

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

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

4 MARCH 2026

DAY 71



PROCEEDINGS HELD ON 4 MARCH 2026

CHAIRPERSON: Good morning. Who should I greet first? Who is leading? Good morning, Ms Pooe. Good morning, Mr Segeels-Ncube. Good morning again, Mr Mogotsi, and welcome once more. Thank you. Yes, Ms Pooe?

ADV POOE: Chair, you will recall on – my apologies. Good morning, Chair. Good morning, Commissioners. You will recall that on Monday Mr Mogotsi was meant to appear. A sick note was provided to us, or a medical certificate was
10 provided to us by the close of business day, indicating that he would be fit to resume his duties after the 3rd of March. From our perspective, Chair, Mr Mogotsi was requested to come back today in order to give an explanation to the Commission, and thereafter to postpone his testimony to a date next week.

CHAIRPERSON: It looks like we have – I am going to give you an opportunity to say something, Mr Mogotsi, but let me right away say that it looks like we have reached a stage where we are getting quite a few of these medical
20 certificates, and this is quite bothersome. It impacts negatively on the Commission's scheduling because once we do not have a witness, and we usually get to know of that on the day, we lose time because we do not sit on that day, and it gets worse if a witness has been scheduled for more than just one day.

And that witness then has to be scheduled at a later date, affecting scheduling that had already been done. This is truly, truly bothersome, and the Commission has very limited time to do its investigation, to finalise its investigation. And the medical certificates we get basically say nothing. Yours, Mr Mogotsi, says medical condition. That is what the last one before yours also said, and we had to insist on getting another medical certificate, which then stated what the real condition was. Just saying
10 medical condition, that is useless. Useless. It does not assist us, and ordinarily that is something we just cannot and should not accept.

We are aware that there are regulations that govern the medical environment, and we believe that we are entitled to call upon the medical doctor concerned to actually explain what the medical condition is, but because of the confidentiality that attaches to people's medical conditions, that is something we should do in a private session. Starting from now, that is something we are
20 seriously considering doing.

In addition to that, we are also entitled to furnish the medical certificate to the council that governs the medical profession for it to inform us professionally whether what is written on the medical certificate makes sense medically. We are, even on this aspect as well, seriously

considering doing that.

We are not going to sit here and continue receiving useless medical certificates like the last one was, and like yours appears to be. Having said that, let me hear you, Mr Mogotsi. Unfortunately, anyway, whatever we make of this medical certificate, we cannot hear your testimony today, and that is because we have another witness scheduled for today. Do you want to say anything? Do you want to comment on your own medical certificate, which I say is
10 useless because all it says is medical condition? What on earth is that?

MR MOGOTSI: Thank you, Commissioners. I really have to apologise and reiterate, Commissioners, I have been very consistent throughout the preparations, all the time before the Commission, and coming back from Cape Town since Friday, I was not okay. Like you say, confidentiality of the illness, but mine, I just had a lot of pressure, more like a diarrhoea. I was so sick. I am still not well, but I thought because for the Commission's information, throughout the
20 engagement it is me who suggested that day to the evidence leader.

So I really apologise, but indeed I was very ill and very dizzy also. And I even insisted with the doctor that I so wish he can get me some medication so that by Wednesday or Thursday I could be ready to come here, and

it will never happen again.

CHAIRPERSON: Even though the answer to what I am going to put to you does not really lie with you, but I will ask you this. Do you have any problems if we refer your medical certificate to the council that governs the medical profession?

MR MOGOTSI: No, I do not have.

CHAIRPERSON: No problem at all with that?

MR MOGOTSI: I believe that their interaction with the
10 medical doctor will be kind of confidential and be submitted, then there is no problem.

CHAIRPERSON: Thank you.

MR MOGOTSI: Thank you.

CHAIRPERSON: Mr Mogotsi, the hearing of your testimony is postponed to a date to be determined at a later stage. Thank you for your attendance.

MR MOGOTSI: Thank you, Commissioner.

CHAIRPERSON: Do we adjourn for you to bring in the next witness?

20 **ADV POOE:** Chair, that would be appreciated.

CHAIRPERSON: We will come back when you indicate to us. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV SEGEELS-NCUBE: Good morning, Chair. Chair, the witness for today is Maj-Gen Richard Shibiri. He is legally represented by Loliwe attorneys, and he has counsel on brief. If they may introduce themselves?

CHAIRPERSON: Thank you. May the lead attorney place you on record, please?

ADV SEGEELS-NCUBE: Counsel is on brief.

CHAIRPERSON: I am so sorry. I thought I heard reference to attorneys. Also, it is counsel instructed by –
10 my most sincere apologies, Counsel.

ADV MKIZE SC: Good morning, Chair. Good morning, Commissioners. I am LP Mkize, Advocate Mkize from Johannesburg Bar.

CHAIRPERSON: Yes.

ADV MKIZE SC: I am appearing together with my instructing attorney, Mr Lucasius [?] Loliwe and Ms Mlandwa [?], Lesedi Mlandwa. My apologies. Chair, I am ...[intervenes].

CHAIRPERSON: I am a bit relieved if you do not know
20 your own attorney.

ADV MKIZE SC: Chair, my junior instructing attorney is supposed to be writing some ...[indistinct] exam later this afternoon.

CHAIRPERSON: Yes.

ADV MKIZE SC: But she took the time to come and be part

of this proceedings. That, we believe, shows how serious he takes the whole process in there. I must also apologise. When the Commissioners were coming in, unfortunately we were still conferring my attorney. When everyone else stood up, we did not.

CHAIRPERSON: I did not even notice it.

ADV MKIZE SC: We apologise for that.

CHAIRPERSON: No, no, no. Good morning and welcome to you all.

10 **ADV MKIZE SC**: Thank you, Chair.

ADV SEGEELS-NCUBE: Thank you, Chair. Chair, Maj-Gen Shibiri has elected to be sworn in.

CHAIRPERSON: Thank you. Good morning General.

MAJ-GEN SHIBIRI: Good morning, Commissioner.

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

MAJ-GEN SHIBIRI: So help me God.

20 **CHAIRPERSON**: Thank you, General.

RICHARD ABEDNEGO SHIBIRI: (duly sworn states)

EXAMINATION BY ADV SEGEELS-NCUBE: Thank you, Chair. General, in front of you, you should have three files. The first file, File 1, contains your statement that you prepared for your evidence today. And if I can just place on

record that you have filed two statements. The second statement, I understand, just contains some typographical corrections. And although I know your preference was for us to deal with the first statement, it is going to be logistically difficult for us to deal with the second statement.

So we are going to work through your first statement. And where you have made changes in that statement, in the second statement, I will just alert you to it so that it can be placed on record that changes have been
10 made to that particular paragraph. So if you could confirm then, General, that in File 1 the statement that appears at page 1 to 80 is your statement and that the signature on, sorry, page 81, 1 to 81, and that the signature on page 81 is your signature?

MAJ-GEN SHIBIRI: That is correct, Commissioner, it is my signature.

ADV SEGEELS-NCUBE: And do you confirm the truthfulness and correctness of the contents of your statement?

20 **MAJ-GEN SHIBIRI**: I confirm.

ADV SEGEELS-NCUBE: Okay. Barring, of course, the corrections that you have made, which we will deal with. And then you should have another file with you. It is File 2, which should contain the annexures to your statement.

MAJ-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And it should be Annexures RS1 to 14, from page 1 to 54. And we have added another page, page 55, which is not a new annexure, but it is just the typed version of the statement that appears on page 50, from page 53, Chair. So RS14 has been - RS11 has been typed up. Do you confirm that? So if you look at page 55, does your file have a page 55?

MAJ-GEN SHIBIRI: It would be RS14.

10 **ADV SEGEELS-NCUBE**: Yes, does your file have a page 55?

MAJ-GEN SHIBIRI: Page 55. Yes.

ADV SEGEELS-NCUBE: My apologies, I said RS14, it is RS11, it goes to RS11. So RS11, page 55 is a typed version of the written statement.

MAJ-GEN SHIBIRI: Yes, I see.

20 **ADV SEGEELS-NCUBE**: And then there is a third file, which you should not worry yourself with for present purposes, that is an exhibit file. Do you confirm that you have the exhibit file? There is a third file that you should have there, an exhibit file.

MAJ-GEN SHIBIRI: Yes, I got it.

ADV SEGEELS-NCUBE: Thank you. General ...[intervenes].

CHAIRPERSON: Before you start, General, it was at my insistence that the old statement should be used and that

you should then refer to whatever changes you have since made as we go along. The reason for that is that I and I assume probably my co-Commissioners have prepared on the old statement and our notes are on the old statement. So it would be very difficult for us to do cross-referring if we now have to go by what is contained in the new statement. I hope that we will not mess up your presentation from where you are sitting.

MAJ-GEN SHIBIRI: No, I think we will manage,
10 Commissioner.

CHAIRPERSON: Thank you, General.

ADV SEGEELS-NCUBE: Thank you, Chair. General, and then if we can start with your statement on page 1? As discussed with you earlier on, this is an opportunity for you to give your version in respect of allegations that have been made against you where you may be implicated. And so with very little interference from myself and the Commissioners, hopefully, you may give us your version. There will, of course, be clarification questions. We will try
20 to limit them as much as possible.

CHAIRPERSON: We will not quibble with the vote of no confidence.

ADV SEGEELS-NCUBE: And in return, if we could ask you that if you are going to elect to read your statement that at the end of each topic, if you could then elaborate, if you

want to elaborate on any aspect in that topic, but not to elaborate after each paragraph because then you have an 81-page statement, we will not finish in the two days that we have. But please do not feel hindered by that, but just bear in mind that we want to hear your version, but that it is at your choice how you want to do that.

MAJ-GEN SHIBIRI: Thank you.

ADV SEGEELS-NCUBE: You may proceed, General.

MAJ-GEN SHIBIRI: Thank you:

10 “My name is Maj-Gen Richard Abednego
Shibiri, an adult male, 57 years old, a
Maj-Gen in the South African Police
Service. The facts contained herein fall
within my personal knowledge unless
otherwise stated, or where the context
indicates that the information was
obtained through reports made to me in
the execution of my official duties. I
understand the mandate as reflected in
20 the Government Gazette number 53048
of 2023, July 2025, to be the
investigation to determine the veracity
scopes and system implications, specific
allegations of criminality, political
interference, and corruption within the

criminal justice system arising from the public statements made by Lt-Gen Nhlanhla Mkhwanazi on the 6th of July 2025.

10 I further understand that the Commission is empowered to receive and assess relevant evidence, summon witness, call documents, notify and hear implicated person, and evaluate whether any member of law enforcement and prosecutorial authority, intelligence structure, or other organs of the state engaged in unlawful conduct or was subject to improper political and external influence.

20 I understand, moreover, the ultimate purpose of the Commission to be the establishment of the truth in relation to those allegations, and where appropriate, the making of findings and recommendations directed at safeguarding the integrity, independence, and proper functioning of the criminal justice system. The scope of my response to the questions which I

received...” ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, General, if I can just do the introduction on that? On page 2, you deal with the scope of this response, and you are responding to a rule, a notice that was sent to you by the Commission to respond to certain allegations where you may be implicated. Correct?

MAJ-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Yes, so if you can then go to
10 page 3 and deal with paragraph 5 where you deal with what those allegations were?

MAJ-GEN SHIBIRI: Thank you, Commissioners:

“According to this written response, it is primarily confined to the following areas. The alleged infiltration or undue influence of criminal syndicates within the law enforcement agencies, and my knowledge, if any, thereof. Secondly, the nature and extent and consequences of
20 the infiltration or of undue influence by these syndicates and the nature of my relationship with my communication on WhatsApp or Signal with each person listed in the summons. My alleged discussion with the detectives in *camera*,

Witness A and B, and the other detective, that there were three envelopes floating around. The fourth questions to be responded to will be my alleged discussion with the detectives in *camera*, A and B and other detectives, that there were three envelopes floating around.”

I think I repeated that one:

10 “The alleged telephone conversation with Witness A as overheard by Witness B, and matters said to have been discussed therein. Why I allegedly informed Mr Vusi Matlala that Warrant Officer Michael Pule Tau who was granted a bail during or in August 2024 in Musina CAS 2010/9/2022. The Cybercrime Act and *crimen injuria* case involving Mr Musa Khawula. The investigation into murder of Amand Swart. The SAPS contract with
20 Medicare 24 Tshwane District (Pty) Ltd, and about any payments made by me or my family members to Vusimuzi Cat Matlala, and any payments made to me or my family members by Mr Vusimuzi Cat Matlala.

10 This statement is prepared primarily in response to the above questions contained in the summons issued to me. However, in order to respond meaningfully and accurately to those questions, it has been necessary to provide contextual background on certain events and allegations. A matter of concerning we have entered the public domain through media reporting, public commentary, institutional process, the testimony presented before the Commission in circumstances where the information conveyed has at times been incomplete, taken out of context, inaccurately quoted, or materially misrepresented.

20 Accordingly, where relevant to the issues raised in the summons, I have considered it necessary to clarify and contextualise certain statements attributed to me to address misquotes, misunderstanding, and truth and that have emerged in evidence before the Commission to place my conduct within its proper operational

and institutional framework. I do so not to challenge the authority of the Commission or the role of other witnesses, but to ensure that the Commission is provided with full, accurate, balanced, factual account to the best of my ability.

10 In this regard, insofar as such matters arise from the, or are associated with issues under investigation, I shall also deal with the matter following from the public statement made by Lt-Gen Mkhwanazi in July 2025 and reference made therein to me, adverse mentioned made in parliament proceedings before the Madlanga Commission, the initiation of internal investigative process, including transfer to Gender-Based Violence Component.”

20 Which supposed to be not component, but desk.

ADV SEGEELS-NCUBE: Sorry, General, you say that it should not be component, it should read desk.

MAJ-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Gender-Based Violence Desk?

MAJ-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay.

MAJ-GEN SHIBIRI:

10 “The notice intended suspension and subsequent final notice of suspensions, referrals made by the Commission to the task team investigation and the principal question posed in the summons. Where necessary, I will further outline an operational context of my tenure as the head of Organised Crime Investigations, including achievements, investigative breakthrough, institutional interventions taken during the period. Insofar as such, the context consists the Commission improper assessing the allegation and issuing placed thereof before it. This response is made in good faith in compliance with the lawful directive contained in the summons.

20 I will come to my background now. I have matriculated in 1996 at the high school ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, General, 86.

MAJ-GEN SHIBIRI: 86.

ADV SEGEELS-NCUBE: Maybe you want it to be 96, it is 86.

MAJ-GEN SHIBIRI: 1986.

ADV KHUMALO SC: 96 is me, General, not you.

MAJ-GEN SHIBIRI: I said 1986, ja.

CHAIRPERSON: Please continue.

MAJ-GEN SHIBIRI: I am sorry, Commissioner. Ja:

10 “I matriculated in 1986 at a high school called Khesethwane High School in Molobedi in Tzaneen, where I was born and grew up. I hold a diploma in policing obtained through Technicon RSA...”

Not SA:

“...now it is called University of South Africa, Unisa, in 1988, as well as Bachelor of Police Practice...”
...[intervenes].

CHAIRPERSON: I think more accurately, it merged with Unisa.

MAJ-GEN SHIBIRI: Yes.

CHAIRPERSON: Thank you.

20 **MAJ-GEN SHIBIRI:** Yes. Thank you, Commissioner, it is true. And then:

“A Bachelor of Police Practice obtained through SBS, now currently is called STADIO, in 2021. I further hold a certificate in the investigative

of transnational organised intellectual property crime with the International IP Investigation College in 2015. The intellectual property and I have completed specialised training programmes relating to organised crime, transnational leadership, development, compliance monitoring, and so forth. I also attached my CV as Annexure RS1 for reference and also attached my SAPS96, which will show my progress and the courses completed, annexed as RS2.

Before my suspension took effect on 11 February 2025..." ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, General, is that not supposed to be 2026?

MAJ-GEN SHIBIRI: 2026, yes. It is a mistake, 2025. Yes, February 2026:

"I was a Component Head, Organised Crime Investigation under the division Detective and Forensic Services, with effect from the 1st of May 2024, the appointment letter is also attached as

Annexure RS3. Prior to my permanent appointment, I served as an acting Component Head, Organised Crime Investigation from 18 December 2023.”

We forgot to attach the acting letter, but I have it if it is needed as an attachment:

10 “I have served in the SAPS since 19 February 1988 and have accumulated more than 38 years’ experience in policing, of which 37 years have been with the Detective Service. I have progressed through all operational ranks, including constable, before sergeant, that time there was a ...[indistinct] sergeant, also been the one, then sergeant warrant officer, captain, lieutenant, colonel, brigadier, and then now major general. I have served in various command and senior management position, including
20 detective commander, cluster detective coordinator...”

Not cluster detective head:

“...and the Provincial Head Crime Investigation Services in Gauteng, acting Deputy Provincial Commissioner also in

Gauteng, Section Commander Organised Crime and Investigations national head office, and recently as the Component Head Organised Crime Investigation.”

ADV BALOYI SC: General, before you proceed, as Component Head, Organised Crime Investigations, who is your immediate superior?

MAJ-GEN SHIBIRI: My immediate superior will be the Divisional Commissioner Detective and Forensic Services, 10 who was General Senthumule, because now she is acting, General Mogale is acting now.

ADV BALOYI SC: Okay, thank you.

MAJ-GEN SHIBIRI:

20 “The functions and mandate of crime, Organised Crime Investigation, the component is comprising of seven sections. The first one is the Operational Desk and Projects, responsible for registration of projects from provinces and head office, and managing them, so that when we do quarterly evaluations, we have them, and they are doing such arrangements, and also to interleague cross-border, cross-province Organised Crime. Transnational Investigation is

another section, which is responsible for border policing, and mutual legal assistance, and they are doing cross-border operations in SADC, with SARPCCO, or partners, and also responsible for vehicles stolen and recovered outside the country, doing investigation with those countries in order to repatriate the vehicles back to the country, to their owners. And then we are having a Narcotics Investigation, responsible for investigation of narcotics. Anti-Gang Investigation, responsible for investigation of all gang-related crimes, and gang violence. Extortion Investigation, responsible for investigation of the extortion records at the construction sites. Now, we moved on also to deal with other stakeholders, such as mining, transport, and et cetera. Economic Infrastructure and Illicit Mining is dealing with illegal mining, and also the Eskom...”

We know since the establishment of the MECC, that we have a full team working from there, from Eskom, doing the

investigation, which does not fall under the mandate of the DPCI. The Firearm Investigation is the new unit established with the new structure of the SAPS, which was approved, I think, at the beginning of 2025, in order to implement the new strategic, the mid-term strategic plan:

10 “The mandate of Organised Crime Investigation is to manage investigation of Organised Crime falling outside the mandate of Directorate of Priority Crime Investigation in accordance with SAPS legislature and policy framework. Here, in short, is all those which are termed by the South African Police Act to be cases which are investigated by DPCI.”

20 So, we do not deal with them. We, actually, we are there to plug on the cracks where DPCI is not dealing with it because of capacity and so forth, but sometimes there is where we cross line, then we overlap towards some of their work and whatsoever. But we are dealing with, on the value chain, level one to three.

 That is why you will see, Commissioners, when we have now detected a clandestine laboratory and made the arrest, we will conserve the crime scene and do all the statements, but we will hand the docket to the DPCI because it is their mandate and they are the one who are

assessed on dismantling of this clandestine. But we get information, then we follow the information with Crime Intelligence and with the assistance of others, but we will end up handing it to them.

CHAIRPERSON: The delineation of what the DPCI does and what you may do is determined by the head of the DPCI and you are then able to do that which the head of the DPCI has not decreed will be done by the DPCI, am I correct?

10 **MAJ-GEN SHIBIRI**: Yes, irrespective of who have found it and whatsoever.

CHAIRPERSON: Yes.

MAJ-GEN SHIBIRI: So if it needs to be done, so that we must be in line with the technical indicator, which the auditors, when they come, they are going to use it to say this falls under you, why is it now under Organised Crime? Then it will be a material finding to say this was there.

CHAIRPERSON: Yes.

20 **MAJ-GEN SHIBIRI**: So hence, even if information will come from us, we follow up, we go and buy. When we go there, we found it is a big lab, like it happened here in Erasmia where the Mexican, we found them manufacturing big. But we do arrest, cordon, and do whatever, then we call DPCI to come at the scene and we hand over the scene proper to them.

CHAIRPERSON: All right.

“[1] Frontline investigation and evidence gathering, detective command and operational leadership, provincial investigative oversight, national monitoring intervention functions, executive command of Organised Crime Investigation.”

CHAIRPERSON: Sorry, General, may I take you back to paragraph 16.10? I just want you to elaborate on some of
10 the concepts you referred to. For example, when you say strategic and supervisory, what exactly does the supervision entail?

MAJ-GEN SHIBIRI: Supervision entails monitoring day-to-day implementation of strategies or policies by members who are under your component or until down there to the provinces, because now and then we check on monthly basis. We have what we call National Organised Crime Secretariat, where all the nine provinces will come, and number one, the Crime Intelligence will present the crime
20 threats for each province so that we can determine from the registered project, are they addressing the threats in that particular province which is menacing the community?

CHAIRPERSON: Yes.

MAJ-GEN SHIBIRI: Because it does not help you come and register a project of drugs, but that one we expect of

every province because we have problem of drugs in each province.

CHAIRPERSON: Yes.

MAJ-GEN SHIBIRI: And then they say you are having a problem with carjacking or truck-jacking, but your project, you do not have project dealing with truck-jacking. Your project deals with stock theft.

CHAIRPERSON: All right, all right.

MAJ-GEN SHIBIRI: That is the highest threat in terms of
10 the crime stats, it says.

CHAIRPERSON: Yes.

MAJ-GEN SHIBIRI: So when we evaluate, we start with that and then ...[intervenes].

CHAIRPERSON: All right, that has answered me.

MAJ-GEN SHIBIRI: Yes.

CHAIRPERSON: Then oversight, involving oversight, and what does oversight entail?

MAJ-GEN SHIBIRI: Ja. In oversight, we do what we call
20 compliance inspection to go directly, for example, I will go to Gauteng. They have got sections, as I indicated, which are at the head office. They are also having anti-gang. I can decide to say there is a spike in or outcry social media, radio, whatever, in Westbury about the killing and so forth, and nothing is happening.

I will request all the cases and go and peruse them

and inspect them. Firstly, I will audit them. Auditing meaning to verify the system says they are having 200 dockets on hand, so I must see all the 200 dockets. Then from there, I will peruse the dockets to see that the exact work is being done, and what does it take for them to do the work.

I will be able to identify the inhibiting factors, the shortcomings, and then with the particular province, I will be able to come up with a plan to address those
10 shortcomings we have identified. And you do not go there and leave before it is done. It must done when you are there. And then going forward, they will be having, we will have an action log where they will be reporting monthly or whatsoever, or I will come and check.

And I will even initiate that if there is list of those who are known, we need to go and trace. I form a team from other stations. We come there, maybe we get overtime for them. We go and try to trace and arrest them, but then what will be left is to follow up because you can arrest
20 today, then they do not link the person. They do not even enrol it.

CHAIRPERSON: Yes.

MAJ-GEN SHIBIRI: You will have that state of arrest which does not even – because if you did not remove that person from the equation, he is still going back to do the same

thing. Meaning you have done nothing.

CHAIRPERSON: Okay, all right, all right.

MAJ-GEN SHIBIRI: Yes.

CHAIRPERSON: And I assume there may be overlaps. Some of what you said, or rather part of what you said in respect of supervisory and oversight may also encompass what you do in terms of compliance. But let me still ask the question, and what does compliance entail?

MAJ-GEN SHIBIRI: Ja. Compliance, Commissioner, it
10 simply refers to all the members or operational members, whatever they are doing, it is in line with the internal prescripts, being national instruction, SOPs, and the policies. So if we say a case docket must be completed like this, so everything must be completed like that when you open a case docket.

The part A, part B, and whatsoever. And when we say we have a warning statement, you found other stations, they become creative and make their shorter warning statement which does not have all the rights which you must
20 ask the accused person whom you are charging. Then it gives a problem when you got a litigation that you did not explain the rights which are there, which we promised people we are going to ask them and make sure we are doing. And when we say people must be charged within 48 hours or released, if not charged.

So those is the internal compliance which they must deal with to say we are in line with the law. And when we come to be inspected by the auditors, there will be no findings and the community at large, they will be satisfied with what will be at that.

CHAIRPERSON: Thank you. Exactly what I said, because I think you said something similar with regard to supervisory. You said you ensure compliance with the policies and it looks like it is similar to compliance
10 monitoring.

MAJ-GEN SHIBIRI: Yes.

CHAIRPERSON: All right. And guidance?

MAJ-GEN SHIBIRI: Guidance is like on-service training, coaching. Like on our side, because we are dealing with dockets, you will read dockets to see if the member understands what he is supposed to do based on the crime happened. Then you will read from A to Z and then see what is lacking, what is outstanding.

Then you will make an entry in the docket on the
20 SAPS5, the diary, to say go and obtain statement of Advocate Mkize relating to this and that. Go and take the statement of Shibiri because he is a witness, he was there when this happened and then go to this shop where they said they bought this and check a video camera who was there, and then get forensic to go and check fingerprints on

this shop where this and that happened and so forth. So it must be specific because guidance is like in-service training, telling somebody what to do step-by-step in order to complete the investigation.

CHAIRPERSON: So, when you say in-service coaching or guidance, I understand this to be something generalised and not relating to a specific docket or a specific investigation. Am I correct?

MAJ-GEN SHIBIRI: I agree, it can be done generally in a
10 setting like this when in parade. Then talking to everybody about a subject which you have identified to be a problem. For example, less information is written on the diary as to what have you done. Because if you go out to do something, you must note on the diary that at this time I was at the street and then looking for this, I spoken to Mr Who-Who and then he said the witness is not there, he is somewhere, he has moved out. The new telephone number of the witness is this one.

If you say you are looking for forensic report, you
20 will indicate that I enquired at the forensics, spoken to this brigadier, he indicated it is allocated to IO. Reference number is this and this, and then they said it will be ready within two weeks. So it can be a general way you are telling everybody.

CHAIRPERSON: Yes.

MAJ-GEN SHIBIRI: But when you take a specific docket, you will be speaking to that individual who is investigating, guiding that investigation what to do in order for the investigation to be completed and the docket to be ready to be taken to the prosecution for decision or to arrest the suspect and place it on control.

