

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

In the *ex-parte* application of:

SULIMAN CARRIM

Applicant

CHAIRPERSON’S RULING

Introduction

[1] The applicant, Mr Suliman Carrim was initially scheduled to appear before the Commission for the hearing of his evidence on Friday, 6 February 2026. On that occasion, he requested and was granted a postponement on the basis that he required more time to prepare. This was as a result of the fact that the evidence leaders provided him with additional documents a few days before his scheduled appearance. He was directed to appear on 9 and 10 March 2026 for the hearing of his testimony and to submit his witness statement by 27 February 2026. A supplementary bundle of documents was to be submitted within forty-eight hours thereafter. The witness statement was submitted on 4 March 2026, only pursuant to directions issued on the previous day.

[2] On Wednesday 18 February 2026 Mr Carrim delivered an urgent application seeking relief in terms of rules 4.2 and 4.3, read with rule 11, of the Commission’s Rules for an order in the following terms:

- “1. Condoning the applicant's non-compliance with the 7-day period set out in Rule 11.1, and treating this application as one of urgency.
2. That this application, including all papers exchanged in connection therewith (and in particular any statement to be given), and any hearing to be convened in respect thereof, be treated as confidential and in camera, pending the determination of prayers 3 and 4 hereunder.
3. That the applicant's appearance before the Commission, on 9 March 2026 and 10 March 2026, and any subsequent appearance be held in camera, including all papers exchanged in connection therewith (“the in camera hearing”).
4. The only persons who should be permitted to attend the in camera hearing are those set out in the schedule A hereof.
5. That such further and/or alternative relief be granted as the Chairperson of the Commission may deem fit.”¹

[3] The effect of the orders sought by Mr Carrim is that his testimony will be presented to the exclusion of the public and in the presence of a select few, that being a few persons attached to the Commission, his legal representatives and himself. He even wants that a determination of the question whether these orders should be granted should, itself, not be heard in public. The Evidence Leaders opposed all this.

[4] On 3 March 2026, I directed that a hearing be held in open session at 09:30 in the Commission’s venue on Friday, 6 March 2026.

[5] On 6 March 2026, after hearing counsel for Mr Carrim, Mr K Prehmid, and Evidence Leader, Ms A Hassim SC, I declined the prayer asking that the application for the hearing of Mr Carrim’s testimony in camera should, itself, be heard in camera.

¹ The persons referred to at para 4 of the notice of motion mentioned in Schedule A are:

- (a) The Chairperson and Commissioners;
- (b) The Evidence Leader designated to lead Mr Carrim;
- (c) The Commission’s appointed legal team;
- (d) The Secretary of the Commission;
- (e) Mr Suliman Carrim;
- (f) Mr Carrim’s appointed legal team; and
- (g) The Commission’s official transcriber.

Reasons for that decision were to follow at a later stage. The Commission then proceeded to hear submissions on prayers 3 and 4 of the notice of motion. This ruling deals with (a) the reasons that I undertook to give at a later stage; and (b) a decision on prayers 3 and 4 and reasons for it.

The Commissions Act and the Applicable Commission Rules

[6] The procedure for the appearance of witnesses before the Commission is regulated by the Commissions Act² (Act) read with the Commission's Regulations and Rules.

[7] Section 4 of the Act provides that all the evidence and addresses heard by a Commission shall be heard in public, provided that the Chairperson of the Commission may, in their discretion, exclude from the place where such evidence is to be given or such address is to be delivered any class of persons or all persons whose presence at the hearing of such evidence or address is, in the Chairperson's opinion, not necessary or desirable.

[8] Section 6 of the Act declares it an offence for any person who has been summoned to attend and give evidence before a Commission to, without sufficient cause (the onus of proof whereof shall rest upon that person), fail to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the enquiry or until they are excused by the Chairperson from further attendance.

[9] Rule 4.1 of the Commission's Rules provides that, subject to rule 4.2, the hearings of the Commission will be held in public and there must be physical attendance of all parties involved.

[10] Rule 4.2 provides that in an appropriate case, the Chairperson may make an order that a hearing be held in camera or via electronic means. In such a case, the Chairperson

² 8 of 1947.

shall specify in the order those persons who will be permitted to attend the hearing in camera or by some other means.

[11] Rule 4.3 provides that at the request of the witness whose evidence is to be heard in camera, or, of their own accord, the Chairperson must order that nobody may, directly or indirectly, disclose the identity of the witness who is to give evidence in camera.

