

**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**

15 APRIL 2026

DAY 51



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

PROCEEDINGS ON 15 APRIL 2026

CHAIRPERSON: A very good morning to you all. Good morning, Advocate Chauke. Our apologies to all of you for a late start. We had to resolve some few housekeeping matters. Advocate Mohlamonyane.

ADV MOHLAMONYANE SC: Thank you, Madam Chair.

CHAIRPERSON: Do you have a witness to call?

ADV MOHLAMONYANE SC: Madam Chair, today was the day on which General Booyesen was expected to submit his
10 statement. Now, it has to be put on record that on Monday of this week, that is two days ago, we received correspondence from General Booyesen's attorneys, indicating that they are no longer on record for Johan Booyesen, for General Johan Booyesen in this matter. Three minutes thereafter, I received correspondence from General Booyesen himself, informing me that he has terminated the mandate of his attorney, Tanya Kuhn & Associates, and his Counsel, Advocate Theart-Hofmeyr, and that he will no longer be submitting a statement.

20 I picked up the phone and spoke to him, and he confirmed that he will no longer be submitting a statement, and consequently that he will no longer, he will not testify before this enquiry. That is all as far as the issue of General Booyesen is concerned.

As far as the other witnesses are concerned, we have

conferred, I have conferred with my colleagues, and Advocate Mayet has spoken to Advocate Zais, and she is in a better position to explain what is it that they discussed.

CHAIRPERSON: Thank you, Advocate Mohlamonyane. Advocate Mayet.

ADV MAYET SC: Thank you, Madam Chair. Madam Chair, I have liaised with Advocate Van Zyl. He is available on the 23rd. We do not foresee that his evidence will take more than one day.

10 **CHAIRPERSON:** Have you agreed with Advocate Mohlamonyane about arrangements pertaining to Advocate Mlotshwa?

ADV MAYET SC: I have discussed the matter with Advocate Mohlamonyane.

ADV MOHLAMONYANE SC: Yes, Madam Chair, we agreed that Advocate Mlotshwa will testify on the 22nd.

CHAIRPERSON: And Advocate Van Zyl on?

ADV MAYET SC: On the 23rd.

CHAIRPERSON: On the 23rd?

20 **ADV MAYET SC:** On the 23rd.

CHAIRPERSON: In other words, each of those witnesses will take a day, each?

ADV MOHLAMONYANE SC: Indeed.

CHAIRPERSON: Have you discussed the matter with Advocate Chauke's team, because they must be given an

opportunity to cross-examine, if necessary, because you stack up the witnesses one day after the other. If Advocate Mlotshwa is testifying on the 22nd, what if he does not finish his testimony by the end of the 22nd, given the fact that he may have to be cross-examined, should you not discuss the time limit with Advocate Chauke's team so that you hear from them whether they would be able to cross-examine the same day?

Of course, it depends on you, Advocate
10 Mohlamonyane, as to how long you are going to take in leading the witness. If you take the whole day or half a day to lead him, they may need a bit of time to cross-examine. You may need time to re-examine him. I am not sure whether one day will be enough. Have you considered all those things?

ADV MOHLAMONYANE SC: Indeed, Madam Chair, I have considered all those things, but we will have to discuss with our colleagues, Advocate Chauke's team. And that has been occasioned, why we put them on two consecutive days, two
20 different witnesses, is because of the unavailability of Advocate Van Zyl. But I agree, we need to discuss that with our colleagues, Advocate Chauke's team, before a final decision can be taken as to how many days are required. But up front ...[intervenes].

CHAIRPERSON: This matter should have been discussed

amongst yourselves as parties before you bring it to our attention, because all of you know how you want to run your matters, but we cannot dictate how long you should take in leading a witness or in cross-examining a witness. So when you decide on days you must, or proposing days, you must bear all those aspects in mind.

We will still afford you an opportunity to talk. We think that the appropriate thing is to postpone to Friday. On Friday you will let us know what the position is with regard to
10 these witnesses and which days precisely, after discussing with Advocate Chauke's team. We will assemble again on Friday, because the ruling in the application of Advocate Batohi will be ready, so we will assemble here on Friday when we come to deal with that. We will indicate when I speak to the attorneys concerned.

