

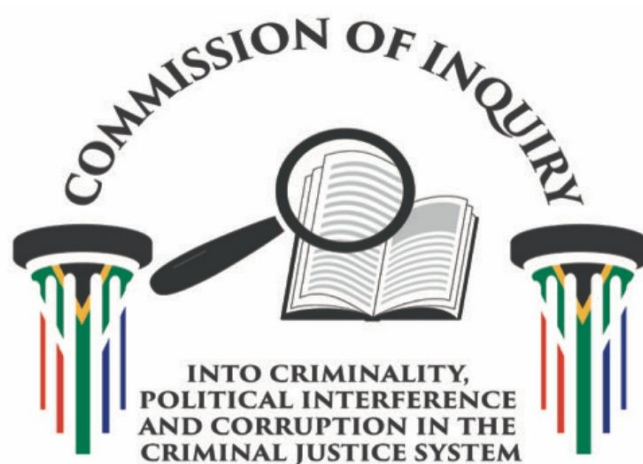
**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**2 FEBRUARY 2026**

**DAY 51**



**PROCEEDINGS HELD ON 2 FEBRUARY 2026**

**CHAIRPERSON:** Good morning, Mr Mosikili.

**ADV MOSIKILI:** Good morning, Chair, and good morning to the Commissioners.

**CHAIRPERSON:** Thank you.

**ADV MOSIKILI:** Thank you again, Chair. Chair, before we start, I will just want to deal with some housekeeping issues, with your permission, Chair, and the Commissioners. First of all, Chair, the witness for today  
10 will be having is Captain Lawrence Itumeleng Makgotloe, and Chair, the witness today will first testify and hopefully with minimum interruptions, and then later on the idea is that then the Commissioners can ask questions, and also I can pose some questions where necessary, Chairperson. But, of course, Chair, you can ask questions as and when we go through his statement, Chair.

Chair, you would recall that, and the Commissioners, that Captain Makgotloe is a ballistic expert that was mentioned previously by previous witnesses, and  
20 he will be coming here to testify on his handling of a crime scene that occurred on the 17<sup>th</sup> of April 2024. That is the murder scene of one, Mr Armand Swart, and he will explain to the Commission how that happened and also the report thereto, and that report will really form the subject matter of today's proceedings, Chair. So, Chair, I think it is an

opportune time for the witness to be sworn in.

**CHAIRPERSON**: Thank you, Mr Mosikili. Good morning, Captain.

**CAPTAIN MAKGOTLOE**: Good morning, Commissioners.

**CHAIRPERSON**: Will you swear or will you affirm?

**CAPTAIN MAKGOTLOE**: I will swear, Commissioners.

**CHAIRPERSON**: Do you swear that the evidence you are going to give is the truth, the whole truth, and nothing but the truth? If so, please raise your right hand and say, so  
10 help me God.

**CAPTAIN MAKGOTLOE**: So help me God.

**CHAIRPERSON**: Thank you, Captain. Yes, Mr Mosikili?

**LAWRENCE ITUMELENG MAKGOTLOE**: (duly sworn states)

**EXAMINATION BY ADV MOSIKILI**: Yes, good morning again, Captain.

**CAPTAIN MAKGOTLOE**: Good morning, thanks.

**ADV MOSIKILI**: Yes, Captain, first of all, I would like to extend, and I think the Chair and the Commissioners also  
20 extend their gratitude to you for making yourself available at such a short notice. I think you came in a bit earlier than you had originally planned for, so thank you for making yourself available to assist the Commission on that score, Chair.

**CHAIRPERSON**: I am very, very sorry to stop you mid-

sentence, Mr Mosikili, and if you must, I will request you to start right from the beginning. I just want to make sure that the witness has been warned and that practical arrangements have also been made for him not to mention any of the names of the police officers he interacted with regard to those involved with the investigations, not those from, for example, his office. There is no problem or issue there, but those from the investigating team. Have arrangements been made for the witness not to mention  
10 those names?

**ADV MOSIKILI**: That is correct, Chair and the Commissioners, and Captain promised as well to observe that sensitive issue and preserve the integrity of those witnesses, and where possible, Chair, as well, I will try and guide him in advance where a possible name is about to come, if I can just remind him to refer to that witness as either B or C, depending on the context, Chair.

**CHAIRPERSON**: Captain, do you confirm that this has indeed been done?

20 **CAPTAIN MAKGOTLOE**: Yes, it was confirmed this morning, Commissioners.

**CHAIRPERSON**: I direct you not to divulge those names, so it is an order.

**CAPTAIN MAKGOTLOE**: Yes, Commissioners.

**CHAIRPERSON**: Thank you. You may continue, or you

may start, Mr Mosikili.

**ADV MOSIKILI:** Thank you, Chair. I was just, I just finished thanking the Captain for making himself available. Captain, before we begin, I just need to check with you that you should be having two files. One file should be saying Captain Makgotloe on the sleeve. Can you confirm that?

**CAPTAIN MAKGOTLOE:** Yes, I confirm that, Commissioners.

**ADV MOSIKILI:** Yes, and then the second file then would  
10 say witness statements and annexures. Can you confirm that, Captain?

**CAPTAIN MAKGOTLOE:** Yes, I confirm that.

**ADV MOSIKILI:** For ease of reference, Captain, I would refer to the first file as File 1, and the one that we just referred to as File 2, so that we, when we jump between the files, we can follow it with ease. Is that fine?

**CAPTAIN MAKGOTLOE:** It is fine.

**ADV MOSIKILI:** Thank you. Chair, just to, as a precursor, we have already heard from the evidence of ballistic experts  
20 who came here to explain to this Commission how the ballistics work, the structures, the process involved in analysing the exhibit, and we will not be dwelling with that with the Captain here at hand. We will try and confine at least himself to the events that led him to producing the ultimate report that is really the subject matter of why we

are here today. So, Captain, we are now dealing with File 1, and that is the file containing a statement. And, Captain, can we go to, that will be page 18, 1-8 of that statement?

**CAPTAIN MAKGOTLOE**: Yes, I am at page 18, Commissioners.

**ADV MOSIKILI**: Yes, thank you. Do you confirm the signature there on the top right to be yours?

**CAPTAIN MAKGOTLOE**: I confirm, Commissioners.

**ADV MOSIKILI**: Thank you, and you have seen the  
10 statement before, and you confirm that it is your statement indeed?

**CAPTAIN MAKGOTLOE**: That is correct.

**ADV MOSIKILI**: Thank you, then. Without wasting further time, Captain, let us start maybe explaining to the Commission your background into the police service, and I think we start there on paragraph 1, going down to 2 of your statement.

**CAPTAIN MAKGOTLOE**: Should I go through this paragraph, Commissioner? Should I read the...

20 **ADV MOSIKILI**: You may read where you need to emphasise. You can do so, Captain.

**CAPTAIN MAKGOTLOE**: Okay:

“I am an adult male, a captain and a senior forensic analyst in an Automated Ballistic Identification System, ABIS

subsection, under the ballistic section of the South African Police Service, SAPS, stationed at the Forensic Science Laboratory, FSL, in Pretoria, Silverton. The facts deposed by me below are within my personal knowledge, unless otherwise stated or indicated by the context, and are to be the best of my belief both true and correct.”

10 **ADV MOSIKILI**: Chair, we are going to move now to the topic that says historical background and your duties, Captain. Please take us through that.

**CAPTAIN MAKGOTLOE**: My historical background and duties, Commissioners:

20 “I have been attached to the ballistic section since 2005 as a ballistic analyst to date. I have examined in excess of 3 500 cases. In addition to conducting ballistic analysis, I also testify as an expert witness on a regular basis in the courts of law in South Africa. I have attained the following qualification, National Diploma in Policing from the University of South Africa in 2013, and BTech degree in Forensic Investigation

from University of South Africa in 2016. I have also attended various types of internal and external training programmes, including the following, identification of ammunition, fired bullets and fired cartridge cases, the use of microscopic equipment, microscopic individualisation of firearms, ammunition, fired bullets, fired cartridge cases, tools and tool marks, acquisition of fired cartridge cases and fired bullets, fired bullets data on Automated Ballistic Identification System, ABIS, physical matching, identification of firearms, the examination of firearm mechanism, the different manufacturing process of firearm and firearm components, the examination of homemade devices, technique associated with the recovering and restoration process of obliterated alphanumeric figures on metals, the reloading of ammunition and the manufacturing processes of ammunition, short-range determination, crime scene investigation and examination technique,

documentation of examination results.”

**ADV MOSIKILI:** Captain, before you go to paragraph 6, when you refer, in fact, to 5.10, would that be what we have learned to be what they call etching process?

**CAPTAIN MAKGOTLOE:** That is correct, Commissioner.

**ADV MOSIKILI:** Thank you, Captain. You may proceed to paragraph 16.

**ADV KHUMALO SC:** Before you go to 6, can I just get clarity on paragraph 4? Captain, you say you have been  
10 attached to the ballistic section since 2005, but then the first qualification you mentioned is eight years later in 2013. Did you not have qualifications between 2005 and 2013 or were you a SAPS officer before and you had undergone some form of training which was not formal in the sense of a certificate being issued or awarded? Can you just deal with that gap between 2005 and 2013?