CHAIRPERSON: Would you be involved, would you personally be involved in the latter? That is the giving or that is the coaching or guidance in respect of a specific docket. Would you personally be involved in that?
10

MAJ-GEN SHIBIRI: Ja, the section that I have made to say Organised Crime comprises of this section. They are headed by the brigadiers. And then the other small section by the ...[intervenes].

CHAIRPERSON: Can you please answer the question directly?

MAJ-GEN SHIBIRI: Okay. Ja, I was ...[intervenes].

CHAIRPERSON: Please, I do not understand this to be intrusive questioning at this stage. Not at all. I just seek clarity on all these concepts ...[intervenes].
20

MAJ-GEN SHIBIRI: I will ...[intervenes].

CHAIRPERSON: Yes, so would you personally be involved in coaching or guiding in respect of a specific docket?

MAJ-GEN SHIBIRI: Most of the time, most of the time. More especially where we receive complaints and then to

say there is a problem of this and that. Then when I go there, let me give example of Gqeberha. There was a problem of extortion and anti-gang and also this insurance murders.

So firstly, when you go there, you have to understand what people are complaining about, but I have to get these dockets. So I will get somebody to go to the system and get all these dockets. And then I will call all these dockets and then I peruse all the dockets and give
10 guidance. Then I will form a team, a team comprising of the people I came with from head office, but mostly are still from other provinces.

And then I will need also people from that particular province, because it becomes difficult. If I can deploy people for three months, they cannot be carrying dockets from Eastern Cape. Them being in Gauteng, they are going to be a problem. Sometimes the dockets are not at court. Then the ones who are from the local, they will be carrying the dockets. The others will be doing support, working with
20 them, arresting and whatsoever.

So that when the time arrives, that is three months lapse, we have done a dent, then they can – we have stabilised, then they can continue on their own and they are able to continue, and then we leave those dockets with them. Because we do this in many a times. So sometimes

will be Mthatha ...[indistinct] taxi violence, I must go there, and then with a team and then such things must happen.

So if you want to give the people who are coming from outside, it is going to be difficult to remove them there because they are carrying the docket themselves. You did not mix from the start. So the planning must be, you know you are not there permanent. Because the task team is there made to deal with the situation, stabilise and hand over, because we went there because the province and the
10 district were unable to deal with that particular specific problem.

CHAIRPERSON: All right, I think we are left with only two now. So we are almost done, General.

MAJ-GEN SHIBIRI: Ja.

ADV BALOYI SC: General, other than you becoming involved because there is a complaint in the way that you have described it, are there circumstances where you become involved with a particular docket in the normal course of the execution of your duties?

20 **MAJ-GEN SHIBIRI:** Yes. That is why we are having a duty officer from the province, from the district. All of them, they must report to the Nat joints. And then a report is given to the duty general from the province and they will escalate it to head office. And we are also having groups where they can send on WhatsApp, but sensitive and high profile cases

or ...[indistinct] people.

So the reason why we must know, let me give my, with Organised Crime. Wit Organised Crime I have got nine provincial heads being brigadiers running the Organised Crime there. So it is the people whom most of the time I will communicate with regarding what needs to happen under Organised Crime. And they also share their successes and also their best practices to others to see how did we deal with this thing.

10 So I will have interest whereby a prominent figure or maybe six people were killed. Sometimes I go and attend the scene myself without being told because I know when the National Commissioner wants information, he will ask the DNC, the DNC will ask me or the DivCom. So I must be able to know what happened and compile a report for the DivCom because the channel is, even most of the time the DNC used to task me.

20 But when I write a report, it will go through the DivCom so that there must not be something which is going out of her office without her knowing. When she goes to the meeting, she does not know what happened. So it happens like that even if there is no complaint, yes.

CHAIRPERSON: Now we are left with intervention and coordination. Should we treat those individually or do they go together, intervention and coordination? Are they

separate concepts? Do not elaborate, are they separate or do we deal with them as?

MAJ-GEN SHIBIRI: Ja, intervention and coordination, it will relate to whereby, for example, let us say in here in Pretoria there is somebody kidnapped, they want six million and then there is a team in Gauteng. Other provinces, they do not have teams dealing with ransom kidnapping. Because you go to other provinces, it is dealt, it is investigated by DPCI.

10 So what do you do is we go in as head office to assist, to give investigative support. Then we can coordinate private sector with them, with them. Then we form a TACJOC where we will be operating from for maybe three days or whatsoever. The hosted negotiators will be brought on board and the investigators and the cell phone analysts and whatsoever.

 Then the hostage will be, when they phone the family will always get in that information. And then in working with the team from the province in order to ensure
20 that there is a success in tracing and getting the kidnapped person back and arresting the perpetrators.

CHAIRPERSON: And then right at the end, you have, rather than direct investigations, what do you want to convey by that?

MAJ-GEN SHIBIRI: To direct the investigation?

CHAIRPERSON: Look at 16.10, look at 16.10, the last line of the paragraph. And right at the end you say, rather than direct investigations, what is that meant to convey?

MAJ-GEN SHIBIRI: Ja, I think here we were trying to explain that rather than us just directing, telling person go investigate without doing anything to assist on the investigation.

CHAIRPERSON: I do not get you.

MAJ-GEN SHIBIRI: I think we wanted to indicate rather
10 than direct investigation, meaning rather than, not just directing people what to do, to say go and investigate, we are also involved in the investigating by providing the above.

CHAIRPERSON: I would have thought it means the opposite. I would have thought it means that you do not get involved in direct investigations. That is how I read it.

MAJ-GEN SHIBIRI: Ja, in a way, mostly we are not supposed to be involved, but the way it is, we are involved because of the situation where we find ourself in.

20 **CHAIRPERSON**: What is that situation?

MAJ-GEN SHIBIRI: Ja. For example, I will give, head office is in Gauteng, and Gauteng as a province, a small province in the geographical. Complainants know where is the provincial office, where is the head office, and the proximity for them to reach there. When they go to a police

station and they are told something, they simply drive through to head office whereas in other provinces you have to travel for hours and they do not get that. They do not even know the people.

And some of these people from here, citizens from Gauteng, they know the head office people and the ministers. Then it is easy for them not, when they do not get joy, to phone direct. And most of our people, they feel comfortable when they speak to a senior member. They feel
10 that their complaint will be dealt with accordingly.

CHAIRPERSON: Okay.

MAJ-GEN SHIBIRI: So as a result of that, you end up, when you send somebody again, they do not get any joy. You will end up calling the person, come with the docket. Then you will check the docket yourself and then give directives and end up giving feedback yourself.

CHAIRPERSON: And why do you not follow your own structure and processes? Why do you not redirect the people and say this is the structure, these are the
20 processes, go to A, B, C, which is not head office?

MAJ-GEN SHIBIRI: Ja, sometimes you can manage to do that, but in most instances you cannot because when the person is there, you want answers there.

CHAIRPERSON: All right, all right.

MAJ-GEN SHIBIRI: And he is curious, he does not want,

ja, it is like I am chasing him away where he was chased away.

CHAIRPERSON: Yes.

MAJ-GEN SHIBIRI: And at head office, you cannot even give direction or resolve the matter.

CHAIRPERSON: Ja.

MAJ-GEN SHIBIRI: So what you find yourself in is to make sure that the matter is resolved immediately to the satisfactory of the complainant.

10 **CHAIRPERSON**: All right. No, no, I do not want to sound intrusive at this stage.

MAJ-GEN SHIBIRI: Ja.

CHAIRPERSON: I just wanted to understand what you mean by rather than direct investigations. You have given your answer. Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. General, I think you can now go to paragraph 17 on page 9.

MAJ-GEN SHIBIRI:

20 “At times, my functions require active operational participation rather than ceremonial and administrative oversight, which included serious and violent crime.”

ADV SEGEELS-NCUBE: Can I just ask, when you say my functions, do you mean as the Component Head at the

time?

MAJ-GEN SHIBIRI: Yes, sometimes I am needed to go down there if there is shooting and go and attend with them the scene and give investigative support.

ADV SEGEELS-NCUBE: You may continue. I think at paragraph 18 you highlight one investigation that you were involved in. You can deal with that briefly.

MAJ-GEN SHIBIRI: Ja, on this one, I just gave a highlight that there was a period whereby the miners, more especially
10 who were working at the smelter house, were killing their chief boss, those who were stopping them and managers from going out with this, we call them *malgam*, because it is already served from there. Then they just put them in this, you know, these police socks, and then fasten them and put another one, and fasten them, then they put them around their waist.

So if the chief boss was so strict and other securities, so they started taking them out. So it started in two of coming towards ...[indistinct] and back to Driefontein,
20 that time now is called Sibanye Water. So, and these guys, because there were no arrests, they started doing this. So I collected all the dockets and started the investigation backwards, and then we managed to arrest a team full of these people working at the mines. Because you see, all of them, they were having cars. All of them, they were staying

in suburbs and whatsoever. But so we managed to have a breakthrough on it.

ADV SEGEELS-NCUBE: Then if I could ask you from paragraph 19, 20, 21, and 22, are you speaking about a role prior to your role as Component Head in those paragraphs? Because if you are, I think that it is not entirely relevant to what we are dealing with, but if you want to maybe summarise it or just have it be noted for the record.

MAJ-GEN SHIBIRI: Ja, ja, it was just, it is what it is there
10 on my CV, trying to show the job I have done before. Like here, I was still a branch commander in Randfontein, and then there were problems with particular suburb where there was a lot of killing and it was towards Christmas, and ja, because of drugs and so forth. So we, my team, we went there, took the old docket, went through them, and we managed to get warrant of arrest on the old ones, and then we worked backwards on the new ones. And the whole criminal grouping was rounded, arrested, the drugs found, no bail, and people had a nice Christmas.

20 **ADV SEGEELS-NCUBE**: Okay.

MAJ-GEN SHIBIRI: To go to rest for the first time.

ADV SEGEELS-NCUBE: I think you can just summarise it. Paragraph 21 really summarises it.

MAJ-GEN SHIBIRI: Ja. In 21, here is where I was a district detective coordinator for District West Rand before I

went to be the Provincial Commander of Gauteng Priority Crime Investigation, where I was responsible for anti-corruption investigation, SASSA fraud, truck-hijackings, gang-related organised crime, political killings, and illicit cigarette syndicates. And also there, we have been successful in dealing with truck-hijacking. More arrests were made there, and also they took us over to incorporate us, incorporate the taxi violence in what we were doing.

ADV SEGEELS-NCUBE: Can I then ask you if we can go
10 to paragraph 28 on page 12, which deals with your role as the Acting Deputy Provincial Commissioner of Crime Detection? When were you acting in that role?

MAJ-GEN SHIBIRI: Ja, it was during 2021 when the late General Ndlovu went on pension, so I was acting on his position for 11 months as a Acting Deputy Provincial Commissioner in Crime Detection. My work was involving strategic planning for Provincial Crime Detection management of all the components within the directorate oversight, investigative source allocation, operational
20 coordination between specialised units, and performance of monitoring and investigative work. So until General Ndlovu went on pension ...[intervenes].

ADV SEGEELS-NCUBE: Sorry, General, before you go past that paragraph, I am interested in 28.2. This would have been Gauteng, so the province that you are referring

to is Gauteng in 2021.

MAJ-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And 28.2, management of all detective components, what does that mean?

MAJ-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: What does that entail?

MAJ-GEN SHIBIRI: Where I say?

ADV SEGEELS-NCUBE: On page 12, paragraph 28.2, your involvement as ...[intervenes].

10 **MAJ-GEN SHIBIRI**: To manage all the detective components. So, the Crime Detection, as the Deputy Provincial Commissioner responsible for Crime Detection, under that directorate there is components like Serious And Violent Crime, Anti-Corruption, Crime Scene and Criminal Record. And then there is Crime Intelligence head also who is reporting there. And also there is Crime Investigation Services. And then there is stock theft and whatsoever. So all those components are managed by the DPC, Crime Detection.

20 **ADV SEGEELS-NCUBE**: So it was not limited to Organised Crime?

MAJ-GEN SHIBIRI: No, it is all the components including the Organised Crime. So all the components were reported under the Deputy Provincial Commissioner.

ADV SEGEELS-NCUBE: Okay. Then I think you can go to

page 13, paragraph 30. This is now in your capacity as the Acting Component Head and presently Maj-Gen Component Head. This is the position that you were in before the permanent position before February 2026 when you were suspended.

MAJ-GEN SHIBIRI: Thank you, Commissioners. During December 2023, the Divisional Commissioner together with the DNC approached me and asked if I am interested to come and act at the component because at that time the
10 component was not having a national head Organised Crime because it was held by General Sibiya who was promoted to be the DNC.

And I worked in that component when it was started with General Senthumule. There were brigadiers there who were acting in rotation, but they indicated to me they do not get joy or see any improvement since they are acting. So they approached my Provincial Commissioner who was Lt-Gen Mawela, and he agreed. A letter was drafted and I was appointed as the acting from the 18th of December 2023.

20 We did not touch the letter, but I am having it if it is needed to be put in as an annexure. So I worked there until 2024 May 1st when I was promoted to Maj-Gen as the permanent Component Head. And I outlined there the works which I am doing as a Component Head. Should I read them or can I pass?

ADV SEGEELS-NCUBE: I think paragraph 31 will take note of the sub-paragraphs in 30. You can maybe deal with 31.

MAJ-GEN SHIBIRI: I can deal with 31?

ADV SEGEELS-NCUBE: Yes, onwards.

MAJ-GEN SHIBIRI: I must start from 30.1?

ADV SEGEELS-NCUBE: No, 31.

MAJ-GEN SHIBIRI: 31.

ADV SEGEELS-NCUBE: At the foot of page 13.

10 **MAJ-GEN SHIBIRI**: Okay:

“Directing disruptive operation against
organised criminal networks...”
...[intervenes].

ADV SEGEELS-NCUBE: Sorry, General, what does that mean? What does disruptive operations mean?

MAJ-GEN SHIBIRI: Ja, the disruptive operations mean the operation – remember, Organised Crime mostly deals with project investigation, which takes long. So sometimes when you want to know, for example, we are having you as a
20 target, but we do not have enough, now we put an agent but we cannot get to you.

What we do, we can do a disruptive operation based on to say she might be selling drugs and then we go and get a search warrant and then we search as if we are searching for the warrant, but actually we want to get to

know you and to get more information about you and the vehicles you are having there so that we know what you are going to survey, because you are sophisticated, so that our agent cannot infiltrate you.

Or else maybe he or she will be the one who is friendly with you during the operation, others of us will be so rude with you and whatever and we search, we get whatever we get, and then we can get even your post and then we will use it later. So those are the strategies.

10 For example, or we know there is drugs sold there, we will go and get a search warrant and then we go and search in order to get the drugs, or we apply for section 252A, we come and search and arrest. That is where it is a straightforward. We cannot get to you. We can just do that.

 Maybe you are just a street seller or whatever. So it would be a waste of time to register a project. When we register a project, maybe we could have arrested you, got information from you, where are you buying. Then put our
20 agent to go with you to go and buy. And then so that he gets trust from that particular person, then he can, without you, buy. Buy in bulk. Because if you just go buy by R10, it becomes difficult for us to also institute POCA Act on you because it is so small, what you are selling.

ADV KHUMALO SC: Can you just look at paragraph 31?

Is it not meant to be the last paragraph, subparagraph of 30? Because it just starts from nowhere and basically ends nowhere. is it not meant to be one of your functions as Acting Component Head?

ADV SEGEELS-NCUBE: In other words, should it not be 30.10?

MAJ-GEN SHIBIRI: 30.10.

ADV KHUMALO SC: It is meant to be 30.10. So it is part of your functions. It is part of 30. That is what I mean.

10 **MAJ-GEN SHIBIRI:** Yes.

ADV KHUMALO SC: Ja, okay. You do not have to change it because it will disturb your other paragraphs. Just for our noting.

MAJ-GEN SHIBIRI: Thanks, Commissioner.

ADV SEGEELS-NCUBE: Now, when you say in that paragraph, directing disruptive operations against organised criminal networks, how involved are you in that process in order to direct it? Would you have to have knowledge of the organised crime networks? Who is giving you that
20 information?

MAJ-GEN SHIBIRI: When I said – the same page?

ADV SEGEELS-NCUBE: Correct, yes. So the 31 that it currently is, you say part of your functions in your capacity included directing disruptive operations against organised criminal networks. So I am asking you about those

organised criminal networks. You would have to have knowledge of organised criminal networks in order to be in charge of directing the disruptive operations. So can you just give us an indication? So just an example of – you gave the example of the drug. So you would have to have intimate knowledge about those organisations or those networks. And where are you getting that information from?

MAJ-GEN SHIBIRI: Yes. Thank you, Commissioner. As I have indicated, Organised Crime, we have got provincials
10 and one head office. So what happens is in their districts, each district is having the DOCS, the District Organised Crime Secretariat. So that comes from those stations. So remember, the OCTA process deals with geographic approach and this unconventional approach.

So when there is prevalence of a certain crime happening in a station precinct and they cannot deal with it and they cannot identify even the market where these commodities which are stolen, they are going. And maybe they arrested one person once.

20 So they will have to escalate this to register an inquiry file, a threat file. And then it will be discussed at the district, at the DOCS meeting, where they will decide to say, no, let us get a multidisciplinary team, investigators, Crime Intelligence, and then and whatsoever, and then they follow.

They will go and get all the reported cases and do the crime pattern analysis, the crime threat analysis, and then they come together to say this fits to be a project. They will register a pre-project and then start looking for these people. So that is where the networks are identified. It starts by the prevalence of reported cases in a precinct. And they are unable to deal with it geographically.

Even if they post to those hotspots, still it persists. It moves to, they just displace it in the same precinct and
10 nobody has been arrested, but the cars go every day. So then we will decide to say, okay, this might be a project. And then we arrested this one, we do not know where they are taking. Then maybe this one gave us information to say the guy who is buying these cars is this one. He is dismantling it and selling parts. These ones are taken to Mozambique. These ones are taken where-where and then they are paid how much.

So that is the information which must be verified by counterintelligence and intelligence cadres. So to identify
20 the network, each province based on threat analysis on the reported crime, they identify who is the active role players involved in these crimes. Then meaning you identify your networks, then you are managing to profile and see who is working with this and that and that.

Then you go deeper, you profile them. Wow,

regarding their finances and assets and whatsoever, how do they live? Do they fit the criteria that they can afford this thing? Then they become, we identify, oh, this network works with this and that and that. That is why when we meet, I am able to ask them, why is there no project registered in North West for this commodity? Because there is extortion at the mines there, why do we not have it?

Then in Gauteng we are having groupings doing illegal mining. Who is the kingpin and where are they
10 taking it? So Crime Intelligence must come on board and look into that and report and register a network or inquiry and work with the detectives. Then identify the person to reach the stage where we can say we are going to buy that gold or the gold will be in bulk with them when we can go and arrest them ...[intervenes].

ADV KHUMALO SC: Be careful not to disclose your strategies to those criminals.

MAJ-GEN SHIBIRI: Okay.

ADV KHUMALO SC: I think let us just stick to your
20 evidence insofar as it is relevant to this question. I am worried that you are telling them what your plans are and they will be ahead of you.

MAJ-GEN SHIBIRI: Yes, yes, yes. But they already know. They already know because you make an operational plan, already you see it on the social media before you go and

operate. So they already know. But ja, they can know but as long as they do not know when and how.

ADV SEGEELS-NCUBE: Chair, is this a convenient time to take the tea adjournment?

CHAIRPERSON: I am being directed that we should come back at 20 past. Let us adjourn until 20 past.

INQUIRY ADJOURNS

INQUIRY RESUMES

EXAMINATION BY ADV SEGEELS-NCUBE (CONTINUES):

10 Thank you, Chair. General, we were at paragraph 32, where you were talking about the functions require ongoing interaction with intelligence structures, investigative task teams, and national law enforcement stakeholders. Can we then deal at paragraph 35 with your involvement in matters referenced before the Commission, where you say this must be understood within the context of, and then you address the context. Can you just deal with that? I am at 35, on page 14.

CHAIRPERSON: There is a voice we are hearing. Sorry, 20 sorry, the gentleman to my right, it seems to come from your direction, or not?

LT-GEN SHIBIRI: No, it is from this speaker.

CHAIRPERSON: It is what, General?

LT-GEN SHIBIRI: It is talking from this speaker on the right. It seems it is repeating what the advocate was

talking about.

CHAIRPERSON: Let us - Please come here. We are told that someone is connected to a phone or to a laptop, and that is what is coming through. May we just take a short, short adjournment, and we will come back when we are told everything is fine. And may it be tested somehow. Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** General, we now know who the culprit was.

LT-GEN SHIBIRI: My apologies, Commission.

CHAIRPERSON: And apologies to the gentleman to my right.

LT-GEN SHIBIRI: I already apologise.

ADV SEGEELS-NCUBE: Thank you, Chair.

CHAIRPERSON: Yes, Ms Segeels-Ncube.

EXAMINATION BY ADV SEGEELS-NCUBE (CONTINUES):

20 Thank you, General. General, we were at paragraph 35 on page 14. Do you want to address, because this is where you start talking about events that transpired from the time that General Mkhwanazi made his press statement. So, from 35, if you can address that.

LT-GEN SHIBIRI: Yes, page 35:

“I indicate that my involvement in the

matters referenced before the Commission must therefore be understood within the context of long outstanding operational policing responsibility, lawful engagement with investigative sources, command oversight of complex investigation, and institutional obligation to combat organised crime.”

10 **ADV SEGEELS-NCUBE**: Sorry, General, before you proceed, 35.2, what do you mean by investigative sources?

LT-GEN SHIBIRI: Investigative sources refer to community sources who can provide information or registered informants who can - and also physical evidence obtained from the scenes which can provide information to lead to their crime.

ADV SEGEELS-NCUBE: But when you say lawful engagement with investigative sources, do you mean informants, lawful engagement with informants?

20 **LT-GEN SHIBIRI**: That is informants and also crime intelligence included.

ADV SEGEELS-NCUBE: Okay, thank you.

LT-GEN SHIBIRI:

“Any interaction or knowledge contributed to me arose within the professional

duties and operational mandate. I am presently on suspension arising from the administrative process described above. The sequence of events demonstrate that this outcome did not occur in isolation but followed a progressive development of adverse perception concerning my role. In July 2025, Major – it is supposed to say Lt-Gen Mkhwanazi, not Major, Lt-Gen Mkhwanazi made a public statement in which the reference was made of members arrested for drug trafficking during 2021 who were said to have been attached to head office organised crime. That statement created inference that the organised crime environment under my command was implicated in wrongdoing. However, at the time of the arrest in question, I was serving as the acting Deputy Provincial Commissioner Crime Detection in Gauteng and was not occupying the position later associated with those allegations.”

ADV SEGEELS-NCUBE: General, at the risk of asking you to elaborate, what are you talking about when you say the

2021 drug trafficking issue?

LT-GEN SHIBIRI: I am referring to the statement made by witnesses here to say there were members of the South African Police Service who were arrested with a big consignment of drugs in Alrode in Johannesburg in 2021. And it was said those members, three of them were from head office, two were from dog unit and one was attached to organised crime investigation.

So, I want to clarify that indeed that statement was
10 incorrect that the members were from organised crime. That member was arrested there with the traffic officer and other members. It was only one member attached to serious and violent crime head office, not organised crime. And further, I would like to state that during the arrest, because the information came with General Khan, following the consignment from Durban, they wanted to intercept it in Germiston, but they could not until it reaches the factory in Alrode.

When they arrived at the scene, those police
20 officers already offloaded the drugs from the truck to their police van, and they were about to leave. The owner closed the gate. General Khan summoned investigators from DPCI and General Kadwa arrived with his team. When they were busy processing the scene, the superintendent from the National Traffic, namely Mashaba, called the provincial

Commissioner, claiming that they were tracing this truck and they wanted to arrest the suspect.

Now, they have been arrested. And that time it happened, I was with the provincial Commissioner and the Deputy Provincial Commissioner at Pretoria Moot Police Station where we were launching a vaccination station. Then General - the PC was on sick leave he came for that event. And he gave the phone to General Mthombeni, who was the acting GPC.

10 General Mthombeni gave me the phone and said this is detective matter, deal with it. After listening to it, I said who is at the scene? Then I was told General Kadwa was there. I phoned General Kadwa who explained to me, no, we are going to arrest these people, they were stealing the drugs. And they end up being arrested. And this guy kept on phoning.

I even phoned General Kadwa to say, hey, you are suspect, take away the phone, he is bothering us here. So, after that, when their case was withdrawn, they opened a
20 counter case of defeating the ends against General Kadwa, Khan and the people who were there from DPCI. That is when the departmentally, General Khan was charged departmentally and General Kadwa and Segobe.

Then I was also cited as one who did not want to take the instruction of General Mawela to go and visit the

scene so that they can be released. So, IPID, when doing investigation, they came to take my statement, and I explained I did not have any business. That was mandate of DPCI and the DPCI was making arrest and the people were arrested.

So, I was trying to demonstrate here that that inference that he was from organised crime, head office, is incorrect. He is from serious and violent crime, head office. And that time I was still in Gauteng. So, because I see this
10 thing tends to want to link me with those wrongdoings of that. Because my name further is mentioned and it will be the same organised crime I am running, which always is found to be in the wrong side. So, hence, I wanted to clarify it to the Commission.

ADV SEGEELS-NCUBE: I am not clarified on it because you say:

“The statement created the inference that
the organised crime environment under
my command was implicated in
20 wrongdoing. However, at the time of the
arrest in question, I was serving as the
acting Deputy Provincial Commissioner,
Crime Detection in Gauteng.”

So, but then you said that the member was from serious and violent crime, right?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: So, under which division - under who did the member fall under as serious and violent crime?

LT-GEN SHIBIRI: Serious and violent crime is a component within the division detective service under General Motsepe.

ADV SEGEELS-NCUBE: Under General Motsepe?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. So, why did not you say in
10 the statement that the member was actually from serious and violent crime, not from organised crime? You do not focus on the member here. That is what I am struggling with.

LT-GEN SHIBIRI: Okay. I think, yes, because also I wanted to attach the SAPS92, which I have, as annexure to show where he worked.

ADV SEGEELS-NCUBE: Yes, but what I am saying is that the statement should have just said the member that is implicated is not from organised crime. The member was
20 from serious and violent crime, but you do not say that. You are rather saying that there must not be any implication relating to you because you were not in charge of organised crime at the time.