The Facts put up in Support of Mr Carrim's Application

[12] It is not Mr Carrim's case that his identity, and the fact that he will be giving evidence before the Commission, should be protected. He has already appeared in person before the Commission on 6 February 2026 and his appearance was broadcast either live or in a delayed transmission by nearly all major television stations in South Africa.³ His appearance was also livestreamed by various channels.

[13] Mr Carrim's identity is, therefore, well-known and so too is the fact that he will be appearing to give evidence before the Commission. In fact, prayer 3 of the notice of motion acknowledges that he will be giving evidence before the Commission on 9 and 10 March 2026.

[14] Mr Carrim does not, therefore, seek the protection of his identity or non-disclosure of the fact that he will be giving evidence before the Commission on the scheduled dates. Rule 4.3 of the Commission's rules therefore does not find application.

[15] Mr Carrim's case is that after his first appearance before the Commission on 6 February 2026, he started receiving threats directed at him personally, his family, businesses and employees. These threats were received on his mobile phone from different numbers which he suspects are bogus numbers or "burner phones".⁴

³ Applicant's founding affidavit at para 4. The applicant also acknowledged that his urgent application which preceded his appearance before the Commission on 6 February 2026 was also nationally televised.

⁴ Applicant's founding affidavit at para 6.

[16] The threats relied upon were received on 8 February 2026, 13 February 2026, 15 February 2026 and 7 March 2026.

[17] The messages received by Mr Carrim on 8 February 2026 read as follows:

“The’re some leaderships here in Mahikeng they offer us something to go and burn your house.”

“Okay thank you keep on checking your loved ones we coming by fire by force.”⁵

[18] The messages received on 13 February 2026 read as follows:

“Yes Carrim Tell Every Driver at Fusion That Fight Has Started As We Will Make Sure That Everywhere Where Is Fusion Guarding Sewerage Plants We Take Them Out We Want To Teach You A Lesson.”

“Before You Appear At The Commission We Will Show You and Your Ice Boy.”

“Go To Madlanga Commission We Will Stay Behind And Take Care of Your Stuff.”

“Be Warned.”⁶

[19] Mr Carrim filed two successive supplementary affidavits on 7 March 2026. The Evidence Leaders have elected not to answer the supplementary affidavits.

[20] In the first supplementary affidavit, filed later than the time directed by me in the ruling of 6 March 2026, Mr Carrim identifies Mr Oupa Brown Mogotsi as the only person he knows that may have reason to try to intimidate him. He, therefore, suspects that Mr Mogotsi may be the source of the threats and provides the following explanation for his suspicion. (It is necessary that I set this out in full.)

⁵ Annexure A1 of Applicant’s Founding Affidavit.

⁶ Annexure A4 of Applicant’s Founding Affidavit.

“9. ... I hold this suspicion because Brown is aware, or reasonably ought to be aware, that I am to give evidence before the Commission concerning matters that involve him and his dealings with Vusi "Cat" Matlala. This is as a consequence of:

9.1 My previous appearance before the Commission on 6 February 2026 during which it was publicly confirmed that I would testify before the Commission on 9 and 10 March 2026.

9.2 My legal representative's arguments held in an open session on 7 March 2026 regarding my potentially giving in camera evidence.

9.3 Whatever the Commission may have engaged Brown in in respect of his own evidence. I note that Brown, for example, made incorrect references to me in his testimony to the Commission which by necessary implication means the Commission will seek my responses thereto.

9.4 Brown's personal knowledge and involvement with me as described in my main statement served before the Commission on 4 March 2026 and this affidavit.

10. Brown is also from Mahikeng, where my family and I reside and where I also primarily conduct my business (and in the North West generally). Brown has known for some time that Mahikeng is my primary place of residence and where my family resides. It is reasonable to infer in the circumstances that given Brown's knowledge of this, the specific mentioning of my businesses (including by name), and the potential movements of my family in and/out of Mahikeng (which Brown also has knowledge of) strengthens the impression that whomever is threatening me could be given this information by him. I note that although I am described as a businessman operating in the North West and Mahikeng in particular, little is publicly known about my family and our other homes. Whilst some of this became public yesterday (6 March 2026 at the in camera hearing), the relevance of this is that the threats which expressly use this information precede yesterday's proceedings. In other words, whomever issued these threats had prior knowledge of these otherwise not well publicly known facts.

11. One of the threatening messages refers to "leadership" instructing the sender to contact me. Whilst I do not read too much into this, it does not escape me that in the political space, reference is often made to "leadership" in respect of other persons who occupy positions senior to the individual. Both Brown and I are separately involved in the ANC and its affairs and so this language is familiar to both of us. The reason I highlight this language is because the threatener refers to "leadership" from Mahikeng instructing the threateners to burn down my house in Mahikeng. This reinforces my suspicion that Brown could be involved with this.

