

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**20 SEPTEMBER 2019**

**DAY 168**

20

**PROCEEDINGS RESUME ON 20 SEPTEMBER 2019**

**CHAIRPERSON:** Good morning Ms September, good morning everybody.

**ADV VERUSCHKA SEPTEMBER:** Good morning Chair.

**CHAIRPERSON:** I am sorry we are starting later than I said we would start but let us start – let us start.

**ADV VERUSCHKA SEPTEMBER:** Indeed.

**CHAIRPERSON:** Are you ready?

**ADV VERUSCHKA SEPTEMBER:** Yes we are Chair.

10 **CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** Mr Roelof – Mr Roelofse we are on page 61 of your affidavit in bundle KK2.1.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** And yesterday we concluded your evidence in relation to the email that you sent to Brigadier Moodley which accounted what transpired at the meeting that you had with General Ntlemeza on the 15<sup>th</sup> July 2015.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

20 **ADV VERUSCHKA SEPTEMBER:** Following your account sent on that date what happened thereafter?

**MR KOBUS DEMEYER ROELOFSE:** Chair as I testified yesterday General Ntlemeza transferred Brigadier Moodley to the regular South African Police Service. And from there the investigation did not continue during the time that General Ntlemeza was the head of the DPCI. I – I had and still have custody of all the relevant documentation

that I – that was seized in the beginning in 2011. Apart from the documents that I gave to Brigadier Moodley for the declassification. I never – I was never asked by anyone to supply any documentation or for any investigation to continue and that includes disciplinary investigations. Therefore in my opinion General Mtlemeza has effectively stopped any continuation or progress in respect of not only this investigation but all other investigations regarding the alleged of CI – the abuse of CI funds.

**ADV VERUSCHKA SEPTEMBER:** And before you turn the page are  
10 you aware of any additional meetings that were called for by Advocate Shaun Abrahams in relation to the declassification of documents? And I am specifically referring to paragraph 208.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair on the 16 July 2015 I was informed through an email by Advocate Rossouw who was the prosecutor in the matter that Advocate Abrahams would – would like to have a briefing regarding the declassification of the documentation on the 22 July 2015. Advocate Abrahams requested then the – my presence. I however never received any communication from General Mtlemeza’s office regarding the briefing and therefore did not attend.  
20 The briefing was sent directly to me – a copy to me by Advocate Rossouw.

**ADV VERUSCHKA SEPTEMBER:** And you were requested in your capacity as investigating officer?

**MR KOBUS DEMEYER ROELOFSE:** Yes I was requested to attend and in my capacity as the investigating officer, yes Chair.

**ADV VERUSCHKA SEPTEMBER:** And this was notwithstanding the instruction by General Ntlemeza three days earlier which caused you to stop the – calling you to stop the investigation.

**MR KOBUS DEMEYER ROELOFSE:** Yes...

**ADV VERUSCHKA SEPTEMBER:** Or rather no longer be involved in the investigation.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair I do not know whether Advocate Abrahams knew that I was – that I was instructed to stop the investigation.

10 **ADV VERUSCHKA SEPTEMBER:** In relation to media queries have you received any media queries or rather since that date which you were required to attend to?

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair on the 17 July I was – I was requested to attend to a media enquiry from Mr Barry Bateman. And I – let me rephrase that. On the 17 July 2015 Barry Bateman sent a media enquiry to the South African police. On the 20 July I was asked to comment on that enquiry of inquiry. It was sent to the office of General Mnonopi for a response by 14:00 on the same day. I responded on the same day and I copy – a copy of the email which  
20 includes my response is attached as KDR48. I do not know whether the media enquiry was published but – and why I was asked to respond. I also do not know whether my response is to the media enquiry were ever released to Bateman.

**ADV VERUSCHKA SEPTEMBER:** Can I ask you to turn to page 436 please.

**CHAIRPERSON:** What is the page number?

**ADV VERUSCHKA SEPTEMBER:** 436.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** And it is Annexure 48 for the record.

Is this the email communication authored by yourself?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And this was in response to the media query?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

10 **ADV VERUSCHKA SEPTEMBER:** It – for the record it is an email communication dated the 20 July 2015 at 10:07 from Kobus – Colonel Kobus Roelofse to Western Cape DPCI Secretary – subject title Media Query Mdluli and the classified documents. It appears to be quite a comprehensive response but for purposes of highlighting any key point can I ask you to go to the second paragraph after the – sorry – after the ...

**MR KOBUS DEMEYER ROELOFSE:** Chair I...

**ADV VERUSCHKA SEPTEMBER:** The fifth paragraph sorry.

**MR KOBUS DEMEYER ROELOFSE:** I think we are on the ...

20 **ADV VERUSCHKA SEPTEMBER:** It is page 436.

**MR KOBUS DEMEYER ROELOFSE:** Yes sorry I was on the wrong page. Sorry Chair.

**ADV VERUSCHKA SEPTEMBER:** Can I ask you to please read the paragraph which begins with “I understand” which is about a third down in the communication.

**MR KOBUS DEMEYER ROELOFSE:** Sorry Chair. Chair this – this is a  
– this is the question from Mr Barry Bateman.

“I understand that police management allege that the documents cannot be declassified because they were stolen from Crime Intelligence. I understand that there is an issue of whether the documents in the IO’s possession are the originals or copies of the supposedly stolen documents.”

**ADV VERUSCHKA SEPTEMBER:** For purposes of the record IO  
10 stands for:

**MR KOBUS DEMEYER ROELOFSE:** Investigating Officer Chair.

**ADV VERUSCHKA SEPTEMBER:** And what comment do you have to  
this?

**MR KOBUS DEMEYER ROELOFSE:** My comment is just:

“I cannot answer on behalf of police management as to the allegation that the classified documents were stolen. Whoever made the allegation should answer same. I can state categorically that the classified documents were not stolen and were obtained  
20 legally.”

**ADV VERUSCHKA SEPTEMBER:** If we can then go back to page 62 of your affidavit please.

**CHAIRPERSON:** Just to go back to the 13 July did you ever get any report as to whether the meeting that General Ntlemenza said he would attend alone with Advocate Shaun Abrahams which you were supposed

to have attended whether it took place and if so how it went?

**MR KOBUS DEMEYER ROELOFSE:** Chair I was – I was informed the meeting did in fact take place. I was informed that by the prosecutor Advocate Rossouw. He attended the meeting. He did not in detail told me what happened at the meeting suffice to say that it was not a very pleasant meeting.

**CHAIRPERSON:** It was not a pleasant meeting?

**MR KOBUS DEMEYER ROELOFSE:** It was not a pleasant meeting.

**CHAIRPERSON:** Hm.

10 **MR KOBUS DEMEYER ROELOFSE:** According to him General Ntlemeza regarded them as not – not in authority to – to can tell him what he can do or cannot do.

**CHAIRPERSON:** Is there a plan to call Mr Rossouw?

**ADV VERUSCHKA SEPTEMBER:** I am not aware of it but if I could just check quickly please?

**CHAIRPERSON:** Well it is important to get somebody who was present at that meeting to come and tell me what happened at that meeting.

**ADV VERUSCHKA SEPTEMBER:** As it pleases Chair we will do so.

**CHAIRPERSON:** Okay. And has a statement been obtained from  
20 Brigadier Moodley also it would be important to get a statement from him about a number of things but in particular about the meeting that Mr Roelofse has testified about that the two of them attended or had with General Ntlemeza where General Ntlemeza stopped Colonel Roelofse continuing to investigate.

**ADV VERUSCHKA SEPTEMBER:** Thank you Chair. We will note that.

If we could then go back to page 62 of your affidavit.

**MR KOBUS DEMEYER ROELOFSE:** Chair if I may I just want to inform – inform the commission that I did compare the identity number of Ms Ranjeni Munusamy. The one in my possession with the one that was given to the commission it is the same identity number.

**CHAIRPERSON:** It is the same ID number?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV VERUSCHKA SEPTEMBER:** At page 62 of your affidavit is it  
10 correct that General Ntlemeza was dismissed on or about the 15  
September 2017?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And this was following the judgment  
in the Supreme Court of Appeal which found that the decision of Mr  
Nhleko who was the Minister of Police at the time was irrational and  
unlawful when appointing General Ntlemeza to the head of DPCI?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Chair a copy of that judgment is  
included in the Regulatory bundle which is at Exhibit 2.4.

20 **CHAIRPERSON:** Is it a judgment or was it just an order dismissing an  
Application for Leave to Appeal?

