

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**27 OCTOBER 2025**

**DAY 20**



**PROCEEDINGS ON 27 OCTOBER 2025**

**CHAIRPERSON:** Mr Chaskalson.

**ADV CHASKALSON SC:** Thank you, Chair. This morning's witness is Brigadier Mkhabela from the SAPS Ballistics Section.

**CHAIRPERSON:** Thank you. Officer Mkhabela, will you swear or will you affirm?

**BRIGADIER MKHABELA:** Good morning, Commissioner. I will take an oath, Commissioner.

10 **CHAIRPERSON:** Thank you. Good morning to you too. Thanks. Do you swear that the evidence you are going to give will be the truth, the whole truth, nothing but the truth. If so, please raise your right hand and say “So help me God.”

**BRIGADIER MKHABELA:** So help me God.

**MISHAK MKHABELA** (d.s.s.)

**CHAIRPERSON:** Thank you.

**QUESTIONS BY ADV CHASKALSON SC:** Thank you, Brigadier. Before we begin, I just want to check that you  
20 have the same files as me in front of you. So do you have a file that says Brigadier Mkhabela's statement?

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And there should be a separate file, or possibly a separate file that says Brigadier Mkhabela annexures.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** Thank you, Brigadier. Then can I ask you to go to the last page of, or the second last page, page 28 of your, of the statement file, which contains your statement, just to confirm that the signature at the foot of the page on page 28 is your signature.

**BRIGADIER MKHABELA:** Commissioners, I confirm that that is my signature.

**ADV CHASKALSON SC:** And can you confirm that the  
10 contents of the statement are correct?

**BRIGADIER MKHABELA:** Commissioners, I confirm that the contents of the statement are correct.

**ADV CHASKALSON SC:** Then, Brigadier, can we go back to the beginning of the statement and can you tell the Commission where you are stationed?

**BRIGADIER MKHABELA:** I am stationed at Forensic Science Laboratory.

**ADV CHASKALSON SC:** And what position do you hold there?

20 **BRIGADIER MKHABELA:** I hold the rank of a Brigadier and I am the Head of Ballistics Section, which is under Forensic Science Laboratory and I am stationed in Silverton here in Pretoria.

**ADV CHASKALSON SC:** Thank you, Brigadier. And in paragraphs 3 and 4 of your statement, you talk about your

history in the SAPS. Can you just take the Commission through that history and your experience in the SAPS?

**BRIGADIER MKHABELA:** Commissioners, I joined the South African Police Services on the 12th of January, 1994, and undertook my basic training at the SAPS Basic Training College at Hammanskraal by then. And after my training as a qualified Constable, I went further to enrol with the University of South Africa, where I studied full-time at the then SAP Academy, which was situated in Graaff-Reinet.

10            From there, I was stationed to different stations in Mpumalanga. I was stationed at Ohrigstad SAPS. I then moved to Witbank SAPS in Mpumalanga, until I found myself at the Forensic Science Laboratory, where I trained as a qualified ballistic expert for more than 3 years. Later on, I was promoted and appointed to be the Provincial Head of Forensic Science Laboratory in KZN, a lab which is situated in Amanzimtoti.

              Around 2010, I was then again transferred to head a ballistic section in Port Elizabeth in the Eastern Cape.

20    Around 2014, I was brought back in Pretoria to head the IBIS section here in Silverton. And last year, 2024, January the 1<sup>st</sup>, I was then promoted to the rank of a Brigadier and Head of Ballistics nationally, and that is the position that I hold to date.

**ADV CHASKALSON SC:** Thank you, Brigadier. Can you

explain to the Commission the structure of the Ballistics Services, both within the broader Forensic Services Division and how it is structured on a national and provincial basis?

**BRIGADIER MKHABELA:** Commissioners, Ballistics Section falls under, is one, is a section under the Forensic Science Laboratory component, which is under the Detective, for a Detective and Forensic Services. We have four regional laboratories. The first one is here in Pretoria, which is considered to be the head office. That is where we  
10 develop policies, SOP's, procedures, and we ensure that there is standardization in all the regions.

Then we have KZN Ballistics, which is situated at Amanzimtoti. We have Ballistics in the Eastern Cape, situated in Port Elizabeth. Then we have Ballistics in the Western Cape. And besides that, Ballistics has got three sub-sections, that is ballistics analysis, which deals with firearms-related cases. We then have what we call IBIS. It is an acronym which refers to Automated Ballistics Identification System, which falls under Ballistics. And we  
20 have a further sub-section which is called Mechanical and Metallurgical Engineering Section.

**ADV CHASKALSON SC:** Thanks, Brigadier. We will get into the Ballistics and IBIS sub-sections in some detail later in your statement. Can you tell the Commission briefly what Mechanical Engineering and Metallurgical sub-section does

within the Ballistics section?

**BRIGADIER MKHABELA:** Commissioners, the Mechanical sub-section is a section which is only, we only have one office here in Pretoria, in Western Cape. They are responsible for accidents reconstructions, filament reconstructions, filament examinations, failure analysis, where there is alleged that a vehicle was involved in an accident, and the other driver alleges that there was fault within the vehicle. They do those kind of examinations.

10 They reconstruct the scene. They determine the speed at which the vehicle was travelling during the accident. So they are an engineering sub-section of the Ballistics, Commissioners.

**ADV CHASKALSON SC:** But if I understand you correctly, they do not deal with firearm and ballistics issues. They deal with other engineering issues and ...[intervenes].

**BRIGADIER MKHABELA:** No, no, no, Commissioners, they do not.

20 **ADV CHASKALSON SC:** Brigadier, in paragraphs 8 to 10, you give certain statistics about the spread of analysts and the quantity of case files and the backlog. I do not want to address them now, because the significance of these figures will become much more apparent once we have addressed the detail of your statement, and once the Commissioners and people watching understand the

implications of these figures more from how the IBIS system works, how the FSL system works. So we will come back to them later.

And let us for now move to paragraph 11 on page 4, where you discuss the ballistics analysis process. And can you take the Commission through what you say in paragraphs 11 and 12?

**BRIGADIER MKHABELA:** Commissioners, basically here, I outline the process of ballistics in a layman's term.

10 Ballistics section conducts forensic analysis of firearms, ammunitions, and related evidence for criminal investigations. The unit's objective is to analyse and preserve evidence that can identify a specific firearm used in a crime, including linking evidence of analysed firearms to other crime scenes.

The theory is that when a bullet is discharged from a firearm, they leave unique striations marks on both the bullet and the cartridge case, which could link a particular firearm to a specific crime scene.

20 These striations marks are created by the passage of the bullet through the barrel of the firearm. Impression marks are created by impact with the firing pin, the breech face mark, and the ejector marks on the cartridge case. Both the striations and impression marks are unique to that firearm, just like fingerprints.

Ballistics analysts then link a firearm to a crime through the examination of these ballistics marks through a comparison microscope.

**CHAIRPERSON:** Your first sentence when dealing with paragraph 12 says that the theory is that when bullets are discharged from firearms, they leave unique striation marks. Is it a theory or is it reality?

**BRIGADIER MKHABELA:** Commissioner, it is reality.

**CHAIRPERSON:** Okay.

10 **ADV CHASKALSON SC:** And so to sort of develop the analogy that you just used, each gun, as it were, leaves its fingerprints on the bullets that it fires and the cartridge cases that are fired in the process and then your section compares the fingerprints that the gun will leave on the fingerprints of the exhibits that you have found on crime scenes. Would that be a correct development of the analogy?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

20 **ADV KHUMALO SC:** Can I ask a follow-up question. So if you had five firearms and you have this cartridge, would you be able to tell from examining that cartridge that it was fired from a specific firearm out of the five?

**BRIGADIER MKHABELA:** Most definitely, Commissioners, I would be able to tell.

**ADV KHUMALO SC:** And that is what the exercise

essentially entails.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: Of course, there may also be another situation where it is not fired from any of the five firearms.

**BRIGADIER MKHABELA**: You will be able to, yes, yes.

**ADV CHASKALSON SC**: But if you know it is going, if you are told it is fired from one of these five, you will always be able to identify which one of the five it is.

10 **BRIGADIER MKHABELA**: Most definitely, Commissioners.

**ADV CHASKALSON SC**: In paragraph 13, you talk about the range of different examinations that the ballistics analysts perform. Can you take the Commission through those?

**BRIGADIER MKHABELA**: Commissioners, we have got different categories of examination that we perform. Without going into the specifics, I will say firstly, we do firearm identification. That is, a firearm has a calibre, the manufacturer, the make. We determine those. We have,  
20 we determine the functionality of the weapon to see if it is in working condition or whether it is defective, because in some instances, you will find a person is charged with attempted murder or murder, you will have to determine first if that firearm was defective or was working.

We also analyse ammunitions to determine if the

ammunition is in working conditions where, in circumstances where a person is charged for possession of unlawful ammunition, for example, for the purpose of sentencing the Court will want to know if this is a real ammunition and is it working in a sense of the Firearms Control Act compliance.

And we also restore obliterated serial numbers on firearms. You find criminals that are using firearms, they do not want the firearms to be identifiable, so they file off  
10 the serial numbers. So we also try to retrieve the serial numbers so that we can establish the ownership of that particular firearm.

We also reconstruct crime scenes in an instance where we want to know the trajectory, where was the shooter when the incident happened. That is, we do that outside in the crime scene. We go out to attend the crime scene to be able to determine that. And we also analyse tool marks in cases of house robberies where a tool is used to force open to gain entry. When the tool is recovered, it  
20 is brought to the lab for us to determine if it is the correct tool or the right tool which was used to open.

Or in some cases, in copper theft cases, we also determine the tool that was used to cut the copper if the suspect is arrested with the tool and the copper as exhibits, Commissioners.

**ADV CHASKALSON SC:** Thank you Brigadier. If I can just take you back to 13.1 where you speak of firearm identification and comparison of fired bullets and cartridge casings to determine if they were fired from the same weapon. Is that the process that we just described in relation to comparing the fingerprint of the gun with the fingerprint left on the cartridges or casings found on the crime scene?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

10 **ADV CHASKALSON SC:** And then maybe if we can illustrate these processes with reference to one of the reports that we have attached as an annexure to your statement. Can I ask you to go to the annexures bundle and on page 20 of the annexures bundle, there is an affidavit by, is it Warrant, ja it is Warrant Officer Makgotloe.

**BRIGADIER MKHABELA:** I have got it, Commissioners.

**ADV CHASKALSON SC:** Now, this report is in your, is referred to in your statement in a different context, but we can use it to illustrate the points that you have just made.  
20 So when you speak of firearm identification at paragraph 13.1 of your main statement, can I ask you to go to page 25 of the annexure bundle and look at paragraphs 10.1 and 10.3. We will leave 10.2 out for a moment, because we are going to come back to it in due course. And in 10.1, Warrant Officer Makgotloe concludes that the bullets

mentioned in 3.3 were fired from the firearm mentioned in 4.1. Is that the sort of process that you are describing in relation to firearm identification in 13.1?

**BRIGADIER MKHABELA:** That is correct, Commissioner. What the analyst will do, the analyst will take the firearm in question and go and shoot tests in a tank with water so that he retrieve a prestige bullet which is still not damaged and the cartridge case as sample. Those will be his reference sample.

10           Then he will take that bullet which he has shot, he will compare that bullet with the bullet which he has retrieved from either during autopsy or the crime scene through the comparison microscope. He will put them side by side to see if he can see similar marks and that is basically the process.

          If the test that he shot himself was indeed fired in the same firearm which was received from the crime scene, he will see those marks and through those marks he will make a positive finding like he has done under paragraph  
20 10.1, Commissioners.

**ADV CHASKALSON SC:** Thank you, Brigadier. Let us go back to, just keep a finger in both files as they are, 13.2 you were speaking about weapons functionality and defects. Can I ask you to go to page 24, paragraph 7.1 of the ballistics report in the annexures file. And am I correct that

what we see there in 7.1 is the conclusion of the process, the conclusion in that case of the analytic process you describe in 13.2?

**BRIGADIER MKHABELA:** That is correct, Commissioners. Here as well before the analyst can embark on testing the firearm in the shooting tank, the analyst will go through by analysing the firearm, stripping it to check if it has got all its parts, is safe first to be tested and if there is not any defects. Then, only then he can conclude that the firearm  
10 functions normally without any obvious defects.

**ADV CHASKALSON SC:** Then going back to 13.3, you speak of the identification of the calibre and type of ammunition you say used in a crime. Can I ask you to go to page 23 of the report and look at paragraph 6 read with paragraphs 4.12 and 4.13 and is that the sort of, is that a conclusion from the process that you are describing in 13.3?

**BRIGADIER MKHABELA:** That is correct, Commissioners. What the analyst will do here, say for example he received  
20 five cartridges that he must determine if they are originals, the analyst will take a sample and he will open one from the samples to check if it has got all the components of a cartridge case, that he will check if there is a propellant, there is a primer, there is a cartridge, there is a bullet, those four components which made a complete cartridge.

The analyst will check if that, those exhibits that he has received comply with that, they do have those four components. If he is happy then he knows that these cartridges are indeed live ammunition. Then he will then depose an affidavit to that effect.

**ADV CHASKALSON SC**: Thank you Brigadier. And the last example, if you can go to page 25, paragraph 11 of the report and read with paragraph 13.4 of the statement which deals with the restoration of obliterated serial numbers and  
10 can you comment on paragraph 11 of the report in that context?

**BRIGADIER MKHABELA**: Commissioners, as I have indicated that in some instances you find firearms where the serial numbers has been filed off. We have a technique that we used, it is called restorations of obliterated alphanumeric figures on metals. The technique uses chemicals that are applied on the surface where the serial number has been erased.

So the analyst, before he test fire the firearms, will  
20 take the firearm to the laboratory, apply the chemicals in order to try to retrieve the serial numbers which were filed off on the particular firearm. And upon completion the procedure of the lab says that another independent analyst will come and verify the results and sign on the worksheet of the member indicating the results that the analyst has

found. It is a measure that management has put into place so that we retain the credibility of the technique.

**ADV CHASKALSON SC:** Brigadier, in paragraph 11 of this report that we are looking at, the analyst records that he was unable to determine the serial number of the pistol in question. I understand, or I understand, it has been reported to me that at a later stage the same process was done by a different analyst in the SAPS ballistics section and that analyst was able to retrieve the serial number of  
10 the pistol in question. Are you able to confirm that?

**BRIGADIER MKHABELA:** Commissioners, it only came under my attention during the testimony in this Commission that the analyst in the other laboratory was able to retrieve the number. So I was not privy to that information until I hear it during the testimony, Commissioners.

**CHAIRPERSON:** The other laboratory, would that be Amanzimtoti?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And are you, outside of the  
20 processes of the Commission, are you now aware that in fact the serial number has been recovered?

**BRIGADIER MKHABELA:** Based on what was, based on the testimony, I am now aware that the other analyst was able to retrieve the serial number, Commissioners.

**ADV BALOYI SC:** Mr Chaskalson, if I may. Brigadier, what

would have happened that this analyst in Silverton was unable to determine the serial number? You have described a process, the serial number reconstruction process, which suggests on its face, on the face of it rather, that you should be able to, always to recover the serial number or to reconstruct the serial number.

Now you have an analyst here who says I was unable. It must suggest something, either your capability is less, it does not always deliver, or he simply did not follow  
10 a process that you say you have protocols, there are ways of doing it, he did not do that.

**BRIGADIER MKHABELA:** Before I answer, I just want to make the following remarks, Commissioners. There is no guarantee, firstly, that you will always be able to retrieve the serial number based on various aspects, for example, how deep was the serial number erased. Some criminals uses a grinder to erase the serial numbers.

But, like I said, we have measures in place that we have implemented to safeguard the credibility of the  
20 technique, like that another analyst must come and sign and confirming or verifying the findings, whether it is negative or positive, whether you will be able to recover the serial number.

In this instance, what would happen, for one to know what happened, you need to investigate. The lab has

a procedure of handling complaints from customers. If a client comes and says, I am not happy with the findings, I have got these results and I took the case to so and so, or I think, I am going to give a typical example, for example, you have a murder that happened and there are eyewitnesses on the scene. A person is arrested in possession of a firearm, a cartridge case is collected on the scene, they are both brought at the lab.

An analyst examines the firearms and he says it is  
10 negative. The investigating officer will say, no, I do not understand, because I have got eyewitnesses who saw the suspect shooting the deceased, how can you say it is negative? From where I am seated, I cannot say you are right or wrong. All that I can say is that I have got a process, I have got a system in process where I must investigate the complaint. Through the investigation, that is when you will establish what actually transpired because there are locks that the member must complete when they start with the process, they must indicate which process  
20 they have used.

So for you to investigate, you will need to go through that process. Then you can only, at some point it could, the problem could be with the system. Maybe the chemicals, for example, are expired and the members used expired chemicals, or there could be other factors that

could have contributed to him not finding the results. But seated here, I cannot say, without proper investigation, when a complaint is received, I cannot say what transpired, unfortunately, to Commissioners.

**ADV BALOYI SC:** So the verification process by a second person, you say whether the results are negative or positive, there is a verification by a second person. The verification process is not automatic according to your protocols. It is subject to a complaint. If there is a  
10 complaint, only then there is a verification. I am just trying to understand your processes.

**BRIGADIER MKHABELA:** Commissioner, the verification is built into the process. So each analyst, upon completion of the etching process, they must have someone to come and verify and sign.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** In your second last response, Brigadier, you said that the analyst must indicate which process they used. That, to me, suggests that there is more than one  
20 process. Is that so? And remember, what we are dealing with is establishing what the serial number is where it has been obliterated. So is there more than one process?

**BRIGADIER MKHABELA:** Commissioner, that is correct, depending on the materials. The materials of firearms are not the same. So that is why we have different techniques.

Say, for example, a firearm commonly known as Z88, which is issued to police officers, the frame of that firearm is alloy. Alloy is not magnetic. So in that instance, you will have to use chemicals if you want to retrieve the serial number. Where they have got metal, which is magnetic, you will use magnetic yoke. That is another technique.

So there is, in short, yes, the process, the techniques, is not one technique, Commissioners.

**CHAIRPERSON**: Thank you.

10 **ADV BALOYI SC**: Maybe just one last question. The, your answer that, in terms of protocol, the built-in mechanism, there has to be a second person that does the verification of a positive or negative result, if that is so, then somewhere in the lab there should be a record, which, if things were done properly, there must be a record that shows that there was verification by a second person of this negative result.

**BRIGADIER MKHABELA**: Yes, certainly, Commissioners, there would be.

20 **ADV BALOYI SC**: Thank you.

**ADV CHASKALSON SC**: Brigadier, if we move on to paragraph 14, from paragraph 14, you describe first the forensic science laboratory administrative system and then the IBIS system. Can you take the Commission through what you say from paragraph 14 and just explain the

difference between what happens in the forensic science lab and what happens in the IBIS system?

**BRIGADIER MKHABELA:** Commissioners, in short, the FSL admin system, which we called Forensic Science Laboratory Administration System, is a software that is used to manage or used for the administrations and management of forensic science laboratory cases. It is a system where lab numbers or laboratory numbers, unique laboratory numbers, are generated for a specific case.

10           It is a system where you keep records. It keeps the chain of custody. When you hand in an exhibit to someone, you hand it through the system. When you want to find out what happened to this case file or exhibit, you go on the system, it gives you a trail, what happened to that exhibit, to whom is it in possession. So that is the FSL admin system.

**ADV CHASKALSON SC:** And if I can just stop you there and to pick up from Commissioner Baloyi's last question, would this FSL admin system be the place where you could  
20 go to, to establish who it was who reviewed and confirmed the conclusion of Warrant Officer Makgotloe that the serial number could not be retrieved? Would that information be stored on the FSL administration system?

**BRIGADIER MKHABELA:** No Commissioner, that information will be stored in the work notes of the member

inside the case file. Those are the workbench procedures. The forms that the member completes will be kept in his case files.

**ADV CHASKALSON SC:** And is that the same case file in which the ballistic exhibits will also be kept?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Thank you Brigadier. If you can then move to paragraph 16 and describe the IBIS system.

**BRIGADIER MKHABELA:** Commissioners, firstly, the South  
10 African Police Services, we are proud ourselves of having  
acquired this type of a system to assist us to automate the  
ballistic process. Because of the high level of violent crime  
that we experience, which involves firearms, it is imperative  
to have a system that is going to automate the system. And  
this is the kind of system that we have.

We started using this system in 1997 up till to date.  
What the system does is it captures and compares digital  
images of bullets and cartridge cases to link firearms used  
in different crimes. And perhaps if the Commissioner wants  
20 me to go through how it works.

**ADV CHASKALSON SC:** Please do.

**BRIGADIER MKHABELA:** Yes.

**ADV CHASKALSON SC:** And the Commissioners or I might  
stop you partway through just to amplify your explanations.

**BRIGADIER MKHABELA:** The system scans and takes high

resolution digital images of bullets and cartridge cases, including the unique marks like firing pin impression, firing pin marks and breech face mark patterns.

**ADV CHASKALSON SC**: Can I just stop you there, because you have physically shown the system to us and maybe if you can just describe physically how that scanner operates, maybe if I can take you through step by step. The IBIS analyst will receive a case file with exhibits in it. What is the first thing that that IBIS analyst does once he or she  
10 has the exhibits in front of the machine?

**BRIGADIER MKHABELA**: Commissioners, once the IBIS analyst have the particular docket or case file with the exhibit that needs to be acquired on the system, they will first capture the details of the case. That is the station name, CAS number, the lab number, the details of the exhibit, the cartridge case, the calibre, the make. They will capture how it is marked. They will first capture the image, the information on the system.

And thereafter, they will instruct the system to open  
20 what we call a cartridge case holder. Once the system does that, once the information is captured, the specimens or the cartridge case will be inserted into the cartridge case holder and closed. Once closed, the system automatically scan through high definition, scan through the images of that cartridge case, as I have indicated, and stores that image in

the system. It captures it in high definition so it magnifies the mark, which cannot be seen through the naked eye. The system magnifies the marks and captures them on the system Commissioners.

**ADV CHASKALSON SC:** And, Brigadier, before we get to the next stages, maybe we can illustrate what, what you are describing in relation to the images that are scanned by going to the annexure file at page 5, where you have attached the printouts from the exhibits. Well, it starts at  
10 page 1. You have attached printouts from the exhibits in the Bramley file. Let us start at page 1 and can you just describe to the Commissioners what are these images that we see on the right hand side of page 1 of the annexure?

