updated list for further handling. Phiri will run with it and monitor the progress. That is what you said. You see that you responded, it is 10 minutes later, 20:34 is on page 44, 9 January. Page 43, 20:45, you noted the

request and you say Phiri must run with it. So that is the sequence. Do you see that?

DIRECTOR MALATJI: [No response].

ADV BALOYI SC: Director Malatji, maybe to try and shorten this, do you accept that at page 43, that is an instruction to Phiri to action the request for Water and Sanitation where you say Phiri to run with the process and let us monitor progress. Do you accept that you are instructing him to action the request for Water and
10 Sanitation?

DIRECTOR MALATJI: I agree.

ADV BALOYI SC: Okay, thank you.

CHAIRPERSON: Mr Sikhakhane?

ADV SIKHAKHANE: Thank you, Chair. Thank you, Commissioners. So we now move from the premise, if I hear you correctly, is that you did issue instructions to Mr Phiri. Unless I am misunderstanding.

DIRECTOR MALATJI: Yes, I did instruct Phiri on the 7th of January.

20 **ADV SIKHAKHANE:** All right, so I think it is just in the interest, can you just be clear, if you go to page 60.

DIRECTOR MALATJI: Page 60. Page 60?

ADV SIKHAKHANE: 60.

DIRECTOR MALATJI: Yes.

ADV SIKHAKHANE: Why did you copy Gubis in that

email?

CHAIRPERSON: 6-0?

ADV SIKHAKHANE: Yes, yes.

CHAIRPERSON: Thank you, thank you.

ADV SIKHAKHANE: Okay.

DIRECTOR MALATJI: I think the reason why I copied Andrew and Calvin, the reason is simple, right? The reason is simple that they were, in my view, already having instruction to deploy. Actually, yes, to deploy on the sites,
10 right?

ADV SIKHAKHANE: Sorry, you said you assumed.

DIRECTOR MALATJI: Let me check, let us – before I respond to you, Commissioner, can we go to that Herman Segolela's request, initial request?

CHAIRPERSON: Page?

ADV SIKHAKHANE: It should be page 61, is it, does it follow from there?

DIRECTOR MALATJI: Okay, I...

CHAIRPERSON: Please give us the page.

20 **DIRECTOR MALATJI:** Okay, I am on page 60.

CHAIRPERSON: 6-0?

DIRECTOR MALATJI: Yes.

CHAIRPERSON: I thought you were looking for something else.

DIRECTOR MALATJI: Yes, no, no, I was checking on the

...[intervenes].

CHAIRPERSON: Okay, all right.

ADV BALOYI SC: Do you perhaps want to look at page 55 and see if that is not what you are looking for? That is a date before page 60. It is a date that comes before what you see on page 60.

DIRECTOR MALATJI: Okay. Commissioner, you said page 55?

ADV BALOYI SC: Yes. There is an email from Segolela,
10 November 25.

DIRECTOR MALATJI: Yes. I think my answer to the question, why did I copy Gubis, right? It came from the experience that Herman and the department were preferring Gubis, but I am not sure if I might have checked with Madihlaba or Phiri in terms of the service provider, but the bottom line is, it was I thought they would continue with Gubis as they have been going forward.

ADV SIKHAKHANE: So, we can conclude that this was an assumption.

20 **DIRECTOR MALATJI**: I assume it.

ADV SIKHAKHANE: Now, in terms of ...[intervenes].

ADV BALOYI SC: Can we just check that? Mr Phiri, my recollection of his evidence on this aspect was that Gubis was already appointed by Water and Sanitation. They had already been chosen because Water and Sanitation said

they have worked with them, they are happy with their work elsewhere, and so that is who they wanted to do this part of the work. Is that perhaps what you are referring to?

DIRECTOR MALATJI: Exactly, Commissioner.

CHAIRPERSON: In addition to that, according to Major Phiri, they had, or rather Gubis had actually been deployed. I have no idea by whom, but on 31 December 2024, they were actually on site. And Major Phiri says he told them to get off site. So, perhaps what you had in mind was that
10 history, what Commissioner Baloyi is referring to, and also the actual fact of deployment which was terminated by Major Phiri, according to his testimony. So, perhaps you had in mind that history or not, or not really.

DIRECTOR MALATJI: I do not have that history of termination in mind, Commissioner.

CHAIRPERSON: But you had already begun to respond to Commissioner Baloyi and say yes to what Commissioner Baloyi proposed to you, which is what had happened in November. I am sorry I interrupted you because your
20 response was a clear yes to the proposition. Let us leave it there, you said yes. Yes, Mr Sikhakhane?

ADV SIKHAKHANE: Thank you.

CHAIRPERSON: And I thought I was assisting you further. I was not tripping you up. Yes, Mr Sikhakhane?

ADV SIKHAKHANE: It is only the truth, Chair. You have

relied on ST5 as the process. And what we do not have is, or what it requires, that that is the standard operating procedure which you had signed for as a custodian, therefore. It talks about a need to conduct an assessment and that there must be a formal letter of request signed by the cost centre owner, where the money will come from, and the likes and the requirement. In relation to these requests, did any of that happen?

DIRECTOR MALATJI: I think in relation to Klapperkop, 10 Brickfields' requests, the email by Segolela requesting security on this, and also providing GL account from which the services would be paid from, I would say yes to the question. It was in line with the spirit of the SOP that I have attached, yes.

ADV SIKHAKHANE: Fair enough. I mean, I think the process talks about a formal letter of request, but I will accept what you explain. Just before we step off this process, I mean, I think we have accepted the fact that there might have been some gaps. Why, at this time, why 20 did you use your Gmail account on page 43, just out of curiosity? When you were issuing instructions to Phiri.

