

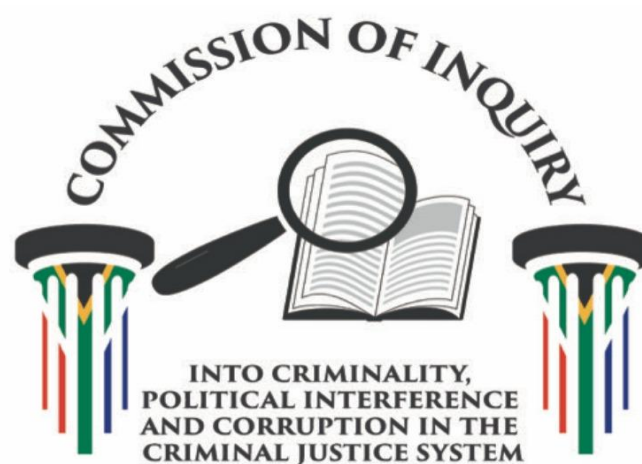
**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,  
POLITICAL INTERFERENCE AND CORRUPTION IN THE  
CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**11 MARCH 2026**

**DAY 75**



**PROCEEDINGS ON 11 MARCH 2026**

**CHAIRPERSON:** Good morning, Ms Segeels-Ncube. Good morning, Ms Pooe. Good morning, Mr ...[intervenes].

**MALE SPEAKER:** [Indistinct]... [microphone off]

**CHAIRPERSON:** Yes, yes, yes.

**MS SEGEELS-NCUBE:** Good morning, Chair.

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

**ADV MKIZE SC:** [Indistinct]... [microphone off]

**CHAIRPERSON:** Thank you.

10 **ADV SEGEELS-NCUBE:** Good morning, Chair. Chair, we have General Shibiri returning today for the cross-examination. Chair has already greeted my learned friend, Ms Mkize SC who is instructed by Mr Cassius Loliwe from Loliwe Attorneys. Chair, the witness, I think, still remains under oath.

There are a few housekeeping issues that we need to address from last week. There are additional documents, Chair. The first is a further supplementary statement by General Shibiri, which Chair will find it should be in a third  
20 divider in the statement file, which is file one, and it is from page 1 to 6, and then there is an annexure, which is an unsigned statement of Sergeant Ndlela, that from page 7 to 11, which General Shibiri referenced last week in his evidence.

And then, Chair, there is also a new file, file 4,

which is additional exhibits and that file, Chair, contains additional exhibits, CJC89 to CJC102, which we will deal with when we deal with cross-examination. General Shibri and his legal team have had those documents, and they have prepared on that basis.

Chair, what we propose to do is for General Shibri to go through his short supplementary statement so that it is part of his evidence in chief before we start with his cross-examination.

10 **CHAIRPERSON**: Good morning, General.

**LT-GEN SHIBIRI**: Good morning, Commissioner.

**CHAIRPERSON**: Thank you. Will you be leading the General?

**ADV SEGEELS-NCUBE**: Yes, Chair, I will.

**CHAIRPERSON**: All right, thank you.

**ADV SEGEELS-NCUBE**: General, in front of you is file 1, which is the statement file, there should be a file divider, which has supplementary statement, which is the statement that you submitted. It is the sixth page, I think. Do you  
20 have it? Perhaps if someone from the attorneys can just assist.

**LT-GEN SHIBIRI**: It is at the beginning?

**CHAIRPERSON**: Towards the end of the file, General, towards the end.

**LT-GEN SHIBIRI**: Towards the end, sorry.

**CHAIRPERSON:** Towards the end, there should be two separators, and your supplementary statement is the second last separator.

**ADV SEGEELS-NCUBE:** Do you have it now, General?

**LT-GEN SHIBIRI:** That is correct.

**ADV SEGEELS-NCUBE:** Okay. So, we can skip the first paragraph, you do not need to reintroduce yourself, but can you just deal with paragraph 2, where you give context to the reason for the supplementary statement?

10 **LT-GEN SHIBIRI:** Thank you very much. It is written as follows.

20 “I provide this supplementary witness statement for the limited purpose of clarifying certain aspects of my earlier written statement submitted to the Commission, in particular the contents of paragraph 193 thereof, and to place the Commission additional information that has come to my attention following the emergence of further statements and documentary material. In paragraph 193 of my earlier statement, I referred to a sworn statement/affidavit deposed by Sergeant of the post by Sergeant

Ndlela, annex RS10, which forms part of the evidentiary material before the Commission. It is necessary to clarify the precise meaning of what was conveyed in that paragraph. My statement should not be understood to suggest that Sergeant Ndlela expressly disputed the version advanced by Witness A. What I intended to convey was that Sergeant Ndlela's statement does not contain an allegation that prompted or suggested or insinuated that the investigators should accept bribery or any form of gratification. My observation in paragraph 193 was therefore directed not to a contradiction but rather at the absence of that allegation in the statement of a witness who was present at the same meeting. Given the seriousness of the allegation that I suggested or insinuated the acceptance of a bribe, I considered it appropriate to draw the Commission's attention to the fact that the witness present during the same

engagement does not record the allegation in his sworn statement. Sergeant Ndlela personally provided me with signed statement which he deposited on the 7<sup>th</sup> July 2025. The affidavit bears his signature and reflects that it was executed on the same day. I have now noted that an affidavit attributed to Sergeant Ndlela dated 8<sup>th</sup> July 2025 which did not form part of the original statement disclosed when the investigators' affidavits were first presented to the Commission has recently been submitted before the Commission and appears to have signed one day after the affidavit of Sergeant Ndlela he had previously provided to me. The timing of the appearance of this affidavit raises questions as to why a statement was signed on the 8<sup>th</sup> and was not placed before the Commission earlier together with other statements obtained from members involved in the investigation. The Commission may therefore wish to

consider circumstances under which the affidavit dated the 8<sup>th</sup> July 2025 has now been produced and why it only surfaced at this stage of the proceeding after I have submitted, presented my written statement before the Commission. This may have a bearing on the completeness and chronology of the evidentiary record placed before the Commission. In addition to the signed affidavit, Sergeant Ndlela had personally handed to me an unsigned document which he explained had been given to him as a prepared statement for signature. That document already contained timed statement in an affidavit form and eventually been prepared in advance.”

**ADV SEGEELS-NCUBE:** General Shabiri, can I just ask you when you read paragraph 11, if you can scratch out the name of the Sergeant that appears there and refer to him as Witness C. Please can you do that now if you have not done it.

**LT-GEN SHIBIRI:** May I mark it so that I do not forget.

**ADV SEGEELS-NCUBE:** Yes, please.

**CHAIRPERSON:** C, you said?

**ADV SEGEELS-NCUBE:** Correct, Chair.

**CHAIRPERSON:** Yes, thank you.

**LT-GEN SHIBIRI:** -:

10 “Sergeant Ndlela informed me that he had been requested to sign that prepared affidavit and Witness C that the content were intended to be similar of the affidavit disposed to by Witness A. I retained that unsigned prepared statement which is annexed thereto marked RS12, because it appeared to demonstrate that the statement had been prepared for him prior to any oath being administered. The existence of the prepared unsigned affidavit together with the later appearance of signed affidavit containing materially similar contents raises a question as to

20 whether statements ultimately placed before the Commission may have been prepared in advance and subsequent executed by the deponent. I place these facts before the Commission so that it may consider whether the

circumstances surrounding the preparation and execution of the affidavit may have any bearing on the independence and reliability of the statement. I further note that the juried records that the statement was sworn before Commissioner of Oaths at Diepkloof on the 8<sup>th</sup> of July, 2025 at 16h00. However, details appearing

10 beneath the signature of oath reflect that the official's business address record as Headquarters 284 Pretoria Street, Pretoria, AAT. It therefore appears to indicate that it was sworn in at Diepkloof while the Commissioner of Oaths' details appeared to be documented at SAPS headquarters in Pretoria. I do not know under what

20 circumstances the affidavit was commissioned or whether the Commissioner of Oaths was physically present at the location stated in the ...[indistinct] when the oath was purportedly administered. The apparent discrepancy between the

place commissioning and the official address of the Commissioner of Oaths raises a question as to whether the affidavit was sworn before the Commissioner of Oaths in the manner required by law.

10 In paragraph 254 of my earlier statement, I recorded consent that certain members of the South African Police may have been approached and potentially induced with promises of career advancement or promotion in exchange in advance information concerning me.”

**ADV SEGEELS-NCUBE:** Sorry, can you just read that properly into the record, General? It is important. It is an important allegation that you make there, that there were promises of career advancement or promotion in exchange for providing?

20 **LT-GEN SHIBIRI:** -:  
“Promises of career advancement or promotion in exchange for providing adverse information concerning me. In particular, from information provided under oath by Sergeant Daniel Motaung indicated that he had been

approached by members who sought information regarding my relationship with Lieutenant General Sibiya, suggested that career advancement could follow if he cooperated. I have since noted from supplementary witness statements submitted by Witness A that he presently holds the rank of Warrant Officer. It appears that until as recently as 3 March 2026, Witness A held the rank of Sergeant, that he has since been promoted. I wish to state clearly that I do not begrudge any member of South Africa's Police Service legitimate career progression. However, in light of the concerns already raised regarding possibility that members may have been approached or encouraged to provide adverse information, the timing and circumstances surrounding such promotion may warrant careful examination. I place these clarifications before the Commission to assist in obtaining complete and

accurate factual record. My intention  
in placing these facts before the  
Commission is not to cast aspersions  
upon any individual, but to ensure that  
the Commission has the benefit of all  
relevant circumstances when  
evaluating the evidence before. I  
remain committed to cooperating fully  
with the Commission and to assisting it  
10 in establishing the truth regarding the  
matters under the investigation.”

**ADV SEGEELS-NCUBE:** Thank you, General. Chair, that  
is then the evidence in chief, so to speak, of General  
Shibiri. We will now proceed with the cross-examination  
portion, and Ms Pooe is going to commence the cross-  
examination on the aspects of the General's dealings with  
Mr Matlala, his chats with Sergeant Nkosi, the Musa  
Khawula aspect, and then the SAPS Medicare 24 Tshwane  
District contract. Thereafter, I will commence cross-  
20 examination on the other aspects contained in the General's  
statement. Thank you, Chair.

**CHAIRPERSON:** Thank you, Ms Segeels-Ncube. Yes, Ms  
Pooe?

**ADV POOE:** Good morning, Chair. Chair, General, for the  
purposes of this segment of the cross-examination, I will be

making use of two files. That is file 1 with the General's statement, as well as file 3, which contains the WhatsApp chats between General and Sergeant Nkosi. General, do you have those two files in front of you?

**LT-GEN SHIBIRI**: File 1 ...[intervenes].

**ADV POOE**: File 1 with your statement, and file 3.

**LT-GEN SHIBIRI**: That is correct.

**ADV POOE**: Yes. And then, just so that we have a sense of how we will be dealing with file 3, General, if you can  
10 start by going to page 14 of file 3, that is CJC86. You will see there ...[intervenes].

**LT-GEN SHIBIRI**: Page 14?

**ADV POOE**: Page 14, yes.

**LT-GEN SHIBIRI**: On top?

**ADV POOE**: Yes, the red page 14.

**LT-GEN SHIBIRI**: I am there.

**ADV POOE**: Yes. You will see there that there appears two numbers. One is a number for Sergeant Nkosi, and the other number is your number. Can you confirm that that is  
20 indeed your number?

**LT-GEN SHIBIRI**: I confirm.

**ADV POOE**: And which number is this, is this the SAPS or your personal number?

**LT-GEN SHIBIRI**: It is my personal number.

**ADV POOE**: Thank you, General. And then, if you can

then also go ...[intervenes].

**ADV BALOYI SC:** Maybe before you do that, identify which one is Sergeant Nkosi's, because there are three numbers here.

**ADV POOE:** Yes. General, you will see that there are three numbers. The first two are identical. Can you confirm that those two belong to Sergeant Nkosi?

**LT-GEN SHIBIRI:** I guess so. I confirm.

**ADV POOE:** You guess so?

10 **LT-GEN SHIBIRI:** I do not know them by hand. Yes, I confirm.

**ADV POOE:** Yes, they do. And then that the last number there that says General Shibiri Head Office OCI, that that is your number?

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** All right. Then, General, if you can, we will do the same exercise for your second number. If you can go to page 146, you will see there the second set of chats.

20 **CHAIRPERSON:** I think the flags make it easier to navigate. Perhaps you should refer to the page number, fine, but also the flag.

**ADV POOE:** Oh, my apologies, Chair, because I am working electronically. Let me find my file.

**LT-GEN SHIBIRI:** I am at page 146.

**CHAIRPERSON:** No, if it complicates your life, it is fine.

We will find the pages.

**ADV POOE:** Yes, Chair. If, there again, General, there are three numbers. The first two belong to General, Sergeant Nkosi. Can you confirm that?

**LT-GEN SHIBIRI:** I confirm.

**ADV POOE:** And that the last one there is then your number, that is your SAPS number. Do you confirm that?

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** Thanks, General.

10 **ADV KHUMALO SC:** What is OCI?

**LT-GEN SHIBIRI:** Organized Crime Investigations.

**ADV POOE:** Thank you. If we can then go to page 28 of your statement.

**LT-GEN SHIBIRI:** I am at page 28.

**ADV POOE:** General, there you deal with your communications on WhatsApp and Signal. In particular, there was a request from the Commission for you to provide WhatsApp's for a period of 1 January 2024 to 31 December 2025 and so in this section of your statement, you provide  
20 reasons as to why you could not provide those WhatsApp's. Is that correct?

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** Now, General, let us deal with the first number, the 071 number. This is the cell number where you say that the phone was stolen at a soccer match.

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** I am referring to paragraph 87 in particular, and your explanation is that your phone was then replaced in March 2025. Do you see that? That is at paragraph 91 of your statement.

**LT-GEN SHIBIRI:** On bundle 1?

**ADV POOE:** Yes.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So it is the very next page.

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

**ADV POOE:** You say that:

“During March 2025, I purchased a replacement cellular phone.”