**BRIGADIER MKHABELA:** Commissioners, this is the back of a cartridge case. In the middle, if you see on the picture, that is where the firing pin hits the primer in order to ignite the propellant for the bullet to be discharged from the firearm. So, as that firing pin hit that primer, the primer is soft material. It leaves marks.

20           Around that firing pin in the middle is a breech face. When the breech face is impressed on that soft material, it also leaves marks. So what the system does, it captures those marks. This is a typical example of how those marks were captured by the system.

**ADV CHASKALSON SC:** And if you can, just, if we see the

four images below the big image at the top, what is in the red circle on the image to the, in the top left hand corner?

**BRIGADIER MKHABELA:** Here Commissioners, it is just different angles that are taken. The red one indicates the firing pin, and the out one is the breech face. So it is just images, because the system takes different images, different angles according to the light, and this is just the different angles which were captured by the system.

**ADV CHASKALSON SC:** And again, if we go, so, well,  
10 correct me, explain to me, are these four images of the, there are obviously four images of the same cartridge case, and are they just taken at different zoom lengths and different angles, or is there any other difference that we need to be aware of?

**BRIGADIER MKHABELA:** That is correct, Commissioner, it is one cartridge case taken from different angles.

**ADV CHASKALSON SC:** And different – it is, I may be wrong, but it seems to me that there is a different level of magnification as well in some of these images. Some are  
20 zoomed further in than others.

**BRIGADIER MKHABELA:** That is correct, Commissioners. I must just add, Commissioners, that during the capturing of the information, the system also keep records of the analyst who captured the image during the creation, and the date and the time of the, when the images were created on the

system, Commissioners.

**ADV CHASKALSON SC**: Maybe if you can take us through page one of Annexure MNN1 and just explain what each one of these entries reflects.

**BRIGADIER MKHABELA**: The first one, Commissioners, is the case details, as I have explained, the particulars of the station name, the lab numbers, and the date when it was created and by whom. And then the second one ...[intervenes].

10 **ADV CHASKALSON SC**: Sorry, Brigadier, let us take them one by one. Case number, if I understand, that would be the unique number normally that your laboratory attaches to each IBIS file.

**BRIGADIER MKHABELA**: That is correct, Commissioner, that will be the lab number.

**ADV CHASKALSON SC**: The lab number. We know that in this particular case, it is not in fact the lab number. It was the FSL number, but we will come to that later. The next one, site name.

20 **BRIGADIER MKHABELA**: The cartridge case exhibit details.

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

**BRIGADIER MKHABELA**: No, no ...[intervenes].

**ADV CHASKALSON SC**: We are going one by one down the entries under case details.

**CHAIRPERSON:** Oh, it is fine, fine.

**BRIGADIER MKHABELA:** Then it will give you the site, because I have said we have got four regional laboratories. So the system will require you to, for example, if you are in Pretoria, it will state PTA, then the number of the workstations that you acquire. We have got different workstations.

o, in this instance, the site where the specimen was acquired is in Pretoria, and the workstation that was  
10 acquired is BRX2, Brass Trax 2. And then the original agency, it would be Bramley. And then the CAS number ...[intervenes].

**ADV CHASKALSON SC:** And originating agency, that would refer to the fact that it is the Bramley Police Station that opened up the original SAPS CAS file.

**BRIGADIER MKHABELA:** That is correct, Commissioners. And then it will ask you to state the type of an offence. In this instance ...[intervenes].

**ADV CHASKALSON SC:** Before you get there, original  
20 agency reference, that is the case number that was assigned to this investigation by the Bramley SAPS Police Station.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And you also have an original agency contact line item, but that was not filled in, in this

case, and that would be, I presume, the investigating officer. If it is filled in, in a case, it is usually the investigating officer at the SAPS Police Station that holds the CAS file.

**BRIGADIER MKHABELA:** That is correct, Commissioner, if the details were available.

**ADV CHASKALSON SC:** What does high-profile refer to?

**BRIGADIER MKHABELA:** Commissioner, here is just an option on the system, for example, which is an option that  
10 sometimes you tick, but it just refers to high-profile cases if you know, but in most cases, the person who is acquiring would not know if this is a high-profile case. For them, all cases are the same.

**ADV CHASKALSON SC:** Thank you, Brigadier.

**ADV KHUMALO SC:** The answer normally would be yes or no. What would you tick there? Where it says high-profile, what would you say?

**BRIGADIER MKHABELA:** Normally, you will just make a comment. There is a drop box where the analyst would just  
20 make a comment, Commissioner.

**ADV CHASKALSON SC:** Event type?

**BRIGADIER MKHABELA:** There is a drop box where you choose murder, homicide. Then they just choose whichever is applicable, Commissioner.

**ADV CHASKALSON SC:** And then it says supervisor. And

what normally goes under – well, in this case, there is no entry on supervisor. Is that a problem?

**BRIGADIER MKHABELA**: No, no, it, some of the fields are there, but you may not use all of them, Commissioners, on the system.

**ADV CHASKALSON SC**: Occurrence, is that the date of the alleged crime?

**BRIGADIER MKHABELA**: Commissioner, I must just first explain how the system uses the date, the formats. You  
10 know, in our, we use the format, we start with the day and the month and the year. But the system is designed in such a way that it starts with the month and the day and the year. In other words, this particular create, was created on the 4<sup>th</sup>, which is April, and the 30<sup>th</sup>, that is the day and the year. It is somehow, sometimes confusing because this is not the format that we are used to when we write date, Commissioners.

**ADV CHASKALSON SC**: It is sort of North American date format.

20 **BRIGADIER MKHABELA**: That is how the system is designed, Commissioners.

**ADV CHASKALSON SC**: Where does the system come from?

**BRIGADIER MKHABELA**: Commissioner, the system was designed by Canadians. It comes from Canada,

Commissioners.

**ADV CHASKALSON SC:** And then creation, what does that refer to?

**BRIGADIER MKHABELA:** Commissioner, that is when the analyst acquired these specimens, or the date. So it means it was acquired on the 9<sup>th</sup>, I mean, again, that 9 is September. The day is the 6<sup>th</sup> of September, 2024. That is, and the time, 11:01. That is when the analyst acquired the specimens on the IBIS system, Commissioners.

10 **ADV CHASKALSON SC:** And then created by Modise AS, that would be the analyst who first acquired it on the system.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Then there are modification dates. And how would an exhibit of this nature ever be modified?

**BRIGADIER MKHABELA:** It is also one of the fields that is on the system. After acquisition, the system synchronises you. Maybe after every 10 specimens that we have acquired, you synchronise just to take your work and push it  
20 to the data concentrator where the comparison is going to take place. But those are the fields that are there. Obviously, once she is done with the acquisition, she will press okay, then that will signify the modification.

**ADV CHASKALSON SC:** I mean, in this case, there is no modification, because the date and time of the

...[intervenes].

**BRIGADIER MKHABELA:** Is the same.

**ADV CHASKALSON SC:** Are the same.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Then under comments, it says 29 hits. Can you explain that?

**BRIGADIER MKHABELA:** Commissioner, it is just one field that the analyst fills complete, but at this point I cannot say what that 29 hits signify, is signifying, Commissioner,  
10 because here we are just, we were just acquiring. We are just in the process of acquiring. So it is a comment on the system as well, which the analyst has an option to complete or not.

**ADV CHASKALSON SC:** But with that, I mean, is that a comment that has to be included by the analyst, or is that something that the system will automatically – if the system records hits at a later stage, we know the system does, and then as we take you through your evidence, you will explain how hits are confirmed. Who would have put in 29 hits?  
20 Would the system generate that itself, or would the, would someone have had to have entered it? And if someone has entered it, would you be able to trace when someone had entered it?

**BRIGADIER MKHABELA:** Commissioner, this comment is a comment which would have been, which would have been

completed by the system automatic when the, because when these printouts were made, there were processes that took place on the background of the system. So this would be a comment that comes from the system.

**ADV CHASKALSON SC:** So if we go to the bottom of the page, we have a date and if it is in the North American, bottom left hand corner, if we have the North American dating system, that is 20 October this year. It is last week. Bottom left hand corner, do you see that date?

10 **BRIGADIER MKHABELA:** I see it, Commissioners.

**ADV CHASKALSON SC:** So are you then saying that as of that date, 20 October, the IBIS system would have recorded 29 hits for this, on this specific cartridge?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Can we go further down and look at the line items on cartridge case exhibit details. Or maybe, sorry, before we do that, is it possible through the system to go back in time and to see does the system have functions that will tell us that although on the 20<sup>th</sup> of  
20 October 2025, the system had recorded 29 hits. At, say, December 2024, the system had recorded no hits or it had recorded five hits. Does the system have that functionality?

**BRIGADIER MKHABELA:** As I said, the system keeps logs of everything which is happening. So if you go back, but with hits, the operator will always update if a hit is made.

And on the day when they update the system, it will give history of that transaction.

So say, for example, if the hits were identified maybe in December 2024 as being 20 possible hits and they update them, and maybe on January the hits are confirmed, the operator will go to the system and update that those possible, those 20 possible hits are now confirmed and you will tick them. So that track and trace will be there on the system, Commissioners.

- 10 **ADV CHASKALSON SC:** And could we get a timeline? I mean would you be able to generate a timeline from the system of when confirmed hits on these cartridges and indeed on all cartridges from all four of the guns seized in Bramley, when confirmed hits were first recorded and subsequently updated and then updated again? Is that facility on the system?

**BRIGADIER MKHABELA:** That is correct, Commissioner. The system keeps a head stamp for all, any activity that takes place on the system.

- 20 **ADV CHASKALSON SC:** So would you be able to give to the Commission then a timeline on when, on the progress of hits on these four test cartridges related to these four weapons?

**BRIGADIER MKHABELA:** I would be able to do that if provided with time to do that, Commissioners. I would be

able to do that.

**ADV CHASKALSON SC:** Thank you very much, Brigadier, that would be very helpful.

**CHAIRPERSON:** And just below the date, 20 October 2025, there is Mtembu TJ. Do you see that?

**BRIGADIER MKHABELA:** That is correct, yes. I see that, Commissioners.

**CHAIRPERSON:** Yes, what role or function would Mtembu TJ have played, if any?

10 **BRIGADIER MKHABELA:** He is one of our technicians who normally does the viewings on the match point. After the product, after the acquisition, there must be someone who does viewings and he is one who does that final product of viewing to confirm if there are any possible hits, Commissioners.

**ADV CHASKALSON SC:** And in this case, would he have been the person who printed out these images for inclusion in your statement?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

20 **ADV CHASKALSON SC:** Brigadier, if we can then go down to the line items under cartridge case exhibit details ...[intervenes].

**ADV BALOYI SC:** So, Mr Chaskalson, maybe before you go to that, let me just ask one last question. Brigadier, the way it says event type and you have illegal possession/sale,

where does that kind of description of the event come from?

**BRIGADIER MKHABELA:** Commissioners, the system gives you a drop box with listed offenses, but it is not an exhaustive list, so the analyst will check the front page of the case file, what is the charge, and they will go and choose. If it is murder, they will go, the system will, normally they use homicide, they will say homicide, you will choose, attempted murder.

But you have a situation in some instances that,  
10 because the list is not exhaustive, some of the charges that are on the docket, you may find that you do not find on the list. And in some instances, in order for the process to proceed, maybe the analyst will just choose the one which is more relevant to that particular case.

**ADV CHASKALSON SC:** If I can possibly clarify in this case, this is the Bramley case file, which relates to the arrest of the parties and the seizure of the weapons in their possession. Murder is not a charge in the Bramley case file. Murder is a charge in the Vereeniging case file. So, I  
20 suspect that the Bramley case file, the primary charge is illegal possession of weapons, which may explain why the event type is flagged illegal possession.

**BRIGADIER MKHABELA:** I concur, Commissioner.

**ADV CHASKALSON SC:** Can we then go down to the line items on cartridge case exhibit details. Exhibit number, can

you just describe what that is?

**BRIGADIER MKHABELA:** Each exhibit is marked with a unique number, followed by the number which the exhibit is assigned to. We start with the lab number. So, this particular cartridge case was marked with the Bramley lab number 193045/2024AA10. As it was collected from the crime scene by the person who was processing the crime scene, it could be a member from LCRC, Local Criminal Records Centre.

10           As they see the exhibit on the scene, they mark it, they give it a unique number of where they find it. They decide on the numbering. That numbering will be written in the covering letter. That specimen will be packaged, separate with that numbering, AA10. When it arrives at the lab, what the analyst will do, will take an engraver and engrave the lab number of that case at the bottom of the cartridge case, followed by that unique number from the crime scene, which is AA10. That is the unique number of this cartridge case, Commissioners.

20   **ADV CHASKALSON SC:** Then, calibre, that speaks for itself, that is, it is a 9mm Parabellum. That is the calibre of the firearm that, from which the cartridge cases are discharged. Make?

**BRIGADIER MKHABELA:** Commissioner, at the back of the head stamp, each manufacturer, they write their

manufacturer name. Say, for example, if it is PMP, which is Pretoria Metal, they will write at the back of the head stamp, PMP. So, different manufacturers have got their own different head stamps in order to identify the ammunition. So, such information is also recorded on the IB system, Commissioners.

**ADV KHUMALO SC:** Is that what we see on page 2 of the same annexure?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

10 **ADV CHASKALSON SC:** Then, firing pin shape, that seems self-explanatory. Composition?

**BRIGADIER MKHABELA:** Commissioners, there is different material to manufacture cartridges. You have got brass, you have got nickel, you have got steel. So you must explain the material. So, this is just to explain, this one in particular was made of brass, or is made of brass.

**ADV CHASKALSON SC:** Then, double-cost composition, which has been left blank, what would sometimes be put there?

20 **BRIGADIER MKHABELA:** It is also related to the material, but in most instances, some of those fields that are additional, it does not harm if you do not complete them, if you do not have the information, Commissioners.

**ADV CHASKALSON SC:** Then, category, you have crime evidence. Maybe if you can illustrate what goes in there by

comparing page 1 with page 2.

**BRIGADIER MKHABELA:** Commissioners, the IBIS is a database. We acquire a piece of evidence from crime scene, that is, cartridge cases, bullets, that are collected from crime scenes. We acquire them on the system. We also acquire tests that we test in the lab, we acquire them on the system.

So, when you acquire, the system gives you option to choose. If you are acquiring a cartridge case that comes  
10 from the crime scene, you will choose crime scene evidence. If you acquire a test specimen, the system will ask you, and you will choose a test. So, that is why there is a difference between this field of category.

**ADV CHASKALSON SC:** Then again, if you can explain what the category firearm exhibit refers to, and it may be useful again to compare the blank entry on 1 with the entry on 2.

**BRIGADIER MKHABELA:** The, if the Commissioners can check the exhibit number on that page 2 it says 084TC1.  
20 So in short the marking of, that is the marking of the test that the analyst would have used to shoot test with this particular firearm. The analyst, if the serial, if the firearm has a serial number, the analyst will take the last three digits of the firearm, of the serial number, say for example it is 27084, the analyst will take the 084 and add TC1. T

means test cartridge 1. Normally they test, we fire two tests. The second test will be 084TC2 and he will engrave this number at the bottom of that cartridge case. So this is how the test was engraved for this particular firearm, Commissioners.

**ADV CHASKALSON SC:** If I can just take that further. Page 2 is a test cartridge.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** So it is a test cartridge fired from  
10 a gun seized at a crime scene.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Under firearm exhibit you have a number for the gun that was seized. It is an exhibit number for the gun.

**BRIGADIER MKHABELA:** In other words, the firearm serial number was not erased, Commissioners, yes.

**ADV CHASKALSON SC:** Would, ordinarily would the serial number of the gun be included as firearm exhibit under that line item, firearm exhibit. If you have the serial number  
20 would you ordinarily include it there, because if I look at the other, the other exhibits relating to the other weapons, everything is recorded as gun 1, gun 2, gun 3. There are no serial numbers recorded in relation to the line item firearm exhibit.

**BRIGADIER MKHABELA:** You will include the serial

number, Commissioners.

**ADV CHASKALSON SC**: Now because it is a test cartridge you know which gun it was fired from, so you can enter something under firearm exhibit, that is correct?

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: Where is, because the cartridge found on the crime scene was just found on the crime scene you cannot at this stage enter any details in relation to firearm exhibit, because you do not know which firearm it  
10 was fired from or you have no conclusive proof.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: Occurrence again would be the date, 30<sup>th</sup> of April 2024 when the crime took place. What does the reception line item refer to?

**BRIGADIER MKHABELA**: Again, Commissioners, it is some of the fields that are there which are not compulsory, Commissioners.

**ADV CHASKALSON SC**: We then got creation dates. It says created by Modise AS and there is a modification a  
20 few minutes later and it says last acquisition also a few minutes later. What do those modification and last acquisition dates refer to?

**BRIGADIER MKHABELA**: When the acquisition processes starts it records the time and when the process finishes it records the time. Then the analyst must now instruct the

system to release the specimens, so all those processes are recorded, Commissioners.

**ADV CHASKALSON SC:** What is BF class characteristic?

**BRIGADIER MKHABELA:** Again it is some of the fields that are not compulsory but are there on the system, Commissioners.

**ADV CHASKALSON SC:** And then finally there are dimensions for the firing pin outline. Sorry, what does BF stand for, BF inner outline, BF outer outline?

10 **BRIGADIER MKHABELA:** It is the dimension that the system automatically gives to the diameter of the back of the cartridge, cartridge case, Commissioners. So those fields are automatically filled by the system, Commissioners.

**ADV CHASKALSON SC:** And do you know what BF stands for?

**BRIGADIER MKHABELA:** Commissioner, out of now I cannot conclusively say what it does, what does it stand for, Commissioner, BF.

20 **ADV CHASKALSON SC:** Thank you, Brigadier. This, it was a long diversion from paragraph 17.1 of your statement, so let us get back to 17.2. We dealt with image capture and acquisition. Next stage is database storage. Can you just describe what happens there?

**BRIGADIER MKHABELA:** Commissioner, once the

acquisition of the specimens is completed, the next phase is the database storage. In other words, the digital images and associated data are stored in a central database and the system can store hundreds and thousands of pieces of evidence.

**ADV CHASKALSON SC:** Then the third stage, automated comparison.

**BRIGADIER MKHABELA:** That is where now once everything has been stored, the system starts to compare  
10 now, to look for similarities. The system uses advanced mathematical algorithms to check if there are any similarities. In other words, it runs, the specimen which is, which was acquired recently with specimens which were previously acquired on the system it runs it back and forth to check if there is any similarities.

You can refer these as a internet or google engine search where when you go on the system you want to find out a particular make and model of a vehicle, you enter the particulars. This is the process where the system does that  
20 now. So it compares now and similar as the internet engine search, Commissioners.

**ADV CHASKALSON SC:** And how long after entering, how long after acquisition would the system take to complete its process of automated comparison?

**BRIGADIER MKHABELA:** Commissioner, if the network is

stable, this process can take 5 to 24 hours.

**ADV CHASKALSON SC**: But it is a process that the system does.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: It does not, and it is a process that is not at this stage 100% accurate. It will, it is putting forward to you, or the system is identifying a range of shall we say potential hits.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

10 **ADV CHASKALSON SC**: So at some stage an analyst is now going to have to come back and sit in front of a monitor and call up this case file and go through the potential hits to see which of these potential hits graduate to the status of likely hits or hits that should be confirmed manually by microscopic analysis.

**BRIGADIER MKHABELA**: That is correct, Commissioner. That is the process which we called viewing, viewings. In other words, that is the process where the operator will come and sit in front of the system and view all the  
20 candidates that the system has identified as possible hits and if he is satisfied that there are similarities in it, then you will make a printout of those images and then request the physical specimens in a form of case file, which are filed in the case files for them to be compared manually through a comparison microscope.

**ADV CHASKALSON SC:** So there are two further stages. You have got the expert who then sits in front of the screen looking at the potential hits and identifying which ones look good to him or her. That would be 17.4.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And then you have got 17.5 which is, the experts now sat in front of the screen, the screen has given 40 potential hits. The expert has said 25 of these look really good, I want to requisition the original exhibits  
10 for each of these 25. That is the process that you describe in 17.5.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And then the last stage of the process is the original exhibits then come in and a different expert sits in front of a microscope with the original test cartridge from the case file in one microscope and the 25 requisitioned exhibits one after another in the other microscope.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

20 **ADV CHASKALSON SC:** Can you explain to the Commissioner how resource constraints delay this process. So let us, you started at 17.3 and you, Ms Pooe has gone ahead of me and is putting up your backlogs and your personnel figures here, but we will deal with them even later. But for now what I want to understand or I want you

to explain to the Commission is the, there are several stages in this process. A ballistics examiner has finished the first manual examination and test firing process in the forensic lab, has signed off on the report, that report comes to IBIS. The first stage in IBIS is going to be image capture and that you deal with in 17.1.

You need an analyst to be available to do that image capture. How long does it take ordinarily between the moment that the case file arrives at the IBIS section to  
10 the point at which an analyst is able to enter those exhibits and acquire them in the IBIS system?

**BRIGADIER MKHABELA:** Commissioner, because the case upon completion by a ballistic analyst must go through an administration process where a new IBIS lab number must be generated and after that, that case must be assigned to an analyst before it could be acquired on the IBIS system. So during that process due to the number of cases that were received and the limited resources, it may take around  
20 three months before you are able to acquire that specific case under normal circumstances, because the cases must queue and as they queue they go through the process that I have mentioned, the lab numbers are generated, at some point they are assigned to the operators, the operators acquires them, they must go back to be reviewed in order to be finalized on the system. So it goes through that

process. So in any event, it is a process that is dependent on the resources that you have at your disposal, Commissioners.

**ADV CHASKALSON SC:** Now how many acquisition terminals do you have at your office, those machines that will take the high density image photographs of cartridges?

**BRIGADIER MKHABELA:** Commissioners, we have 8 Brass Trax. The Brass Trax are cartridge cases stations. We acquire cartridge cases on them with 8 of them. And then  
10 we have got 3 Bullet Trax where we acquire bullets.

**ADV CHASKALSON SC:** Slow down. Let us deal with the Brass Trax first. Oh, maybe I interrupted too soon. So you have got 3 Bullet Trax, bullet photographing machines.

**BRIGADIER MKHABELA:** Yes.

**ADV CHASKALSON SC:** And 8 cartridge photographing machines.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Do you have a compliment of analysts that are able to operate those machines on a  
20 fulltime basis?