DIRECTOR MALATJI: On which page are you?

ADV SIKHAKHANE: 43.

DIRECTOR MALATJI: 43, okay.

CHAIRPERSON: Whilst the director is looking, may I

address myself to Mr Nkosi? In the meantime, can you please, if of course you will be able to follow the proceedings, but can you in the meantime please apply your mind to what you may want to re-examine on? We insist on specific issues and we want you to tell us beforehand what you want to re-examine on. So as you go along, please apply your mind to that.

MR NKOSI: Yes, in fact ...[indistinct].

CHAIRPERSON: No, no, not now, not now. We can deal
10 with it down the line. Thank you. I do not know if you still remember where ...[intervenes].

DIRECTOR MALATJI: Yes, Commissioner, the question is why did I send this communication from my Gmail account? Simply because it was late in the afternoon, right? I normally rely on my Gmail account, which is handy for anything that I need to do with my office.

ADV KHUMALO SC: Mr Sikhakhane, you were leaving the standard operating procedure.

ADV SIKHAKHANE: Yes, no, no, I did not. The witness
20 answered me. He says the email was sufficient, according to him, to be ...[intervenes].

ADV KHUMALO SC: Thank you. There is just the last bullet point in the standard operating procedure. It is on page 34 of your new annexures.

ADV SIKHAKHANE: Yes, yes.

ADV KHUMALO SC: The last bullet point there says:

“Upon funds being available...”

The second last:

“...a purchase order will be created and sent to the cost owner for release. Once the purchase order has been released, the OCM and the Asset Protection Unit will then go ahead and provide the services and monitor such services.”

10 In relation to these two sites that you authorised on the 7th of January 2025, am I correct that you authorised the deployment before there was a purchase order created?

DIRECTOR MALATJI: The ...[intervenes].

ADV KHUMALO SC: Remember on 7 January 2025 you said there will be deployment at 6 o'clock in these two sites.

DIRECTOR MALATJI: Yes.

ADV KHUMALO SC: Did you do that before a purchase order was created?

DIRECTOR MALATJI: It was done before a purchase order
20 was created and the ...[intervenes].

ADV KHUMALO SC: Is that not contrary to the standard operating procedure? Because the standard operating procedure says once the purchase order has been released, the OCM and then you, your department, the APPU, will then go ahead and provide the services and monitor such

services. So if you authorised the deployment before a purchase order was created, that is contrary to the standard operating procedure.

DIRECTOR MALATJI: I want the Commissioner to take note of the fact that in security we are dealing with emergency. It is not always the case that one would wait until administrative imperatives are carried out. But in this instance particularly, right, very much important was the fact that a GL account number has been what you call, has
10 been submitted.

Secondly, as a matter of practice, even though in the spirit of this instruction, right, understanding was payment would come from Water and Sanitation, right? But given what transpired, at the end of the day, payment came from Watchmen Services as a result of funds that were requested, the evidence I provided to the Commission.

ADV KHUMALO SC: That is exactly the problem. Water and Sanitation did not pay for this. That is why the budget had to be requested, that 90 million that you referred to,
20 because this process was not followed. And you are saying to us, in emergencies you can deviate from the standard operating procedure. That is really your point.

DIRECTOR MALATJI: Okay. Let me explain further, Commissioner, to say, in the spirit of this email, right, my understanding was everything would be done by Water and

Sanitation. Meaning, even the purchase order creations and so forth and so on, you know. Hence, my focus was to make sure that what is vulnerable, right, as long as there is a commitment by the department requesting, right, should be carried out in order to prevent further vandalisms and so forth and so on.

The Commissioner will agree with me to say given the nature of the signs, the pump station and so forth and so on, when you are dealing with security threats affecting
10 pump stations, right, you are dealing with some of the, what you call, basic service delivery infrastructure and sensitivity in most instances gets to be prioritised, you know, because if we do not do that and they vandalise further communities sitting without water, it becomes another issue.

ADV KHUMALO SC: Director Malatji, I think you are filibustering because Commissioner Baloyi showed you that the request was first made in November. So November, December, January, that is two months until when you allocate the security services. So it is not as if this was
20 done in one day and there was no opportunity to obtain a purchase order. This process could have been followed during that period from November until January.

DIRECTOR MALATJI: Commissioner, the GL account number was not provided, if I am not mistaken, right, was not provided immediately, right? It was on those basis that

I had to make sure that even though I have got a duty to protect these sites, right, but on the other hand complying to the SOP is important because at the end, I would not bear responsibility to cover the cost for these services.

Hence, any amount of delay that might have arose as a result of the requesting department taking its time would obviously have negative impact on what I was supposed to do given the urgency of these matters, but ...[intervenes].

10 **ADV KHUMALO SC**: I think I heard you, Director Malatji. Thank you.

CHAIRPERSON: I am sorry, Mr Sikhakhane. Now that Commissioner Khumalo has touched on the standard operating procedure, I just have a question that relates to that. Director, the standard operating procedure is about steps that must be followed from the time a request is made up to the time a deployment is authorised. Am I correct?

DIRECTOR MALATJI: Yes. Correct.

20 **CHAIRPERSON**: Now here is something that I do not understand. You say that the instruction to cancel ad hoc deployments was issued without observing the SOP. You say that at paragraph 8.3 at page 2 of your statement, and you give that as one of the reasons for not immediately complying with the instruction to terminate or cancel the ad hoc deployments.

Now if the SOP is about the steps that must be followed from the time of the request up to the time of authorising the deployment, what has that got to do with the cancellation of the ad hoc deployments? I do not get the logic.