**ADV VERUSCHKA SEPTEMBER:** It was a judgment Chair.

**CHAIRPERSON:** At the SCA?

**ADV VERUSCHKA SEPTEMBER:** Yes Chair.

**CHAIRPERSON:** Okay.



**ADV VERUSCHKA SEPTEMBER:** For your reference it is the last tab which starts at page 368.

**CHAIRPERSON:** No that is fine.

**ADV VERUSCHKA SEPTEMBER:** What happened on the 14 June 2017 Mr Roelofse?

**MR KOBUS DEMEYER ROELOFSE:** Chair on the 14 June 2017 Advocate Rossouw emailed me requesting an urgent meeting. His email attach – attach various letters which confirm – which informed me that Advocate Abrahams the NDPP requested the assistance of the new  
10 acting National Commission of SAPS Lieutenant General JK Khomotso Phahlane which he was appointed on the 15 October 2015 in getting documents needed in evidence in the CI criminal investigation declassified. General Phahlane agreed in writing to assist – agreed in writing to assist Advocate Abrahams and agreed to the setting up of a process to declassify the documentation. Advocate Abrahams informed General Phahlane that he will inform the prosecutor of the decision to set up a process to declassify the documents. And a copy of these of letters as – is attached to my affidavit and I forwarded this to General Mathakatha thereafter.

20 **ADV VERUSCHKA SEPTEMBER:** Can I then ask you to turn to page 4...

**CHAIRPERSON:** I am sorry one second. You have at 213 a reference to events of 14 June 2017 and below that discussion involving General Phahlane but then at 214 says on 1 June 2017 General Phahlane was relieved of his duties as acting National Commissioner. Is there no mix

up of dates there?

**MR KOBUS DEMEYER ROELOFSE:** Chair I think it should read the 1 July.

**CHAIRPERSON:** Yes. In 214?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** In fact we will certainly correct that because we have received an affidavit from General Phahlane which informed that he was relieved of his duties from the 1 June 2017. So  
10 that date is in fact correct. It just appears to be out of sequence.

**CHAIRPERSON:** Well I do not know but then it must be that the sequence of events is not proper then because you first you talk about what happened on the 14 June 2017 and then later you talk about what happened on the 1 June.

**MR KOBUS DEMEYER ROELOFSE:** Chair if I may – I – maybe I can explain?

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** I received the email from Advocate Rossouw on the 14 June 2017.

20 **CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** The trailing or the attached documentation to the email dealt with issues or dealt with ...

**CHAIRPERSON:** Previously.

**MR KOBUS DEMEYER ROELOFSE:** Events that happened before he was ...

**CHAIRPERSON:** Oh.

**MR KOBUS DEMEYER ROELOFSE:** Before he was dismissed or relieved of his duties.

**CHAIRPERSON:** Before that date?

**MR KOBUS DEMEYER ROELOFSE:** Before the date that he was relieved of his duties. Yes Chair. I did not receive these documentations during the – as it happened.

**CHAIRPERSON:** Yes. Yes. And were you – I think do try and ensure that we have got the dates correct because – or whether it is just a  
10 question of – of 214 – maybe 214 needing to have been 213. Obviously what happened first it what happened on the 1 June. What happened on the 14 June namely the receipt of the email happened later than what happened on the 1 June.

**ADV VERUSCHKA SEPTEMBER:** It is understood through you Chair that the date on which he was relieved from his duties is to be considered in the context of his knowledge of the declassification of documents and so the communication which is dated the 14 June 2017 while I accept is out of time sequence is the pertinent part of this witness' evidence.

20 **CHAIRPERSON:** No, no, no I am – I understand that all I am simply saying it causes confusion.

**ADV VERUSCHKA SEPTEMBER:** Okay.

**CHAIRPERSON:** When you first discuss what happened on the 14 June and then later go back to what happened on the 1 June. If he dates are fine then it means it is just the rearranging of the affidavit that – or the

arrangements in the affidavit of the paragraphs that was not what it should be. But if the dates are fine I can live with it – we can go on. It is not a problem. It just seems awkward.

**ADV VERUSCHKA SEPTEMBER:** Okay.

**CHAIRPERSON:** To tell a story go up to 14 June and then go back to 1 June.

**ADV VERUSCHKA SEPTEMBER:** As it pleases Chair.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** If we could then turn to page 43 –  
10 440 which is Annexure KDR49.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** This document appears to be an email correspondence trail and the first email at the top of it is from Arno Rossouw AJ of the NPA's office sent on the 14 June 2017 16:26 to Colonel Roelofse being yourself cc Paul J Louw – subject title which is a four word State versus Mdluli and others and there appears to be one attachment. Is that correct?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And then what we – what also  
20 appears from the document is the introduction which reads:

“Dear Colonel Roelofse kindly take note of the attached correspondence. We need to meet as a matter of urgency to discuss the matter and set up the meeting as directed by the acting commissioner.”

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And you have already given evidence that the acting commissioner at that time was Mr Nhleko.

**MR KOBUS DEMEYER ROELOFSE:** No Chair it was General...

**ADV VERUSCHKA SEPTEMBER:** I mean – sorry. Lieutenant General Phahlane.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Sorry – so sorry. If I could then ask you to turn to page 445 please.

**CHAIRPERSON:** I think those that exchange of emails and letters I am  
10 not sure that there is much purpose in going to each and every one of  
them. Just reflect of this. It maybe that what is important is to say  
there was – there were letters and emails that were exchanged between  
so and so and so and so or these people between that time and that  
time but the – the ultimate outcome is that General Phahlane had at a  
certain stage indicated a willingness to have the documents  
declassified and then see what happened after that. So it might not be  
necessary to go through each and every email if it does not take that  
point any further. There were discussions but in the end the documents  
remained not declassified but Phahlane seemed to be willing – this is  
20 the email he sent and this is what happened pursuant to that.

**ADV VERUSCHKA SEPTEMBER:** As it pleases Chair. Is it – there is  
then Mr – Colonel Roelofse an internal memorandum which attaches  
three documents which essentially calls upon Lieutenant General  
Phahlane to assist and he agrees to do so at least from the 19 January  
2017?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair and it is follow up – he followed that up with the written response on the 17 May 2017.

**ADV VERUSCHKA SEPTEMBER:** Thank you.

**MR KOBUS DEMEYER ROELOFSE:** Where he agrees to do it.

**CHAIRPERSON:** As I understand his email the email itself was not necessarily agreeing to declassify but he was agreeing to the setting up of a process which could lead to declassification, is that right?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair. As I  
10 testified earlier.

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** There is a process that needs to be set up.

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** To get it declassified.

**CHAIRPERSON:** Yes. So at least he was not opposed in principle to declassification it just depended on the process that was to be put in place.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair and that is  
20 what I would expect from a National Commissioner.

**CHAIRPERSON:** Yes. Ja. Thank you.

**ADV VERUSCHKA SEPTEMBER:** Chair there is a version of sorts that we have received with by your leave I would just like to put through to the witness. It is an affidavit that we have received from General Phahlane.

**CHAIRPERSON:** Ja. You can put it to him.

**ADV VERUSCHKA SEPTEMBER:** And with your leave if I may do so?

**CHAIRPERSON:** Ja.

**ADV VERUSCHKA SEPTEMBER:** Save to confirm in the affidavit itself that General Phahlane informs that he was appointed to the position of acting National Commissioner of Police following the suspension of General Riah Phiyega on the 14 October 2015. He has since the 1 June 2017 been at home on full remuneration pending the processes of investigations against him.

10 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**CHAIRPERSON:** Well does it dispute any of the things that Mr Roelofse has talked about that relate to him?

**ADV VERUSCHKA SEPTEMBER:** Colonel Roelofse he informs that he takes no issue with the allegations that you make but he however wishes to point out that he was not contacted by any person to assist in the declassification of the documents after he received the response from Advocate Abrahams regarding his request. Do you have any comment or knowledge to that?

**MR KOBUS DEMEYER ROELOFSE:** Chair I cannot comment on – on  
20 what General Phiyega – General Phahlane has seen or not but I do have a letter from Advocate Abraham's office that was addressed to General Phahlane on the 24 May 2017 wherein Advocate Abrahams in paragraph 2 states the following:

“The Prosecutor in the matter will be informed of your decision and requested to liaise with the

relevant officials as suggested.”

So there was a referral back to the office of the National Commissioner.

**CHAIRPERSON:** hm.

**ADV VERUSCHKA SEPTEMBER:** And then to ask you your comment to the following statement and I read: He says:

10 “I am a amazed at Mr Roelofse as a senior police official did not register any criminal case against me at the time it is alleged I frustrated and hampered the investigation and by doing so obstructed the course of justice and defeated the ends of justice.”

**MR KOBUS DEMEYER ROELOFSE:** Chair I ...

**ADV VERUSCHKA SEPTEMBER:** Do you have any comment to that?

**MR KOBUS DEMEYER ROELOFSE:** Yes I do. I have never alleged that General Phahlane frustrated the process. I have the documentation here and as far as I am concerned he was the one that assisted me. I cannot remember the life alleged that he is – that he is frustrating the process.