LT-GEN SHIBIRI: Yes, I think mistake was made when we were editing the written one because there, I indicated that.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: I even attached the SAP96 as evidence.

ADV SEGEELS-NCUBE: Okay, thank you.

LT-GEN SHIBIRI: But I am not sure if it was sent also as attachment that SAPS6 of that particular member.

ADV SEGEELS-NCUBE: I am not sure that we have received it, but we will have a look at it. It is just I wanted clarity on that aspect. It is fine. We can proceed.

LT-GEN SHIBIRI: Yes, I am having it. We can produce it
10 later.

ADV BALOYI SC: Sorry, before you proceed, General, you say the statement created the inference that organised crime under your control or command was implicated in wrongdoing. The statement itself, did it mention you by name?

LT-GEN SHIBIRI: No. It mentioned, when that was mentioned, it was further mentioned that a senior officer, the General from head office at organised crime also called the members who were investigating that particular case of
20 Armand Swart. Also, coincidentally also is from head office. So, everything in that organised crime office whatsoever.

So, I wanted to make distinction to say this one is not from organised crime. It is from serious and violent, and it cannot be linked into what is linking me with what I

have done during the course of my work and whatsoever of which I will explain it later as to what happened and why people were called to my office. Because, out there, it will seem I am running a team of corrupt cops who go out to do these wrong activities.

ADV BALOYI SC: Thank you, General.

LT-GEN SHIBIRI: Including myself.

ADV BALOYI SC: Yes. No, thank you. You have explained or answered my question. Thank you.

10 **ADV SEGEELS-NCUBE:** Thank you, Commissioner. General, then you can continue with 38.

LT-GEN SHIBIRI:

20 “Following the public statement in the month thereafter, further adverse reference emerged with public discourse and parliamentary forums. This reference contributed to the development of a narrative suggesting misconduct and gross wrongdoing on my part, notwithstanding the absence of any prior disciplinary finding or investigative conclusion implicating me. Only several months later, during January and February, internal administrative processes were initiated. These included

my transfer to gender-based violent component - but it was supposed to reach desk, not component. The issuing of the notice intended suspicion, the submission of my representation, and ultimately confirmation of my suspension as attached as an ANNEXURE RSA. I respectfully record that the information and incorrect public impression that process...”

CHAIRPERSON: Misinformation?

LT-GEN SHIBIRI:

“The misinformation and incorrect public impression that preceded these administrative steps materially contributed to unfortunate situation in which I found myself, namely being placed on suspension, notwithstanding long-standing service record or consistent effort to combat organised crime criminal syndicate. I regret that misinformation and mischaracterization placed into the public domain appear to have contributed to this unfortunate situation. I place this explanation before

the Commission so that the full sequence of events may be properly understood with correct factual context.”

ADV SEGEELS-NCUBE: Then you move on, General, to deal with the referrals that were made by the Commission, which you refer to as referrals made by the Commission to the task team investigation. That is at paragraph 41.

LT-GEN SHIBIRI:

10 “In the course of each proceeding, the Commission resolved to refer certain matters, including those relating to me, for investigation by a designated task team, and I understand this referral form part of the Commission's programme...”

CHAIRPERSON: Perhaps for accuracy, our referrals were to the SAPS leadership directed to the National Commissioner. The task team is a creation of the President. Do you follow me, General? Your heading is not accurate, but that will not affect, it should not affect the
20 substance of what you are going to discuss. I just wanted this to be accurate, so I am saying our referral was to the National Commissioner of SAPS, not to the task team. The task team is a creation of the President. Do you follow me? Do you follow what I am saying, General?

LT-GEN SHIBIRI: No, I understand.

CHAIRPERSON: Thank you.

LT-GEN SHIBIRI: The referral was to the National Commissioner, and the National Commissioner formed the team based on the referral.

ADV SEGEELS-NCUBE: That is why I prefaced it by saying what you call a referral to the task team, but it was not the Commission's referral to the task team.

LT-GEN SHIBIRI: Was it a recommendation?

CHAIRPERSON: I am being corrected that the task team
10 was a creation of the National Commissioner, not of the President.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Correct.

CHAIRPERSON: I guess I did not follow what happened from the media. I did not follow what exactly happened as to the creation of the task team. But anyway, the point of substance is the task team is not our creation. Thank you.

ADV SEGEELS-NCUBE: General, so that is why I prefaced
20 it by saying you referred to it as referrals made by the Commission to the task team. And Chair's point is that the Commission did not make any referrals to the task team. The referrals were made to the National Commissioner, and the task team is a creation of the National Commissioner. But it need not detain us for purposes of your evidence, because the correct position will be reflected. But you can

read what you understood it to be.

LT-GEN SHIBIRI: No, we will rephrase.

ADV SEGEELS-NCUBE: It is no need, General. You just read it as it says in your statement. You have been corrected, and that is fine. Nothing turns on it.

LT-GEN SHIBIRI: All right. Should I continue?

ADV SEGEELS-NCUBE: Yes, please.

LT-GEN SHIBIRI:

10 “I understand this referral to form part of
Commission's broader mandate to ensure
that allegations raised during the enquiry
are independently assessed through
appropriate investigative structure. I
wish to record that the referral itself does
not constitute a finding of wrongdoing
against me but rather reflects procedural
steps by the Commission to allow further
investigation of issues raised in
testimony and public discourse.
20 Nonetheless, the existence of the referral
has contributed to the continuation of
adverse perception regarding my conduct
and has formed part of the consequence
of events that culminated in my current
suspension. I will cooperate fully with all

process arising from the referral, remain prepared to assist any investigative body so that the matter may be objectively assessed and resolved on the basis of verified facts rather than allegation or speculation. I respectfully place this context before the Commission to demonstrate how the accumulation of public allegation, institutional responses, and investigative referrals has led to the present situation, notwithstanding the absence of any proven misconduct on my part. I now proceed to address in the section that follow each question posed in the summons during with the systemic and the sequence which they arise.”

ADV SEGEELS-NCUBE: Yes, so the first is you are addressing the issue of whether criminal syndicates have infiltrated or exerted undue influence of law enforcement agencies including SAPS, JMPD, EMPD, TMPD, NPA, SSA, and/or any other matters related thereto, and you say that this is based on your personal experience, professional exposure, and information. You may proceed, 45.

LT-GEN SHIBIRI: Thank you:

“I am able to respond to this question

only to the extent of my personal experience, professional exposure, information that came to my attention in the execution of my official duties. As a serving member of the South African Police Service, my direct knowledge primarily relates to the matters encountered within SAPS operation and investigation. Accordingly, any observation I make concerning the other institution or agencies are limited to information that became known to me through operational interaction, intelligence briefings, and investigation in which the South African Police Service was involved. To the extent that the question relates to institutions outside my direct mandate or personal knowledge, my response is necessarily limited to, I do not purport to make findings beyond my own experience or awareness.”

Right. Come in ...[intervenes]

ADV SEGEELS-NCUBE: Sorry, General, just before we deal with that, at paragraph 45, so on page 18, where it

starts, as a serving member of the South African Police Service, my direct knowledge primarily relates to matters encountered with SAPS operations and investigations. When you say primarily, does it mean that you also have information about infiltration in your personal capacity, not necessarily only in your capacity as a SAPS official? Because you say primarily. You mean solely.

LT-GEN SHIBIRI: Which I was involved myself.

ADV SEGEELS-NCUBE: Yes.

10 **LT-GEN SHIBIRI**: Which I experienced myself. Yes.

ADV SEGEELS-NCUBE: But is that only as a police officer in your official capacity, or would you have encountered it in your personal capacity, in your person?

LT-GEN SHIBIRI: In my official capacity.

ADV SEGEELS-NCUBE: Okay, I am just asking because you use the word primarily, which suggests that there is an aspect of it that may not just be about your official capacity. So, if you said solely, then I would understand you mean you gather that information only because you are a SAPS
20 official. But if you say primarily, it suggests that maybe from a personal point of view, you also have that knowledge. I just want to clarify it in case it becomes an issue later.

LT-GEN SHIBIRI: Yes, the English from the village. This is the problem.

ADV SEGEELS-NCUBE: Well, I am giving you an opportunity to clarify it so that it does not become an issue when we cross-examine you. So that is why I want to know from you whether you are saying solely because of my role as a police officer, and the word primarily is incorrect, or are you saying that there were personal circumstances or personal interactions that I had, not as a police officer necessarily, where I saw or witnessed infiltration?

10 **LT-GEN SHIBIRI**: No, it is what was official when doing my work.

ADV SEGEELS-NCUBE: Okay. Thank you. You may proceed.

LT-GEN SHIBIRI: Accordingly, my observation ...[intervenes]

ADV SEGEELS-NCUBE: You have read that already. Do not take us back. You are now at the heading, Infiltration of Law Enforcement by Criminal Syndicates, paragraph 47.

20 **LT-GEN SHIBIRI**:
“Infiltration of Law Enforcement by Criminal Syndicates. I am requested to state whether criminal syndicates have infiltrated or exerted undue influence within the law enforcement agencies, including SAPS, JMPD, TMPD, the NPA, and the state secret agency or related

entities. Based on my experience in the execution of my official duties, intelligence received from registered sources, crime intelligence reports, information derived from investigated case dockets, community intelligence structure, it is my considered professional view that in some instances criminal syndicates have infiltrated or
10 exerted influence within the law enforcement structure. The phenomenon is not...”

ADV SEGEELS-NCUBE: Sorry, General, just again clarification. Why do you use the word registered sources and in bracket informers? Are there sources that are not registered?

LT-GEN SHIBIRI: Yes. There are sources who does not want to be registered because they say no, sometimes they do not want to be exposed because it happened before.
20 They do this in sense of duty. They do not even want remuneration. They are part of fighting crime and so forth. So, there are those who will phone. Others are because maybe they are angry against somebody. Others is law abiding citizen not wanting what is happening in their environment. Others are competitors who want to eliminate

one from there so that they can have the monopoly of dealing with whatever they are dealing alone.

ADV SEGEELS-NCUBE: Okay, so when you say based on my experience in the execution of my official duties, intelligence received from registered sources, you are then not including intelligence that you would receive from people who do not want to be registered but are still informers of?

LT-GEN SHIBIRI: Yes. Registered sources, they will have
10 a polishing number as registered informers.

ADV SEGEELS-NCUBE: Okay, so, there will be an official document, some official recording somewhere that they are an informer.

LT-GEN SHIBIRI: Yes, and we remunerate them for information provided.

ADV SEGEELS-NCUBE: So, if you are getting information from somebody who is not registered, you do not give that any weight or?

LT-GEN SHIBIRI: No, we will ask if you do not want to be
20 registered, if you want to be registered or you want to be rewarded for your information, then we need to register you. Because we register you, there must be documentation to show where the money comes from, where it is registered, it must be audited. And then we will give you a policing number, which finance will pay to that particular policing

number. Nowadays, you can even give us your bank number, we can deposit it into your bank account. No longer coming with the cash to give to you like before when we do it.

ADV SEGEELS-NCUBE: Okay, you may proceed. 49.

LT-GEN SHIBIRI:

10 “The phenomenon is not recent, isolated, or incidental. It has manifested repeatedly over a sustained period of years across different operational environments, geographic areas. The intelligence trend, disciplinary cases, criminal prosecution, investigative finding with which I have been involved, indicate a recurring pattern of attempts by organised criminal groupings to compromise individuals within, officials within the law enforcement agencies. While not systemic across entire
20 institutions, the persistent of such infiltration attempts to reflect ongoing and evolving threat to institutional integrity that has endured over time has occurred through compromise of individual members. The phenomenon

has manifested in offence, including but not limited to the following offences. Drug trafficking, taxi-related violence, gang-related violence, kidnapping for ransom, extortion, including the tender-related extortion, fraud, and corruption...”

ADV SEGEELS-NCUBE: Sorry, General, can I just ask, would you include illegal mining there?

LT-GEN SHIBIRI: Yes, illegal mining also should be here, because I even have an example of illegal mining to show that this happens. So maybe it is an omission.

ADV SEGEELS-NCUBE: No, it is not an omission. I see you say but not limited to. I just want to know if we could include it.

LT-GEN SHIBIRI: Yes, we could include it.

ADV SEGEELS-NCUBE: Okay, 51.

LT-GEN SHIBIRI:

“In some instances, members of law enforcement have acted in consent with criminal groupings by leaking information, manipulating investigation, and abusing the authority. Witnesses are identified by law enforcement and the identities provided to the syndicate. As a result, they are killed, intimidated, and

some investigating officers are attacked. In-court cases end up struck from court rolls, as investigations become stagnant, resulting in some of the matters being withdrawn. These activities have resulted in some compromised investigations, intimidation of investigators, failed prosecution, and erosion of public trust. I have
10 encountered such instances during my investigation, including in the following case. By the way of illustration, Hammanskraal CAS181-6-2018, supposed to be 2013, is a typo which concerned the murder of Maj-Gen Maswanganyi. I served as the lead investigator. The deceased was an off-duty police General, District
20 Commissioner of Johannesburg District at the time. He had adopted a zero-tolerance approach to corruption, and he had sustained an enforcement operation targeting prostitution networks, drugs trafficking operations, illegal cigarette smuggling within his jurisdiction.

Intelligence gathered during the investigation indicated that organised crime syndicate operating in collaboration with compromised individuals within the law enforcement structure perceived him as a significant threat to their criminal enterprise. As a result, contract killers were allegedly engaged to eliminate him. Following the

10 arrest of the perpetrators, the investigation team received credible threats linked to the same criminal networks. Due to the seriousness of the threats, members of the investigative team were required to operate from a safe house under protection measures to safeguard their lives and to ensure the integrity and successful prosecution on the matter. The accused persons who

20 were ultimately arrested, convicted, and sentenced in that matter included *inter alia* a serving police officer, a registered police informant, a reservist member of the South African Defence Force. During the course of the trial proceedings, bomb

threats were made against the court. Furthermore, certain occasions information discussed during the internal police briefing was subsequently reflected in the conduct in line with questioning adopted by the defence, giving rise to a reasonable concern that sensitive operational information may have been disclosed or compromised.

10 This development enforced the need for heightened security measures and strict compartmentalisation of investigative information, including placement of the investigative team in the safe house. The second case is an illustration of Polokwane CAS70-11-2020. The investigation concerned proliferation of tender-related fraud offences committed at the Limpopo water project. The

20 alleged irregularities involved repeated procurement misconduct, diversion of public funds through service providers and contractors. The scale and persistent irregularities attracted national attention. As a result, the Minister of

Waters and Sanitation, Mrs Lindiwe Sisulu, approached the Minister of Police, the time who was Minister Cele, requesting intervention in order to address this criminal-affected water utility. Following that request, intervention, members of Gauteng Crime Intelligence, which was led by Brigadier Modise, were tasked to take over the investigation and advise the investigation. The decision to deploy organised crime Gauteng members was operational in nature, aimed at ensuring independence, capacity and integrity in the investigation. Upon assumption of the investigation's progress, progress was made in identifying suspects and blocking payments suspected to be linked to the fraudulent contractors. Arrests were affected in connection with the tender related. As enforcement measures intensified and payments blocked, the matter escalated significantly. Intelligence and investigative findings revealed that

individuals believed to be central beneficiaries of the tender scheme allegedly orchestrated the kidnapping of the acting Chief Executive Office of the Republic of Water. The purpose of the kidnapping was to coerce the acting CEO to authorise payments of previous blocked funds and secure a ransom payment. An amount of R2.9 million was ultimately paid under duress and the providers of the association were allegedly fraudulent contractors. Subsequent investigation led to the arrest of individuals connected to the kidnapping and tender. Among those implicated were two police sergeants who were allegedly involved in the criminal conduct. One of the police fled and was later reported as deceased, but the other one was arrested. The matter is uncontrolled at Polokwane High Court as we speak. It illustrates the operational reality that criminal enterprise may exploit and recruit members within law enforcement to facilitate...”

ADV SEGEELS-NCUBE: I am sorry, General, you skipped a very important paragraph, 67. I do not think intentionally, but you did.

LT-GEN SHIBIRI: Sorry, Commissioner:

10 “The Rupilwe matter demonstrated how organised criminal syndicate, once financially entrenched within public procurement system, may escalate from financial manipulation to violent coercion when confronted with enforcement action. It is further illustrated that the operational reality that criminal enterprises may exploit and recruit members within law enforcement to facilitate, protect fraudulent activities, thereby enforcing the broader pattern of infiltration described above. The matter underscores that infiltration with enforcement structure is confined to

20 information leakage by extent to active participation in serious organised crime, including kidnapping, coercing linked to public sector procurement. In the taxi violence investigation, there have been instances where police officials were

implicated in acting in consent with a rival tax association. In certain matters investigated with Gauteng Province, police were arrested for murder and even hired as hitmen in favour of taxi-related conflicts. Number one, Sergeant Thulani Madida was arrested and prosecuted subsequently, convicted in connection with this offence, he is serving life.

10 Sergeant Arnold Mgaga was, like was, arrested, prosecuted, convicted with murder, charges arising from taxi violence, also saving life sentence. Sergeant Shongwe was also arrested, prosecuted in relation with similar offences. All the above-mentioned officials were sentenced substantial terms of imprisonment, currently serving their respective sentences. The matters

20 occurred in Gauteng were investigated by Taxi Violence Unit. They demonstrate that certain environments infiltration extend beyond passive compromise, may involve active participation by saving officials who in serious crime linked to

the organised criminal syndicate.”

ADV SEGEELS-NCUBE: Before you go on what do you mean by passive compromise? So, you say it extends beyond passive compromise and may involve active participation. What is passive compromise?

LT-GEN SHIBIRI: Yes, passive compromise I wanted to refer to where they are not literally participating or actively participating in the commission of crime but being those who are facilitating the commission of the crime. Here they
10 physically went there to shoot people themselves, so they acted themselves, being instrumental in the commission, not as a conjoint to the commission.

ADV SEGEELS-NCUBE: Give me an example of that, of a passive compromise, as opposed to active participation.

LT-GEN SHIBIRI: Passive?

ADV SEGEELS-NCUBE: Compromise.

LT-GEN SHIBIRI: Compromise, right. I know that Sergeant Shibiri is the one who is having the two murder cases of the gangster master Oom Sleg[?], for example.
20 And then I know who the witnesses are, who are going to testify. Then I inform Oom Sleg, and then Oom Sleg is inside but he arranges his people outside to eliminate the two witnesses so that there must not be a case in court. No witness, then you go scot-free.

ADV SEGEELS-NCUBE: Thank you.

LT-GEN SHIBIRI: Unlike Oom Sleg, send the police to go and kill the witness.

ADV SEGEELS-NCUBE: Understood, thank you. 76 on page 25.

LT-GEN SHIBIRI: In relation to aiding of arrested suspects in custody to escape, an example here is given of Northwest Province, involving illegal mining kingpin, who was arrested and allegedly led by the police to run away. And four police officers were arrested in connection with this, and the
10 matter is court going. So, I think this one was also on the news.

So that shows even syndicates who are running this illegal mining, they infiltrate the members and they are sometimes escorted with the gold concentrate which, when they are taking it from underground where they are placing it, until they take them to the buyers and so forth. Or sometimes they are the buyers. And when they are arrested, they are able to pay their way out and their people working with them.

20 **ADV KHUMALO SC:** Do you mean they are escorted by the police?

LT-GEN SHIBIRI: Yes, he was arrested by the police and went out with the police. And he never came back. And later on, it was understood that is the main kingpin who was given problem there in Stilfontein. Commissioner will

remember when the police camped there and there were an operation of extracting them from underground and so forth. So, one of the main kingpins was arrested and the police let him go. And we did not yet find him now, but they are charged. And I think he is a Lesotho national.

ADV SEGEELS-NCUBE: Thank you. 77.

LT-GEN SHIBIRI:

10 “The examples demonstrate that infiltration, where it occurs, is operational and individual in nature rather than institutional capture.”

That is my observation.

ADV SEGEELS-NCUBE: The next topic is the nature, extent, and consequences of infiltration and undue influence. Page 25, paragraph 78.

ADV BALOYI SC: Before you do that, General, if you would just explain what you consider to be institutional capture, what would constitute that?

20 **LT-GEN SHIBIRI**: Institutional capture, it will involve, let us say, for example, a division like ours. Then the senior management, they are the ones who are working with these criminals and then giving instruction as to what must happen and monitoring what is happening. If there is a case against that particular person because they are in a way criminally contracted to them, then they will have to act

and ensuring that nothing happens from that case.

So, meaning those who are downwards involuntarily forced to collude by the top management because the hierarchy is captured. And then they capture the ones who are under them and going down like that. So, it is like an orchestrated, it is a syndicate within the system created by syndicate outside. Because the way they will start living, it will be like it is normal what is done. That this one, there will be a case, then you can phone me and then me, I phone
10 somebody down there. And then until the command that this case, it does not go anywhere.

ADV BALOYI SC: Should we understand your paragraph 77 to mean there is no institutional capture? Are you making a positive statement like that or are you qualifying it to say in your experience and observations, your view is there is no, you do not have experience of institutional capture without meaning there is not. Is that what you mean?

LT-GEN SHIBIRI: Yes, I do not have experience of
20 institutional capture, but my experience is individuals have been captured.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: But they can form group of two or whatsoever working in different ways. For example, mostly this happens like this, highway patrol people or dog unit

working with certain detectives or crime intelligence who got knowledge to say there is truck coming with lot of copper from Zambia. And then they will monitor, it is passing Modimolle or whatever, they will stop it somewhere and take it and then they will take the copper.

Or this one is carrying lot of money, and this one has got cigarettes where and when and whatsoever. So, they will go together and make as if it is an operation and take it. Sometimes they are sent by one of the syndicates
10 who is working with them because he is greedy, he sees that they share too much. They are minimally sharing so we want to minimise. Then he gets two of his police officers to go and stop and take. He knows where they are sold and then he will come and pay them. So, it becomes a syndicate operating like that.

ADV BALOYI SC: All right, I understand your answer. Thank you.

ADV SEGEELS-NCUBE: Thank you General. The next topic, the nature, extent and consequences of infiltration
20 and undue influence, paragraph 78.

LT-GEN SHIBIRI:

“Based on my operational experience, investigative exposure and intelligence received during the execution of my duties, the infiltration and undue

influence of law enforcement institution by critical syndicate manifest in identifiable patterns. The nature of such infiltration is seldom overt. It is typical occurs through gradual compromise of individuals, process rather than formal institutional kept. My experience and criminal syndicate seek to influence law enforcement through the following. They recruit or cultivate of individual members within the law enforcement. They use informants, intermediaries or associates to obtain privileged information. Attempts to bribe investigators, prosecutors, court officials and forensic personnel. Monitoring and surveillance of investigators and witnesses. Intimidation, threat, violence directed to aid investigators and their families. Manipulation of investigative timelines, forensic process, bail proceedings. Utilisation of serving for former law enforcement officials to advance criminal enterprise. Lastly, in several investigations referred in these

statements, syndicates demonstrated knowledge in investigative steps, court process, operational deployment, which could only reasonably had been obtained from internal compromise or unlawful disclosure. From my experience, the phenomenon is neither isolated nor confined to a single unit, province, category of crime. The pattern has presented itself across multiple operational environments including organised crime investigation, taxi violence, tender related corruption, illegal mining, activities, high profile murder investigation.”

ADV SEGEELS-NCUBE: Sorry General, I just want to take you back to two issues that I want you to clarify. On page 25, paragraph 79, I did not want to interrupt you. You say the nature of such infiltration is seldom overt. It typically occurs through gradual compromise of individuals and processes rather than formal institutional capture. Give me an example of gradual compromise of an individual.

LT-GEN SHIBIRI: Yes, gradual compromise like, you are guarding somewhere, they want to go there, or then they come and propose to you that we give you so much, can you

let us pass and go there? Then you accede to that request, and they give you bribe they pass.

ADV SEGEELS-NCUBE: And so that is how it starts and they continuously do that or how does it progress?

LT-GEN SHIBIRI: Yes, then they will become used to you. Even if they do not want to enter somewhere, they can give you something. And then sometimes they can phone you and say you are sending somebody, let him pass, then when he comes back, he will give you something.

10 **ADV SEGEELS-NCUBE**: Can you give me an example within your environment, in the investigation detective environment, how one would gradually compromise an investigator, for example?

CHAIRPERSON: I do not quite see the gradual in the examples you gave. The people come there, they say I am going to give you this, can you let me pass? And you give them that and they let you pass. Boom, it has happened there instantaneously. I see nothing gradual. Okay, please respond to the question with particular focus on gradual.

20 **LT-GEN SHIBIRI**: Okay, let me give one investigating officer investigating drug-related cases. Then somebody is arrested, they charge the person, he takes it to court. Then they say make a plan for the first time, we will give you how much. Then the investigator goes to the docket, removes the scale of the drugs. And the statement, number 1, how

they do it.

You find the statement is written by somebody from the crime office, and then he just said I found him in possession of Nyaope. Knowingly there is no crime called Nyaope, possession of Nyaope. Obviously, he is not going to be enrolled. Instead of going back and correcting the statement before charging, because they gave him something, he takes it to court knowing it is going to be withdrawn.

10 And then one of the statements will indicate that, remember you must have reasonable suspicion to arrest somebody for possession. And you cannot go randomly and stop people and search and arrest them for possession of drugs. You must have reasonable suspicion to stop that person and search. And you must request consent first from that person.

 Even though the person refuses, you can continue doing that because you have got reasonable suspicion. Reasonable suspicion cannot be a gut feeling. It will be,
20 maybe for example, somebody told you there is somebody wearing a black suit at the corner, is selling drugs to kids. And you see me at the corner, and then I move that other side, then you stop me.

 And then you say I have got this information and then I want to search you. You search me, and then you

find the drugs. But the statement of the arresting officer is not clear. The investigator does not come and correct those things to say, I have got information about this, I saw him, I stopped him, asked consent to search him and searched him.

I found something in a bag like a powder. I asked him what this is, he said it is cocaine. And then I gave him his right and arrested him and confiscated the cocaine and took him to be arrested. The investigator knows he is going
10 to be withdrawn. Then they will come and give him money, then he will be released. So, it will be a pattern that this group, when they are arrested, they will call him, even if he is not on standby, to come and charge these people to release them because of those.