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Right. So, General, if you look at the chats, I am sorry, we will just be navigating between the two files. If you go to page 63 of the chats ...[intervenes].

**LT-GEN SHIBIRI:** Of the chats?

**ADV POOE:** Yes.

20 **LT-GEN SHIBIRI:** I am at page 63.

**ADV POOE:** Yes. You will see there that you had a conversation with Sergeant Nkosi in the morning of the 8<sup>th</sup>. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** If you look at chat 1, perhaps, General, let me

pause to say, when you are looking at that page, the green blocks would be messages that Sergeant Nkosi is sending. The grey blocks would be messages that you are sending. Where the block has nothing in it, that represents a call. Can you see that on the page? Ja, so if you look at chat 1, there is a message that comes from Sergeant Nkosi that is sent to you on the 8<sup>th</sup> in the morning. Can you confirm that?

**LT-GEN SHIBIRI:** Yes.

10 **ADV POOE:** And then you respond and say:

“Is this true?”

That is at chat 2.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then you will see that the following message comes from Sergeant Nkosi on the 10<sup>th</sup>, where he attempts to call, he then sends a hey, and then again sends, tries to call again. Can you see that?

**LT-GEN SHIBIRI:** Yes.

20 **ADV POOE:** And then if you continue on, you will see that he also tries to call two more times, that is on page 64, that is chats 1 and 2. And then you will see on the 19<sup>th</sup>, it says empty message. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then on the 20<sup>th</sup>, you resume communications by sending what appears to be a TikTok

link. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And General, what this shows is that by the 20<sup>th</sup> of February, you had a device that was operational and you were already in communications on WhatsApp. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So your version that you only got a replacement phone in March is not supported by the, by  
10 your WhatsApp exchanges with Sergeant Nkosi. Can you see that?

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** So would you like to correct that version then, about when you got a replacement phone?

**LT-GEN SHIBIRI:** Ja, I would like to, but I only have a date because I was estimating that from the 8<sup>th</sup> of February when my instrument was stolen, it would be in March or end of February where I would purchase the current instrument. So based on this evidence here, I can change to that date.

20 **ADV POOE:** All right, so from the 20<sup>th</sup> of February, you were already back on a new device and communicating.

**LT-GEN SHIBIRI:** I agree according to the evidence before me.

**ADV POOE:** Yes, General. And so for at least this number, you could have provided us with the WhatsApp

chats requested for at least from the 20<sup>th</sup> of February until the end of the 31<sup>st</sup> of December 2025. Can you see that?

**LT-GEN SHIBIRI**: Ja, if I had.

**ADV POOE**: Why did not you?

**LT-GEN SHIBIRI**: As I indicated on my statement, now and then I delete my messages for storage purposes and sometimes it deletes itself when I forward for a certain period. It is how it is set. And again, as it was indicated when I went to the service provider, my Cloud, my backup  
10 was not activated.

**ADV POOE**: So General, you are saying that you could not give us those WhatsApp's because you either deleted everything periodically from that date and you were not backing up. Is that your version?

**LT-GEN SHIBIRI**: Yes, and some they deleted themselves.

**ADV POOE**: Some deleted themselves?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Is it that your messages do an auto-delete?

**LT-GEN SHIBIRI**: Yes.

20 **ADV POOE**: And General, are you aware that even whether you deleted yourself manually or through an auto-delete, it leaves a footprint in your WhatsApp's?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So if you had provided the WhatsApp's, we would have been able to see those instances where you

deleted.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** But you chose not to give us those WhatsApp's.

**LT-GEN SHIBIRI:** No, I indicated on my statement that I went to Vodacom and they could not help me. And I went to our cyber office, also, they could not help me. I indicated even the name of the Colonel I spoken to. So not to say I chose not to.

10 **ADV POOE:** General, remember we are still dealing with your 071 number. We will get to your 079 number ...[intervenes].

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Where you explain that you then go to Vodacom and pursue that avenue.

**LT-GEN SHIBIRI:** Ja, even ...[intervenes].

**ADV POOE:** I am asking as it relates to your 071 number.

**LT-GEN SHIBIRI:** Ja. Even my 071 number, you will remember I also attached even my request to Vodacom  
20 which it happened on the 11<sup>th</sup> month of 2025 where I was requesting even my itemized billing for the calls I made from that particular phone for the whole duration. I even paid something like 2,800 of which it did not help me with anything.

**ADV POOE:** Do you accept, General, that Vodacom could

only ever help you with itemized billing which would be your calls and your SMS's. They were not going to be able to assist you with WhatsApp.

**LT-GEN SHIBIRI:** Yes, I accept now because I know now. I did not know that time.

**ADV POOE:** Yes. And the second, my second point is that had you given us your device we would have been able to retrieve this information and perhaps even see all of the areas where you say you deleted or the phone may have  
10 automatically deleted the messages.

**LT-GEN SHIBIRI:** That option was there and nobody asked.

**ADV POOE:** And you did not offer either, despite our request for the WhatsApp's.

**LT-GEN SHIBIRI:** I thought by explaining that I went to length to our cyber and also to SABRIC where I could not get help. If you have help, you could have said we can assist you with that because I did not know you were having. But I did indicate in the report which I sent that I  
20 tried to do one, two, three in order to get this and this is where I ended. So ...[intervenes].

**ADV POOE:** So General, would you in short be willing to give us your devices for us to perform that exercise?

**LT-GEN SHIBIRI:** I have my devices with me. I can give it to you if you want.

**LT-GEN SHIBIRI:** Alright, thank you General. And then let us deal with your 079 number.

**ADV BALOYI SC:** Before you do that. General, I do not understand how you would make a mistake. In paragraph 87 you say your device, your 071 number was stolen in February 2025 and yet the WhatsApp messages indicate that you were communicating in, is it October, on this same number. How do you make that kind of mistake if it is a mistake? February and October are significantly far apart.

10 Unless I am, Ms Pooe, unless I am reading this wrong. Page 14 of that SMS bundle says time period is 10-15-2019 to 10-8-2025. So that is in October. But you have also conceded to Ms Pooe that you were speaking to Sergeant Nkosi in October, in August. Now, you say that device, 071, was stolen in February 2025. How would you make that kind of mistake? Even if you say I did not quite recall when, how, it too big a difference for you not to recall that it was not in February, it was in the later part of the year.

**LT-GEN SHIBIRI:** No, it was lost in February the 8<sup>th</sup> and  
20 the date which I was not sure or which I indicated, it started working in March. I thought I bought the new device in March 2020. It is before the chats in October. So March is one month after it was stolen.

**ADV BALOYI SC:** Sorry, I do not understand that answer.

**ADV POOE:** Commissioner Baloyi ...[intervenes].

**ADV BALOYI SC:** Yes.

**ADV POOE:** Perhaps let me be of assistance.

**ADV BALOYI SC:** Yes.

**ADV POOE:** So on page 14 where it says time period, that is the, our technician's download of the period in Sergeant Nkosi's phone. So if you go to that conversation on the 8<sup>th</sup>, you will see that there is a place where it stops communications. You will see communication from Sergeant Nkosi. You will not see anything from the  
10 General. It is only on the 20<sup>th</sup> where conversations resume, and so that accords with the version that there is some interruption of his usage between the 8<sup>th</sup> and the 20<sup>th</sup>.

**ADV BALOYI SC:** And this is the 8<sup>th</sup> and the 20<sup>th</sup> of which months?

**ADV POOE:** Of February.

**ADV BALOYI SC:** Yes.

**ADV POOE:** Yes. So he had his phone and was using it. His version is once it was stolen, he did not have any of those communications on his side.

20 **ADV BALOYI SC:** Okay.

**ADV POOE:** And when he got the replacement device, he did not have any backups. So all he could, he had at his disposal would be chats commencing from the 20<sup>th</sup> when his new device was bought.

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

**ADV POOE:** General, if you can then look at, let us move to your 079 number. You deal with that at paragraph 92. You say there that the phone overheated and lost functionality and then you proceeded to go to Vodacom for assistance. What you do not tell us is when exactly was it fixed. Was it fixed that very day?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then as relates to this phone, again, you would have been able to give us the chats from April once it  
10 was fixed.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So even with this phone, your version remains that there was no backup too, that you periodically deleted messages as well, even on your work number.

**LT-GEN SHIBIRI:** Yes, but there is some few messages.

**ADV POOE:** And did you provide us with that some few messages?

**LT-GEN SHIBIRI:** No.

**ADV POOE:** Why not?

20 **LT-GEN SHIBIRI:** Maybe I was clouded by that thing that all the, all, most of my WhatsApp messages were deleted, but they are still here, those few messages. When I checked, I saw them.

**ADV POOE:** So will you be able to provide us with those messages then?

**LT-GEN SHIBIRI:** Yes, I can provide even today, yes.

**ADV POOE:** General, you then say at paragraph 94 of your statement that to the best of your recollection, you do not recall receiving or sending WhatsApp messages to Mr Matlala after the phone was repaired. Now, is this in relation to both phones or just the one phone?

**LT-GEN SHIBIRI:** I think it is in relation with my work phone, but on the private phone, I remember I phoned. I did not send a message. I remember I phoned in January, 10 in January 24<sup>th</sup> because there was something I wanted to discuss with. And I think also in January 7<sup>th</sup>, I think I phoned the wrong Vusi. I was not phoning him. I can remember I was in in Atlantis, in the Western Cape when I made the call. And the other one I cannot remember, but I have seen there was a call in March, and the other one in May.

**ADV POOE:** General, let me help you. If you go to CJC86. So that is file 3 just after the index.

**LT-GEN SHIBIRI:** It will be page?

20 **ADV POOE:** So it starts on page 1.

**LT-GEN SHIBIRI:** Page 1?

**ADV POOE:** Yes.

**LT-GEN SHIBIRI:** I am there.

**ADV POOE:** So if we look at that first little table, would you confirm that the number, that 071 number, that is your

number?

**LT-GEN SHIBIRI**: That is correct.

**ADV POOE**: And the second number there is that of Mr Matlala.

**LT-GEN SHIBIRI**: I will agree.

**ADV POOE**: Right, General, and then you will see that these are downloads, these are WhatsApp downloads from Mr Matlala's phone.

**LT-GEN SHIBIRI**: Yes.

10 **ADV POOE**: And if you scroll to page 2 ...[intervenes].

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Perhaps even, if we start on page 1, you will see you make a call to Mr Matlala on the 30<sup>th</sup> of December.

**LT-GEN SHIBIRI**: That is correct.

**ADV POOE**: I will just for now focus only on the calls.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then if you go to page 2, you will see you call Mr Matlala on the 31<sup>st</sup> of December. You then call him again on the 7<sup>th</sup> of January.

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

**ADV POOE**: He calls you on the 23<sup>rd</sup> of January. You call him on the 24<sup>th</sup> of January. He calls you or returns your call on the 24<sup>th</sup> and then you call him again on the same day. That is, and then he calls you and you call him.

**CHAIRPERSON**: And all of these are 2025?

**ADV POOE:** Yes, and that is 2025. And then you see in February he calls you on the 7<sup>th</sup> of February. You then also call him on the 7<sup>th</sup> of February. If you go to page 4, on the 14<sup>th</sup> of March he calls you. Then you return the call again on the 14<sup>th</sup>. And then in May he calls you on the 2<sup>nd</sup> and then you call him on the 9<sup>th</sup> of May. So there was quite a few calls between you and Mr Matlala on that phone.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Starting from the 30<sup>th</sup> of December 2024.

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

**ADV POOE:** And you will see, General, you do not record that in your statement. All you say is that to the best of your recollection you do not recall receiving or sending messages to Mr Matlala.

**LT-GEN SHIBIRI:** After the phone was lost.

**ADV POOE:** Yes, remember now your phone would have been repaired. The first one would have been in February and the second one was operational as you said in April.

**LT-GEN SHIBIRI:** Ja.

20 **ADV POOE:** So in both instances after the relevant time you were in contact with Mr Matlala.

**LT-GEN SHIBIRI:** Ja, I am in agreement with you to say in my statement I indicated that after I have fixed my phone I do not recall calling him on my official phone. But this is my private phone and you have corrected me that by the

20<sup>th</sup> of February I bought another phone. I thought by March. I thought by March.

**ADV POOE**: So General, you would not have to recall if you had provided us, at least had a look at your devices because the calls data remains. The messages can be deleted but the call data remains on your WhatsApp. So you would have been able to say to us that you remained in communication with Mr Matlala after both phones were operational.

10 **LT-GEN SHIBIRI**: I am not sure how it remains. I still need to be educated on that. I could not see them. I could not see them, hence I even went to Vodacom to look for the itemized billing. But I am not saying it does not remain, it does not show but on my phone I do not know where does it show.

**ADV POOE**: On your WhatsApp.

**CHAIRPERSON**: General, I do not think that an itemized billing from Vodacom would have assisted you with the record of your WhatsApp texts. Do you agree?

20 **LT-GEN SHIBIRI**: Yes, I agree, Commissioner.

**CHAIRPERSON**: Thank you.

**LT-GEN SHIBIRI**: I was tempted to bring my phone so that I can see, if ever I can see my calls which were deleted.

**ADV POOE**: General, it is ...[intervenes]. **LT-GEN SHIBIRI**: Because I never saw them.

**ADV POOE:** It is ...[intervenes].

**LT-GEN SHIBIRI:** Not to say it is ignorance, I do not know.

**ADV POOE:** General, it is fine. What we will do, because you have agreed that we can download your devices and the WhatsApp's in particular ...[intervenes].

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So we will get our technicians to do so.

**LT-GEN SHIBIRI:** All right.

**ADV KHUMALO SC:** Before we leave page 4, before we  
10 leave this, are you prepared to accept that a week before Mr Matlala's arrest in May 2025 you were calling him and he was calling you and the last call of 9 May 2025 is from you to him a week before his arrest.