20 **ADV VERUSCHKA SEPTEMBER:** It is to be understood that in the context of your affidavit your allegations were to – were addressed to senior police officials.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Are you changing your position now?

**MR KOBUS DEMEYER ROELOFSE:** No I am not – no I am not changing my position in terms of that. I am just saying that when the written responses I have would indicate that General Phahlane is



assisting me. I do not – he – I think what I am trying to – what I am referring to when I am talking about that. The first letter was sent in January 2017 and his response was only in May. So in that essence – in that sense it would seem that there was no urgency and he was – he was not going to respond within the – within a specific timeframe. I also do not know how long before this Advocate Abrahams has spoken to him in that process. So he did not – he did not do anything about this until there was a letter to ask him to do it. So based on that he did not do anything up until that point when he was in – questioned in writing or asked in writing to assist.

**ADV VERUSCHKA SEPTEMBER:** And so in that context your evidence is to be considered. When you say that there were attempts made to frustrate and hamper investigations by senior officials within SAPS is General Phahlane considered to be one of them?

**MR KOBUS DEMEYER ROELOFSE:** In that essence it will fall into that context yes Chair.

**ADV VERUSCHKA SEPTEMBER:** Okay.

**MR KOBUS DEMEYER ROELOFSE:** Or in that sense. It will fall into that context.

20 **ADV VERUSCHKA SEPTEMBER:** Were there any requests made by IPID the Independent Police Investigative Directorate for the declassification of documents?

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair there were requests made by them. In August 2017 I was asked to go and assist IPID by General Mathakatha from the DPCI and – and part of that situation was

that as part of the joint task team that IPID will also from their perspective try to get the documents needed for this investigation declassified. If we can – if I can put this into context? At the time before I – before I got there IPID was doing investigations also regarding to the actions of Crime Intelligence and certain allegations or alleged criminality. And I think that is the reason why I was asked to go – to go and assist them as well because they sat with exactly the same problem getting the documents declassified for court purposes.

**ADV VERUSCHKA SEPTEMBER:** Can I ask you to turn to page 453  
10 which forms part of Annexure 50 please?

**CHAIRPERSON:** You say 456?

**ADV VERUSCHKA SEPTEMBER:** 453 Chair.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair.

**CHAIRPERSON:** 45?

**ADV VERUSCHKA SEPTEMBER:** 3.

**CHAIRPERSON:** 3. Yes continue.

**ADV VERUSCHKA SEPTEMBER:** This is a correspondence – a letter  
rather addressed to Lieutenant General Mothiba who was the acting  
National Commissioner at the time and it is signed on page 460 by Mr R  
20 J McBride dated the 18 August 2017.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** It is titled “A request for  
declassification of classified documents and the particularity of the  
CAS number and the like follows.”

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** This is a comprehensive or it appears at least to be quite a comprehensive document on what information or documents were required for classi – declassification?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** If we could turn to page 4-6-0. Is it correct that this letter concludes that?

“It would be appreciated ...”

Not is it correct but the - the letter rather concludes that:

10 “It would be appreciated if the above documents can be urgently declassified and handed over to IPID for investigation in terms of Section 29(2)(c) and 24(3) in terms of the IPID Act.”

So the - there was an urgency to this request?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Is this the same request that then escalated to yourself for attention and response?

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair.

**CHAIRPERSON:** So Mr Roelofse the - the battle to get these documents declassified was quite a long one?

20 **MR KOBUS DEMEYER ROELOFSE:** And it is still a battle Chair.

**CHAIRPERSON:** It is still a long one?

**MR KOBUS DEMEYER ROELOFSE:** Yes?

**CHAIRPERSON:** Starting in 2012 you said?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**CHAIRPERSON:** 2012. You wrote - you prepared comprehensive

documents explaining everything that you could to try and get the police and Crime Intelligence to accept that the - you needed these documents for legitimate purposes. The NPA also I think we saw yesterday if I am not mistaken.

Yes Mr Nxasana's very comprehensive document. I think Ms September said it was eight pages if I am not mistaken but comprehensive letter or memorandum that was sent motivating and dealing with lots of issues and saying please declassify these documents. Nothing happens.

10 IPID here sends Mr McBride a comprehensive document dealing with all these issues asking please let us declassify these documents and nothing happens.

**MR KOBUS DEMEYER ROELOFSE:** That is true Chair.

**CHAIRPERSON:** That describes what has been happening?

**MR KOBUS DEMEYER ROELOFSE:** That is true Chair.

**ADV VERUSCHKA SEPTEMBER:** Mr Roelofse the letter from Mr McBride was sent to General Mothiba and it is correct that it was sent to him ...

**CHAIRPERSON:** I am sorry Ms September. Just to complete what I  
20 was saying Mr Roelofse and throughout these years and throughout these correspondence as I understand your evidence and as I understand the correspondence exchanged there does not appear that - it does not appear that anybody ever said here is a reason why we are saying no to the declassification of these documents or sometimes they were - maybe they were not even saying no but the fact is they were

not saying yes. Is that right?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair. We have not had that - we have not had that engagement. I have not received any reasons as to why it should not be declassified.

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** It is a question of - it is a question of being ignored.

**CHAIRPERSON:** And you have quoted to them the provision that says classification must not be used to hide maladministration and corruption and nobody has come back to you and said no, no, no. Here  
10 is a legitimate reason why we say no to the declassification. It is just not happening?

**MR KOBUS DEMEYER ROELOFSE:** Chair it - it did not happen and as far as I - I also do not know what was - what was the - the motivation for not declassifying a certain document that was requested by the Commission ...

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** To be declassified that was also  
20 not declassified. I do not know if there was a reason advanced for that.

**CHAIRPERSON:** Ja. Okay.

**ADV VERUSCHKA SEPTEMBER:** Mr Roelofse the IPID request was sent to General Mothiba in his position as Acting National Commissioner?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And is it - is it correct that he was appointed to that position on or about 2 June 2017?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** But certainly based on the - the letter that we have - that I have directed your attention to he was aware at least of the request through IPID approximately July 20 - sorry - August 2017 or ought to have been aware of it?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** There was however a General Jacobs  
10 who was supportive of the process. Is that right?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Can I ...?

**MR KOBUS DEMEYER ROELOFSE:** It ...

**ADV VERUSCHKA SEPTEMBER:** Can I ask you to turn to page 4-4-9  
please? At the bottom of the page appears as part of this email trail is  
an email from Major-General Jacobs dated 21 August 2017 at 09:08 am.  
Sent to the Divisional Commissioner of Legal and Policy Services and  
others with the subject - including copying other recipients as well with  
the subject title re "Request for Declassification of Classified  
20 Documents".

Once again the CAS number details. If you turn the page to  
page 4-5-0 it reads:

"I am in favour of declassification of the documents  
and so far back in General Dramat's time -  
(coughing) so sorry - and so far - and so far back in

General Dramat's time the issue had been cleared with the Office of the IG. I propose that we follow up with NPA on existing process and ask person in possession of docket - of docket to produce original documents for declassification. The matter has been drawn out too long and needs to come to finality. I direct this to NPA's Office as well so that we can move with speed on this matter. Kind regards, Phillip Jacobs."

10 Who was General Jacobs?

**MR KOBUS DEMEYER ROELOFSE:** General Jacobs at the time was - Chair I must just make - he was - he was - he formed part of the legal service - national - National Office of Legal Services within the South African Police Service. He - the context of this email and his response was in respect of the request sent by Mr McBride for the declassification of the documentation.

They were asked - Legal Services in - in Head Office were asked to - to provide the - General Mothiba with a legal opinion and I am informed that he was provided with a legal opinion with the advice  
20 to declassify the documentation. Not once but twice and no reaction came from General Mothiba in respect of this advice that was given to him by his own legal services.

**ADV VERUSCHKA SEPTEMBER:** And so is it to be understood that no progress arose following the email from General Jacobs?

**MR KOBUS DEMEYER ROELOFSE:** That is - that is true - that is so

Chair.

**ADV VERUSCHKA SEPTEMBER:** And progress insofar as the declassification of documents ...

**MR KOBUS DEMEYER ROELOFSE:** That is...

**ADV VERUSCHKA SEPTEMBER:** Is concerned?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** On 22 November 2017 a new National Commissioner was appointed?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

10 **ADV VERUSCHKA SEPTEMBER:** Who - who is the individual?

**MR KOBUS DEMEYER ROELOFSE:** It was General Sithole - Khehla Sithole.

**ADV VERUSCHKA SEPTEMBER:** And was the request for declassification brought to the attention of Lieutenant-General Sithole?

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair. It was brought to his attention. It was also - I think a copy - I do not have the - the document here but I think it was a - a similar document or maybe even the same document addressed to General Mothiba was also addressed to General Sithole.