Some they do even on assault. You know, they remove a J88, so that when the prosecutor sees that the statement is short, then he does not enrol. Then when it goes back, then the statement is in there. You go to the complainant, when you get the complaint, they say, no, it
20 was given to the investigating officer, it was there in the docket. But when the docket got to the court, it was removed.

ADV SEGEELS-NCUBE: Okay, and then the next one that I want you to just expand on is page 26 93.3. You say, attempts to bribe investigators, prosecutors, court officials

or forensic personnel. Is that the full extent of the network of bribery? Is it just those people or could it be any police officers? Because you are just focussing.

LT-GEN SHIBIRI: Page?

ADV SEGEELS-NCUBE: Page 26?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: 79.3. You speak about bribery of investigators. So, I wanted to find out from you, are you only aware of bribery of investigators in respect of specific
10 matters? For example, that would make sense to me. But bribery of senior officials that the investigators would be reporting to?

LT-GEN SHIBIRI: Yes. No, here I was talking about investigators, prosecutors and court officials and forensic personnel. Senior officers here can be those who are on the payroll, who can manipulate the investigators to do something. But that forms a form of coercion because it is not easy to go down and say, you rather take the docket away from that investigator and give the other one, who you
20 know you can control.

So, it is not easy like that. So usually, the senior managers will deal with a senior manager in that particular space where this member might be reporting to. Because it is not easy for a senior member to go to a junior member and say, do this, cannot do this. Because you are not

relating. You are not, usually, even if we go, we can go out now.

You will find a lot of prosecutors knows me because I interacted a lot with them. I ran forums with them. Then you will find out the branch commanders knows me more especially in Gauteng. Because I had weekly meetings with them, checking their performance and doing planning with them. But the members, I can know you by seeing you and even forget their names because I do not interact with them.

10 So, it is not easy. It is not easy because that is why they target the real people who are having the docket.

ADV SEGEELS-NCUBE: So, they target the people who have the dockets, which are the investigators. But you are saying that it is not easy for an investigator senior to say, I am taking you off this case. If that senior has been bribed by the syndicate.

ADV MKHIZE SC: Yes, I am saying that that can be a possible situation.

LT-GEN SHIBIRI: I always check myself. I know Colonel -
20 Brigadier Hanana in Western Cape. He reports to me. When there is something in Western Cape, I phone him to say, they say there is this case. Can you go and look into it or work on it. They said there is this case, that person have done one, two, three, I do not trust him. Can you remove that docket and give to somebody? Then he will do

that. Because whatever I will be saying, he does not know if I am involved in anything, but and I am giving him a lawful instruction. Then he will comply.

ADV SEGEELS-NCUBE: Yes, that is my point. It is not a difficult thing for a senior to say to an investigator, I am taking you off this matter, go somewhere else. Go and investigate another matter.

LT-GEN SHIBIRI: But there must be a cause.

ADV SEGEELS-NCUBE: Yes, the bribe to the senior.

10 **LT-GEN SHIBIRI**: No, except the bribe. The bribe is there to the senior. The senior to tell that brigadier, there must be a cause, because it cannot be something that you just wake up and say somebody remove the docket. Like I received an email from the Minister, from the portfolio committed to the Minister, saying a certain docket must be removed from Cape Town to the national cold case.

But when I read the docket, I did not see any reason why it must come there. So, I said, no, I have got a cold case investigators in Cape Town, who are near Paarl.
20 These ones, why would they investigate by flight every day? And they do not have informants there. And these people, they have already done, established a relation with the family and also have something.

And there are people of interest working on them. I refused. I wrote a letter back to the National Commissioner

to say, based on this reason, this docket will not come here. Instead, I will send the section head from a cold case, which was under me that time, to go there and read the docket and check and give instruction. Every month, you go there and check the docket. Why must I bring the docket here? Whereas, tomorrow, the second week, they will be complaining they have never seen the investigator. So, I am just bringing another complaint to my office.

ADV SEGEELS-NCUBE: And then 79.6 ...[intervenes]

10 **ADV KHUMALO SC:** Sorry, before you leave 79.3, I just want to understand what you mean by court officials, so that we do not leave it open-ended. You are not referring to judges and magistrates? Because you remember the section you are talking about infiltration, and you say there are attempts to bribe investigators, prosecutors, and then you say court officials.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Who are the court officials you are referring to?

20 **LT-GEN SHIBIRI:** Yes, the court officials here, it will refer to even those who are working in court, like the court orderlies and clerks, but also including the magistrate, the presiding officer, even though it is not rife on them. The way it is rife is the prosecution and investigators, because they work together. And we had a case of murder in

Bronkhorstspuit where I am having this.

It is not yet finished. This lady is now about six years in witness protection, who was the investigating officer for corruption, where we arrested a prosecutor, and that prosecutor was working with investigating officers. So, for magistrates, it is rare, but it does not mean it does not happen. So, I did not have much time to research in the whole, but there is where you will find they were arrested. I cannot remember it was Free State or where, but it is a long
10 time. But it happened. Prosecutors, yes, they get arrested sometimes with the anti-corruption.

ADV KHUMALO SC: Thank you.

ADV BALOYI SC: General, you may, in answer to Commissioner Khumalo, have answered my question, but just let me ask it anyway. In that 79.3, you speak of attempts. You do not say actual bribes to investigators, prosecutors. The way you have framed it when you say attempts, my question was going to be, does it mean you are not aware of instances of actual bribes to investigators,
20 prosecutors? In your answer, you have spoken about a prosecutor who is being prosecuted.

LT-GEN SHIBIRI: Yes. I said attempts because mostly they go through the investigators. Let me remember one case. It was involving me. They went to the prosecutor. The prosecutor now, I think, is in South Gauteng, he is an

advocate. At that time, he was a regional court prosecutor in Oberholzer. So, it was an armed robbery case. I think Mr Ian Small Smith was the lawyer.

They could not get bail. They came with new facts, and I was opposing the bail. Then they went to the prosecutor. The prosecutor referred them to me to work through me. Then I agreed. He said, okay, how much do you have? It is a long time ago, then they promised 6 000. So, our office, you go by steps upwards. So, I said, you
10 must come to my office then.

Give me the money, I will give you the docket. Then I put the docket in an envelope. There is only one way to go down. Then my colleagues were waiting for them down there. So, after I took the money, they go down, they were arrested. And the prosecutor indicated that, no, I send him to him so that he can get arrested, yes.

ADV BALOYI SC: All I was seeking to clarify, General, is 79.3 does not mean there have been cases where investigators have been bribed, because you speak of
20 attempts. I do not know if you understand the distinction that I am drawing. So, you do have attempts, such as the case that you are describing where you were involved. There was an attempt and they were arrested. And what I am seeking to clarify is that you also have had cases where bribes were paid.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: All right, thank you. The one that I wanted to get clarification from is 79.1, where you speak of recruitment or cultivation and the emphasis is on cultivation. What does that mean when you say cultivation of members?

LT-GEN SHIBIRI: Oh, cultivation means infiltration. You send somebody to the group, befriend them, make as if he is working with them. You start this kind of shenanigans of
10 coming with money, got it there, then the whole team joins and then they start working with you.

ADV BALOYI SC: So, would it be cultivation, can it, that concept of cultivation, can it also reflect in members of syndicates or even just criminals, creating relationships with police?

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: All right, thank you. And when I say police, I mean across the board, so they may choose to befriend you when in fact they go on to corrupt you
20 eventually.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, General. And then just the last one in your 79.6, manipulation of investigative timelines. How does that occur?

LT-GEN SHIBIRI: Yes, here is where they keep on procrastinating to get certain statements in order to finalise the investigation. And the investigation now takes time, becomes stagnant, and we find the defence will say, I scrubbed this thing off the court roll because you are wasting our money, the state is never ready. Statement of a person needs to be taken and whatsoever. So, the long postponement, which becomes unfair for the accused person to now and then go to court to appear, and the
10 matter end up postponing, postpone, then they will withdraw the matter. And some witness, they will lose interest.

ADV SEGEELS-NCUBE: And then you also mentioned utilisation of serving or former law enforcement officials to advance criminal enterprise objectives.

LT-GEN SHIBIRI: Is paragraph?

ADV SEGEELS-NCUBE: 79.7.

LT-GEN SHIBIRI: Yes, here is direct involvement where they recruit you because they know you, because of love of money or whatsoever, they send you to do certain things for
20 them, they pay you. So, they use them.

ADV SEGEELS-NCUBE: But how would former law enforcement officials help them infiltrate if they form a law enforcement?

LT-GEN SHIBIRI: Yes, let us say I left the police today. I worked as a head of organised crime. I attended all the

meetings and when we are developing certain strategies, I was at the forefront, including the transnational organised crime. And I worked with Interpol and we studied the police. I know where to go, where not to go, if you want to go to Botswana or where is the entrance, who can we call and whatsoever. So, that report is still there. So, it is going to be easier for me to go around. So, they do not go and target everybody. Somebody will tell you that one knows and somebody who will tell them that that one knows
10 is somebody from within who is still working.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: So, again, they see, okay, you are out and how is your life? Are you, if you are miserable, it will be easy to be taken in. So, law enforcement who has got experience and whatsoever. That is why when planning for these CITs, most of them, they are there. When you arrest, that is why you find them there, because they know. They know to time these things. They know when the radio starts, it will be what and what, what do they do.

20 **ADV SEGEELS-NCUBE:** Okay, thank you, General. Then you can continue at paragraph 81 on page 27.

LT-GEN SHIBIRI:

“The extent of problem reflected in instances where seven police officers were arrested and convicted implicated

as participant in organised crime activity. Investigators required relocation to the safe house due to credible threat. Court proceedings were infiltrated by individuals linked to accused person of purpose of intimidation and monitoring. Investigative teams experienced persistent attempts to bribe and influence. Suspects were assisted to evade justice through insider facilitation. These experiences demonstrate that infiltration operates at the level of individuals embedded with system rather than through formal institutional endorsement. The consequences of such infiltration are severe, far-reaching operational infiltration, compromise investigation, endangers investigators and witnesses, undermines prosecutorial process, creates fear with investigative team, enables organisation crime to operate, increased confidence, erodes public trust in enforcement institution. In extreme cases, the consequences have included targeted killing of law

enforcement officials, perceived as threat as to criminal enterprise, the need for investigators to operate under protection, sustained attempt to corrupt judicial outcome. The accumulative effect is not merely individual corruption but institutional vulnerability where organised crime criminal group attempts to neutralise law enforcement capacity from within.”

10

ADV SEGEELS-NCUBE: Thank you, General. Now we get to the specific allegations or implications against you. The first one is you address the nature of relationships and details of communication on WhatsApp or Signal with listed persons. You start at 85.

ADV BALOYI SC: Maybe before you do that, General, in your paragraph 81.5, 81 rather, you do not mention among the instances where you say the problem is reflected. You give examples. You do not mention, and I would like to hear your comment about this. You do not mention, for example, loss of exhibits. We have had General Sinona testifying about the loss of drugs that were seized in a drug bust, and he was insistent in his testimony that it had to be an inside job.

20

It had to be somebody who knew that place. So,

we have got a senior member of the police who says that. And on the second one, you can correct me if my facts are incorrect. I seem to recall that the Alrode drug bust also has issues about the drugs having been misplaced or I seem to recall that you can correct me if I am wrong. But also, as a member of the public who reads the media and listens to the news, there has been instances reported of exhibits that were under police control having been lost through a break-in at a police station where material is kept
10 and gotten lost. The fact that you do not mention that, is it because you do not have that kind of experience? You do not consider that to be one of the issues?

LT-GEN SHIBIRI: Thank you, Commissioner. I know about them, but they are not under my environment. So hence, I said I will talk about my experiences other than talking about something I heard and I do not have facts.

ADV BALOYI SC: But by virtue of your position, by virtue of being a member of the SAPS you are aware of those particular cases where ...[intervenes]

20 **LT-GEN SHIBIRI**: Yes, I am aware that drugs were stolen and whatsoever. And that one of Alrode, the drugs were not stolen. So, the police wanted to take the drugs.

ADV BALOYI SC: I see.

LT-GEN SHIBIRI: The other police came and arrested them. And then that is where the fight is.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: And then they said, no, we were doing our job, you came and arrested us, it is defeating the hands of justice. So hence, they ended up in case against Khan and Kadwa and Brigadier Sekgobe.

ADV BALOYI SC: Okay, thank you for that.

LT-GEN SHIBIRI: So that one, I know of the ones in KZN where a lot was stolen somewhere in Pretoria. We also, my team went to intercept a drug consignment at the harbour
10 there. But unfortunately, they could not get the suspect because they were tipped off. But there was a lot of drugs. What we did, we called forensic and we took the drugs back to Pretoria to the lab because we knew when you take it somewhere, it will get lost.

So, we made such a precaution. But even though a lot of people were not happy to say you come to my province, you take this and you do this, you take them. Yes, you stole the drugs. But the drugs were intact, were put on scales and whatsoever and then taken to the forensic
20 where there is storage for that. Because even the National Commission, I remember once he approached us and said, can you come up with a legislature of disposal of these drugs?

Because in Brazil, they are destroying them immediately before even the case ends up in court. We

said no, but we need to sit down with NPA because we cannot do it alone. And then find out a way to say, where can we make a change? And say, if we found such drugs, we remove some quantity and then we test and then we destroy the rest. Because if we do not do that, they go back to the street again.

ADV BALOYI SC: Thank you, General.

ADV SEGEELS-NCUBE: Thank you, Commissioner. General, page 28, paragraph 85, where you deal with the
10 nature of your relationship and details of communication on WhatsApp or Signal with listed persons.

LT-GEN SHIBIRI:

“I wish to firstly state that I do not use Signal platform. I do not have an active Signal app or account or have utilised Signal on either my work or my personal cell phone. My primary means of communication are my SAPS issued cell phone and my personal cell phone, both
20 of which they utilise WhatsApp. As stated in my response to the Commission Rule 10(6) notice, for the sake of completeness with regard to WhatsApp messages, I shall repeat my response hereby submit that on the 8th of February,

2025, my Samsung Z Fold 5...”

ADV SEGEELS-NCUBE: Please do not read the number.

LT-GEN SHIBIRI: Yes, okay:

“Was stolen at Loftus Stadium in Brooklyn, Pretoria, while attending a soccer match between Sundown’s and Pirates, where my team lost.”

ADV SEGEELS-NCUBE: Which one is that?

ADV KHUMALO SC: Do you suspect Pirates fans?

10 **LT-GEN SHIBIRI**: No, no. We lost together. I am Pirate.

ADV KHUMALO SC: So, you suspect Sundown’s fans?

LT-GEN SHIBIRI: Yes:

“At the time of the incident, the cell phone was in my trousers pocket and went missing and was stolen at the main entrance. Immediately upon discovering that I could not find it, I suspected theft and contacted the Vodacom call centre, reported the incident to block the SIM card and ITC reference number was issued to me, as, number 423...”

20

ADV SEGEELS-NCUBE: You do not have to give the number, just that the device was blocked.

LT-GEN SHIBIRI: All right.

ADV SEGEELS-NCUBE: Paragraph 89.

LT-GEN SHIBIRI:

10 “I further acted promptly to contact an Absa Bank to suspend my cell phone banking facility in order to prevent any misuse of my banking applications or related. I did not open a criminal case in relation to the suspected theft. During March 2025, I purchased a replacement cell phone during and continued using the same number, meaning I have done the SIM swap. My intention was to restore my contacts and my WhatsApp messages. Regrettably, WhatsApp messages could not be retrieved as they had not been backed up on my cloud storage. That functionality had not been activated at the time the device was stolen. During 25 April, my second cell phone bearing number required an update on WhatsApp application. Following the update, the device overheated and became non-functional. The phone was taken to Vodacom where it was assessed and restarted after it was determined that the system had crashed.

20

As a consequence of the reset, all restored messages on the device were permanently lost. No backup existed. As a result of the above, all WhatsApp messages stored on my devices became irretrievable. To the best of my recollection, I do not recall receiving or sending messages to Mr Matlala after the phone was repaired. In further...”

10 **ADV SEGEELS-NCUBE**: Sorry, General can we just clarify. You say to the best of my recollection I do not recall receiving or sending WhatsApp messages to Mr Matlala after the phone was repaired. You are referring to the one that overheated and was not functional?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And is that your ...[intervenes]

LT-GEN SHIBIRI: 079 my official ...[intervenes]

ADV SEGEELS-NCUBE: You do not have to say the number. Is that your SAPS number or your home number
20 ...[intervenes]

LT-GEN SHIBIRI: My SAPS number.

ADV SEGEELS-NCUBE: The SAPS number.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Had you received or sent WhatsApp messages to Mr Matlala on your personal

number?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: During this period?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay, continue.

LT-GEN SHIBIRI:

10 “I further confirm that in the ordinary
course of managing device storage, I
periodically delete non-essential
messages in order to maintain storage
capacity and device functionality. This
practise is normal and prevalent among
cell phone users. It was not undertaken
with any intention to conceal information.
In a continued effort to comply with the
Commission's request, on 30 January I
contacted Lt-Col...”

Should I mention the name?

ADV SEGEELS-NCUBE: You do not have to.

20 **LT-GEN SHIBIRI**:

“Of the Cybercrime Unit to enquire
whether deleted messages could be
recovered from my devices. I was
advised that the recovery was not
possible under the circumstances

particularly in the light of absence of cloud backup and loss of the original device. The Colonel further informed me that DPCI has an arrangement with SABRIC which may have limited technical capabilities in relation to the message recovery. Acting at this advice, I contacted a certain individual in SABRIC for assistance. On 31 January, I was advised that, after consultation with the technical team, messages could only be retrieved if they had been archived or backed up on the cloud and that only a limited number of deleted messages may be recoverable subject to applicable time constraints. Then I further contacted Sergeant Nkosi whether he remained in possession of relevant messages. He informed me that they were retrieved from his seized cell phone device which are currently in possession of the Commission. In addition, I formally requested itemised billing in November for my private phone at Vodacom and I attached the proof thereof.”

But the itemised billing of these phones which are pay-as-you-go, they are not readily available and when they were supposed to provide, they said they do not give second parties number. So, I just paid something like R2 800 for nothing because I could not get any information, usable information from it.

ADV SEGEELS-NCUBE: And sorry, just for the record, which number are we talking about, the personal or the staff?

10 **LT-GEN SHIBIRI**: Personal one.

ADV SEGEELS-NCUBE: Personal.

LT-GEN SHIBIRI: No, the state one, I have the itemised billing, but it shows only the outgoing calls, not the incoming.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: But no messages either. It will show that you phoned on this time:

20 “In response to the question contained in the summons, the nature of my relationship details of my communication conducted via WhatsApp and Signal, any other electronic message platform with person below. I set out my response individually as set out below. For completeness, I addressed the origin of

relationship, the context within my interaction occurred, the nature of extent of electronic communication exchange. Unless otherwise indicated, such communications were informal, social or work-related within ordinary professional engagement and did not involve the disclosure of classified information, operational strategy or confidential
10 investigative material. I further record that my responses are confined to matters within my personal knowledge and recollection.”

Then I start with, on the summons, they wrote to Vusi Ndlala. I know him as Vusi Abednego Makhubela[?]a, not Vusi Ndlala:

20 “I know Vusi Ndlala, who is known as Vusi Abednego Makhubela. I was introduced to him during 2019 by my friend and colleague, the late Brigadier Modise, who at the time served as a provincial head, Gauteng organise crime investigation. Brigadier Modise informed me that Mr Vusi Makhubela was assisting him in relation to certain investigations

and further indicated that he was regarded as a reputable traditional healer, of which I confirm I have seen the certificate.”

CHAIRPERSON: Did Brigadier Modise tell you what the nature of the assistance was?

LT-GEN SHIBIRI: Yes, it was providing information on cases which he was investigating, which he was following up.

10 **CHAIRPERSON:** In what manner exactly? Would he ask him to do a divination of what had happened, who the suspects were, or how exactly would the assistance manifest?

LT-GEN SHIBIRI: Yes, like I know Ms Molantwa, she has got capability. She knows a lot of people in a lot of circles where we were doing investigations. So maybe I am afraid to say what type of investigations, because I do not want to ...[intervenes]

20 **CHAIRPERSON:** In my language there is something called ububhula[?]. So you go to a traditional healer, and you ask them to tell you ububhula.

LT-GEN SHIBIRI: No, no, no. It was not like that one. It was like information, like you get from the source, who knows what happened. Ugugula, yes, we were going ...[intervenes]

CHAIRPERSON: Bhula not Gula. B-H-U, B for boy, H for hotel.

LT-GEN SHIBIRI: That one, Commissioner, that one, it was personal one, not about the work. About the work, it was information or intelligence related to do with the work of the cases he was dealing with.

CHAIRPERSON: Oh, based on information that Mr Makhubela would be having?

LT-GEN SHIBIRI: Yes.

10 **CHAIRPERSON:** As an ordinary person now, not so much as a traditional healer?

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: All right.

LT-GEN SHIBIRI: Yes, as a traditional healer, I would go to his house.

CHAIRPERSON: Okay.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: As a registered source?

20 **LT-GEN SHIBIRI:** What I can tell you, he was a registered source before of, I knew now, of crime intelligence, and I think the matter is in the High Court where they are suing each other. He is suing ...[intervenes]

ADV KHUMALO SC: Sorry, do we want to disclose that information? I am not comfortable disclosing who registered sources are because it may place them in

danger. Maybe let us just leave that one, if you do not mind.

LT-GEN SHIBIRI: Okay.

ADV SEGEELS-NCUBE: You may continue, 105.

LT-GEN SHIBIRI:

10 “At the time, I was serving as a colonel at the National Head Office. Following introduction, I met Makhubela again at his residence in Midrand. Thereafter, I visited his residence on several occasions, and during the 2020 COVID-19 pandemic, we used to fetch some traditional remedies from his house in Midrand to help treat or limit chances of contravening the corona.”

So, he was making those concoctions, when I knocked off duty on the past day, and get my bottle then to go home:

20 “So those visits occurred both official and personal contacts. The official visits were in connection with matters that Brigadier Nciza had indicated, and Mr Makhubela was assisting while the other visits were social.”

CHAIRPERSON: Perhaps let us take the adjournment now and resume at 2 pm. Let us adjourn.

ADV SEGEELS-NCUBE: Thank you, Chair.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. General, can you just switch on your microphone? We were on page 33 at paragraph 106.

CHAIRPERSON: I have no idea what to suggest, but I was thinking of a strategy to make sure that we finish the
10 statement today. But as I say, I have no idea on what possible strategy. But we do not want, of course, to curtail the General.

ADV SEGEELS-NCUBE: Chair, there is some considerable duplication towards the end of about four or five pages where the General repeats the same allegations that he is made but under different topics. So, I am still confident that we can finish today while the sun is still up.

CHAIRPERSON: Ja, I repeat again, General, I am not saying that to suggest that we want to curtail you in your
20 testimony. That is the last thing we would do. Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. General, you were dealing with your communication with Mr Makhubela, Vusi Makhubela, at 106. You may proceed. You are speaking at 106 about the visits between yourself and Mr

Makhubela. You say that they were both social and personal context.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: You may continue.

CHAIRPERSON: Just before, you read 106. You are proceeding to 107, or 106?

ADV SEGEELS-NCUBE: We are on 106, Chair.

CHAIRPERSON: 106, all right.

ADV SEGEELS-NCUBE: Yes.

10 **LT-GEN SHIBIRI**: -:

“Those visits occurred in both official and personal context. The official visits were in connection with a matter that Brigadier Modise had indicated and Mr Makhubela was assisting with while other visits were of social nature.

Following the ...” [intervenues].

CHAIRPERSON: Sorry, sorry, General. At this stage, were you already at head office?

20 **LT-GEN SHIBIRI**: Ja, I was at the head offices before I went to the province as a Brigadier. I was still a colonel here. Modise was a brigadier.

CHAIRPERSON: Oh, but you were at head office?

LT-GEN SHIBIRI: Ja, I was at the head office, organized crime.

CHAIRPERSON: Okay.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: All right, let me leave it.

LT-GEN SHIBIRI: -:

10 “Following the passing of Brigadier Modise, Mr Makhubela and I continued with our personal acquaintance. From time to time, we would exchange information relating to general work-related matter where I needed his assistance for any information he might have in a broad and non-operational sense. Our interaction on WhatsApp were predominantly social in nature, consisting largely of checking each other, sharing jokes, exchanging commentary on local affairs drawn from social media and occasionally forwarding crime-related stories

20 reported in the media, including News24. However, sometimes after the passing of Brigadier Modise, my interaction with Mr Ndlala reduced significantly and we eventually lost contact for a period. We reconnected

during 2023 when we encountered each other at a social event. Thereafter, communication resumed between us, including occasional text messages and WhatsApp. From time to time, I would ...” [intervenes].

ADV BALOYI SC: General, before you carry on, in paragraph 107, right at the end of that, no, do not go back. The page where you are now, at page 34, right at the end of
10 that paragraph, where you say, when I needed his assistance for any information he might have in a broad and non-operational sense, what is that? What is broad and non-operational sense?

LT-GEN SHIBIRI: Ja, for example, I will be asking about the name of a certain person whom I enquire because he must be linked to something which I am probing, and then I will ask him, or name of somebody not related to the investigation or related to the investigation, I could ask him. If he knows, he will inform me to say he knows the guy, he
20 stays where, he is the one who does what and what, because, ja, he knows a lot of people and hence he was working with Modise.

ADV BALOYI SC: And is that kind of information what you ordinarily would pay an informer for? Well, please keep in mind I do not quite understand yet, I suppose, the

difference between an informer, I think there is a difference between an agent and an informer, but is this the kind of information you would pay for?

LT-GEN SHIBIRI: Some were supposed to be paid for, but between me and him there was no information which I ever paid for.

ADV BALOYI SC: Okay. So the SAPS would not have a record, your answer means the SAPS would not have a record of your interactions with Mr Ndlala as relates to your
10 job, your functions?

LT-GEN SHIBIRI: No.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Thank you, Commissioner. You can go to 109.