**BRIGADIER MKHABELA:** Commissioner, for the longest time we never had that luxury to have a compliment staff to, body, what I can call warm bodies to sit in front of those machines. With the current strength now we are not able to operate all the existing machines.

**ADV CHASKALSON SC:** How many machines are you able to operate with your staff at the moment?

**BRIGADIER MKHABELA:** Commissioners, as I have said we have got 8 Brass Trax. At a particular time you may find out that it is only 4 that are fully occupied.

**ADV CHASKALSON SC:** How much do you have to pay in terms of license fees for the system?

**BRIGADIER MKHABELA:** Commissioners, we call that the service level agreement. We pay a monthly fee of over 3,8  
10 million per month for the maintenance of the system, Commissioners.

**ADV CHASKALSON SC:** So you are paying the monthly fee of 3,8 million a month, but you can really only use half the capacity of that system, because you only can operate 4 of the 8 input centres with your current staff.

**BRIGADIER MKHABELA:** As it will be outlined later with the figures, unfortunately that is the reality, Commissioners.

**ADV CHASKALSON SC:** And you earlier said that because  
20 of the staff shortages it may take 3 months before the ballistics, from when the ballistics file arrives at your offices to the point at which the first image is taken of the cartridges in the ballistic file.

**BRIGADIER MKHABELA:** Yes, that is correct, Commissioner. And I must add, we are only talking about the first phase.

**ADV CHASKALSON SC:** That is what I wanted to get to next. So let us talk about the second phase. We have now spent maybe 3 months after the file arrives and the cartridges have been digitally acquired in the system. 24 Hours later the system has decided that there are maybe 40 other crimes around the country to which these digital images are linked. But you need an analyst to sit in front of a different screen now and to call out each one of the 40 images in the system to see how accurate those potential  
10 matters are. How many analysts have you got to do that process?

**BRIGADIER MKHABELA:** Commissioners, I have got 8 match point stations, but so far only have 3 fulltime analysts that can do the viewings and sometimes I do, I give them other tasks for example to assist with statistics, but they are fulltime, they are 3. So in other words, 5 of the match point are not occupied. And ...[intervenes].

**ADV CHASKALSON SC:** Sorry, can you just, I just want to be clear that I understood what your answer was. You have  
20 got 8 work stations where these matches can be verified on screen, but you only have 3 analysts who can do that process or who are trained and at your disposal to do that process, apart from the fact that you may need them to do other things as well.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

And if I may add, because of the complications on the viewings it requires that the person must spend 8 hours watching the screen. So they become exhausted. It becomes exhausting. They can only view around 200 images per day and yet you have got over 28,000 that needs to be viewed and per day they can only view about 200 and they are only 3. So that can tell you, that tells you the extend of the challenges in terms of human resource that we are faced with, Commissioners.

10 **ADV CHASKALSON SC**: But again going back to the layout that SAPS, or the expenditure that SAPS incurs on the system, the system gives you 8 viewing stations. As part of an overall package you are paying, I forget the figure, was it 3,6 million a month?

**BRIGADIER MKHABELA**: 3,8 million, Commissioners.

**ADV CHASKALSON SC**: 3,8 million a month. But you can only utilize 3 of the work stations because of your staffing restraints. What does that mean in terms of further delays? It has taken us three months from the point at which the  
20 ballistics file arrives at your section to the point at which the ballistics are acquired. What is the delay between acquisition of the ballistics and expert review of the comparisons that the system has thrown out one day after that first three months?

**BRIGADIER MKHABELA**: Commissioners, in terms of age

analysis of unviewed images you may find out you have got images that are on the system not being viewed for more than a year. I am speaking under correction, but it is quite a lengthy period. Ideally you want to have this process on a, as it happens, but it is not possible, because of this lack of human resource to carry out the functions, Commissioners.

**ADV CHASKALSON SC:** And can I just clarify in relation to the lack of human resources. Clearly you, there is an  
10 obvious shortage of at least 5 additional analysts because you have got 8 work stations and only 3 people to view. But you mentioned earlier that there are problems with people staring at a screen for 8 hours in a day and you could only do about 2, each person could only do about 200, I think you said. In terms of best practice for the system do you need more than one analyst per work station? I mean should people be doing this on a rotational basis or is it, you know, is it one analyst per work station?

**BRIGADIER MKHABELA:** With the level of experience that  
20 the analyst have now you will prefer to have one analyst dedicated to a working station and the other working stations also additional analyst dedicated to those working station, Commissioners.

**ADV CHASKALSON SC:** So to get maximum use of the system you would need another 5 analysts to, 5 trained

analysts to be doing the viewing, the expert review on the system.

**BRIGADIER MKHABELA:** Commissioner, if we want to achieve the real time viewings, we will need additional members, yes, Commissioners.

**ADV CHASKALSON SC:** So that was the next stage and ...[intervenes].

**CHAIRPERSON:** Just, oh, just before that, and Brigadier, if you say you would have to have more, does that mean that  
10 the more would then work on the same work stations?  
Where exactly would the more be fitted in?

**BRIGADIER MKHABELA:** Commissioner, I have indicated the figures of the equipment that we have.

**CHAIRPERSON:** Yes.

**BRIGADIER MKHABELA:** And the, in terms of the figures of the human resource that we have, we, they are not able to occupy all the working stations.

**CHAIRPERSON:** Yes, I heard that, ja, ja, ja. But you say, you see here is what I have in my mind. You say there is a  
20 problem that out of the 28,000 that is generated, an analyst can only look at 2. That to me means that even if you were to have enough analysts for each one of the work stations, which I understand to be one analyst, one analyst, one analyst for all of them. So you are covered in terms of analyst to work station. That would not address the

problem of being able to see only 200, or to view only 200 out of 28,000. Do you follow me?

**BRIGADIER MKHABELA**: I follow, Commissioner.

**CHAIRPERSON**: So how can that be addressed? Let us assume that there is an analyst per machine, so you are not running short in terms of the work stations. But how would the 200, only 200 out of 28,000, how would or could that be addressed?

**BRIGADIER MKHABELA**: Commissioners, the 200 that I  
10 mentioned is just the norm so that we can able to measure the performance. But there is no hard and fast rule that they will be, they must view 200 for example, because in some instances you will find out some results are easy to eliminate immediately, but this is the minimum that for you to meet your target, you must view this minimum. But it is not, there is no hard and fast rule, they can, sometimes you can view more, but at some, in some instances we rely on overtime, so when there is overtime, they view even more. But my ...[intervenes].

20 **CHAIRPERSON**: Let us say, let us say they do their best, their utmost, work overtime, but what do you think is the maximum that is humanly possible to get anywhere near 28,000?

**BRIGADIER MKHABELA**: Commissioners, if the person is dedicated only to that process we can be able to get

maximum production, adding overtime, maybe even 500 and more. The only challenge is that, like I have indicated, they are multitasked. They perform other duties as well. They are not only concentrating on that process only. And again, the first process is not stopping. It is a conveyer belt, it is continuing. So whatever they view, there is more additions coming in as well, yes.

**CHAIRPERSON:** Yes. And 500 is still a drop in the ocean if we are looking at 28,000. Okay, now why have more work  
10 stations then if there are these practical difficulties? What are the extra work stations for?

**BRIGADIER MKHABELA:** When we acquired the system we looked into the capacity, because our aim was that we must be able to work on real time. As a crime occurs, we must be able to acquire the specimen, run it on the system. So therefore we wanted to have that number of work station with a certain number of analysts that can work on the stations.

But naturally with time, other members resigned or  
20 they go for greener pastures. They leave. We do not replace them. So eventually we end up in this environment where we are where we have so limited members that can work on the system. In some, for example, in Port Elizabeth I think there is only, they are only left with 3 members that are working on, at IBIS and they are doing

everything, just only 3 of them.

**CHAIRPERSON**: Do I understand your response to mean that at some point you did have enough numbers per work station but that the numbers dwindled with time?

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**CHAIRPERSON**: And you are stuck with the, with having to pay 3,8 million per month for the extra work stations.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**CHAIRPERSON**: Is that because of the contract, you  
10 cannot get out of that, it just has to be that way?

**BRIGADIER MKHABELA**: It is contract, it is contract, Commissioners.

**CHAIRPERSON**: Oh, you are stuck with – alright. Thank you. Thank you.

**ADV CHASKALSON SC**: We have reached the end of stage 2 now, the expert review and we have discussed the difficulties of resource constraints and the delays that that causes. But once your expert has now viewed the images online and it is said ...[intervenes].

20 **CHAIRPERSON**: Well, Mr, I am very, very sorry. There was another question I already had in mind but because I asked a few, I forgot. My apologies, Mr Chaskalson. Seeing that at what I would call the end points, there is the point at which there is human involvement and once the comparisons have been made, the analyst them calls for the

original exhibits themselves.

So there is human intervention there. And then finally also there is human intervention once the exhibits have arrived. The analyst again is involved at that stage and I think in terms of paragraph 17.6 of your statement that is the last stage as it were, again, as I say, human involvement, so at two stages of the process.

Is the process at the two stages where there is human involvement not susceptible to manipulation? I know  
10 you can always go back to what the machine itself generated and established what the true position is, but still is there not susceptibility to manipulation at the stages where human beings now do something and make their own reports based on what they saw in terms of what was generated by the work station.

**BRIGADIER MKHABELA:** Ja, thanks, Commissioner. I will start with the second stage, the phase 2 where the intervention of human being is required to view. There you need integrity, because I can run through the system and  
20 say I viewed them and mark them viewed, viewed, viewed, viewed. So you need integrity there.

If the person does and mark them viewed, viewed, from the management point of view, because we check those thing. We will start to check. I mean we are no longer generating possible hits, what could be the problem.

Then when you go back, fortunately the system has got checks and balances. For example, if I have marked something as viewed today, because it is a continuous comparison, it will come back again even if I marked it.

So it is not all lost, but human beings you know, that is why you need someone with integrity. That is why we do not give them too much work, because I can go there and mark the whole 28,000 viewed, viewed, viewed and without any possible hits, no one will know.

10           With the second one, the first, the last phase, that one goes back. It is similar to ballistics now, because now you have the specimens, physical specimen that you must now take to the comparison microscope and compare them. There after you have completed your results, someone must come and verify your findings, so there is checks and balances in that regard.

**CHAIRPERSON:** Unless the two, or unless both of them are involved in the manipulation. But no, no, no, I get it now, thanks.

20   **BRIGADIER MKHABELA:** Yes, Commissioner.

**ADV BALOYI SC:** Mr Chaskalson, sorry, is it on the same ...[incomplete].

**ADV CHASKALSON SC:** It was actually to say should we have tea.

**ADV BALOYI SC:** That I will not argue with.

**CHAIRPERSON:** Let us adjourn and resume at 11:15.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV CHASKALSON SC:** Thank you, Chair. Commissioner Baloyi, you were going to ask a question before I suggested it.

**ADV BALOYI SC:** Ja, okay, thanks. Let me try to remember what it was. Brigadier, when you were speaking about the human resource shortages, you said the ideal  
10 would be that the tests are done as it happens, right, as the event happens. Have you, with these stations that you have, have you reached that, ever achieved that ideal turnaround time?

**BRIGADIER MKHABELA:** Commissioners, no. With the current resources, we are not able to do cases on real time. The hits that we generate are cold hits. Cases that were five years old or even more, we only identify them now. Maybe those cases where most of them are already closed on the system. That is why we call them cold hits.

20 **ADV BALOYI SC:** I think my question, maybe let me clarify it a bit, is have you ever had a full complement of staff to be able to optimally utilise the stations that you have?

**BRIGADIER MKHABELA:** Yes, Commissioner, at the beginning we were able. But what we have realised as well is that crime is increasing.

**ADV BALOYI SC:** Yes.

**BRIGADIER MKHABELA:** Because from time to time we have noticed now we are receiving more than we can process.

**ADV BALOYI SC:** Yes.

**BRIGADIER MKHABELA:** Yes.

**ADV BALOYI SC:** So it is fair to say it is not just a function of you are not getting the right number of people, there is also now the extra burden that crime is increasing.

10 I think it is why I am trying to understand where is the problem that causes what you have described in terms of shortage of resources and these poor turnaround times.

**BRIGADIER MKHABELA:** That is correct, Commissioner. It is a variety of things, but amongst them is that we do not have sufficient members.

**ADV BALOYI SC:** Thank you. Thank you, Mr Chaskalson.

**ADV KHUMALO SC:** Mr Chaskalson, just before you leave this section, in paragraph 17.5 of the statement, Brigadier, I just wanted clarity for my benefit. The digital match you are  
20 referring to here, is it between the cartridges that were recovered and brought to the laboratory and others that were found in other scenes? Or is the match between the test cartridge and the cartridge that was recovered? I just need that clarity. What is the match between?

**BRIGADIER MKHABELA:** Commissioner, it is a match

between specimens or cartridge keys that were on the database. Now the system is comparing those with the new one just acquired.

**CHAIRPERSON**: Again, just before that, Mr Chaskalson, this 500 as against 28 000, I have been agonising over it in my mind. I am trying to think, for example, first maybe let me ask this. Where else do you know this system to be used? What other countries use this same system?

**BRIGADIER MKHABELA**: Commissioner, in terms of the  
10 database from Interpol, there are over 170 countries that are utilising this system. In Africa alone, in the SADC Regions, we have got Swaziland, Botswana, Lesotho, Namibia and South Africa. In the SADC regions.

**CHAIRPERSON**: And how do the other 169 countries fare in terms of the 500 to 28 000 ratio?

**BRIGADIER MKHABELA**: Commissioner, I think maybe because of the high level of crime involving firearms in South Africa, we are far the most, even when we check our database, compared it to international, we are the second –  
20 we have got the second biggest database, maybe after USA, in terms of the size of the database. Other countries, they are able to deal with their cases as they arrive on real time. But internationally, South Africa has the second biggest database. We have got over 1.4 specimens that were acquired, cartridge cases alone. I am not speaking about

bullets and firearms. We have got over a million firearms that are on this database. So our database is far the biggest, Commissioner.

**CHAIRPERSON:** I will leave it at that. Thank you. Thank you, Brigadier. Thank you, Mr Chaskalson.

**ADV CHASKALSON SC:** But the power of the system is such that even with one of the biggest, second biggest database in the world, your matches get generated by the system within 24 hours. So the system can move through  
10 that database within 24 hours.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** So the bottlenecks are caused not by the system, but by the inability to deploy sufficient human resources to take advantage of the power of the system.

**BRIGADIER MKHABELA:** You have captured it correctly, Commissioner.

**ADV CHASKALSON SC:** We have dealt with two of the bottlenecks. The bottleneck between arrival of the file at  
20 IBIS and initial acquisition on the system. Then the second bottleneck between acquisition on the system and expert review in front of a screen of the system. The third stage is we have had our expert reviewing and the expert has identified hits on the system that the expert believes to be good hits. And there is now to be a non-digital, a manual

microscopic analysis of these various hits. How long does it take between the point at which the expert has requisitioned the real exhibits to the point at which you have another expert available in front of a microscope to look at those exhibits? What sort of delay is there between stages two and three?

**BRIGADIER MKHABELA**: Thank you, Commissioners. Again, depending on the rate at which possible hits are generated, because there is a lot, once generated, the  
10 actual case file must be retrieved and an additional lab number must be registered for that specific case before it can be assigned to the analyst. That process requires that some case files are old, you must first wait for them to be retrieved from the archives before you can start to assign them.

Again, there is only three officers that are assigned to confirm those possible hits physically on the comparison microscope. So if there are only three and you find one case might have linkages to multiple crime scenes, it means  
20 you must retrieve all those case files. Say, for example, you find one case which has more than 10 or 20 multiple hits that you need to compare with. You will have to take all those case files, open each seal bag, view them on the microscope until you are satisfied that you indeed do have a positive hit.

So in that area alone as well, you also have over, depending on each lab, you also have a backlog of those printouts that are possible hits where you need to retrieve all the case files, to prepare them to assign them to an analyst. You also have cases, you also have backlog in that area. I normally call that last stage a cherry on top because an analyst feels excited when you see that the hits that you have identified has been confirmed as positive. It gives you that pleasure that at least a crime will be  
10 resolved.

The investigating officer will know that this case that has been troubling me is linked to this other case which I was not aware of. Maybe the suspect might also have been arrested in that case, which may resolve the case. So if that process is not happening in real time, it is also not good and that is where we are as well, Commissioners.

**ADV CHASKALSON SC:** And, Brigadier, how much of the delay between stages two and three has to do with practical reality? You have to find exhibits from archives and  
20 processes like that which one has to live with, but how much of it deals with human resource constraints? You say you have three analysts to sit in front of the microscopes. How much of the delay is due to the fact that you have only three microscopes and how much could you speed things up, three analysts to do the microscopic examinations?

How much more quickly could it go if you had more analysts?

**BRIGADIER MKHABELA**: Commissioner, that is a problem because those three officers that I have mentioned, they are not only there to do the confirmation. They are also team leaders. They manage members under them, day-to-day management of members. So in addition to their duties, they must confirm these possible hits.

And if I am saying that three at the most, you will  
10 find out they do not have enough time to spend only on those cases because they are multitasked as well. So it has to do with human resource, Commissioner, and that is why you may find out you have cases that were identified maybe more than 12 months not being confirmed because you cannot reach to those cases as you would like to.

**ADV CHASKALSON SC**: So, did I understand you correctly? You are saying that the system has generated hits. The reviewer has confirmed on the screen that these are likely hits and that they need microscopic analysis and  
20 there might still be a delay of 12 months before you have an analyst who can get to the microscope.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: Brigadier, have you done an analysis of what your staff shortages are? In an ideal world, what would the staff complement of your office and

the other IBIS offices around the country look like?

**BRIGADIER MKHABELA:** Commissioner, I have done that exercise in consultation with the Provincial Regional Commanders. I have got an idea in terms of our ideal and the current in order for us to be able to be fully staffed. I have got the figures that I have worked on, Commissioners.

**ADV CHASKALSON SC:** Do you have them available for us or could you – I mean, if you do not have them readily available for us, could you give us a table of what your  
10 current complement is, what your shortages are?

**BRIGADIER MKHABELA:** Commissioner, I have rough notes where I worked on. I can give the figures and this is only for IBIS, not ballistics. I can give the figures if it pleases the Commission.

**ADV CHASKALSON SC:** I think it would be valuable for us.

**BRIGADIER MKHABELA:** Commissioner, I will start it first by the current. What do we have in each regions and what is the shortage and what is the ideal? At head office here  
20 in Pretoria, Commissioners, we have got 16 IBIS operators at the moment.

**ADV CHASKALSON SC:** Sorry, Brigadier. Might I ask if we now go back to paragraph 8 because it may be useful to break it down. So paragraph 8, you have got just a fairly bland table about the regional spread of ballistics analysts.

Maybe if you could break up that 58 figure in head office into – actually, take a note, as you said, how many analysts that you had, I think, at acquisition stage. But can you do those figures and then we will annotate them with reference to these figures in paragraph 8?

**BRIGADIER MKHABELA**: Well, first, I must just mention that those figures that are there, they include ballistics analysts and IBIS analysts and they do not include the support staff. It is only members that are actively involved  
10 in case analysis between both IBIS and IBIS, the figures on the board. And we also excluded the mechanical because we do not have a problem with mechanical subsection, right? And the one that I have on my notes is now only IBIS where I have the current, the ideal and the shortage.

**ADV CHASKALSON SC**: Can you give us those figures?

**BRIGADIER MKHABELA**: In Pretoria, which we called HQ, we have got 16 IBIS analysts. The shortage, according to the number of machines and the work volume, is 14. Ideally, you must have eight in order for you to be able to  
20 get to all the work. In the KZN, you have got seven IBIS analysts currently. The shortage, according to the volume, the machines that they have, is seven. Ideally, you need to have 14. In the Western Cape, they have got seven IBIS analysts. Ideally, the shortage is seven. Ideally, they are supposed to be 14. In the Eastern Cape, there are

currently three. Their shortage is five. Totally, they are supposed to have eight, which is an ideal.

So, you need a total of 66 IBIS analysts nationally to be able to run the equipment optimally in real time. In other words, we have got a shortage of 33. You have 33. You are operating with half shortage currently.

**ADV CHASKALSON SC:** And you could accommodate those additional 33 without having to buy any extra licences, any extra hardware? Your existing contract would  
10 cover them?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Now, I want to put a scenario to you. You have been describing bottlenecks at those three different stages that cause delays, certainly in excess of a year, between when the initial ballistics analysis takes place and when the system generates a hit that can be communicated to the investigating officers. If we jump ahead to an infographic that we will get to later, it is on page 14 of your annexure file.

20 And I must emphasise here, before we describe this infographic, you will see the one on the screen has all sorts of redactions on it. That is because it concerns a number of cases which have not yet been brought to court and the investigating officers are still gathering evidence and they have asked us not to identify the specifics of the cases so

that the suspects, other than the shooters, do not know that the ballistics confirmations have taken place.

So I do not want you to mention any of the names of the cases, but let us just look at these cases. And the ones that are – these are the cases that have been linked to four of the guns seized in Bramley. There is a fifth gun that comes from elsewhere. But what we see is more than 20 different cases. I think you even address it in your report. We see that 24 different cases were linked to the guns  
10 seized at Bramley at the time that this infographic was prepared.

We saw, I think, on Annexure M1 that by October it was now 29 cases. What that means is that 24 at the time of this infographic, 29 by last week, 29 different investigations had been proceeding in parallel with one another without the investigating officers in each one of those 29 knowing that the weapons used in their case were the same as the weapons used in 28 other different cases.

And so you have detectives in one part of the  
20 country operating in isolation there, detectives in another part of the country running their investigations. If they speak to each other, suddenly, and they start pooling all of their information, suddenly all of their investigations proceed at a much, much quicker rate. Some of them may even be tied up immediately.

If your system operates with delays of more than a year because of staff shortages, the real cost of that is that you have these investigations all over the country where detectives are essentially working in the dark with reference to very important information about their cases and a whole lot of wasted investigative time is being spent which would be saved if the information in your system could be made available in a real-time basis. Am I missing anything in that proposition?

10 **BRIGADIER MKHABELA**: Commissioner, that is the real essence. That is our concern and that is what we want to see being resolved because we have the capability to assist investigating officers out there to resolve their cases speedily so that they do not operate in silos, and the only solution to that is this system. But for you to be able to optimally utilise that system, you need to operate it on real time.