**CAPTAIN MAKGOTLOE:** Yes, Commissioners.  
Commissioners, in the ballistic section previously when they employ you, they were not employing you using a particular  
20 criteria of qualification. So when I arrived at the ballistic section, I was a constable. So at that stage, there were no relevant qualification that was needed. The qualification will assist you in the promotional processes.

**ADV KHUMALO SC:** So it was on-the-job-training?

**CAPTAIN MAKGOTLOE:** Yes.

**ADV KHUMALO SC:** Thank you.

**ADV MOSIKILI:** Thank you, Captain. Can we then pick it up from paragraph 6 on page 2?

**CAPTAIN MAKGOTLOE:**

10                    “I was promoted to the rank of Captain and a Senior Forensic Analyst in an IBIS subsection since 01 December 2024. Prior to my move to the IBIS subsection, I was an analyst in the ballistic analysis subsection.”

**ADV MOSIKILI:** So is it correct to understand you that prior to the 1<sup>st</sup> of December 2024, then you held the rank of warrant officer?

**CAPTAIN MAKGOTLOE:** That is correct, Commissioners.

**ADV MOSIKILI:** And then you subsequently were at least promoted?

**CAPTAIN MAKGOTLOE:** That is correct, Commissioners.

20                    **ADV MOSIKILI:** Thank you. Then we move to the topic where it speaks of events regarding the ballistic analysis relating to the Vereeniging and Bramley cases. And we deal first with the processing of the Vereeniging crime scene.

**CAPTAIN MAKGOTLOE:** Thank you, Commissioners:

                         “On 17 April 2024, at 07:00, I reported for standby duty with Warrant Officer

Masha. It is common practice in our department for ballistic analysts to be on standby duty in pairs on a weekly rotational basis. Being on standby duty simply means that the analyst on duty should be readily available to attend to incoming requests for ballistic analysis at the crime scene. The standby duty list is created by the commanders in the ballistic section, namely Captain Nkosi and Lt-Col Mangena. For easy communication and reporting, a WhatsApp group including the following individuals was created. All analysts on standby duty list, Captain Nkosi, Lt-Col Mangena, Brigadier Mkhabela, and General Mulaudzi. Shortly after reporting for duty on the 17 April 2024, I received a call on the standby phone from Warrant Officer Malan. I am not sure which unit of SAPS Warrant Officer Malan is from. Warrant Officer Malan requested that we attend to a crime scene at Vereeniging where a person was shot and killed while inside his vehicle. The case number

lodged for the crime scene is CAS 275/04/2024. It is a Vereeniging case. After receiving a call from Warrant Officer Malan, I contacted Warrant Officer Masha to inform him that we have a crime scene to attend to in Vereeniging. We then sent a notification on WhatsApp standby group that we will be proceeding to crime scene in Vereeniging. Warrant Officer Masha and I then proceeded to the Vereeniging crime scene. On arrival at the crime scene, I noted that it was cordoned off and there were a number of police officers. We were welcomed by Warrant Officer Malan, who then explained to Warrant Officer Masha and I what had occurred. Thereafter, we started processing the scene. This took a few hours. Between Warrant Officer Masha and myself, we agreed that ballistic analysis of Vereeniging crime scene was going to be conducted by me. It is a common practice for standby duty ballistic analysts to allocate crime scenes

attended evenly to distribute the workload fairly. In this regard, I will be the one to complete the crime scene report for Vereeniging case. Warrant Officer Masha will then be allocated the subsequent crime scene and completed the related crime scene report. A total of 22 exhibits were identified at the Vereeniging crime scene depicting in  
10 Annexure LIM1, namely, six times AK-47 fired bullets, 10 times cartridge cases fired from 9mm pistol, four times bullets fired from another 9mm pistol, and two bullets fired from an AK-47 assault rifle. From our observation and processing of the Vereeniging crime scene, we could tell that an AK-47 assault rifle had been used. However, there were no AK-47 cartridge cases at the scene.”

20 **ADV MOSIKILI**: Captain, can you just pause there and just explain why you say that you could tell that an AK-47 assault rifle had been used? What do you mean by that?

**CAPTAIN MAKGOTLOE**: I mean our preliminary investigation at the crime scene suggested that an AK-47 rifle was used because at the scene we found the bullet

core, six bullet cores of AK-47 and six, no, two bullet cores of AK-47 and six AK-47 fired bullets. And I would expect to find the AK-47 cartridge cases because they should have been ejected at the scene, but there were no AK-47 cartridge cases at the scene.

**ADV MOSIKILI**: Can you explain the scenario? Why would, under what circumstances would the cartridges not be found? Where now there is at least *prima facie* evidence that an AK-47 was fired, but the cartridges would not be  
10 found, can you give us the scenario?

**CAPTAIN MAKGOTLOE**: It can be different scenarios, Commissioners. One of the scenarios could be that because AK-47 rifle has got a long barrel, it could be the shooter was inside the vehicle when the shot was fired and it ejected inside the vehicle. So it will leave the crime scene with the vehicle when the shooter leaves the crime scene.

**ADV MOSIKILI**: Almost like a drive-by?

**CAPTAIN MAKGOTLOE**: Yes, Commissioners.

20 **ADV MOSIKILI**: I think we can continue at paragraph 15.

**CHAIRPERSON**: Perhaps because you joined the Commission very late and long after the evidence had commenced, we have testimony from witnesses, the detectives. We have testimony that AK-47 cartridges were found at the Bramley scene contained in a plastic bag. So

the inference is that they must have been picked up, collected and stuck into that plastic bag.

**ADV MOSIKILI**: I accept one proposition, but I think it is also plausible when he says that when the projectiles, Chair. But I accept that ultimately they were found inside the bag in the vehicle at a different scene. Thank you, Chair.

**CHAIRPERSON**: Thank you, Mr Mosikili.

**ADV MOSIKILI**: Captain, you can proceed. We are at  
10 paragraph 15.

**CAPTAIN MAKGOTLOE**: Thanks, Commissioners:

“While processing the scene, all the officers at the scene were advised by an officer who is unknown to me that information has been received that a group of people who were suspects of the shooting in Vereeniging have been arrested in Bramley. The case number lodged for the said arrest is CAS  
20 149/04/2024, Bramley case. It was communicated that the suspects at the Bramley scene have been apprehended with firearms, including an AK-47 assault rifle, and that one of the suspects was a police officer. After receiving the

10                   aforementioned information, we continued to process the Vereeniging scene until conclusion. While Warrant Officer Masha and I were finalising the processing of the Vereeniging crime scene, we received a call from our commander, Lt-Col Mangena. Lt-Col Mangena informed us that there is a crime scene in Bramley and enquired whether we are going to attend the crime scene. Warrant Officer Masha indicated that we will not attend the Bramley crime scene as there was no shooting. Only an arrest and seizure of firearms were executed. Lt-Col Mangena accepted our reason for not attending the Bramley crime scene. We also informed him that we were already scheduled to travel to Piet Retief in Mpumalanga province to process another crime scene there.

20                   Warrant Officer Malan indicated that because firearms confiscated at the Bramley scene are alleged to be associated with the murder in Vereeniging, he would require a ballistic

comparison of the fired cartridge cases against the firearms. Due to my knowledge of how ballistic case files are allocated in the ballistic section and the related backlog of work, I knew that the Bramley and Vereeniging exhibits were going to be analysed separately and that the Bramley exhibits were likely not to be processed as quickly as the Vereeniging case as there was no ballistic analyst in attendance at the Bramley. I then advised Warrant Officer Malan that he submit a letter requesting that the analysis of the exhibits for the two cases be matched. On 23 April 2024, the forensic lab received an exhibit from Vereeniging CAS, which were delivered by Warrant Officer Sithole. The Bramley CAS exhibits were also delivered on the same day by Sergeant Mogale. Lab number 193045/24 was generated in the Forensic Science Laboratory FSL system for the Bramley case and lab number 193051/24 generated for the Vereeniging case. The receiving of exhibits for the

Bramley and Vereeniging cases on the 23 April 2024 were recorded as first entries in the FSL admin system. The Vereeniging case was assigned to me on 8 May 2024 on an FSL admin system and I collected the case file on 9 May 2024. Contained in the case file was a letter prepared by Warrant Officer Malan wherein a request was made that

10 Vereeniging and Bramley exhibits be analysed and compared against each other. As indicated earlier, the Vereeniging case file was assigned to me since I was the one to complete the crime scene report and conducted analysis based on my agreement with Warrant Officer Masha. In this regard, a second entry was recorded on FSL admin system on 25 April 2024 to register for the

20 Vereeniging crime scene. This entry was assigned to me on 20 May 2024. While the second entry for the crime scene was only assigned to me on 20 May 2024, I had completed the crime scene report on 15 May 2024. It is worth mentioning that

once a case is assigned to an analyst on FSL admin system, the assigned analyst is expected to complete the analysis within 14 days from the date the case was assigned. I began my ballistic analysis on the Vereeniging exhibits on 9 May 2024. The Bramley case was also assigned to me on FSL admin system on 20 May 2024 and I collected the case file on 24 May 2024. The Bramley case report marked herein as Annexure LIM2 had a total of 225 exhibits, namely one AK-47 assault rifle, 96 cartridges for AK-47 assault rifle, one CZ Browning 9mm pistol, one Sowa Parabellum 9mm pistol, three magazines for the Parabellum 9mm pistol, one TORAS Parabellum 9mm pistol, including one cartridge loaded with a pistol, 15 AK-47 assault rifle cartridge cases, two 9mm Parabellum cartridge cases, 91 9mm Parabellum cartridges, and 13 cartridges for the CZ Browning 9mm short pistol. I conducted and completed my analysis on the Bramley exhibits on 24 May 2024. This

included the comparison of those exhibits with the Vereeniging exhibits. Upon completion of my analysis, I prepared and signed my section-212 statement, also referred to as a report, and submitted it to Colonel Molakadi for review. I did not receive any query and/or feedback from Colonel Molakadi.”