**LT-GEN SHIBIRI:** Yes, but as I was saying, I remember on this day, on the 9<sup>th</sup>, I was somewhere in the farms in Mpumalanga. We were looking for the missing Aserie Ndlovu and we found the bones and where we were there was no signal and I do not see the reason why I could have phoned him. But I remember there was somebody who  
20 wanted to check with somebody from Mamelodi, but I am not sure, but I might, I could, I might have phoned him. I am not sure. It is like the one I was saying on the 7<sup>th</sup>, I was in the Atlantis ...[intervenes].

**ADV KHUMALO SC:** General, do not go to the 7<sup>th</sup>.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Just look at page 4 and do you accept that on the 9<sup>th</sup> of May 2025 ...[intervenes].

**LT-GEN SHIBIRI:** Yes, yes.

**ADV KHUMALO SC:** What it shows us is that you called Mr Matlala.

**LT-GEN SHIBIRI:** Exactly.

**ADV KHUMALO SC:** Thank you.

**ADV BALOYI SC:** Ms Pooe, I may, depending on what, you know, what the statement says I may or may not have a  
10 question. If you could just direct me again to where the General states that he does not have recollection of his communication with Mr Matlala.

**ADV POOE:** It is paragraph 94.

**ADV BALOYI SC:** Paragraph?

**ADV POOE:** 94.

**ADV BALOYI SC:** Yes. General, the, I not understand how, I mean Mr Matlala is quite a prominent person. He has become quite a prominent person in the public space. He has lent you money. I do not understand how you would  
20 not recollect that you have actually had frequent communications with him because the impression at least that I had gained from your statement originally was very minimal interaction with him. He lent you money, you paid it back and then somewhere you say in your statement he would ask you questions of general legal advice. But to put

it as I do not recall that I was in frequent contact with him, I do not recall receiving or sending WhatsApp messages after the phone was repaired, I do not understand it for someone who clearly is prominent generally but also in your life clearly. How do you explain that?

**LT-GEN SHIBIRI:** Ja, as I testified previously that around January, around January I got some information that my name was used by him somewhere and then I phoned him to say we must only talk about which is work related and I do  
10 not remember myself phoning him unless it was something which I wanted to ask in relation to work and I cannot remember why I made these calls. So I am saying in that perspective.

**ADV BALOYI SC:** But you do accept that you were in frequent contact with him? Or not infrequent, your contact with him was not infrequent?

**LT-GEN SHIBIRI:** Ja, we were in contact but not infrequent.

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

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

**ADV POOE:** General, we are going to deal with the calls in detail and we will deal with the call duration as we deal with your relationship with Mr Matlala, but before we get there, can we then go to your relationship with Sergeant Nkosi and you deal with that at page 40 of your statement. Are you

there General?

**LT-GEN SHIBIRI**: No, I was looking at the paragraph instead of the page.

**ADV POOE**: Oh, my apologies, it is paragraph 128.

**LT-GEN SHIBIRI**: No, no, I am sorry, it is me. I went to the paragraph instead of a page. I am there.

**ADV POOE**: Okay. You will see when you deal with describing your relationship, in the first part of the paragraph, you characterize it as a primarily work-related  
10 relationship. And then in the second part, you then say:

“The relationship developed and he became like a younger brother and a friend.”

Do you see that?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: But if regard is had to sort of the next three paragraphs, it seems that you go back into describing the relationship as mainly work-related and operational in nature, if you continue to paragraph 129.

20 **LT-GEN SHIBIRI**: Yes. When we deal with work, we cannot be interacting like brothers because that will happen outside the work, or when he is coming, looking for assistance or for guidance and so forth, or visiting and so forth. But when we are at work, then it will then change to work-related.

**ADV POOE:** If I were to push you now to describe or to characterize your relationship, what would you characterize it as?

**LT-GEN SHIBIRI:** Ja, here I was trying to explain in full so that I do not leave anything out that he is my subordinate, he is working with me, we started working for a long time where he was reporting under me, and we developed to be more than colleagues, but still there is that line when we are at work.

10 **ADV POOE:** So as matters stand, you have a close relationship with him.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** But for work purposes, you remain his superior.

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** Right. Then can we have a closer look at the exchanges that you have with Sergeant Nkosi, because I think that will help characterize that relationship.

**LT-GEN SHIBIRI:** Okay.

20 **ADV POOE:** Is that fine?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Right. So we are back in file 3. And unfortunately here, because we are working with both chats, I am going to refer to page numbers, we are going to be jumping between the chats, right.

**LT-GEN SHIBIRI:** No problem.

**ADV POOE:** Okay. So the first set of chats seems to be a lot of chats that are personal in nature, where there is personal favours requested. Do you accept that, that in the chats, you do exchange personal favours?

**LT-GEN SHIBIRI:** Sometimes it will happen, unless I look at it.

**ADV POOE:** Alright, we can go there. An example would be on page 22.

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

**ADV POOE:** You will see there, Sergeant Nkosi sends you pictures of what looks like shoes, trainers. And if you continue down to page ...[incomplete].

**LT-GEN SHIBIRI:** Page 39.

**ADV POOE:** Yes, so if you continue down, it is a lot of pictures of different types of shoes. And at one moment, you then revert with the shoe and the size that you want.

**LT-GEN SHIBIRI:** Ja.

20 **ADV POOE:** That is an example of a personal favour, correct?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then if you go to page 58, in particular, if you check chat number 6, just let me know when you are there.

**LT-GEN SHIBIRI:** Page 58?

**ADV POOE:** Yes.

**LT-GEN SHIBIRI:** Chat number 6?

**ADV POOE:** Yes, it is towards the bottom of the page.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** You see there, you sometimes check on him and you express concern over his biking.

**LT-GEN SHIBIRI:** Ja, here I can explain why I was worried.

**ADV POOE:** You were at an event together.

10 **LT-GEN SHIBIRI:** Ja, we went to police day in KZN, in Durban. He came with a bike. I was flying. When I arrived, I phoned the whole night, he is not answering. So I was worried and he is driving alone, so hence I was so worried.

**ADV POOE:** Hm.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** But you accept that you do check on his person?

20 **LT-GEN SHIBIRI:** I check on a lot of people who I care about.

**ADV POOE:** Precisely, that you care about him.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Okay. And then, if you go to page 157, General, I am just going to use a few examples just to demonstrate some of the personal interactions and personal

favours.

**LT-GEN SHIBIRI:** 157?

**ADV POOE:** Yes, 157.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** There you had a conversation with him about wanting a dog.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then he sent you pictures of what he was breeding.

10 **LT-GEN SHIBIRI:** Not him breeding, a white guy in Pretoria North is breeding.

**ADV POOE:** Yes.

**LT-GEN SHIBIRI:** He was looking for a dog for me because I wanted a dog.

**ADV POOE:** Alright, so he, that is an example of a personal favour.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Right. And if you go to page 55 ...[intervenes].

20 **LT-GEN SHIBIRI:** Not a personal favour.

**ADV POOE:** So, when you want a dog and he is looking for the dog for you, you do not classify that as a personal favour?

**LT-GEN SHIBIRI:** No, I indicated we are like brothers. I asked him to assist me with something so I do not take it as

a favour. A favour might be somebody whom you are not related to, according to me. I do not know, maybe I am wrong with my English.

**ADV POOE**: Okay, a request amongst brothers as it were.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Alright, so there is quite a few examples of those kind of requests between you and him that are personal in nature.

**LT-GEN SHIBIRI**: Yes, of course.

10 **CHAIRPERSON**: I understand those to be favours, asking for favours, General. But anyway, I do not ...[intervenes].

**LT-GEN SHIBIRI**: I said under correction, Commissioner.

**CHAIRPERSON**: I do not think there is anything controversial.

**LT-GEN SHIBIRI**: Okay.

**CHAIRPERSON**: Yes.

**LT-GEN SHIBIRI**: I learned it today.

**CHAIRPERSON**: Thank you.

20 **ADV POOE**: And a final example I will make, and I am going to request that this not be shown. Commissioners, if we go to file 4, page 97. Sorry, General, this is a completely different file. File 4 at page 97, and there you will see communication between Sergeant Nkosi and General Dlamini, where he is requesting some assistance for one of your family members. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** General Dlamini?

**ADV POOE:** Chair, yes, if you go to, if you look on the left side, you will see the name.

**CHAIRPERSON:** Thank you. I think I am hearing a mention of a General Dlamini for the first time, so that is why I am confused.

**ADV POOE:** My apologies, Chair. It was dealt with briefly in the evidence of Sergeant Nkosi.

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

**ADV POOE:** But do you, General, do you see there another instance of a favour or a, something, a gesture that Sergeant Nkosi was doing?

**LT-GEN SHIBIRI:** I see it. It was to me, this favour.

**ADV POOE:** It is not directly to you, but it is to your family member.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Yes. General, I am merely trying to demonstrate from the chats that you have a very close  
20 relationship with the Sergeant and that from the chats it is evident that he does personal favours for you, and in this case for your family. I do not want to make it controversial.

**LT-GEN SHIBIRI:** Ja. No, I understand. From my explanation, our relationship, I indicated how is it. And even if you can see there, the favour sought is for my

daughter. And he speaks to my daughter and they exchange whatever. Fortunately, my daughter did not even apply for this particular work, but he was able to assist. And what is written here is not even the truth because my daughter is working and he was working even that time.

**ADV POOE**: General, do you want to deal with it? I merely wanted to point to the nature of it. I had understood that you were uncomfortable with us dealing with it.

**LT-GEN SHIBIRI**: But I wanted to correct the context and I  
10 did not know how without compromising. I did not know how because as it seem, it would seem as if there was that application made and submitted and favour was sought in a sort. But it did not happen like that. But if it was done, it was going to happen like that, I agree with you.

**CHAIRPERSON**: Yes.

**LT-GEN SHIBIRI**: But I was not even connected to this. And some of what is written here is indeed incorrect because it never happened that to my daughter. And she was under employment. When they were talking, she  
20 wanted other employment somewhere.

**CHAIRPERSON**: Whatever the outcome though, General, the point is at the very least it was an attempt at doing a favour for you.

**LT-GEN SHIBIRI**: Point taken.

**CHAIRPERSON**: Yes, yes.

**ADV POOE:** Thank you, General.

**ADV BALOYI SC:** Ms Pooe, for completeness, if we could just, for the record, say who is this Umashi Dlamini Metro? If, General, you are able to answer the question, I can direct it to you, otherwise, Ms Pooe might be helpful.

**LT-GEN SHIBIRI:** Commissioner, I do not even know the person. I do not even know the person. The person is known to Sergeant Nkosi, not to me.

**ADV BALOYI SC:** Thank you.

10 **ADV POOE:** Commissioners, it is the Deputy Chief of Police in Tshwane.

**ADV BALOYI SC:** You say that was the evidence of?

**ADV POOE:** That is the evidence of Sergeant Nkosi.

**ADV BALOYI SC:** Thank you.

**ADV POOE:** If we could then return to your chats. So, those were examples of personal favours. You will also see that there is sort of what I term work-related material that is exchanged between the two of you. If you go to page 33.

**ADV BALOYI SC:** Bundle 3?

20 **ADV POOE:** Bundle, file 3, yes.

**LT-GEN SHIBIRI:** Bundle?

**ADV POOE:** File 3, page 33.

**LT-GEN SHIBIRI:** I am there.

**ADV POOE:** You will see that Sergeant Nkosi sends you, what is contained in those MP4 files is CCTV footage. So,

he sends you about five videos and that is followed by still shots of the car that was involved in that incident, and more videos as well as pictures of the suspect.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So, that is the kind of information that you also exchanged.

**LT-GEN SHIBIRI:** Yes. Here it was a vehicle stolen, the Prado of Mr Mandla Mandela in a shopping centre. We send them lookout to go and check and see if they cannot  
10 trace the suspects, because there were vehicles which we were suspecting as vehicles of interest whom we were seeing following the vehicle when it was getting out. Fortunately, the vehicle was recovered in Limpopo and suspects are arrested there. So, we do share. We have also a group chat where we share this kind of information so that they can react faster as and when we receive this kind of assistance to say there is this and what have happened, yes.

**ADV POOE:** So, in this instance, he is sending this  
20 information to you?

**LT-GEN SHIBIRI:** Ja, to say they – if I can explain ...[intervenes].

**ADV POOE:** Yes, please, General.

**LT-GEN SHIBIRI:** Commissioner, how is Sergeant Nkosi. Sergeant Nkosi is one person, he can ask you, where are

you. He will check the picture of the building in front of you and send it to you to show where he is before he can explain anything. So, when you send him to do something, when he gets there, whatever he is doing, he will be sharing with you all the way. Even if you respond or do not respond, he will be sharing with everybody. He is under arrest or whatever, whatever he is doing. You can send him to say, they say there is a suspect in this house. He will go there, when he do not find anybody, he will even take the  
10 photo of the house and send it to you.

That is how he is. So, he was sending to us to say, this is what they are following. They checked these kind of people. They seem to be somewhere in Benoni or whatever, and then they are following up for that particular period until such time, we received the feedback to say the vehicle was recovered and three persons arrested somewhere in Polokwane.

**ADV POOE:** Alright, thank you, General. And then, you will also see another example at page 148. You will see at  
20 page, at chat 2, and ...[intervenes].

**LT-GEN SHIBIRI:** 148?

**ADV POOE:** Yes.

**LT-GEN SHIBIRI:** I am not yet there, so ...[intervenes].

**ADV POOE:** Oh, my apologies, General.

**LT-GEN SHIBIRI:** I am there now.

**ADV POOE:** You will see there, he is sharing information related to a Messina case.

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** And in that instance, were you working with him on that case as well?

**LT-GEN SHIBIRI:** No. I think I was looking for them, for something and he was indicating they are busy with this Messina case and I think they made the arrest on this matter before I can even come back to the head office. I  
10 was still at the province. But as typical of him, as I just said, he forwarded me what he was doing and busy with.

**ADV POOE:** He also then, in the next chat you will see, he sends you more pictures of vehicles and weapons.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So again, is this part of just him sharing what he is doing?