20 **ADV VERUSCHKA SEPTEMBER:** And at paragraph 2-1-9 on page 63 of your affidavit. You talk about this - this issue of declassification being raised in Parliament. Can you please elaborate on that?

**MR KOBUS DEMEYER ROELOFSE:** Chair IPID was asked to appear before SCOPA. It is either late 2017 or early 2018. I attended with - with the IPID the SCOPA hearing. I think it was two or three and in one



of those hearings and I suspect it was the first one this whole question regarding the declassification of documentation was raised but not only the ones that I needed but also the ones that they were struggling to get declassified in terms of their own investigations.

During those hearings I got the impression that the members of SCOPA was really interested to assist and there were comments made to the effect that - and General Sithole made certain comments to the effect that he will - he will apply his mind and he will assist and they - and I think the hearing gave him about two weeks.

10           About two or three hearings after that I got the - I have got the sense that there was a change within SCOPA because they said it - it did not fall strictly within their mandate. It falls within the mandate of the Intelligence Committee and that is - that is where it ended. So that also did not assist in getting the documentation declassified.

**CHAIRPERSON:** Well Mr Roelofse I will hear what some of the people who were supposed to apply their mind to this request have to say but the fact that you are part of the law enforcement agencies in the country and you are investigating what appears to be a legitimate issue concerning allegations of corruption and fraud within the police and you  
20           are not assisted to obtain documents that you need for that investigation for over eight years is just astonishing.

It is just astonishing. Somebody gave evidence before me here some months back and made statements that may have seemed shocking about what happens within the police in terms of wrongdoing and I cannot remember who it was but I think it was somebody from

within and this battle that you have been on for so many years one would have thought that the police would be very sensitive when there are investigations against some of their own and would want to be seen to be more transparent and would not want to do anything that might look like they want to protect one another or that may be seen to be covering up corruption.

I will hear what they have to say but it is very, very concerning to me because over such a long period anything could happen. Witness could die. Then you could have a situation where  
10 there is never prosecution or there is no successful prosecution because witnesses have disappeared or died that would have been important for the proper prosecution of those cases and just think also that it must be a most demoralising thing to any person within the law enforcement agencies who is trying to do his or her job properly but meeting with the kind of frustration that it looks like you met with but we will - we will hear and hear what everybody has to say.

Maybe they will throw light from different - give us perspectives that we do not see at the moment but it is really very, very concerning but I also wanted to ask I seem to have read sometime back  
20 about a court application to challenge the failure to declassify documents by the police in regard to some matter. Was it not this matter?

**MR KOBUS DEMEYER ROELOFSE:** Chair it - it relates to this matter but it was more - it - it is an application brought by IPID - by IPID Mr McBride and it related to Crime Intelligence but more - but more

recent abuse of the fund ...

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** And in terms of that Crime Intelligence did not want to release those documents. So that - that has been taken - that specific matter has been taken to court to ...

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** To force or to make it - for there to be a decision in terms of how to deal with this.

**CHAIRPERSON:** Yes. So it does not include everything that you were  
10 talking about. It relates to more recent events?

**MR KOBUS DEMEYER ROELOFSE:** It - it relates to more recent events. Yes Chair.

**CHAIRPERSON:** Yes, but how far is that? Do you know?

**MR KOBUS DEMEYER ROELOFSE:** Chair I am - I am not sure at the moment. I know that they - affidavits - further affidavits were filed about a month ago but I am not - I am not up to speed as to exactly how far they are.

**CHAIRPERSON:** Yes. Do you know - do you have any information about that? Ms September?

20 **ADV VERUSCHKA SEPTEMBER:** We will certain - we will certain ...

**CHAIRPERSON:** Do you know?

**ADV VERUSCHKA SEPTEMBER:** We do not ...

**CHAIRPERSON:** Do you ...?

**ADV VERUSCHKA SEPTEMBER:** We do not have any information at this stage.

**CHAIRPERSON:** Please obtain ...

**ADV VERUSCHKA SEPTEMBER:** We will certainly look into it.

**CHAIRPERSON:** Affidavits filed in that matter. Look at those affidavits. Let me know. I want to see them as well.

**ADV VERUSCHKA SEPTEMBER:** Will do Chair.

**CHAIRPERSON:** Okay, alright.

**ADV VERUSCHKA SEPTEMBER:** If I may proceed. So it is correct to understand that in the context of everything we now turn to page 64 of your affidavit where you deal with General Ntlemeza. Is it correct that  
10 on the 23<sup>rd</sup> ...?

**CHAIRPERSON:** Just to finalise the point relating to General Sithole. So the thrust of your evidence in relation to him is that after he had been appointed National Commissioner this issue of the request for declassification was brought to his attention. He became aware of it from what you understand.

He seemed to have undertaken to apply his mind to it but the fact of the matter is up to now there has been no declassification?

**MR KOBUS DEMEYER ROELOFSE:** That is so Chair. In paragraph 220 of my affidavit I also refer to Brigadier Van Graan who prepared yet  
20 again another memorandum which was then given to General Sithole.

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** So he was aware.

**CHAIRPERSON:** Yes. I - I wonder whether when the National Commissioner of Police or different National Commissioners of Police fail to assist or when you are unhappy with the fact that the National

Commissioner of Police is not assisting in a particular matter whether you should not - there should not have been an approach to the Minister or different Ministers.

Is that something that was not thought or is that something that this kind of thing would not go to the Minister?

**MR KOBUS DEMEYER ROELOFSE:** Chair I have not thought of that. I thought that I would be able to - to deal with it within the structures of the ...

**CHAIRPERSON:** Yes.

10 **MR KOBUS DEMEYER ROELOFSE:** South African Police Service ...

**CHAIRPERSON:** Yes, yes.

**MR KOBUS DEMEYER ROELOFSE:** As - or - or for that matter within IPID ...

**CHAIRPERSON:** Yes.

**MR KOBUS DEMEYER ROELOFSE:** Or in Parliament but I did not ...

**CHAIRPERSON:** Yes, yes.

**MR KOBUS DEMEYER ROELOFSE:** I did not see the point. So - but I did not even think of that.

**CHAIRPERSON:** Yes. Well it might - it might be - it might be one of  
20 the avenues open but the Commission will be applying its mind as well because there have been different National Commissioners or Acting National Commissioners and it would be different if they say we will not declassify. Here are the reasons and then you apply your mind to the reasons and you agree or disagree. So - okay, alright.

**ADV VERUSCHKA SEPTEMBER:** Mr Roelofse is it correct that on

23 December 2014 General Dramat was relieved of his duties by Minister Nhleko and General Ntlemeza was then appointed to act in his place on or about that same date?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** What was one of the first things that General Ntlemeza did as far as you are aware and in your experience?

**MR KOBUS DEMEYER ROELOFSE:** Chair, he - he visited two provinces - KwaZulu-Natal as well as the Western Cape Province. I cannot remember which one he visited first. Cannot remember exactly  
10 that sequence and I know it was either very late in 2014 or very early in 2015 and he called a meeting. He did not see the provincial - the Provincial Commander as far as I know. He called the meeting specifically with the - with the ACTT. The Anti-Corruption Task Team and he met with us on that specific day.

During the meeting General Ntlemeza addressed us and what was concerting to me during the - during that meeting is that he informed the meeting - and that includes now junior officers as well - he in - he informed them that he would - that he at the meeting - the effect that if he wanted to challenge anyone if they want to challenge his  
20 decisions he would suspend them and they would - and they wanted - and if they wanted to take him on and that is now to court he would get his SC to fight their SC.

In other words that officials until that person runs out of funds. He went further to say that even if that person was successful in challenging his decision he would in any event transfer the person

out of the DPCI. Now to me that was - I - I was taken aback by that - by that comment. I mean that is the first time that - that he as the Acting Head of the DPCI came to speak to anyone and especially in the Western Cape and that is what he said.

I did not know why he wanted to say that. I did not know what prompted it but what he did is it created that climate - climate within the DPCI that you will do what I say or you are going to get - you will be transferred or - or I will suspend you and the question about the SC his counsel. He was referring to state funds. He will appoint  
10 counsel on state funds to fight you with your pension with your money.

It was - I just did not - it did not go down well and I do not know if he understands the seriousness of what he had said at the time.

**CHAIRPERSON:** One second. So basically he was threatening that if I make any decision and you try and challenge it you must know that it is going to be a serious battle and effectively I will be using state funds to fight you and you will be using your own funds and you have no chance?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair. He is basically saying I will - financially I will ruin you.

20 **CHAIRPERSON:** Hm, hm.

**ADV VERUSCHKA SEPTEMBER:** If I may proceed. Chair, may I proceed?

**CHAIRPERSON:** (No audible reply).

**ADV VERUSCHKA SEPTEMBER:** Colonel - Mr Roelofse did you know General Ntlemeza from any past experience?

**MR KOBUS DEMEYER ROELOFSE:** Chair I do. I have met General Ntlemeza in 2011 for the first time. I did know who he was before that and the meeting I - the meeting I had or during the time I met him it related to a report that was handed up during the bail application of General Mdluli to the - in the Boksburg High Court.