DIRECTOR MALATJI: Okay. Let me try and make the Commissioner understand. What I meant is that in my view, with my administrative experience, this instruction was supposed to be directed to Water and Sanitation, right,
10 instead of me ...[intervenes].

CHAIRPERSON: This is no longer about the SOP. My first question just now was, do you accept that the SOP is about steps that must be followed from the time of the request up to the time that deployment is authorised and you agreed?

DIRECTOR MALATJI: Yes.

CHAIRPERSON: That is the SOP.

DIRECTOR MALATJI: Yes.

CHAIRPERSON: Now what you were instructed to do was to cancel ad hoc deployments. So what I say I do not
20 understand is, what has cancellation got to do with the SOP steps? I do not understand that cancellation must follow SOP steps. That is my difficulty.

DIRECTOR MALATJI: Okay.

CHAIRPERSON: And for you to go so far as to say that I did not cancel because consideration had not been given to

the content or contents, as you say, of the SOP.

DIRECTOR MALATJI: Let me try and make the Commissioner understand. The SOP is a directive to all the departments, right? If the Commissioner agrees with me that this SOP was meant to say to the departments, follow the following steps. And it happens that this one department does not comply, right, and my superior takes notice of that.

I am saying logically, logically, he should have
10 directed this instruction back to the department because the department is guilty of not complying with a directive by the City Manager, but instead he directed the instruction to me. Then I went further to say if we go through the content thereof, this directive does not ...[intervenes].

CHAIRPERSON: No, no, do not conflate two issues. What you are saying now about directing to the initiator is about a separate ground for refusal to cancel. That is 8.2. That is a separate ground. So do not conflate the grounds. I am directing you to 8.3, which is a separate ground. And in 8.3
20 you say that they did not observe the contents of the SOP.

So what I am saying to you, if the SOP is about the beginning all the way to deployment, when you cancel, that is beyond deployment. So that is beyond the SOP steps. So my question is, what is the relevance of the SOP steps to cancellation, which is beyond those steps, or put

differently, which has nothing to do with those steps? That is my simple question.

DIRECTOR MALATJI: Maybe I am struggling to understand the Commissioner's question.

CHAIRPERSON: Let us take it one step at a time. Do you remember my very first question when engaging you now? My very first question was, is it not so that the standard operating procedure, the SOP, is about steps that must be followed from the time a request is made up to the time a
10 deployment is authorised? And you said that indeed is so. Do you remember that? That was my first question, and your response was in the affirmative. Do you remember that?

DIRECTOR MALATJI: I do.

CHAIRPERSON: Yes. So what I am saying now is, so the SOP is up to the point of deployment. So once you have authorisation that there be a deployment, you have covered all the SOP steps. You are done with the SOP steps. Do you still follow me?

20 **DIRECTOR MALATJI:** I do.

CHAIRPERSON: Yes. Now, you are given an instruction to cancel. You do not cancel. And you say one of your reasons for not cancelling was that they did not observe the contents of the SOP. Now, I am saying cancellation is way beyond deployment, deployment or authorisation of

deployment being the last step of the SOP. So cancellation is beyond all that. And I am saying I do not understand what the relevance of the SOP steps or content is when you are talking about cancellation. Surely you understand me. Do you understand me?

DIRECTOR MALATJI: I hope I understand you. And ...[intervenes].

CHAIRPERSON: So why was that relevant when you refused to cancel? Why was that? Why was the SOP of
10 relevance?

DIRECTOR MALATJI: The SOP will remain relevant, Commissioner. Four, this SOP is an instruction ...[intervenes].

CHAIRPERSON: To do what? To do what? It is an instruction on what?

DIRECTOR MALATJI: It is an instruction to the departments.

CHAIRPERSON: Towards deployment.

DIRECTOR MALATJI: Towards deployment.

20 **CHAIRPERSON**: And once you deploy, you are done with SOP, are you not? Once you have deployed, you are done with SOP. Correct?

DIRECTOR MALATJI: Correct.

CHAIRPERSON: Yes. Why does it become relevant now beyond that point?

DIRECTOR MALATJI: It became relevant, Commissioner, because of the actual deployment that we carried out without observing or taking this SOP into consideration. I mean, we are here today, Commissioner, because of irregular deployment. Irregular ...[intervenes].

CHAIRPERSON: Would the relevance not be that it had not been observed and therefore the deployment was not authorised? Is that not the case? Or would that not be the case?

10 **DIRECTOR MALATJI:** That would be the case.

CHAIRPERSON: That would be the case.

DIRECTOR MALATJI: Yes, Commissioner.

CHAIRPERSON: So all the more reason for you to cancel, not so? Instead of saying, by the way, you did not observe the SOP and therefore because you did not observe it, I am not going to cancel. It is all the more reason that you should cancel. If you say it was not observed and therefore the deployment was improper, all the more reason that you should cancel. So I still do not understand your reasoning.

20 **DIRECTOR MALATJI:** Ja, there is nothing wrong with the Commissioner not understanding my reasoning, but for ...[intervenes].

CHAIRPERSON: Make me understand. Make me understand.

DIRECTOR MALATJI: From where I am sitting,

Commissioner, right, with my administrative experience ...[intervenes].

CHAIRPERSON: Which I do not, eh? Which I do not have. Okay.

DIRECTOR MALATJI: Commissioner, from where I am sitting, I expected my superior, right, upon realising that there are these irregular deployments, right ...[intervenes].

CHAIRPERSON: Irregular under the SOP.

DIRECTOR MALATJI: Exactly.

10 **CHAIRPERSON**: Failure to follow some or all of the SOP steps.

DIRECTOR MALATJI: Exactly.

CHAIRPERSON: Yes.

