

**ENQUIRY INTO THE SOUTH GAUTENG DIRECTOR OF
PUBLIC PROSECUTIONS' FITNESS TO HOLD OFFICE**

HELD AT

**SALU BUILDING, 316 THABO SEHUME STREET,
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

5 DECEMBER 2025

DAY 13



**ENQUIRY INTO THE
SOUTH GAUTENG
DIRECTOR OF PUBLIC
PROSECUTIONS'
FITNESS TO HOLD OFFICE**

PROCEEDINGS ON 5 DECEMBER 2025

CHAIRPERSON: Good morning, everyone. Good morning, Advocate Batohi.

ADV BATOHI: Good morning, Judge and the panel, good morning, Advocate Chauke and his team.

CHAIRPERSON: Good morning, Advocate Chauke. Madam, I see you are looking at the air conditioning. Is there a problem?

[Indistinct – 0:02:01]

10 **CHAIRPERSON:** Are you able to control it? It has not occurred to me to find out what your name is?

DR BELVEDERE: Thank you very much, Chair. My name is Dr Florencia Belvedere. I am a strategic advisor to the NDPP, thank you.

CHAIRPERSON: How do you pronounce your name?

DR BELVEDERE: Belvedere.

CHAIRPERSON: Belvedere.

DR BELVEDERE: Thank you.

CHAIRPERSON: My apology to you because you have been
20 with us since the beginning and although I recognise you, it just did not occur to me. I thought that you are Advocate Karen van Rensburg. Thanks for that. Advocate Mohlamonyane, let me apologise to all and sundry the media and our transcribing team. You have been waiting here since 9 o'clock. We had some few preliminary matters that required

urgent attention, hence we start somewhat late. But before we proceed, counsel, yesterday we had certain discussions and exchange between me and Advocate Batohi upon which I reflected because when I stepped out of this podium, Advocate Batohi whispered to me asking for an apology. Am I correct?

ADV BATOHI: No, Chairperson. I wanted to apologise to you. I apologised again to you to say I am sorry about what happened. I did not intend it to be taken in a bad way. I, in fact, should not have mentioned what was discussed in chambers, so I was apologising for that.

CHAIRPERSON: It is not about you mentioning what we discussed in chambers. It is the content of what we discussed. So were you apologising because you misrepresented what was discussed in the telephonic discussion between me and you or you were apologising for something else?

ADV BATOHI: Chairperson, I was apologising for the fact that I mentioned the issue of cross-examination and the discussion that was held in chambers. I was not referring to the telephonic conversation at all.

CHAIRPERSON: But the question of the telephonic discussion, you accept that you did mention that you do not want to be cross-examined because it is a recorded message.

ADV BATOHI: Chairperson, I may have done that. I have

no reason to doubt that at all.

CHAIRPERSON: Are you apologising for what you presented yesterday, which was to me a misrepresentation of facts about me?

ADV BATOHI: Chairperson, with all due respect, that was my understanding and it was no intention to misrepresent any facts. So I apologise for that.

CHAIRPERSON: Yes, thank you. I will accept your apology and so do my colleagues because they are aware of the
10 communication, the telephonic communication and our communication together in chambers. I think they do accept your apology through me.

ADV BATOHI: Thank you, Chairperson. I appreciate that. There was certainly no, as I said, intention to cast any aspersions. It was my misunderstanding.

CHAIRPERSON: Secondly, the matter regarding the amendments of the terms of reference, as we discussed in chambers, that aspect was dealt with here in the open hearing. We have looked at the transcription. We read it to
20 you in chambers and despite the fact that there was an indication that two options are open, either by way of a substantive application to us if we are to consider your request for amending the terms of reference, you should do that. Alternatively, for the NPA to then approach the President as they did at the initial stage. It has come to our

attention that the NPA has then written to the Minister and requested for the amendment. Is that correct?

ADV MOHLAMONYANE SC: That is correct, Madam Chair.

CHAIRPERSON: It then follows that the Minister will make a determination what she should say to that communication by the NPA to her, and we should leave it there. Or is there anything that you would like to present before us?

ADV MOHLAMONYANE SC: Thank you, Madam Chair. There is nothing at this stage which the NPA team has indicated that I can present to yourselves. There is nothing at this stage.

CHAIRPERSON: Thank you. Let me confer with my sisters. Thank you, Advocate Mohlamonyane. Anything from the Advocate Chauke's team in relation to the two matters we have mentioned?

ADV NGCUKAITOBI SC: No, Chairperson. Thank you. We have nothing to say.

CHAIRPERSON: If any of my sisters would like to ask any questions, you may. We are minded then to adjourn for tea. Advocate Mohlamonyane, as we discussed with you and Advocate Hulley and team about the request that may be brought to our attention, we will revert to that matter after tea and give an indication of what our view is, and after that, Advocate Ngcukaitobi will start with the cross-examination. My sister is reminding me that I had indicated that you will

also indicate to us, for the purpose of the record, the request about the proceedings for next week.