**LT-GEN SHIBIRI:** Yes. As I said, sometimes if it is a new arrest, we will share in our chat which we are having as members, or members of his team and myself I will be  
20 there. And sometimes he will send directly to myself. Like as I said, when I ask where was he when he was busy somewhere working on this matter, he will send me what he is doing, and then to show that this is what he is busy with.

**ADV BALOYI SC:** When, I thought you said when he was sending this, he was not even part of your team. You were

in province.

**LT-GEN SHIBIRI:** No, no, by this time I was part of their team.

**ADV BALOYI SC:** Okay.

**LT-GEN SHIBIRI:** I remember, Commissioner, I came back to head office to head the organised crime component in, on the 18<sup>th</sup> of December 2023. And when he was sending this was in April 2024, yes.

**ADV POOE:** General, just some clarity on that aspect of  
10 when did he stop reporting to you. If you have regard to paragraph 129 of your statement, you say there that Sergeant Nkosi formed part of a team that reported to you operationally during that period and he frequently attended at your office and would seek advice and guidance. You also indicate that there were morning reporting sessions and briefings. And then you say that this reporting structure remained in place until October 2019.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** When you were promoted to rank of Brigadier  
20 in Gauteng.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then if you go to the next paragraph, you say that you rejoined organised crime in December 2018 and that Sergeant Nkosi was still attached to organised crime, specifically in anti-gang investigations and that

during that period he was working closely with Brigadier Ramangwa.

**LT-GEN SHIBIRI:** Ja.

**ADV POOE:** Just to clarify, in the paragraph there it seems to suggest that that reporting structure stopped in October 2019, but in your response to Commissioner Baloyi, you indicated that in 2023 he was reporting to you.

**LT-GEN SHIBIRI:** Ja. I think even on the first day when I was testifying, I tried to correct that date, that 2023, not  
10 2018. And on the other version, I do not know if my legal team have also submitted the corrected version. I even indicated because I wrote on it. Remember, even with the witness aid, there were duplications and so forth, but I tried to correct that one. It was 2023 to be precise.

**ADV POOE:** All right.

**LT-GEN SHIBIRI:** Because I left in 2019, 1<sup>st</sup> of October, and came back in 2023, December 18.

**ADV POOE:** So in 2023, Sergeant Nkosi was reporting to you, from 2023.

20 **LT-GEN SHIBIRI:** Ja, I said the component, under the strength. He was under the component, but operationally, he was under Brigadier Ramangwa's special team, which was reporting under the DNC. However, I could also use them, because we have got limited staff and I will be tasked now and then, for example, there will be some killings in

Port St Johns, I must get the team and go there. I will get the team wherever I can get and go. There was an intervention I needed to do in Gqeberha regarding gang violence and extortion. I have to. There was in Nelson, at Nelson, not Nelson Mandela, at, it is Mthatha, I forgot the name of the district now, what it is called, ja, there was a cash in transit. I had to take a team and go there.

And then, ja, because you are tasked now and then as there is problem to go there, but you are not having  
10 enough resources, so I can use any person who is there, as long as they are not busy, as long as I sought permission from the immediate Commander, because General, Brigadier Ramangwa was retired and then given a contract of 2 years, and he was not having a section within organized crime, but he was from within organized crime. Then he reported, they formed a team under, called Special Operations and Investigation under the DNC's office. And then he was working with them. So I had access also to use them.

20 **ADV POOE:** So General, he reported to you on special operations where you needed extra capacity.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** But in the ordinary course, his reporting lines would have been Brigadier Ramangwa ...[intervenes].

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then General Sibiya.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then your reporting line would be to General Senthumule and then General Sibiya.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** All right. And then, General, just back to the chats, right. There, if you go to page 192, are you there, General?

**LT-GEN SHIBIRI:** Ja.

10 **ADV POOE:** 192. If you look at chat 5, there you asked him to send your claim form to Thabang at Finance.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And what does, how do you characterize this request?

**LT-GEN SHIBIRI:** Ja, it is subsistence and travel allowance.

**ADV POOE:** No, no, no, I mean the request to Sergeant Nkosi.

20 **LT-GEN SHIBIRI:** Ja, I went to China on the 6<sup>th</sup> of September and came back on the 12<sup>th</sup>. So on the 16<sup>th</sup> and 17<sup>th</sup> I was supposed to be on leave because I was going to Limpopo and I could not go because I had to go to Kimberley for, to be a panel member for post of a Brigadier. So I handed over my claim for those traveling allowance because when you go, they give you standing advance

money, which you must utilize going there. When you come back, you must claim it back to be paid or else, if a certain duration passes, 7 days, then they create a debt and take from your money. Thabang is working at our finance in our office. She is the one who is capturing that. So I gave to him to go and hand it over to him. So I was reminding him because I know if he forgot, then it will be problems. It will be taken from my salary. That is all about.

**ADV POOE:** Yes, General, I was just asking how do you  
10 categorize the nature of that request? We understand your evidence that you wanted this form submitted before a certain time period lapses.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So can I characterize this as sort of a work-related favour?

**LT-GEN SHIBIRI:** Yes, it is work-related.

**ADV POOE:** All right.

**LT-GEN SHIBIRI:** It is work-related.

**ADV POOE:** And then let us go to a different category of  
20 instructions or requests. If you go to page 158, and if you look at chat 5 in particular.

**LT-GEN SHIBIRI:** 158?

**ADV POOE:** 158, yes. Are you there, General?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** There you seem to be reminding him about an

invitation that he must forward to stakeholders.

**CHAIRPERSON**: A meeting invitation.

**ADV POOE**: At the bottom of the page, chat 5.

**LT-GEN SHIBIRI**: Oh, chat 5.

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: Yes. When I am not working from the office, and there is urgent document, they will send him to bring for me to sign. So the NOCS is National Organized Crime Secretariat, which I am chairing on ...[indistinct]. So  
10 because the meeting was forthcoming, they were supposed to, I signed. He was supposed to give to Brigadier ...[indistinct] to forward to the stakeholders in time so that they can read the previous minutes before the date. So it was work-related.

**ADV POOE**: Okay. And does that constitute an instruction? Would you say you were instructing him to do that?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: All right. Then if you go to page 170. Maybe,  
20 sorry, do not show this, just because I am not sure. Thank you. If you go to page 170, you will see at chat 3, 4, and 5, you were talking to him about an informant and for him to go talk to that person. Can you see that?

**LT-GEN SHIBIRI**: Chat 5?

**ADV POOE**: Chat 3, 4, and 5.

**LT-GEN SHIBIRI:** Yes, yes, yes.

**ADV POOE:** So was that a project, again, that you were working with him on?

**LT-GEN SHIBIRI:** Yes, there was an informant who came to me, and then I referred the informant to him so that he can follow up information. Somewhere in Limpopo they were supposed to get the search warrants to search for illicit cigarettes somewhere.

**ADV POOE:** All right. And this was an instruction?

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

**ADV POOE:** Thank you, General. And just for completeness, if you go to page 182, if you look at chat 1, Sergeant Nkosi tells you that he is going to meet the informer and that he will update you tomorrow. Do you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** All right. And then if you go to page ...[intervenes].

20 **ADV BALOYI SC:** Can I just ask, General, at this stage, is he your direct report when he sends you a message like this?

**LT-GEN SHIBIRI:** Ja, it is like sometimes they are ...[indistinct] if they phone you, for example, they phoned me, as the General, they expect fast attention or imminent attention. And you send a person, I would like to hear if he

met or not, because now and then the message will be coming back to me to say, we are still seeing what and whatsoever. And then he must organize people and go with them. But in this one, he was just giving feedback to say, hey, I met with him, but there is some stories which I will explain to you tomorrow based on that particular information he went to listen to.

**ADV BALOYI SC:** What I am trying to make sure I get right, looking at the date, this is July 2024, is he at your  
10 direct report at this stage, or he is reporting to Brigadier Ramangwa at this stage?

**LT-GEN SHIBIRI:** He is still reporting there. As I have indicated, I have got access to all of them, that if I do not get this one, I can send this one.

**ADV BALOYI SC:** So you had sent him. This was a special project ...[intervenes].

**LT-GEN SHIBIRI:** Ja, I have sent him to go and follow up. If you will see, even if you go back, it is long.

**ADV BALOYI SC:** Yes.

20 **LT-GEN SHIBIRI:** And it was, I think it was two of them, other one in Gauteng, other one in ...[intervenes].

**ADV BALOYI SC:** All right.

**LT-GEN SHIBIRI:** But they were a team. They were a team of them dealing with it, but the person who was speaking to me, it was him.

**ADV BALOYI SC:** Thank you.

**LT-GEN SHIBIRI:** Ja, you will see a lot of us officers, we like sending him because he is punctual and mostly he does what you are sending him to do.

**ADV BALOYI SC:** Thank you, General.

**ADV POOE:** All right. So, General, in sum, what the chats are able to demonstrate is that you had a close relationship, you had access to him for both personal and work-related matter, and you gave him instructions and he would respond  
10 to you.

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** Thank you, General. So in paragraph 131, you deal with the type of information that you would exchange. In particular, you say that:

20 “The communications generally consisted of discussions concerning matter already in the public domain, including commentary on current affairs circulated through social media, observations relating to crime trends reported publicly, updates on arrests or operational successes already known within policing environments, at times expressing professional frustrations or commentary concerning negative public

perceptions of the SAPS.”

General, I just want to deal with the current affairs and media that you would exchange between yourself and Sergeant Nkosi, but before doing so, can I ask, were you aware of some of the tensions between the Generals in the head office?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Okay. This will require a bit of navigation, but let us start.

10 **CHAIRPERSON:** I am sorry, you are asking what the General was aware of, what did you say that is?

**ADV POOE:** The tensions between Generals in the national office.

**CHAIRPERSON:** Thank you.

**ADV POOE:** General, let us start with, if you go to page 42.

**LT-GEN SHIBIRI:** 42?

**ADV POOE:** Yes, 42.

**LT-GEN SHIBIRI:** I am there.

20 **ADV POOE:** If you look there, you were sharing with Sergeant Nkosi an article related to General Khan. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** It was related to his disciplinary proceedings.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** He had taken the department to the Labour Court.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And still on the topic of General Khan, if you go then to page 60. My apologies, 59, 59.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** You will see there that Sergeant Nkosi sends you what looks like a breaking news statement that deals with General Khan's disciplinary.

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

**ADV POOE:** And in particular, it makes allegations related to Generals Mkhwanazi and Khumalo and the witnesses that were meant to testify therein.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then on the next page, you will see your response thereto.

**LT-GEN SHIBIRI:** Yes.

20 **ADV POOE:** You say:

“Eish, this thing is turning ugly and dragging through the integrity of SAPS into disrepute.”

Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So that is one of the examples of publicly available information you are sharing.

**LT-GEN SHIBIRI:** Yes. As you said, the, about divisions are about people sending messages in social media and so forth, and like this one, where we knew there was a departmental, and then now there was this thing coming out that other people are used for this and that and that. And ja, that was my comment to say this thing is becoming ugly and tarnishing the image of the whole SAPS because of  
10 something which was supposed to be dealt with quietly.

So it is departmental. It happens in all workplaces where there is conflict or where there is people need to be disciplined and whatsoever. So that is why I commented like that. So, but it was shared not, I guess he got it from somewhere also. So it was there along SAPS members sharing and whatsoever.

**ADV POOE:** And are you aware that he had also exchanged this very article with General Sibiya?

**LT-GEN SHIBIRI:** How? Come again?

20 **ADV POOE:** Were you aware that Sergeant Nkosi and General Sibiya were also sharing this very article?

**LT-GEN SHIBIRI:** No, I was not aware, but I am aware that Sergeant Nkosi, some of the information which he will share to me, I believe he got them from most senior officers because he is close to a lot of them. And sometimes I even

asked him, are you an agent or who are you, because you can access anything from all these senior officers. So ja, hence it was handy for me that I would know also what is happening, who is doing what to whom and whatsoever, so that I know my lane, that I do not put myself in the mix of anything. So that possibility was there, that you might be talking to him, he might be talking to whoever, I know.

**ADV POOE**: And that, and if you have regard to this one in particular, it was speaking or making very serious  
10 allegations against Generals Mkhwanazi and Khumalo.

**LT-GEN SHIBIRI**: Yes, but you have seen my response.

**ADV POOE**: Yes, no, I am merely asking you to note the contents.

**LT-GEN SHIBIRI**: Ja, I noted.

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: Hence I said my input was the whole thing is dragging the name, because I know some of those things that some might have no truth in it, because they were, you asked me if I know there were groupings or, ai,  
20 let me not use that other words, there were groupings of officers in the, within the SAPS, then he, I said yes, I know that there were those. So not necessarily whatever is written there, it might be true or not true.

**ADV POOE**: No, no, General, I am not testing the truthfulness of it. I am merely noting the nature of the

article or the contents of the article, that you can see what it says.

**LT-GEN SHIBIRI:** Ja, no, I have seen and I am used for them, for seeing them.

**ADV POOE:** All right, now if you go to page 60.

**ADV BALOYI SC:** Can I just check, Ms Pooe. Are you going to be coming back to deal with this, or you are done with, and I want, I just want to make the example at page 42. Are you still going to come and engage with it or, and  
10 here is me trying to understand whether this is where we let you lay the, set things out and then you will still come back to them.

**ADV POOE:** I am trying to think of how to answer.

**ADV BALOYI SC:** Answer truthfully.

**ADV POOE:** So, Commissioners, what I am trying to demonstrate and what will be evident from the body of what is shared, is that in the main, what is shared is only negative and disparaging articles about specific people within the SAPS, not generalized.

20 **ADV BALOYI SC:** So you will come back to it.

**ADV POOE:** Yes.

**CHAIRPERSON:** And at this point, let us adjourn and resume at 11.15.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** I am sure you now have an answer to the issue raised by Commissioner Baloyi. Oh, oh.