DIRECTOR MALATJI: So I would have expected of him to say, City Manager, here is a department which chose to do things out of the normal way as per this. But instead, right, my superior instructs me to cancel. Fine ...[intervenes].

CHAIRPERSON: You are again conflating grounds now. You are again conflating grounds. You are talking about
20 why you, Inspector Malatji, did not cancel. You have accepted just now, a couple of questions back, you have accepted that failure to follow the SOP steps would have been sufficient ground to cancel.

You have accepted that. And I then said, so all the more reason that you should have cancelled. Whether it

should have been taken to someone else and so on, that is a totally different basis for you not cancelling and that is not what I am addressing. I am addressing the, a ground that you yourself have given, 8.3, as a ground for not cancelling.

For Director Malatji not cancelling. Not about this, or rather a need for this to have been taken to someone else. I am talking about a ground that you have given for not cancelling or for Director Malatji not to cancel. So what
10 I am saying is, would it be logical for you to say I did not cancel because the SOP was not followed? Rather than saying because the SOP was not followed, indeed, I ought to have cancelled, or that was reason enough for cancelling, instead of giving it as a reason for refusing to cancel. That is what I have difficulty with. Do you understand me now?

DIRECTOR MALATJI: Commissioner, I understand you, but I am also having a difficulty with the Commissioner singling out one reason ...[intervenes].

20 **CHAIRPERSON**: No, you have itemised them as separate grounds. You did it. Of course I understand that in the end you may look at these cumulatively. But looking at this as a ground on its own, I am saying it is simply not a ground at all. Because even if you look at them cumulatively, this one should not come into the equation at all because it does not

make sense.

You may have your other reasons. Maybe this should have been taken to A, B, C, D instead of me. That is something else altogether. But to have this as a ground or a basis for not cancelling, it does not make sense because not following the SOP steps should actually have been a reason to cancel. So you should not have included this at all. Do you get me?

DIRECTOR MALATJI: I get the Commissioner. I
10 understand the Commissioner's reasoning. I mean, I understand the reasons given to me by the Commissioner that I should not have included this one, right?

CHAIRPERSON: Yes.

DIRECTOR MALATJI: And ...[intervenes].

CHAIRPERSON: So let us please forget about it, director. Thank you very much. That is all I wanted. Thank you.

ADV BALOYI SC: Can I just add to this conversation that the other reason you give is that the instruction was not directed to the initiator of the ad hoc services, and this is
20 Water and Sanitation Department. That is who you are referring to. But you made the appointment. Your department made that appointment.

We know specifically Klapperkop and Brickfield, you did. And then we know that the balance of them, you had given Phiri instruction to run with this. And you earlier

accepted that it was an instruction to execute the request. So you did the appointments. You are the right person to terminate because Water and Sanitation did not make the appointments. They were made by you.

DIRECTOR MALATJI: We are talking in respect of Klapperkop and ...[intervenes].

ADV BALOYI SC: And the ones that Phiri issues letters. Remember they gave him a list and they issued letters, deployment letters. So it is your people that have done the
10 appointments. So it is your people that would terminate.

DIRECTOR MALATJI: Yes, with regard to the Klapperkop one and the ones in respect of which GL account numbers were provided, it is me who issued the instruction.

ADV BALOYI SC: And the others, it is Phiri who issued instructions saying he acts on your instructions. So it is your people. It is APSS that gave Gubis the instruction to proceed with the service. That is surely you accept that is a fact. That is how it happened. We have deployment letters from Mr Phiri. Is he not in your department?

20 **DIRECTOR MALATJI:** He is.

ADV BALOYI SC: Yes. So your department issued deployment letters.

DIRECTOR MALATJI: Yes.

ADV BALOYI SC: Through Phiri and through you in that email of the 7th, right, where you say they are starting to

work on the 7th. So you are the right people to terminate because you are the people that appointed. So reason 8.2 does not hold either as a ground for refusing to terminate. It cannot hold. You appointed.

DIRECTOR MALATJI: You know, with regard to the Klapperkop, you know my email is very specific. It is very specific to say Klapperkop, this, this, this, this. In respect of that, yes, it is us who could have terminated the ...[intervenes].

10 **ADV BALOYI SC**: The same with the balance that Phiri issued deployment letters. Gubis relied, remember, you know the story. After they received the termination letter, they went to – they responded to Deputy Commissioner Spies and said but we have letters of appointment. So it is that simple. Your department made the appointments because the authority to appoint lies with you. It is not the client that makes the appointment. Can we agree that?

DIRECTOR MALATJI: I agree with the Commissioner in respect of the Klapperkop ones.

20 **ADV BALOYI SC**: The Phiri ones? Did the Water and Sanitation make those appointments?

DIRECTOR MALATJI: From where I am sitting, right, Water and Sanitation made those appointments because they were ...[intervenes].

ADV BALOYI SC: So the deployment letter is not the

appointing authority that gives them the go-ahead to work?
Are you saying that is not the case?

DIRECTOR MALATJI: In respect of the additional ones.

ADV BALOYI SC: Yes, the one that were issued by Phiri, did they not give them authority to go ahead and deploy?

DIRECTOR MALATJI: They might have interpreted it as an authority to go ahead ...[intervenes].

ADV BALOYI SC: No, no, no. Let me read for you, and I am taking randomly, to Gubis:

10 “This letter serves as a notification of
 deployment to Moreleta Reservoir Pump
 Station, effective 16 January, at 06:00.”

Service provider, rate, and it sets out static officers, patrol officers, and patrol vehicle. It is exactly the same as your email. It gives that kind of detail, right? And it comes from APSS. Why are you creating a difficulty about this? This is an appointment letter that says you should go and work there.