LT-GEN SHIBIRI: 109:

“For the time to time I would pass by his residence. On certain occasion he would invite me when he was hosting an event or function at his house. I would similarly extend an invitation to him for social occasion. These
20 interactions were informal, social in nature and did not revolve around operational or investigative matters. During 2024, the course of 2024, Mr Ndlala informed me that he was spending most of his time at his younger brother's boutique hotel situated in Northcliff. As he was assisting in managing the establishment, he indicated that the hotel was

not yet fully operational at this stage. I visited the hotel of social interest, observed that there was a private lounge within the premises. I enquired whether I could bring some of my friends to the private lounge area for social entertainment purposes and I was informed that this would be permissible. Thereafter, on occasion, I attended the venue with friends to unwind and watch soccer and spend time in a more private environment. The purpose of attending the venue was recreational. It was not utilized as

10 a platform for operational planning, investigative meetings, strategic discussion relating to SAPS matters. Where friends accompanied me, they were there in social capacity. No official briefing were conducted, no case-sensitive information was discussed, no investigative decisions were taken at the venue. My attendance at the hotel, it is a private lounge, was purely for social relaxation. I did not intersect with any official responsibility. When I required information of a general nature from him, I would inquire whether he had any information of this at his disposal

20 relating to a specific incident. Such inquiries were informal, exploratory in nature and did not involve the disclosure of confidential operational details, classified information, strategic investigation, planning, privilege content. Mr Makhubela did not have access to SAPS systems. Case doggers, intelligence database, restricted

briefings. Any information that required formal verification will be processed through appropriate crime intelligence or investigative channel in accordance with SAP protocols. At no stage I outsourced investigative authority, compromise operational integrity, rely on unofficial channels in place of formal process. I am aware that the social setting, particularly those frequented by members of law enforcement may create perception if not properly contextualized, therefore, state clearly that the Villa & Spa Hotel and its private lounge were not utilized by me as a venue to influence subordinates, cultivate information, conduct unofficial operations. My attendance was recreational and personal. Were members of SAPS or acquaintances who happened to be in law enforcement accompanied me. They did so on their personal capacity, not pursuant to instruction, operation, directive or expectation of professional

engagement. I did not summon junior officers to the venue, nor did I create any environment where investigative matters were to be discussed formally outside official channels. No case doggers were brought to the venue. No confidential briefings were conducted there. No evidence was reviewed there. No strategic operational decisions were taken there. No person present was granted access to privileged information by virtue of being present at the settings. My role as a senior officer requires that I maintain professional boundaries. I did not blur those boundaries by converting a social environment into an operational space. Any investigative matter requiring discussion was addressed through formal meetings at official premises and via authorized communication channels. The social interactions occurred at the Villa & Spa Hotel were precisely that social interactions. They did not intersect

with, influence, or compromise my official functions. I preferred the place as it felt safe and private when not fully occupied. On Saturdays, the 25th of May 2024, in Pretoria, I attended a meeting with the Divisional Commissioner, Detective Service and the Deputy National Commissioner, Crime Detection with the Chinese police attaché to South Africa to discuss fate of kidnappings of Chinese nationals. After the meeting, I passed by 12 On Hillel Villa & Spa where I found Mr Vusi Makhubela in the company of a friend called Mavusa, Vusi's colleague Mdu, an unknown male and a lady. Vusi Makhubela introduced me to the two ex-police officers. They were seated at the private lounge also. I joined them and ordered a drink. I had grown familiar to the place because I frequented it. I played some music on the Bluetooth speaker using my phone. Later on, we were joined by Witness A and B.”

ADV SEGEELS-NCUBE: That must be corrected. Witness B must be corrected in your statement. You said Sergeant Ndlela.

LT-GEN SHIBIRI: So it is Witness A ...[intervenes].

ADV SEGEELS-NCUBE: And ...[intervenes].

LT-GEN SHIBIRI: No, not, Witness A and Sergeant Ndlela, yes.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: -:

10 “I remembered them from the meeting that was held in my office on the 16th of May 2024. But even before meeting them formally at my office, their faces were familiar. They used to submit itineraries at my office for signing off whilst I was working at the Gauteng Provincial Office. On one occasion ...”
[intervenes]

ADV SEGEELS-NCUBE: Sorry, General, before you go to
20 120, please remember not to mention Witness A's name in that paragraph 120. I had asked you to please delete it.

LT-GEN SHIBIRI: Okay.

ADV SEGEELS-NCUBE: If you can do that now before you read it. But also before we get to 120, if I can ask you to go back to 119. At the end of it, you say Mr Makhubela

introduced the two as police officers. They were seated at the private lounge. So you are saying there was an unknown male and female who were police officers?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. So they became four when Witness A and Ndlela arrived.

ADV SEGEELS-NCUBE: And the two, the male and the female, you do not know their names?

LT-GEN SHIBIRI: No, I do not know their names.

10 **ADV SEGEELS-NCUBE:** Okay. You can now do 120.

LT-GEN SHIBIRI: They were introduced as police. I forgot the name to say who is who, ja. I can go to 120 now.

20 “On one occasion, Sergeant Ndlela and Witness A arrived at the hotel in the company of two ladies and one male. They brought with them a cooler box containing liquor. When Mr Vusi Makhubela introduced them to me, I remarked to him jokingly why he had not informed me that he was opening a police station as there were now four police officers present. Our prior understanding had been that when we used the lounge and when there were no bookings, and that we would not be

sharing the space with other persons.”

ADV SEGEELS-NCUBE: General, can I just get some clarification. At paragraph 120, you say on one occasion. Are you speaking about an occasion other than 25 May 2024? If you go to the previous paragraph, paragraph 118, you say on Saturday, 25 May 2014, you attended and then you went to Hillel and there is where you found the unknown male and lady, and then Witness A and Ndlela joined, right, and then there were four officers.

10 Then at 120, you say on one occasion, Ndlela and Witness A arrived at the hotel. Is this now on a different day to 25 May?

LT-GEN SHIBIRI: Ja, it was the same day. It was the same day and when we were discussing making changes. I thought the change has been made there because I have seen it and said it will suggest that it is another day. It is the same day.

ADV SEGEELS-NCUBE: Ja, the change has not been made on the revised statement that I have, but you can
20 clarify that now. So where you say on one occasion, it should not be on one occasion. We are still talking about 25 May ...[intervenes].

LT-GEN SHIBIRI: The same day, yes.

ADV SEGEELS-NCUBE: 2024.

LT-GEN SHIBIRI: Ja.

ADV SEGEELS-NCUBE: And so when they arrived there, they arrived with two ladies and one male individual.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay, who were not police officers to your knowledge?

LT-GEN SHIBIRI: Ja, because the ones which were introduced to me as police officers was Ndlela and Witness A. And those are the two whom they found there, whom already were introduced to me as police officers, so hence I
10 am saying they were four police officers. Those other ones. The other lady and female were not police officers.

ADV SEGEELS-NCUBE: Okay, thank you. You may proceed at 121.

LT-GEN SHIBIRI: -“

“Mr Vusi Makhubela responded by saying ...[vernacular], meaning, they are my boys, and indicated that if I had an issue, they could go and sit elsewhere. I asked Mr Vusi why he
20 called them that and what was their business with him, but I did not get a definitive answer from him.”

I hope you will get an opportunity to provide clarity on their association with Makhubela.

“I, however, indicated that it was

acceptable for them to sit there. I continued playing music. After some time, I left the area. I am not aware of the party taking place.”

On the 3rd of May 2025, after we were knocking off, I think it was on a Friday, because ja, I remember this one, because on the 30th, I just arrived from Zambia, from SADC, Transnational Organized Crime.

ADV SEGEELS-NCUBE: And I think you mean 31 May
10 2024, is it not?

LT-GEN SHIBIRI: Ja, it is 2024.

ADV SEGEELS-NCUBE: Continue.

LT-GEN SHIBIRI: -:

“After knocking off duty, I telephoned Lieutenant General Ntombe to inquire where he was so that I could join him as it was Friday and we would occasionally meet and unwind on Friday, because Saturdays, he is, all
20 Saturdays he is working Operation Shanela.”

That time was still, I think it was ...[vernacular]. So, that is the only one which made me to agree to go and work at head office, because I was working every day. You do not rest with that one.

“So, on Friday, when we had time, we could meet. I proposed that we meet at the Villa and Spa Hotel at Northcliff to catch up and relax. We agreed to meet there. While we were at the hotel lounge, Brigadier Nkhwashu telephoned to enquire about our whereabouts. I informed him that we were at the hotel in Northcliff. He indicated that he will join us and later joined us.”

ADV SEGEELS-NCUBE: Sorry General, can I just ask, who did General, who did, is it Commissioner Nkhwashu? You said Brigadier. Brigadier. Who did he call, did he call you or did he call the Provincial Commissioner?

LT-GEN SHIBIRI: I think he called me.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: I cannot remember, but he usually call one of us. But I think he called me.

ADV SEGEELS-NCUBE: You can start with 124, o, he said that he would join you at the ...[intervenes].

LT-GEN SHIBIRI: At the Villa.

ADV SEGEELS-NCUBE: And in 124?

LT-GEN SHIBIRI: Ja.

“While seated at the lounge area, I

noticed Sergeant Ndlela.”

I see ...[intervenes].

ADV SEGEELS-NCUBE: And just for, ja.

LT-GEN SHIBIRI: I see that there is witness A which must be removed.

ADV SEGEELS-NCUBE: It should be deleted, yes. Sergeant Ndlela is not witness A.

LT-GEN SHIBIRI: Ja.

ADV SEGEELS-NCUBE: Yes.

10 **LT-GEN SHIBIRI**: -:

“I noticed Sergeant Ndlela through a glass door coming up the stairs from the parking area accompanied by a lady. I immediately called Vusi Makhubela and informed him that I could see one of his boys coming upstairs with a lady and that they were not going to come and sit with us at the lounge. And then Vusi Makhubela indicated that he would ask them to sit in another area. He proceeded outside to speak to them and they did not come and sit with us at the lounge. After some few minutes, I observed them returning towards the parking area.”

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ADV KHUMALO SC: General, what is your relationship with Brigadier Nkhwashu? If it is coming later on, you can leave it for later, but if you want to tell us now, does he work with you or are you just friends? What is the relationship between you and him?

LT-GEN SHIBIRI: I can say it, but I think it is coming. But Brigadier Nkhwashu, we worked a long time together. He was working at vehicle investigation unit in Johannesburg, and I was the Branch Commander in Florida. And then he
10 went to work at the province, and I was still a Branch Commander. He is playing soccer. Sometimes we will play against each other as the police. But we became close when he became a Station Commander in Burgersdal, because my wife was a Branch Commander in Burgersdal. So as a result, we could visit each other's functions, funerals, and whatsoever.

And for that matter, he comes from Tzaneen, I am from Tzaneen. Even though he is coming from a different direction, area. He is coming from Juliesburg, your
20 ...[indistinct]. I am coming from where you turn to ...[indistinct], but he is in Tzaneen, all of it. So we became close, like friends, but we call ourselves boet-boet, like brothers.

ADV KHUMALO SC: I think the point I wanted to get was, in 2024, your relationship with him was not professional in

the sense that he reported to you, or you reported to him. It was more friendship than a professional relationship.

LT-GEN SHIBIRI: Yes, he was working, he worked in Tshwane as Acting District Commissioner and then he was transferred to the Vaal. That is when he became acting until they promote a District Commissioner, though he became a deputy. And I think he built a house, he stay in that side, because he was staying in Roodepoort. So we were in West Rand, all of us. So we meet occasionally
10 weekends as friends to drink, not work-related or whatsoever. So in terms of reporting, it was reporting to the District Commissioner and then to the PC. And then I can also explain the one of General Mthombeni.

ADV KHUMALO SC: No, I think you have answered me, unless the evidence leader wants you to deal with that relationship.

LT-GEN SHIBIRI: Okay.

ADV SEGEELS-NCUBE: You may continue, General.

LT-GEN SHIBIRI: I am in 125, né?

20 **ADV SEGEELS-NCUBE:** Yes.

LT-GEN SHIBIRI: Mr Vusi ...[intervenes].

ADV SEGEELS-NCUBE: You said you have dealt with 125, you are at 126, at the time those present.

LT-GEN SHIBIRI: Okay.

“At the time those present in the

lounge were myself, Lieutenant General Mthombeni, Mr Vusi Makhubela, Mr Mavuso, Brigadier Nkhwashu with his two friends whom he came with, and a friend of Makhubela, known as Molf, who was owning a security company. Two other males who were friends of Mavuso also were there, and two ladies. And there was no party taking place, so it was friends sitting.”

ADV SEGEELS-NCUBE: And then just before you read 127 again, if you can delete Witness A's name before you read.

LT-GEN SHIBIRI: I can delete who?

ADV SEGEELS-NCUBE: Witness A's name in 127, so that you do not inadvertently say it.

LT-GEN SHIBIRI: Oh.

“I later learned from Mr Vusi Makhubela that Sergeant Ndlela and Witness A often visit the hotel during lunch hours.”

ADV SEGEELS-NCUBE: Okay, we now move on to Sergeant FE Nkosi.

LT-GEN SHIBIRI: -:

“My relationship with Sergeant FE

Nkosi has been primarily work-related, but we get along very well, and I consider him as part of my family, more so like my younger brother and a friend. We have, throughout our work relationship, become very close, even to our respective families. When my mother passed on, he attended the funeral in Tzaneen. I first met him during 2016 when I was transferred to Organized Crime investigations. At the time, we worked closely within the Serious and Violent Crime investigation section, where I exercised oversight responsibilities, including inspections, performance, supervision. Our professional relationship developed within that context. I acted as his commander and a mentor in the performance of his duties. Sergeant Nkosi performed part of a team that reported to me operationally during that period. He would frequently attend to my office to seek advice and guidance relating to investigation under

his control, and I would ask him, in accordance with supervisory responsibility. Morning reporting sessions were conducted where his team would brief me on progress on their respective matters. This reporting structure remained until October 2019, when I was promoted to the rank of Brigadier in Gauteng province. I rejoined the Organized Crime investigation component during December 2018. At that stage, Sergeant Nkosi was still attached to the Organized Crime section, especially anti-gang investigation. During that period, he was also working closely with Brigadier Ramangwa, who was leading the special operation investigation team reporting under the office of the Deputy National Commissioner. My supervisory interaction with Sergeant Nkosi occurred within this broader command and reporting framework. Even after my relocation ...” [intervenes]

ADV BALOYI SC: General, can I just understand that last part. Does it mean you were not his direct superior, supervisor directly?

LT-GEN SHIBIRI: No.

ADV BALOYI SC: So he reported to somebody else directly?

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: But on the strength of the structure, he
10 was falling under Organized Crime, under section anti-gang.
There is a Brigadier who is in charge, but when I arrived,
the arrangement was he was working mostly with Brigadier
Ramangwa. Brigadier Ramangwa, as I indicated before, he
was the one who was contracted after he went on
retirement. He was given two years. So they formed a
special team operating under the office of the DNC to
attend for special cases where the DNC is receiving cases.

You will remember when I started, I indicated that
the, oh, it was not here with you. It was yesterday,
20 consultation. Ja, I indicated that the DNC's ...[indistinct],
his wish was we should have a sort of crash team or a
strong team whereby if something happens in the North
West, we can go in there to assist North West and quell the
situation and go somewhere where there is a problem,
because he was receiving a lot of complaints from the

Minister or the Deputy Ministers or the community at large, ja, because I, ja, I can remember there was this lady from Rustenburg, she would phone day and night, but the son was killed. We know the suspect ...[indistinct] warrant, but he fled to Mozambique. He is a Mozambican, and we have put him on the red notice.

But you know, they do not use passports, and Mozambique tried to go and visit there, we do not get, but they do not understand that we do not have jurisdiction to
10 go in there ourself and search. So she would phone every night. Now, I inherited that complaint from him, so I know. So that is, that was his wish to say we must have a - that is why if everything happens, he will say Shibiri, get a strong team and go to Eastern Cape and sort out this thing. I said, where do I get this team? I have to go home and fetch my kids because we do not have anything.

The DivCom also will do the same, Shibiri, get a strong team and go there. That is how it is. It is frustrating. If something cannot be done at the provinces,
20 then they phone head office, then you have to act. And people, our people believe when they phone somebody with a rank, something will happen. So, and they are like that. They go to a number, they will phone you forever, and they pass it to another one. So, it becomes a chain.

ADV SEGEELS-NCUBE: Okay, 131.

LT-GEN SHIBIRI: -:

“Even after my relocation and subsequent promotion, Sergeant Nkosi would from time to time send me messages, send greeting messages to me via WhatsApp. These communication were informal and collegial in nature. Occasionally related to work related enquiries, particularly where the members have the same working related WhatsApp groups. Outside such interaction, our exchanges did not involve dissemination of classified information, confidential, material and sensitive policing intelligence. The content of communication generally consisted of discussion concerning matter already in public domain, including commentary on current affairs related through social media, observation relating to trends and public updates regarding arrest, operational success already known within policing environment, at the time expressions of professional

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frustration, commentary concerning negative public perception of the South African police service. At no stage did my WhatsApp communication with Sergeant Nkosi involve improper sharing of privileged case information, identification of informant sources, operational plans, investigative strategies, strategic deployment decision. The relationship between us remained strictly professional and established command structure was characterized by mentorship, guidance, ordinary professional side consistent with senior-junior interaction in the South African police. I have further noted testimony before Commission in which Sergeant Nkosi was questioned regarding certain WhatsApp communication that I had shared with involving Mr Vusi Matlala and reference to Musa Khawula. The manner in which this communication were characterized before the Commission consists a misinterpretation of true

10 factual position of which I consider necessary to clarify. Interaction arose when Mr Matlala contacted me, narrated that he believed he was being subjected to an attempted extortion. He informed me that a person identifying himself as a journalist had communicated with him, indicating that information concerning Mr Matlala's private life was allegedly being supplied to Mr Musa Khawula for publication on social media platform and that payment was being demanded, implied in exchange of preventing such publication. Mr Matlala forwarded me screenshots of communication exchanged between himself and the individual who identified himself as the journalist.”

20 I think even this annexure RSB does not belong here. On the corrected version, it will not be here. This belongs to the complaint regarding Katiso.

ADV SEGEELS-NCUBE: Yes, it has been deleted from the revised version.

LT-GEN SHIBIRI: Okay. Those ...[intervenes].

CHAIRPERSON: So what annexure did you want to refer to here then?

ADV SEGEELS-NCUBE: No annexure, Chair.

LT-GEN SHIBIRI: No, no ...[intervenes].

CHAIRPERSON: No annexure here.

LT-GEN SHIBIRI: Ja. It was put here ...[intervenes].

ADV KHUMALO SC: Can you at least give us a date since there are no longer annexures, the date of this interaction? Remember the month and the year?

10 **LT-GEN SHIBIRI:** Ja, it was September 2024.

ADV KHUMALO SC: Yes.

LT-GEN SHIBIRI: I think maybe when, when maybe the questions comes on the WhatsApp it will appear, but I think it was on the 17th. The reason I remembered when I was checking the WhatsApp, on the 16th I flew to Kimberley. I was having, I was in the panel for shortlisting a Brigadier post and on the 17th I had to come back. And then there was raining and the flight, I came back late and Wednesday, the 18th, I was traveling to Limpopo. So I remember it was
20 on the 17th.

ADV SEGEELS-NCUBE: That is correct, Commissioner, it is 17 September 2024.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: You can continue where you say those communications were not.

LT-GEN SHIBIRI: -:

“Those communications were not conversations between myself and Mr Matlala, nor were they communications involving me directly. The content reflected discussion between Matlala and the said individual, including indications that reported journalist claimed to be engaging with Mr Musa Khawula, attempting to persuade him not to publish the material in question.”

ADV KHUMALO SC: Sorry, can we just, did you not want to say those conversations were not between you and Mr Khawula, because it is Mr Matlala who told you that there is a problem. So the conversation would be between you and Matlala. When you say here those communications were not between myself and Mr Matlala, do you not mean between yourself and Mr Khawula, or am I misunderstanding something?

20 **LT-GEN SHIBIRI:** Ja, I think I meant to say what I wrote because it was not conversation between me and Mr Matlala. Mr Matlala forwarded me, what would they call it, a screenshot of what he was discussing with somebody, that journalist, and what the journalist said to him and what he said to him. So he was communicating me the whole

communication between himself and that journalist who was trying to extort money from him, saying he is talking to Khawula so that he can get the money, Khawula must not publish whatever. But you can see on that particular thing, it is already posted, it is already published. And then, ja, so I am saying this because when it was said here, I heard the evidence leaders were saying, it is me speaking to Khawula on behalf of Matlala, and that is why I want to clarify that I do not ...[intervenes].

10 **ADV KHUMALO SC:** Hence my question, General, because the person speaking in the WhatsApp's was referring to Mr Khawula as chommie, and I understand that you want to clarify that you would never call him that. So that is not you in those ...[indistinct].

LT-GEN SHIBIRI: No, it is not. Yes, it is not me.

ADV KHUMALO SC: Yes.

LT-GEN SHIBIRI: Ja, it is not me. I do not know him, I never met him, I do not have his number, he does not have my number. And I do not use the name chommie. I never
20 used that one.

ADV KHUMALO SC: So we have clarified that. Thank you. You can move on.

LT-GEN SHIBIRI: Yes.

“Upon receiving this information, I advised Mr Matlala that if he believed

himself to be a victim of extortion or intimidation, the appropriate cause of action would be to open a criminal case with the South African Police Service. And as Sergeant Nkosi was geographically closer to Mr Matlala and operationally positioned to assist, I forwarded the material to Nkosi solely for the purpose of enabling him to assist Matlala in reducing a statement to writing, facilitating opening a formal criminal case. Sergeant Nkosi subsequently informed me that Mr Matlala had indicated that he had elected to refer the matter to his legal representative for advice and handling. No further involvement arose from my side thereafter.”

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ADV SEGEELS-NCUBE: Sorry, General, how did Sergeant Nkosi inform you about what Mr Matlala was going to do, telephonically or via message?

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LT-GEN SHIBIRI: How did he?

ADV SEGEELS-NCUBE: Inform you? In paragraph 137, Sergeant Nkosi subsequently informed me that Mr Matlala had indicated that he elected. How did that, how did he

inform you?

LT-GEN SHIBIRI: I cannot remember, but we talked on the 13th, on the 18th telephonically and on WhatsApp on the 13th, but I think that we spoke, and also physically, because what was happening, I gave Nkosi my tyre, my wheel, to take somewhere to fix, because on the 14th when I was going to the party there by General Sibiya, I had a puncture. I even phoned him, he said he was out, he was not there. I phoned the driver, also he was not there. I had
10 to phone ABSA Direct to come and assist me.

So we found that the wheel has burned a bit, so he said there is a place whom he know in Pretoria West. I gave it to him, and then we were supposed to meet so that he can give me the spare wheel because I was going to Limpopo. And we met at Ford, because I also took it for service, at Ford Garage in Ranfontein.

That is where I even gave him my claim forms for my itineraries, because I was coming from, on the 12th I came from China, and I had to send into our finance my
20 claim so that it can be captured, because if it is not captured within certain days, then they create a debt against you, then they just take it from your salary. So we met also on the 18th. I am not sure he told me telephonically or when we met.

ADV SEGEELS-NCUBE: Okay, thank you.

ADV BALOYI SC: General, in that paragraph 136, where you advised Mr Matala to lay a, to open a criminal case, was this telephonically, was it on WhatsApp?

LT-GEN SHIBIRI: No, it was ...[intervenes].

ADV BALOYI SC: Was it in person?

LT-GEN SHIBIRI: No, it was telephonically. Remember, even before sending this message, he phoned me. Then I said, send me the messages so that I can see, because what you are telling me, I am unable to advise, to say what
10 should you do.

ADV BALOYI SC: Yes.

LT-GEN SHIBIRI: So after sending me this, that is when I phoned back and said, go and open a case, and then we will do entrapment for whoever wants this money. And then he asked me to say, hey, I am still busy somewhere, is Nkosi around, can he come and help me? I said, I do not know, I will send him the message and tell him. Me, I am far away. If he can then, if he cannot still go to the police station, they will be able to assist. Then they will find the people
20 dealing with extortions, they will come and take the docket out from there, because I know it is investigated at the provincial level.

ADV KHUMALO SC: Was he calling you in your capacity as a friend or what, because he could have just gone to the nearest police station. In what capacity was Mr Matlala

reaching out to you?

LT-GEN SHIBIRI: Ja, I will say he called me because he knows me. And as I said before, people who know senior people or been in their circle, they feel, even a small thing, that if they phone that senior person, it will happen fast, or something will happen. But I can say he phoned because he knows me. And as I said before, he will phone seeking for advice, nothing else, or greeting, because we meet seldom, in a year maybe, like last year, the first time I saw
10 him, we met physically, it was when we were at the party. So, and I do not visit his house, he does not visit my house. The only place I ever visited, or I visit when I am in Menlyn is there by his office.

ADV SEGEELS-NCUBE: Thank you.

ADV BALOYI SC: So when you refer him to Sergeant Nkosi, and you forward his message to Sergeant Nkosi, did you know that they have a close relationship?

LT-GEN SHIBIRI: Yes, I know. I know because Nkosi sometimes could phone me and say, hey, hold on, I am with
20 somebody, he says he knows you. That is when I came back to head office, and then I heard it is Vusi.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: So I even asked him, how do you know this chap. He said, no, we grew up together, and whatever, I know him for a long time, so, ja.

ADV BALOYI SC: Okay, thank you, General.

CHAIRPERSON: Ordinarily, where would such an offence have had to be reported, ordinarily?

LT-GEN SHIBIRI: Reporting?

CHAIRPERSON: Reported.

LT-GEN SHIBIRI: The case?

CHAIRPERSON: Yes. Ordinarily, where would it have had to be reported?

LT-GEN SHIBIRI: Ja, if you report the case, it depends. If
10 he is at home, I think, I hear he is staying at this estate, it is near Olifantsfontein is the police station. But if he is at the offices, the police station will be Garsfontein or Brooklyn. I am not sure of the demarcation there, ja.

CHAIRPERSON: All right. Thank you.

LT-GEN SHIBIRI: It will be either Garsfontein, because the office is there in Menlyn. So I am not sure if Menlyn falls under Brooklyn or Garsfontein police station, ja.

CHAIRPERSON: Thank you.

ADV KHUMALO SC: General, the short answer is the
20 nearest police station.

LT-GEN SHIBIRI: In between, when you are there, I cannot say which one is the nearest.

ADV KHUMALO SC: No, you do not have to tell us which one.

LT-GEN SHIBIRI: Ja.

ADV KHUMALO SC: If you just say the short answer is the nearest police station.

LT-GEN SHIBIRI: The nearest police station, yes.

CHAIRPERSON: No, thank you, thank you.