**ADV POOE:** Chair, I answered truthfully.

**CHAIRPERSON:** Alright, thank you. Please proceed, Ms Pooe.

**EXAMINATION BY ADV POOE (CONTINUES):** General, can I direct you to another article?

**LT-GEN SHIBIRI:** Yes, Commissioner.

**ADV POOE:** Yes, so if you can please go to page 60, so it  
10 is immediately after the one we were dealing with.

**LT-GEN SHIBIRI:** 60?

**ADV POOE:** Yes, 60.

**LT-GEN SHIBIRI:** I am at it.

**ADV POOE:** You are there.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So, if you look at the second one, chat 2.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** There, it is you sent to Sergeant Nkosi  
breaking news related to an investigation into General  
20 Masemola and Lt-Gen Khumalo. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And you then follow this up with a call.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So, if you look at chat 3.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Can I ask why did you - were you sharing this as, again, part of just general information you share with Sergeant Nkosi?

**LT-GEN SHIBIRI:** Yes, as I indicated, it is things which were said before it could be published all over. And as we were discussing related matters from chats, from the other chats where he was sending the same thing the same day. So, I just forwarded him another one which was averse to us, the SAPS, which was also reported as a developing  
10 story from, I do not know if it was from News 24 or wherever where I took it.

**ADV POOE:** My apologies, so you sent this the following day, not the same day?

**LT-GEN SHIBIRI:** I think it was the same day.

**ADV POOE:** If you look at the, there is a date at the bottom, 2, 3, so it is the 3<sup>rd</sup> of February 2025.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Can you see that? Just on the same page, just at the bottom, next to your name, that would be the  
20 date.

**LT-GEN SHIBIRI:** Yes, I see, it was on the 2<sup>nd</sup> of February. After my response to the initial message sent from him on the 28<sup>th</sup>, so I sent it after that.

**ADV POOE:** You sent it the following day. Can you see the date, the conversation you had in relation to the

previous one?

**LT-GEN SHIBIRI**: Oh, is the 3<sup>rd</sup>?

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: Okay, I see, my apologies.

**ADV POOE**: Alright, and then we can stay on that page,

you will see that he in turn, this is now the following day, so

on the 4<sup>th</sup>, that is chat 4 and 5, well 4, 5 to, until page 62.

He sent you screenshots can you see those? They are very

small, so in order to see them, please go to page 116. And

10 there you will see, this is a story related to General Mosikili

and allegations related to the arrest, or a court case

involving a R10 000.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: The story is long, but it relates to General

Mosikili and alleged corrupt activity related to R10 000 and

the purchase of appliances.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So, all of those from page 116 all the way to

126 is basically that article related to General Mosikili.

20 **LT-GEN SHIBIRI**: Yes, I see it. You see, that is why I did

not even respond on it, because it was not the first time

coming out, this one. So, I saw it before, in another, I think

it was TikTok I think, not this one, this one is from News24,

so it was recurring, this one.

**ADV POOE**: Okay, and then let us move to the next one,

which is at page 63. And you will see there, it is another breaking news article, and that one deals with Generals Masemola and Khumalo.

**LT-GEN SHIBIRI**: Yes, I have seen it. This was the first time I saw it. That is why I asked, is it true.

**ADV POOE**: Yes, you respond and ask if it is true. This was the morning when your cell phone was stolen.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Okay, and then if you go to page 66. Are you  
10 there, General?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: You will see there, you sent an article related to Mr Matlala's tender.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Okay, then we will keep going. If you go to page 67. Are you there, General?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: At chat 3, you will see there, Sergeant Nkosi sends you an article related to Minister Mchunu dismissing  
20 the crime intelligence boss, so that would be General Khumalo.

**LT-GEN SHIBIRI**: Yes, I responded, I saw it on Google.

**ADV POOE**: Yes, General. Thank you. Then if you go to page 68 at chat 1.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE:** You will see there, Sergeant Nkosi sends you an article related to Mr Matlala's tender.

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** And there they also talk about him being linked to the Tembisa hospitals scandal. And the death of Babita Deokaran. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Okay, and then also on the same page, if you go down to chat number 5, Sergeant Nkosi sends you a  
10 media enquiry related to the tender and cancellation of the tender, as well as an internal audit that was done by SAPS. If you look at chat 5 on page 68, and then chat 1, 2, and 3 on page 69.

**LT-GEN SHIBIRI:** I see, except the three is blurry. Chat 3.

**ADV POOE:** Chat 3 is blurry, okay.

**LT-GEN SHIBIRI:** On 69, yes. But I can see the rest.

**ADV POOE:** Yes, I will show you. If you go to ...[intervenes]

20 **LT-GEN SHIBIRI:** Is the one at 127?

**ADV POOE:** Yes, 127, chat 410.

**LT-GEN SHIBIRI:** Okay.

**ADV POOE:** So that is a picture of the recommendation page of a preliminary audit report conducted by SAPS.

**LT-GEN SHIBIRI:** I see.

**ADV POOE:** And then, if you go to page 76.

**LT-GEN SHIBIRI:** I am there.

**ADV POOE:** You will see there a very long piece on Mr Matlala and various allegations that have been made against him or incidents that were linked to him stemming as far back as 2005. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Sergeant Nkosi sends this to you.

**LT-GEN SHIBIRI:** Yes.

10 **ADV POOE:** And then, on that same page, my apologies, on page 209 is the next article. And you will see there is an article related to the PKTT and the implication of police officers in the killing of Sindiso Magaqa.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** There, too, there are some allegations made against General Khumalo.

**LT-GEN SHIBIRI:** There is?

**ADV POOE:** There are allegations against General Khumalo.

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

**ADV POOE:** Okay.

**ADV BALOYI SC:** General Khumalo by the PKTT, or is that what you refer to as allegations?

**ADV POOE:** Yes, it refers both to the PKTT, General Khumalo, and if you look at the last half of it, it is mainly

related to General Khumalo and appointment of family members and things like that. Can you see that?

**LT-GEN SHIBIRI**: Yes, but it is not only about that.

**ADV POOE**: Yes, it relates to ...[intervenes]

**LT-GEN SHIBIRI**: Yes, but with firearms used to kill Magaqa from the crime intelligence and police informants used.

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: Yes.

10 **ADV POOE**: Okay, and then, if you go to page 210, so just the next page, that is at chat 3.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: You will see there you send to Sergeant Nkosi a link about Musa Kawula.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: That is when he was arrested?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then, still related to Musa Kawula, if I will take you back to page 38.

20 **LT-GEN SHIBIRI**: I am at 38.

**ADV POOE**: You will see at chat 1, you send him, Sergeant Nkosi, an article related to a businessman seeking a warrant of arrest for Musa Kawula.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then, after that, that is immediately

followed by a call. That is at chat 2.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And General, what I did is to go through both sets of your chats, so both your work number and your personal number, and looked at all media articles in particular. And the media articles that I found related to, one is the issue of General Khan and his disciplinary. Two, General Khumalo and, to a lesser extent, General Masemola.

10            Three, Mr Matlala and his contract. Four, they related to the arrest or warrant against Musa Kawula. Those are the four themes of articles that you share. So, not as general as you put it. They have a particular theme. It is those four themes. The only other thing that I could find that I could say media-ish related, is like warnings of heat and snakes potentially going into somebody's house.

              So, it is a warning for the weather people to be aware of snakes coming into the house because of hot weather. And another one was related to scams. Be aware  
20 of these numbers, because they will scam you. But, in the main, these are the only four topics of articles that you exchange with Sergeant Nkosi.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Is there a reason for this?

**LT-GEN SHIBIRI**: I will start with the police ones. The

first two. The first three.

**ADV POOE**: When you say the police ones, which ones do you mean?

**LT-GEN SHIBIRI**: Remember you mentioned the one of General Masemola and General Khumalo.

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: And then you mentioned the one of General Mosikili.

**ADV POOE**: Yes.

10 **LT-GEN SHIBIRI**: And then ...[intervenes]

**ADV POOE**: It is General Khan's disciplinary.

**LT-GEN SHIBIRI**: Yes, General Khan's disciplinary.

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: As I indicated on my statement, we will talk about adverse news which are out there about the police. And others will be those which we know, they have been talked in the corridors or whatever. And they have been there circulating on the X and whatsoever as it comes out. So, anyhow, there is nothing we can do about it other  
20 than sharing it.

And the others I can comment, as I commented, to say this is not doing good for our good name as the South African Police Service. So, there was nothing into those. And then, coming to the one of Musa Kawula. As I have indicated in my statement, I have heard when evidence

leaders were leading here, I also complained about it. Just to say, why is there effort to, or I said I resent implications that I phoned Mr Kawula or spoken to Mr Kawula in any way. I do not know him. I do not have his phone. I never spoken to him.

**ADV POOE**: General, not to cut you on that, we will deal with the substance of what happens with Musa Kawula. I would just like to know, in particular because the two articles that are shared in relation to Musa Kawula are  
10 shared by you to General, to Sergeant Nkosi.

**LT-GEN SHIBIRI**: Three, three. Three, not two. Three starting with that one which I received from Matlala.

**ADV POOE**: But remember, that is not, that you explain as we will get to it where you ask him to assist Mr Matlala. I am just saying, the two articles that you share relate to Musa Kawula.

**LT-GEN SHIBIRI**: Okay, let me be soft in understanding then. I sent two. One showing that this very same character whom I sent you a complaint about is on the news  
20 again. And then the second one was the same character has been arrested and without, he was not given bail. So, there was nothing into it. I was just relaying because initially I did forward him a complaint when there was an allegation of extortion.

So that is why I sent those two. And then regarding

Mr Matlala, as I indicated, I know Mr Matlala and Mr Matlala is known to Sergeant Nkosi and they seem to be friends. There is sometimes where we did discuss, more especially when coming to January 2025 coming down, that it can be that there is a lot of writing about this person without anything happening.

So, we need to be careful around him. Because when you ask him, you indicate that he is just jealous people, there is nothing against me and so forth. Even  
10 though, yes, in other cases like the one of Babita, I was in Gauteng, I knew that suspects were arrested. And then depending on the hospital, I was involved in the investigation and people were arrested.

And the others, I do not know. It will remain a suspect until somebody is arrested or there is evidence to prove that. But we did talk to that now and then. And also, as I said, Nkosi is somebody who when he sees something, he will send to me to say this person. And also, when discussing issues relating to him without him as Mr Matlala.  
20 I think I can stop there. I do not know if I ever forgot one or I have covered all.

**ADV POOE:** General, you have covered all of them, but for General Khan.

**LT-GEN SHIBIRI:** Yes, also the issue of General Khan. Remember, it was also something which was discussed.

You asked me a question, was there division. It is part of those divisions, the charging and whatsoever, how it was dealt with became part of that. And it was discussed in the corridors and we knew about it. And when stories coming out that there are people who are ready to make statements to suit this and that and that and the court cases to say you cannot use this regulation, use this one, not expeditious and whatsoever. It was playing itself outside there for everybody to see. So, we were just sharing something  
10 which has happened. So, nothing to write home about.

**ADV POOE**: General, is it then coincidental that if regard is had, let us deal with the SAPS articles. If regard is had to the people who are spoken about in those articles, it appears to be a particular side of generals or grouping of generals that are mainly spoken of in these articles.

**LT-GEN SHIBIRI**: No, it is all. It is all. As far as I know, I do not know General Mosikili falling under any class or whatsoever. We go along well with others. But it was appearing. Also, our communication. Our communication  
20 has got a slot, or they send to all email users. All articles, good or bad about SAPS, they print them on daily basis. So, it is not something which is happening between members only. It is there. If I can open my phone, I can also show it will be there. It exists on daily basis. It is there.

**ADV POOE:** General, I do not dispute that there would be articles about generals or even the SAPS in the media every day. It is the fact that in your chats with Sergeant Nkosi, the ones that appear are predominantly, and there is only one about General Mosikili, but they are predominantly about Generals Khumalo, Mkhwanazi and Masemola.

**LT-GEN SHIBIRI:** I think General Masemola, it was once.

**ADV POOE:** Twice.

**LT-GEN SHIBIRI:** No, I saw once when he sent to me.

10 And then General Khumalo, it was when he was with General Masemola and the other one when he was alone with the murder of a police officer in Magaqa's case, whatsoever and so forth. I am not sure if it was three times.

**ADV POOE:** General, if regard is had, and I do not want to go through the articles again, but there are at least five media articles that speak to General Khumalo. Two of which include General Masemola. Secondly, there is two that speak to General Khan. The second one in particular  
20 make allegation against General Khumalo and General Mkhwanazi.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And so, in the sea of all the articles about all the generals, these are the generals that appear predominantly in your chats with Sergeant Nkosi. It is not

all the articles that you receive, it is these articles that are shared.

**LT-GEN SHIBIRI:** Yes, maybe because others we talk telephonically or when we see each other, but there is nothing special about it. It is only what is happening in the SAPS and so forth. For example, General Khumalo, I think, is the most quietest person like the National Commission. And only focus on the work and discuss work only. I am talking for my engagement.

10           So, it is not somebody who will be too much on whatever. So, whatever was written, it was written by him, him not saying anything or whatsoever, including General Masemola. And I found them to be people who I respect a lot. But the others, they themselves, they are there outside in the social media.

          So, there is not any address on them reporting, because sometimes when you go out, you are allowing yourself to be exposed out there. But discussing what is being discussed, I do not see it as anything. For me, there  
20           was nothing. And I know of the division, and I try to stay on my lane and do my work and not be involved in anyone.

**ADV POOE:** General, do you accept that it cannot be coincidental that it is only these articles that are shared, when you accept that you get news about SAPS daily?

**LT-GEN SHIBIRI:** Yes. I got them from one person. Other

persons also forwarded to me.

**ADV POOE**: We are dealing with the chats that you have with you and Sergeant Nkosi. That there is a pattern that has emerged from the articles that you both share with each other.

**LT-GEN SHIBIRI**: I disagree.

**ADV POOE**: You disagree? It happens to be coincidental.

**LT-GEN SHIBIRI**: I disagree with the pattern issue. Nkosi sent me what he wanted to send me, and also in a report,  
10 then I send something similar to that, in line with that. To say, whatever you send, now this is the development, and here is what I have. So, I do not see a pattern. Or we are having something, which we are discussing about a person. It is written by somebody. And we are just forwarding it for somebody to see. So, I do not see any pattern, unless if ever we are writing it.