DIRECTOR MALATJI: No, no. It is an appointment letter.

20 **ADV BALOYI SC:** Yes.

DIRECTOR MALATJI: What I wanted to establish was, right, this appointment letter, right, is it as a result of a prescribed process having been ...[intervenes].

ADV BALOYI SC: No, I am not talking prescribed process. Even your own appointment did not come about through a

prescribed process. You have accepted that, right? Your message at page 60, your email, it did not follow the process.

DIRECTOR MALATJI: Okay.

ADV BALOYI SC: But there was an appointment, and it has contractual and legal effect. You allowed them, you authorised them, rather, to go to that site, in the same way that Phiri did. There is really no difference between the effect of, with the effect of what you both did. And all I am
10 putting to you is as the appointing authority, your department, I am not even limiting it to you personally, I am saying your department, as the appointing authority, it is your department that has the authority to send out a termination letter. That has to be right.

DIRECTOR MALATJI: It is right, ja.

ADV BALOYI SC: Okay, thank you. So 8.2 is not a good reason or a valid reason for you to have refused to make the appointment. Now let us go to the last one, the third one, which is at 8.1. All right. Before I leave that 8.2,
20 where you say the instruction was directed to the wrong person, you being the wrong person, did you inform Deputy Commissioner Spies that you are the wrong person, he should send it to Water and Sanitation?

DIRECTOR MALATJI: Commissioner, I did not inform Commissioner Spies.

ADV BALOYI SC: All right, then let us look at the last reason that you gave:

“The instruction was wide as it included cancellation of ad hoc services which were not affected.”

Did you tell Commissioner Spies this?

DIRECTOR MALATJI: I did not tell Commissioner Spies, Commissioner. I took it that Commissioner Spies, right, since he is in the environment, he is privy to ad hoc
10 services within the environment.

ADV BALOYI SC: But you did not tell him that?

DIRECTOR MALATJI: No, I did not tell him that.

ADV BALOYI SC: You did not tell him that, okay. Did you become aware when you made the decision not to follow his instruction that in fact there was an instruction from the Chief of Police that these services must stop because there were many issues? There were budget issues, there were requests to ask for more money. You are aware that Deputy
20 Commissioner Dlamini had suggested or requested Commissioner Spies to ask for more money to fund this deficit? Did you ever become aware of that?

DIRECTOR MALATJI: I do not remember, but ...[intervenes].

ADV BALOYI SC: Did you become aware that the instruction came from the Chief of Police that you must stop

these ad hoc services and we are not going to ask for more money?

DIRECTOR MALATJI: After the communication.

ADV BALOYI SC: You became aware of it after?

DIRECTOR MALATJI: Yes.

ADV BALOYI SC: Okay. Thank you.

ADV KHUMALO SC: Director Malatji, I did the maths. In the documents that you have provided, there is an email that shows what the cost of this ad hoc services to the City
10 of Tshwane is. And we can see that it is 82 million over five months. I think it is on page 16 of the emails. Do you have that?

DIRECTOR MALATJI: On which bundle are we, Commissioner?

ADV KHUMALO SC: I think it is probably the supplementary. No, it cannot be that. Mr Sikhakhane, please assist me. Where did I pull out my page 16? It is in the statement file.

ADV SIKHAKHANE: Ja, it is in the ...[intervenes].

20 **ADV KHUMALO SC:** It is in the annexures to the supplementary statement.

CHAIRPERSON: Your statement file.

ADV KHUMALO SC: The supplementary statement file.

CHAIRPERSON: Page 1-6. Are you there, Director Malatji?

DIRECTOR MALATJI: I am.

ADV KHUMALO SC: So you will see that it is a request from Deputy Chief Bolhuis to the CFO and various other people, including supply chain. And then the email I am reading from the third line:

“They are requesting the upliftment of funds to process ad hoc security invoices from the beginning of January to June 2025.”

10 Do you see that?

DIRECTOR MALATJI: Yes.

ADV KHUMALO SC: And it is to the amount of R14 000 000 for January and then it is 16 million times five from February to June, and the total amount is 82 million. Do you see that?

DIRECTOR MALATJI: I see.

ADV KHUMALO SC: That is just for ad hoc services.

DIRECTOR MALATJI: Yes.

ADV KHUMALO SC: Now, if you do the simple maths,
20 when you were instructed to cancel the ad hoc services on 13 March 2025 until the end of June, that is over R50 000 000.

DIRECTOR MALATJI: I hear you, Commissioner.

ADV KHUMALO SC: What do you have to say about that?

DIRECTOR MALATJI: I think there is something that I

want the Commissioner to clear me on. It looks like everybody else, including the Chief of Police, Mr Bolhuis, right, they are sort of taking themselves out or they did not have any responsibility. So their responsibility was to give an instruction. And I am taking exception for that because they even had more power than Director Malatji, right? And what is not making sense with me, right?

Okay. Theirs was to cancel, cancel. Yet, whatever I am being appointed to do in the City of Tshwane, right, I
10 am doing them on their behalf. They are overall responsible for my own actions. But when it comes to this, right, it is becoming a worrying factor that everyone else wants to wash his hands off and they leave Director Malatji into the 82 million.

Yet, this whole thing, right, had a history long before January, February, right? And if one looks at the history, right, Director Malatji was from the beginning, like anyone of them, was not aware. He was made aware at a point when the service provider was complaining, right, that
20 it is not getting paid.

And the very same superiors, I am talking the Chief of Police, Revo Spies and those, right? All of them are washing their hands, right? And they want to paint Director Malatji black as if Director Malatji had a benefit to derive from these transactions.