**ADV MOSIKILI:** Captain, when we move to the next  
10 paragraph, please be sensitive of the issues that we mentioned. I refer to the named person there as Witness B. Thank you.

**ADV KHUMALO SC:** Just before you go to paragraph 30, did Colonel Molakadi in fact review your section-212 statement, or did it just come back the way it was when you gave it to him?

**CAPTAIN MAKGOTLOE:** Commissioners, when we sent the case for review, you are either going to receive a case back when there is a mistake on the case to rectify. If there  
20 is no mistake to rectify, the case goes further for completion and for archiving.

**ADV KHUMALO SC:** So let us clarify this. If you give it to Colonel Molakadi for review and he does not require you to correct anything, then it does not come back to you.

**CAPTAIN MAKGOTLOE:** It does not come back.

**ADV KHUMALO SC:** It goes for archiving.

**CAPTAIN MAKGOTLOE:** Yes. Yes, Commissioners.

**ADV KHUMALO SC:** Which is what happened in this case?

**CAPTAIN MAKGOTLOE:** Commissioners, you will get it when I go through the statement.

**ADV KHUMALO SC:** Okay.

**CAPTAIN MAKGOTLOE:** But as it is, where it is now, looking at the date difference, I will assume that when five days has elapsed, depending on the backlog because even  
10 Colonel Molakadi does not review a case immediately when you bring it to him, he will put it in a box and there is a sequence of cases. So basically, it is first in, first out. So I will assume that either it is reviewed and passed the review, or either it is not reviewed.

**ADV KHUMALO SC:** And your assumption was based on that last sentence of paragraph 29, where you say I did not receive any queries or feedback.

**CAPTAIN MAKGOTLOE:** That is correct, Commissioners.

**ADV KHUMALO SC:** Thanks.

20 **CAPTAIN MAKGOTLOE:**

“In June 2024, I was contacted by Witness B, the investigating officer on Vereeniging case, who had come to FSL to request the ballistic analysis report. Witness B was accompanied by two other

officers. I then went to ask Colonel Molakadi about the report, informing her that the investigating officers for the Vereeniging case have come to collect the report. It was at that point that I became aware that Colonel Molakadi had not started reviewing the report since my submission on 24 May 2024. I then advised Witness B and her team that the report is not complete, as it was still with Colonel Molakadi. Colonel Molakadi started reviewing the report while the investigating officers were at FSL. While Colonel Molakadi was conducting her review, I offered the investigating officers space in the office to sit while they waited for the report. Colonel Molakadi started reviewing the report while the investigating officers were at the FSL. While Colonel Molakadi was conducting her review, I offered the investigating officers space in my office to sit while they were waiting for the report. Colonel Molakadi highlighted amendments that I needed to make on the report. I then

took the report and made my way to my office and informed Witness B and her team that there were amendments that I needed to make before I could give them a report. I made the amendments on specific pages, printed the pages where the amendments were made, and placed the pages in the report with the amendment pages. I then took the report back to Colonel Molakadi and returned with the final version. I then gave the reviewed version of the report to Witness B. Thereafter, she and her team left. It is worth mentioning that when making changes in the report before issuing it to Witness B in June 2024, I did not print the entire report and have it Commissioned with a new date. I only took the amendment pages, attached my initials, requested the person who commissioned the first report on 24 May 2024 to also initialise amended pages and replace the respective pages in the old report. This commissioning was a common practice in the ballistics

department, as can be seen by Annexure LIM 3. It is worth mentioning at this point that I have been accused of allegedly having informed the investigating officers that Vereeniging and Bramley cases were linked to other high-profile cases when they collected the ballistics report in June 2024. I would like to state categorically that I never made such a statement to the investigating officers. The only linkage I was aware of at the date I gave the investigating officers the report was the firearm confiscated during the arrest of the suspect in Bramley on 17 April 2024 were the same ones used in the murder of the victim in Vereeniging. I was aware of this link between the Bramley and Vereeniging cases because I conducted the ballistic analysis on the exhibits for the two cases. Thus, I am not certain whether the investigating officers misconclude the linkages between those two cases to mean there were links with other cases besides those two cases.

Furthermore, the images of the samples used during my ballistic analysis had not been acquired on the IBIS system at the date I gave the report to Witness B in June 2024. As such, there were no way that I would have been able to know if there are any links between the Vereeniging and Bramley cases with any other cases since such links can only be identified after images of the samples are acquired on IBIS. I have been made aware that the acquisition of the images relating to the Bramley case was only done on 6 September 2024 by Warrant Officer Modise. It should be noted that I was not a member of IBIS subsection during the time I conducted the ballistic analysis on the Vereeniging and Bramley exhibits. I only joined IBIS subsection on 1 December 2024. On 12 December 2024, a third entry was recorded on FSL admin system relating to receipt of additional exhibits of the Vereeniging case which were bullets retrieved from the deceased's body. This entry was

assigned to me on 11 October 2024. I completed the ballistic analysis of the exhibit bullets and issued a section 212 affidavit dated 14 October 2024.

10 Queries raised on the ballistic report. On 21 October 2024, I received an email from Colonel Motsepe, one of our commanders in the ballistic section, instructing me to attend to queries that Senior Prosecutor Ronel Coetzee had sent to him regarding errors in the ballistic report she received from the investigating officers, which errors she requested to be rectified. The specific errors in the initial report is described below. Paragraph 10.2 of the report indicates that the cartridge cases mentioned in 3.4 were fired from the firearm mentioned in 4.1. The said 3.4  
20 referred to in paragraph 10.2 relates to paragraph 3.4 of the report which specifies two 7.62mm fired bullet cores, which I received as part of the examination in the Bramley case file. The 4.1 referred to in paragraph 10.2

relates to paragraph 4.1 of the report, which specifies one AK-47 rifle which I received as part of the exhibit in the Bramley case file.

Paragraph 4.9 of the report indicates that I received 15 AK-47 cartridge cases as part of the exhibit for the Bramley case. The error noted in the report is that paragraph 10.2 correctly mentioned cartridge cases which were the cartridge cases referred to in paragraph 4.9 of the report. However, I erroneously referred to paragraph 3.4 relating to bullet core instead of paragraph 4.9 that relates to 15 AK-47 cartridge cases.

10

Paragraph 10.2 intended providing the results of the examination between AK-47 and 15 AK-47 cartridge cases mentioned in the Bramley case file, which results positively indicated that the cartridge cases were fired from the AK-47 rifle. Senior Prosecutor Coetzee's query was understandable in that the report, as it reads, did not confirm whether AK-47 rifle confiscated in Bramley was used to

20

fire the AK-47 cartridge cases. I rectified the error identified in the first report issued to the investigating officers regarding the 15 cartridge cases. Thereafter, I scanned and emailed the amendment report to Senior Public Prosecutor Coetzee on 22 October 2024. Similar to the first report, I replaced the pages in the old report with the amendment pages and did not change the date of commissioning of the report. Thus, the amendment report sent to Public Prosecutor Coetzee on 22 October 2024 is also dated 24 May 2024.

On 6 November 2024, Senior Public Prosecutor Coetzee sent me an email requesting the section-212 statement for the ballistic analysis conducted in respect of additional exhibits of the Vereeniging case. That is the bullet found on the body of the deceased. I sent the report to Senior Public Prosecutor Coetzee on the same day, 6 November 2024. This email has been marked as Annexure LIM4.

10 However, I noted an error on page 3 of my report dated 24 May 2024, sent to Public Prosecutor Coetzee on 22 October 2024 wherein, reference was made to Bramley CAS 140/4/2024 instead of 149/4/2024, which was a typographical error. I have marked this as Annexure LIM5. I rectified the error and emailed the amendment page 3 of 8 to the Senior Public Prosecutor on 6 November 2024 notifying her of the typo. In the email, I requested her to replace the page in the initial report with the amendment 1. I have attached the amendment page as Annexure LIM6.

Interrogation by the investigating officers relating to the Bramley analysis conducted on the Vereeniging and Bramley cases.”

20 **ADV MOSIKILI**: Captain, just remember in this section to heed to the warning again of the names.