12. I record this suspicion only because the surrounding circumstances described above suggest that he may have reason to discourage me from giving evidence before the Commission. I record only that, based on the circumstances described above, he is the only person presently known to me who may have a possible motive to intimidate me from giving evidence before the Commission. For these reasons, Brown is the only individual presently known to me who could reasonably have both knowledge of my circumstances and a potential motive to intimidate me.”

[21] The second supplementary affidavit was filed without my leave, but no issue will be made about this. Its stated purpose is to bring to the attention of the Commission further threats received on 7 March 2026 which read:

“We See wat you are doing [sic]”

“comition wont help you (sic)”

“trying to be clever”

“we know wher is your home and office (sic)”

“sleep nice this weekend”

“Body Guards Wont help you we know when you are alone”⁷

[22] Mr Carrim relies on all the above messages, the killing on 5 December 2025 of Mr Marius van der Merwe who testified before the Commission, and the shooting at Mr Wiendra Pretorius’ vehicle and his subsequent death by suicide as grounds that justify both his fear and the orders he seeks. Mr Prehmid accepted the correction that Mr Pretorius did not testify and had not been identified as a witness for the Commission and that reliance on his death was misplaced. It was also pointed out to Mr Prehmid that there is no evidence that Mr van der Merwe was killed because of his testimony before the Commission and that the matter is still the subject of investigation by the police. Accordingly, both these unfortunate deaths are irrelevant to the consideration of the relief claimed by Mr Carrim.

⁷ Annexure SA1 of Applicant’s Second Supplementary Affidavit.

[23] Mr Carrim states that it appears that the individuals making the threats are tracking his movements and will be monitoring whether he attends at the Commission's premises to give evidence. He says this justifies his evidence being heard from a remote or undisclosed location.⁸ And yet he does not say why his movements will not be tracked if I order that he testifies from a specified remote location.

Reasons for the Ruling Relating to Whether the Application for an In Camera Hearing of Evidence Should, Itself, be In Camera

[24] Mr Carrim asked that the application for the determination of the question whether his evidence should be heard in camera should, itself, be heard in camera (prayer 2). Mr Carrim gave the following reasons for this, and the reasons were expanded upon by his counsel. The persons who have sent the threats must not know that he has disclosed the threats to the Commission and that he seeks to present his evidence in camera. In fact, these persons must not even know that Mr Carrim ever gave evidence. According to Mr Carrim, should the persons who sent the threatening messages become aware that he has disclosed the threats to the Commission, and that he seeks to testify in camera, it would jeopardise his safety, that of his family, business and employees.

[25] The founding affidavit in support of the prayers claimed does not disclose any matter that justifies a closed hearing for prayer 2. The Commission has heard applications of this nature in open session on a number of occasions. Nothing sets Mr Carrim's application apart. In fact, the relevant risk of harm in some of those other applications was by far more serious than the threats relied upon by Mr Carrim. At the time the part of the application relating to prayer 2 was heard, there was not even a suggestion by Mr Carrim as to who it was that could be threatening him. This too watered down the gravity of the threats. I say this especially because, based on what was before us at the time of presentation of the application, nothing readily stood out

⁸ Applicant's Founding Affidavit at para 13.

and suggested that Mr Carrim was truly in danger. On the contrary, those other applications where the witnesses concerned were objectively plainly in danger, were heard in open session. It was only upon the grant of those applications that the testimony of the witnesses concerned was then heard in camera.

[26] To hear an application like Mr Carrim's in camera will set a bad precedent. The hearing of such interlocutory application in camera is simply not justified.

[27] It was for these that I dismissed the relief sought in prayer 2.

The Question Whether Mr Carrim's Testimony Should be Heard In Camera (Prayers 3 and 4)

[28] In *SARFU*⁹ the Constitutional Court held that the functions of a Commission of Inquiry are to determine facts and to advise the President through the making of recommendations.

[29] The allegations that gave rise to the establishment of this Commission, as well as the Commission's terms of reference, are matters of great public interest that have provoked widespread national and, to some extent, international interest. In the main, the inquiry involves allegations of the influence exerted by criminal syndicates on various actors within the criminal justice system.

[30] The public broadcast by the media of the evidence of witnesses before the Commission constitutes the primary means through which the general public can follow the proceedings of the Commission. Likewise, it is through the freely available access that the media is able to broadcast the Commission hearings.