And this is forcing me, this is forcing me, Commissioner, to place it on record. I am not surprised by the emphasis on Director Malatji. Because when I testified on the 9th of April, I made a mention of the fact that I have become a victim.

And these colleagues that I have spoken to, that I have spoken about their names, right, they have already demonstrated that they would stop at nothing in order to get rid of this Director Malatji ...[intervenes].

10 **ADV KHUMALO SC**: Let me stop you there, Director Malatji, because I had given you enough time and I did not want to interrupt you ...[intervenes].

DIRECTOR MALATJI: But, Commissioner, you are interrupting me.

ADV KHUMALO SC: Because what you are doing now is you are saying you are being victimised by other people.

DIRECTOR MALATJI: Exactly.

ADV KHUMALO SC: I am not victimising you. I am asking you questions. So your issues with them, you can deal with
20 them separately. When you are answering my questions, I want you to account only for your conduct. That is why when I was referring you to this document, I wanted you to account only for your conduct, not to tell me about how your colleagues are treating you.

So, looking at this, let us assume for a moment that

they are equally guilty. They are equally to blame. They could have done something. Let us assume that for a moment and for purposes of our discussion, let us accept that that is so. Now, account for your conduct without blaming other people.

DIRECTOR MALATJI: Commissioner, thanks very much. I am not reluctant or afraid to account for my conduct. But I think it would be fair and it would be just for this Commission to know that, among other reasons, I might
10 have done things wrong, if indeed I have done things wrong, you know? But the motivating factor is, I know, Commissioner, you are saying you do not want to hear about it, but I am forced to talk about it, right?

My colleagues wanted to take advantage of this Commission to get rid of Director Malatji. That is why you go to my hearing, it is Spies. You come here, it is Spies, right? That in itself, to me, is an indication ...[intervenes].

ADV KHUMALO SC: Director Malatji, I am going to leave it there because it seems to me you do not want to account
20 for your conduct. You want to tell me about the vendetta that your colleagues have against you. So, if that is what you want to do and you are not prepared to answer my question, I am going to leave it there.

DIRECTOR MALATJI: No, no, I am prepared to answer your question.

ADV KHUMALO SC: Then account for your conduct. Do not tell me about the vendetta against you and the fact that they want to get rid of you. Because at the Commission, here, nobody gets rid of another person. Here, you come to answer questions because we are a fact-finding Commission. You assist us with facts and facts only. And what is in front of me is the fact that since the day you were instructed to terminate these ad hoc services, they continued until June and the cost to the City was more than
10 R50 000 000.

DIRECTOR MALATJI: I agree with you, Commissioner. I agree with you. The cost is sitting at that, but I am saying I might have not done, right, I might have not cancelled this, but that does not necessarily mean they were supposed to sit back, get this what you call ...[indistinct] and ...[indistinct], you see?

So, I am saying to the Commission that I accept what might be wrong in terms of my conduct, but I am pleading with the Commission, right, to seriously take note
20 of the fact that they also had a role to play. If I give ...[intervenes].

ADV KHUMALO SC: And Director Malatji, if when Mr Bolhuis was here, if you listened to his evidence, you would have heard me say to him, why is it that only Phiri is being blamed for this? Because more people than Phiri were

responsible for this, including those who authorised the payment. So, as far as I am concerned, it is not just you, but because you are here today, you can only answer for your conduct. So, Mr Sikhakhane, I will leave it there and then...

ADV SIKHAKHANE: Thank you, Commissioner. Thank you, Commissioners. I think you have assisted a lot with some of the questions that I had. Mr Malatji, Director Malatji, I think what I need to emphasise is that you
10 referred to your managerial, to your administrative functions in a sense, but you are at a managerial level. You are a director, you have issued instructions, you are in charge of the standard operating procedures. It cannot be that you do not know how to enforce it.

Your level also requires responsibility from you, and you do not stop these services. And as Commissioner Khumalo is saying, if we are to accept mathematically that from the date of the instruction up to June, that would have been, I think in terms of the email itself, it would be around
20 50 million, thereabout.

But we can also accept that we need to take it back, let us say, even to January, and the payments to Gubis as a result of the irregular deployments, which you have accepted, that for six months alone is some 96 million, just for six months, just for ad-hoc services. You accept

that possibility, according to this email that you attach.

DIRECTOR MALATJI: [No audible reply].

ADV SIKHAKHANE: So, in essence, what has been lost around these irregular ad-hoc services, which, as you say, not compliant with the SOPs, and ja, just to leave it at that, would have cost the City, or in particular the TMPD, 96 million. And if you average it out in terms of the services, what becomes interesting is that as the theme runs through, is that Major Phiri and yourself admit that the inspections or
10 verification of services were not done to the T. So a majority of that could potentially have been for services not rendered. I think we can accept that.

DIRECTOR MALATJI: I would not accept the narrative that the majority of them might have been paid without the services being rendered. I am saying this because, Commissioner, we have got a system in place, right? Even though it has its own shortcomings, right? But it cannot be correct that I come here and I say I accept that the majority of these ad-hoc services were not carried out unless it is
20 evident that indeed for six months on the site there were no security guards deployed and so forth and so on, you see?

But as it stands now, I would not sit here and accept that, okay, the majority, because the office has got systems. Phiri is within the subsection that deals with monitoring, monitoring of private guards in particular, right?

In terms of that system, the unit's function is to go out there, right, check and confirm if security guards are in place, how many of them are in place, and so forth and so on. Because at the end of the day, these confirmations are critical for service delivery in the City. So ...[intervenes].

ADV BALOYI SC: I think just remembering your evidence previously, you did accept that some may have been paid without verification and maybe therefore without the work, and in some cases without the work being done because of
10 your staff shortages. You did accept that, that some.