**ADV BALOYI SC**: Just accepting that answer, perhaps also to put this proposition for your comment, the  
20 Chairperson earlier spoke about the integrity of the human involvement in this process. Now, in this case, we have heard evidence that, I think it is Brigadier Makgotloe, that he had not linked the casings. And the reason that the investigators decided to have another lab, your sister lab, look at this, is because he had mentioned in a conversation

that he has found other linkages, and yet it was not in his report. That suggests that the human element is also important to achieve what Mr Chaskalson is putting to you, that the linkages would have been established and the investigators would not have been working in silos, not aware that their cases are linked. I think the simple proposition I am making is there is also an element of the integrity of your experts as well.

**BRIGADIER MKHABELA:** Thanks, Commissioner. If I can  
10 address that specifics in terms of timelines? My analogy is that in terms of the timelines when that conversation, the supposed conversation took place, it was around 2024, around October month. And the objective evidence that we have regarding IBIS is that the specific specimens was only acquired on the IBIS system on the 6<sup>th</sup> of September.

So it was acquired after the conversation had taken place. And it has, again, to go through the process where it was viewed, which was in 2025. So if that conversation took place, whatever the member says to the investigating  
20 officer by then, it is neither here nor there because he would not have known at that point that there are these more than 24 linkages that IBIS has produced. The work had not yet started at IBIS when that conversation took place, Commissioners, I submit.

**ADV CHASKALSON SC:** Brigadier, we will go through that

in detail because I think the timeline is important and there is another important conclusion that I want to highlight for the Commission, which is that if that knowledge was not available in the IBIS system at the time and yet it appears to have been communicated, it must have come from outside the IBIS system, which has its own implications.

But we will go in detail through that timeline because, as the Brigadier says, at the time that the original conversation took place, or allegedly took place, which was  
10 May, and we know that some conversation had taken place because the letter of the prosecutor requesting additional protection for the detectives referred to that conversation and referred to it in August.

When the prosecutor referred to that conversation in August, nothing had been entered in the IBIS system yet. So whoever communicated that to the detectives got that information from outside the IBIS system, not from inside the IBIS system. There was nothing in the IBIS system at that stage, but we will go step by step to show that.

20 **ADV BALOYI SC:** I think the simple proposition that I was making was that even in that ideal turnaround time, assuming you had all the resources and all the necessary stations and you are achieving your ideal turnaround times, which has the effect that Mr Chaskalson is proposing to you, it is still the human element, the integrity of the

individuals or the people, your experts who interact with the system in real time, is still a factor. It would still be a factor. I think that is what I am suggesting.

**BRIGADIER MKHABELA:** Ja. Although our processes are demarcated, if we are speaking of a ballistics analyst, a ballistics analyst has a role where it comes and ends and then the role of IBIS takes over. So if a ballistics has examined the case or analysed the case and issued a 212 statement, he hands over to IBIS. His role is done. You  
10 would not know what happened thereafter, yes.

**ADV BALOYI SC:** Thank you.

**ADV CHASKALSON SC:** The second proposition that I wanted to put to you is that your IBIS system is of particular value in relation to organised crime. And I want to put that proposition to you on this basis, that if you have a random murder, someone gets into a fight, pulls out a gun and shoots somebody, chances are that usually that weapon is not going to be linked to another crime. Maybe, but in most cases I would imagine it is not.

20 And maybe you could, if you think that something that I am putting to you on this basis is wrong, just stop me as I put it. And then let me continue. If you are dealing with organised crime, taxi violence, political killings, criminal gang-related matters, there I would imagine that the incidence of the same gun being linked to several

crimes is much higher.

**BRIGADIER MKHABELA:** Commissioner, we have seen that with taxi violence, the CIT, cash-in-transit, what they call *Inkabi*, hire for murders, the gangs, you will find that there is one particular firearm that you see terrorising a particular area. For example, you will see the areas of Ivory Park, Tembisa, you will see this particular firearm which has generated multiple hits, but the firearm is not recovered, you see that. And that tells you that there is  
10 one person who is actually terrorising the area.

You see that in areas like Garankuwa, in areas like when you go to the northern part of Port Elizabeth, in the gang-infested area in the Western Cape, you will find out there is this particular firearm that is going around, and IBIS is able to generate those intelligence to show that there is a firearm.

So, yes, it happens. And we have that experience that in terms of your taxi violence, CIT, either one of our suspicions was that, especially with CIT, was that maybe  
20 there is someone who is hiring the same firearm to different gangs because you will find that firearm, especially AK-47, you will find one AK-47 that always appears in many multiple cases, but it is never recovered. Now you ask yourself, is it still the same group, or is it hired to different groups? But we have a lot of those kinds of cases,

Commissioners.

**ADV CHASKALSON SC:** Because what my proposition to you is, is that where you have SAPS investigating those sorts of organised crime situations, the need for real-time ballistics evidence is at its highest. And so if the system as itself is currently not functioning in a way that can generate real-time results, then you need one of two solutions.

Either you need to provide dedicated IBIS and ballistics access and capacity to the task teams or  
10 investigation teams dealing with those sorts of crimes, like was the case in the PKTT where they had dedicated ballistics capacity assigned to them, or you need to have a system that will fast-track their requests within your existing system, because it is those kinds of investigations in respect of which instant ballistics results are so important. Do you have a comment on that?

**BRIGADIER MKHABELA:** Yes, I have a comment, Commissioners. I would say we need to capacitate so that we can be able to deal with the requests as they come. Not  
20 necessarily to deploy your resources to work with the task teams. Because at the end of the day, you need to maintain the independence of your analysts so that they do not become contaminated by working with the investigators and discussing the cases with the investigators.

So if the lab is capacitated enough, it will be able

to provide the much-needed assistance to ever-organised unit, task team, whatever. You will be able to provide the services, but not necessarily to be part of that establishment. That is my take on that one, Commissioners.

**ADV CHASKALSON SC:** Thank you.

**CHAIRPERSON:** Just before you continue, Mr Chaskalson. Brigadier, you gave us figures on the current numbers and shortages insofar as the human resources or the human  
10 resource section of the IBIS is concerned. Have you done a similar exercise with regards to the ballistics analysis subsection?

**BRIGADIER MKHABELA:** Commissioner, I have done it. And the Commissioner mentioned that the figures are there, but that is actually one area that keeps me awake at night. Commissioner, the figures speak for themselves. I always say if anyone wants to appreciate the level of high crime involving firearms in South Africa, one must just visit my strongroom where I keep exhibits. Then one will appreciate  
20 that we are living in a dangerous country.

Commissioner, at any given point, I have more than 29 000 firearms and each of those firearms, a victim has been killed, and I only have 42 analysts to handle that volume of work. My case manager commander approaches me not long to take me to the case, to the strong safe to

show me that, Brigadier, I have now run out of space to put my exhibits. I do not know where to put them anymore. I am putting them in a bin because I cannot file them.

When I started with ballistics, we had one safe. Currently, we had to repurpose a museum to make it a safe. It is now full, as we speak. We do not have space anymore. Like I said, we receive more than what we can process, Commissioners. So only Pretoria, 42 analysts. Those 42 analysts, they must take leave, study leave, sick leave.  
10 They must go to court, they must go for consultation. So you can imagine, Commissioner. So that is one area, Commissioner, that is giving me sleepless nights, I can only submit, Commissioner.

**ADV KHUMALO SC:** I take it that most of those firearms that are in storage are unlicensed.

**BRIGADIER MKHABELA:** It is a variety, Commissioner, but the fact of the matter is they are there because a crime has been committed. All of them, they have got CAS numbers. Be it as attempted murder, murder, but the  
20 majority of them are cases where someone has been killed, and they need to be speedily worked.

If you check on the board there, if I have 450 cases that were registered in 2022, it is now more than three years that case is in court. Now one can imagine what happened to the case. It has been postponed every day

because of an outstanding ballistic report. And as a result, some of the courts are now relying on the section 342A of Criminal Procedure Act inquiry.

They send you those inquiries to come and explain why is there delay in obtaining a ballistic report. And IO calls and says my case has been remanded for the last time. And now you must not jump the queue. You must jump those cases that were registered in 2022 and 2023 and address this recent case. If you do not do that, the  
10 Court will issue a warrant of your arrest because they need you to go and explain why the case is old.

And when I remark on this one, Commissioners, there is an incident where the former Commander of Ballistics was arrested on his last day of service, on his birthday. He was handcuffed in our presence because of contempt of court. He could not attend the section 342A inquiry in Stilfontein in the North West. They put him at the back of the car, handcuffed to Stilfontein on a Friday afternoon when his friends had booked him a surprise  
20 present at somewhere in Dullstroom to go and celebrate. That has to be postponed.

We had to see to it that he is released on that Friday afternoon. And that is what we are facing on a day-to-day basis. Instead of me preparing the cases, I must travel to court and explain why the case is delayed. Out of

maybe 70% of cases that we complete per month, more than 70% of them are urgent requests from court. So when that happened to our colleagues, we were in tears, literally. And that is what we are facing with on a daily basis, Commissioners.

**ADV CHASKALSON SC:** Brigadier, maybe you could take us through paragraphs 9 and 10 at this point. I was going to deal with all of this at the end, but we have actually dealt with it now. So, can you just explain these figures in  
10 paragraph 9 and then in paragraph 10?

**BRIGADIER MKHABELA:** Commissioners, I always draw statistics on a daily basis to see where we stand with our performance, with our production. So paragraph 9 is a depiction of our cases that were registered and still to be analysed as of 17 October 2025. I have given the age analysis of those cases.

As you can see, the head office, which is Pretoria, we are servicing six provinces. That is why our case volume is high. We are servicing Mpumalanga, Limpopo,  
20 North West, Northern Cape, and Gauteng, and Free State. We have 29 000 cases that need to be analysed. And from these 29 000, in terms of age analysis, we have got 450 which were registered in 2022. They still need to be analysed. We have got over 6000 cases that were registered in 2023. They still need to be analysed. We

have got over 11 900 cases that were registered in 2024. They must still be analysed. 2025 alone, we are already over 10 000 cases that still need to be analysed. The same goes with KZN and Western Cape.

What I have noticed now, Commissioners, KZN used to be the second highest in terms of the number of cases, but I see now Western Cape is starting to overtake the KZN. And it makes sense when you watch on the news, there is always firearms that are recovered, multiple  
10 firearms in the Western Cape. Now you can see Western Cape has got over 5000 cases that still need to be analysed.

Eastern Cape, they are quite a small office, but it is also a busy province. They have got over 2.5 cases that need to be analysed. When you add everything nationally, we have got over 41 000 cases, but that number fluctuates. If we check today, it is even more now because we normally rely on overtime. My office alone, financially we get around four million overtime. This is the last month we have  
20 already depleted that overtime, and that is the money that assists us at least to reach to the urgent request.

So now we must wait for the next financial year to be able to see how much will be allocated. So without overtime now, we are just going to rely on our members, how we can push them. We are pushing them. So that is

the reality, Commissioners, in terms of paragraph 9. It is that cases that are not yet analysed, they still need to be analysed.

And some of them, depending on the volume, one thing that we have noticed now, I do not know whether it is a trend, maybe especially with CITs, I have noticed that maybe it is easier nowadays to procure ammunition. Because in one scene of a CIT you may find that you collect over 100 cartridge cases on the scene, and it happens a lot.

10 So it takes a while to analyse those multiple exhibits.

Maybe the criminals these days, in the olden days you would find one cartridge case of AK-47 and the other calibres. But these days, maybe it is easy for criminals to acquire ammunition because they do not spare them, they use them. They make sure. And that creates too much work for us because now it takes long for an analyst to finish a case if it has got multiple exhibits.

The second table, Commissioners, is the IBIS work that I explained earlier on. The figures here include the two  
20 last phases that I have mentioned. Phase 2, where we view the images. And the last phase, phase 3, where we must confirm the possible hits. In Pretoria alone we have got over 38 000 cases that ...[intervenes].

**ADV CHASKALSON SC**: Sorry, Brigadier, can I just clarify that? So are you saying that the figure in Pretoria, 38 343,

that reflects cases that have already been acquired in the IBIS system, but have not yet been reviewed or confirmed?

**BRIGADIER MKHABELA:** That is correct. Not being viewed and confirmed. Yes, Commissioners, there is two figures.

**ADV CHASKALSON SC:** And is this 38 000, is this 38 000 cases, or 38 000 entries, or is it 38 000 possible hits that have been generated by the system?

**BRIGADIER MKHABELA:** Commissioner, I have a  
10 breakdown, but I just mixed them. I know we have got over 22 000, those that need to be viewed. Then the remainder is those that have been viewed, they still need to be confirmed. So I added them together. So in Pretoria, it is 38 000. KZN is 35 000. Western Cape is 21 000. Eastern Cape is over 13 000. That gives you a total of over 108 000 cases that IBIS still has to work on.

**ADV BALOYI SC:** Brigadier, this disproportionate numbers you have got between head office, which you say is six provinces, and then you have KZN, which seems to be  
20 seriously disproportionate, is that a staffing issue? Is that a machine issue? Or is it just a crime issue?

**BRIGADIER MKHABELA:** Commissioner, it is a crime issue. If you check a province like KZN, largely there is many firearms in that province. And if you check Gauteng, it is Gauteng and maybe Mpumalanga contributes a lot with

the rhino poaching. It also contributes a lot. So it is the crime patterns.

**ADV CHASKALSON SC:** Sorry, Brigadier, can I take you up on that? Because it seems to me that if it was simply an issue of crime as opposed to staffing, you would see similar proportions in the ballistics table in paragraph 9. But it does seem that the ballistics section of KZN, I mean, roughly, the ballistics side of KZN is approximately a sixth. It's a number of outstanding investigator, is approximately a  
10 sixth of those in Gauteng. It is just under 5000 versus just under 30 000. Whereas if you look at the IBIS side, the IBIS backlog in KZN is just under that of head office in Gauteng. You have got 38 000 in head office, 35 000 in KZN, which suggests that the IBIS system in KZN is not processing cases at the same rate as the IBIS system in head office.

And you do point out that IBIS in KZN is operating at a 50% staff complement. Head office is slightly better resourced. It is 16 out of 30 rather than seven out of 14.  
20 But it does seem to me that there is a particular need for IBIS resources, well, across the board, but a disproportionate need in those other three provinces.

**BRIGADIER MKHABELA:** It is correct, Counsel, especially in KZN. We had this problem of capacity for quite some time. At some point, they were even utilising some ballistic

analysts to confirm their possible hits because they did not have anyone to do that part of the work. And therefore, it is not surprising that they are second after head office in terms of the backlog in that area.

**ADV CHASKALSON SC:** And what that means is this incredibly powerful system that you – sorry. Let me take a step back. If we look at where the real backlogs are, with the IBIS numbers at 108 000 versus the ballistic section at 41 000, what that is reflecting is you have an incredibly  
10 powerful system that you cannot take advantage of because of all of these backlogs. You have got 108 000 possible hits that, if confirmed, will advance investigations on the ground significantly. But they are outstanding because you do not have the resources to maximise your use of the system.

**BRIGADIER MKHABELA:** Commissioner, it is a very painful reality that we are faced with. I take note of the observation. Yes, Counsel, it is painful. We know.

**ADV BALOYI SC:** Brigadier, maybe lastly, on this topic, at  
20 least from me, what is it a function of? Is it that you are unable to attract people? Is it because you have been told not to recruit? What, in fact, explains your lack of the necessary human resources?

**BRIGADIER MKHABELA:** Commissioner, it is a mix of issues. For example, in the last recruitment, we were given

a number of, for example, in Pretoria we were given about eight posts which were advertised, but due to some red tapes in the system, we end up not – I think we end up only appointing one person. And as a result, posts are withdrawn. And that does not consider the impact on those environments.

So if we have eight posts that are advertised and because of the process, then you end up not appointing those eight, it is a lost opportunity. It is definitely a lost  
10 opportunity because for that process to restart again in government, things take long. So you are not able to replace your members as they resign or they go to other areas. You are not able to replace them because in some instances, you are being disadvantaged by some of those red tapes.

Like I am making example of these eight posts that I could not fill. And those were posts which we urgently need, but we are not able to fill them. We only had one analyst from those. So those are some of the things,  
20 Commissioners.

**ADV BALOYI SC:** And when you speak of red tapes, such as what? And I ask, Brigadier, because it is a topic that we are spending a bit of time on and so it is clear that it has some significance.

**BRIGADIER MKHABELA:** To be specific on this one,

Commissioners, there were queries regarding the requirements on the advert, that the advert was too vague. It excluded certain individuals. And as a result, there was no appetite to proceed. Some were saying we will be challenged if we proceed to appoint. So those are things that, in my view, are low-hanging fruits. That if you do your work diligently, you will be able to avoid those kind of things. For me, those are elementary, but those are the things that eventually end up having posts being withdrawn.

10 **ADV BALOYI SC:** Thank you, Adv Chaskalson.

**ADV CHASKALSON SC:** Can I ask, Brigadier, those figures that you gave us in relation to resources that you need, do they relate to unfilled existing posts or to posts that would have to be created before they could be filled?

**BRIGADIER MKHABELA:** Commissioners, the majority will be unfilled existing posts.

**ADV CHASKALSON SC:** And does your section have any strategy for attracting people to those posts?

20 **BRIGADIER MKHABELA:** Commissioners, credit to the management of the Forensic Science Laboratory. They fought so much to implement what we called scarce-skills allowance, where forensic analysts are receiving a certain amount called scarce skills just to retain their skills. Because in the past, our analysts were recruited by countries overseas for their skills. As a result, the FSL

management at some point decided to implement scarce skills in order to try to retain.

It works to a certain extent, but as human beings, sometimes the money, we become used to that allowances and you want more. But currently, in order to attract, this is what the lab has, a scarce skills allowance.

**ADV CHASKALSON SC**: Thanks, Brigadier. Let us move on to a completely different topic. From paragraph 18, you describe how analysts get assigned to crime scenes. Can  
10 you take the Commission through that process?

**BRIGADIER MKHABELA**: In respect of crime scenes, the standard procedure at Ballistics is that two members will be on standby on a rotational basis weekly. They will be assigned vehicles and a cell phone. The stations or the LCRC members, they have got the contact details of the number assigned to the standby. If a scene takes place where Ballistics is required, they will call that number and whoever is on standby will attend.

We pair the members in twos for practical reasons  
20 that when you are in a crime scene, you must be able to assist one another. So, then the members will report. In most cases, we have got the WhatsApp group. They will report and say, there is a crime scene we are attending just for management to take note. In terms of crime scene, that is how the process works, Commissioners, under paragraph

18.

**ADV CHASKALSON SC:** Then how does the process proceed from the crime scene all the way through to the lab? Can you take us through paragraphs 19 and 20?

**BRIGADIER MKHABELA:** The analysts will attend the crime scene, process the crime scene, take pictures, measurement, reconstruct the scene. On the scene, they will complete a crime scene form with the details of the case, summarise everything that they saw, and upon arrival  
10 at the lab, they will hand over the form to the case management for the case to be registered on the FSL system in order to generate a unique lab number for that particular crime scene.

Once the lab number is generated, that crime scene will be assigned to the member who attended the crime scene. Between the members, they will decide. In most instances, you will find one first-time standby or second-standby, they will decide who is doing the crime scene amongst them. The crime scene will be assigned to them.  
20 Then they must write a crime scene report explaining all what happened on the crime scene. And the crime scene, the case will then be closed on the FSL system once the crime scene has been issued to the investigating officer.

**ADV CHASKALSON SC:** Now, in paragraph 21 you say that ballistics casework is allocated on a random basis to

the analysts by the Ballistics Analysis Commander. But it is not entirely random because you say it has regard to certain considerations. So what are the considerations and how do they affect the assignments?

**BRIGADIER MKHABELA:** One of the considerations, Commissioner, is that the member who attended a crime scene, if further evidence are brought to the laboratory, that member will continue with the analysis of that case. So the Analysis Commander will check before assigning the case.

10 If this case comes as a second entry, he will check who examined the first entry. If it was a crime scene, he will check who is the analyst who went to the crime scene and he will say, now they are sending a firearm or now they are sending cartridge cases. So you, the analyst who went and attended the crime scene, you must now proceed with this case. So that is one of the considerations.

**ADV CHASKALSON SC:** Can you explain why you have this policy that if one analyst attends the crime scene, that analyst should also deal with later exhibits that come in?

20 **BRIGADIER MKHABELA:** For practical reasons, Commissioner, it just makes sense that you were on the crime scene, you saw what happened, you have got an idea. So you have already formulated, you have already acclimatised yourself with the case. So it makes sense that when the exhibit comes later on, you proceed, you have

already started the work. It is just for practical reasons, it makes it easier.

And again, you do not have to assign that one case to multiple analysts where they will have to go and testify on the same case, which may create problems when it comes to chain of custody and the likes. But for practical reasons, the person has already started with the work, so they must complete the work that they have already started.

**ADV CHASKALSON SC:** And, of course, in relation to that  
10 point you made in relation to multiple analysts having to testify, when an analyst goes to court, that takes resources out of your office because it is not like the analyst arrives at 10 o'clock, he is heard at 10 o'clock, finishes at 11 and comes home. Sometimes the analyst has to spend a day in travel, wait for two days while the previous witness finishes, and eventually can be out for several days, having to testify for only a few hours, even less than an hour.

**BRIGADIER MKHABELA:** That is true, Commissioners.

**ADV CHASKALSON SC:** You also referred to the level of  
20 competence required for ballistics analysis. Can you just explain that concern? Why are some ballistics cases more difficult than others?

**BRIGADIER MKHABELA:** Commissioner, ballistics is an in-service training. There is no formal institution in any country where you go to university to study ballistics. It is

offered in-house. We take you through to levels of training, different categories of cases, and as you progress, we declare you competent on that particular level of examination. You are qualified. But all in all, for you to be a fully-fledged ballistics, you will have to go through 12 levels or 12 module, 12 levels of stages of training and that is determined by the degree of the cases that we analyse.

So for example someone who has just started training with us joining us less than a year, they will be  
10 examining small cases like only cartridge cases that to identify the calibre. So they will not be able, for example, to tell, to do cases where they are required to determine if this firearm is the one which fires this particular cartridge cases.

So therefore when you assign cases, this is one thing that you must also check, the level of training or competency. So as analysts qualifies, they are able to do more complex cases, which you cannot ordinarily assign to junior analysts that are still under training.