To that end, it seems to us that you should speak to one another and not stagger the days the way you do. It might just create problems, one witness on the 22nd, another one on the 23rd. You seem not to have taken into account a
20 possibility of cross-examination. Experience has shown us that sometimes we think one day will suffice and we end up taking two or three days with one witness. So we must plan appropriately.

Maybe we should hear from Advocate Chauke's team whether this arrangement will suit you that you confer with

your colleagues with regard to, first, Advocate Mlotshwa , second, Advocate Van Zyl. You will let us know by Friday morning or even tomorrow what you have arranged. We will not be sitting tomorrow because we are going to postpone to Friday. So this will enable all of you an opportunity to talk and see how best you can lead the witnesses and cross-examine them.

Remember, we have up to the end of this month to end with the hearing of witnesses. Unless, of course, if the
10 outstanding witness decides to come back, we may have to see how we deal with it. But we will know by Friday when you have discussed the matter with one another. My sisters may ask you questions. Before that, Advocate Ramogale, do you want to say anything? Does the arrangement suit you?

ADV RAMOGALE: Yes, Chair, it does. We have a mouthful to say, but I am not sure if this is the opportune time to do so. But whilst we are discussing witnesses, there was mention at some point, I think two or three weeks ago when we did this exercise about how many more witnesses are left,
20 when we were informed by Advocate Mohlamonyane that there was supposedly a witness in relation to the Senzo Meyiwa matter. I do not know where that stands. And we were also informed that General Nhlanhla Mkhwanazi was also one of the witnesses. So we do not know with the time remaining what the plan is of the evidence leaders in relation

to those particular witnesses, if they are relevant at all.

CHAIRPERSON: Well, as discussed in chambers, it does not appear that those witnesses are going to be called. The witnesses that were brought to our attention are Advocate Mlotshwa and Advocate Van Zyl. We can reasonably assume that those other witnesses are not going to be called. But they will decide and will let us know by Friday, given that we have about seven days remaining before the end of the month.

10 The 20th will be taken by a judicial engagement, so, I will not be here on Monday. Anything else before my sisters ask anything?

ADV RAMOGALE: Just on Friday, Chair, myself and Mr Ngcukaitobi will not be here on Friday. We had taken other commitments on the understanding that a statement would be submitted by General Booyesen today, and the two days would be taken to read the statement. But now that the statement is no longer coming, we unfortunately will not be here on Friday. But there will be somebody from our team for
20 purposes of the ruling and any other arrangements in relation to witnesses.

CHAIRPERSON: Yes, of course. If there will be somebody to note the ruling on Friday, that will still be appropriate.

ADV RAMOGALE: Thank you, Chair.

CHAIRPERSON: Thank you.

MS RAMAGAGA: Yes, thank you, Chair. I just want to get, I think, information that can assist us to understand a few things. Advocate Mohlamonyane, you are telling us today that General Booyesen is no longer available. It is my understanding that you have consulted with him extensively, is that correct?

ADV MOHLAMONYANE SC: It is correct, Madam Chair, Madam Ramagaga.

MS RAMAGAGA: And you have undertaken several trips to
10 Cape Town to consult with him.

ADV MOHLAMONYANE SC: Two trips, to be precise.

MS RAMAGAGA: Two trips to Cape Town to consult with him.

ADV MOHLAMONYANE SC: Indeed, Madam Ramagaga.

MS RAMAGAGA: And were your consultations only confined to in-person consultations or did you also continue to consult with him virtually?

ADV MOHLAMONYANE SC: They were in-person consultations, Madam Ramagaga.

20 **MS RAMAGAGA:** Yes. And he, according to information on record, at some point he said his statement was at around, what, 300 pages or so and he was continuing to develop his statement.

ADV MOHLAMONYANE SC: That is so, Madam Chair. That is information I got from his Counsel.

MS RAMAGAGA: Yes. And General Booysen was aware of the fact that whatever your engagements with him, whether in-person or remotely, would be at the cost of the state, in your respect, in particular.

ADV MOHLAMONYANE SC: Probably, probably, yes.

MS RAMAGAGA: And he knew that it was at the expense of the state.