**ADV POOE**: General, it cannot be that just because it was written about somebody else, it just means you are just sharing it without more. You knew who you were sharing it  
20 with. And of course, you knew who Sergeant Nkosi is close to. You are aware of the divisions within, you said, tensions. I call them tensions, you say groupings. Whatever you choose to call it, you know where Sergeant Nkosi stands. You know who you are sharing these articles with. And you continue to share it with them. And they do

not relate to everything. Even on your part, they do not relate to any story about SAPS. They relate to these particular generals.

**LT-GEN SHIBIRI**: Yes, but I have responded on the article of General Khan, to say actually this thing is eroding the name of the police. I did respond. But sending it is not saying I promote what is happening, or it must escalate or whatever. As I have said, including our communication, they are publishing the same thing, negative or positive, for  
10 us to see, and then in a way of ensuring that we deal with that, if it may, internally. But if ever it is a sin for me to send to somebody, I know what I have seen, then I apologise.

**ADV BALOYI SC**: But, General, you could not have been sharing with Sergeant Nkosi so that we can deal with it internally, to use your word. He is far junior in the organisation, so that could not have been the reason that you share with him these bad stories, what you identify as being bad for the reputation of the SAPS that is playing out  
20 in the public. There has to be another reason why you are sharing with this junior employee.

**LT-GEN SHIBIRI**: Yes, I understand what the Commissioner is saying. As I have indicated before, that Sergeant Nkosi is close to lots of senior officers, and whatever information he is getting, he will share with me.

And if you check most of this sharing, it comes from his side, not from my side. So, yes, he is junior. The only one where I have seen something which I think, as a junior, I was also worried to say, where does it come from?

It is only that one page of the audit, because it was confidential, to say where do you get this, and in future can get you into problems. Whoever sends you, if it is a senior officer, do not send it to anybody because this can put you into a problem. But the others, I did not see any reason to  
10 say it is non-consumption for juniors, or it is consumption for seniors. News is news.

**ADV BALOYI SC:** What I was doing was testing your immediate response to Ms Pooe, that you were sharing these, to say these are the things we need to deal with. So, when I say he is a junior employee with absolutely no power to deal with anything, so you could not have been exchanging these with him on that basis. It may have been gossip at its most innocent, sharing, look what is happening with these people, or at its worst, and maybe let me put it to  
20 you as a possible explanation, that you, like Sergeant Nkosi, you were part of a particular grouping within the SAPS, and I am putting it just for your comment, because I think that is the point of what is being engaged with you about, that you have described groupings, you have said you were aware of tensions amongst the generals.

We have had enough evidence here in the Commission to know, or to have come to understand that within SAPS senior management, it seems indeed there are sides. And if it is suggested to you, that looking at the people that you are sharing about, you and Sergeant Nkosi, knowing Sergeant Nkosi's proximity to General Sibiya, which I am sure you will admit you know about, looking at all of that, it may suggest that you are sharing about the National Commissioner, about General Khumalo, the PKTT,  
10 because you are part of the other faction, with Sergeant Nkosi and his close superior, the Deputy National Commissioner and others. What do you say to that, if that is put to you as a proposition?

**LT-GEN SHIBIRI:** Commissioner, I hear you. Sergeant Nkosi, I do not think he is got the faction, he is in all the factions. Because whatever I will get, whatever he is talking to General Mkhwanazi, I will know. He will come and tell me, that is why I always we share. When he is talking to General Senthumule or General Sibiya, he will  
20 come and tell me.

So, me saying I do not fall under any faction, that is true. But I was placed in a faction because people perceived me as Sibiya's person, for no reason. Because, as I indicated before, when he goes somewhere for work, he will like me to be there. And when he tasks, in terms of

work needs to be done, he will task me. It also goes to General Senthumule, I even complained to him, to say, my boss is, you sometimes task me one thing, and you are not talking.

And the only thing which was saving me is when the protocol dictates, and when I write an information note reporting back on what I was tasked, even by the DNC. It must go through the office of the DIVCOM to sign, so she will see what I am reporting and what I am. So that  
10 happened. So, I will know to say, this said this well, and this is what he said about me, and that is why I have him close to me, because I said I can know everything.

Even though I indicated here, I even asked, are you an agent for which side or for what? Because you happen to speak to everybody and knows everything. And it seems somewhere you are told to go and say these things so that the other group can hear. But for me, sharing news, which is everywhere, even if I did not send, he can see. I did not see it as a problem, except that one which I mentioned, to  
20 say I saw it as a problem.

And I talked to him to say, hey, the person who is sending you this, just make sure you do not send it to anybody because it might put you into problem because it is classified. Knowing that maybe he might not be aware about how the minimum information security standard works

and so forth. So that is my answer to that.

**ADV BALOYI SC:** So, your answer is it would be incorrect to put you to be part of a faction, of any one of the factions.

**LT-GEN SHIBIRI:** Definitely. Factions put me where they want me, but I am not part of anybody.

**ADV BALOYI SC:** Thank you.

**ADV POOE:** General, is there a reason why in none of the chats or in response to any of the articles you do not convey to your displeasure at only being sent these types of  
10 articles?

**LT-GEN SHIBIRI:** Come again?

**ADV POOE:** Is there a reason why you do not communicate your displeasure when Sergeant Nkosi sends you only these articles?

**LT-GEN SHIBIRI:** I did on one.

**ADV POOE:** Yes, you indicated that that is not a good look for SAPS.

**LT-GEN SHIBIRI:** I did in one and the rest were there I have already seen them. Or I will say I have already seen  
20 this one. And some of them you will see after the chat, I will phone him and then talk to him to say, as I said about this other one, to say, hey, be careful of these other things. If you send it to other people, then it might be used against you.

But the rest, all SAPS members, they have seen it.

And it was sent to everybody. So, my comment, it will be where I advise. You will see sometimes I will advise in the form of quotes from some philosophers, indicating something and then sending it to say that those who know, they say this and that and that.

**ADV POOE**: General, the quotes to philosophers, my apologies.

**CHAIRPERSON**: I am very sorry to interrupt you, Ms Pooe. We understand that Mr Chaskalson wants to interpose an  
10 application, but perhaps, but only if it is an application for a postponement. But we would like for him to do that at a time when it is convenient for you in terms of your questions.

**ADV POOE**: It will just, to wrap up this news topic, just two more questions on my side.

**CHAIRPERSON**: Two more questions. Alright, thank you.

**ADV POOE**: Depending on the General's answers.

**CHAIRPERSON**: Thank you.

**ADV POOE**: General, the other noteworthy thing to say,  
20 you will see there is not a single positive article that Ngozi shares with you about these individuals. Neither do you, for that matter. Do you care to comment on that?

**LT-GEN SHIBIRI**: I do not know. Maybe he likes their articles or dislikes them. I do not know. I cannot speak on his behalf. I do not know.

**ADV POOE**: General, I am certainly not asking you to speak on his behalf, but what I can put to you is that he knew, you know why he is sending it to you, and you know which section and grouping he is part of. And hence, even on your end, there is no positive article that you send regarding these individuals. So even assuming, like you said on your version, that you see positive things and media this and media that, you could have sent positive things. You do not either. You send on the same sort of, on the  
10 same individuals, negative articles. You send them to Ngozi, Ngozi sends them to you. And you would have heard in other evidence that the same articles are then also circulating between Sergeant Nkosi and General Sibiya.

**LT-GEN SHIBIRI**: I send ...[intervenes]

**ADV POOE**: So, I put to you that there is a reason for that. And the plausible, one of the plausible explanations for this is because you are in that faction with Sergeant Nkosi. There is a brother in arms sharing the same articles with you. Do you care to comment on that?

20 **LT-GEN SHIBIRI**: Yes, for the 38 years I had in the police, I never belonged to any faction. And I will never belong to a faction now because I am about to exit. And, yes, I send one, one positive one to say a person who seemed to be a menace is arrested. I think this is positive. But the others, I did not have anything to send about them to say, unless if

ever - they are senior managers, all of them. And whatever happens, which is done, which they are on TV for, it is just relaying what SAPS is going to do and what SAPS has done and which is done by members. So, I do not know which one I must send. But I do not belong to anybody. I belong to Shibiri and the SAPS.

**ADV POOE:** General, the one article that you do correctly note, where you send something positive about what you call it a menace being arrested, it was in relation to Musa  
10 Kawula.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And if regard is had to your evidence and other evidence laid here, that stems from a discussion and exchange you had with Mr Matlala.

**LT-GEN SHIBIRI:** Exactly. Mr Matlala was a victim. And everybody who is a victim must be helped by the South African Police. So irrespective of his standing in the community, if you are a victim, you are a victim. I am a police officer, I assist everybody.

20 **ADV BALOYI SC:** But General, what distinguishes Mr Matlala, and I think it is a topic on its own, is he is your friend. He is your friend he is loaned you money. You take a particular interest in him. And whatever you do, we know how this story ends. It ends with Mr Kawula being arrested by Mr Nkosi. And I think your immediate subordinate,

Brigadier Ramangwa.

So, forget the Matlala messages, because I think in themselves, they are a topic for discussion. But the picture that comes out of your engagement with Sergeant Nkosi relating to Mr Matlala, including the document that you say you told him he should not have sent it because it would get him into trouble, it has its own particular significance. He is your friend, you get a benefit from him, you call it a loan, you say you repaid it, you continue to engage with him over  
10 a period, and it suggests you have a particular interest in his contract.

That is why you are sharing the interest in the sense of the fact that he is got a contract with the SAPS, it is getting cancelled. It suggests you have an interest in that story. Other than simple police obligation to assist citizens, Mr Matlala is a special case. Can you see how that picture emerges?

**LT-GEN SHIBIRI:** Yes, although I have a different view, I see it. But if you connect all of it, my involvement when  
20 Matlala sought advice on what to do in this kind of a situation, I advised to open a case, and then I advised Nkosi to assist. But however, he chose to go illegally, not opening a case. Something else happened relating to the same person, and the case was opened and was arrested, and I was not aware of that particular investigation, and I

was never involved. So that is the difference.

**ADV BALOYI SC:** Maybe let me stop it here so that I do not disrupt Ms Pooe's, what do you call it, tempo, and how she plans to go about it. We will come back to it.

**ADV POOE:** And then, General, you said interestingly in response to one of the questions that people perceived you to be part of General Sibiya's people. And I mean, from this conduct, and just if you look at the pattern that emerges, how else were they supposed to perceive you? Because  
10 this looks like you are playing into those conversations when you yourself also share those articles on that tone.

**LT-GEN SHIBIRI:** I do not see anything to perceive me with General Sibiya because where he invited me to go, it was work-related. Most of the time, the Minister will be there, the National Commissioner will be there, maybe the DIVCOM will be there. And then when we come back, I implement what is supposed to be implemented. So, I must be perceived as a good worker other than belonging to somebody.

20 **ADV POOE:** General, we will get into the issue of Musa Kawula and Mr Matlala's contract in detail. I will leave it there for now.

**LT-GEN SHIBIRI:** Okay.

**ADV POOE:** But I do think you must bear in mind that this has painted a particular picture, and I will show you when

we get to those two topics that it only gets worse. I will leave it there, Chair.

**CHAIRPERSON**: Thank you, Ms Poee. Mr Chaskalson?

**ADV CHASKALSON SC**: Chair, I am not sure if I have arranged to ...[intervenes]

**CHAIRPERSON**: For a microphone, perhaps? Do not you need your laptop? Not at this stage.

**ADV CHASKALSON SC**: Chair, I had arranged to do a short postponement of a witness who had been called to  
10 appear today. That witness has a pending an *in-camera* application, which we are hoping to deal with on Friday. So, can we refer to the witness now as Witness G until that application is dealt with? I had initially arranged 11:30, thinking that that is when getting the tea break wrong.

I am not sure if the witness is available at this point. I am not sure the witness needs to be available at this point. If we can simply excuse the witness to a date to be determined by the evidence leaders, because we will re-subpoena the witness after the *in-camera* application has  
20 been disposed of and the witness is not going to be coming back in a couple of days. There is more than enough time to issue a subpoena again.

**CHAIRPERSON**: It is so directed. Thank you, Mr Chaskalson.

**ADV CHASKALSON SC**: Thank you, and apologies for the

interruption.

**CHAIRPERSON**: Thank you. No problem at all. Witness G, on screen, it looks like you are here. Witness G, can you hear us? Hello? You are muted, I think. Thank you. Apologies for the interruption. Can you hear us? You are muted, Witness G. Unmute yourself, please. Let us just leave it. There are complications. They are directed as you requested. Thank you, Mr Chaskalson.

10 **ADV CHASKALSON SC**: We will get the message to the witness.

**CHAIRPERSON**: Yes, yes. May we adjourn for a short while? We will come back when it is indicated when we should do so. Let us adjourn.

### **INQUIRY ADJOURNS**

### **INQUIRY RESUMES**

**CHAIRPERSON**: Mr Mkiza, I assume that you did tell the General what was going on. Thank you, thank you. Ms Pooe.

20 **ADV POOE**: Thank you, Chair. I am going to move to the next topic. And just to note before we move to the next topic that General, in this section that we just dealt with, dealing with Sergeant Nkosi, from paragraph 133, you deal with the Musa Kawula issue. So, I am not going to deal with that now. I think it makes more sense for us to look first at your relationship with Mr Matlala, and then we will

turn to dealing with that issue after. So, if we can go to page 44, so paragraph 140 of your statement. General, you will let me know when you are there. And also, do not forget your mics. Your microphones. Microphone.

**LT-GEN SHIBIRI**: They are on now.

**ADV POOE**: Thank you, General. And so, General, you explained to us that you met Mr Matlala in 2016.

**LT-GEN SHIBIRI**: That is correct.

**ADV POOE**: And you met him through a Mr Mbilini, who  
10 was also a police officer at the time.

**LT-GEN SHIBIRI**: That is correct.

**ADV POOE**: Now, when you meet Mr Matlala through Mr Mbilini, what does he tell you about Mr Matlala?

**LT-GEN SHIBIRI**: He indicated his friend, and also, he did business for him.

**ADV POOE**: Excuse me, he did business for him?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Was this during the time he was a police officer?