20 **ADV CHASKALSON SC**: Thank you, Brigadier. And then if you can take us to your section about how the ballistics analysis is conducted within your section starting from paragraph 23?

**ADV BALOYI SC**: Maybe before you do that, Brigadier, on just that last answer you gave or explanation you gave, do

you find that – are you able to say that you have a sufficient pool at least in the market that is the SAPS, taking into account the training that you have described, you have sufficient pool or human resources from which to draw to fill in these positions and taking into account the different specialities?

**BRIGADIER MKHABELA**: Commissioner, when we advertise posts, you will find that maybe we advertise five posts, we received over 200 applications. So the pool is  
10 there because of the number of interested people that are applying for those posts. So the pool is always there. The only reason is the only thing is to have resources to recruit as much as you need. We do not have a problem with the pool, Commissioner.

**ADV CHASKALSON SC**: And can I clarify? Is that true both of the IBIS section and the Ballistic section?

**BRIGADIER MKHABELA**: That is correct, Commissioner.

**ADV CHASKALSON SC**: So if you can take us through the process that you describe in paragraph 24 which deals with  
20 the ballistic side before we reach IBIS?

**BRIGADIER MKHABELA**: Commissioner, for the purpose of this statement, I will outline the process of conducting a ballistic analysis, of linking a firearm with cartridge cases collected from the crime scene. The analyst will receive the case in a sealed bag. They will open the seal, take out the

firearm and complete what we call the proforma. The proforma will outline the details of the firearm that is stationed.

Details, I mean the calibre, the make, the manufacture of the firearm, detailing if the firearm is in working condition and, thereafter, he or she will then take ammunition for test purposes, go and shoot tests. And if there are cartridge cases that are collected from the scene and bullets, he will also document the information of those  
10 cartridge cases on another proforma specific for the ammunition and cartridge cases.

With the test that he has shot, he will take the exhibit from the crime scene and the test as a reference to a comparison microscope and compare to see if he can see similarities between the two. If he is satisfied that there are similarities, he will complete another form, which is called comparison microscope form, detailing the results in that form. Then another qualified analyst must come and confirm the results in the microscope.

20 This analyst will not tell this other analyst that these are my findings. That analyst must by themselves go into the microscope and look and see and write what they see and sign a separate comparison microscope form. If they all agree in terms of the results, then the analyst will proceed to in his office and compile a section-212 affidavit

in terms of the Criminal Procedure Act and take it for typing or type it himself. And once they report is commissioned as a statement, then he will take the entire case file to an independent case review.

The case review is to check quality. They will tick, they have got a checklist that they tick what they are happy with. If they are not happy with the examination, if there are typos, technical, they check technical and administrative review. If they are not happy, they will return  
10 the case file to the analyst to go and make corrections. Until they are satisfied, they will then sign and mark that case as a case that meets the standard procedure and then they will finalise the case on the FSL system and close it.

From there the case will take another route to the case management where it will be, the exhibit will be dispatched to the stations and the case file will be archived at the lab. So that is the process under ballistic. Then the case is final, the analyst is out. Then it will await for the next process of IBIS.

20 **ADV CHASKALSON SC**: Thank you, Brigadier. There are a couple of questions I want to follow up on. First is to clarify, there are broadly two safeguards built into this process. The one is that there will be independent review. So your initial analyst, who is comparing the test cartridge with the crime scene exhibit, will have reached their own

conclusion privately. Those same two artefacts will be handed over to an independent analyst who does not know what the original conclusion is to look at under the microscope and to convey his or her results, and one hopes that they would usually coincide. What happens if they do not coincide? What happens if you have an independent reviewer who says there is a match, there is no match here but the original one said there is a match?

**BRIGADIER MKHABELA:** Commissioner, it does happen a lot. Under those circumstances they will call a correct opinion. They will call another analyst to come and check and whoever says it is positive, in some instances I will ask him or her and say show me what is it that you saw. Then they will place the exhibits on the microscope and say look at this mark and look at this mark. Depending on the quality of the mark and how I am convinced, I might end up saying yes, I see what you see, or I may say no, despite what you are showing me, I still do not agree. I see maybe, yes, the mark I see, but it is not sufficient, for example. In my view, I would not make it positive. I would not make it positive.

Then the third person will come and say, and eventually there will be some agreements after some persuasion and proving to the other one that this is what I saw besides what is there. It does happen a lot,

Commissioner.

**ADV CHASKALSON SC**: And then at the end of the process, you have a case reviewer looking at the 212 document. What is the checklist that the case reviewer goes through? What is the case? The case reviewer is not looking at the microscope, for instance. The case reviewer is not doing their own independent analysis. They are just looking at the document that is prepared, and that will ultimately go into the docket as a 212 affidavit. So what  
10 are they looking for there?

**BRIGADIER MKHABELA**: Commissioner, they will look into the forms that the analyst has used. I have mentioned a proforma for the firearms, a proforma for the ammunition. They will check the revision. On an annual basis, our quality process requires that we must review our forms, our procedures. When we review, we give it a latest revision number. So once a form has been reviewed and a new revision has been implemented, we must obsolete all the other forms.

20 You still find some analysts who maybe for some reason still uses an old form, and those are the things that the reviewer must check and tick. Did you use the latest form? You will check the date. The request, you will check the covering letter. If the investigating officers requested you to compare this case with another case, they will check

did you address the request from the investigating officer. They will check the dates, the seal bag numbers. Do the seal bag numbers correspond with what we have received and what we have documented?

So they tick. There is a tick checklist that they tick. They tick yes, no. If there is a no, they write no, the dates, or no, the seal bag number is wrong. Then they will say no, the case must go back, you must go and rectify whatever they have ticked in there. So that is basically  
10 what the reviewers are doing, Commissioners.

**ADV CHASKALSON SC:** Thank you, Brigadier. So there is literally a form with tick boxes that they have to, that identifies what they have got to go through?

**BRIGADIER MKHABELA:** That is correct. And after that, they must sign their signature so that you can be able to track and trace who did the case, who reviewed the case. And then when they are satisfied, they will close the case on the FSL system. That also will show us who reviewed the case, the date in which it was reviewed and finalised.

20 **ADV CHASKALSON SC:** Could you send through, it does not have to be immediate, but could you send us a copy of that form that the reviewer has to check through so that we understand exactly what those boxes are? We will have Captain Mkhathshwa and Captain Modisane coming to testify. I am sure one of them, we can make an exhibit to their

evidence in due course because they presumably would know what that form looks like.

**BRIGADIER MKHABELA:** Certainly, yes, Commissioners. Unfortunately, I did not bring a case file because it is always in the case file. So I would have just produced it now if I had the case file with me.

**ADV CHASKALSON SC:** Thank you. We are now coming to the ABIS system and a lot of the sections that you describe in, from paragraph 26 onwards, has already been  
10 touched on. So I am going to ask you to jump around a little bit because we should not duplicate what has already happened.

**BRIGADIER MKHABELA:** Yes.

**ADV CHASKALSON SC:** But the first point that you make is that the ballistics analysis process and the ABIS process are conducted independently of one another. That the ballistics analyst is not the person who deals with the ABIS side of the analysis. And can you explain why that is the case?

20 **BRIGADIER MKHABELA:** That is true, Commissioners. In the past, we had a one-stop for all where the ballistics analyst will analyse a case. After analysis, he or she will go to the IBIS station to acquire the specimen that need to be acquired on IBIS. During that process we started experiencing problems because we had a situation where

the analysts were saying we are adding extra work which in terms of their KPA, key performance area, is not there, while you have a subsection called IBIS which is responsible for all IBIS responsibilities.

So there was that, because of that reluctance from the analyst, we end up having problems with the quality of images, which affect the quality of hits that you generate. Then management had to take a tough decision that despite the fact that IBIS is understaffed, but we will have to relieve  
10 the analyst of these responsibilities and it must remain the sole responsibilities of IBIS.

And from there on, we started to even go as far as generating a lab number for IBIS so that we can be able to account for the work that comes to IBIS once the case has been analysed and completed at Ballistics. It has to go through the process of registration where an IBIS lab number is assigned or to that particular case until it is assigned to an analyst and acquired on IBIS.

So that is the background as to how this came  
20 about. And that created this independent between IBIS and Ballistics. IBIS has a point where they end, Ballistics has a point where they end, and IBIS has a point where they start and continue further.

**ADV CHASKALSON SC:** Now, most of the rest of the ABIS process through paragraph 27.2 all the way through to 27.7,

I think we have already addressed. Do you want quickly just to skim through those paragraphs and if there is anything you want to add to what you have said already, please do?

**BRIGADIER MKHABELA:** Commissioner, I think I have covered all of them.

**ADV CHASKALSON SC:** Then if we can go to 27.8? So we have now gone through the ABIS process, we have found the – sorry, the exhibits have been acquired into the  
10 ABIS system. The system has generated possible hits. The analyst has sat in front of the screen and has confirmed certain hits. The exhibits have been requisitioned, and another analyst has sat in front of a microscope and has confirmed that the hits that the system thought were good hits are in fact good hits. That analyst, then you say, prepares a new, or their own section-212 affidavit.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And then 27.9, after we have now finished this process, can you just read 27.9 and explain it  
20 to us?

**BRIGADIER MKHABELA:**

“A section-212 affidavit is submitted to the case management section who will then dispatch the affidavit through the ICDMS. The ICDMS will then trigger the SAPS CAS system to flag the hits identified. This is a latest

development. In the past, we were working in silos. We were generating hits, sending the report to the stations, only to find out most of those cases were already closed as untraceable at the stations.

We were not getting feedback of the hits of the intelligence that we are generating. Then there was an improvement that the system, where they linked the FSL system with the ICDMS, when you scan through the 212 report, it automatically triggers the CAS system at the  
10 station to reopen the case or to flag it. Whoever works on the station, the Branch Commander or whoever, will then be notified.

When it goes on the system, they will take note that this case has linkages with other cases. They will be forced to print the report on ICDMS and check what are the linkages. That will force them to start to follow those linkages. As such, credit to the Detective Services, they have also added this particular performance in the KPA of the detectives. So they are also being measured on how  
20 they follow those linkages. If they do not, they are being penalised, so they must always make sure that they follow them and investigate so that there must be outcome, what happened to those hits.

**ADV CHASKALSON SC:** But this is the first point, that the results of a match generated by ABIS get communicated to

the investigating officers on the ground. You have an automated system here that will then go to every SAPS police station in the country and if your investigation has now been linked through ABIS, you will get a notification automatically at your police station that this is the case.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And to go back to our earlier discussion, up until this point, although it may be two, three years since you asked for your first ballistics report, you  
10 would not know that the murder you are investigating is linked to two, three, four, five other crimes in different police stations.

**BRIGADIER MKHABELA:** Definitely, you would not know except the link that IBIS has generated and are communicated to the investigating officer, Commissioners.

**ADV CHASKALSON SC:** And for those two, three, four years, you would have been pursuing your investigation without any coordination with the other investigations into a related crime.

20 **BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Can we then move on to the audit trail? And can you discuss the audit provisions in the FSL system and the ABIS system that you described from paragraph 28 onwards?

**BRIGADIER MKHABELA:** Commissioner, with regard to

the IBIS system, for you to be able to gain access into the system, you must be registered with your biometric. In other words, if you are not registered with your biometric, you will not be able to access the IBIS system. And that is so that we can be able to know what happened on the system because the system keeps logs, who logged on at what time and what happened. So it is for that purpose, track and trace.

With the FSL system, you must apply for a  
10 password for you to gain access into the system. The password expires after certain days, and every time you must renew your password. So again, the password, no one is allowed to use someone's password in order to ensure credibility of the systems.

**ADV CHASKALSON SC:** And so at any given time, you can see the audit trail, both in FSL and in ABIS, of who did what when?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And is it possible to modify the  
20 audit trail? Does anyone have administrator rights that enable them to override or add anything to the audit trail?

**BRIGADIER MKHABELA:** That is not possible, Commissioners, because you will see whoever worked on the case, the logs will show. So you will still know if there was anyone who tried to do something on the case or

whatever on the system.

**ADV CHASKALSON SC:** My question is slightly different. Does anyone have the IT capability or the IT authority to modify an audit trail? Is there anyone with system permissions that would enable them to modify an audit trail?

**BRIGADIER MKHABELA:** Commissioner, the FSL system is managed by TMS. This is the administrator of the system. So they are administering the system, they are the ones that authorises passwords. So if there are any audit  
10 trails that need to be done, they will be the people that can answer in that regards.

**ADV CHASKALSON SC:** And who are TMS?

**BRIGADIER MKHABELA:** It is the division within the Forensic Science Laboratory that is responsible for Technology Management System.

**ADV CHASKALSON SC:** And do they manage both the FSL system and the ABIS system in relation to audit trails?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Thank you, Brigadier. We are  
20 now finally, with a lot of background, going to get into the audit trail and the events relating to the Vereeniging and Bramley cases. But I want to assure the Commissioners that the background is very important because one does need to understand in some detail how the system works before one goes into the specifics. So let us move to the

ballistics analysis in both Vereeniging and Bramley. And can you take up what you describe from paragraph 31 of your statement?

**BRIGADIER MKHABELA:** Commissioners:

10 “On the 17<sup>th</sup> of April 2024, a murder crime was reported and attended by Captain Makgotloe and Warrant Officer Masha, who were both on standby on that day. The members were called by Warrant Officer Malan, an SAPS official from LCRC, to attend the crime scene. The crime scene involved a murder of Mr Swart, who was shot while entering the premises of his employer. A murder case 275/4/2024 was registered for the Vereeniging case.”

Paragraph 32:

20 “While Captain Makgotloe and Warrant Officer Masha were busy processing the crime scene in Vereeniging, it was reported that suspects who shot and killed the deceased were arrested in Bramley and that the suspects were found in positions of firearms, ammunition and cartridges. CAS

number 149/04/2024 was registered  
under the Bramley case.”

**ADV CHASKALSON SC:** Brigadier, can I just stop you here? So Captain Makgotloe and Warrant Officer Masha were the members who were on standby and they had the cell phone that whoever was at a crime scene was instructed to call. So that is the basis on which they were called out to the crime scene.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

10 **ADV CHASKALSON SC:** And in terms of your policies, once the suspects from Vereeniging had been arrested in Bramley with possession of weapons, your policy dictated that those same two who had been assigned to the crime scene would now be assigned to the ballistics in relation to the Bramley arrests.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** If you can continue then?

**BRIGADIER MKHABELA:** The following entries were recorded on FSL system regarding the Bramley and the  
20 Vereeniging case. First we start with the Bramley. Lab number 19304/2024 was generated for the Bramley case. The following two entries were recorded on the FSL system for the Bramley case. The first entry, this relates to the firearms that were recovered when the arrest was made and this entry was assigned to Captain Makgotloe on the 20<sup>th</sup> of

May 2024. He analysed the case and the case was finalised on the system on the 6<sup>th</sup> of June 2024.

**ADV CHASKALSON SC**: Can I ask what would the finalisation of the case on the system, what would have had to have happened for the case to have been finalised on 6 June?

**BRIGADIER MKHABELA**: Commissioner, it means the case has gone through the stages of being analysed, being reviewed, being archived. Then the reviewer will then  
10 finalise on the system. It means the examination or analysis on this case is finalised.

**ADV CHASKALSON SC**: It has been reviewed, the 212 has now gone off to the investigating officers.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: Second entry.

**BRIGADIER MKHABELA**: Then the very same case was again at a later stage, this year not long, on the 3<sup>rd</sup> of June, again, an entry was registered on the very same case of Bramley with a request from the investigating officer. His  
20 request was that, can you please check if this Bramley case is linked to a number of cases that they were given? I did not give those cases here, but the request was that, can you check if this Bramley case is linked to these specific cases?

And that case was then assigned to one Captain

Mkhatshwa on the 3<sup>rd</sup> of June 2025. And he completed the examination and the case was closed on the system on the 26<sup>th</sup> of June 2025.

**ADV CHASKALSON SC**: And again, what would have happened, and we will hear from Captain Mkhatshwa either later today or tomorrow, but what would have happened by 26 June is he would have conducted his microscope analyses of the Bramley exhibits against cases other than Vereeniging. He would have reached his conclusions. He  
10 would have prepared a 212 affidavit.

Before he prepared the 212, he would have reached his conclusions. An independent analyst would have looked at the exhibits that he looked at, would have said, yes, I see a match here. No, I do not see a match there. I agree with your conclusions. He would have prepared a 212 affidavit. That 212 affidavit would have been reviewed by a reviewer. It would then have been signed off, sent back to the investigating officer who made the request to him, and on 26 June the entry would have been completed on the  
20 FSL system.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: If you can then take us to Vereeniging?

**ADV BALOYI SC**: Before you do that.

**BRIGADIER MKHABELA**: Yes, Commissioner.

**ADV BALOYI SC**: The timeline in 35.1, is that your standard timeline? So the entry is on the 23<sup>rd</sup> of April, and then a few days short of a month on the 20<sup>th</sup> of May the entry is then assigned to Captain Makgotloe, and then it is completed about a week or two weeks later on the 6<sup>th</sup> of June. Is that the standard timeline?

**BRIGADIER MKHABELA**: Commissioner, I would say that I have spoken about the request to expedite cases. So on this particular case, there were requests from the  
10 investigating officers.

**ADV BALOYI SC**: Is the answer that this is in fact not the standard, you usually take longer than this?

**BRIGADIER MKHABELA**: Considering the table that I have indicated there, Commissioner, it is not.

**ADV BALOYI SC**: Okay.

**BRIGADIER MKHABELA**: These cases were prioritised.

**ADV BALOYI SC**: And the same for the second entry, those timelines, it is because there has been those expedition requests?

20 **BRIGADIER MKHABELA**: That is true, Commissioners, that is true.

**ADV BALOYI SC**: Thank you.

**BRIGADIER MKHABELA**: The second entry was recorded, I am now on the Vereeniging case, 36. In terms of the Vereeniging case, lab number 193051/2024 was generated.

This lab number was generated on the 23<sup>rd</sup> of April 2024 in Pretoria, and it was – it relates to the receipt of cartridge cases which were collected on the scene of Vereeniging where the murder took place. There were cartridge cases on the scene.

Those cartridge cases were then assigned to Captain Makgotloe on the 8<sup>th</sup> of May 2024. He examined the case and issued a 212, and the case was completed on the system on the 6<sup>th</sup> of June 2024. Now, his 212 statement  
10 was dated the 24<sup>th</sup> of May 2024. That is when he completed his examination.

**ADV CHASKALSON SC:** Now, can I again stop here, sir? His affidavit would have been completed on 24 May, but for this – sorry, would have been deposed to on 24 May. But for the entry to have been completed on the system by 6 June, the affidavit would have had to have been reviewed and okayed, as it were, by a reviewer.

**BRIGADIER MKHABELA:** That is correct, Commissioners. You will hand in your case for review today. Depending on  
20 the availability of the reviewer, or the volume of work that they have, they might be able to review next week Friday, but your date on the report maybe is for today the 27<sup>th</sup> and the reviewer only get time to review it on the 31<sup>st</sup>. So, there is no correlation between the date of when the report was signed off and the date on which it was finalised on the

FSL system, Commissioners.

**ADV CHASKALSON SC:** But before 6 June, a reviewer would have had to have looked at that affidavit.

**BRIGADIER MKHABELA:** Certainly, when they finalised on the system, it means they have looked in that report first.

**ADV CHASKALSON SC:** If you can take us then to the second entry?

**BRIGADIER MKHABELA:** Then on the 25<sup>th</sup> of April 2024, in Pretoria again, a further entry was registered, which  
10 relates to now a bullet, which relates to the crime scene that Warrant Officer Makgotloe and Masha would have attended. Then he was assigned to this crime scene on the 20<sup>th</sup> of May 2024. He completed it on the 15<sup>th</sup> of May 2024, and it was finalised on the FSL system on the 27<sup>th</sup> of May 2024. This one relates to the crime scene report of the Vereeniging murder scene.

**ADV CHASKALSON SC:** And again, in terms of policy, that would have to have been assigned to Captain Makgotloe.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

20 **ADV CHASKALSON SC:** The third entry?

**BRIGADIER MKHABELA:** Then later on, around August, a bullet was sent to the lab, which was retrieved from the deceased which comes from mortuary And it was registered on the 12<sup>th</sup> of August 2024 in Pretoria And it was assigned to Captain Makgotloe again as a further entry on the 11<sup>th</sup> of

October 2024, and he completed it on the 14<sup>th</sup> of October 2024. And on the 23<sup>rd</sup> of October 2024, it was finalised on the system.

I must just, by way of comment, just make the following remarks with regard to this bullet, especially the date, which I want the investigating officer also to take note. The incident happened on the 17<sup>th</sup> of April 2024. Now, one expects that the deceased will be taken to the mortuary, where autopsies will be completed, and the bullet  
10 will be retrieved. But when we check the date when the bullet was brought to the lab, it was almost after three months.

Now, one asks himself, where was that bullet between that period if the incident took place on the 17<sup>th</sup> of April 2024 but the bullet was only handed over to the laboratory on the 12<sup>th</sup> of August 2024? May, June, July, August. So those are some of the things that also put us under pressure, because when the IO wants the report, they will not consider the part that they played in order to delay  
20 the case.

They will want you to finalise the case now. But when you check the timelines, surely the autopsy was not performed around August. I do not think so. So surely the bullet was lying somewhere, and someone delayed to deliver it in the lab, just by way of passing, Commissioners.

**ADV CHASKALSON SC:** Have you established when the post-mortem was conducted?

**BRIGADIER MKHABELA:** I am just working on the timelines. If the deceased was shot on the 17<sup>th</sup> of April, surely it could not have taken three months for autopsy to be conducted on the body to remove the bullet.

**CHAIRPERSON:** Sorry, Commissioners.

**ADV CHASKALSON SC:** We are now going to move to the ABIS acquisition for the Vereeniging-Bramley cases, and  
10 this is quite a complicated section. Chair, we are at 12:55. I wonder if it might make sense to take the adjournment now, rather than to start and then interrupt the section.

**CHAIRPERSON:** Let us adjourn and resume at 14:00.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV CHASKALSON SC:** Good afternoon, all. We are about to resume. Please remember to switch off your phones. Thanks so much.

**CHAIRPERSON:** Yes, Mr Chaskalson.

20 **EXAMINATION BY ADV CHASKALSON SC**

**(CONTINUES):** Thank you, Chair. Brigadier, we were about to start on the ABIS acquisition for the Vereeniging and Bramley cases at paragraph 39. And can you take the Commission through the process by which the Vereeniging - sorry, the first Bramley case was put onto ABIS. It is what

you address in paragraph 39.