ADV SEGEELS-NCUBE: Thank you, General. Page 44, paragraph 138.

LT-GEN SHIBIRI: -:

10 “I wish to state unequivocally that at no stage did I communicate with Mr Musa Khawula, whether by WhatsApp, telephone, social media, through any other intermediary. I do not know Mr Khawula personally, and I have never engaged with him in any professional or personal capacity. The version presented before the Commission suggesting that I engaged in direct discussion concerning Mr Khawula, or that participated in any form of

20 coordination, improper interaction, is therefore incorrect. The material shared with Sergeant Nkosi was transmitted solely in the context of advising a person who believes himself to be a victim of criminal conduct to

pursue lawful remedies through proper police channels.”

ADV SEGEELS-NCUBE: Okay, then the next topic is Vusi Cat Matlala.

LT-GEN SHIBIRI: -:

10 “I have known Mr Vusi Cat Matlala as a businessman for several years. I met him during 2026 in a social setting through a friend of mine, Fuzile Mbilini, who had previously served as a police officer and who was, at that time, an acquaintance of Matlala. Fuzile and I occasionally meet at Urth restaurant at Forest Hill Mall on Fridays after work before heading home in the West Rand, Randfontein, because we were both residing in that space. Sometimes I will find him with Mr Matlala, or other times Mr Matlala would find us there.

20 Fuzile passed on in November 2016. However, Mr Matlala and I lost contact. It was only in 2019 when we regained contact. This came when I accompanied Modise to Matlala's business premises for a work-related

matter. The purpose of our visit was to enquire about a person of interest who was subject of investigation. Information available was that Mr Matlala was providing VIP security services to this particular individual. It was at this occasion that we established a contact and exchanged cellphone numbers. It was after the visit with Brigadier Modise, we re-established the contact through subsequent conversation, that I came to understand that Matlala was highly involved in the security industry, provided VIP security protection service to the business persons and entities. My impression of him was that he was reserved in nature and his interactions were limited and informal. Since then, Mr Matlala would occasionally seek advice regarding personal issues affecting him. I saw nothing improper providing general advice. I did not represent him in my official legal capacity, nor did I

intervene in any investigation process
on his behalf. Our communication did
not ...” [intervenes].

CHAIRPERSON: Sorry, General, what do you mean by
this? You first say, since then, Mr Matlala would
occasionally seek my advice regarding personal legal
issues affecting him, and then you say, I saw nothing
improper in providing general advice. I did not represent
him in any official legal capacity. What is this about legal
10 issues, giving advice on legal issues and representing him
in any official legal capacity?

LT-GEN SHIBIRI: Ja. Commissioner ...[intervenes].

CHAIRPERSON: That seems to suggest that you are a
legal representative or a legal practitioner even, perhaps.

LT-GEN SHIBIRI: Commissioner, maybe it is lack of a
better word in English. When I say legal things which may
be involved, the police or whatever. For example, you can
phone and say, I have applied for many rifles and it is
taking long. I believe I will miss this tender of mine. Who
20 can I speak to? What should happen? What do I do in this
instance? I said, no, the only person you can contact is
CFR and there is a contact number which you use to
communicate to them. Or else, go there yourself and do a
physical inquiry, because sometimes there will be a backlog
and more especially when they are waiting for confirmation

of fingerprints from CRC. Remember, CRC's job is a criminal record and to check suspects and whatsoever. So they cannot prioritize the firearms application than that other one. So obviously it will take longer. But they are working on it in a sequence and prioritizing the others. But that is why it is taking long. That was my suggestion. I said, no, I give you the number, you can call that number or you can go and visit and check. So, ja, I mean such things. For example, the Khawula thing. Ja, I mean such things.

10 That is what he will ask me.

CHAIRPERSON: Thank you. Thank you, General. Thank you.

ADV BALOYI SC: General, where you say personal legal issues affecting him, what kind of personal legal issues? And I ask the question because we have had testimony that Mr Matlala has a long criminal record against his name going back a long time. So I ask the question in that context, what personal legal issues you are referring to here?

20 **LT-GEN SHIBIRI:** Ja, as I was explaining, Commissioner, to the Chair, I mean exactly like where somebody or he feel somebody want to do something criminally against him and seeks advice as to what step must he take. So I am referring to those.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: You are still at 144.

LT-GEN SHIBIRI: -:

10 “Since then, Mr Matlala would occasionally seek my advice regarding personal legal issues affecting him. I saw nothing improper providing general advice. I did not represent him in official legal capacity nor intervene in any investigation or process on his behalf. Our communication did not involve sharing of privileged investigation, information, operational plans, classified intelligence or internal SAPS strategy. Our relationship has been that of acquaintance who met through mutual friend. Thereafter, rekindled as explained above. It was not business partnership, not financial arrangement, not operational alliance.

20 We would come across each other from time to time. With the knowledge that he was in the security industry, where a need arose, I might enquire whether he had general information in relation to certain matters within my line of

work. He would seek advice from issues affecting him personally. Such exchanges were informal in nature and did not involve sharing confidential operational details and classification of information and investigative planning or privileged case content. At no stage I was aware that he was a member of any cartel or that he was a subject of any criminal investigation. I had been aware of such circumstances, my conduct, interaction will have been guided strictly by official obligations.

10

On the 6th of ..." [intervenes]

ADV BALOYI SC: General, did you become aware in this period that you are describing in paragraph 147, whatever that period is, did you become aware about his criminal record?

LT-GEN SHIBIRI: No, I became aware later, around

20 November, December, January.

ADV BALOYI SC: Which year?

LT-GEN SHIBIRI: 2024, I think.

ADV BALOYI SC: Okay. And then when you say January 2025?

LT-GEN SHIBIRI: January 2025, ja.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: And March, ja. Others came out stronger on March.

10 “In September 2024, my son was involved in a motor vehicle accident. The vehicle sustained damage and following engagement with the insurer, the insurer claim was repudiated. This placed me under unexpected financial pressure in order to effect the repairs on the vehicle. On the 14th of September 2024, I attended Lieutenant General Sibiya's son's engagement party at his residence in Centurion. That is where I physically met Mr Matala in 2024 after a long time. He came to greet me where I was seated. I was seated in another reception area. I was seated with the other senior
20 officials from SAPS, including the officers I mentioned.”

ADV SEGEELS-NCUBE: Sorry General, what did you say?

LT-GEN SHIBIRI: Including the officers I mentioned.

ADV SEGEELS-NCUBE: You can mention them.

LT-GEN SHIBIRI: Okay. Lieutenant General Senthumule,

Lieutenant General Fannie, former General, Major General Thema, Brigadier Mthembu. Those are those which I can remember because when I entered, I went where they were seated to greet them and go and sit somewhere where there was a better space where, because it was congested. This is a, it is a reception area with glasses where those kids were sitting and then on the side that is where they were sitting and there is another one in front. At the middle there is a swimming pool, so I seated there right front, front
10 there towards the entrance with, I think there were two couples speaking in Xhosa where I seated with my wife. After the greetings, he went back to sit but I must say when I arrived when I went to greet them he was not there because I did not see him there. I think he was not yet arrived.

ADV SEGEELS-NCUBE: General, was Sergeant Nkosi there?

LT-GEN SHIBIRI: No, Nkosi also did not arrive but I learned during the day that he is there, he was assisting.
20 And when I had a puncture, I phoned him, I thought he is nearer because it was not far from the farm, the plot from Centurion. I was opposite Diepsloot when I got the puncture. He said no, he went out to do something, he is coming back. And when I arrived he was not there and I remember he sent me a message asking if Matlala is there

and I responded I do not see him, ja.

ADV SEGEELS-NCUBE: You may continue.

ADV BALOYI SC: Sorry ...[intervenes].

LT-GEN SHIBIRI: But he came, he came later.

ADV BALOYI SC: Yes, General, where you say that that is where I physically met Mr Matlala in 2024 after a long time, when last before this had you met him?

LT-GEN SHIBIRI: Maybe in 2023, there, I think 2023.

ADV BALOYI SC: Do you remember the month? Any
10 idea?

LT-GEN SHIBIRI: No, I will try to remember. I cannot remember if it was at a wedding or I met him at Menlyn. I cannot remember but I met, 2024 it was the first time I met him in September.

ADV BALOYI SC: In September?

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: Okay, that is right. Thank you.

ADV SEGEELS-NCUBE: 150.

LT-GEN SHIBIRI: 150.

20 “It was during that occasion after the formalities were concluded that we had a casual conversation which led to the issue of him loaning me money for the purpose of vehicle repairs. During the conversation I mentioned that I was

attempting to resolve the matter by selling livestock utilizing my personal savings in order to cover the repairs. Matlala indicated that if I should not succeed in raising the funds in time he will be able to assist me. At approximately four days later on the 18th ...[indistinct] 24, Mr Matlala contacted me to enquire whether I had managed to raise the required funds. I informed him that I had not yet succeeded but that I was traveling to Limpopo at that time. We then agreed that he would advance me a personal loan by depositing the money directly into my son's bank account as my son was responsible for arranging and repairs of the vehicle in Gauteng. I forwarded my son's banking details to Matlala via WhatsApp. It was expressly agreed between us that the loan will be repaid during December 2024 which allowed me sufficient time to raise the funds as planned, sale livestock and from my personal

savings.”

And, Commissioners, it is not on my statement. I must indicate further that on that month of December is the month that I get my bonus. I am born in October but I long changed it to December when my kids were still at varsity, so that in January I can have money for deposit. So I did not change it back. Even until now we still I get my bonus in December.

ADV SEGEELS-NCUBE: Sorry General just before you
10 proceed, I have been asked to ask you that if you are clicking your pen while you are answering if you could just not click it because they can hear it.

LT-GEN SHIBIRI: Oh, sorry.

ADV SEGEELS-NCUBE: Over the mic. I am sorry if I have removed your coping mechanism but I have been asked to do so.

ADV BALOYI SC: General they keep taking things from you.

LT-GEN SHIBIRI: Ja. Yes, Commissioner.

20 **ADV SEGEELS-NCUBE:** You are now on page 48, paragraph 152.

LT-GEN SHIBIRI: -:

“I confirm that the funds were utilized solely for the vehicle repairs and were not connected to any way to my official

duties or any operational matter. The loan has since been repaid in full through my own earnings and proceeds derived from my livestock and personal savings. Mr Matlala deposited the agreed amount into my son's bank account, forwarded the proof of deposit to me via WhatsApp. My son confirmed the receipt telephonically. My son's bank statement reflected deposits is thereto ...[indistinct] as annexure RS5. The annexure will depict proof of deposit, payment of the mechanic, purchase of the vehicle parts and quotation from the mechanic attached as annexure RS6 and annexure RS6A. I wish to state that I have never attended any function hosted by Matlala, nor he attended any function at my residence. I do not know his residential address. The Thanksgiving ceremony took place in my homestead in Tzaneen on 20 September 2022. It was not a party to celebrate promotion. It was not funded by Matlala.”

ADV SEGEELS-NCUBE: General, can you just put that in context because we jumped from him offering to assist you with a loan and then you have got this, the Thanksgiving ceremony. What are you responding to there? What allegation are you responding to at paragraph 156?

LT-GEN SHIBIRI: Ja, when I was listening to the recording which is made by Witness C, there was an indication that there was a money of 80,000 deposited into my account by Mr Matlala and I got angry and then immediately reversed
10 the money to Matlala that Matlala must give me cash. So I am responding to that to show that there was no such thing because for him to have my account, I have to give him my account and I never gave him my account and there is no way he can deposit money to my account without me giving him the account. I do not know how will he get it and it never happened. The only money which was deposited is the one deposited to my son which I brought the bank statement of my son and showing even how this money was used to do. It paid the vehicles and etcetera. So that was
20 the reason for that statement.

ADV SEGEELS-NCUBE: Okay. Page 49, paragraph 157.

LT-GEN SHIBIRI: -:

“During November 2024, after selling two cattle at my homestead, I paid Mr Matala 20,000 in cash. At the end of

December 2024, I transferred 50,000 from my ABSA account to the bank account which Matlala provided to me. The proof of payment, I WhatsApp'ed it to him on the 31st."

Actually, I phoned him on the 30th of December and asked him to give me his banking details and he forwarded me his banking details. On the 31st, I transferred the money and then I forwarded him the proof of payment of the
10 50,000 and I called him and he confirmed because he was not coming back to me after sending, depositing the money. And we made the annexures of those statements.

ADV BALOYI SC: General, this motor vehicle, is it your son or your vehicle?

LT-GEN SHIBIRI: It is my son's vehicle.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: Thank you.

LT-GEN SHIBIRI: So he got the accident the day on the
20 6th I left to China. He got the accident the same evening after they dropped me from the airport. So I found it out on the 12th when I came back, because they said they did not want to disturb me. They did not tell me.

ADV SEGEELS-NCUBE: Yes, General, you then also referred to you attaching your son's bank statements, which

demonstrates the payments made for the purchase of the required vehicle parts and mechanics fees.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. Then do you want to go to 159?

LT-GEN SHIBIRI: 159, the last paragraph?

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Yes.

10 “There was no *quid pro quo* attachment to this financial assistance. Mr Matlala did not request. I did not provide any operational favour, investigative intervention, strategic information of requirement, influence, preferential treatment of any nature. Financial assistance arose from personal emergency and I paid as agreed.”

20 **ADV SEGEELS-NCUBE:** The next topic is on page 50, but I want to suggest that because you have dealt substantially with the Musa Khawula topic, and this is really just a repetition that 160, 161, 162, 163 and 164 must be taken as being part of the record because it is a repeat of what you have already said. And then if you can just deal with 165.

LT-GEN SHIBIRI: 165.

“At a later stage during October 2024, I

came across a News24 media article reporting on Mr Khawula. Out of general interest in the ordinary course and informal communication between colleagues, I shared the article with Sergeant Nkosi. The sharing of the article was incidental and informal in nature and did not relate to any investigation or operational activity, coordinated engagement concerning Mr Khawula.”

So here I was just indicating in addition to that, I do not know Mr Khawula, I have never spoken to him. And also I was never involved in any investigation relating to Mr Khawula. But because once I sent to Nkosi those WhatsApp messages relating to Mr Khawula from Mr Matlala to him, I just forwarded him to see that it seems this fellow is always in problems, the one whom we are dealing with, not knowingly, they are having also investigation on him, but I just forwarded it to you.

ADV SEGEELS-NCUBE: Thank you, General. Then we are on page 52, a new topic:

“The alleged three envelope/bag of money discussion related to witnesses A, B, and the other detective.”

LT-GEN SHIBIRI: This one I can speak from my heart.

ADV SEGEELS-NCUBE: Please do.

LT-GEN SHIBIRI: Commissioners, it reads as follows.

10 “I deny that I convened a meeting with
the investigators for the purpose of
distributing envelopes, suggesting
payment, facilitating bribe, or
encouraging corrupt conduct. The
meeting on the 16th May 2024, at my
office situated at room 732 Wachthuis
Building, Francis Baard Street,
Pretoria, must be understood within a
full operational context. The meeting
did not arise in isolation, nor was it
convened for any improper purposes.
On the 14th of May, I had a telephonic
conversation with Brigadier Gopane,
the Provincial Head, Organized Crime
investigation in Gauteng. During that
20 conversation, she informed me that she
would be unable to attend a meeting
scheduled 16 May 2024, as she was
out of the office. The purpose of the
meeting was for her and her
investigative team to provide feedback

with progress report and feedback concerning the Murray family murder.”

That is the double murder in Midrand of the Murray. So, there was a complaint, and I was tasked by General Sibiya to oversee the investigation. So, on a monthly basis, or after three weeks, the investigators with the Brigadier will come to the meeting, whereby we are giving the family representative and the lawyer, mostly Mr Murray Cloete, who is a News 24 reporter, was representing the family will
10 be coming and then there to my office, and then they brief us, and then we give guidance as to what must still go to happen, and then they go, we meet again.

So because they were not, the family was complaining they are not getting feedback. So that was the reason they were coming to see me at 11 o'clock on that day.

“So she indicated that they will come and attend the investigation team in her absence to give the feedback to the
20 Murray family representative. I informed her that I would have preferred her attendance as I also wanted to discuss with her, the Vereeniging murder case 275/04/2024, which was investigated by a

component, where three individuals, including a police officer, had been arrested.”

I must indicate, Commissioners, I put this case number because now I knew it, but that time I did not know the case number. I indicated the white person killed. I did not know the case number.

10 “I further engaged with the Brigadier Gopane and inquired specifically about the Vereeniging murder case involving the three accused persons, including the police official Tau. I had earlier received information from a source indicating that the accused were dangerous contract killers in ...[indistinct] and that attempts were allegedly being made to compromise the investigation, ultimately to create a threat to the safety of the

20 investigators. Brigadier Gopane said to me I should contact Colonel Mokoena, her second in command and immediate Commander of those members that are assigned to the investigation. She further indicated

that she was aware of the drama that unfolded in court and that she had to send TRT and her tracking team to transport the accused person to the prison. The information received from the source ..." [intervenes]

ADV BALOYI SC: General, General, if you would just stop. Where you say you had earlier received information from a source ...[intervenes].

10 **LT-GEN SHIBIRI:** Yes.

ADV BALOYI SC: Is it earlier the same day of the 14th?

LT-GEN SHIBIRI: Earlier the same day, the 14th.

ADV BALOYI SC: On the 14th itself?

LT-GEN SHIBIRI: Yes. Yes, Commissioner.

ADV BALOYI SC: Okay, thank you.

ADV SEGEELS-NCUBE: Sorry, General, I just want clarification. She indicated that she was aware of the drama that unfolded in court. When in court? What was she referring to?

20 **LT-GEN SHIBIRI:** In court, referring to Vereeniging court, when there was appearance.

ADV SEGEELS-NCUBE: When was that appearance?

LT-GEN SHIBIRI: I do not have the knowledge.

ADV SEGEELS-NCUBE: And it was an appearance of the accused?

LT-GEN SHIBIRI: Of the accused persons in that murder case.

“The information received from the source indicated *inter alia* that a bag full of money had allegedly been given to an attorney named ...”

Should I mention the name? Anyhow, it was information, it is not facts, because I remember when they were testifying, they mentioned the name.

10 **CHAIRPERSON**: I am reminded that the name has been mentioned already by the witnesses.

LT-GEN SHIBIRI: Ja, the name is attorney Victor Mashele.

20 “With intention to bribing the investigators, but further alleged that should the investigators refused such inducement, attempt would then be made to bribe the prosecutors or the magistrate. The source indicated that the individuals who allegedly contracted the accused feared being linked to murder and therefore disparage to interfere with the case. And further indicated that the accused had allegedly ties with senior police officials and that investigators were

being monitored. That a lady in Johannesburg was allegedly being used to run the vehicle registration numbers associated with the investigators and that certain police officials and traffic officials were attending court proceeding and that there was concern that someone within forensic service could also potentially interfere with ballistic evidence. Given the seriousness of the information I received, I contacted Colonel Mokwena, under whose command the investigating officer fell and ensured that the matter was escalated appropriately. During the telephone conversation, Colonel Mokwena informed me that he was traveling from Pretoria to West Rand. I was likewise enroute home to West Rand. We agreed to meet along the route to discuss the matter. We subsequently met approximately ...”

I think it is 19h00.

ADV SEGEELS-NCUBE: Yes, you have changed it to

19h00.

LT-GEN SHIBIRI: Ja.

“At Uncle Harry's garage in Randfontein. During the meeting, I briefed Colonel Mokwena on the information I had received concerning perceived threat against investigating officer allegations relating to possible bribe. I enquired from Colonel

10 Mokwena about the status and nature of the investigation. He then contacted the investigating officer referred in as Witness B telephonically in my presence and handed the phone to me so that I could speak directly to her. My intention was to obtain clarity regarding circumstances surrounding the incident as Colonel Mokwena himself was unable to provide a more

20 detailed explanation. Mokwena had indicated that the matter was involved a shooting at a factory and that killing allegedly involved a hired hitman. When I spoke to Witness B, she declined to discuss the matter further

telephonically, explaining that investigation was sensitive in nature and that she was not comfortable providing details on the phone. I accepted the position and requested that the formal meeting be arranged at my office so that the investigation team could brief me comprehensively and enable me to determine how appropriately to assist in this matter. On the 16th of May 2024, the investigation officer, including Witness A and B and another attended at my office with two case dockets which it was during the meeting that I relayed information received from the source to the investigators. I informed them that the accused were considered dangerous contract killers and that they were allegedly attempting to bribe the investigating officer, prosecutor or the magistrate. The source has also informed me that ..." [intervenes]

ADV KHUMALO SC: General, General, can I just understand something. Did Witness A and B report to you?

LT-GEN SHIBIRI: No, they report to Brigadier Gopane at Organized Crime.

ADV KHUMALO SC: Yes.

LT-GEN SHIBIRI: Hence, I indicated I phoned her first and said I would have liked when she come with those other members she could come with them so that I can bring them together.

LT-GEN SHIBIRI: So she was invited to this meeting?

LT-GEN SHIBIRI: Ja, she, ja, no, she phoned me to inform
10 me she will not come to our meeting on the 16th. We were having a meeting on the 16th to brief me with that case of Midrand.

ADV KHUMALO SC: Yes.

LT-GEN SHIBIRI: And then she was informing me that she will not be able to come. The members are going to come alone. So I informed her that, Brigadier, even though it is not mentioned here, Brigadier, there was an incident and you never informed me about it because serious incidents, they are expected to inform me as their national head, the
20 provincial heads. We got a group where we share this information so that I must be abreast of what is happening in each province relating to the Organized Crime because they resort under me.

ADV KHUMALO SC: Ja.

LT-GEN SHIBIRI: So because she could not come, she

referred me to the second-in-command, Colonel Mokwena.

ADV KHUMALO SC: Yes.

LT-GEN SHIBIRI: And then I met with Colonel Mokwena. It is then the meeting was arranged that they come also on the 16th when that other team come so that I can brief them properly. But already I briefed Mokwena. For me to want them to come, I wanted also to brief them physically in order to encourage them because I was involved in a similar situation myself and to say what must happen, what will
10 happen, and what must they do in order to enjoy this thing and work until the end.

And for me to meet Mokwena and Brigadier Gopane was for them to take my information and make a request to Crime Intelligence for threat risk analysis so that they confirm the information because that was information which was not yet confirmed, and also for them to come there, there were names mentioned.

I thought maybe they must know them, to confirm the names if ever those people they know and whatsoever.
20 So that was the mere reason that I wanted to see them or, and speak to them and also make them understand they must not get scared because I know how it is, it becomes miserable and to go and stay in a safehouse, leaving your own house, and again how to investigate this thing.

You cannot investigate the threat against you

because what about you meet them? Will you contain yourself or you behave otherwise? So you have two teams which will deal with that. And I explained everything like that and I was happy that to hear they are in the safehouse. Ja, the other things is just unfortunate. So that was the reason I called them there. I was at 174?

ADV SEGEELS-NCUBE: Yes, it was during that meeting that I relayed the information received from the source.

LT-GEN SHIBIRI: Ja.

10 “From the source to the investigators.
I informed them that the accused were considered dangerous contract killers and that there were alleged attempts to bribe investigators, prosecutors, magistrates. The source had also informed me that there were police officers and traffic officers involved also attending the court proceedings. The informant cited a traffic official
20 from JMPD named Johnny Mokgatle and a police official from TOMMS called Zungu.”

So this is why I said I wanted to hear if they know these people because they are working all in Gauteng and then they could confirm for me before Crime Intelligence

can confirm that.

10 “The members informed me that during
the last court appearance, a large
number of people occupied the entire
courtroom, resulting in the deceased
family being unable to access the
court. The court had to adjourn in
order to clear the courtroom. They
further indicated that they were being
followed and that certain individuals
were taking photographs of their
vehicles at the parking area. I
indicated that the first priority was to
address the issue of threat risk
assessment so that the investigators
could receive appropriate protection. I
further indicated that after Crime
Intelligence had concluded the risk
assessment and verified the
20 information, an enquiry should be
opened if warranted. I also stated that
I would speak to Brigadier Gopane to
request the risk assessment from
General Lekalakala.”

ADV BALOYI SC: General, the enquiry that you refer to

here where you say enquiry should be opened, what enquiry is that?

LT-GEN SHIBIRI: Ja, the enquiry is about the threat. If the Counterintelligence verifies this information which they are given and then identify these vehicles who are following and they open an enquiry for that particular investigation and then there will be investigators with Crime Intelligence who are doing this Counterintelligence investigation to verify the severity of the threat level and how must they be
10 protected.

And furthermore, the enquiry will be to follow these people who are creating the threat to investigate. So as I also gave example to say when we had this ourselves, the investigation will be done like as a project or major investigation because the information also further indicated that there will be more cases coming from the firearms which are recovered and then they must focus on those murders. This other team must focus on the enquiry to protect them or to arrest these people.

20 Then if they have gathered enough investigation evidence then the enquiry will be translated to a case docket where they can arrest and so forth.

ADV BALOYI SC: Who is responsible for the decision to institute this enquiry?

LT-GEN SHIBIRI: Ja ...[intervenes].

ADV BALOYI SC: Is it you, is it Crime Intelligence?

LT-GEN SHIBIRI: No, Crime Intelligence must open the enquiry.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: Remember, they were supposed to have come to me actually to take my statement as a support to that particular enquiry before, or they decided to interview the victims or the members where the threat is and then investigate and find out that maybe it is true and then there
10 is no need to come and see me.

I do not know why did they not come to me but I did a follow-up with the Brigadier and the Brigadier indicated to me as you are speaking to me, I am with Brigadier ...[indistinct] the Provincial Head of Counterintelligence, assisting me to draft the request for threat risk assessment because it must be done by the same province.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: Thank you.

20 **ADV SEGEELS-NCUBE:** 177.

LT-GEN SHIBIRI: I thought I was done.

ADV SEGEELS-NCUBE: Okay. No ...[intervenes].

ADV BALOYI SC: 178.

ADV SEGEELS-NCUBE: 178 now.

LT-GEN SHIBIRI: -“

“I indicated that the first priority was to address the issue of threat risk assessment, so ...” [intervenes]

ADV SEGEELS-NCUBE: No, it is fine, General.

LT-GEN SHIBIRI: Ja.

ADV SEGEELS-NCUBE: I think I was wrong. It is 178.

LT-GEN SHIBIRI: Ja, ja.

ADV SEGEELS-NCUBE: Ja, 178.