ADV MOHLAMONYANE SC: Probably, he knew probably, but we never discussed that.

10 **MS RAMAGAGA**: Yes. Ja, you do not have to discuss it, Mr Mohlamonyane.

ADV MOHLAMONYANE SC: Yes.

MS RAMAGAGA: I mean, General Booysen is a senior, very, very senior officer of the state. Now, your engagement with him, did it also include reading his statement or he was keeping it to himself and just telling you that we are now at 300 pages, 500 pages or so?

ADV MOHLAMONYANE SC: As far as his statement is concerned, I was engaging his Counsel. There was a stage
20 when I asked to be given a copy, at least to have a copy, up to where they were. I could not get that copy because she said to me, Counsel said to me, I will give you the statement when I have finished.

MS RAMAGAGA: Oh, so, you have never seen his statement?

ADV MOHLAMONYANE SC: I have never seen the statement that was being drafted by his Counsel.

MS RAMAGAGA: Did you develop a statement for him or a framework for him, the statement framework, yes?

ADV MOHLAMONYANE SC: From my side?

MS RAMAGAGA: Yes, sir. Yes, sir.

ADV MOHLAMONYANE SC: No, the only time when I developed a statement was in November of 2025, after we had met in Cape Town with Advocate, with Johan, General
10 Johan Booyesen, and then he sent a draft from which I then started developing a statement. And thereafter, that was when I was told that his statement will be drafted and settled by his lawyers.

MS RAMAGAGA: In his previous communications with you, I think at the time when you, there is a time when you addressed us about, telling us about, you know, the progress in terms of the statement, and you indicated that the reason why the statement was, it was taking long for the statement to be settled was also that General Booyesen was saying he
20 wants to respond to every witness that has spoken about him in the enquiry.

ADV MOHLAMONYANE SC: That is so, Madam Ramagaga.

MS RAMAGAGA: So that in itself says Advocate Booyesen was following the enquiry through and through.

ADV MOHLAMONYANE SC: Yes, General Booyesen was

following the enquiry through and through.

MS RAMAGAGA: Ja, so ...[intervenes].

ADV MOHLAMONYANE SC: That is how I understood him.

MS RAMAGAGA: When he decided not to come and testify, he decided with full information of what is before this enquiry.

ADV MOHLAMONYANE SC: I can safely assume, Madam Ramagaga.

MS RAMAGAGA: And did he give you reasons for his decision not to be a witness?

10 **ADV MOHLAMONYANE SC**: No.

MS RAMAGAGA: He initially agreed to be a witness?

ADV MOHLAMONYANE SC: Yes, initially he agreed to be a witness.

MS RAMAGAGA: And then when he withdrew from being a witness, he did not give you reasons?

ADV MOHLAMONYANE SC: No.

MS RAMAGAGA: Thank you.

20 **CHAIRPERSON**: Yes, thank you. It does not appear to us that any witness will be ready for this week. We will therefore make the following notings. We have received correspondence from the State Attorney to the effect that Major General Booysen will no longer be submitting his statement as was undertaken, and will no longer be testifying before this enquiry. We have also been informed in chambers that he has terminated the mandate to his legal

representatives, especially the attorney and the junior advocate. We have noted that.

Secondly, we wish to mention that the ruling in respect of the application by Advocate Batohi will be handed down on Friday, the 17th of April 2026 at 10 o'clock. I am addressing this particularly to the attorneys for Advocate Batohi. Do come and note the ruling on Friday, the 17th of April 2026 at 10 o'clock.

10 Thirdly, we would like the parties to give us definite names of witnesses lined up to testify before the end of the month, and the dates that the parties would have agreed upon when those witnesses will testify, be cross-examined and be re-examined. We implore the parties to confer with one another in that regard and give an indication to the panel by Friday, the 17th of April 2026. We so order.

ADV RAMOGALE: As it pleases you, Chair.

ADV MOHLAMONYANE SC: As it pleases the Chair.

CHAIRPERSON: We will then meet again on Friday morning.

Thank you.

20 **ENQUIRY ADJOURNS UNTIL 17 APRIL 2026**

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CHAUKE COMMISSION OF ENQUIRY

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