**BRIGADIER MKHABELA**: Thanks, Commissioners. Commissioners, on the 6<sup>th</sup> of September 2024, the samples which were analysed by Captain Makgotloe were acquired on ABIS system by Warrant Officer Modise. She used the ballistics lab number 193045/2024 belonging to the Bramley case. As per standard procedure described earlier above, an ABIS lab number ought to have been generated for the acquisition of these samples.

10            However, due to the urgency in processing the ballistics analysis, Captain Makgotloe requested for acquisition of the sample prior to case management section generating an ABIS lab number. And as a result, the case was acquired without generating a ABIS lab number. Hence, it was acquired using the ballistics lab number. I attached the images from the ABIS system which were printed out indicating the images which were acquired on the 6<sup>th</sup> of September 2024, marked as Annexure MNM1.

**ADV CHASKALSON SC**: Brigadier, we have already gone  
20 to those images, but maybe if we can just quickly go back. It is page 1 of the annexure bundle. And first, can you just point the Commission to where the case number is under which it is acquired on the system?

**BRIGADIER MKHABELA**: Commissioner, on page 1 of 1, under the case number PTA193045/2024(1), that is the lab

number of the Bramley case 14904/04/2024 at the top where it says case details.

**ADV CHASKALSON SC:** And if I understood your evidence correctly, that is the PTA193045/2024 number is the number that was assigned to it by the forensic, the FSL registration and not the ABIS registration. And ordinarily, you would have an ABIS registration number there as case number, but the FSL number was used in this case.

**BRIGADIER MKHABELA:** That is correct. That is correct,  
10 Commissioners.

**ADV CHASKALSON SC:** And then to go lower down, if we look at the creation date under cartridge case exhibit details, or even the case details, let us not go low down. The creation date under case details, it is 9/6/2024 at 11:01:33.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** Which would be 6 September on the North American dating system.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

20 **ADV CHASKALSON SC:** Then if you go to paragraph 40, you talk about this period of 24 May to 6 September. Can you just address the Commission on whether this three, well, not 3 months, yes, just over 3 months, 3 and a half months actually, period from the conclusion of the affidavit on 24 May and the entry into the system on 6 September is

an ordinary time period, a quick time period, a slow time period?

**BRIGADIER MKHABELA:** Commissioner, if we may just look this in conjunction with a paragraph which is still coming where the specimen was eventually registered at ABIS. Given an ABIS lab number, one will realise that had this specimen followed the normal procedure by following the normal queue, it would have been acquired around December if the member did not request that it must be  
10 expedited because we have records that it was only registered on the 3<sup>rd</sup> of December.

No, no, no, sorry, my apologies for that. It was only registered on the 2<sup>nd</sup> - it was only - the lab number was created on the 8<sup>th</sup> of November 2024. That is on paragraph 41. So, if you check when it was acquired, then it was acquired on the 6<sup>th</sup> of September 2024. Not after being registered. After being registered, it was only registered on the 8<sup>th</sup> of November. So, if one can conclude that it would have only been acquired in December if it followed the  
20 normal conveyor belt as I explained it to Commissioners.

**ADV BALOYI SC:** I thought the question was, unless I misheard it, is to try and get an explanation for the lapse of time. So, you have got the section 212 affidavit at the end of, in May 2024. And then you say that Captain Modise, I think it is, gets this, you say then on the 6<sup>th</sup> of September,

the samples analysed are then acquired by Officer Modise. The explanation for the lapse of time between the end of May and September, and considering that this is being done on an expedited basis, what is the explanation for that?

**BRIGADIER MKHABELA:** The only explanation is that upon handing it for IBIS acquisitions, we only have the date that we are working on, which is the 24<sup>th</sup> of May 2024.

**ADV CHASKALSON SC:** Sorry, can I just intervene here? Because 24 May is when the 212 was signed, but the  
10 completion at FSL was actually 6 June. So, the reviewer signed off and completed on 6 June. So, it is exactly 3 months from 6 June to 6 September. And the question really is, why would it take from 6 June to 6 September to enter the ABIS system?

**BRIGADIER MKHABELA:** Yes, through my analysis of precisely that, because it was also a concern for me that if you requested it to be expedited, then why 3 months only later? So, when I listened to the explanation and look into the events, how they unfolded, I could understand. I  
20 mentioned about a bullet which was retrieved from the deceased, which was sent to the lab.

Let me just refer back on the 12<sup>th</sup> of August 2024. What seems to have happened here along the way, immediately when the member completed the case on the 24<sup>th</sup> of May 2024, at that point, there was not much

pressure coming from either the investigating officers with regard to the urgency of the case. We know that there was a murder, it was treated as a murder like any other murder.

So, along the way, calls started coming when the bullets came. So, during that period when he completed it, it would seem that that was later on, immediately the bullet came. So, he waited to finalise the bullet in August and when he handed over for acquisition which took place on the 6<sup>th</sup> of September it was after he has completed the  
10 examination on the bullet which was received on the 12<sup>th</sup> of August. So, that was the explanation which could address as to why that period.

**ADV CHASKALSON SC:** But that cannot be the explanation because the bullet comes in in August, but the 212 in relation to the bullet, if I get it, if I remember correctly, was dated 14 October. So, he had actually entered the file into ABIS on 6 September before he completed his ballistics examination in relation to the bullet. We will get a copy of that 212 from the case file, but I am  
20 fairly certain that the data of the - I mean, if we go back to the entries that you discussed earlier, the ...[intervenes]

**ADV KHUMALO SC:** It is 37.3.

**ADV CHASKALSON SC:** I beg your pardon, Commissioner?

**ADV KHUMALO SC:** I am saying, are you looking for

paragraph 37.3 on page 17?

**ADV CHASKALSON SC:** The third entry, indeed. The entry only gets assigned to him on 11<sup>th</sup> of October, and he issues his 212 on 14 October, and the entry is completed on 23 October. So, the bullet happens after ABIS acquisition on 6 September. You do address, I mean, if you look at the top of page 19, you speak to a bottleneck that we actually did not address earlier, which is - which you address in paragraph 40 at the top of page 14, which is, well, maybe if  
10 you can just, just consider that paragraph and maybe read for the Commission what you state in that sentence that says in this regard.

**BRIGADIER MKHABELA:** Just again, Commissioner?

**ADV CHASKALSON SC:** It is paragraph 40 of your affidavit, starts on page 18, but it seems to me that the critical point is, is the last few sentences of that paragraph, where you deal about the bottleneck on getting into ABIS, just for registration, not for acquisition by the system.

**BRIGADIER MKHABELA:** The one who started with  
20 turnaround times?

**ADV CHASKALSON SC:** Let me take you to, to this point that you make. You say that the ABIS system at head office receives on average 1 700 samples per month to enter into ABIS. With a current full complement of ABIS analysts working full-time on the process, the section has the

capacity to enter approximately 1 300 samples per month. So, the existing batch log at head office is continuing to grow at the rate of approximately 400 samples per month. Now, what are you talking about here? Is that acquisition on the system, or is it about simple registration at ABIS? What are we talking about there?

**BRIGADIER MKHABELA**: Thanks, Commissioner. In this paragraph, I was referring to the actual acquisitions of the specimens after all the admin – the administration has been  
10 completed.

**ADV CHASKALSON SC**: I hear you. So that issue there, 1 700 samples, an increasing backlog that increases by 400 per month, deals with acquisition, which is what took place on 6 September 2024.

**BRIGADIER MKHABELA**: That is correct, Commissioner. That is correct.

**ADV CHASKALSON SC**: And is there any way of, I mean, if you want to fast-track an individual file, is there a way of getting your file acquired sooner than 3 months?

20 **BRIGADIER MKHABELA**: The only way is when you jump the queue and pressurise whoever is available to acquire it as speedily as possible, but you will have to jump the queue, Commissioners.

**ADV CHASKALSON SC**: But on what you say in paragraph 39, Captain Makgotloe did actually jump the queue, because

if he had not jumped the queue, we would not have a ballistics lab number, 193045. In the ABIS system, we would have had the regular ABIS lab number that was eventually assigned on 8 November.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** So, he jumped the queue after 3 months, as it were.

**BRIGADIER MKHABELA:** Yes, it is also something which, like I said, I also had to apply my mind and see what  
10 actually happened. But in reality, if you check the flow of work coming, it is possible. And when you consider when the case was eventually registered under normal circumstances.

**ADV CHASKALSON SC:** Can we then move to the acquisition of the ABIS lab number? And that you address in paragraph 41.

**BRIGADIER MKHABELA:** As indicated above, the Vereeniging and Bramley samples were acquired in the ABIS system prior to an ABIS lab number being generated  
20 by the case management section. However, the case management section still, at a later state, generated lab 565427/2024 on the 8<sup>th</sup> of November 2024. I referred to this earlier on.

**ADV CHASKALSON SC:** Can I ask, how would that have happened? We have got Captain Makgotloe bringing the

file and jumping the queue in September. How would an ABIS lab number then get - how would the file go back into the system so it gets an ABIS number? What physically would have happened?

**BRIGADIER MKHABELA:** Commissioners, the case files are managed by case management section. Once a case has been finalised, it goes to case management, either for dispatching, scanning of the 212 report and dispatching of the exhibit and for archiving. Because for the ABIS lab  
10 number to be generated, a sticker must be affixed on the front page of the case file on the far right.

So, if this is a ballistic case file, for example, you will have one sticker on your left and one sticker on your right. The sticker on this side will be the ballistics with the lab number and the one on the right will be the IBIS lab number. So, as they process those case files, they will check. The one that do not have the sticker, according to them, it means there is still some work outstanding.

It still, it means it must, they must still generate an  
20 IBIS lab number on that particular case file. So, the only logic is that once the member who acquired the specimen under the ballistic lab number, once she is done, she returned the case file to case management. But because there was no explanation, case management saw it as like all the other cases that must still go to IBIS for registration.

Hence, they generated a lab number on the 8<sup>th</sup> of November 2024. That lab number, then therefore, because there was a lab number of IBIS, it has to again follow the process to be acquired. And only then, when the operator was supposed to acquire, when she opens the case file, she realises that this case has already been acquired in the IBIS system.

**ADV CHASKALSON SC:** Can I just stop you there? This, this case officer would then be Warrant Officer Sihlangu. Is  
10 it pronounced Warrant Officer Sihlangu or Shligangu?

**BRIGADIER MKHABELA:** Sihlangu.

**ADV CHASKALSON SC:** Sihlangu. Several of your experts, not your experts, your officers yesterday were using Shligangu. So, Warrant Officer Sihlangu gets this file again on 2 December 2024. How would she, at that stage, know that it is already gone through the IBIS database?

**BRIGADIER MKHABELA:** Commissioners, there is a lock that is attached inside the case file, which keeps a record of the dates that are open events. So it is like a diary that  
20 is attached inside the case file, where you record everything that is happening with that case. So obvious, when you open, surely you should have seen, you could have realised that, that there are records that a sealed bag was open and the space means were acquired. Therefore, I need not proceed with this case.

**ADV CHASKALSON SC:** If you can then continue.

**BRIGADIER MKHABELA:** The person who generated this lab number, I have explained this, did not have sight of the fact that the samples had already been acquired on the IBIS system. And then on the 2<sup>nd</sup> of December 2024, the same lab number 565427/2024 was assigned to Warrant Officer Sihlangu. We have already explained this for acquisition purposes.

Upon realising that the specimens for the  
10 Vereeniging case were already acquired on IBIS through ballistic lab number 193045/2024 related to the Bramley case. She did not proceed with the acquisition of the specimens as the specimen already existed on the IBIS database. She then took the case to Warrant Officer Mbiza for review.

She is responsible for review. And on the 3<sup>rd</sup> of December, Warrant Officer Mbiza then cancelled the number 565427/2024 on the FSL system. And the reason given in the system reads incorrect registration. So,  
20 Commissioners, what was cancelled was an entry on the FSL system, which was not supposed to have been created in the first place.

**ADV CHASKALSON SC:** And if you can just explain that, why was this entry 56427/2024, one that should not have been created in the first place?

**BRIGADIER MKHABELA:** In the first place because the specimens were already acquired using the ballistics lab number. So, if the members had sight to that, they could not have proceeded to register a lab number again.

**ADV CHASKALSON SC:** Can we then just look at the registration screenshots that you attach as Annexure MNM2 from page 11 of the annexures file? And the - can you describe what we see on the first page of that annexure, page 11?

10 **BRIGADIER MKHABELA:** Commissioners, this is a printout from the FSL system, which contains the records of this particular case. It gives you the lab number of the case, the entry number, and the person to whom the case was assigned to. And then it gives you the details of the section IBIS. It also gives you the reason why the case was cancelled and the comment cancelled, then the reason why it was cancelled.

**ADV CHASKALSON SC:** And then if we go over the page.

20 **BRIGADIER MKHABELA:** When you go over the page, it is another window that you open on the system. It gives you the lab number of the case, the person to whom the case was assigned, the section. Now it gives you all the details. Now the date when the case was registered, the date when it was assigned, and the date when it was completed, and the reason for completion, and the person who completed it

on the system.

**ADV CHASKALSON SC**: And there we see that cancellation is recorded as having been completed on 3 December 2024 by Mbiza.

**BRIGADIER MKHABELA**: That is correct, Commissioners.

**ADV CHASKALSON SC**: And the third screen on page 13?

**BRIGADIER MKHABELA**: This is just the same window, but in a magnified, and it does not give the entire information, but it is the same window print out,  
10 Commissioners.

**ADV CHASKALSON SC**: Can you then describe the entries that are recorded on the FSL's admin system regarding the Bramley and Vereeniging cases in KZN? Because you spoke earlier of entries not just at head office, but also at KZN.

**BRIGADIER MKHABELA**: Commissioner, at a later stage, the system will show that the Bramley case was then referred to KZN for further examination. When it arrived in KZN, they generated a new lab number, lab number  
20 469673/2024. This case was registered on the 13<sup>th</sup> of September 2024 in KZN, and it relates to the exhibits firearms which were recovered from the Bramley when the suspect was arrested. And this entry was then assigned to Warrant Officer Kader. He is stationed in KZN Ballistics. He finalises the case on the system on the 4<sup>th</sup> of October

2024.

**ADV CHASKALSON SC:** And the Vereeniging case?

**BRIGADIER MKHABELA:** The Vereeniging case, again, it was also sent down to ballistics in KZN, and a lab number was generated for the same case, 634383, which was generated on the 10<sup>th</sup> of December 2024. This was relating to firearms, and the entry was assigned to one Captain Mkhathshwa on the 11<sup>th</sup> of December 2024, and it was finalised, it was Captain Mkhathshwa must just state that he  
10 was deployed from our office to assist the Political Killing Task Team in KZN at that time. The system was finalised on the system on the 7<sup>th</sup> of January 2025, Commissioners.

**ADV CHASKALSON SC:** And the ABIS acquisition in KZN?

**BRIGADIER MKHABELA:** Commissioners, the Vereeniging and Bramley cases in KZN were also acquired on ABIS system. A lab number 469673/2024 was generated for the Bramley case in KZN, and it was acquired by Warrant Officer Mkhize from KZN using lab number 507815/2024. On the 16<sup>th</sup> of January 2025, the Vereeniging case with lab  
20 number 634383/2024 was again acquired by the ABIS in KZN on the following lab number 16554/2025 and acquired by Warrant Officer Mzimela.

**ADV CHASKALSON SC:** And the ABIS number for that acquisition?

**BRIGADIER MKHABELA:** It is 16554/2025,

Commissioners.

**ADV CHASKALSON SC:** And those are the only entries in the audit trails on the FSL system and the ABIS system if we go back from paragraphs 41 to 48, you have described all of the entries on the audit trail of the ABIS and FSL system for these two files.

**BRIGADIER MKHABELA:** In KZN, yes, Commissioner.

**ADV CHASKALSON SC:** No, no, because if you go back to 41, sorry, you are right. I need to take you further back. It  
10 is from paragraph 33 on page 15 to paragraph 48 on page 21. You have described every single entry on the audit trails on the FSL and ABIS systems for these two cases, be it in head office or KZN.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And to the best of your knowledge, it is not possible to tamper with those audit trails.

**BRIGADIER MKHABELA:** Not possible, Commissioners.

**ADV KHUMALO SC:** Adv Chaskalson, can I ask you a  
20 question here? Brigadier, if the system in Pretoria works so well, why did the two cases end up in KZN? What is the reason for that?

**BRIGADIER MKHABELA:** Commissioner, it is a question that I am also asking. I am asking myself that question, Commissioner. And I do not have an answer,

Commissioner, because myself as the custodian of cases in the Head Office Pretoria, if there is any request must go through my office and there must be a reason. If the client is not happy with my service, I have got a procedure to attend to client's complaint.

So, if it was because there was some unhappiness, there is a procedure to deal with that unhappiness. But in this instance, it only came under my attention at a later stage that cases were in actual fact being committed  
10 between the two labs on a regular basis. So, I cannot give an answer as to what was the reason for that, Commissioner.

**ADV KHUMALO SC:** If I remember the evidence of the investigating officers, it was suggested that at least in the affidavits there were some omissions, either deliberate or negligent, I cannot remember. And the ballistics reports were not done properly. Hence it was resolved that the cases be taken to another lab in KwaZulu-Natal. Are you aware of that?

20 **BRIGADIER MKHABELA:** I only came aware after this year, and I attended to it. I am sure it is my statement. But we have a procedure. If that was the case, it happens, then we would deal with it. So, if that was the reason, but I was not informed when they were taking them as to what was. I only found out when it was brought under my attention that

those cases were in KZN. That is when I happened to know about those cases, Commissioner.

**ADV KHUMALO SC:** Are you aware that in the 112 affidavits there were omissions relating to, I think, the 15 cartridges that were recovered in Bramley?

**BRIGADIER MKHABELA:** Commissioner, I am aware that there were typos.

**ADV KHUMALO SC:** No, not typos, omissions.

**BRIGADIER MKHABELA:** Commissioner, I would like to  
10 explain, if I may be given an opportunity, what was said to the Commission, what were they. I will have to refer to the statement because it will explain exactly what happened. If I may just give a leave to open that statement, Commissioner. It will be, Evidence, Leader, it will be MN4, an Annexure MN4.

**ADV CHASKALSON SC:** That is the report on a non-conformance report.

**BRIGADIER MKHABELA:** That is correct, Commissioner, and then you go to the statements on page 25.

20 **ADV CHASKALSON SC:** So, this document, can you just explain to the Commission what this document is? So, to start off, you just confirmed it is a non-conformance report. When was it produced?

**BRIGADIER MKHABELA:** The non-conformance?

**ADV CHASKALSON SC:** Yes.

**BRIGADIER MKHABELA:** Commissioner, it is in my statement. There was an incident, and I was visited by the investigators on the 8<sup>th</sup> of January 2025. I am sure I am ahead of the evidence leader on this one 8<sup>th</sup> of January 2024, which is covered in my statement on page 24.

**ADV CHASKALSON SC:** And what was their complaint to you?

**BRIGADIER MKHABELA:** Commissioner, their complaint was that they came to look for a statement which they have  
10 discussed with the analysts. Their concern was that there were omissions of results in the statement. I then asked them to give me a copy of that statement. Upon perusing the statement, which is on page 18, I realised that it was a statement ...[intervenes]

**ADV CHASKALSON SC:** Can I take you back, Brigadier? It seems that their complaints were - you have raised a complaint about omissions in the results. There is other - I mean, if one looks at the top of page 25, there are other complaints. There is a complaint about discrepancies in the  
20 initial affidavit, which would be the May 2024 affidavit, and the backdating of the amended affidavit that sought to address the initial problems.

**BRIGADIER MKHABELA:** That is correct.

**ADV CHASKALSON SC:** And there was an underlying complaint also about an omission of results, and an

omission of reference to other matches or other hits. Is that correct?

**BRIGADIER MKHABELA**: That is correct, Commissioner.

**ADV CHASKALSON SC**: What was your response to these complaints?

**BRIGADIER MKHABELA**: I requested them to produce the report which I went through in their presence. And indeed, I could see that there were typing errors.

**ADV CHASKALSON SC**: Why do you describe them as  
10 typing errors?

**BRIGADIER MKHABELA**: First thing, Commissioners, I will go to the pages. When I checked, because they were saying that the findings of the 15 cartridge cases of AK-47 were not done. There was no reference to those findings. So, I said, then I checked the statement. The first thing that I saw, I wanted to see if, under the statement, did the analyst do the work. So, when I checked on paragraph 10, firstly, under the microscope, maybe I will take the  
Commissioner slowly so that they can understand because  
20 you will not see it immediately. If you go to paragraph 10, I will read it for the record:

“I examined the 5 cartridge cases.”

**ADV CHASKALSON SC**: Sorry, Brigadier, just because we are going to look at least two versions of this affidavit and possibly a third, can you just indicate where you are

reading from and I think you are reading from page 25 of the annexure bundle.

**BRIGADIER MKHABELA**: That is correct, Commissioner.

**ADV CHASKALSON SC**: And that is a copy of the original report that was furnished in May 2024.

**BRIGADIER MKHABELA**: That is correct, Commissioner. I examined the 5 cartridge cases and bullets mentioned in paragraph 3.1, paragraph 3.4, paragraph 4.9. I have cycled 4.9. I will come back to that. Paragraph 4.10, paragraph 10 4.11, and tests mentioned in 7.2 and 7.5. And compared the individual and class characteristics markings transferred to them by the firearm components during the firing process using a comparison microscope and found I am going back to that 4.9. If you go to the statement and check the exhibits mentioned in 4.9, I will give the paragraph now, 4.9. 4.9 on page 23 is the 15 7.62 by 39-millimetre calibre fired cartridge cases and mark them AA3A2AA30.

**ADV CHASKALSON SC**: Can I just stop there, Brigadier? Those are 15 AK-47 cartridges in the Bramley case that 20 were found in possession of the suspects when they were arrested in Bramley.

**BRIGADIER MKHABELA**: That is correct, Commissioner. Now, when you go back to that paragraph that I read, 10, the analysis is telling you that I compared these cartridge cases with the tests which are mentioned here. Now, let us

look at paragraph 10.2 and 10.6 simultaneously. 10.2 and 10.6. If you check there, it says the cartridge on 10.2, the cartridge cases mentioned in 3.4.