This report speak - in this report he - he was appointed by General Mdluli to investigate the so called plot against him and then that report was thus provided at - at the bail hearing.

**ADV VERUSCHKA SEPTEMBER:** Before we deal with this - the report  
10 in particular. I ought to have been more specific in my question. Before you had this first meeting with General Ntlemeza where he attended Cape Town and made clear how he intended to deal with the department did you meet him before that time?

**MR KOBUS DEMEYER ROELOFSE:** Yes. As I said in 2011 during - I had - I interviewed him regarding a report that was handed up in the bail application of General Mdluli which he - which he authored on General Mdluli's behalf after requesting - after being requested to do so.

**ADV VERUSCHKA SEPTEMBER:** And if we can then go to page 65 you  
20 talk specifically to the report that was prepared by General Ntlemeza. Is that right?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** How did it come about that General Ntlemeza was called upon to prepare this report?

**MR KOBUS DEMEYER ROELOFSE:** Chair at the time - I just want to



get to that point. General - there was a - there was a newspaper article published. I think it was in The Sowetan if I am not mistaken in which General Mdluli has been linked to a - an event in 1999.

**ADV VERUSCHKA SEPTEMBER:** Is that the Vosloorus matter that you have already given evidence about?

**MR KOBUS DEMEYER ROELOFSE:** That is the Vosloorus matter that I gave evidence about. That article resulted in the information that - that was sent to General Lalla for further attention. General Lalla informed General Dramat and then it was given to General Lebeya for him to  
10 investigate based on the - on the media report.

During that period General Dramat - ag General Lebeya spoke to the Mgwebi family and during the preliminary - preliminary investigation General Lebeya be - became aware of a parallel investigation that is been done by General Ntlemeza. He informed General Dramat - General Lebeya informed him that General Ntlemeza would be continuing with the investigation as he thought that General Ntlemeza was also investigating the murder of Ramogibe.

He did not know the - the terms of reference of the investigation that - that General Ntlemeza had to do. General Lebeya  
20 gave the details of - of a witness from the Ramogibe family to General Ntlemeza under the impression that General Ntlemeza would continue the murder investigation. As I said under - under - at that time he did not know that General Ntlemeza was actually investigating someone else.

General Mdluli instructed General Ntlemeza in - on the 1<sup>st</sup> -

21 July 2009 through his Provincial Commission to investigate in regular conduct by members of SAPS stationed at CI for investigating the murder of Ramogibe - Mr Ramogibe and General Mdluli's alleged involvement.

From my investigation General Mdluli suspected that CI members who were investigating - investigating him of - of trying to oust him as the Divisional Commissioner of CI and then on 11 August 2009 General Ntlemeza received a briefing from General Mdluli regarding the terms of reference of his investigation.

10 General Ntlemeza finalised his report on 14 January 2010.

General Lebeya later obtained a copy of the Ntlemeza report from General - from General Mdluli.

**ADV VERUSCHKA SEPTEMBER:** Chair a copy of that report appears as Annexure 51 and it starts on page 462.

**CHAIRPERSON:** Yes, thank you.

**ADV VERUSCHKA SEPTEMBER:** To just summarise the very key points of General Ntlemeza's report which you found of key importance I'd like to take you to the bottom of page 65 at paragraph 225.3.4 can you please read the first one into the record?

20 **MR KOBUS DEMEYER ROELOFSE:** "It was clear from his investigation that is now, General Ntlemeza, that a plot existed to prevent General Mdluli from being appointed as the CI Divisional Commissioner and General Ntlemeza also accused Provincial Commissioner S Khumalo who is now deceased of being behind the plot. General Ntlemeza identified two police

officials, Warrant Officer Mogabe and Warrant Officer Reketsu assisting General Khumalo in this plot”.

**ADV VERUSCHKA SEPTEMBER:** Is it correct that – or rather is this the conspiracy plot that General Mdluli had alluded to?

**MR KOBUS DEMEYER ROELOFSE:** Chair I’ve lost track of all the conspiracy plots but this is one of them yes.

**ADV VERUSCHKA SEPTEMBER:** Is this then the same conspiracy plot that the Ministerial task team was appointed which was headed up by the Chief State Law Advisor Mr Enver Daniels to investigate?

10 **MR KOBUS DEMEYER ROELOFSE:** Chair I do not think so because the so-called people behind this plot wasn’t the people that were investigating in the – in Mr Daniels’ investigation or by his task team.

**ADV VERUSCHKA SEPTEMBER:** So this is a different plot?

**MR KOBUS DEMEYER ROELOFSE:** This is a different plot Chair.

**ADV VERUSCHKA SEPTEMBER:** If we can go to the second point please?

20 **MR KOBUS DEMEYER ROELOFSE:** “General Ntlemeza in his report said that he spoke to the sister of the deceased Mrs Lima Ramogibe and that according to her the matter was investigated and no member of the South African Police was connected to the murder. General Ntlemeza continued to state that the sister of the deceased had said that, according to the family the matter was already put to rest”.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comment to this?

**MR KOBUS DEMEYER ROELOFSE:** Chair this is just absolutely – the

opposite is true, I know the sister of the deceased we've spoken many times, she also informed me about this conversation, she never said what General Ntlemeza alleged to say. They were trying to get the matter on the Court roll for a long – the matter to be investigated not even on the Court roll for a long time, for 10 years. So she would never had said that, it just doesn't make sense.

**ADV VERUSCHKA SEPTEMBER:** At point three?

**MR KOBUS DEMEYER ROELOFSE:** “In General Ntlemeza's view there was a plot to stop the appointment of Commissioner Mdluli but  
10 the people i.e. the family of the said suspect deceased could not cooperate with inspector Mogabe in respect[indistinct] hence the solution was to take it to the newspapers”.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comment to this point?

**MR KOBUS DEMEYER ROELOFSE:** Chair I – to me I just don't understand this I do not know from what he's trying to say whether the deceased – I mean the family of the deceased or whether Mogabe and Lekotso went to the newspapers, I do not know, I don't have any comment because I – this is what he said ja.

20 **ADV VERUSCHKA SEPTEMBER:** No comment.

**CHAIRPERSON:** I had a brief look at that document which you call report by General Ntlemeza I may have missed something but I don't remember seeing any factual basis advanced for the view that certain people had conspired to prevent General Mdluli from being appointed to the – to be appointed to head Crime Intelligence. Were you able to find

any factual basis that General Ntlemeza advanced for that view of is?

**MR KOBUS DEMEYER ROELOFSE:** To the contrary Chair there were two affidavits attached and one of them was of Warrant Officer Lekotso, he denied that he was involved in this, it's under oath, he in fact stated that General Mdluli appointed him in his position, he would never investigate General Mdluli which in effect also shocked me because that's not what you're supposed to do if someone has committed an offence you need to investigate it but the fact of the matter is it's not concluded based on fact.

10 **CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** The next point four?

**MR KOBUS DEMEYER ROELOFSE:** "General Ntlemeza obtained an affidavit from Colonel Marthinus [indistinct] Botha, he is also deceased, who stated allegations relating to the murder of the deceased and the involvement of General Mdluli who investigated and he, Botha, could not find any witnesses to give evidence or statements to prove these allegations".

**ADV VERUSCHKA SEPTEMBER:** Do you have any comment to this based on your independent investigations?

20 **MR KOBUS DEMEYER ROELOFSE:** Chair in terms of my investigations of the Mdluli matter the Vosloorus matter, I approached Colonel Botha, he was still alive at the time, he said to me that he was under the impression that it was just an affidavit - a short affidavit that he had to prepare for General Ntlemeza, he didn't have context. In fact, he was not the investigating officer so I do not know the reason

why he would have given the affidavit in the first place, he was not the investigating officer, the witness were still available and there were witness statements taken from them. The investigation was just stopped in 2000 and it didn't continue. So his assertion that – and Colonel Botha gave me an affidavit to that effect which was filed in the docket.

**ADV VERUSCHKA SEPTEMBER:** And then lastly point five?

**MR KOBUS DEMEYER ROELOFSE:** “General Ntlemeza concluded first that Warrant Office Mogabe and Warrant Officer Lekotso were  
10 to be transferred from Crime Intelligence to Uniform Branch to avoid further embarrassment pending the outcome of the final inquiry and secondly that both Warrant Officer Mogabe and Warrant Officer Lekotso to be charged [indistinct] for misusing State owned vehicles”.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comment to that point?

**MR KOBUS DEMEYER ROELOFSE:** No Chair, as far as I know they were never charged for any departmental case against them, not as far as I know.