We have noted Advocate Batohi's unavailability from midday on Monday. That request has been made to us, but we hear that there is a possibility of your unavailability on Tuesday and Wednesday. I am just mentioning it to you because it has been conveyed to us by ...[intervenes]

ADV BATOHI: [Indistinct – 0:11:15]

CHAIRPERSON: Yes. We will deal with that when we
10 adjourn at the end of the day. I had indicated that you could address us now before tea. It is already quarter past. It is a matter that we can deal with at the end of the day before we adjourn. And then I agree about next week's times for starting, and you can present to us and place it on record what it is that occasions this need for a two-day postponement. Let us adjourn for tea until half past eleven. Will that be okay for all of you, Advocate Ngcukaitobi?

ADV NGCUKAITOBI SC: Yes, Chair, it should be.

CHAIRPERSON: It should be.

20 **ADV NGCUKAITOBI SC:** That will be okay for us as team.

CHAIRPERSON: We will adjourn for 15 minutes for tea and reconvene at quarter past eleven.

ENQUIRY ADJOURNS

ENQUIRY RESUMES

CHAIRPERSON: Good day, everyone. Advocate Batohi, you

are still under oath.

ADV BATOHI: Thank you, Chair.

CHAIRPERSON: Advocate Mohlamonyane and team, and Advocate Hulley, we have reflected on the question you raised in chambers about your standing to present information to us. We are of the view that the appropriate approach is to file a brief application and indicate what relief you seek. And if it is possible, and I hope all the parties can speak with one another and reflect upon what you will be presenting to them, and if possible, you may agree, it may be by consent. If not, Advocate Chauke will reflect on that and if need be, respond, and we will make a determination. I suppose it will be done as soon as possible in the course of next week.

ADV HULLEY SC: It will be done at the earliest opportunity, but certainly not [indistinct]...

CHAIRPERSON: Yes. File it of record as soon as possible, and by the way, the enquiry is working 24/7. We will see what is filed of record from our link through the Secretariat, and in the meantime, we will await whether there is going to be any response from Advocate Chauke. This is a matter that should not take a long time, and I request the parties to confer with one another, maybe even after we adjourn today about that possibility, so that if there is an agreement, then it can be done by consent. Of course, if you agree by consent, it will

require our approval. So we will then make a determination as to how. Is that understood? Anything else from counsel?

Thank you. Advocate Ngcukaitobi. You are still under oath, madam.

ADV MOHLAMONYANE SC: Thank you, Madam Chair. May I be, through you, Madam Chair? I beg your pardon, Advocate Ngcukaitobi. Madam Chair and your sisters will remember that you gave an instruction or a direction that a list of
10 exhibits should be presented before Advocate Ngcukaitobi can begin with his cross-examination. Now, that list has been prepared, and I beg Leif to hand out copies to the panel. I have already given two copies to Advocate Chauke's team.

Maybe I should take you through, take the panel through the list of exhibits and explain how it has been structured. From EXHIBIT 10 through to EXHIBIT 26, those documents which have been marked as exhibits which have already been on record. From EXHIBIT 28C, I will come back to 28A and B. From 28C, D, E, F, G, H, I, up to 28M are also
20 those documents that are already on record, as Madam Chair and your sisters will realise that under the column bundle, there is a bundle name which appears there.

Those that are not part of the record, Madam Chair and your sisters, are EXHIBITS 1 to 9. EXHIBITS 1 to 9, including EXHIBIT 27, on page 5 of the document, the list of

exhibits, 28A and 28B, these are not part of the record, but they have been included in a bundle. But at the moment, only one bundle has been prepared and other bundles will be ready, I believe, at the soonest on Monday.

And I can also explain, Madam Chair and your sisters, that EXHIBITS 28N and 28O, appearing on page 6, the last page of this list, have not been given page numbers, neither are they indicated in any bundle. Because I am informed that the NPA is still searching for these documents,
10 and as soon as they come to hand, they will be numbered accordingly.

CHAIRPERSON: And that will be 28N and 28O.

ADV MOHLAMONYANE SC: And 28O.

CHAIRPERSON: Yes, thank you.

ADV MOHLAMONYANE SC: That will be all as far as this list is concerned. Thank you, Madam Chair.

ADV BALOYI-MERE SC: 28J, what is its status?

ADV MOHLAMONYANE SC: It is my omission, 28J as well. 28J has the same status as 28N and O. Madam Baloyi-Mere,
20 it was my omission, I beg your pardon.