LT-GEN SHIBIRI: Okay, thanks.

10 “The members requested that I assist them with the fast tracking of the ballistic report. In their presence I telephoned the Section Head, Ballistic section, Brigadier Makhubela.”

And I think on, we made an attachment annexure of the telephone billing which shows I phoned him what time.

20 “And requested that he prioritized the ballistic analysis of the case and ensure that it was concluded before the next court date. I further provided him with details and contact of Witness B which she dictated to me. I sent the case number to Brigadier Makhubela via WhatsApp. I read the case dockets and provided guidance in relation to the investigation which needed to be

done.”

Because the important thing is we are supposed also to be ready when we go to the court for bail application. I checked what was outstanding and whatever, what needed to be done. And earlier on, I must say the docket was, investigation was good whatever they collected. The only thing which was not there, I could not see was the crime scene examiner they did not indicate if they have done, taken primer residue from the arrested suspect and
10 also was the touch DNA and fingerprints taken from the cartridges when firearms which were found and of which I guided that that must also be done. So that was done. But we, there was a strong case for bail application.

“Earlier in the day I also attempted to contact Major General Khumalo, however his phone rang and indicated he will call me back. I reckon he was in the meeting. The said itemized billing will indicate that. Any reference
20 made during meeting of money envelopes or bag of money was direct repetition of the intelligence received from the source. It was not a suggestion or instruction or endorsement of corruption. I expressly

cautioned the investigator not to accept any bribe. I informed them that even if they all were offered money, accepting such money would not eliminate the risk to their lives. I emphasized that the offence under which they are investigating is a serious schedule 6 offense and that bail proceeding will be formal and rigorous. My intention was to sensitize and protect, encourage them to endure until the end. I also wanted to establish and confirm if they know or have seen Zungu at the court on the day. I advised that the threat risk assessment be conducted through Crime Intelligence and that protective measures, including safehouse arrangements, if necessary, be considered. I advised that the matter be treated as major or project investigation and that investigative team should not be burdened with additional dockets so to preserve the focus on operational integrity. I shared the experience from similar 2013

murder investigation involving Major General Mashwangani where investigators had to work from a safehouse due to credible threats. This intended to emphasize the seriousness of the situation and the need for vigilance. I informed that from the safehouse it will minimize escalation of threat from their families and the team including the combat and crime intelligence will be in one roof, thus minimizing leakage of the sensitive information. In the presence of the members I contacted Brigadier ...”

10

I think it is a repetition this one of what I have read on the other paragraph.

ADV SEGEELS-NCUBE: Yes, that is a repeat. You have deleted it in the other version.

20 **LT-GEN SHIBIRI**: Yes. And this one of on 2022, May 24 I followed up with Brigadier to confirm whether the risk assessment has been initiated. She informed me she was with Brigadier ...[indistinct], I think I also indicated to this one.

“I did not distribute envelopes or did

not provide money. I did not solicit bribes. I did not suggest concealment of evidence. I did not instruct the investigators to participate in any corrupt conduct, more especially to disrupt the course of justice with regard to pending application and appeal thereof. The allegations that orchestrated and promoted the three envelope strategy is false, constitute distortion and protection of operational briefing. The intelligence was conveyed for the purpose of safeguarding the investigators and preserving integrity of the investigation. The allegations that I orchestrated and promoted the so-called envelope strategy is false and constitute distortion of what was the fact protective briefing.”

This is the repetition.

ADV SEGEELS-NCUBE: It is a repeat. I was just going to say.

LT-GEN SHIBIRI: Ja, on 191 is the same paragraph.

ADV SEGEELS-NCUBE: Yes. Then go to 192.

LT-GEN SHIBIRI: Ja.

“On the 16th May, Sergeant Ndlela attended at my office together with witnesses.”

ADV SEGEELS-NCUBE: Can I just, ja, can I just assist you there. It is also a repeat of what you said earlier. I think the important part is what you want to say in this from the second sentence.

LT-GEN SHIBIRI: Okay, but also we corrected this one because it was not making sense.

10 **ADV SEGEELS-NCUBE:** Yes, so just read from the second sentence, Sergeant Ndlela appears.

LT-GEN SHIBIRI: Ja.

20 “Sergeant Ndlela appears to be the only attendee who correctly understood the purpose and context of my briefing. My communication was directed at warning the investigators of potential risk, advising of an appropriate course of action within the framework and the threat risk assessment process. Sergeant Ndlela has since deposed a sworn affidavit confirming the true nature of discussion, disputing, suggesting that I proposed insinuated acceptance of any gratification and

unlawful conduct. The copy of the affidavit is marked RS10. At no stage did I propose or encourage or imply unlawful conduct, inducement or acceptance of any benefit. The briefing was operational.”

ADV SEGEELS-NCUBE: Sorry, General, the reference in 193 where you say Sergeant Ndlela has since deposed, you are referring to the affidavit that he deposed on the 7th of
10 July 2025?

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Okay, so it is since when? It cannot be since the Commission. The allegations that you say are allegations that you allegedly tried to induce the detectives to take a bribe only arose after the 7th of July 2025, because the Commission had not started yet. So when you say since, you mean since what? The suggestion that, if you read it the way you say it is as though he deposed to this affidavit to dispel allegations made at the
20 Commission, but that is not the case. His affidavit was prepared before the hearings.

LT-GEN SHIBIRI: Ja, the witnesses who testified about the envelope, they testified in October.

ADV SEGEELS-NCUBE: Yes, of 2025.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Ndlela's statement is July 2025, so it is before they gave evidence.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: Ja, I can explain why I went to sought the statement of Ndlela. During that time, I received information that there are investigators going around with my photo trying to source statement to link me with something. And then also after hearing this thing of on the
10 6th of July that there were these, then I phoned Ndlela and asked did somebody, did you put a statement regarding our meeting, because I did not want a situation whereby he is already a state witness and I am interfering, and he said no. I said can you give me a statement relating to our meeting?

That is when he gave me the statement and subsequent to that on the 8th of July, the investigators from PKTT went to him looking for a statement. And when he wanted to give them the statement similar to what he gave me, they said no, we prepared a statement, it is this one.
20 Your statement must be like that one of Sithole. And they make him sign, he signed.

And then later on he forwarded me that statement which they sent him per email which was not signed and I have it here. So that was the reason, that was the only thing which I thought of protecting myself with to go and get

this statement of him or any other person whose statement was not taken because of what I heard, and it is not the first time I hear this kind of thing is happening with that particular team. So I could not wait to be a victim of something I do not know.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: General, why just him? He was not the only one in the room when you spoke about there is a bag of money.

10 **LT-GEN SHIBIRI**: Ja.

ADV BALOYI SC: How did you decide he is the one to call and not any of the other people that were in the room?

LT-GEN SHIBIRI: Ja, information indicated the other two are at the safehouse and they are working with these people who are going around with my photo looking for a statement. So he is not there. So I phoned the office and asked if he is still there and I was informed he is there, they gave me his number. I phoned him and I asked him, can you, are you prepared to provide me with a statement of
20 what happened when you came to my office? He said sure. Then he wrote the statement and then he gave it to somebody who is staying in my vicinity to hand it over to me.

ADV BALOYI SC: Okay, thank you.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Is it not more correct to say all he does in his statement is to explain what happened on the day?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Unless I am missing something, I do not see anywhere in the statement where he disputes any suggestion that you proposed or insinuated the acceptance of gratification. I mean, he does not say that in the statement, unless you can show us maybe where in the
10 statement he says this, and it is not probing, it is just so that we clarify the content of your paragraph 193.

LT-GEN SHIBIRI: Ja. I am not saying he indicated that there were some money which I said it must be paid.

ADV KHUMALO SC: Because when I read his statement, he just says this is what happened on the 16th and then he withdrew from the case. But he does not say I dispute any suggestion that General Shibiri proposed or insinuated acceptance of gratification.

LT-GEN SHIBIRI: Ja, but that is his statement.

20 **ADV KHUMALO SC:** Ja.

LT-GEN SHIBIRI: So he can be asked about his statement and to make supplementary, because I did not want to lead him to say what must he write. So I wanted him to write what we discussed. And the only thing he understood there is that I talked about a bag full of money which was given to

Mashele. And then, and he understood that the only thing I was concerned it was they must get protection from the word go, from Gopane, and then risk assessment must follow which must determine what level of protection must they get and how it must unfold. So that is what I wanted him to indicate, but I could not dictate to him to say what must he write. So, but there is no ...[intervenes].

ADV KHUMALO SC: Maybe you are misunderstanding me, General. In your statement you say he has deposed to a
10 sworn affidavit confirming the true nature of the discussion. I am happy with that part, 193 of your statement. I am happy with that part. But you continue and you say he has disputed any suggestion that you proposed or insinuated acceptance of any form of gratification. Now you are attributing to him something which I do not see in his statement. That is really my point.

LT-GEN SHIBIRI: Okay. No, no, no, I hear you, Commissioner, and I agree with you, but it is my take that he is not insinuating that I said somebody must take an
20 envelope.

ADV KHUMALO SC: So you are basically saying the effect of his affidavit is that he does not support the allegation that you ...[intervenes].

LT-GEN SHIBIRI: Ja, even this unsigned one, I got it here, it does not even say that.

ADV KHUMALO SC: Okay.

LT-GEN SHIBIRI: It went further to say about the visit at the ...[indistinct]. I have it here, but it is not signed. He gave me the following day, on the 8th after he made that one.

ADV KHUMALO SC: That is fine. We will take his statement for what it is and we will deal with it on that basis.

LT-GEN SHIBIRI: Okay. So this one which is not signed,
10 you cannot take it. Okay.

ADV KHUMALO SC: You could have drafted it.

LT-GEN SHIBIRI: No, he can come and confirm, he is still alive.

ADV SEGEELS-NCUBE: General, then just to close that one off at page 60, at the top of page 60, at no stage did I, you can read that into the record, after you reference Ndlela's statement. Just before the new topic, at no stage did I propose, encourage.

LT-GEN SHIBIRI: -:
20 "At no stage did I propose or encourage or imply unlawful conduct, inducement or acceptance of any benefit or briefing was operational."

ADV SEGEELS-NCUBE: Ja, we have that. It is a repeat later, earlier on, that the briefing was an operational

briefing. It is fine.

LT-GEN SHIBIRI: Ja, I think on the correction, I do not know if we did not delete this one, the last ...[indistinct].

ADV SEGEELS-NCUBE: It just says the briefing was operational, full stop, on the new one.

LT-GEN SHIBIRI: Oh.

ADV SEGEELS-NCUBE: Okay. Then can we get to the next topic, which is the alleged telephonic conversation between Witness A and yourself overheard by Witness B.

10 And ja, looks can be deceiving. We really are almost at the end because there are 10 pages that are effectively duplications. I think we have got 10 pages left, Chair, I promise.

LT-GEN SHIBIRI: Ja.

20 “The discussion regarding the official Zungu from TOMMS was held with the detectives at my office during the meeting on the 16th of May 2024, not telephonically as alleged. During that meeting, I did discuss that the source had allegedly, allegedly that Zungu and Johnny were present at court as part of persons sent to monitor the investigators. I did not state that Zungu belongs to a criminal cartel. I

was to understood that the two law enforcement officers were working for the accused persons handlers or themselves, or the accused person themselves.”

ADV SEGEELS-NCUBE: Okay. General, before you continue, can we just get it on record what your version is about the phone call, did the phone call happen with Witness A? Do you accept that there was a telephone call
10 in December with Witness A?

LT-GEN SHIBIRI: Ja, twice.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: I phoned him twice.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: You may continue. So the next topic is about Commissioner Nkhwashu.

LT-GEN SHIBIRI: -:

20 “During my interaction and discussion with Witness A, no discussion took place concerning Brigadier Nkhwashu. I have no knowledge of any information suggesting that Brigadier Nkhwashu had an interest in any case at national. The question is framed, is vague, and I

am unable to identify which specific matter or investigation is being referred to. Accordingly, I am not in a position to provide any further response beyond confirming that no such discussion occurred within my knowledge or presence. I deny making definitive allegation against Hawks, Zungu, Nkhwashu, Lieutenant General Sibiya, that they have ties with Katiso Molefe.”

I think this one was supposed also to be moved under its own heading. It is on the wrong heading here.

ADV SEGEELS-NCUBE: Okay, well, while we do have it, what do you mean by you did not, you deny making definitive allegations? Did you make any allegations during the call about Zungu, Brigadier Nkhwashu, or Lieutenant General Sibiya that they have ties with Mr Katiso Molefe?

LT-GEN SHIBIRI: No. Well, the allegations I made regarding Zungu is that he was in court surveying them on behalf of the accused and the handler, who I do not know who is the handler. So, I never talked about Katiso Molefe. I knew Katiso Molefe after this arrest. I did not even know the name.

ADV SEGEELS-NCUBE: Okay, you are jumping the gun.

Zungu, you say, your version is that the reference to Zungu was not in any of the telephone calls.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: It was at the meeting of 16 May 2024.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: You say I never discussed Zungu at all. Did you discuss any Hawks or TOMMS representative or officer with him during any of the
10 December calls?

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: Okay. Then, you say I deny making definitive allegations against Brigadier Nkhwashu during those calls and that he has ties to Katiso Molefe.

LT-GEN SHIBIRI: No. Yes, no, I do not.

ADV SEGEELS-NCUBE: Okay. And just to be clear, the reference from Witness A was that you had said that there is an officer at district level who is trying to get involved in a matter at provincial level. Do you recall making that
20 statement during one of the December calls with Witness A?

LT-GEN SHIBIRI: No, I cannot recall that and I will not know of any case at the provincial level except those which are reported to me where he is involved. Unless, if I will know of that, it will be Brigadier Gopane or Mokwena has reported me to say there is this person wanting to involve

himself on the case of the province.

ADV SEGEELS-NCUBE: Okay. So, when you say you do not recall, do you mean that you do not recall saying that in the call or are you denying that you said that in the call, in any of the two calls?

LT-GEN SHIBIRI: No, no, I deny saying that.

ADV SEGEELS-NCUBE: I just want to clarify. You deny making any reference to some, an officer at district level trying to insert themselves in a case at provincial level?

10 **LT-GEN SHIBIRI**: Yes.

ADV SEGEELS-NCUBE: Okay. And then insofar as Lieutenant General Sibiya is concerned, what is it that you say transpired during the call with Witness A, any one of the calls that you say in December 2024 that related to General Sibiya?

LT-GEN SHIBIRI: Ja, it is here on page ...[incomplete].

ADV KHUMALO SC: 62, 200.

LT-GEN SHIBIRI: 199 to 200.

ADV SEGEELS-NCUBE: Paragraph 200, yes.

20 **LT-GEN SHIBIRI**: And then 199 also is speaking to him.

ADV SEGEELS-NCUBE: Do you want to start at 199?

LT-GEN SHIBIRI: Ja, because I think they are all speaking to General Sibiya.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: I am saying here:

“I cannot recall any discussion informing or suggesting that National Deputy ...” [intervenes].

ADV SEGEELS-NCUBE: It is changed.

LT-GEN SHIBIRI: It is supposed to be a Deputy National Commissioner.

ADV SEGEELS-NCUBE: Commissioner, yes.

LT-GEN SHIBIRI: -:

“Lieutenant General Sibiya had close relationship
10 with Mr Julius Malema, who is alleged to be associated with individual named Zee Nxumalo. I do not know whether Lieutenant General Sibiya has any personal or professional relationship with Mr Julius Malema, except that to state that there have been some cases where were referred to General Sibiya by Julius Malema for investigation, just like any other member of public. I remember he once asked me to intervene on the kidnapping of Mrs Legale and her child after he received a call from Mr Malema to intervene. What do I recall is that then ...” [intervenes].

20 **ADV BALOYI SC**: [Indistinct]... [microphone off] In that paragraph 199, you referred to, you said Zee Nxumalo.

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: It reads Zay Nxumalu, and I think it is important because there is a person who is known as Zee Nxumalo, and I think they should not be mistaken because

of how you have pronounced it to be the person that you are referring to. So the correct pronunciation is Zay Nxumalo, as is written here.

LT-GEN SHIBIRI: I take note, Commissioner.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Okay, General, so if we go back to 199, just to understand your version. You say, I cannot recall. Now, I cannot recall, is it possible that you did have this discussion with Witness A in December over the phone,
10 or are you saying that it did not happen at all?

LT-GEN SHIBIRI: No, I agree that I had a telephone conversation in December, December 7th, and the other date I cannot remember. I remember December 7th, because of it happened that I answered the phone because I was done eye operation the previous day, and I thought I switched off my phone. The other one rang. Then I was asked that I must check the status of arrest of a certain Mr Molefe because the family complained that they do not know where he is detained.

20 Then I phoned Brigadier Nama from the province working Serious and Violent, thinking maybe it might be them. He said no, ask Organized Crime. Then I phoned Mokwena. Mokwena said no, he will check with Sithole. He checked with Sithole Sithole gave him my, he gave me the phone of Sithole and I phoned Sithole. And when

...[incomplete].

ADV SEGEELS-NCUBE: Please continue, General.

LT-GEN SHIBIRI: And when I phoned the individual I was just mentioning, I am sorry about that, when I phoned the individual, then he indicated that he is with an attorney called ...[indistinct] and then they just came to see him and there were a lot of senior officers phoning about this chap. So I said no, but it does not make sense. If the attorney is there, meaning the family knows, how does the family
10 complain when the attorney is there? The attorney is supposed to be sent by the family to go and visit him. And then I left it there.

Then I sent a WhatsApp back to say no, the lawyers are with the family, so the person is found. So the second call, I was about to go back from sick leave to work, then I remembered about the task. Then I remembered that I did not ask what was this person arrested for, so that when I am asked when I get back, I must be able to give a full report.

20 Then I phoned him. And when I phoned the witness, he told me that, hey, look, this case, we are told you must not speak to anybody. If you want further inquiries about it, you must phone General Khumalo, meaning the DPC.

ADV SEGEELS-NCUBE: Mbuso Khumalo.

LT-GEN SHIBIRI: General Mbuso, yes.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Ja. So I said no, it is fine. If ever the need arises, but I just wanted to have a full report to say what this guy was arrested for. So people can ask and say this guy, it was all over on news and whatsoever. So my eyes were closed, and I was avoiding watching even the phones. And after that, I switched off my phones, because I keep on receiving phones, and I needed to recover. I was
10 done a cataract operation. So they have done one eye, then you go, they do the other eye. Then it was, that is why it took long for me to go back to work.

So, and I wanted to know what is the guy whom they said I must check the status is arrested for, because I did not know what was he arrested for. Then the chat went further to say, hey, you know, I do not want this situation whereby they say now this new guy, when we send him, he comes with half-baked information and whatsoever. We were joking. And then I said, no, keep up the good work
20 and stay safe, these people are dangerous. So you must not leave your place, and then wanting the comfort and so forth. Stay there. It will end soon. Then we finished the call.

The third time is, I think it is in September last year, he sent me a WhatsApp, and then the WhatsApp was

deleted. And I do not know that number on my private phone, and then I phoned the number in the evening, only to find it is him. And then we just greeted each other and say keep well, and then that is all what happened. So that is the reason I am saying I am not sure if I ever mentioned something like that, because there were a lot of things said here and some of them, they are, Commissioners, they were not right. They were dangerous.

When General Khumalo testified, they indicated,
10 no, General Mkhwanazi, they indicated their investigation has identified the five cartels, the Big Five cartels. But when it was testified here, it was testified it is me who actually informed them or gave them the names of the Big Five cartels. I asked myself, and they continue talking about it here and everywhere, so I asked myself, the same people who have got protection 24 hours against the same cartel, they do not even bother if they say they got the names from Shibiri, nothing will happen to me. So I became worried.

20 I said, even the Commission interchanged that thing, not seeing there is a danger, because if I told them, I told them as what? As giving them information to work on or what, other than the theories they are coming with about me. So I even tried to request for threat risk assessment and I did not even get any response. So it is quite

disturbing also, meaning, let us say I remember, and I am expected to say I said those things in this kind of circumstances?

So I am just saying to the Commission that some of the things were not dealt with accordingly that would, maybe our lives or my life to say is not precious than the other's life, unless I am part of the cartel, I will not be hurt. But I mean what it was said, it was like maybe just pushed in the den of lions to be killed by the lions.

10 **ADV SEGEELS-NCUBE**: General, if I can understand what you are saying is that, are you saying that the evidence of General Khumalo about somebody identifying that there is a Big Five, that you are that person, that is what was testified?

LT-GEN SHIBIRI: Ja, he indicated so to say the evidence will, the information we got from General Shibiri we found to be true. I am not CI, he is CI. He must go and investigate and verify information. If I give information, he must go and verify, not go and take my name out there. I gave them the
20 information from the start for them to investigate. Who must investigate information? I gave them unverified information, Commissioners, from a source which was very valuable for them to start and investigate and do proper things.

ADV KHUMALO SC: Now you are confirming the very thing

you say you do not want to be repeated in this Commission.

LT-GEN SHIBIRI: No, no, the first one I did not deny. I testified here that I got information and mentioned two names and whatsoever who were said to be there. And again I am indicating it was information which needed to be verified, that is why I said I even called these members there to come and verify if, because if these members are working in Gauteng, they are working in Gauteng at the PIU, at the Organized Crime, they might be knowing them that
10 yes they were there at the court, and then we carry forward with our investigation, because I cannot get investigation and start arraigning people in without evidence, without following up.

That is why Commissioner Baloyi, I talked about enquiry to be opened, to investigate, to build the case. If we have a case, we open a case docket. So that is the process. But what happened really, I do not know. I do not know, but hence I am saying, my answer to this is, I cannot remember saying something like that. And I am saying what
20 I know in terms of relation to Malema and the General to say what happened. Beyond that I will not answer those questions.

ADV SEGEELS-NCUBE: Thank you General.

CHAIRPERSON: Let us adjourn and come back at quarter past 4. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. General, you can take a seat and switch on your microphones. Just switch on the microphones.

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Thank you, Chair. General, can I ask you to go to the file 3 that I had referred you to earlier.

10 Do you have it?

LT-GEN SHIBIRI: Ja, I got it.

ADV SEGEELS-NCUBE: Item 83, there should be tags with item numbers on it, and it is page 263.

LT-GEN SHIBIRI: Page?

ADV SEGEELS-NCUBE: Ja, page 263, the red numbers. Do you have it?

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Okay. It is the witness statement of Witness A, and it starts on page 235. But at page 263 is
20 his account of the call with you on the 16th of December 2024, which according to you would have been the second call. Is that correct, the second call in December?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Now, I think in order for us to just get clarity on what you say you deny about that call is for

us to go through Witness A's version of the call and you can tell us what you deny, or what you do not recall, or what may have happened, but you do not recall, okay.

LT-GEN SHIBIRI: I am in page 363.

ADV SEGEELS-NCUBE: 263.

LT-GEN SHIBIRI: Oh.

ADV SEGEELS-NCUBE: The heading is “my call with General Shibiri”.

LT-GEN SHIBIRI: Yes, I am there.

10 **ADV SEGEELS-NCUBE:** Okay. At paragraph 93, Witness A says:

“On 19 December 2024, ten days after Molefe's arrest, just shortly after 6 o'clock ...” [intervenes]

ADV KHUMALO SC: Sorry, 16.

ADV SEGEELS-NCUBE: 16 December, yes, 2024.

20 “Just shortly after 6 o'clock, I received a WhatsApp call from General Shibiri. I was with Witness B at the time and she was listening to the conversation. The call started out relatively casual with General Shibiri telling me about his eye condition and how it was affecting his eyesight. He told me that he has been invited to what he referred

to as a birthday celebration by General Sibiya at his plot, but that he did not want to go and declined the invitation due to his ill health. He said that in addition, he knew that if he went, General Sibiya would want to discuss the Molefe arrest and want an update.”

Now, insofar as your version is concerned, what of that do you confirm and what do you deny?

10 **LT-GEN SHIBIRI:** Ja, I deny what he say. I confirm that we had a telephone call.

ADV SEGEELS-NCUBE: Okay, and you did speak to him about your eye condition?

LT-GEN SHIBIRI: Yes, I did speak about the eye condition.

ADV SEGEELS-NCUBE: Okay. So you deny that he, that you had been invited to General, that you told him you had been invited to General Sibiya's birthday celebration?

LT-GEN SHIBIRI: Yes, I deny.

20 **ADV SEGEELS-NCUBE:** All of that you deny?

LT-GEN SHIBIRI: Ja.

ADV SEGEELS-NCUBE: Okay. Then, 94:

“During the call, General Shibiri told me that Molefe was part of a group of five individuals with interest in mining

in the North West province and that one of these guys belongs to a group of Abo Mosazi Namu Mtakati.”

Excuse my pronunciation.

“He also said another guy is a Zulu guy called Zay, who stays in Sandton (who I understood to be Zay Nxumalo). He said Zay is close to Julius Malema, who is close to General Sibiya.”

10 What do you confirm or deny about that paragraph?

LT-GEN SHIBIRI: No, I deny all of those.

ADV SEGEELS-NCUBE: All of it. Then paragraph 95 he just speaks about he thought that you were telling him to be aware of the magnitude of the arrest. He then said:

20 “I felt that he was perhaps trying to distance himself from the case. In any event, General Shibiri then mentioned that he had received a call from General Sibiya, who wanted to be briefed on Molefe's arrest, and General Shibiri told General Sibiya that if he wanted the report speedily, that he should call General Mbuso Khumalo for such a briefing.”

Do you confirm or deny having had that discussion?

LT-GEN SHIBIRI: No, the discussion we had was, I wanted to know what was Molefe arrested for. Regarding when Molefe was detained, we spoke on the 7th of December when I called him in the morning.

ADV SEGEELS-NCUBE: Okay, so there was no mention of General Mbuso Khumalo, and that General Sibiya should ask him for a briefing.

LT-GEN SHIBIRI: No, no, no, me, not General Sibiya, me, that if you, he said this docket, the General said, anyone
10 who want to ask about the case, he must phone the General, General Mbuso Khumalo, to enquire about whatever I was enquiring. I said, okay, it is fine, if I need something more, I will call him, and then we ended our discussion.

ADV SEGEELS-NCUBE: Then it says:

“General Shibiri said he could tell that
General Sibiya was not happy with this
response, and he, General Shibiri,
regretted that he responded in that
20 manner because he owed his promotion
to General Sibiya.”