20 **ADV VERUSCHKA SEPTEMBER:** Is it correct then that the outcomes of your investigation which relate to the discussions that you had with Miss Lena Ramogibe and Colonel Botha was placed before the Court that considered the bail application of Richard Mdluli to which you opposed?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** What was the purpose then of the report of General Ntlemeza in your view?

**MR KOBUS DEMEYER ROELOFSE:** Chair maybe I can just clarify there, I didn't know about this report until the bail application, this was handed up by Mr Mdluli as part of his bail application. So based on that I followed up on this report and I spoke to Miss Ramogibe and I spoke to Colonel Botha. So then I think I supplied a further affidavit in respect of the bail application.

**ADV VERUSCHKA SEPTEMBER:** So in your view what was – what do  
10 you consider to be – have been the purpose of the report of General Ntlemeza?

**MR KOBUS DEMEYER ROELOFSE:** Chair the only purpose of this report is to show that General Ntlemeza is innocent of the murder but that was not investigated and if you look at the terms of reference of the report itself he was supposed to investigate this plot, not the murder but this was used to clear him of the murder charges and I subsequently was informed that this was also presented to senior management as well as to General Dramat as evidence that he wasn't involved in any murder plot.

**ADV VERUSCHKA SEPTEMBER:** Can I then ask you to turn to Exhibit  
20 KK2.4 please, the other bundle, it's called the regulatory and ...[intervenes].

**CHAIRPERSON:** I'm sorry what page?

**ADV VERUSCHKA SEPTEMBER:** It's the Exhibit KK2.4, the regulatory and case law bundle at page 288.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** 288, this is the judgement of the High Court and at paragraph 28 somewhat in the middle of the first paragraph to paragraph 28, and for the purposes of contexting or placing things into time context the Court records that,

10 “In the letter dated 3 November 2011 addressed to President Zuma, the Minister of Police and the acting Commissioner, Mdluli alleged that Commissioner Bheki Cele and other senior officers, General Petros, Lebeya and Dramat were working together against him. In the letter he tactlessly stated and it’s quoted, in the event that I come back to work I will assist the President to succeed next year. He did not explain how he would assist the President but it is reasonable to assume that he had in mind the confidence of the governing party in 2012 at which President Zuma was re-elected as party leader for a second five-year term. His entreaty to the President implies that Mdluli believed he had it in his gift to use his influence and the means at his disposal to the advantage of the President”,

20 Are you aware of this letter dated 3 November 2011 Mr Roelofse?

**MR KOBUS DEMEYER ROELOFSE:** Chair I think – I’m not aware of this letter, I’ve got a similar letter which was attached during the bail application, also from General Mdluli addressed to the President.

**ADV VERUSCHKA SEPTEMBER:** And so could I take you then to page



467 please?

**CHAIRPERSON:** Are you asking us to go back to the other one?

**ADV VERUSCHKA SEPTEMBER:** Oh so sorry Exhibit 2.1 it's the main bundle it's Exhibit 52 which starts on page 467.

**CHAIRPERSON:** What page?

**ADV VERUSCHKA SEPTEMBER:** 467, this appears to be a letter which is dated the 11<sup>th</sup> of November 2010...[intervenes].

**CHAIRPERSON:** Hang on one sec, did you say 467?

**ADV VERUSCHKA SEPTEMBER:** 467, yes Chair, it's the last  
10 Annexure to the bundle.

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** This appears to be a letter dated the 11<sup>th</sup> of November, are you there at the page? This appears to be a letter dated the 11<sup>th</sup> of November 2010 and it's a letter that's addressed to a) The President of the Republic of South Africa, b) The Minister of Police, c) The Minister of State Security, d) The National Commissioner and e) The Inspector General of Intelligence, it is titled victimisation and abuse of state resources against the Divisional Commissioner Crime Intelligence. At page 471 it appears to have been signed by  
20 Lieutenant General R N Mdluli.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair I'm familiar with the signature, it looks like his signature.

**ADV VERUSCHKA SEPTEMBER:** What is the relevance or significance of this letter to your investigation and the evidence that you've given?

**MR KOBUS DEMEYER ROELOFSE:** Chair in respect of this letter what the relevance was, I think during the bail application was to indicate to the President of South Africa that he was involved in a love triangle and she then reported entitled, alleged irregularities, members of SAPS, Crime Intelligence which is attached as Annexure A. Now he's referring to the – to General Ntlemenza's report that he attaches to this letter and then he deals with the information that he received and then he deals with him asking General Ntlemenza to assist in the investigation and then at point seven, what is for me, of importance is,  
10 I must categorically point out that this is now in terms of the Vosloorus matter that,

“I was never involved in this love triangle when Major General Sibiya from the Hawks was appointed, Chantelle went to him with the same allegations, this was then handed over to the Divisional Commissioner Lebeya, however, by this time I've already provided Divisional Commissioner Lebeya with the report by Major General Ntlemenza”.

Then he continues and he states further there, and this is for me in terms of this Commission that is very important,

20 “These are the very same members, and he's now referring to Crime Intelligence, these are the very same members that were involved in the negative campaigning at the ANC conference in Polokwane during 2007. They were in the camp of the former President and are not trying to take control of the Intelligence environment within the police for devious tactics.

This is exacerbated by the fact that on 2010/11/10 Warrant Officer Dlomo was approached by three whites, one of them requested Warrant Officer Dlomo to reconsider his statement that he made in 1999.

10 This change would positively incriminate Colonel Kimba and me. They have subsequently made a further appointment with Warrant Officer Dlomo on 2010/11/16, they however wanted to know if he's – Dlomo's relationship with Colonel Kimba and asked why he was called killer. My relationship with Colonel Kimba is on a professional level, both politically and work related, there's no friend relationship a suggested and then he goes further he says, Colonel Kimba is an active member of the ANC and during the struggle was a leader of one of the self defence units under the NKBA. He was also a body guard for Mrs Winnie Mandela and former Minister Steve Tshwete. I worked closely with them during the apartheid era especially during the riots, Colonel Kimba also played an important role in the Polokwane conference and also during the President's trying times within engagements with the NPA.

20 He was appointed in the police during the time of the former National Commissioner Jackie Selebi.

It is worrying that after dealing with the Mpegu issues, we still have to deal with supposedly our own people are senior officers in the Intelligence environment, they are still fighting personal agendas that should be personal. The question now

arises what and how do they want to use the Intelligence environment to effect the 2012 build-up to the ANC conference. With this in mind I have, for the past few months, tightened on expenditure especially remuneration for sources with the view of ensuring funds are not abused for ulterior purposes relating to the 2012 build-up to the ANC conference. Do they want to follow the Mpegu style and try and derail the ANC, I have requested an independent body to investigate these individuals with the view of uncovering their plots? These senior loyal members were also active with the interceptions of Mr Tshwete's wife.

10

It is important to note that the member of the erstwhile Scorpions are also involved in these activities. I will be failing in my responsibilities if I do not mention that both the joint standing committee in Intelligence and the Inspector General of Intelligence have commended me on my performance and have stated that a marked difference has been noticed from the time of my appointment. I find it very disturbing and embarrassed to find that I have been investigated for no apparent reason, especially when initiated by persons who have proven themselves to be disloyal. I must also at this stage state that although I might not have gone outside and actively involved in the struggle I was active in many other areas. I was and still am a loyal ANC member.

20

Given the above and my frustrations I humbly request that the

decision be take to resolve this issue and if needs be to appoint an independent person to address these so-called loyalists and their associates. It would be appreciated if attention can be given to the fact that my calls are being monitored”.

**ADV VERUSCHKA SEPTEMBER:** Do you know if there was any action taken pursuant to this letter?

**MR KOBUS DEMEYER ROELOFSE:** I do not know Chair, but what I do know from where I sit it confirms the fact that Crime Intelligence are  
10 involved in party politics and are involved in the ANC conferences which they are not supposed to do it's not part of their mandate.

**CHAIRPERSON:** Yes I was going to raise the question that, that letter – in that letter it seems to be talking to the politicians about factional battles within the ANC and it seems to suggest that within Crime Intelligence or within the police there are people who may have been on a certain camp in the Polokwane conference and others on other camps.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair, that is exactly what I read into this letter.

20 **CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** If I could then in summary of the evidence you've given, ask you to turn to Exhibit 2.3 which is the diagrams bundle and ask you to please turn to page or diagram three.

**CHAIRPERSON:** The letter which you said you have when Miss September asked you or referred you to Judge Murphy's judgment

where he quotes one sentence from a certain letter that General Mdluli appears to have addressed to the former President, were you talking about the letter that you have just read or another?

**MR KOBUS DEMEYER ROELOFSE:** I presume it's another letter because that specific quote is not in this letter.

**CHAIRPERSON:** So – no what I'm asking is whether, when you said you do have another letter but I think you were saying it might not be the same letter from which the Judge quoted.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

10 **CHAIRPERSON:** Ja but what I'm asking is whether the letter you're saying you do have is not the one that you have just read?