DIRECTOR MALATJI: Yes, Commissioner, I did, and I gave those reasons.

ADV BALOYI SC: Yes, you did explain. Thank you.

ADV SIKHAKHANE: Just to test that forward, when we deal with some, would we say what is the degree of the system of monitoring? Because one of the issues was monitoring the progress of the sites that were allocated, how often do you get reports about whether systems are running properly?

20 **DIRECTOR MALATJI:** There are weekly meetings held with all service providers. in which meetings and service providers are taken through challenges that APSS is experiencing in as far as monitoring and related functions are concerned.

On a weekly basis, there is what we call an

operational meeting, and in that operational meeting, the monitoring team takes, right, what we call, through, and at the same time it is the monitoring team that is addressing the, what you call, the service providers on things that are not happening, things that are happening but upon which we need improvement.

ADV SIKHAKHANE: Thank you. Then if you go to the emails that you have provided, I would assume with these meetings, you would then be in a position to provide a
10 report in your Bundle ST1, page 4. This is now in June. This is an email from Deputy Commissioner Revo Spies to yourself on 25 June 2025 at 08:01.

DIRECTOR MALATJI: Page 4?

ADV SIKHAKHANE: Page 4 of the annexures. You are required, that is in June, you had been requested in March to stop ad hoc services, and you have weekly meetings. So in essence, you would be quite aware of the issues around ad hoc services, but you say you have got a monitoring team and you would be aware. What was the difficulty with
20 then responding to Deputy Commissioner Revo Spies about this proof about ad hoc services?

Because we do not have your response in paper and we have to deal with that, but what was your response? Because if you get reports, ideally, not all of them should be oral. You would have probably gotten written reports

around the meetings with the service providers or your monitoring team. Do those reports exist? And secondly, why do we not see the response to Commissioner Revo Spies and to date we do not have it?

DIRECTOR MALATJI: I am not sure, Commissioner, if I understand your question very well, but let me try and you will indicate if I misunderstood.

CHAIRPERSON: Perhaps let Mr Sikhakhane repeat the question when we come back. We just want to take a 10-
10 minute comfort break. Let us come back. Let us resume at five to four. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Mr Sikhakhane, please repeat your last question.

ADV SIKHAKHANE: My question was around responding to Commissioner Spies' request or instruction that you must provide proof of the deployment of ad hoc services since December 2022, 2025 to date. Would it be correct that –
20 did you provide such proof in the form of written, in the written form for a report?

DIRECTOR MALATJI: I am not sure, Commissioner, if the proof relates to the very ad hoc services by the Department of Water and Sanitation or the proof relates to any other ad hoc services deployment. Can I be assisted with that

clarity?

ADV SIKHAKHANE: Well, the email says please provide proof where ad hoc Watchman Services were deployed. So it is all of them since December 2024 to date. That is the date of the email is June 2025. So essentially it means all of them. And it does not appear that you had any request for clarity. Instead, you forwarded that to your PA.

DIRECTOR MALATJI: In terms of request for deployments, I know there was a detailed response by my, what you call
10 it, by my office as to where ad hoc services are deployed and so forth and so on. The fact that it is not part of my bundle does not necessarily mean we did not provide that proof. And we can, I can always go back and have that, the kind of proof that we provided to him available for the Commission too.

ADV SIKHAKHANE: Thank you. I think there is also a follow up in that aspect, but I think I take your point that you do not have it handy. And perhaps when you return for re-examination, if it is at a later date or just before, you can
20 provide us with that report. That would be of great assistance.

DIRECTOR MALATJI: Thank you.

ADV SIKHAKHANE: Just on this score, there is, in response to your, to a particular question about termination of the ad hoc services at page 3 of the statement,

paragraph 10, it was about this. In that paragraph, you said, page 3 of the supplementary statement, paragraph 10.

DIRECTOR MALATJI: Yes.

ADV SIKHAKHANE: You deal with the instruction from Commissioner Spies and you say, which was provided, or the instruction was in March. But you then say in June, you complied with the instruction. You drafted letters for termination and you personally called the companies and served them with letters. And then you say, I have attached
10 one of the termination letters, marked ST6. Please turn to page 35, which is your ST6.

DIRECTOR MALATJI: Yes, Commissioner.

ADV SIKHAKHANE: That letter is done by Commissioner Spies. Could you explain why would you say this is your letter? And he testified that it is his letter.

CHAIRPERSON: Does he not say that he prepared the letters for signature by Deputy Chief Spies? That should explain the signature?

DIRECTOR MALATJI: Exactly. You are correct,
20 Commissioner.

ADV SIKHAKHANE: It was for that basis?

DIRECTOR MALATJI: Yes. I prepared letters. I took them to him to sign, right? He signed. I convened a meeting with the three companies. I handed them over the original letters and I kept acknowledgement of receipt letter.

ADV SIKHAKHANE: Sure, that is fine. Then I will then go to the other aspect, which is, or the theme which relates to the cancellation of the tender. If I can take you to File 5? We can leave ...[intervenes].

DIRECTOR MALATJI: File 5. Yes, I am on that.

ADV SIKHAKHANE: Just as an introduction, it seems to be the case that that tender, TMPD for security services of 2016/2017, up to date, well, it would have expired. But up to date, there is continuation of rendering of those services
10 by those appointed or court-appointed service providers. There has been no replacement tender. The attempt was TMPD-3, which was then later cancelled. Is that then the recollection?

DIRECTOR MALATJI: Yes, as far as I am aware, even though I am 10 months out of active service.

ADV SIKHAKHANE: Yes.

DIRECTOR MALATJI: I am aware that there is continuation by the court-appointed, the two entities.