Do you recall saying that? Do you confirm or deny that you had said that?

LT-GEN SHIBIRI: That is absolutely untrue because for me to get promoted, there was a panel, which I appeared

before, and there were other candidates. I can confirm that the chairperson of the panel was indeed General Sibiya. The other panellist was General Khumalo, Dumisani Khumalo. And then the other one was General Patekile and then General Senthumule was also there. And then Advocate Monsame was also there. So I know I was promoted because I was the best candidate, so how can I indicate that I was given by Sibiya because he did not call me and promote me.

10 **ADV SEGEELS-NCUBE**: Okay. Then it says:

“General Shibiri also said that he knew that General Sibiya did not want the information for the National Commissioner, but rather for the other side.”

Do you recall, do you confirm or deny that you said that to Witness A?

LT-GEN SHIBIRI: That is not true. I never said such a thing.

20 **ADV SEGEELS-NCUBE**: Okay. Then at paragraph 96:

“General Shibiri also said that we must be very careful because the people we are dealing with are heartless and they will never allow us to relax.”

Do you recall saying that to him? Do you confirm?

LT-GEN SHIBIRI: Ja, I already indicated, before we part

ways, I indicated they must stay safe. They must be careful and stay according to the rules of there where they are saying they must stay at the safehouse, because these people are ruthless. You will think it is over, then it is not over. They can come even after two years, after three years.

ADV SEGEELS-NCUBE: Okay. So that part you do confirm you said to him during that call?

LT-GEN SHIBIRI: Yes.

10 **ADV SEGEELS-NCUBE**: During that call?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. Witness A then continues:

“He mentioned that there was a senior officer that he refers to as Homeboy that is not even an official in the province, but this person seems to have an interest in the Swart murder case. He did not mention the name, but he said that the person's actions annoyed him.”

20

Do you recall saying that to him?

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: And then Witness A wanted to clarify and say:

“I must put General Shibiri's comment

about province in context. By province, General Shibiri was not referring to province geographically. He was referring to it in terms of levels. For example, you would have a district head and a provincial head. In other words, General Shibiri was saying that this person is not even at provincial level, and I understood this to mean that the person he was referring to is at district level. I think he was referring to Brigadier Nkhwashu, who was at district level, but was enquiring about a case being investigated at provincial level.”

So you deny that you had a conversation about something ...[intervenes].

LT-GEN SHIBIRI: But that one is his viewpoint, or maybe fed by Crime Intelligence how to say things, so ...[intervenes].

ADV SEGEELS-NCUBE: Yes, I accept – sorry, yes, I accept that, but the first part is not his viewpoint. He says that he mentioned that there was a senior officer that he refers to as Homeboy that is not even an official in the province, but this person seems to have an interest in the

murder case, in the Swart murder case. That was part of the conversation, according to Witness A. Are you denying that that was part of the conversation?

LT-GEN SHIBIRI: I do not even use the word Homeboy.

ADV SEGEELS-NCUBE: Okay. And then at paragraph 97:

10 “General Shibiri then returned to the
 topic of his eye condition. He
 concluded the call by telling me once
 again to be safe and told me to keep
 up the good work.”

 You confirm that that happened?

LT-GEN SHIBIRI: That what about the eye condition?

ADV SEGEELS-NCUBE: He just says that you returned to the topic of your eye condition, and then you said he must keep safe and keep up the good work. Do you recall saying to him that he must keep safe and keep up the good work?

20 **LT-GEN SHIBIRI**: Ja, as I said in conclusion, my eyes was better, that the reason I phoned, I was going to work the following day, and then I wanted more information because when I asked him about the status of arrest, I did not, I forgot to ask what is the person arrested for, and that was the sole purpose of the call. And he asked about my well-being and whatever, and then I told him I was fine. And I talked to them that he must stay safe, and then they must keep up doing the good work. That was our parting words.

ADV SEGEELS-NCUBE: Okay. General, so insofar as that call is concerned, do you know that Witness A says that Witness B overheard the call?

LT-GEN SHIBIRI: I do not know.

ADV SEGEELS-NCUBE: You did not read Witness B's statement where that is referred to that, because you have it as a heading to your, you say "alleged telephone conversations with Witness A as overheard by Witness B" on page 16.

10 **LT-GEN SHIBIRI**: No, ja, I read it like that, but I do not know if she overheard it. Yes, I read it that she overheard, but I do not know if she overheard or whatsoever. I do not know.

ADV SEGEELS-NCUBE: Okay, I am saying that, so that was my question, do you know that Witness B has said that she overheard the call?

LT-GEN SHIBIRI: That is what she say.

ADV SEGEELS-NCUBE: Yes, okay. Now, if there were some kind of record of the call, it would confirm your
20 version and not theirs?

LT-GEN SHIBIRI: Ja, it is fine.

ADV SEGEELS-NCUBE: Sorry, I do not understand your answer. You say that is fine?

LT-GEN SHIBIRI: If you are saying if there is a recording which will confirm.

ADV SEGEELS-NCUBE: Yes, in your view, if there were a recording of the call, would it confirm your version or Witness A's version of what happened during that call?

LT-GEN SHIBIRI: I think it will confirm the version of what was said on the day and what I said and what they said.

ADV SEGEELS-NCUBE: Okay. Can we then continue with your statement.

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: Can I just check. General, with your
10 denial of what Witness A says, does that include a denial that in the call you mentioned the name of General Sibiya in whatever context? Are you denying that the name ever came up?

LT-GEN SHIBIRI: No, I do not deny the name of General Sibiya because when I phoned, I indicated, even the first time, when I phoned, I indicated I received a call from General Sibiya that he received a complaint. The family of the person you arrested, being Molefe, they do not know where he is detained. Where did you detain him, because it
20 is not a kidnapping, it is an arrest. That is what we discussed. And then he said, no, I am with, we just separated with his attorney. He called the name Thami. I cannot remember the surname.

So I said, but this thing, this complaint, it seems to be unfounded because how does the lawyer know where the

suspect is and who have now briefed the lawyer to look for him or to go and look for him? So obviously they know. So I left it like that and then I sent the message to the General and the General did not respond.

And I decided to switch off my phones because I was off sick and now I am receiving these calls and also avoiding to watch the social media and watch TV so that I can recoup faster. So when I phoned, it was because I was going back to work and I do not have the full information.

10 I recall that the General sent me to establish about this. So I wanted to establish, to say, that man, what was he arrested for, what was the charge, so that when I report back to say, no, the person that was reported for this, if in case he asked me because he tasked me, then I can be able to report back.

So I mentioned his name in that context to say I was sent by him to, and if I go back without full information, then it will be a problem.

ADV BALOYI SC: So the first call, you say it is on the 7th
20 of December.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: And the subsequent call, when is that?

LT-GEN SHIBIRI: I am not sure, but they are saying it is on the 16th.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: I am not sure because even if they call me, they called me on my private number. So I use both phones and on my private number, I do not have itemized billing. Then I have the whole itemized billing on the state phone and I was looking on their calls, including that one where he sent me a message and deleted and then I end up phoning him in the evening.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: Ja.

10 **ADV BALOYI SC:** All right, thank you.

ADV KHUMALO SC: Are you not able to answer that question with reference to the date when you had to go back to work, because you said you remember that this call was the day before you went back to work.

LT-GEN SHIBIRI: Ja.

ADV KHUMALO SC: So when was the day when you went back to work?

LT-GEN SHIBIRI: I think I, ja, I went back to work on the 18th.

20 **ADV KHUMALO SC:** On the 18th?

LT-GEN SHIBIRI: Ja.

ADV KHUMALO SC: So the call would have happened either on the 16th or the 17th.

LT-GEN SHIBIRI: 16th or the 17th, yes.

ADV KHUMALO SC: Yes. I just wanted to ask a follow-up

question. You said Witness A would not give you an answer to your question because they said this is a sensitive issue, you should speak to General Mbuso Khumalo about it.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Did you speak to General Mbuso Khumalo?

LT-GEN SHIBIRI: No, I did not speak to him.

ADV KHUMALO SC: Okay ...[intervenes].

LT-GEN SHIBIRI: I said if need arises when I go back, I
10 will phone him.

ADV KHUMALO SC: I think we will come back to that maybe when we question you, but leave it there for now.

ADV SEGEELS-NCUBE: Okay. So then if we can return to your statement at page 62, paragraph 200, where you say what you do recall about the call with Witness A.

LT-GEN SHIBIRI: Page 61?

ADV SEGEELS-NCUBE: 62, paragraph 200.

LT-GEN SHIBIRI: Must I read it?

ADV SEGEELS-NCUBE: Yes.

20 **LT-GEN SHIBIRI:** -:

“What I recall is that when I telephoned Witness A, it was a follow-up telephone call made on the 17th of December 2024, concerning a complaint that the family of Mr Katiso Molefe allegedly did

not know where he was being detained

...” [intervenes]

CHAIRPERSON: General, sorry General, did you say 17 December or 7 December?

LT-GEN SHIBIRI: 7 December.

CHAIRPERSON: Oh, I misheard. I thought you said 17.

ADV SEGEELS-NCUBE: He did say 17, Chair.

CHAIRPERSON: I thought so.

LT-GEN SHIBIRI: I said 17?

10 **ADV SEGEELS-NCUBE**: Yes.

CHAIRPERSON: I thought so too.

LT-GEN SHIBIRI: My apologies. My apologies, Commissioner.

20 “And then Katiso Molefe alleged they did not know where he was being detained. I followed up the tasking received from General Sibiya, requesting me to make enquiries regarding the detention status of Molefe. The purpose of the follow-up was to establish the reason of the arrest as I had omitted to ask that question during earlier discussion with the investigating officer. The only occasion on which I recall the name

Zay Nxumalo being mentioned occurred when a complainant brought to General Sibiya at his office. I happened to be present in his office at the time. A female attorney attended together with a Chinese male individual who indicated that he was business partner of Zay Nxumalo in mining operations situated in Northern Cape, specifically in Kimberley. The complainant raised related to cases of burglary, vandalism affecting their mining equipment which they alleged they were not receiving adequate police attention. My collection of the matter is limited to the interaction and I have no personal knowledge of Zay Nxumalo, nor relationship between Lieutenant General Sibiya and Julius Malema.

20 **ADV SEGEELS-NCUBE**: Okay, then the next topic, Deputy National Commissioner, Lieutenant General Sibiya's alleged relationship with Mr Katiso Molefe.

LT-GEN SHIBIRI: -:

"I have no knowledge of any personal, professional, improper relationship

between General Sibiya and Mr Katiso Molefe, nor did I observe any conduct suggesting existence of such relationship. I did not know who Katiso Molefe was prior to his arrest. Then my involvement arose only after Lieutenant General Sibiya received a call from Molefe's family alleging that they are unable to establish where he is been detained and arrested. During December 2024, requested me ...”

It is the repetition of what I just read to say to verify where he is.

ADV SEGEELS-NCUBE: You can go on to, on 7 December.

LT-GEN SHIBIRI: -:

“On 7 December 2024, while I was off sick recovering home from my eye operation, I received a call from Lieutenant General Sibiya informing me that a complaint has been received alleging Molefe had been arrested in Sandton and that the family could not trace him at any police station. Lieutenant General Sibiya further indicated that the arrest had allegedly been effected by Gauteng provincial investigation team and requested that I establish where the suspect was being detained. Pursuant

to this request, I contacted Brigadier Nama who indicated that he had no knowledge of the arrest and suggested that I enquire with Organized Crime investigation. Then thereafter, I contacted Mokwena who undertook to make inquiries later. He came back, informed involved Sergeant ...” [intervenes].

ADV SEGEELS-NCUBE: Sorry, do not say the name. Just say witness A.

LT-GEN SHIBIRI: Okay.

10 “Mokwena provided me with witness A's
 number, contact number, details. I
 contacted Witness A to establish the
 information. Witness A informed me
 that numerous persons including senior
 officials had been making enquiries
 regarding arrest of Molefe and that he
 had recently met with suspect’s legal
 representative. I indicated that this
 suggestion that complainant allegedly
20 the family did not know that the
 suspect was detained appeared to be
 unfounded as it is logical that the legal
 representative would have been
 instructed by the family. I
 subsequently contacted Sergeant ...”

[intervenes].

ADV SEGEELS-NCUBE: Witness A.

LT-GEN SHIBIRI: -:

“Witness A again ...”

Let me wrap them all before I ...[incomplete].

10 “Subsequently, I contacted witness A again to enquire about the reason for the arrest. I had neglected to ask during our earlier discussion for which offense the suspect had been arrested. Witness A informed me that there are several officers making enquiries and further indicated Major General Khumalo had instructed investigation team not to discuss any case as it is regarded sensitive. I informed Witness A that I was due to return to work. I required information to report back to the Deputy National Commissioner as I

20 did not wish to provide complete feedback after having been tasked with the enquiry. Thereafter, I left the matter at that stage and indicated that I should further need further information, I will contact Major

General Khumalo directly. I had already reported to Lieutenant General Sibiya that the suspect's legal representative met with both investigation team and suspect. At no stage did Lieutenant General Sibiya request that I intervene in the investigation or influence the arrest or communicate on merits of the case or afford Mr Molefe preferential treatment. On other occasion, the name of Katiso Molefe was subject of discussion once.”

ADV SEGEELS-NCUBE: You want to read it from your statement?

LT-GEN SHIBIRI: Ja, it match with 2013.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: It was on the 23rd of July.

ADV SEGEELS-NCUBE: We need to go to paragraph 213 for the continuation.

LT-GEN SHIBIRI: Ja.

“It was on the 23rd of July when I received a WhatsApp message from a person who identified herself as Ms Tumi De S’Amyn who indicated that she was residing in Chicago, United States of America. Ms De S’Amyn informed

me that she had seen a media report concerning the arrest of Mr Katiso Molefe and that she recognized him as the individual responsible for killing her brother whom she identified as Kagiso. She forwarded photograph of Mr Molefe to me via WhatsApp and advised that there existed a murder case registered at Mondeor police station under CAS 501/3/2019 relating to the murder of her brother. Ms De S’Amyrn further alleged that the same individual ...[indistinct] also responsible for killing her parents, stated
10 that the house at which Mr Molefe had allegedly been arrested belonged to her late brother. Upon receiving this information, I immediately contacted Major General Khumalo and relayed the contents of the information provided to me so that the relevant investigative team could allow up on the allegations.”

CHAIRPERSON: Follow up. You may continue.

LT-GEN SHIBIRI: Oh, sorry.

20 “I immediately contacted Major General Khumalo and relayed the contents of the information provided to me so that the relevant investigative team could follow up on the allegations. I further provided Major General Khumalo with Ms De S’Amyrn contact details to enable investigators to engage directly

with her as a potential complainant and witness. Thereafter, Ms De S’Amyr sent me a WhatsApp message expressing appreciation and thanking me for referring her matter to what she described as capable detectives. I subsequently attempted to obtain feedback regarding progress of the matter. However, despite the attempt, I was unable to contact Major General Khumalo to establish the outcome of the follow up investigation. Notwithstanding ...” [intervenes].

ADV SEGEELS-NCUBE: Okay. No, now we need to go back to page 66, because the paragraph you are about to read relates to a different topic. So if you go back to 66, the heading is:

“Why I allegedly informed Mr Vusi Ndlala that Warrant Officer Michael Pule was granted bail in August 2024”.

And just to clarify, and as was indicated to you yesterday, the reference to the Musina case number is incorrect. It relates to the Swart murder, that he was granted bail in respect of the Swart murder.

LT-GEN SHIBIRI: Okay. So it is not the Musina case, it is

supposed to be Swart murder?

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Okay.

ADV SEGEELS-NCUBE: So you can read paragraph 212 and then I will direct you to the next paragraph.

LT-GEN SHIBIRI: Okay.

10 “I am aware of allegation that I informed Vusi Ndlala, known as Vusi Makhubela, that Warrant Officer Michael Pule Tau had been granted bail during August 2024 in relation to Musina CAS ...”

So and so, which was supposed to be Vereeniging CAS.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: -:

20 “I do not presently recall the details of the reference case number. Due to my current suspension, I do not have any access to SAPS system official records, which would enable me to verify and interrogate the matter.”

ADV SEGEELS-NCUBE: Then if you can go to the next page, paragraph 214, that is the continuation of that topic.

LT-GEN SHIBIRI: -:

“Notwithstanding the above-mentioned limitation, I categorically deny that I informed Vusi Ndlala, alternatively Vusi Makhubela, that Warrant Officer Tau had been granted bail and that I conveyed any information whatsoever to him concerning bail proceedings in that matter. I further state that I never discussed Warrant Officer Pule Tau with Mr Makhubela and did not communicate any information relating to investigation, court proceeding or operational development involving that individual. I therefore am unable to account for the origin of this allegation as no such discussion or disclosure occurred within my knowledge and involvement or participation. I am constrained to address an adverse reference made during proceedings.”

Oh, so this is another one, not under that topic, né.

ADV SEGEELS-NCUBE: No, that seems to still be the same because it relates to Pule Tau.

LT-GEN SHIBIRI: Okay, Pule Tau.

ADV SEGEELS-NCUBE: Ja, but it is an allegation that was

apparently made in *Ad Hoc* which you, the *Ad Hoc* committee that you want to address.

LT-GEN SHIBIRI: Okay.

10 “I am further constrained to address an
adverse reference made during
proceedings of the Parliamentary *Ad
Hof* committee by Lieutenant General
Khumalo wherein it was suggested that
I persuaded the investigating officer
not to oppose bail in respect of
Warrant Officer Michael Tau, an
accused in the Armand Swart murder.
That assertion is incorrect and
constitutes a misrepresentation on both
conduct and the applicable legal
process. The allegation that I
interfered with, influencing or
persuaded any investigating officer not
to oppose bail is not true. It is
20 inconsistent with my role, my
professional experience, the
established legal framework governing
bail proceedings and serious criminal
matters. I wish to emphasize that
offences falling under schedule 6 of

Criminal Procedure Act require a formal bail application before a competent court where the accused bears the onus of satisfying the court that exceptional circumstances exist to justify release on bail. An experienced detective and senior commander with crime detection, I have always been fully conscious of the legal position and the strict procedure and safeguard applicable to such proceedings. Decisions relating to a bail is opposed or manner in which the bail proceedings are conducted or any subsequent appeal process fall within the prosecutorial domain of the National Prosecuting Authority. These decisions do not reside within the authority of the national commander or senior detective office. It would have been both improper beyond my mandate to attempt to influence such process. I therefore categorically deny that I persuaded, instructed, influenced any investigating officer not to oppose

bail, whether at the first instance during any appeal proceedings. The suggestion that I interfered with the bail process is further contradicted by the testimony of Witness A and B before the Commission, whose evidence does not support the allegation attributed to me. For this reason, I respectfully submit that the adverse parliamentary reference does not accurately reflect the true factual and legal position and appears to have contributed to a narrative inconsistent with the objective evidence placed before this Commission.”

ADV SEGEELS-NCUBE: Thank you, General. Then I am going to suggest that paragraph 70 to 76, the top of 76, is a duplication of the contents of the Musa Khawula allegations, which we have already addressed, but this is in the context of the criminal case that was pursued against him, where you say you had no involvement. We have already addressed that. And then on page 71, the investigation of the murder of Armand Swart, the allegations there or what you set out there is a repeat of what you had dealt with under the topics of the investigation, the discussions you

had with the officers, the meeting of the 16th of May and any telephone calls. So I am going to suggest that 71, 72, 73, 74 and 75 up until paragraph 248 on 76 are repeats and perhaps if your Counsel could confirm that we do not need to deal with them because they are repeats.

ADV MKIZE SC: Chair, we can confirm that. We do not have a problem if it is not repeated.

CHAIRPERSON: Thank you, thank you.

ADV SEGEELS-NCUBE: Thank you. Then, General, that
10 takes us to page 76. We are almost there. The SAPS contract with Medicare 24 Tshwane District (Pty) Ltd and your knowledge thereof starts at paragraph 249.

LT-GEN SHIBIRI: 249.

20 “I have noted the question raised concern of SAPS contract with Medicare 24 Tshwane District (Pty) Ltd. I wish to state to the outset that I was not involved in the initiation, procurement, adjudication, approval, negotiation or administration of any contract concluded between South African Police Service and Medicare 24 Tshwane District (Pty) Ltd. Matters relating to the procurement and contracting service level agreement

within SAPS fall within designated supply chain management, financial management, administrative structure operating in accordance with Public Finance Act and the National Treasury, SAPS Internal Procurement Prescription. I became aware of the contract of SAPS and Medicare 24 during September 2024 when Mr Matlala asked me telephonically where I was traveling to because I became amazed and enquired, how does you know I am traveling, and Mr Matlala indicated that he is having contract with SAPS for doing medicals. However, I did not know the name of Mr Matlala's company until November when I received the screenshots of payments from SAPS.”

20 **ADV SEGEELS-NCUBE**: In November 2024, this related to the 70,000? What are you referring to? The payments in November 2024, what payments in November 2024?

LT-GEN SHIBIRI: The payments on the screenshots, on the screenshots which Nkosi sent to me.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: Ja, that is what made me to see that is Tshwane Medicare, what, what. Do you remember the one which shows the invoice are paid on the exhibit?

ADV SEGEELS-NCUBE: Yes. I think you just needed to clarify because it is vague what you mean by November 2024 payments.

LT-GEN SHIBIRI: Ja.

ADV SEGEELS-NCUBE: Okay. Then the next topic is:

10 “Payments made by me or my family
 members to Mr Vusi Cat Matlala and
 any payments made to me or my family
 by Mr Matlala.”

We have dealt with this when you dealt with the reasons why the loan was advanced and repaid, correct?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Can we just confirm that we do not need to go over paragraph 251 to 253, that they are repeats?

ADV MKIZE SC: That is confirmed, Chair. Thank you.

20 **CHAIRPERSON:** Thank you, Mr Mkize.

ADV SEGEELS-NCUBE: Thank you. And then that takes us to page 78 which is a topic concern regarding possible inducements to obtain adverse information.

LT-GEN SHIBIRI: -:

“Based on the information conveyed to

me by Sergeant Daniel Motaung, as well as other developments described in this statement, it appears that members of the South African Police Service may have been approached and potentially induced with promises of career advancement or promotion in exchange for providing adverse information concerning myself and other members.”

ADV SEGEELS-NCUBE: Sorry, General, can you just tell us who is Sergeant Daniel Motaung?

LT-GEN SHIBIRI: Sergeant Daniel Motaung was working with me at Organized Crime but on duty detachment. From October 1st to December 31st, due to ill health, I was not driving myself to work. He was driving me. He is also staying in West Rand. Ja, so he was visited at his house in Randfontein by these members which he mentioned in his statement who wanted information from him in exchange that they will promote him to a captain rank if he can give information against me or Sibiya.

ADV SEGEELS-NCUBE: And that statement is in your annexure file RS11 and the typed version is on page 55.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Do you then want to continue at

255?

LT-GEN SHIBIRI: -:

“While I do not purport to make definitive findings in this regard, the circumstances raise serious concern that proper methods may have been employed to solicit statements.”

CHAIRPERSON: Did you say proper or improper?

LT-GEN SHIBIRI: Improper, sorry. Thanks, Commissioner.

10

“Improper methods may have been employed to solicit statements or intelligence directed at a particular individual. In the interest of transparency, institutional integrity and the protection of lawful policing process, I respectfully implore the Commission to investigate whether the inducement, incentive, promise of promotion were offered to SAPS members in exchange of furnishing information of statements adverse to myself or others. I submit this information to assist the Commission in determining whether any conduct occurred that may undermine the

20

independence of the investigation or compromise the credibility of evidence placed before it. Daniel Motaung, deposed affidavit, annexed as annexure RS11.”

ADV SEGEELS-NCUBE: Okay. And then we are on page 79, which is your conclusion and request to the Commission.

LT-GEN SHIBIRI: -:

10 “Having responded fully to matters contained in the summons and having addressed each allegation placed before the Commission, I respectfully reiterate that I have never participated or facilitated or associated myself with criminal syndicate, improper influence, corruption, obstruction of justice within the South African Police Service or any component of the criminal justice

20 system. Throughout this statement, I have endeavoured to place before the Commission a complete, truthful account of my conduct, decision and communications and professional interactions together with the

operational context within which those actions occurred. Where allegations have risen, I have addressed them directly and transparently, mindful of my duty both as witness before the Commission and as a senior officer entrusted with public authority. My career spanning for more than three decades within the detective service has been dedicated in combating organized crime, protecting investigators, strengthening investigative integrity, upholding the rule of law. The actions now scrutinized before the Commission arose within the operational environment were motivated solely by lawful objectives and professional responsibility and the protecting of the investigative process and personnel. I respectfully submit that several allegations addressed in this statement arose from misunderstanding, misquotation, incomplete information, the misinterpretation of operational

interaction which, when viewed in their proper factual institutional context, do not support any inference of wrongdoing in my part. I further submit that, adversely, public reference, institutional commentary and subsequent administrative developments, including my suspension, must be assessed against the verified evidence rather than against perceptions formed through incomplete and inaccurate narratives. I wish to place on record my full respect of the authority, independence and the purpose of the Commission. I regard these proceedings as important constitutional mechanisms intended to establish the truth, restore the public confidence, strengthen the integrity of South Africa's criminal justice system. I have cooperated fully with the Commission. I have taken all reasonable steps to provide information within my knowledge and remain available to clarify aspects of each

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statement to provide further evidence
on the Commission. I therefore
respectfully request that the
Commission consider my evidence
holistically having regard to the
operational realities of organized
crime, the defined separation between
investigative, prosecutorial and judicial
functions, the absence of any proven
10 improper conduct of my part, my long-
standing service record, professional
conduct in the South African Police
Service. I accordingly request the
Commission to make findings based on
totality of evidence presented and that
my conduct be assessed within its
proper legal, factual and institutional
context. I depose to this statement
consciously believing the contents to
20 be true and correct in compliance with
the summons to me. I thank you.”

ADV SEGEELS-NCUBE: Thank you, General.

CHAIRPERSON: Thank you, General. The hearing or
continuation of the hearing of your testimony will be at 9:30
on Friday. The Commission will not sit tomorrow.

Commissioner Baloyi has a Judicial Service Commission meeting which she simply cannot get out of tomorrow. Let us adjourn and resume at 9:30 on Friday.

ADV SEGEELS-NCUBE: Thank you, Chair.

INQUIRY ADJOURNS TO 6 MARCH 2026