**CAPTAIN MAKGOTLOE**: Yes, Commissioners, I do not know if you can give me a minute so that I can highlight that so that when I come ...[intervenes].

**CHAIRPERSON**: Let us rather take a very quick

adjournment and may I ask you, Mr Mosikili, to take the witness' statement and just write Witness B, Witness B, wherever it is, Witness B or witness whoever if another of the investigators is mentioned. Will you indicate to us when you are ready? Let us adjourn.

**CAPTAIN MAKGOTLOE**: Thank you, Commissioners.

**ADV MOSIKILI**: Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

10 **ADV MOSIKILI**: Thank you, Commissioners. We have redacted all reference to sensitive names on Captain's statements, so we should be safe to proceed. Thank you, Commissioners.

**CHAIRPERSON**: Thank you, Mr Mosikili. Captain, you were to start with the heading, interrogation by the investigating officers relating to the politic analysis conducted on the Vereeniging and Bramley Cases. So you may start at paragraph 44.

**CAPTAIN MAKGOTLOE**: That is correct, Commissioners:

20                   “On Tuesday, 7 January 2025, I received a phone call from Witness B. During the said phone call, she informed me that she was in possession of the Amendment Ballistic Report, which she received from Senior Prosecutor Coetzee. She told me

that Senior Prosecutor Coetzee instructed her to attend some additional corrections in the report and obtain a signed original copy of the report. I then informed Witness B that I was still on leave for two weeks and that I would attend to her request once I am back at the office. Witness B indicated that the report was urgent as it was needed for court purposes and that if the amendments were not made, the case would be struck off the roll. Witness B stated that she would come to meet me where I was to ensure that we amend the report accordingly. I informed her that I live near Loate Police Station in Winterfeld, which is a few minutes away from my house. We agreed that we would meet at Loate Police Station. At approximately 18:00, Witness B informed me that she had arrived at Loate Police Station. I then drove to the police station and it took me approximately 10 minutes to arrive to the police station. I notified Witness B upon my arrival and she

10 informed me that she was on a black Mercedes-Benz V-Class. I approached the car and Witness B came out of the vehicle together with five gentlemen who were armed with rifles and firearms. Of the group of individuals travelling in the Mercedes-Benz V-Class, I was only familiar with Witness B. We went into the room at the police station to have our discussion. Once seated, Witness B took out her pocketbook to take note of the discussion. The group then proceeded to ask me questions about the Vereeniging and Bramley cases. They asked me where the ballistic report was. They asked me where the ballistic report was when the reports were completed and...”

**CHAIRPERSON:** Let me assist perhaps there:

20 “They asked me where the ballistics report was, when the reports were completed, and where the respective case files were.”

**CAPTAIN MAKGOTLOE:** No, thanks, Commissioners:

“They further asked what the procedure was when ballistic examinations are

done. Upon my observation of their line and manner of questioning, it became apparent that I was under interrogation. I started having concern for my safety due to the interrogation, given that I was only familiar with Witness B of all the individuals in the room with me. My concern was in regard to whether I was interacting with legitimate police officers or not. Moreso, given the fact that I had heard that a police officer was involved in a murder executed in Vereeniging. Thus, I started having questions about the legitimacy and the interrogation and feared for my life. Amid the interrogation, Witness B told me that Lt-Col Mangena attended the Bramley crime scene and that she had the impression that the ballistic analysis on the Bramley case would be done by Lt-Col Mangena. She added that she was surprised to find that the report was done by me. She also showed me her WhatsApp communication with Lt-Col Mangena on her phone. I noted in the chat history

that Witness B asked Lt-Col Mangena when she should expect to receive a ballistic report and Lt-Col Mangena responded indicating he would call her. Witness B sent several follow-up texts which Lt-Col Mangena never responded to. Witness B and her team then...”

**ADV KHUMALO SC:** Captain, just pause there for a moment. In paragraph 47, you say you are in a room and  
10 you are now concerned about whether the people who are interrogating you are legitimate policemen. Just so that we are clear, you are in a room at Loate Police Station?

**CAPTAIN MAKGOTLOE:** That is correct, Commissioners.

**ADV KHUMALO SC:** And there are other police officers there because it is a police station. I am talking about those stationed at Loate, not those who are part of the V-class and Witness B.

**CAPTAIN MAKGOTLOE:** That is correct, Commissioner. And to elaborate on that as well, Commissioner, even the  
20 police officers at Loate, they told me that they felt unsafe to see such a heavily armed police officer. They were not on a police uniform, let me not say police officers, heavily armed individuals on the police station.

And to add on that, even the commander at the CSC requested one of them to see if they are legitimate to

show her an appointment certificate, which she took a photo of there. That itself, Commissioner, shows that even the police, because it was around 6 o'clock, that is the changing of the shift. So most of the police officers were leaving the station. Very few were still checking in. So those police officers who were around there were not feeling safe as well.

**ADV KHUMALO SC:** Now, did these people identify themselves? You said one of the police officers asked them  
10 to show the appointment document. Did they show it?

**CAPTAIN MAKGOTLOE:** Yes, they did.

**ADV KHUMALO SC:** So once they showed that, you were satisfied that they were all policemen?

**CAPTAIN MAKGOTLOE:** I was satisfied that they were policemen. But when I say legitimate policemen, Commissioners, I do not say they are not employed into the South African Police Service. I am saying they could be employed into the police service, but they could be some elements of rotten police officers, not necessarily bogus  
20 police officers.

Because the matter that they came to deal with me is the matter that involved the police officer as well, so I should attend to this with caution, because there is a police officer arrested in this matter. I do not know that police officer, but I had that information that there is a police

officer. Now there is another police officer with rifles coming for the same matter. So that is why I am saying whether legitimate. Legitimate, not in the sense that they are not police officers. They are not correct police officers.

**ADV KHUMALO SC:** You have clarified what I needed to be clarified. Thank you.

**CAPTAIN MAKGOTLOE:** Thanks.

**CHAIRPERSON:** Just a little bit more clarification on the identification. Earlier you mentioned that, I do not know  
10 whether it is what the senior officer at Loate.

**CAPTAIN MAKGOTLOE:** That is correct.

**CHAIRPERSON:** Yes, demanded identification. And I thought you said only one of the armed people or persons produced their identification.

**CAPTAIN MAKGOTLOE:** Yes, only one.

**CHAIRPERSON:** But later when Commissioner Khumalo was engaging you, I understood you to be suggesting that more than just one of them identified themselves. Which was it? Only just one?

20 **CAPTAIN MAKGOTLOE:** Only one Commissioner. But in my mind, Witness B is a police officer. That one I know.

**CHAIRPERSON:** Yes, yes.

**CAPTAIN MAKGOTLOE:** And now the second one on the team identified ...[intervenes].

**CHAIRPERSON:** I just wanted to know, was it only one

that produced identification?

**CAPTAIN MAKGOTLOE**: Yes, Commissioner.

**CHAIRPERSON**: You have confirmed that it was only one.

Thank you.

**CAPTAIN MAKGOTLOE**: That is correct, Commissioner.

**CHAIRPERSON**: Thank you. Thank you.

**ADV BALOYI SC**: Captain, did you, I mean you had interacted previously with Witness B on another occasion. This was the second time that you meet with her, right?

10 **CAPTAIN MAKGOTLOE**: Yes, Commissioners. I cannot say it is the second time. It might be more than second time, either third or fourth. But we interacted with this case. We interacted while she was bringing some exhibits and collecting reports. So there were a lot of interaction. I even had her cell phone number, her personal cell phone number and she had mine as well.

**ADV BALOYI SC**: So did you have or did you not have a reason to doubt whether she is one of the, I think you call them bogus police officers, or did you accept that she was a  
20 legitimate investigating officer that you could trust?

**CAPTAIN MAKGOTLOE**: Commissioners, initially when the investigation started, I took it as Witness B was a legitimate police officer investigating the case. Now it can happen that during the process, she becomes aware that the police officer who is arrested for somehow could be their friends

or could know the police officer in other way and turn against me now in the case.

Because one thing that I knew at that time, I knew that I made the case positive. All the firearms that were retrieved from Bramley, including the bullet from the body, I made them positive. Now, all of a sudden, you come with rifles. Either maybe I was supposed to make them negative. That is something that came into my mind.

**ADV BALOYI SC:** All right. So is the answer to my  
10 question that on that night, when you are with them at Loate Police Station, you also did not know whether you could trust her?