⁹ *President of the Republic of South Africa v South African Rugby Football Union* 1999 [ZACC] 11;1999 (10) BCLR 1059 (CC); 2000 (1) SA 1 (CC) (*SARFU*) at para 146.

[31] The Court recently remarked in *e-Sat TV (Pty) Ltd*¹⁰ that television coverage brings openness to millions who cannot physically attend court. It stated that this demonstrates that broadcasters serve as conduits of constitutional rights rather than private actors solely in their own interests.

[32] The default position, as articulated in section 4 of the Commissions Act and rule 4.1 of the Commission Rules, is that all proceedings of the Commission must be conducted in public.

[33] Section 4 of the Commissions Act (like rule 4.2) affords the Chairperson of the Commission the discretion to exclude from the place where evidence is to be given or an address is to be delivered any class of persons or all persons whose presence at the hearing of such evidence or address is, in the Chairperson's opinion, not necessary or desirable.

[34] Mr Carrim seeks a total ban of the media and the public from the proceedings at which his evidence will be presented. He goes so far as to say that even the documents relevant to his evidence, such as witness statements and transcripts, must not be made public. Has Mr Carrim made out a case for such relief?

[35] Section 16(1)(a) and (b) of the Constitution provides that “[e]veryone has the right to freedom of expression, which includes ... freedom of the press and other media ... [and] freedom to receive or impart information or ideas”. The discretion exercisable in terms of section 4 of the Commissions Act and rule 4(2) of the Commission's Rules must be exercised with the section 16(1) right in mind.

[36] Mr Carrim's case is that prior to coming to the Commission to give his evidence, he had been subjected to threats by people who know that he will be giving evidence before the Commission.

¹⁰ *e-Sat TV (Pty) Ltd v S* [2025] ZAKZPHC 96 at para 13.

[37] Mr Carrim has furnished the Commission with his witness statement. In argument his counsel accepted that, in determining the application for the hearing of his testimony in camera, it was open to the Commission to consider the content of the statement. On my assessment of the threats alleged by Mr Carrim and the content of his statement, nothing jumps out of the pages and cogently suggests why anybody would want to harm him. Leaving Mr Mogotsi aside for a moment, Mr Carrim’s statement says nothing that would make the people referred to in the statement want to cause him harm.

[38] The only person Mr Carrim believes may want to cause him harm, if he were to testify at the Commission, is Mr Mogotsi. He, therefore, suspects that Mr Mogotsi may be the source of the threats. He explains this suspicion on the basis that Mr Mogotsi “is aware, or reasonably ought to be aware, that I am to give evidence before the Commission concerning matters that involve him and his dealings with Vusi ‘Cat’ Matlala”.¹¹ A few witnesses, including Mr Mogotsi himself,¹² have already testified as to the nature of this relationship. It matters not that – according to the testimony of each witness – the complexion of such testimony may differ slightly. That being the case, it is incomprehensible that Mr Mogotsi should still be so unhappy about the “disclosure” of this relationship as to want to threaten Mr Carrim if he were to testify about it before the Commission.

[39] Crucially, Mr Carrim did not express this belief that the threats were coming from Mr Mogotsi in his founding or replying affidavits. He expressed it for the first time in supplementary affidavits. And he did that only after I had asked – during argument – who the threats could possibly be coming from. So, before the supplementary affidavits, these were unexplained threats. There was no explanation as to who would not want Mr Carrim to testify. The explanation now given about

¹¹ See the rest of the explanation in para 20.

¹² Mr Mogotsi, transcript of oral evidence, 19 November 2025 at pages 36 - 41.

Mr Mogotsi is tenuous. I should not be understood to say that there can never be circumstances where a witness might validly have no idea as to who is threatening them. Mr Carrim's case is different because nothing readily appears to be a possible basis for the threats.

[40] Without holding that Mr Carrim has not been threatened, the threats and their perceived origin are of such a nature that I am led to a conclusion that, in the exercise of my discretion, I should not bar the public and media from having access to Mr Carrim's testimony.

[41] In the circumstances, I hold that Mr Carrim has not made out a case for the relief he seeks in prayers 3 and 4 of the notice of motion dated 18 February 2026.

[42] To the extent that Mr Carrim has advised the Commission of the existence of the threats, during argument he was offered protection. It has been brought to my attention that, over the weekend, there was engagement between Mr Carrim and the Commission on this issue.

Order

[43] I accordingly make the following order:

The relief sought in prayers 3 and 4 of the applicant's notice of motion dated 18 February 2026 is refused.

MBUYISELI MADLANGA

COMMISSION CHAIRPERSON

9 MARCH 2026

(THE ORIGINAL WHICH IS ON FILE IS SIGNED)