CHAIRPERSON: **So**, Advocate Mohlamonyane, I assume that the bundles relating to the dockets are in the process of being finalised. We were informed when we adjourned yesterday that those dockets, the 28 dockets in relation to Cato Manor, are huge bundles and are in the process of being

printed and to be made available to us. Is my understanding correct?

ADV MOHLAMONYANE SC: Your understanding is correct, Madam Chair. They are in the process of being prepared, properly prepared and indexed.

CHAIRPERSON: Mention has been made of those dockets, not in details, but it is important, I am just reminding you, for our purpose to have a look at those documents. When you look at the evidence that was presented before the Zondo
10 Commission, in particular by Advocate Nxasana, he refers to those dockets. In my view, those dockets or the contents thereof need to be perused. I would like us to have those documents. You would then have to indicate when such documents will be presented to us, so that we can peruse them.

ADV MOHLAMONYANE SC: May I take, may I confer with...? Madam Chair, she has just stepped out. I wanted to confer with Advocate Lekgetho from the NPA.

CHAIRPERSON: All right. You will let us know.

20 **ADV MOHLAMONYANE SC:** I will let you know, Madam Chair.

CHAIRPERSON: Let us know towards the end of what is going to be presented to us.

ADV MOHLAMONYANE SC: Yes.

CHAIRPERSON: So that at least we know when to expect

those documents.

ADV MOHLAMONYANE SC: Indeed.

CHAIRPERSON: If they were to be presented to us by Monday, all the better. Then we can use Tuesday and Wednesday to go through them. I am told they are voluminous bundles. But it will give us a chance to peruse through those documents.

ADV MOHLAMONYANE SC: Indeed, Madam Chair.

CHAIRPERSON: It will enable us to ask questions and
10 Advocate Ngcukaitobi mentioned during his opening address that there are those dockets and they need the documents. And then from the bundles you and presented to us pertaining to what transpired in the Zondo Commission, mention is made of those dockets, not necessarily their contents. But, obviously, we need to have a look at those dockets to make a determination of the issues that presents before us.

ADV MOHLAMONYANE SC: Indeed. She is back. May I confer with her?

CHAIRPERSON: You may, sir.

20 **ADV MOHLAMONYANE SC:** Thank you, Madam Chair. Thank you, Madam Chair. Advocate Lekgetho informs me that the dockets have been electronically filed. They are there in the system.

CHAIRPERSON: Are they properly paginated?

ADV MOHLAMONYANE SC: I am informed that they are

properly paginated.

CHAIRPERSON: Meaning that you may have to amend the list of exhibits in the course of next week or make a supplementary exhibit list of those documents that are going to follow, which I suppose will include those dockets.

ADV MOHLAMONYANE SC: It may be proper to do a separate one.

CHAIRPERSON: Yes, it may be proper to do a separate one. But decide how you wish to present those dockets to us. We
10 will get copies and they have to be placed on record properly. I do not know what they are, but you may have to give the names. I do not know the pages in which they appear, but you will decide how you want to present them.

ADV MOHLAMONYANE SC: Maybe something that comes to mind when speaking about naming. The list of exhibits, I am requested that perhaps it should be given a name.

CHAIRPERSON: Well, we cannot give anything a name that is not before us. Just think of how you want to present it to us and if it is necessary for us to advise.

20 **ADV MOHLAMONYANE SC:** We were thinking it can be named Exhibit Bundle 1.

CHAIRPERSON: I suggest that your junior speaks to our researchers. Those are logistical things that you can attend to through your juniors, because I am getting notes from my researchers through my sister about what can be done by

your juniors with them so that we can get the records that synchronises with yours and Advocate Chauke's team's records. I think that is doable.

ADV MOHLAMONYANE SC: It is, Madam Chair, and as far as this bundle is concerned I will hand up bundles, with your permission, to the panel, as soon as enough copies are available. At the moment you only have two copies.

CHAIRPERSON: Is she giving you additional copies?

ADV MOHLAMONYANE SC: At the moment, Madam Chair,
10 it is only one additional copies, so I am having two copies.

CHAIRPERSON: Which copy do you wish to present to me or to us? I suppose the other copies will go to Advocate Chauke's team.

ADV MOHLAMONYANE SC: If you allow me for the moment I may present one copy to the panel for now and this copy to my learned colleague.

CHAIRPERSON: So that we see what is there and in fairness to them they should have a copy. You know precisely what is in that document. You may just give it to them and hand a
20 copy to us. Thank you, sir, you may assist us. Thank you, sir, our juniors, our researchers are... thank you, sir. We will await additional documents as soon as possible. I assume this ends your presentation for today and, Advocate Ngcukaitobi, I am not even sure what you wish to do now.

ADV NGCUKAITOBI SC: Madam Chair, can I take guidance

from the panel given that it is five to twelve? Yes, let me stop there. But if I am allowed to start for five minutes, I will, but if the panel prefers to stand down until Monday, I will abide.