**CAPTAIN MAKGOTLOE:** Anymore.

**ADV BALOYI SC:** Okay, thank you.

**CAPTAIN MAKGOTLOE:** That is correct.

**ADV BALOYI SC:** Thank you.

**ADV MOSIKILI:** Thanks, Commissioners.

**CHAIRPERSON:** You were to start at paragraph 49 before the engagement with Commissioner Khumalo.

20 **CAPTAIN MAKGOTLOE:**

“Witness B and her team then informed me that they will take me to FSL Silverton to obtain a case file for Vereeniging and Bramley cases. However, I informed them that the lab

was closed at that time since it was in the evening. They indicated that a police department is supposed to be open 24 hours and that they had instructions to report back to their commander before midnight. I requested their permission to call my superior, Brigadier Mkhabela, to obtain his approval for us to access the lab at that time, and they allowed me to make a call. However, I had the call on loudspeaker. Brigadier Mkhabela informed Witness B and her team that their request to access the lab at that time was impossible and that there were procedures that need to be followed. He also asked Witness B why this matter could not wait until the next day since the following day was a working day. Therefore, Brigadier Mkhabela stated that he is ending the call and that he will contact their commander, who I believe to be Lt-Gen Khumalo. Although I was on leave, I also offered Witness B and her team that I was willing to come to the lab the next day to attend to their query

with the case file in front of me. However, they insisted that we go to the lab at that time. I received a call from Colonel Lesu, the head of the case management in the ballistics section. Colonel Lesu indicated that it would not be possible to access the case file for Vereeniging and Bramley as they had been sent to KwaZulu-Natal for further examination. At about 21:00, the group took me inside their car and I was asked by one of the male officers if I had my office keys with me, which I confirmed I did. The officers wanted to stop by my house for me to fetch a jersey and I refused. I refused passing by my house due to the safety concerns I had, fearing that would expose my family to the risk in the event that I was in the company of illegitimate police officers. There were seven of us in the vehicle as we drove to Silverton. Upon arrival at FSL, the female security officer at the gate saw my face and opened the gate and allowed the car to enter the premises. We

entered the office. One of the male officers with a rifle stood at the door and I entered the office with Witness B and three other men. They then asked me to open my computer. I did so by entering my password. They specifically were looking for the ballistic report I prepared for the Vereeniging and Bramley cases. Witness B insisted that she wanted the report, which I printed out and gave to her. One of the male officers asked me if I examined the case files alone and I confirmed that I did the examination alone. He asked me whether I received assistance from anyone and I responded stating that no one assisted me. He further asked whether Lt-Col Mangena had a hand in the case file and I responded that he did not, as far as I knew. He asked me if Lt-Col Mangena knew that we attended the crime scene at Vereeniging. I responded indicating that Lt-Col Mangena is in our standby duty WhatsApp group together with the component head and section head and,

as such, Lt-Col Mangena will know about all crime scenes we attend because we send notifications in the WhatsApp group whenever we attend the crime scene. The police officer further asked me if Lt-Col Mangena was at FSL or not when Warrant Officer Masha and I returned from the crime scene.

10 I responded stating that I would not know because I went straight to my office when I came back from Piet Retief. One of the male officers then informed me that I will die for shit if I protect Lt-Col Mangena. During the prolonged interrogation between myself and Witness B's team, my cell phone kept on ringing as I received several calls from FSL colleagues, however I did not answer most of the calls. Amongst the calls I  
20 received was a call from FSL duty officer, Captain Holzer, who called asking me what was happening in the laboratory at that time of the night. I gave the phone to one of Witness B's team members, a male officer, who explained to Captain

Holzer that General Mulaudzi was aware that the team was at the lab. At some point during the prolonged interaction with Witness B's team, one of the officers in Witness B's team then started drafting a section-212 statement on his laptop on my behalf. While the officer was drafting the statement, the team asked me how many versions of the ballistic report for the Vereeniging and Bramley case I had. I showed them the versions I had in my computer. The versions I had were the following. A Microsoft Word version. This version was the one that all the other versions of the report were derived from. The initial changes mentioned earlier, which were based on a review done by Colonel Molakadi, were done on this Word version of the report and the rectified pages printed and inserted into the first report issued to Witness B in June 2024. Subsequent changes based on the queries raised by Senior Prosecutor Coetzee were also made from this version of the report. A PDF

version. This version was the one I scanned and emailed to Senior Prosecutor Coetzee on 22 October 2024. Upon seeing the different versions of the report, Witness B and her team started accusing me of manipulating the ballistic report and indicated that they would confiscate my computer. This was just after midnight. Around the time Witness B's team were attending to confiscate my work computer, Lt-Col Shole, Lt-Col Botha, and Lt-Col Mangena arrived at the FSL and intervened in the situation. They also prohibited confiscation of the computer and requested Witness B and her team to vacate the FSL premises. I later found out that the intervention by Lt-Col Shole, Mangena, and Botha was initiated by the security officers who were on duty that evening. I understand that upon my arrival with Witness B and her team in their vehicle at FSL premises, the security officers verified the registration details of the vehicle through SAPS vehicle registration circulation

database. The security officers were concerned by the results of the verification. Thus, one of the security officers called Captain Holzen [?], who then called me, as earlier indicated. Subsequently, I understand that Captain Holzen contacted General Mulaudzi, who then contacted Lt-Col Shole and instructed him to go to the laboratory to investigate what was happening. Thereafter, Lt-Col Shole arranged with other units of the police who physically came to the laboratory to intervene. The ordeal I underwent due to Witness B's team ended at approximately 02:00 the next morning. After the situation had settled, we were about to vacate the FSL premises. Witness B offered to drop me home and I refused. I indicated that I preferred to be dropped off by Lt-Col Shole, who kindly agreed to drive me home. On January 8, 2025, while I was still on leave, Brigadier Mkhabela invited me to a meeting scheduled between the ballistics section management and

Witness B's team. The purpose of the meeting was to discuss the issue relating to the events surrounding the Vereeniging and Bramley cases. I initially had wanted to attend the meeting, however, I opted not as I was still disturbed by the manner in which I was treated by Witness B and her team. Therefore, I never attended the meeting.

10

I opened a case of kidnapping on 8 January 2025, which is currently being handled by Independent Police Investigative Director, IPID. I stand by the fact that I was kidnapped as I did not give the officers permission to take me anywhere and was forcefully taken by Witness B's team.

20

Quality management non-conformance procedure relating to the Bramley and Vereeniging ballistic analysis. Subsequently, the meeting held between the ballistics section management and Witness B's team. My superiors opted to initiate a non-conformance quality management procedure regarding the

ballistic analysis done on the Bramley and Vereeniging cases. The non-conformance procedure was initiated on 15 January 2025. The non-conformance procedure was led by Colonel Motsepe. The non-conformance review identified the errors mentioned earlier above regarding the incorrect cross-referencing of paragraphs in my initial report. The outcome of the non-conformance procedure was that the identified errors be rectified in the report and an updated report be compiled and filed. As such, I deposited an amendment section-212 statement on 27 February 2025. The non-conformance procedure was concluded on 27 February 2025.”

**ADV KHUMALO SC:** Was it just the cross-referencing, Caption? Because there were, I counted three or four errors because one of them was the case number was also incorrect, remember? So why do you say here that it was just the issue of the cross-referencing with the cartridges? I mean, there were more errors than just this one.

**CAPTAIN MAKGOTLOE:** Commissioners, you will remember that somewhere during the process of this report,

some amendments were made on the report and corrected. The case number was already corrected at a time, at this time of this quality management.

**ADV KHUMALO SC:** Yes.

**CAPTAIN MAKGOTLOE:** So when quality management reviewed the case, they actually came across where I mentioned a cartridge as a cartridge case. That is the only one that they found because the other ones were already, you remember, Commissioners, that the other ones were  
10 replaced as pages, as I said, only page were replaced and were removed and replaced on in my statement.

**ADV KHUMALO SC:** No, no, because even this quality management non-performance procedure worries me because it does not deal with all the errors. I mean, the final error that had to be rectified was where the prosecutor said, if this thing is not fixed, the case is going to be struck off the roll. Now that was not, as I understand, the cross-referencing because that had been fixed much earlier.

**CAPTAIN MAKGOTLOE:** Yes, that is correct.  
20 Commissioners, you are referring to the call that I received from Witness B.

**ADV KHUMALO SC:** Yes.

**CAPTAIN MAKGOTLOE:** Yes, but that call, when I received that call, that was not the correct call, Commissioner, the correct messaging of the call. Because

at that time when Witness B and the team came to me in January, the corrections were already done.

**ADV KHUMALO SC:** That is exactly my point, that the quality management non-performance procedure, conformance procedure, does not address all the errors from May until, say, January 2025. It seems to be dealing with only the issue of the cross-referencing.

**CAPTAIN MAKGOTLOE:** It does not deal with the cross-referencing, Commissioners. Cross-referencing, you mean  
10 the 15 cartridge cases?

**ADV KHUMALO SC:** Look at paragraph 65 of your statement. You say the non-conformance review identified the errors mentioned earlier above regarding incorrect cross-referencing of paragraphs. So it seems like that is the only thing the review addressed. It did not address the other errors dating back from, say, May 2024 until January 2025.

**CAPTAIN MAKGOTLOE:** Yes, Commissioners, they did not address that.

20 **ADV KHUMALO SC:** Then we are on the same page.

**CAPTAIN MAKGOTLOE:** Yes.

**ADV KHUMALO SC:** Because then this quality management procedure worries me, because it seems like it was incomplete.

**CAPTAIN MAKGOTLOE:** That is correct. That is correct,

Commissioners. May I proceed?

**ADV MOSIKILI:** Please proceed, Captain.

**CAPTAIN MAKGOTLOE:**

“As indicated earlier, I was promoted to captain and transferred to the IBIS subsection....” ...[intervenes].