I have cycled the 3.4. You go to 10.6. It says the bullet core mentioned in 3.4. Again, so you have got 3.4 there. That tells you that you have got a problem. Now, when you go to 3.4 to see the description of the exhibit in 3.4, 3.4 described the exhibit as two 7.62-millimetre calibre-fired bullet cores and marked them lab number AA3 and 10 AA9. Those are bullet cores. So, the findings of the bullet core are in 10.6. It says:

“The bullet cores mentioned in 3.4 are not suitable for microscopic comparison due to damage.”

So, we know that those cores are unsuitable for comparison. So, if we go back to paragraph 10.2, he started the sentence by saying the cartridge cases mentioned in 3.4. We have already dealt with 3.4, and we know it is not cartridge cases. Those are bullets, and they 20 are unsuitable for microscopic comparison. But this paragraph says these cartridges cases mentioned in 3.4 were fired in the firearm mentioned in 4.1. If we go to the description of the exhibit in 4.1, it says:

“One 7.62-by-39-millimetre-calibre AK Model 47 assault rifle with serial

number 575363 with 4 magazines.”

He is saying now these cores mentioned in 3.4 were fired by this AK. And we know now that there is no way you can compare them because they were unsuitable for comparison. So, the mistake is glaring. And now can it be interpreted – can it be interpreted as tampering? I say I have a procedure in place to investigate when we come across such incidences.

And the procedure is to register a nonconformance,  
10 investigate, the investigation will tell you what happened. And in these instances, Commissioners, upon receiving this complaint, I immediately embarked on that process to have this matter investigated. We registered a nonconformance, which is also attached under the same annexures. And through the investigation, we end up retrieving this report because it is wrong and replacing it with the correct where there is reference to these 15 cartridge cases and the AK-47. Hence, I am saying only through the investigation you can tell whether the mistake was deliberate, tampering, but  
20 it was investigated and corrective actions were implemented, Commissioners.

**ADV KHUMALO SC:** Just to be clear, the mistake in 10.2 on page 25. 10.2 should have read as follows:

“The cartridge cases mentioned in 4.9 were fired in the firearm mentioned in

4.1.”

That is how it should have read.

**BRIGADIER MKHABELA**: That is how it should have been read.

**ADV KHUMALO SC**: So, the 15 cartridge cases in paragraph 4.9 were omitted or there was an error there, however you want to characterise it.

**BRIGADIER MKHABELA**: I had to go further to check the comparison mark form in the case file with the handwritten  
10 notes. I noticed that in the microscope the member confirmed the cartridge cases, and he has written notes that these 15 cartridge cases were fired from this firearm. So, the only question is when he transferred the results into the affidavit he made an error with the paragraphs. That was my explanation. That is my explanation, Commissioners.

**ADV CHASKALSON SC**: It seems to me there are two possibilities. The one possibility is it was a sloppy error that in recording what happened to the cartridges that he mentioned cartridges and bullets mentioned in that first line  
20 of paragraph 10 the Warrant Officer Makgotloe instead of writing 4.9 wrote 3.4 and just got the cross-reference wrong. That is the one possibility.

The other possibility is that it was deliberate, and it was an attempt to sabotage not the investigation but the prosecution. But I want to interrogate the second

possibility because that is certainly how it was perceived by the investigating officers. But it seems to me that if you were going to sabotage the investigation or the prosecution this way it would be rather strange because if you look at what else he says in his reports, bear in mind that what he should have said in 10.2 is the 15 cartridge cases that were found in Bramley which was not the crime scene of the murder were fired in the AK-47 seized in Bramley.

That is what he should have said. Instead, he said  
10 something that ultimately is clearly self-destructive. But look at what he said in 10.1. He said the bullets mentioned in 3.1, 3.3 and if we go back to 3.3 the bullets mentioned in 3.3 are AK-47 bullets retrieved from the scene of the murder. You will see that at page 22. They are in the Vereeniging file, and it is paragraph 3.3.

So, he positively confirms that the AK-47 bullets at the scene of the murder are fired from the AK-47 that the suspects are caught with. That seems to me the single most important finding in relation to the AK-47 in terms of  
20 linking the suspects to the murder in Vereeniging and that he confirms. But he goes further. He mentions in 10.3 the cartridge cases mentioned in 3.1 that is the Parabellum, the 9-millimetre cartridge cases found at the scene in Vereeniging and 4.11 that we see at 23 that is one fired cartridge case found in Bramley.

So, both cartridge cases found both at the murder scene in Vereeniging and at the arrest in Bramley are fired from the firearm mentioned in 4.7 which I think is the Taurus firearm which was seized from the suspects. Again, if you are looking to sabotage the prosecution or the investigation it is strange to tie the suspects to cartridge cases found on the scene of the murder and a cartridge case found in their possession at the time because that would definitely link them to the murder scene.

10           Then similarly 10.4 the bullets mentioned in 3.2 these are four 9-millimetre calibre bullets found on this murder scene at Vereeniging. He confirms that they are meant to be fired from the firearm in 4.7, the Taurus firearm. So, he has tied the suspects to the murder scene with his conclusions in respect to the Taurus and the AK-47. What he has not done is tied the gun in the possession of which the suspects were found to cartridge cases that were also found in their possession at the time.

20           It seems to me that of all of the findings that one would need to convict these people the one that is of least value is to show that when you arrest them and they are carrying empty cartridge cases and a rifle the empty cartridge cases were fired from the rifle. You know that they had both the empty cartridge cases and the rifle at the same time.

That seems to me the least important of all of the conclusions and that is the one that he got wrong. It does seem to me that viewed in isolation this error certainly does not of its own point to a deliberate attempt at sabotage but there are other mistakes that may make the situation different. So let me take you to ...[intervenes]

**CHAIRPERSON:** Do you not want the witness to comment ...[intervenes]

**ADV CHASKALSON SC:** Can you comment on what I put  
10 to you in relation to whether this is deliberate sabotage or just a sloppy error?

**BRIGADIER MKHABELA:** Thank you, Commissioners. My emphasis on the 10.1 the bullet. In the ballistic language when one is able to link a bullet with a firearm that for us is a big plus for the case as compared to the cartridge. I am not undermining the cartridge cases but a bullet in most cases is removed from the deceased. So, if you can be able to link the firearm to the bullet which was removed from the deceased you have undoubtedly placed the firearm  
20 on the scene. And under these circumstances this is what the member has done. And I am sure if he did that with a mind to sabotage his brains need to be examined. There is something wrong with him. Because the evidence suggests otherwise, Commissioners.

**ADV CHASKALSON SC:** I just need to correct you on one

issue there, Brigadier. These bullets were found on the scene but not in the body of the deceased. Remember that the bullet in the body of the deceased is the subject of a separate report on the 14<sup>th</sup> of October. But for the record we will look at that report with Captain Mkhathswa. But for the record that report also prepared by Captain Makgotloe confirms that the bullet taken out of the body of the deceased was linked to I think it was the AK-47. It may have been the Taurus pistol. But we will deal with that with  
10 Captain Mkhathswa tomorrow. These bullets were bullets picked up on the crime scene. They were not recovered from the body of the deceased.

**ADV BALOYI SC:** If you are moving on can I just ask on this?

**ADV CHASKALSON SC:** I am not moving on from the report as a whole but I am moving on from this section of the report.

**ADV BALOYI SC:** That is my question. Thank you. Brigadier and it is really me trying to understand to follow  
20 your evidence the cross referencing that you are doing between the different paragraphs 3, paragraph 4 and then where the findings are made what does it mean that in paragraph 3 for example he says I received an intact sealed evidence bag and then he gives a number right?

**BRIGADIER MKHABELA:** Yes.

**ADV BALOYI SC:** And then he describes what he found in that number and as I understand it of interest has been 3.4 sub paragraph 3.4. And then you go to paragraph 4 it is a completely different bag where he describes what is in that bag. It is a different number, and he describes what he found there and in fact in particular 4.1 he says a sealed evidence bag which is something that we are discussing now and he gives a number there in 4.1.

And then you go to 4.9 it is a different number.  
10 Now given the cross referencing where you were referred at page 25 to 4.9 and you have done the cross referencing to show us that in fact, he did do the examinations, and you have accounted for them what does it mean that there are different numbers to this? Because in my mind it suggests he had different specimens in sealed evidence bags.

**BRIGADIER MKHABELA:** That is correct Commissioner because these were two cases. He had the Bramley case and the Vereeniging cases and each of the exhibits were packaged separately in a tampered sealed bag. So, he was  
20 referring to those sealed bags as he opened them and as he received them Commissioner.

**ADV BALOYI SC:** So, 4.9 as I say it has it is own bag number, right? It has it is own sealed evidence bag number. Where does one see from your explanation that he has made findings about what was in that bag which has a

number ending 207?

**BRIGADIER MKHABELA:** I read paragraph 10 where he is now giving his findings and in that paragraph that is where now he referred to all the microscopic comparison that he was doing he was conducting and he made reference to that paragraph 4.9 which tells me that it was part of his microscope work on paragraph 10. I said he mentioned all the paragraphs with cartridge cases bullets which were supposed to have been compared with the test and that 4.9  
10 appears on that paragraph it means he worked on it as well.

**ADV BALOYI SC:** So, do you say 4.9 appears in paragraph 10?

**BRIGADIER MKHABELA:** Paragraph 10 yes, Commissioners.

**ADV BALOYI SC:** Where in the findings in paragraph 10 does it appear?

**BRIGADIER MKHABELA:** He starts with a preamble of what he is going to do.

**ADV BALOYI SC:** Of what he examined?

20 **BRIGADIER MKHABELA:** Yes.

**ADV BALOYI SC:** And then from 10.1 ...[intervenes]

**BRIGADIER MKHABELA:** From 10.1 it started to be now specifics.

**ADV BALOYI SC:** Yes, and that is the part I am not understanding, and it may well be it is me where you say he

has made findings about the specimen in paragraph 4.9 right? So, he says I examined 4.9 the casings or the cartridge cases that are in paragraph 4.9 and then one goes to 4.9 to see what is in 4.9 and what you find in 4.9 is 15 7.62 by 39 calibre fired cartridge cases. So, we know that is what is examined and that is what he tells us in the first line.

**BRIGADIER MKHABELA:** Yes, Commissioners.

**ADV BALOYI SC:** And then my reading of the rest of that  
10 paragraph 10 is from 10.1 to 10.6 he then tells us what findings he made in respect of those cartridge cases that he examined.

**BRIGADIER MKHABELA:** Yes, Commissioners.

**ADV BALOYI SC:** What I am not understanding is where in this 10.1 to 10.6 do you say he makes findings about what is described in 4.9.

**BRIGADIER MKHABELA:** Thanks Commissioner. That is where I was referring to paragraph 10.2 and 10.6 and said that he referred to 3.4 in paragraph 10.2 and he also  
20 referred to 3.4 in paragraph 3 in paragraph 10.6. Then I said it does not make sense that he will refer to the same paragraph in two different findings. He cannot say it is in paragraph 10.2 cartridge cases mentioned in 3.4 and again he cannot say the same with paragraph 3.4 in paragraph 10.6 the bullets caused mentioned in 3.4.

That in itself is a problem because it tells you 3.4 on paragraph - how possible is that you compare this exhibit in 3.4 and you made findings in two different - you made findings on the same exhibit twice? So, the only explanation is that on paragraph 10.2 it was supposed to be 4.9 as opposed to 3.4 because we now know that 3.4 are not cartridge cases. 3.4 refers to bullet core and we are saying that those bullet cores were unsuitable for microscopic comparisons. So, if he referred to the 3.4 in 10 10.2 definitely that is a mistake. As to how do you attribute that mistake is something else. That is what I was saying Commissioners.

**ADV KHUMALO SC:** And the reviewer missed the mistake. I am assuming the 1.1.2 was reviewed sorry 2.1.2.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV KHUMALO SC:** In terms of the process you described this morning you said these statements or affidavits would be reviewed. So, are you saying the reviewer also missed that mistake?

20 **BRIGADIER MKHABELA:** Commissioner when I checked the case file the review checklist was signed by a reviewer. So, no doubt the reviewer also missed this and not only this one they also missed if you check on paragraph 13.5 instead of saying 24 March May they say 24 March. 13.6 instead of saying 24 May he says 24 March. So, both the

reviewer and the member missed those mistakes  
Commissioner.

**ADV CHASKALSON SC**: Brigadier in fairness to the  
reviewer we have seen the case file again it was something  
I was going to address with Captain Mkhathshwa. The  
reviewer actually did not sign off on this file, on this report.  
The reviewer was asked to sign off and circled no and gave  
a set of instructions of errors and cross referred to errors  
that she had put in the Vereeniging case file indicating what  
10 had to be corrected.

So, the reviewer in fact was not at fault here. The  
reviewer identified errors, but the question still remains how  
did this report go out when the reviewer had said no, and  
errors were not corrected? The reviewer did not sign off a  
second time. It is an issue we will deal with through  
Captain Mkhathshwa tomorrow. But there are other issues  
that I would like you to - sorry just to get back to  
Commissioner Baloyi's concern.

It is correct, I mean everybody agrees that the  
20 reference to 3.4 in paragraph 10.2 is a clear error. It is  
contradictory for several reasons. One 3.4 is not cartridge  
cases, it is bullet cores. Two, the bullet cores are stated in  
10.6 not to be suitable for microscopic comparison because  
of damage. So, if they are not suitable for microscopic  
comparison you cannot link bullet cores to a firearm

mentioned in 4.1.

And then also you had never had two different findings on the same bullet cores and the one cross reference which we do not see in 10.1 to 10.6 is the cross reference to 4.9. To pick up on Commissioner Baloyi's query and just to clarify what you said earlier but what might not have been fully understood is you have inspected the working notes of Captain Makgotloe.

We do not have them in this file, but you have  
10 inspected them and what you saw you just testified. In those working notes is that he did make the match from the cartridge cases in 4.9 to the firearm mentioned in 4.1. So, his working notes reflected that match. And just to complete that picture when he was asked, I think we have had evidence thus far we may it is an annexure to General Khumalo's case.

The prosecutor pointed out the discrepancy in 10.2. Pointed out the fact that the cartridges in 4.9 were unaccounted for and asked him to correct his report  
20 accordingly and if we go to page 33 of the same folder when he was asked to correct his report, he corrected it to confirm that 10.2 should – well, he included the reference to 4.9 in 10.2. So, we do know that what he should have put in there was 4.9.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** You have mentioned other errors in the report. You have mentioned the references to March instead of May in 13.4 to 13.6. In fact, you have got the same mistake at paragraphs 13.2 and 13.3 that is on page 25. None of those mistakes strike me as evidence of sabotage but there is another mistake which may well be evidence of sabotage, and I want to take you to that. If you go to paragraph 4. In paragraph 4 what you see is he states the following:

10                   “On 24 May 2024 during the performance of my official duties I received an intact sealed evidence bag with a number marked *inter alia* Bramley case 140/04/2024.”

Now that number, that case file number is the wrong number. The correct number is 149 and I want to put a scenario to you, I may be wrong, but I want to put this scenario to you. The way that criminal prosecutions ordinarily proceed is in advance of the trial the prosecutor  
20 draws up a list of admissions that the defence, that it wants the defence to make.

It says I want you to admit A, B, C and D and in a case like this on that list of admissions would be the correctness of the ballistics report of Captain Makgotloe. If the defence makes that admission no one is called to court

to testify in relation to ballistics and the state closes its case relying only on the ballistics report of Captain Makgotloe which is not disputed.

Now it is certainly arguable that if the defence has done its work closely and has spotted this mistake they will say when the state has closed its case or when they argue at the end that none of the weapons seized can be linked to our clients to the accused because the evidence bag that the report speaks to is an evidence bag marked Bramley  
10 case 140/04/2024 and our accused case is Bramley case 149/04/2024.

So, you have not shown a chain of custody from the scene to the ballistics examinations. So, what we see in paragraph 4 may be a typing error, it may have been instead of typing 0 you type 9, they are next to each other on the keyboard. But it may also have been a quite sophisticated attempt to sabotage the prosecution. What is your comment on that?

**BRIGADIER MKHABELA:** Commissioners I will explain this  
20 according to our processes not taking away what the counsel has indicated. When you read what that paragraph says it says:

“On the 24<sup>th</sup> of May 2024 during the performance of my official duties I received an intact seal evidence bag

with the following number marked *inter alia*.”

In our environment that *inter alia* analysts are taught that they must write it as it is. If the investigating officer has written a wrong CAS number, you document it as you see it *inter alia* as you see it on the package. So, I see here the case number is wrong but without having the advantage to see the seal back and see what it was written originally, I cannot comment whether the member did that with the  
10 purpose.

But I am just saying that if it is marked wrongly you marked it because we have come across the same argument in court where the defence will say the bag that you received was marked this *inter alia* and you knowing the correct CAS number you write it according to how you know the correct CAS number. They take issues with you as well because they say you have now tampered with the chain of custody. That is not how you received it you received it marked with this CAS number, but you wrote the correct  
20 case number. So, it will be interesting to see in the original seal back how was it written. That is my comment with regard to that issue Commissioners.

**ADV CHASKALSON SC**: And that original bag as I understand it should still be stabled to the ballistics folder to the Bramley case?

**BRIGADIER MKHABELA:** That is correct, we do that.

**ADV CHASKALSON SC:** I think Captain Mkhathshwa I think, has that file and we can raise - we can investigate that with him tomorrow.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV BALOYI SC:** May I just ask, Mr Chaskalson. Does it mean, Brigadier, that from what you have explained, that you know the correct case number, but the evidence bag has got a different case number? Does it mean that your  
10 processes do not permit for enquiry with the investigating officer? So let us assume what you have said is what happened in this case, because clearly, we know from the report that Mkhathshwa knew the case number, because right at the top of page 22, there is Bramley CAS149, so he must have known the correct case number. If he received the evidence bag with 140, saying the case number is 140, do your processes not require that he makes enquiry or permit that he makes enquiry with the evidence leader - with the investigating officer?

20 **BRIGADIER MKHABELA:** It does, Commissioner, if, for example here, on the covering letter, the case number was also wrong, then in that instance it means we are dealing with a different case number. But when I say you write, you document it as it is, sometimes you will find out other investigating officers, for example, you may start with the

CAS, you may not write the name of the station, maybe write CAS number 140/04/2024, omitting the station name.

You may not add the station name, even if you know that it is Bramley, because that is how it is written on the covering letter. But if it is a mistake that affects the case, which, in any way, is a wrong case, in that instance, we contact the, there is a form, there is a procedure, there is a statement that you complete, depending on whether you noted that mistake once you have opened the parcel or  
10 before.

Then we return it back, or we make means to contact the investigator to come and correct and explain. But in this instance, it is a mistake, but it is, according to this paragraph, you document it as you see it. Hence, I am saying this can only be ventilated when we see the seal back.

**ADV CHASKALSON SC:** Can we then turn to the corrected affidavit, which is - starts at page 28, and if we look at page 28, or if we look at page 30, we see that in the corrected  
20 affidavit, the reference to, in paragraph 4, the reference to the Bramley case number is still 140, as opposed to 149.

**BRIGADIER MKHABELA:** That is correct.

**ADV CHASKALSON SC:** When we go to paragraph 10, we see that the error in relation to the cross-reference has been corrected. So, the 10.2 now refers to the cartridge

cases mentioned in 4.9, which is what it should have referred to all along. And if we go to 13, we see that the errors on the dates still remain, and that is true. The wrong references to March are in 13.2, 13.3, 13.4, 13.5, and 13.6.

But if we go to the signature page, on page 35, we see that the date of the signature still says 24 May 2024, and we know that this was not deposed to in May 2024, it was deposed to, we think, in October sometime that year, certainly after May, because it was only after the prosecutor  
10 had written in September saying, please correct the problem in relation to the 15 cartridges. And that was also one of the complaints that was made by the officers who came to see you. What was your response to that complaint?

**BRIGADIER MKHABELA:** Commissioners, my observation when I went through this statement, there is only two scenarios that I think happened here. Analysts are doing their own typing. In the past we used to have typists, but they resigned and we no longer, we do not have typists, so analysts started to do their own typing. So, as they do their  
20 own typing, I think what happened is that if the analyst starts the case on the 26<sup>th</sup> of October and finish the case on the 27<sup>th</sup> of October, they happen to have that habit that they also type a date for the commission of oath upfront.

So, if you check on 8.8, the date which is there was typed when the report was compiled on the 24<sup>th</sup> of May.

Now what happened now here, after a year or two, you are told that page 3 of 8 has got a type of error. Please correct the mistake. The analyst will go and look for the report on their typing folder and correct the mistake accordingly, but what happened is that they may not go to the last page to change that date, and the two scenario is that either he may only press print current page and print only the page where he has made the correction and go to the person who initially commissioned the statement and ask them to initial  
10 that page and insert that page with correction in the report, or he may print the entire page, the entire report, without changing the last date on the last page and look for the member who commissioned on their behalf or any other member and give them, because the date is there, the person who commissioned will sign. I am not saying it is right, but that is what I think could have happened in this instance. That is my submission, Commissioners.

**ADV CHASKALSON SC**: While we deal with the commissioning, there is a further concern that I have about  
20 the commissioning, apart from the fact that the date does not reflect when the affidavit, the corrected affidavit was ostensibly deposed to. The commissioner on both cases, on both affidavits, page 27 for the first one and page 35 for the second, is Warrant Officer Masha[?]. And Warrant Officer Masha was the partner of Warrant Officer Makgotloe

when he attended the crime scene. Is that not, right?

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** And I am not sure what the legal consequences of this are, but I would suggest that it would be good practise for your section to ensure that the officer who commissions an oath in relation to a ballistics report is not an officer who has had anything to do with that case previously.

**BRIGADIER MKHABELA:** Commissioners, now that the  
10 evidence leader is mentioning it, I fully agree that it is something that the section has to look at in order to safeguard our processes. Because certainly, one may argue that there might be some conflict of interest, the other member already has sight to the case. So, it is something that we will have to look into it and try to put some measures to prevent it, Commissioners. I accept that, Commissioners.

**CHAIRPERSON:** Brigadier, besides the correction that we see, which Advocate Chaskalson took you through just now,  
20 in the non-conformance process, what discrepancies did Captain Makgotloe himself highlight, and what explanation did he personally give?

**BRIGADIER MKHABELA:** Commissioner, the non-conformance is attached. It is handwritten. Firstly, is it ...[intervenes]

**CHAIRPERSON:** Is it a document at page 15, one five?

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**CHAIRPERSON:** Maybe you read better than I do. Can you please respond?