ADV SIKHAKHANE: Sure. Then if we go to page 2 of this
20 file, File 5, now this relates to the evaluation of TMPD-3. And in that regard, you would have said in the Bid Evaluation Committee. Correct?

DIRECTOR MALATJI: Yes.

ADV SIKHAKHANE: And you would have formed part of the recommendations or making recommendations to the

BAC?

DIRECTOR MALATJI: Yes.

ADV SIKHAKHANE: And were you present in all the meetings?

DIRECTOR MALATJI: I attended, I would say, all the meetings until meeting of the 28th.

ADV SIKHAKHANE: Yes.

ADV SIKHAKHANE: And on the 28th, just after I arrived in the meeting, something personal cropped up and I excused
10 myself from the meeting to attend to this personal issue. And since then, I did not attend any of the meetings that followed up. I did not attend any of the BEC meetings until I was caught up in a situation where I got suspended. And from that day, I do not know what has happened with the tender to date. So there is not much I can testify on from the 28th to date because I have not been able to attend to any meeting.

ADV SIKHAKHANE: But you can confirm that there was a BEC meeting of the 29th?

20 **DIRECTOR MALATJI:** The 29th?

ADV SIKHAKHANE: Of May 2025?

DIRECTOR MALATJI: I was not aware of that meeting.

ADV SIKHAKHANE: Subsequently, have you become aware of that meeting or not?

DIRECTOR MALATJI: I do not remember becoming aware

of it.

ADV SIKHAKHANE: And I would then presume that in the recommendations, you would not be aware of, you would not have participated in those recommendations to the BAC?

DIRECTOR MALATJI: Correct.

ADV SIKHAKHANE: Just to be fair to you ...[intervenes].

CHAIRPERSON: You are referring to TMPD-3?

ADV SIKHAKHANE: TMPD-3.

CHAIRPERSON: Thank you.

10 **ADV SIKHAKHANE:** Just to be fair to you, there is a document, the probity report at page 2 of this file, which is the only page I am referring to, is page 5 of the file and the summary of the findings of the probity. And obviously, if you go down under findings, which is section B, it talks about the BEC's cautions on the 29th of May. However, to be fair, as you say, you did not attend that meeting and you are not aware of what has transpired since then. Correct?

DIRECTOR MALATJI: Correct, I am not.

20 **ADV SIKHAKHANE:** And it follows thereafter that there is a finding that they did not receive a score sheet from yourself in the evaluation meetings. Correct?

DIRECTOR MALATJI: You are correct.

ADV SIKHAKHANE: Okay. So you did not participate at all in the evaluation or scoring?

DIRECTOR MALATJI: Exactly.

ADV SIKHAKHANE: Okay.

ADV KHUMALO SC: Maybe we should take Director Malatji to page 17, paragraph 55.4. And, Director Malatji, just to be fair to you, we have established from the CFO that ...[intervenes].

DIRECTOR MALATJI: Sorry, it is page, it is paragraph?

ADV KHUMALO SC: 17, paragraph 54.5.

DIRECTOR MALATJI: Yes.

ADV KHUMALO SC: That the meeting was in fact on the
10 28th because the recommendation, if you look at 54.5, it says:

“The signed minutes for the 28th of May 2025, where the committee was recommending the tender TMPD-3 for the appointment of a service provider were provided to us. And then based on the minutes provided, three members were recorded as present...”

And then it continues. So the issue here is there is no
20 minutes of the 29th. And since the recommendation was made on the 28th, it seems likely that the scoring happened on the 28th and not the 29th. And on the 28th, you say you were there at the meeting.

DIRECTOR MALATJI: I said I was there at the BEC.

ADV KHUMALO SC: At the BEC meeting.

DIRECTOR MALATJI: But before the BEC could start with its business of the day, there was something personal and then I ...[intervenes].

ADV KHUMALO SC: You left.

DIRECTOR MALATJI: Yes.

ADV KHUMALO SC: So you did not participate in the scoring or the recommendation.

DIRECTOR MALATJI: Exactly.

ADV KHUMALO SC: Okay, thank you.

10 **ADV SIKHAKHANE:** Thank you, Chair. I think that would sum up the factual, other than the propositions, which I think will not assist much. Also ...[intervenes].

CHAIRPERSON: Basically, ja, we are done.

ADV SIKHAKHANE: We are done factually, yes.

CHAIRPERSON: Rather, you are done.

ADV SIKHAKHANE: All right.

CHAIRPERSON: All right, thank you. Thank you, Mr Sikhakhane. Thank you. Mr Nkosi, about the re-examination, I think it cannot be today and we are not able
20 to postpone to a specific date because the Chief Evidence Leader will have to be engaged with regard to scheduling. So we will postpone and you and the witness will come back on a date to be advised. But you must be put to terms as to filing something that indicates what you are going to re-examine on. We want to give you until 5 May 2026, just for

an indication of what you will re-examine on.

MR NKOSI: That is ...[indistinct] before that time.

CHAIRPERSON: All right, all right. You are so directed then.

MR NKOSI: Sorry, Commissioner?

CHAIRPERSON: I am saying Director Malatji is so directed.

MR NKOSI: Yes.

CHAIRPERSON: Ja, even though, of course, you will
10 comply with your assistance. Yes. Director Malatji, for now
until the date on which you will be examined by your legal
representatives, you are excused. You will be advised of
the date in due course. Is there anything else? Yes, let us
adjourn and resume at 09:30 on Monday.

DIRECTOR MALATJI: Thank you, Commissioners.

INQUIRY POSTPONED UNTIL 4 MAY 2026

INQUIRY ADJOURNS

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