**ADV MOSIKILI:** Sorry, for the purpose of the transcript. Can you just confirm the heading there?

**CAPTAIN MAKGOTLOE:**

10 “Confirmation of links between the Vereeniging and Bramley cases with other cases. As indicated earlier, I was promoted to captain and transferred to the IBIS subsection as an IBIS analysis commander from 01 December 2024. Due to heightened media attention on the Vereeniging and Bramley cases, the ballistic [indistinct] of the two cases that were acquired on the IBIS system were

20 caught up to the front of the IBIS queue in the IBIS system in order to prioritise the viewing of any possible links to other cases the IBIS system identified. The viewing of the possible links or leads in the IBIS system was done by Warrant

Officer Mthembu. Warrant Officer Mthembu then prepared an analyst notebook linkage on the report on 17 July 2025 containing the possible links identified. Warrant Officer Mthembu provided the possible links report to me and I started conducting the microscopic confirmation of the links. I was able to confirm 18 linkages between the Vereeniging and Bramley cases with other cases which has been marked as Annexure LIM7. I then deposed to a section-212 statement on 18 August 2025 relating to the linkage confirmed.”

**ADV MOSIKILI:** Thank you, Captain. Commissioners, Chair, I see that it is 11 o'clock.

**CHAIRPERSON:** I doubt that the questions will be that long, or at least I hope not.

**ADV MOSIKILI:** Yes.

20 **CHAIRPERSON:** Let us continue to the end, Mr Mosikili.

**ADV MOSIKILI:** Let us do that, thank you, Chair.

**CHAIRPERSON:** Yes, may I just, I have two broad issues which I hope will translate to two questions in the hope that there will be no follow-ups, Captain. In paragraph 63, you say that you were taken to the FSL office in Silverton

“forcefully”. Please explain the nature of the force or how exactly the force manifested.

**CAPTAIN MAKGOTLOE**: Commissioners, I will explain the nature of forcefully in this regard. This was not a – it is a non-contact force. The officer's approached, instilled fear on me. So as a result, I believe when someone has already instilled fear on you ...[intervenes].

**CHAIRPERSON**: Explain the approach perhaps for me to understand how that instilled fear in you.

10 **CAPTAIN MAKGOTLOE**: As I indicated earlier, Commissioners, that they came in carrying firearms, and the manner in which they were interrogating me, it was not like an interview of a colleague to colleague. And as a result, I already indicated, Commissioners, that there was a police officer involved in this crime.

Now, when another officer comes and has such an interest in this case, and that interest comes with instilling fear into an expert, then they will actually instal a non-contact force on me, because I could identify that even the  
20 report that they had brought to me for correction was not the report that had an errors. They had a report of the two bullets that came from the body, and that report did not have errors.

So, I did not see any reason for them to come to say to me that report needs some corrections. It was not

true. So, if you come to me and you do not tell me the truth of you coming to me, you are carrying rifles, you are instilling fear on me, so ...[intervenes].

**CHAIRPERSON**: You looked at them and you feared them.

**CAPTAIN MAKGOTLOE**: Come again?

**CHAIRPERSON**: You looked at them and you feared them.

**CAPTAIN MAKGOTLOE**: That is correct, Commissioner.

**CHAIRPERSON**: But when you say that the report that they had had already been corrected, is it not so that they  
10 should naturally have been interested in the history, the changes that had gone on, the corrections that had been made, and that they would have wanted to know what exactly is going on here?

**CAPTAIN MAKGOTLOE**: And, Commissioner, that was not brought to my attention. The history and the changes, it was not brought to my attention at that day. So, at that day, the only picture that I had was that there is something small on the report that I believe, if I recall correctly, it looked like there is a page that I skipped when I was  
20 initialising the pages. Because even the correction, I do not think I could have agreed for a report, because a report is typed. When you say I must correct it, you cannot come to my place, because I must have the version of the report, the draft of the report so that I can make the necessary corrections.

So, it cannot be true. The only thing that I can do when I am at home is just to attach a signature, if I forgot to attach a signature in one of the pages. Other than that, any other thing that can be done, it should be done at the office and I must be in a possession of the case file when doing that.

**CHAIRPERSON:** My next question relates to process. As you are probably aware, this Commission is concerned with the influence that criminal syndicates have or are alleged to  
10 have on the criminal justice system. Needless to say, criminal cases involving syndicates need to be attended to, especially if, as is alleged, affect the entire criminal justice system. Those need to be attended to with a measure of urgency.

I am not saying that other crimes do not need to be attended to urgently as well. Victims of crime always want to see finalisation of the matters that affect them. But if the allegations are that the entire criminal justice system may well be influenced by criminal syndicates, I think that is a  
20 matter deserving utmost urgency. So that is the context in which I am going to raise the issue that I am going to raise.

You say that when you left Vereeniging, you were attending another crime scene in another province, that is Piet Retief in Mpumalanga province. I just want to get an idea of whether officers from FSL attend to all crime

scenes. I am aware, of course, that there is an FSL office, if I am not mistaken, in the Western Cape, in KZN, the Eastern Cape, all of these in addition to the national one in Silverton.

**CAPTAIN MAKGOTLOE**: That is correct.

**CHAIRPERSON**: But even if that be so, if all crime scenes are attended to by officers from the FSL, I am not an expert, but I think they would be overstretched. Can you explain how this works out in practice? And if they are  
10 overstretched, that would probably delay the process.

**CAPTAIN MAKGOTLOE**: That is correct, Commissioners. You are correct, Commissioner, to say it is overstretched. When you are on standby in FSL here in Gauteng, the two of you who are on standby, you are responsible for Gauteng as a whole, for North West as a whole, for Mpumalanga as a whole, for Limpopo as a whole, and you go as far as Kimberley. And it is overstretched, it is overstretched. And all victims of crime, as you said, Commissioner, they want justice.

20 So when you are in – when you are attending a crime scene in, let us say, in Limpopo, you can receive a call while you are still in Limpopo that there is another crime scene that you need to attend, say, in Kimberley. You will drive from Limpopo to Kimberley because there is any other one who is on standby.

Initially, some time ago, we used to have a first and second standby. At the moment, we do not have first and second standby. We have it ...[intervenes].

**CHAIRPERSON**: By that first and second, by that, do you mean sets? Because you have said there were two of you on standby, so that was one set.

**CAPTAIN MAKGOTLOE**: It is a first standby.

**CHAIRPERSON**: Yes. So there would be another set of officers.

10 **CAPTAIN MAKGOTLOE**: Two who are still on standby, but they are waiting to be activated by the ones who are on first standby.

**CHAIRPERSON**: And do you know why that was discontinued?

**CAPTAIN MAKGOTLOE**: It was discontinued due to a number of reasons, in-availability of vehicles, resources. The cell phone is one that rotate within the standby. The vehicle, they will give – they are going to issue two vehicles for people who are on standby, the first standby, because  
20 they are not living in the same house. So that during the night, when they say there is a crime scene at around 12 o'clock, one does not start by going to collect another one because maybe they are staying remote to each other. So they will drive to that place.

If the crime scene is too far, they drive and leave

one vehicle at the office and put the equipment in one car and drive to either Mpumalanga. And now, if you activate the second standby, that means you need four vehicles for first and second standby, which is the resource that I think the laboratory does not have that luxury to supply.

**CHAIRPERSON:** This sounds impractical to me. I mean, if you take a province like the Northern Cape, it is the largest province in terms of territory, very long distances. And assuming that you are asked to go to the furthest corner of  
10 that province, and you may spend a lot of time just travelling to where you must attend to a scene. Anyway, the same would apply, for example, to other provinces that have wide territories.

For example, we were told that in the Eastern Cape the FSL office is in Gqeberha , which is close to the other end, the southernmost part of that province. And assume that something has happened in Mthatha, which is on the opposite end on the northern side, the officers would take forever to move from Gqeberha to Mthatha. It is just  
20 impractical. Do you wish to comment on the two comments?

**CAPTAIN MAKGOTLOE:** Commissioner, to comment on that, the way I hear the Commissioner is comparing that province, that laboratory with our laboratory here in Pretoria. Is the Commissioner comparing the two laboratories on their standby basis?

**CHAIRPERSON:** It is not even a pointed question. It is more whether you agree with the observations that I am making, that is all. And I would imagine that you agree with the observations.

**CAPTAIN MAKGOTLOE:** Yes, I agree with that.

**CHAIRPERSON:** Yes. Thank you. Thank you, Captain. We will come to you afterwards. We have to adjourn. We will come back.

**INQUIRY ADJOURNS**

10 **INQUIRY RESUMES**

**ADV KHUMALO SC:** Good morning, Captain.

**CAPTAIN MAKGOTLOE:** Good morning, Commissioner.

**ADV KHUMALO SC:** Are you ready?

**CAPTAIN MAKGOTLOE:** I am ready, Commissioner.

**ADV KHUMALO SC:** Captain, I think maybe let us just clarify that issue you have already dealt with in your statement where Witness A and Witness B say you are the one who told them that the weapons that were seized in the Bramley and Vereeniging scenes were linked to 18 other  
20 cases. Are they mistaken when they say it was you who told them that?