**MR KOBUS DEMEYER ROELOFSE:** That is the one that I have just read.

**CHAIRPERSON:** That's the one you're referring to, okay alright.

**ADV VERUSCHKA SEPTEMBER:** Chair this diagram which is entitled timeline, is – has been prepared with the use of two pages because it was simply illegible when on one page so the timeline then starts on page three and it concludes on page four. If we could start on page three, Mr Roelofse, is it correct that this timeline which you have  
20 confirmed is in fact a conservative representation of the delays encountered by different individuals within the South African Police Service and the NPA?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** If we look then to...[intervenes].

**CHAIRPERSON:** I don't think it will be necessary to go through each,

I think it's sufficient if he says he is aware of it and it's a correct representations of the delays that have happened or its contents are correct because I think it's quite clear, unless there's some other point you wanted to raise.

**ADV VERUSCHKA SEPTEMBER:** As it pleases Chair, there is just one question I want to ask him on this.

**CHAIRPERSON:** Yes, okay.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comments to the accuracy of time as it's recorded in the delays which are represented in  
10 days at the bottom strip of pages three and four?

**MR KOBUS DEMEYER ROELOFSE:** Chair I've got one comment, this is a very – as I said a very conservative the table or the timeline that's been drawn up in terms of documentation that we know was sent but I know discussions took place earlier and I'm specifically speaking about General Ngcobo where I already spoke to him in 2012 but this only reflects from 2013 and then I think what is important is that they had gone by in terms of non-cooperation or non-assistance and if possible I just want to read those days out or read them into the record. General Ngcobo from the period 7 March 2013 to October 17, 2013, that is 244  
20 days of doing nothing. General Zulu 433 days, in that period it was 696 days from the beginning of 2013 to 2015 and General Phiyega is very conservative, it's 109 days, General Ntlemeza is 944 days, General Madiba 127 days, General Sithole 968 days and that's a period of seven years.

**ADV VERUSCHKA SEPTEMBER:** If we can then – unless you have

any queries we can move on, if we can then turn to diagram six of that same bundle which is the last diagram. This diagram was...[intervenes].

**CHAIRPERSON:** Did you say six?

**ADV VERUSCHKA SEPTEMBER:** Yes Chair.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** Is it correct that this diagram was prepared off the affidavit that you had provided to the Commission and that at the time it was confirmed to be correct?

10 **MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** On the left-hand side you have a column which is titled, SSA, Secret Services Account and you have procurement and/or benefits – sorry and/or appointments and /or benefits. Is it correct that procurement relates to the procurement of various assets?

**MR KOBUS DEMEYER ROELOFSE:** That's correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Appointments relates to either involvement in the appointment of individuals into Crime Intelligence as part of the 250 process in 2010?

20 **MR KOBUS DEMEYER ROELOFSE:** That's correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And benefits could be of any kind?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** In the middle we have a column titled, both, which is understood to straddle between the column on the left and the column on the right, is that correct?



**MR KOBUS DEMEYER ROELOFSE:** That's correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And so the column on the right is tilted, obstructing investigations which is understood to be either through action or inaction?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** The colour coding key is at the bottom of this diagram, yellow is civilian, blue is the South African Police Service, red is the National Prosecuting Authority, green is Crime Intelligence, black is Cabinet and Grey is the JSCI, Joint  
10 Standing Committee of Intelligence?

**MR KOBUS DEMEYER ROELOFSE:** That's correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And this diagram was then populated through the identification of individuals who were then either involved in the procurement and/or appointments and/or who received benefits in relation to the Secret Services Account?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And on the other hand your experience insofar as action or inaction by individuals either within the NPA, SAPS or even the Joint Standing Committee of Intelligence in  
20 relation to your investigations?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And so these particular individuals whose action or inaction effectively obstructed the progress of the investigations?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair, the column

on the right.

**ADV VERUSCHKA SEPTEMBER:** However, through your evidence this table has slightly moved in that you have given clarity on certain aspects which requires you to address some of these particular individuals. If we could first start with the column on the left-hand side, General Bheki Cele.

**MR KOBUS DEMEYER ROELOFSE:** Chair General Bheki Cele is mentioned in terms of the – in terms of my affidavit. Regarding the benefits I do not – that is one of the issues that I could not corroborate  
10 and I am talking about the financial benefit that was alleged to have been received. So in terms of that it was information I am not in a position and I presume I would have been in a position to either prove or disprove that had the investigation continued.

**ADV VERUSCHKA SEPTEMBER:** The next is...

**CHAIRPERSON:** But let me just understand this diagram. The first column you have SSA Procurement and or appointments and or benefits. Then you have got peoples' names. Then the next column also has got names of people. All the columns have got name of people. What is the connection between the first column and the  
20 second column? For example where it says Leo Hayes BMW Minister Nathi.

**MR KOBUS DEMEYER ROELOFSE:** What is the connection with the?

**CHAIRPERSON:** What is the connection ja between the two? What does the diagram say about the two for example?

**MR KOBUS DEMEYER ROELOFSE:** Are we talking about now Minister

Nathi Mthethwa?

**CHAIRPERSON:** Yes, yes and Leo Hayes a BMW?

**MR KOBUS DEMEYER ROELOFSE:** Chair there is no connection between the two it is about the – it is about a benefit that Mr Nathi Mthethwa received.

**ADV VERUSCHKA SEPTEMBER:** Chair if I may?

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** It is understood that there is no particular relevance to the order of how these columns have been populated with names.

**CHAIRPERSON:** Hm.

**ADV VERUSCHKA SEPTEMBER:** There is also no linkages between the names as they aligned below or above or alongside each other.

**CHAIRPERSON:** Hm.

**ADV VERUSCHKA SEPTEMBER:** It was really as I understand it anyway a grouping of individuals off the evidence of – off the affidavit of this witness as to which individuals had been involved in the procurement of assets and or appointments of individuals and or the receipt of benefits.

20 **CHAIRPERSON:** What does that both mean on – at the top of the third column?

**MR KOBUS DEMEYER ROELOFSE:** Chair sorry I thought...

**CHAIRPERSON:** Ja. The column you see at the top it says both.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair.

**CHAIRPERSON:** It is both what?

**MR KOBUS DEMEYER ROELOFSE:** It is both – these individuals will fall within both those columns. They are applicable to both columns. In other words they benefitted and they also obstructed.

**CHAIRPERSON:** Is it both benefits and appointments?

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair. In terms of the first column on your left.

**CHAIRPERSON:** Ja.

**MR KOBUS DEMEYER ROELOFSE:** The heading says “Procurement, appointments and benefits.”

10 **CHAIRPERSON:** Ja.

**MR KOBUS DEMEYER ROELOFSE:** And it is also relevant to obstructing investigations action and inaction.

**CHAIRPERSON:** Ja.

**MR KOBUS DEMEYER ROELOFSE:** So these individuals will fall into both of these categories.

**CHAIRPERSON:** The individuals who are under the third column?

**MR KOBUS DEMEYER ROELOFSE:** Under the – under the third – the second column. They under both. So the individuals under both...

**CHAIRPERSON:** Oh okay.

20 **MR KOBUS DEMEYER ROELOFSE:** Would – the individuals under both would qualify to fall under both – under the first and the third column.

**CHAIRPERSON:** Ja probably could have been made much more simpler. It seems confusing. But the idea was you wanted to make a list of persons who are implicated in one way or another in regard to

procurement and appointments and benefits as well as the obstruction of the investigation either by action or inaction.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**CHAIRPERSON:** Ja. Okay. I am not sure maybe I do not understand. I am not sure that it conveys things as clearly as it could but one could – can always go back to your statement which says who did what, who did not do what.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**CHAIRPERSON:** Ja. Okay.

10 **ADV VERUSCHKA SEPTEMBER:** But in all fairness to this – to the evidence – to the testimony that you have presented to this commission there are certain individuals that you need to address so that it is – accords with the testimony.

**MR KOBUS DEMEYER ROELOFSE:** That...

**ADV VERUSCHKA SEPTEMBER:** That was done – that you have given.

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And so where reference is made to African Dream Church which should be African Family Dream Church is  
20 it correct that you were only referencing certain Pastors of that church.

**MR KOBUS DEMEYER ROELOFSE:** Yes Chair. Yes Chair. I am not referencing the church that is just by – by way of name but we are talking about the individuals within the church.

**ADV VERUSCHKA SEPTEMBER:** And then in relation to LLVS Trading Services and Colonel V Malaza LLV Services being 5<sup>th</sup> – the yellow

block 5<sup>th</sup> on the left hand side and Malaza being the 1<sup>st</sup> green block on the left hand side in the same column, Is it correct that that related to the investigations of Mr Roos as you gave?