20 **LT-GEN SHIBIRI**: No, no, he was no longer a police officer. He was doing this acid-proofing construction. It is sort of a cement which they put for corrosion.

**ADV POOE**: Okay, and when Mr Mbilini tells you that Mr Matlala is his friend, did you enquire any further into who Mr Matlala is at that point?

**LT-GEN SHIBIRI:** No.

**ADV POOE:** Okay, you just left it at he is a friend.

**LT-GEN SHIBIRI:** No, yes.

**ADV POOE:** Alright, then you say that you then occasionally met with Mr Matlala, either because he would join you, or because you would find him with Mr Mbilini.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Do you recall the frequency within which you met Mr Matlala?

10 **LT-GEN SHIBIRI:** Mostly on Fridays, if I was not out of the province, because that time I was at the head office, I was still a colonel, and most of my job was going out to do an inspection. So, Fridays, when Mbilini is this other side, we will go to that restaurant before we go home back at West Rand. So maybe once, twice a month, I can estimate.

**ADV POOE:** So once or twice a month is fine. Do you have a sense of when you first met him in 2016? Because you say that after Mr Mbilini passes away in November 2016, you stopped meeting with him. So, do you recall  
20 when?

**LT-GEN SHIBIRI:** Because I had one photo with Mbilini and we were wearing warm. I think it might be around wintertime.

**ADV POOE:** May, June?

**LT-GEN SHIBIRI:** Maybe June, July, somewhere there.

**ADV POOE:** And then at the point where you start to see Mr Matlala more often, and this I mean that you now starting to find him there or he comes and joins you. Did you think about looking into who he was for your own purpose or your own benefit?

**LT-GEN SHIBIRI:** No.

**ADV POOE:** Okay, and in these discussions where Mr Matlala joins you or you find them there, what were the discussions about?

10 **LT-GEN SHIBIRI:** They would talk about their work and then also in general about life, sports, but most of the time the talk was between themselves.

**ADV POOE:** So, in these encounters, you would listen to them talk about their work and sometimes there would be general talk about other things.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then you say that you did not look into him when you are now seeing him a lot more after you have met him. Is there a reason why?

20 **LT-GEN SHIBIRI:** Yes, in my lifetime I meet a lot of people, I do not look at them unless I have a reason.

**ADV POOE:** I guess my question is at this point you are seeing him once, twice a month?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So, you just did not see a need to?

**LT-GEN SHIBIRI:** No.

**ADV POOE:** Alright, and during these encounters in the early days, what did you make of Mr Matlala?

**LT-GEN SHIBIRI:** One, he does not drink. Two, he does not talk too much. He likes laughing, commenting there and there, but he is not somebody who is talkative.

**ADV POOE:** He is not somebody who is talkative. Okay, then you say you lost – so, during this, in 2016, you never exchanged contact details with Mr Matlala?

10 **LT-GEN SHIBIRI:** I think we did, but we never phoned each other. I do not think we phoned each other in 2016 until we met again. We exchanged numbers and then I think then we phoned each other.

**ADV POOE:** When you say you did not phone each other, does this mean that you also did not communicate on any other platform?

**LT-GEN SHIBIRI:** No.

**ADV POOE:** Alright, and then you say that in 2016, after Mr Mbilini's passing, you lost communication. Was that  
20 because in 2016, Mr Matlala was more of, was in fact Mr Mbilini's friend and not yours?

**LT-GEN SHIBIRI:** Yes, and I stopped going, going there, I stopped going, passing by there and so forth.

**ADV POOE:** Alright, you then say that you regained contact with Mr Matlala in 2019. In 2019, you say you

accompanied Brigadier Modise to Mr Matlala's premises for work-related purposes. When you say you accompanied Brigadier Modise, were you part of this investigation or were you just accompanying him?

**LT-GEN SHIBIRI:** Yes, it was an investigation. He requested me to go with him there.

**ADV POOE:** I am asking if you were part of that investigation.

**LT-GEN SHIBIRI:** I have been part of it because I was the  
10 one who drafted the investigation plan because of those people who were involved. And I was asked from head office to be part of the province to assist with that grouping.

**ADV POOE:** Alright, so you were part of the investigation. And you say that the purpose of the visit was to talk about a person of interest in that very investigation. And you say that the information available was that Mr Matlala was providing VIP security services for that particular individual. When you say from information that was available, what information was available on Mr Matlala?

20 **LT-GEN SHIBIRI:** Information available on Mr Matlala?

**ADV POOE:** Yes.

**LT-GEN SHIBIRI:** Was that he was providing security to the person of interest whom we were looking for.

**ADV POOE:** And was there any other information you were looking at? Or because the subject matter was the person

who he was protecting? You were not necessarily looking into him?

**LT-GEN SHIBIRI:** We were looking for that person. And we indicated that he knows the person. And if he sees him, he will assist us. We exchanged the numbers again. Fortunately, the person handed himself.

**ADV POOE:** Alright, so let us deal with your interactions then at that time with Mr Matlala. You say you exchanged contact information. Who initiated this, the exchange of  
10 contact information?

**LT-GEN SHIBIRI:** It is us, me and the Brigadier.

**ADV POOE:** You and the Brigadier?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And the purpose was for him to assist you with locating this individual?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then this ...[intervenes]

**ADV KHUMALO SC:** What is a person of interest? Maybe in the context of your paragraph. Is it somebody who is a  
20 suspect in a case? In a criminal case? What do you mean when you say a person of interest?

**LT-GEN SHIBIRI:** Yes, thank you, Commissioner. I chose to use that word for protection because the person is now serving some years. And maybe he might know. He was a suspect.

**ADV KHUMALO SC:** Yes, I do not want a name. I just need to know that when you say a person of interest, it is a suspect in a criminal case.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Yes, thank you.

**ADV POOE:** You then say you exchanged information for purposes so that you can ask him about locating this person. You then, of course, start to communicate with Mr Matlala.

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

**ADV POOE:** And now, once you have done with the person of interest who handed them in, how did your communications with Mr Matlala develop?

**LT-GEN SHIBIRI:** Telephonically, he will seek advice with something. I will also call to ask about certain information which I need on the line of my work.

**ADV POOE:** When you say information in line with your work, what does that mean?

20 **LT-GEN SHIBIRI:** I am an investigating officer responsible for organised crime. There is a lot happening and it is in that industry whereby it is the space of knowing lots of people. So, I was hoping it will not go deeper than that for security reasons. Then as we work with security people, then you will ask, you will know of people who maybe might be knowing more especially some incidents which are

related in certain space.

As I have indicated, I outlined a lot of things which I am doing in line of my investigation. So, dealing with organised crime, it needs a lot of penetration and infiltration of people and some good people, some bad people in order to get information. It is not something which you can go randomly and get information which can lead you in being successful in doing what you are doing. I did not even want to go to that length.

10 **ADV POOE**: General, when you say that I understand that in the line of your employ, you have to, as you said, infiltrate and talk to people in various different lines of business and you said good or bad. At this stage, what was Mr Matlala?

**LT-GEN SHIBIRI**: That time was good for me. In front of me, he was a good person. I did not have anything against him. I did not hear anything bad about him, and I have seen the business. I have been in his office. In first  
20 glance, the setup, office setup, you will see this is serious business. I did not have anything against him.

**ADV POOE**: So General, you ...[intervenes]

**CHAIRPERSON**: In 2019, what business was this?

**LT-GEN SHIBIRI**: It was the same CAT VIP Security Service.

**CHAIRPERSON**: Thank you.

**ADV POOE:** General, you say that he looked like a good person. This impression you derived from just how his business looked, that it looked like a serious operation.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Did it occur to you to do even a preliminary check on him?

**LT-GEN SHIBIRI:** No.

**ADV POOE:** Why not?

**LT-GEN SHIBIRI:** As I have indicated earlier, you should  
10 have a reason to start profiling somebody, meaning I must have a suspicion of some sort or certain thing which was said which I heard or suspecting that he might be doing something wrong. Other than that, I will be profiling everybody I am meeting. So, I do not do that unless I have a reason. I can meet you, see you driving a certain vehicle and then your business and what you are driving and what you are wearing does not correlate. Then it can raise some eyebrows to say, let me look at this one.

**ADV KHUMALO SC:** General, you said when you went to  
20 see Mr Matlala in 2019, you went to his business premises to enquire about a criminal suspect that he was providing VIP services for. Was that not good enough reason that he is providing security to this criminal suspect who is later convicted and serving a long sentence? I mean, would you not want to check on a person like that firstly to see if they

are reliable, they are not associated with this criminal suspect, and the information they provide to you is not reliable? Will those things not, I mean, you say you are involved in investigation of organised crime. Organised crime is not one person it is a group of people.

**LT-GEN SHIBIRI:** It is a group of people, yes.

**ADV KHUMALO SC:** So, at that stage, why were you not interested in checking whether he is not involved with the very people that you are investigating?

10 **LT-GEN SHIBIRI:** Yes, his cooperation and how he assisted us, it seems to be a clean person. It depends on what you are looking for this person for, even though what we are looking for that person for was very, very dangerous.

**ADV KHUMALO SC:** Exactly, that is my point.

**LT-GEN SHIBIRI:** Yes, it was very, very dangerous and was also a serious businessperson who was involved. Mostly the businesses will be those businesspeople, but it was one incident and we did not think of maybe he might be involved with those particular persons.

20 **ADV POOE:** General, but just a little earlier you said you continue talking to him because he could provide that kind of information.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** I am assuming it is because you think he may know where persons of interest may be.

**LT-GEN SHIBIRI:** Yes, he is well known, and he knows lots of people whom maybe myself and yourself will not get near to them.

**ADV POOE:** Yes, to the answer that you gave to Commissioner Khumalo, so it was not one incident. Do you believe that he could give you information about others? Is that not more reason to do a check on him, particularly because you are going to be seeking information from him?

**LT-GEN SHIBIRI:** Yes, it is correct. If you see something  
10 linking to that particular person, then you check on the person.

**ADV POOE:** Is he not linked then to a criminal because you were saying he is providing security services to that individual?

**LT-GEN SHIBIRI:** Growing from a certain point and a place knowing lots of persons does not necessarily mean you are a criminal. You might know a lot of people by sight or by other people whom you met and a lot of incidents which happens in particular places, they are those people who are  
20 in the know. And who can inform you unless such time, such time you feel they might be recruiting these people themselves.

If I can give an example, I had a person who was giving me information of a group who was robbing garages and shops. And later on, I noticed that, no, I profiled the

guy, I found that because I have seen certain behaviour and I found that he is got a warrant of arrest. But still I did not arrest him until I finished the whole group. Then I arrested him because he was going to start another group. But that time, with him, he did not yet reach that stage that I was so suspicious of him or seen something which I can start profiling in order to check if he ever is not involved.

**ADV POOE:** So General, the fact that on your version he gave protection to somebody who was a subject or a suspect in a serious investigation, and you seem to intimate that he knows people and knows various incidents, it just did not occur to you to even do a preliminary check?

**LT-GEN SHIBIRI:** No, providing security, it was his business.

**ADV POOE:** I understand that General. I am saying looking at everything holistically. You say after that person, you continue to talk to him because he knows people, he knows places, he knows events, all of that.

**LT-GEN SHIBIRI:** Yes, and it was going to be of assistance of me to getting closer to him to get information as and when I want. But it did not come to me that I must profile him that time.

**ADV POOE:** At that time? Or at any time, really? It did not occur to you that you needed to profile him at that time.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE**: Or any other time, for that matter?

**LT-GEN SHIBIRI**: Yes, I thought we were talking when I met him and when I was engaging with him until certain period.

**ADV POOE**: But we know, General, from your statement that you had never profiled him or run any kind of check on him.

**LT-GEN SHIBIRI**: No, I had seen his profile this year, 2025, when all these things were coming out.

10 **ADV POOE**: By then, General, that was when everything had come to head and he was getting arrested?

**LT-GEN SHIBIRI**: Exactly.

**ADV POOE**: I just mean between 2019 and basically 2025. And no matter how frequently you chatted, no matter what kind of information he gave you, it simply never dawned on you between 2019 and 2025 to do a check on him?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Thank you, General. You then say that the interactions were limited and informal. Do you have a  
20 sense of how many of those interactions took place?

**LT-GEN SHIBIRI**: Interaction telephonically?

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: I cannot say because you will phone as there is a need. I will phone as there is a need. Meeting physically. For example, 2024, we met once.

**ADV POOE:** 2024, you met once at?

**LT-GEN SHIBIRI:** At the party.

**ADV POOE:** At the party, okay. And the calls, both the calls and the meetings, who would initiate? Who would initiate? Was it you who called him most of the time or he called you most of the time?

**LT-GEN SHIBIRI:** No, we did not have many meetings. As I said, it would be telephone calls. And then when we meet, like this one of 2024, I did not know he would come. We  
10 met because I was invited and not knowing he is also invited to the party. And then we met at the party. And then the other one, 2023, it happened I was still at the head office. I attended a meeting until late, and we happened to speak on the phone. I passed his office.

**ADV POOE:** Right. Thank you, General. And in terms of call, who called who more? Did you call him more or was he calling you more?

**LT-GEN SHIBIRI:** I cannot tell.

**ADV POOE:** You cannot recall?

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

**ADV POOE:** Okay. Just the sample is quite small because of the limited cell phone information we have from what the Commission has been given. But if you go to CJC 86, which is at the beginning of file 3, where the chats are.

**LT-GEN SHIBIRI:** I am there.

**ADV POOE**: You will note from the calls that in relation to this phone and over. It is just a short period. It is a five-month period. You called Mr Matlala more than he called you.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Right. And if you also go to ...[intervenes]

**ADV BALOYI SC**: How do we see that, Ms Pooe?

**ADV POOE**: My apologies, Commissioners. If you look at the - I want to say white, but perhaps grey. Those would be  
10 the calls from General Shibiri to Mr Matlala.