**CAPTAIN MAKGOTLOE:** That, Commissioner, you mean when I dealt with 18 cases?

**ADV KHUMALO SC:** Yes.

**CAPTAIN MAKGOTLOE:** No, Commissioner. The 18 cases

is a separate thing, Commissioner. The 18 cases are the cases that were identified by IBIS.

**ADV KHUMALO SC:** Yes.

**CAPTAIN MAKGOTLOE:** Yes, but at the time of doing the ballistic case, that information was not in my possession.

**ADV KHUMALO SC:** Yes.

**CAPTAIN MAKGOTLOE:** I did not have that information.

**ADV KHUMALO SC:** So, you could not have told them that?

10 **CAPTAIN MAKGOTLOE:** I could have not told them that.

**ADV KHUMALO SC:** Because, as you say in your statement, the IBIS issue was only in late 2025.

**CAPTAIN MAKGOTLOE:** That is correct, Commissioner.

**ADV KHUMALO SC:** So, I think let us leave that. And then I identified four errors. And I want you to, for our peace of mind, because in your statement you do not explain what the reasons for those errors are. And maybe this is what has led to this suspicion that maybe you deliberately omitted information from ballistics reports, or  
20 you included misleading information in ballistics reports. So, I am hoping that you will give us an innocent explanation for these errors. But I want to first identify them there in your statement. So, if you start on page 8, paragraph 34, just let me know once you are there.

**CAPTAIN MAKGOTLOE:** I am there, Commissioner.

**ADV KHUMALO SC:** So, you will see that the first changes you were asked to make were in June 2024.

**CAPTAIN MAKGOTLOE:** That is correct.

**ADV KHUMALO SC:** You say in your statement:

“It is worth mentioning that when making the changes in the report before issuing them to Witness B in June 2024, I did not print.”

And that was because Colonel Molukadi[?] had highlighted  
10 amendments that needed to be made.

**CAPTAIN MAKGOTLOE:** That is correct.

**ADV KHUMALO SC:** So that is the first one. And then the second one is on page 9 at paragraph 38, where you say:

“On 21 October 2024, I received an email from Colonel Motsepe, one of our commanders in the ballistics section, instructing me to attend to queries that Senior Prosecutor Coetzee had sent to him regarding the errors in the ballistics  
20 report.”

Do you see that?

**CAPTAIN MAKGOTLOE:** That is correct, Commissioner.

**ADV KHUMALO SC:** So that is the second one. And then you go to page 11, paragraph 42. On 6 November 2024, are you there?

**CAPTAIN MAKGOTLOE:** I am there, Commissioner.

**ADV KHUMALO SC:** Yes:

“On 6 November 2024, Senior Prosecutor Coetzee sent me an email requesting the section 212 statement for the ballistics analysis conducted in respect of the additional exhibits in the Vereeniging case. I sent the report.”

And then the following paragraph:

10 “However, I noted an error on page 3 of the report.”

So that is the case number issue. Do you see that?

**CAPTAIN MAKGOTLOE:** That is correct.

**ADV KHUMALO SC:** Yes, and then the last one is in paragraph 44, where now you end up getting this call from Witness B in January 2025 that the case will be going to court and they want certain amendments to be made because if they are not attended to, the case might be struck off the roll. Do you see that?

20 **CAPTAIN MAKGOTLOE:** I see that, Commissioner.

**ADV KHUMALO SC:** Yes, so, those errors, what were the reasons for those errors? I mean, can you just explain to the Commission? Are they innocent or were you really trying to sabotage the investigation into the murder of Mr Swart?

**CAPTAIN MAKGOTLOE:** Thank you, Commissioners. Commissioner, let me first go to the last one, the page 11, no, not paragraph 44. Commissioners, paragraph 44 is the call that I received from Witness B that there is an error on the statement. It is not the error that I identified or someone else identified this. And there was no error that was corrected here.

The Witness B told me that there is an error. However, the main reason it was to call me out, not  
10 necessarily there was an error. As I indicated that it cannot be correct that Witness B can come to my home for correction of error. So even the statement that the Witness B had on that day was the last entry of the statement, which did not have any error.

That was the statement from the bullet from the body. So, it is not correct to say this is paragraph 4 referred to an error. Paragraph 4, they were using the word error so that they can have me close to them. Because there is not any other way they can say, come, we want to  
20 see you. I would refuse. But when they say there is an error, this is my statement.

There is an error and the statement is going to court. I get surprised. And when they say the case will be struck off the roll, then I stand up and say, let me meet the investigating officer. Because we cannot afford to see

criminals out on the street because I am on leave. But there was no error here for this paragraph.

**ADV KHUMALO SC**: The other three?

**CAPTAIN MAKGOTLOE**: The first one. The first one I think is paragraph 34. Paragraph 34. Paragraph 34 is the procedure of the laboratory. Procedure of the laboratory is every case file, once finalised, once you have done working on it, it goes to review. And almost out of ten cases that goes to review, eight will be back with errors for correction.

10 Without any deliberate to do anything for any analyst who is working in the lab.

That can be caused by so many factors including pressure and time. So, meaning, if this error was corrected and there was not any other error, the investigating officer were not even going to be aware that there was an error on the statement. Because it would have been corrected. All of the statement passed through that route. So, this is the normal operation of the ballistics.

20 And when I go to the other mentioned errors which existed whereby there were exchange of pages and what, that one Commissioner, I can safely say, those were typing errors. And those typing errors were supposed to be picked up at the reviewing process. But was not picked up at the reviewing process. I cannot indicate as to for what reason. But I can say it amounts to work pressure as well.

Commissioners, before you type a statement, by nature an expert is not a typist. But we are doing our own typing. And we are given 20 minutes to type a statement. Regardless of how many pages the statement has. So, possibility of errors will be there. But there are proformas. Because when you examine a case, you use the proformas. The proformas will have correct information.

However, reducing that information into a typing is a separate thing. And when we are given 20 minutes to do that, typing errors do occur. That is why when there is an error, the first thing you do at the lab, when they say it is an error, even when it comes from the review, when they say you have written the wrong bag number, you do not just change it.

You go to your proforma to see exactly what handwriting on the proforma. Because when you open a case, you take your proforma, you take your case, you put it here. There is no typing there. You write the bag number on the proforma. You write bag number that you received. You write the contents. What is in the bag. Later on, you are done with the examination.

You reduce that into writing, into typing, which is not your area of speciality. That is why always there will be an error on the typing side, not on the proforma side. And at all times, we accept those mistakes, and we accept to

make corrections. Because the only thing that goes to court is not proformas now. It should be the 212 statement. And our system Commissioners at the lab, it does not accommodate members reviewing their own cases.

Meaning when you are done with typing, you are not given any further minutes to recheck your work. When they give you a case, a case has been allocated a particular amount of time. Once they say you do this case, you are going to do this case because 10 minutes is for typing, 20  
10 minutes is for typing, 2 hours is for examination, 10 minutes is for returning the firearms to the safe, then the day is finished.

So, we do not focus on the quality, we focus on the quantity. And the whole reason why we focus on the quantity is not the correct thing, but it is true. It is because of the number of cases we have versus the number of staff we have.

**ADV KHUMALO SC:** So, it is innocent mistakes attributable to time pressures and work pressures and other  
20 things.

**CAPTAIN MAKGOTLOE:** That is correct.

**ADV KHUMALO SC:** Nothing sinister, nothing malicious.

**CAPTAIN MAKGOTLOE:** Nothing, nothing. Nothing Commissioners.

**CHAIRPERSON:** Yes, Mr Mosikili.

**ADV MOSIKILI:** Thank you, Chair. Just to piggyback from the exchange you had with Commissioner Khumalo on what you attribute to these errors, and we would not want to assume or at least peddle the belief that you deliberately manipulated the report. But for me, what I want to say to you is that the errors that you committed were quite material to the outcome of the murder cases.

For example, the three errors that we spoke about. The first error is that you were asked by Warrant Officer  
10 Malan to say, link the murder weapon to the crime scene, and you failed to do that. So, the report that you issued, it does not draw a link between the murder weapon and the murder scene. You accept that. As it stood, as you handed the first report to Witness B.

**CAPTAIN MAKGOTLOE:** Commissioners, the first report, in respect of that error, does not say I did not link the murder weapon to the cartridge cases because we have got three types of results in respect of examination of the fired cartridge cases and firearm. You have got either positive  
20 match, negative match, or inconclusive.

**ADV MOSIKILI:** And in your case, you said what?

**CAPTAIN MAKGOTLOE:** In my case, because I did not mention 4.9, that does not mean I said negative. It does not relate to a negative finding. If you go to Annexure LIM - LIM 1.

**ADV MOSIKILI:** Yes, that is page 19.

**CAPTAIN MAKGOTLOE:** And then you go to page 23, then this is microscopic results, Commissioners. You go to the second part. The first part deals with the bullets. The second part deals with CC. CC means cartridge cases. I am saying cartridge cases 193045/2023 AA3A up to AA3O. That is the 15 cartridge cases.