**BRIGADIER MKHABELA:** Section 1 is a description of the non-conformance. Case examination Captain Makgotloe FSL completed, Lt-Col Monakali[?] affidavit:

10                   “Captain Makgotloe examined case file with lab number 193051/2024 and lab 193045/ 2024. Paragraph 3.4, the examiner states that 2 fired bullets core were received. In paragraph 10.2, the same bullets mentioned in paragraph 3.4 as the cartridge cases. Paragraph 4.13, the examiner states that one cartridge case was received. In paragraph 6, the same cartridge case examiner mentioned it as a cartridge.”

20 Then they referred to the form that he completed. On ICD-MS, the affidavit was scanned and confirmed date 2024-06-2026, and the corrections were made after the scanning and supplementary affidavit was not scanned. They gave the reference number. And then the initial assessment:

“The error as mentioned above noted

the supplementary affidavit was created and corrected the errors and submitted for scan.”

So, in short, Commissioners, in short ...[intervenes]

**CHAIRPERSON**: Yes, I wanted to say in your own language, can you please explain this? I am completely lost.

**BRIGADIER MKHABELA**: The person who was investigating this non-conformance was just stating the errors as they saw them on the paragraph that we were referring to. There was an allegation that the 15 cartridge cases were not compared with the AK. So, they were mainly, at the time when the complaint came, they concentrated on those typing errors, Commissioners.

**ADV CHASKALSON SC**: Can I just maybe follow up on that? If one goes to page 23 of the original statement, the examiner refers under 4.13 to one 7.62 times 39-millimetre calibre cartridge case. In other words, an AK-47 bullet cartridge case. And he marked it he tells what the markings were. And then in paragraph 6, he says he examined the cartridges mentioned in 4.12 and 4.13 and found that they consisted of a primer cartridge case bulletin propellant. In other words, what he should have referred to in 4.13 was not a cartridge case, but an actual cartridge.

**BRIGADIER MKHABELA**: Commissioner, that is another

mistake. Yes, 4.13 is a cartridge, not case.

**ADV CHASKALSON SC:** And he corrected that with a supplementary statement at page 37. And that supplementary statement, which was signed or sworn to on 26 February, corrects paragraph 3, corrected paragraph 4.13, says paragraph 4.13 should read one 7.62 times 39-millimetre calibre cartridge, not cartridge case. So, the supplementary statement corrected that error pursuant to the non-conformance report.

10           And if one sees the reference to paragraph 4.13 in the non-conformance report, which explains, which had picked up this error. Brigadier, one issue which has confused me is that the non-conformance report refers both to the error in 10.2 and to the error in 4.13 that we have just looked at. The warrant officer deposed to a supplementary statement to correct the error in respect of 4.13, but in relation to 10.2, he seems to have essentially just created a replacement page or deposed to a whole new affidavit.

20           Why would you do - is there any explanation for that? I mean, surely the sensible procedure is just if you are going to do a supplementary statement, address both issues rather than do the page replacement and present a document that purports to be an affidavit signed in May 2024, when you are doing this all in October 2024, February

2025. Why the two different procedures?

**BRIGADIER MKHABELA:** Commissioner, I take note of the observations and myself as well. I do not understand because they were all identified under one non-conformance. They should have been in one report. So, I do not know why you made two supplementary on the same mistake which you identified already, Commissioner.

**ADV CHASKALSON SC:** Thank you, Brigadier. Before we leave these reports, there is one final issue that I want to  
10 raise with you, which is that when we consulted with Captain Mkhathshwa on Friday, he brought the case file with him. And what we found in the case file was an affidavit stapled to the front folder of the case file, which was a third different version of this affidavit of Warrant Officer Makgotloe. And what that affidavit did is it corrected the only change that we could pick up in that affidavit, was a correction of paragraph 4, so that the affidavit in the case file today in paragraph 4 no longer refers to Bramley case 140/04/2024 but now refers to Bramley case 149\*04/2024.  
20 Do you know anything about this third affidavit?

**BRIGADIER MKHABELA:** Commissioner, no. I do not have sight of that. I would have to investigate and find out.

**ADV CHASKALSON SC:** And before I raised it with you, had anyone even reported it to you?

**BRIGADIER MKHABELA:** No, Commissioner.

**ADV KHUMALO SC:** Sorry, Mr Chaskalson, it is not part of our annexures.

**ADV CHASKALSON SC:** It is not part of our annexures because I intended to deal with it with Captain Mkhathswa, because he is the one who can actually confirm that that is in the case file today. Is there any protocol that could explain – well, that deals with a case like this. If you want to correct an affidavit, who should you tell and where should it be reflected? Is there not some sort of log sheet  
10 or something that should reflect where it is done?

**BRIGADIER MKHABELA:** Commissioner, corrections of affidavit or recall or supplementary, that is all determined by either when you have a complaint from the client, when they check your report, when they discover that there is a mistake. The next course of action will then determine if you have to recall the previous statement and issue a supplementary report.

Because in most cases, those mistakes that are noted after the final report has been reviewed and finalised,  
20 scanned through the ICD-MS, made available to the prosecutor, and in some instances that is when such mistakes do happen. In that instance, that is why we have a non-conformance procedure, which we register and investigate to find out what could have been the problem. Is the problem with the system or is the problem with the

member? Is he or she negligent? Only investigation can then point out the next course of action, Commissioners.

**ADV CHASKALSON SC:** And Brigadier, if there is a – let me put the question this way. Assume that there is now a third version of this affidavit in the case file. What should there be in the case file to explain the circumstances in which this affidavit was changed again? Should it be in a log sheet? Should it be in a - surely something needs to be in the case file to explain what has happened.

10 **BRIGADIER MKHABELA:** I will assume because the statement must be, if there was an error which was corrected, it must go through the review process again to be reviewed. Therefore, the log sheet for case review, I expect it to be in the case file with the signature of the person who reviewed it.

**ADV CHASKALSON SC:** We sit now in quite an unfortunate situation where a very important murder case is potentially jeopardised by a succession of errors in relation to the ballistics report and a succession of, let us say,  
20 curious elements. A statement that has changed several times, sometimes without apparent explanation. I want to put it to you that in order to safeguard the Bramley and Vereeniging prosecutions, this ballistics examination should be redone from the start by a different ballistics examiner who has had nothing to do with it from now.

And I just want to suggest to you that this ought to be an exercise that can be done. So let me ask you first, I am assuming that the exhibits themselves, the cartridge cases, the bullets, will still be in sealed evidence bags in your ballistics section, either in the Bramley file or in the Vereeniging file.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And the weapons that were seized at Bramley will also still be in your ballistics section  
10 in sealed bags?

**BRIGADIER MKHABELA:** No, Commissioner.

**ADV CHASKALSON SC:** Where would those weapons be?

**BRIGADIER MKHABELA:** Back at their original station, Commissioner.

**ADV CHASKALSON SC:** Presumably with a proper chain of custody, one would hope, securely at the original stations.

**BRIGADIER MKHABELA:** Normally they keep them until the case is disposed of, Commissioner, so they should have  
20 them.

**ADV CHASKALSON SC:** At any rate, the test cartridges that were fired from those weapons will be in your section?

**BRIGADIER MKHABELA:** They are filed inside the case file, Commissioner.

**ADV CHASKALSON SC:** And those test cartridges have

been fired both by Captain Makgotloe in one case and by Captain Mkhathshwa in another?

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And indeed, by Captain Modisane in a third?

**BRIGADIER MKHABELA:** And Warrant Officer Kader.

**ADV CHASKALSON SC:** And Warrant Officer Kader in a fourth. So, we will have no difficulty finding test cartridges that do not necessarily depend on Captain Makgotloe's  
10 reliability as a witness in this case, to be used in this case.

**BRIGADIER MKHABELA:** Under the normal circumstances, when a case is re-examined, the analyst will want to test-fire his or her own test. So that when he testifies, he says, I, so and so, tested the firearm and fired shots and compared them with the exhibits. So hence, re-examination of the entire case. Because he cannot use someone's test, you do not know how he fired those tests, what material they used. You cannot testify based on that fact, Commissioner.

20 **ADV CHASKALSON SC:** So, a new examiner will have to get the weapons from the police station, fire their own test shots and then do their own comparisons?

**BRIGADIER MKHABELA:** Our procedure, Commissioner, explains how a request of re-examination is done. And in the procedure, it means it is a fresh start.

**ADV CHASKALSON SC:** But there is nothing preventing that fresh start from taking place at this stage?

**BRIGADIER MKHABELA:** It is a discussion because there must be reason in terms of the procedure. You must hear what the complaint is and take it from there. So, there must be a discussion regarding that. And for the record, on this particular one, a meeting has been scheduled on the 31<sup>st</sup> with the prosecutor involved in this case. And only then, a decision will be taken after that consultation,

10 Commissioners.

**ADV CHASKALSON SC:** But, I mean, for present purposes, I just want to establish it is possible. If you and the prosecutor, or if that meeting decides they want a fresh start, it is still possible to do the fresh start and to reconstruct a new ballistics examination that will be capable of supporting the prosecution in the Bramley and Vereeniging cases.

**BRIGADIER MKHABELA:** Commissioners, the procedure is flexible. You might have seen on the news where an  
20 accused comes with a private expert. And the private expert says, I want to do my own examination. In that instance, the procedure says, if he has got a Court Order, he must be allowed. And he will do his examination. So, hence, I am saying it is a subject for discussion in that meeting with the prosecutor concerning these matters,

Commissioners.

**ADV CHASKALSON SC:** Brigadier, the last issue on this report is that Captain Mkhathswa will be speaking to various aspects of his examination. And for that purpose, he has to bring in a case file as well. Can you authorise him tomorrow not only to bring in this case file, but also the Vereeniging case file, so that we can see the reviewer's notes? Because the reviewer's notes in this case file just cross-refer to the Vereeniging case file, so the Commission  
10 needs to have the Vereeniging case file.

**BRIGADIER MKHABELA:** It will be made available, Commissioners.

**ADV CHASKALSON SC:** Thank you, Brigadier. Brigadier, the last big topic that I want to raise with you is the success of the ABIS system in showing links in this case. And it is an issue that you tackle from the top of page 22. And before we address it, I just need to emphasise what I said earlier, which is that you have a statement with all the details in it. You have an infographic with all the details in  
20 it. The Commissioners do too. But we cannot show it publicly because some of these cases are still under investigation. So, I am going to tell you which cases we can refer to in your affidavit and on the infographic. It is 50.1.2 of your affidavit. Littleton case 167/08/2022.

**BRIGADIER MKHABELA:** I am here, yes.

**ADV CHASKALSON SC:** You are there. So that one we can refer to. We can also refer to the case at the top of page 24. Sandton case 437/10/2020. And that I understand to be the attempted murder case against Cat Matlala in respect of the attempted murder of his former girlfriend, Tebogo Thobejane. We can also refer to the three cases in paragraph 51. The murder of DJ Sumbody. The murder of DJ Vintos. Sorry the murder of DJ Sumbody was Sandton case 398/11/2022.

10           The murder of DJ Vintos was Orlando case 220/03/2022. And the murder of Don Tindleni is Orlando case 93/02/2023. For the rest, I am going to ask you not to mention case numbers or case anything that identifies the case. But can we first look at the infographic which is Annexure MNM3. If we can just display it because even with a lot of redactions, it remains quite a striking picture. So, without mentioning case numbers or cases that you can see on the infographic in front of you, can you describe to the Commission what this infographic represents?

20   **BRIGADIER MKHABELA:** Commissioner, our IB system uses what we call analyst notebook to simplify associations. And they design this infographic which indicates which case is linked to this case to make it simpler instead of going through the whole paragraph. So, as the hits are identified on the match point, the operator will compile. And every

time when they discover a new possible hit, you will add on this infographic.

The infographic will grow. And at a later stage, they will start to retrieve all those case files that are mentioned here. And assign them to an analyst to compare them physically on the comparison microscope to confirm if they were indeed fired in the same firearm as they are represented on the chart there. And in these instances, this is what the operator did for all these cases which were  
10 linked to the Vereeniging and the Bramley case.

All these cases that are depicted there, they have an association of some sort based on their calibre. For example, the AK-47 is linked to this number of cases that are listed here. The 9-millimetre Taurus is linked to these cases that are mentioned here.

**ADV CHASKALSON SC:** Sorry, Brigadier, remember that you and we can know which cases are linked to the 9mm, which ones are linked to the AK-47. Maybe if you can explain which are the cases, if you can just refer, I think  
20 what people seeing the infographics can see is gun 1, gun 2, gun 3. So, gun 1 is the 9-millimetre Taurus seized in Bramley. Is that correct?

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** Gun 2 is the AK-47 seized in Bramley.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** Gun 3 is the CZ pistol seized in Bramley.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And gun 5 is, I think it is the Sauer 9 millimetre seized at Bramley.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** Gun 4 relates to a different case that has a lot of overlaps but let us ignore gun 4 for present  
10 purposes. So, using the references to gun 1, gun 2, gun 3 and gun 5, can you just describe, can you just repeat your description again?

**BRIGADIER MKHABELA:** Commissioner, as I was stating here, the gun 1, which was recovered from the Bramley cases, is linked to the only case which I can mention here is the Sandton CAS437/10/2020 murder.

**ADV CHASKALSON SC:** In fact, that is an error in the infographic because it is attempted murder. Brigadier, I am  
20 sorry about that. That is the attempted murder of Ms Thobejane.

**BRIGADIER MKHABELA:** Yes, Commissioner.

**ADV CHASKALSON SC:** So, one of the Bramley guns can be positively linked to that attempted murder. It can also be linked, apart from that attempted murder to another 18 different crime scenes apart from Bramley or Vereeniging

themselves.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** So, this single gun has been used according to what your ABIS system has shown in 19 different murders or attempted murders, and plus the murder in Vereeniging, 20 different murders or attempted murders that this one gun is linked to.

**BRIGADIER MKHABELA:** That is correct, Commissioners.

**ADV CHASKALSON SC:** The AK-47, can you describe  
10 what your ABIS system has established in relation to the AK-47?

**BRIGADIER MKHABELA:** The AK-47 which was recovered from the Bramley case is linked to other 8 cases, including the Littleton CAS167/08/2022, attempted murder, and again the Vereeniging case. That is the AK-47.

**ADV CHASKALSON SC:** So that is, this case seized in Bramley was used in the murder in Vereeniging, and another eight different murder or attempted murder crime scenes, and two of those we can actually mention. The Orlando  
20 case 220, which was the murder, 220/03/2022, which was the murder of DJ Vintos, and the Sandton case, 398/11/2022, which was the murder of DJ Sumbody in the attempted murder of people with him. Gun 5, the Sauer, which links have you been able to establish, how many links have you been able to establish to gun 5? I will point out

this is not in your statement, so it is additional to your statement because these were not addressed in your statement.

**BRIGADIER MKHABELA:** No, Commissioner.

**ADV CHASKALSON SC:** But if we look at the infographic, what does it show in relation to gun 5?

**BRIGADIER MKHABELA:** According to the linkages for gun 5, there were three additional firearms or cases that are linked to gun 5 Commissioners, and gun 5 is also linked  
10 to the Bramley case as well.

**ADV CHASKALSON SC:** And these three cases that gun 5 has been linked to are all murder cases?

**BRIGADIER MKHABELA:** That is correct, Commissioner. And one is two counts of murder.

**ADV CHASKALSON SC:** And gun 3, the CZ Pistol, has been linked to one other case apart from Bramley and Vereeniging.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** So, your conclusion in paragraph  
20 51 of the statement was that the three weapons seized in Bramley have been linked to 24 other different serious crimes through matches generated by ABIS. That was before you had run the matches in respect of gun 5, so 24 now becomes 27.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** And if you go back to MNM 1, you see on Annexure MNM 1, 29 hits. And would that be the 27 we have just discussed plus Bramley plus Vereeniging?

**BRIGADIER MKHABELA:** That is correct, yes, Commissioner.

**ADV CHASKALSON SC:** Thank you. Brigadier, that is essentially all I wanted to canvas with you. But I do really want to emphasise the point that I made earlier, which is this ABIS system is extraordinarily powerful. And I do not  
10 think you are going to argue with this, but my own submission is that SAPS should be resourcing the section that drives this ABIS section so that it can get the maximum capacity out of that system that it can.

You have three weapons seized in Bramley over a year ago that have now been linked to 29 other investigations across the country. That is information the SAPS should have had within a week of the seizure in Bramley. They have had to wait for more than a year to get that information. It has been a lot of wasted investigation  
20 time that could have been accelerated if they got that information instantly. You are nodding your head, Brigadier. Is that an agreement?

**BRIGADIER MKHABELA:** I totally agree, Commissioners.

**ADV CHASKALSON SC:** Chair, from my side, I have no further questions for the Brigadier.

**ADV KHUMALO SC:** Brigadier, the last paragraph of your statement, the last sentence there. Accordingly, if the investigators were informed by anyone prior to Prosecutor Coetzee's letter of 5 August 2024 that the weapons used in the Vereeniging murder case are linked to various other murders in different cases, the person who so informed them would have had to have obtained this information from a source other than the ABIS system. According to the investigating officers, that is Captain Mokgotloe, through  
10 your investigations, have you been able to establish what that source is that you mentioned in the last sentence of your statement?

**BRIGADIER MKHABELA:** Commissioner, what I can say is that you have a situation where the investigation, through their own information, they come across information that case X and case Y could be linked together. And when that happened, they write a letter to the lab, and they request us to compare this case and this case and see if there are any linkages.

20 And in that instance, we will simply withdraw, retrieve those cases from archives, and compare them physically. There is no intervention from ABIS. So, if I think on this one, there was an instance where probably the IO got some information that the Vereeniging case could be linked to the Sandton case. I am just singling out that

request in particular.

The Sandton case, 398/11/2022. And they wrote a specific request for those two cases to be compared. And indeed, when they were compared, a positive was made. So that could be the only way in which a person will know if there is an information that perhaps the same person who is arrested for this case, it could be the same person who committed this murder.

Please, can you check for us? Then we say this is  
10 a request, we do that, but they are not related to IBIS. So, if anyone says that, but we were able to compare this case and that case, I will say if there was an information, yes, it does happen, Commissioner. Maybe that is why this paragraph, maybe it was through that. I am not too sure if it answers the question.

**ADV KHUMALO SC**: Yes, I understand the investigating officer's grievance. The grievance is that it was Makgotloe who told them that the weapons seized in Bramley were linked to various other crimes. And they were disappointed  
20 when they then received the ballistics report from him and it did not contain those linkages. And that is when they became suspicious of him.

**BRIGADIER MKHABELA**: Given the timelines, Commissioner, he could not have told them, even if he did, he could not have known. Because we now know that the

specimens were acquired when in September and viewed around 2025 and only linked with other cases now. So, when the discussion happens between him and the detectives, and he was not at IBIS at that time, so he could not have known that these particular firearms are linked to so many other cases. I do not know how that discussion came about. Maybe he can answer himself as to the truthfulness of that statement, Commissioner.

**ADV KHUMALO SC:** Other than IBIS, is there another  
10 system that is used by the police that could have made that linkage?

**BRIGADIER MKHABELA:** Definitely no, Commissioner. This is the only system that we are utilising.

**ADV CHASKALSON SC:** Chair, I am just indebted to Commissioner Khumalo because I have not addressed this section of the, I had lost track of where I got to. But I think the timeline is very important here. We have dealt with the audit trail. And the key point in that audit trail, Brigadier, would be 6 September 2024, which is the first time that the  
20 Bramley-Vereeniging weapons were entered onto IBIS.

**BRIGADIER MKHABELA:** That is correct, Commissioner.

**ADV CHASKALSON SC:** Now the allegation of the detectives is that when they met with Captain Makgotloe in May 2024, possibly June, he told them these weapons are linked to other crime scenes. And we know that the

detectives certainly believe that because if we go to MNM5, 5 August 2024, paragraph, this is the letter that the prosecutor writes to various senior police officers seeking protection for the detectives. In paragraph 5, she writes:

10                   “The investigations also revealed that the firearms used during the commission of the assassination and found in their possession are linked to multiple assassination and serious violent crime scenes.”

So, by 5 August, the prosecutor had been informed that the vehicles had been linked to other crime scenes. Now that information could not have been obtained from IBIS because IBIS would only have been able to give you that information on 6 September. The detectives say that Captain Makgotloe told them that in May, June. He could not have got it from IBIS, but there is certainly a possibility that if organised crime networks had infiltrated the SAPS, he may have been tipped off that these weapons are  
20 weapons which are involved in many scenes. What is your response to that?

**BRIGADIER MKHABELA:** Commissioners, the timelines do not support that assertion.

**ADV CHASKALSON SC:** Well, the timelines only tell you what IBIS would have been able to report. They do not tell

you what would have been able to have been communicated to Captain Mokgotloe, either from criminals or from members of the SAPS who were acting in concert with criminals.

**BRIGADIER MKHABELA:** I still do not believe that anyone could have had access to this kind of information before the actual analysis even could take place. Whoever made such a statement, maybe they were just making a statement for the sake of it, but that statement is not supported by  
10 objective facts commissioners.

**ADV CHASKALSON SC:** Brigadier, I do need to explore this further with you, because the one set of people who would know where the AK-47 had previously been used and where the Taurus had previously been used were the criminals themselves, and in particular the people who had engaged the hitmen at Vereeniging to perform the hit in Vereeniging. Do you accept that the masterminds, in inverted commas, of the Vereeniging hit would probably know where that AK-47 and that Taurus had previously been  
20 used? Do you accept that?

**BRIGADIER MKHABELA:** If they confess, yes, they will make such a statement or a confession, commissioners.

**ADV CHASKALSON SC:** You see, I mean, you are right. This is an issue that we need to take up with Captain Mokgotloe, but it does seem to me that the real significance

of the timeline is that if indeed Captain Makgotloe said what the detectives say he told them when they collected their report in May and June, then somebody with links to the organised crime networks must have conveyed that information directly or indirectly to Captain Mokgotloe, because he could not have found it from ABIS.

**BRIGADIER MKHABELA**: Commissioner, I will not comment on that one, because I do not know really.

**ADV CHASKALSON SC**: Thanks, Brigadier. Those are all  
10 of my questions.

**CHAIRPERSON**: Thank you, Brigadier. Let us adjourn and resume at 09:30 tomorrow.

**ADV CHASKALSON SC**: Thank you, Chair.

**INQUIRY ADJOURNS TO 28 OCTOBER 2025**

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