**MR KOBUS DEMEYER ROELOFSE:** That is correct Chair.

**ADV VERUSCHKA SEPTEMBER:** And then if one looks to the column on the right hand side Lieutenant General Phahlane's name is included. Do you have any clarity in relation to that?

**MR KOBUS DEMEYER ROELOFSE:** Chair I think I have explained my – my – how I viewed – how I view what happened there. It is in terms  
10 of the inaction for a period of time and that is why he is in that column. Although he did act after quite some time he did act. After being informed in writing to assist.

**ADV VERUSCHKA SEPTEMBER:** And then if one were to look at the bottom block – we still talking to the right hand column. You have Advocate N Jiba. It was your evidence that you cannot speculate regarding Advocate Jiba because you do not know if she saw the documents or not. Should her name thus remain in – under a column which informs that through either action or inaction she obstructed your investigations?

20 **MR KOBUS DEMEYER ROELOFSE:** Chair as I stated earlier and I have testified to this at Mokgoro Commission as well. I cannot – I cannot for a fact state that she knew. It would be just for me very highly unlikely that the office of the NDPP when it is – with regards to a serious matter like and they – important matter like this that she would not have been informed and would not have had sight of those letters.

So I based my – what I am saying on the assumption that she did but I do not know that for a fact.

**CHAIRPERSON:** Well I do now know whether it might not be a good idea to revisit this diagram and if – and see where you stand in regard to each of the people so that in the end you are able to say in regard to the following my position is clear it is this. In regard to these maybe I am not sure but these ones are the ones that I am quite clear about. So – so I – I just mentioned that it is something that might – might – it may be necessary to do a supplementary statement or a supplementary  
10 diagram that can be delivered later at some stage. But as I understand the position the diagram was meant to give to make things clearer but I do not think it makes things as clearer as may have been intended. But the fact of the matter is that there is the statement which says who did what and who did not do what. So one can always go back there.

**ADV VERUSCHKA SEPTEMBER:** The only last point for clarity in relation to this diagram which I believe this witness needs to clarify is Brigadier G Steyn.

**CHAIRPERSON:** Hm.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comments to  
20 Brigadier G Steyn who was included in your diagram?

**MR KOBUS DEMEYER ROELOFSE:** Chair he was – he was included in terms of the statement that is attached to my affidavit of Colonel Roos.

**ADV VERUSCHKA SEPTEMBER:** And then do you have any concluding remarks Mr Roelofse having reached the end of your statement?

**CHAIRPERSON:** Well this habit of evidence leaders of asking witnesses for concluding remarks. Mr Roelofse I think that that is a way of Ms September saying that she has no further questions for you. If you – there is anything that you think you have left out that is important or some aspect that you might not have put in proper perspective feel free to deal with it but otherwise since she has invited you – if you do have any final remarks you may – you may make them.

**MR KOBUS DEMEYER ROELOFSE:** Chair there is very – there is a lot of final remarks but I would rather – I will refrain from making them.

10 Just to say I would like to thank the commission for the – for the opportunity to be here and to give hopefully insight into what is happening in the South African Police Service and also just to clarify that this but a microcosm of what is currently happening with other detectives and other investigations. So this is not the only one there are others especially when it comes to corruption cases.

**CHAIRPERSON:** Was I right to say that was your way of saying you have no further questions?

**ADV VERUSCHKA SEPTEMBER:** Fairly correct Chair.

20 **CHAIRPERSON:** Okay. Thank you very much Colonel Roelofse for having come forward to share with the commission your experiences and your evidence about what has been happening and the challenges you faced when you were pursuing certain investigations. As I have said it is – I am quite concerned about what appears to have happened and the – it is clear to me that the documents that you have been trying to get declassified are documents that at least I am sure some of them



that the commission would be interested in because they relate to matters that fall within the terms of reference of the commission. The legal team will be – remain in touch with you – please remain in touch with them and certainly attempts will be made by the commission to obtain documents that may throw light on some of the issues that you have dealt with and you will – you will be kept informed. But thank you very much for coming forward to share what you know with the commission. I hope that other people within law enforcement who may have gone through similar challenges as you did will come forward also and share with the commission what has been happening. Because the commission cannot make recommendations as to how things must be fixed in certain sectors if it does not have people who come forward and say there is something wrong going on there. This is what is going wrong. And if certain sectors in the country have things going wrong particularly with law enforcement and the commission is not told then the country does not know then the country cannot attend to those things to make sure things change. So I am grateful that you – you came to share your evidence with the commission. You may be asked to come back and I have no doubt you will come back if asked but thank you very much for coming forward. For now I see Ms September does not want me to release you. Ms September what do you want?

**ADV VERUSCHKA SEPTEMBER:** Might I be permitted to just hand up a more legible copy of KDR22 which you requested?

**CHAIRPERSON:** Yes, no that is fine. You are excused. Thank you very much.

**MR KOBUS DEMEYER ROELOFSE:** Thank you Chair.

**ADV VERUSCHKA SEPTEMBER:** Thank you.

**CHAIRPERSON:** Thank you. We are going to take the tea adjournment. I am supposed to hear evidence relating to Estina after this but the legal team will talk to me I am sure during the tea break and then we will take it from there. I will see what is going to happen. We will adjourn for tea and it is now twenty three minutes past eleven; we will resume at twenty to twelve. We adjourn.

**REGISTRAR:** All rise.

10 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Good morning Ms Gcabashe. Good morning everybody.

**ADV LEAH GCABASHE SC:** Good morning DCJ.

**CHAIRPERSON:** Yes. We are supposed to have the evidence of Ms Rockman ...

**ADV LEAH GCABASHE SC:** That is correct DC ...

**CHAIRPERSON:** With regard to Vrede?

**ADV LEAH GCABASHE SC:** That is correct DCJ.

20 **CHAIRPERSON:** Yes and she is represented by legal representatives?

**ADV LEAH GCABASHE SC:** Yes DCJ.

**CHAIRPERSON:** Yes.

**ADV LEAH GCABASHE SC:** Who would like to - they too would like to place themselves on record.

**CHAIRPERSON:** Yes. Let us do that.

**UNKNOWN PERSON:** Thank you DCJ. I appear on behalf of Ms Rockman having been instructed to do so by Mr Brett Murison of Boqwana Burns. DCJ thank you.

**CHAIRPERSON:** Thank you very much.

**ADV LEAH GCABASHE SC:** DCJ just to indicate that she is here and - and able to ...

**CHAIRPERSON:** Yes. Ms Rockman is here and ready.

**ADV LEAH GCABASHE SC:** Correct.

**CHAIRPERSON:** Yes, okay. Just for the benefit of the public  
10 everybody is here and they are ready to proceed but we are not going to proceed with the hearing of evidence today. We were going to continue even tomorrow in an attempt to try and finalise but I am not too well and earlier I thought maybe I would be able to continue but I think it is best that I go and try and rest and if necessary see a doctor, so that hopefully by next week I will be fine. So I am sorry that we cannot proceed and I know that people have made arrangements to be here but of course one does not plan for this kind of thing. So we are not going to proceed. I have spoken to the legal teams on both sides who understand.

20 We are going to adjourn the hearing of Ms Rockman's evidence provisionally to the 14<sup>th</sup> and 15 October. It is provisional because certain things need to - the Commission need - needs to check certain things with regard to a witness who was going to be here during that week who might not be here because of certain circumstances.

So confirmation will be provided in due course. At this stage

it looks like those dates are fine for all sides. That is what is going to happen. I do not know whether you have anything to say or add Ms Gcabashe.

**ADV LEAH GCABASHE SC:** No, no nothing at all DCJ.

**CHAIRPERSON:** Yes.

**ADV LEAH GCABASHE SC:** Other than to ask you to ...

**CHAIRPERSON:** Yes.

**ADV LEAH GCABASHE SC:** To rest ...

**CHAIRPERSON:** Yes.

10 **ADV LEAH GCABASHE SC:** And to actually see a doctor. Thank you DCJ.

**CHAIRPERSON:** Yes. Counsel for Ms Rockman anything you want to add or say?

**UNKNOWN PERSON:** Save to echo the sentiment of our leader DCJ. We do not have anything to add. We confirm that the dates are suitable to ourselves and to - and to Ms Rockman provisionally as they are and we will hear from our leader in - in due course as to whether those dates become final or not.

**CHAIRPERSON:** Okay, okay. Thank - thank you very much. In that  
20 event then we are going to adjourn proceedings for the day. On Monday we are meant to commence at 2 o' clock not in the morning as usual. There is an application that I will be hearing and there may or may not be oral evidence after that hearing. I - I am not sure but we are not starting in the morning as usual. So I thought I would also just indicate that for purposes of the media and the public. We adjourn.

**REGISTRAR:** All rise.

**INQUIRY ADJOURNS TO 23 SEPTEMBER 2019**