And I further say it is 7.62 by 39 millimetre. That is AK-47. Are positive to cartridge case – are positive to  
10 cartridge – are positive to - now I include a different lab number because I compare it with Bramley now, which is 193045/24. 363TC1 and 363TC2 these are tests fired from the same rifle, Commissioners. Now, Commissioners, the proforma is here. The results are documented here.

**ADV MOSIKILI:** I have to stop you.

**CAPTAIN MAKGOTLOE:** Thank you, Commissioner.

**ADV MOSIKILI:** This document, as far as I understand it, is not a document that was handed to Witness B. Is that correct?

20 **CAPTAIN MAKGOTLOE:** That is correct, Commissioners.

**ADV MOSIKILI:** Yes, so, I am saying to you the document that you handed as a report of the outcome of the work that you are showing us that you did, did not give a positive link that is why there was a need for you to rectify or to amend this way. That is a simple proposition.

**CAPTAIN MAKGOTLOE:** Yes, I accept that, Commissioners.

**ADV MOSIKILI:** Yes, now the only proposition I am putting to you is that that error is quite material. It is important to the outcome of any criminal proceedings because if you cannot link, ultimately, the crime scene with a murder weapon, someone will go scot-free, you accept that?

**CAPTAIN MAKGOTLOE:** I accept that, Commissioners.

**ADV MOSIKILI:** Thank you.

10 **ADV KHUMALO SC:** And just for completeness, the document that is being referred to starts on page 52 and it ends at page 60 and the errors are on page 58, at paragraph 10.2 and 10.6.

**CAPTAIN MAKGOTLOE:** Which pages are we in?

**ADV KHUMALO SC:** Same file on page 58.

**CAPTAIN MAKGOTLOE:** On page 58.

**ADV KHUMALO SC:** But the report, Adv Mosikili is referring to, starts on page 52 and ends at page 60.

**CAPTAIN MAKGOTLOE:** That is correct, Commissioners.

20 **ADV KHUMALO SC:** But the linkages that are because of all the problems in paragraphs 10.2 and 10.6, that is where the error is.

**CAPTAIN MAKGOTLOE:** That is correct, Commissioners, on page 58.

**ADV KHUMALO SC:** Yes, and his point is that it is

material because if you had to go to a criminal case with this report, the defence would have a field day and this could result in an acquittal or something like that.

**CAPTAIN MAKGOTLOE:** That is correct, Commissioners.

**ADV MOSIKILI:** Thank you, Commissioner Khumalo. Captain, another error that we identified, to add to the list of errors that Commissioner Khumalo just discussed with you, is the issue of the etching of one of the weapons which did not have a serial number. Now, if you go to page - on  
10 file 2, on page 128, so the second file, the bigger file of the two.

**CAPTAIN MAKGOTLOE:** Yes.

**CHAIRPERSON:** Mr Mosikili, is there any detailed questioning along those lines necessary? It just may undermine the criminal process that is still to come. Whether rightly or wrongly, the witnesses simply said these were inadvertent errors and I am not so sure that going into much detail either assists us or worse still, does not potentially cause damage to the criminal process that is still  
20 to come.

**ADV MOSIKILI:** I have that debate in my mind, Chair, as to the possible implications to the other ongoing matter without giving much.

**CHAIRPERSON:** Yes.

**ADV MOSIKILI:** All I wanted to say, because what we want

to do, and I wanted to be fair to him, to say that we would want to make recommendations to you to say that, and I wanted to be fair to him to make a comment to say that the errors that he committed either were attributed to gross negligence or probably an act of incompetence.

**CHAIRPERSON:** Yes.

**ADV MOSIKILI:** That is all that we wanted to lay the basis for because these are serious errors and he can comment.

**CHAIRPERSON:** Thank you. Do you wish to comment on  
10 the last comment that Mr Mosikili made, Captain?

**CAPTAIN MAKGOTLOE:** Yes, let me comment, Commissioners. Commissioners, typing error Commissioners cannot be classified as to how the counsel is putting it. At the laboratory Commissioners, we have got two types of errors. We have got, allow me to refer to this Commissioners because it was not available at the time of - it is not an annexed because it was not available at the time of doing the statement.

We have got critical and non-critical errors. So, if I  
20 may explain to you, counsel, non-critical errors include, it is four categories. It is incorrect dates on an affidavit, defects or actual results not confirmed, administrative errors, and log numbers. Those are non-critical errors. And I will believe that those errors that the counsel is leading me with falls within this category. So, it cannot be incompetence or

deliberate. What is the other one?

**CHAIRPERSON**: Negligence.

**CAPTAIN MAKGOTLOE**: Negligence. But as I already indicated Commissioners, that the errors will arise time to time. As long as there is still pressure at the lab, the errors will always be there because we push quantities, not quality. The errors will arise, not intentional errors.

**CHAIRPERSON**: That is a very disturbing observation in the criminal justice system. It is a very, very disturbing  
10 observation.

**CAPTAIN MAKGOTLOE**: I know and I understand  
...[intervenes]

**CHAIRPERSON**: I understand the background you give for the observation, but it does not change the fact that it is a very disturbing observation.

**CAPTAIN MAKGOTLOE**: Yes, just to put again on that point Commissioners, there is a programme that is called LabWare, which is now in existence because every single time when a problem is identified, it is subject to be  
20 reviewed and methods to be changed. At the moment we are using, it is actually going to be on place, I think this month or next month because we are running a trial of that.

LabWare, where when we type, it has an option where we type the statement on a LabWare. And the LabWare, when you type the statement, the 212 statement,

every single time you make these changes, it keeps the original. It keeps, you can refer up to 14 of those statements that on this date you made changes here, and it records the errors as well because we are trying by all means to minimise the errors to zero.

And then at that stage, we will know whether further training is needed to a person or the system needs to be changed because some errors are caused by the system itself when the system is not correct.

10 **ADV MOSIKILI**: Chair, last two questions for the Captain. Captain, what does not sit well with us, and this is part of the recommendations that we want to make, is that at least on the face of it, on the errors that you committed, that we say are material, what seems to happen is that a few months later, you are actually rewarded with a promotion to being a Captain. What do you have to say about that?

**CAPTAIN MAKGOTLOE**: That I cannot comment, Commissioners, because that was a post advertised and just like all other applicants, we were shortlisted and we  
20 went for an interview and fortunately I got the post. So, with or without this case, Commissioners.

**ADV MOSIKILI**: Yes, that is fine. The last question really, Captain, and on a more serious note, do you still persist seriously now with allegations that knowing what we know and your own testimony and your own interaction with the

Commissioners and the Chairperson, do you still seriously persist that you were kidnapped by Witness B?

**CAPTAIN MAKGOTLOE:** Commissioners, that one, Commissioners, because I opened a case and I opened a case based on the incident that happened and I assume when a case is opened, it should go through the processes of all the cases. I cannot determine whether the case should or should not be. That would be the prosecutor in the prosecutor's decision whether they enrol the case or  
10 not, Commissioners. But looking into the sequence and how I felt about the incident that night, there is only one organisation that I can run to. It is SAPS. And SAPS will follow, like any other citizens of the country, will open a case and send it for the decision.

**ADV MOSIKILI:** But at all material times, you were kidnapped at SAPS premises. But anyway, that is just a comment. Chair, those will be our questions for the witness.

**CHAIRPERSON:** Thank you, Mr Mosikili.

20 **ADV KHUMALO SC:** Captain, it seems like we need VAR there by Silverton because there are serious shortcomings with the reviews and the reviewers and how the 212s simply go through the process and you say we type we push numbers and not quality. Therefore, we may need VAR in that department. Do you know what VAR is?

**CAPTAIN MAKGOTLOE:** Yes, I know, Commissioners. And just, can I add on that, Commissioners? Not on the VAR part. Commissioners, the laboratory, just like when I joined the laboratory some 20 years back, we used to receive a few cases. I am definitely sure Brigadier Mkhabela maybe testified about that. We used to get a few cases. And today, we are getting a lot of cases.

And so many things have not changed. And the cases itself, the type of crimes are totally different. 20  
10 years back, we used to have pistol cases, 9-millimetre firearms. Lately now, there is a lot of rifles, fully automatic rifles. Examinations of such are different from examinations of then. But the time allocated for you to work those cases remains the same.

So, by that, something is going to be compromised because today when somebody goes and commits a crime with a firearm, they do not do it with a revolver because they know revolver is limited, can carry only six rounds. They need a weapon that can carry about 40, 50 rounds.  
20 And that weapon today, you still examine it like you are examining the revolver 20 years back. You are still given the same amount of time to do that. So those are shortcomings, but I believe the laboratory is working hard on that as well to try to improve that.

**CHAIRPERSON:** Mr Mosikili?

**ADV MOSIKILI:** No follow-up questions, Chair.

**CHAIRPERSON:** Thank you. Captain, thank you very much.

**CAPTAIN MAKGOTLOE:** Thank you, Commissioner.

**NO FURTHER QUESTIONS**

**CHAIRPERSON:** You are excused. We will adjourn and resume tomorrow at 09:30. Thank you.

**INQUIRY ADJOURNS TO 3 FEBRUARY 2026**

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