CHAIRPERSON: I beg your pardon, sir?

ADV NGCUKAITOBI SC: I am saying, Madam Chair, if the panel wishes me to start I will, but if the general preference is to stand down until Monday I will go along with that.

CHAIRPERSON: Yes, it does not appear to me that starting
10 now and finishing in five minutes will make any sense. We all know that there has been a request to us, one of my sisters has to consult after 12 o'clock and we will therefore adjourn so that she can make her appointment. But let us use the five minutes to talk about housekeeping. Anything else that you would like to bring to our attention that you think needs to be addressed before Monday?

ADV MOHLAMONYANE SC: Indeed, Madam Chair. The issue of the postponement, the application for the postponement. Postponement Tuesday, Wednesday, and I
20 have been requested by Advocate Hulley SC to present this request to you, the request for the postponement. On Monday, as it has already been indicated to the panel in chambers, Advocate Batohi has an appointment with the embassy in Johannesburg for half past one and she needs to depart at 12, at the latest, 12, to get to Johannesburg. As

far as Tuesday and Wednesday are concerned, Advocate Batohi has a MANCO meeting and I asked what MANCO is, they said it is a management meeting, which she has to attend.

CHAIRPERSON: What is it?

ADV MOHLAMONYANE SC: MANCO meeting, management meeting.

CHAIRPERSON: Thank you.

ADV MOHLAMONYANE SC: That she has to attend and
10 cannot postpone the two meetings because it is the last meetings, I believe, before she hangs her boots or before she retires.

CHAIRPERSON: She may not retire. You said she has a management meeting at NPA.

ADV MOHLAMONYANE SC: At NPA on both days. The
Tuesday and the Wednesday. And she further informs me
that several people, without naming who they are, are flying
all over the country for this meeting and arrangements have
already been made for their accommodation and in the result
20 the NPA is asking for a postponement of the hearing for the two days, the Wednesday and, the Tuesday and the Wednesday so that the hearing can recommence on Thursday. That is all, Madam Chair. The application is for a postponement to Thursday.

CHAIRPERSON: There can be no doubt that Advocate

Ngcukaitobi will oppose the request for postponement.

[Laughter]

ADV NGCUKAITOBI SC: I need to first get clarity because my learned friend is confusing me now. I thought what they wanted to do was to stand down to Monday and we sit until 12 o'clock and then from Monday to postpone to Thursday. But it now looks like he is applying for a postponement to Thursday in which event we will oppose it.

CHAIRPERSON: **No**, no, you got him wrong. He has dealt
10 with the Monday. We will adjourn at around 12 o'clock for Advocate Batohi to travel to the embassy in Johannesburg for her 13.30's appointment. We will then reconvene according to the request on Thursday. Thursday, the 11th, to enable her to attend to the management meeting referred to.

ADV NGCUKAITOBI SC: I am sorry then to disappoint the panel. I support the application. [Laughter]

CHAIRPERSON: Thank you for the explanation for the indulgence sought. It is understandable. We will adjourn this proceedings until Monday. What is the date? What is the
20 date on Monday? The 8th. We will adjourn until Monday the 8th of December. Is it December already? We will reconvene at 9 o'clock on Monday until 12 o'clock, until noon on Monday and resume next week Thursday at 9 o'clock, Thursday the 11th of December. But we will remind ourselves on Monday when we adjourn about the further postponement. Advocate

Ngcukaitobi, it will serve no purpose therefore to start your cross-examination. We can park it until Monday 9 o'clock then we will resume.

ADV NGCUKAITOBI SC: Thank you Madam Chair.

CHAIRPERSON: Advocate Batohi, thank you.

ADV BATOHI: Thank you, Judge.

CHAIRPERSON: We will adjourn until Monday the 8th of December at 9 o'clock. We adjourn.

ENQUIRY ADJOURNS UNTIL 8 DECEMBER 2025

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ENQUIRY INTO THE
SOUTH GAUTENG
DIRECTOR OF PUBLIC
PROSECUTIONS'
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TRANSCRIBER'S CERTIFICATE

I, the undersigned, hereby certify that **so far as it is audible to me**, the foregoing is a true and correct transcript of the proceedings recorded by means of a digital recorder in the matter between:

CHAUKE COMMISSION OF ENQUIRY

CASE NUMBER : N/A
RECORDED AT : TSHWANE
DATE HELD : 5 DECEMBER 2025
NUMBER OF PAGES : 16

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1. Verbatim transcript, no syntax or grammar alterations effected.
2. Unknown names spelled phonetically.
3. Microphone not always activated.
4. Parties speaking simultaneously.
5. Unclear enunciation/mumbling/swallowing of words.
6. Parties not speaking into microphones, causing a low volume recording.

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DATE COMPLETED: 05/12/2025

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