**CHAIRPERSON**: Is that page 1 to 4?

**ADV POOE**: Page 1.

**CHAIRPERSON**: To 4?

**ADV POOE**: To 4, yes. And then the green, where it says audio, video call, those would be the ones that come from Mr Matlala going to General.

**CHAIRPERSON**: I think it is actually white, not grey.

**ADV POOE**: I yield.

**CHAIRPERSON**: And the green is probably lying. See, I  
20 am one up on you. It is a lie to say women know colours. Yes, yes, Ms Pooe.

**ADV POOE**: Chair, I was not trying to be technical because I did not want to lose you. But I appreciate now that you are on it. General, if you also have regards to - I am going to go to file 4 briefly. Page 6 of file 4. So, you

will see there it is a table. It is a summary of mobile data.  
Record analysis, can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And just for orientation purposes, there is a column called call type. It will either say MOC or MTC.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** MOC is where General Shibiri would have initiated the call. And MTC is where Mr Matlala would have initiated the call. You will also see CF, which is call  
10 forwarding.

**LT-GEN SHIBIRI:** And where? CF.

**ADV POOE:** On that same page, the third one on the first, you say CF, call forwarding. And General, if regard is also had to the sample. Again, I do appreciate that the sample is small. But if you look at the earlier WhatsApp conversations we have given, it is evident there that most of your communications or the calls were on WhatsApp. So, this represents the calls we could pick up from call data. And in that small sample as well, what you will see is that  
20 you call him more than he calls you.

**ADV BALOYI SC:** Maybe, Ms Pooe, for the record, you should say out of how many calls, so much is initiated by the General and that much by Mr Matlala.

**CHAIRPERSON:** I did a quick count page 1 to 4 and I see there are 10 by the General and 7 by Sergeant Nkosi. Do

you want to check that, General?

**LT-GEN SHIBIRI**: I am on page 6.

**CHAIRPERSON**: Oh, I said, oh, I am very sorry. I am very sorry, Mr Matlala. Mr Matlala, I know I took you back. I took you back to 1 to 4, which is when Ms Pooe started.

**LT-GEN SHIBIRI**: I think it ends at page 8, where it says Mr Matlala.

**CHAIRPERSON**: Oh, okay, alright, alright, I will leave what I was drawing your attention to. Please continue with  
10 your response.

**LT-GEN SHIBIRI**: So, I counted 8 calls for me, 8 calls for Matlala, and there is one CF.

**ADV POOE**: On our count, General, MOC, we count 9, and MTC, we count 8. Oh, my apologies.

**LT-GEN SHIBIRI**: I still count 8.

**ADV POOE**: Yes, we included one that was not.

**LT-GEN SHIBIRI**: I still count 8.

**ADV POOE**: Yes. So, bearing in mind that it looks like the primary platform for your communication, being WhatsApp,  
20 looks like you call him more than he calls you.

**LT-GEN SHIBIRI**: Yes, somewhere there will be a reason.

**ADV POOE**: Okay, so, those calls were pretty ...[intervenes]

**LT-GEN SHIBIRI**: So sometimes you call a person, you do not find him, you call again. Or the person calls you, you

do not find you, you call again. And like the one of the WhatsApp, I called on the 31<sup>st</sup>, twice, because I was looking for an account. And he responded and he sent the account on WhatsApp. And on the following day, I called to find out if ever he received the money. And also, WhatsApp, the proof of payment. So, it will depend on what are you looking for. For sometimes he will phone you, asking something, you go and enquire, and then phone back.

**ADV POOE**: Okay, General, since you want to go there, let  
10 us go to page 87 of file 4.

**LT-GEN SHIBIRI**: 87 of 4.

**ADV POOE**: So, what this table is, it shows the call durations of those WhatsApp calls between yourself and Mr Matlala.

**LT-GEN SHIBIRI**: I am lost now.

**ADV POOE**: Oh, my apologies. I am going to ask somebody to help you. File 4.

**LT-GEN SHIBIRI**: File 4?

**ADV POOE**: Yes, the one that had the ...[intervenes]

20 **LT-GEN SHIBIRI**: Yes, I am having it, it was only the page.

**ADV POOE**: Oh, 87, my apologies.

**LT-GEN SHIBIRI**: 87. I do not have it.

**ADV POOE**: You do not have 87?

**LT-GEN SHIBIRI**: Oh, it is here, yes.

**ADV POOE**: See, General, you just said that sometimes he would call, ask you this, and then go back and check and your call back. If you have regards to the first call on the 30<sup>th</sup>.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: That was a 15-minute call.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Between yourself and Mr Matlala.

**LT-GEN SHIBIRI**: Yes.

10 **ADV POOE**: Correct?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then, so you say there you would be calling. I suppose my question is, you seem to minimise how significant the calls were, but if you look at the first one, that was a 15-minute call. It was a detailed conversation that you were having with Mr Matlala. Do you recall what it was about?

**LT-GEN SHIBIRI**: Yes, it was on the 30<sup>th</sup>, it was about the account.

20 **ADV POOE**: For 15 minutes?

**LT-GEN SHIBIRI**: Yes, he was in a meeting and then made me to hold.

**ADV POOE**: He was in a meeting, and he made you hold for 15 minutes?

**LT-GEN SHIBIRI**: Yes, he was coming back to me, yes, he

made me to hold.

**ADV POOE**: General, that sounds improbable, and I am assuming that you have quite the workload to be waiting for 15 minutes on a call, as opposed to just saying call me back when the meeting is over.

**LT-GEN SHIBIRI**: Yes, I do not know why it did not come that I drop and whatsoever, but I waited and then he came back, but not exactly after 15 minutes. But we took a long time waiting for him to come back to me.

10 **ADV POOE**: And General, you can see the time of the call was in the middle of the day, it was at 1.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So you are, I genuinely find that implausible.

**LT-GEN SHIBIRI**: But that is what happened.

**ADV POOE**: That is your version. Then you go to the second call, which is on the 31<sup>st</sup> of December.

**ADV KHUMALO SC**: Ms Pooe, can I suggest that you give the year? We have it in front of us, but when we read that transcript in two months' time, you might struggle.

20 **ADV POOE**: My apologies, Commissioner. This is in 2024. So, this, on the 31st of December 2024, at 09:42, there is a five-minute call. And you said earlier, it was to check if Mr Matlala received the money.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Again, that is a five-minute call.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So General, when you shrug your shoulders.

**LT-GEN SHIBIRI:** Yes, I am saying now do not run tight. I cannot remember what happened. Was he opening to check the WhatsApp and what? I do not run time, but that is what happened.

**ADV POOE:** So, you think what happened was you called him to check if he received the money.

**LT-GEN SHIBIRI:** Yes.

10 **ADV POOE:** And he was opening his WhatsApp.

**LT-GEN SHIBIRI:** And thank him, yes. No, I am not saying he was opening. I do not know. I cannot remember.

**ADV POOE:** General, I guess if the call was really, did you get the money? It does not explain why the call is five minutes.

**LT-GEN SHIBIRI:** I do not know. People greet each other. You do not just call and say you received the money and whatsoever. So, I do not know. We greet each other. Then we talk. You received the money. I just deposited and  
20 whatsoever. And they check. But as I was saying, I cannot tell what happened. But for me, the five minutes between people who know each other is reasonable.

**ADV POOE:** So, the suggestion is because you know each other, people who know each other take long to greet each other. Bearing in mind you just spoke the previous day. It

is not like you have not seen you in a long time. How are things? How are the kids?

**LT-GEN SHIBIRI**: Me now, I am Tsonga. I greet the way I grew up. And he talks how he talks. So, I do not know. I cannot say what happened. But what I can say is I greeted. And then he greeted. I indicated what I wanted to indicate. I thanked him. And then our call ended.

**ADV POOE**: Alright, General. And just in relation to both calls, bearing in mind the call duration, and I referred to the  
10 one of the 30<sup>th</sup> as well, could Mr Matlala have talked to you about the operation that was conducted at his place on the 6<sup>th</sup>? Because we know from evidence laid before the Commission that on the 6<sup>th</sup>, Mr Matlala was visited by members of GCI Ops.

**LT-GEN SHIBIRI**: Funny enough, he never told me I heard it from somebody.

**ADV POOE**: So, on both occasions, this issue never came up?

**LT-GEN SHIBIRI**: Which occasion? The occasion of the  
20 6<sup>th</sup> ?

**ADV POOE**: The calls, the two calls.

**LT-GEN SHIBIRI**: The two calls? On the 30<sup>th</sup> and ...[intervenes]

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: No.

**ADV KHUMALO SC:** But by then, you knew that the operation had taken place. When these calls were happening, you knew that on the 6<sup>th</sup> of December 2024, there was an operation at Mr Matlala's house.

**LT-GEN SHIBIRI:** Yes, I was told that there was an operation. But remember, on the 6<sup>th</sup>, I was sick.

**ADV KHUMALO SC:** I accept that.

**LT-GEN SHIBIRI:** Yes, and then I think around 16, 17, that is when I became aware.

10 **ADV KHUMALO SC:** I want to ask you a follow-up question. You said earlier, one of the reasons you were calling Mr Matlala was because he had dropped your name to some people.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** He had told some people that he knew you, and that upset you. Did I understand you correctly?

**LT-GEN SHIBIRI:** That is correct, Commissioner.

20 **ADV KHUMALO SC:** I am assuming these people are policemen. That is why it upset you? Because if he mentioned your name to a random person, you would have no reason to be upset.

**LT-GEN SHIBIRI:** Yes, even to random, to say what he said, like his person or whatever, it would upset me. But that one, I was told in January.

**ADV KHUMALO SC:** Why would it upset you that Mr Matlala knows you, and he tells another person that he knows you? Why would that upset you?

**LT-GEN SHIBIRI:** Yes, if you say it in a good way, to say, I know Shibiri ...[intervenes]

**ADV KHUMALO SC:** Yes.

**LT-GEN SHIBIRI:** I know the General. For example, he met with Nkosi and said, no, I know the general. I phoned him, and then he spoke to me. But when you go around  
10 saying, I have my person, as if I am doing something, if you do something wrong, I can be of your assistance. That is what annoyed me.

**ADV KHUMALO SC:** And that is really where I am getting at, that the reason you were upset with him was because he had told other policemen that you are his person, and that upset you.

**LT-GEN SHIBIRI:** Yes, I was told by a policeman.

**ADV KHUMALO SC:** Exactly, that is my point.

**LT-GEN SHIBIRI:** In January, not in December.

20 **ADV KHUMALO SC:** Yes, but a policeman had told you that Matlala told them that you are Matlala's person?

**LT-GEN SHIBIRI:** No, told others, not him.

**ADV KHUMALO SC:** Who told who? I am getting confused now. You said you heard this from a policeman?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Who told that policeman that Matlala said you are his person?

**LT-GEN SHIBIRI:** No, I did not ask who told him. But he said when they were interviewing him, he said you are his person. And then that is when I phoned and said, why did you say what you said?

**ADV KHUMALO SC:** When they interviewed him on the 6<sup>th</sup> of December?

**LT-GEN SHIBIRI:** I am not sure when. I was told on the  
10 24<sup>th</sup> of January.

**ADV KHUMALO SC:** Because the other time I think the police have an interaction with Mr Matlala is in May 2025. So the interaction you are referring to can only be the interaction of the 6<sup>th</sup> of December 2024.

**LT-GEN SHIBIRI:** I am not in disagreement, Commissioner. But it came to my attention in January.

**ADV KHUMALO SC:** Okay.

**ADV BALOYI SC:** I mean, if he says, and I do not know whether you are quoting verbatim what he is supposed to  
20 have said. If he says you are his person, I do not see why you would be upset. Because as a matter of fact, you are buddies with him. You lend each other money. You have these many calls with him. You have told us earlier in your statement that you used to give him advice, including on personal legal matters.

So, it seems to me that he is not wrong if he tells people that you are his person. Is it in the language that he used? Is it something more specific that would upset you? Because you get upset as if you - I would understand being upset if you had nothing to do with him. But you actually do have a close relationship with him. Why would you be upset that he tells somebody that you are his person?

**LT-GEN SHIBIRI:** I have close relationship with lots of people.

10 **ADV BALOYI SC:** Mr Matlala, too.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** We are discussing Mr Matlala.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** I expect in your work ...[intervenes]

**LT-GEN SHIBIRI:** Okay, I have ...[intervenes]

20 **ADV BALOYI SC:** Let me finish, General, so that certain things do not become an issue in your answer. Take it or accept that you have close relationships with other people, including Sergeant Nkosi and other people in your social circle. So that is not the debate now or the conversation. My question is, this one person that you have a close relationship with, or more than, if it makes you more comfortable, you have more than an arm's length relationship. He is not a casual acquaintance of yours. He is given you money. You are speaking to him on a regular

basis. You have given him advice. What would upset you that he tells people that you are his person?

**LT-GEN SHIBIRI**: Yes, it angers me when he told the people that I am his person, meaning I can protect him from any wrongdoing. That is what makes me angry because that could never happen. And the issue of he gives me money, it is not like he gives me money when he sees me or whatever. He loaned me money, which I paid back. And yes, he is a friend, but he is not a friend whereby we are  
10 going out together every weekend or going to parties together and so forth.

So, my anger was based on that, what was said, of which he denied. But I did not take it. I said, but you cannot say I am your person. I can protect you from any wrongdoing. It cannot. It cannot be like that because I will never protect anybody from any wrongdoing. If somebody commits a crime, he is a friend of no friend, then I will arrest such person. And most of those people who knows me, they cannot even start doubting or asking such  
20 questions to me because they know me.

**ADV BALOYI SC**: Maybe you are that person that you would arrest him if he did wrong, but you surely cannot blame him given the nature of your relationship, how close it is. And I do want to underline there is a financial relationship. It may be a once-off activity. If it is a once-

off activity, it may be a lone if indeed it was a lone, but you surely cannot blame him to form the impression, even if you did not say anything to him, to form the impression that he knows the head of organised crime who has this close relationship with him in the way that you have described it, for him to think that.

Because remember you have also advised him, including about personal matters and other legal matters, to form the impression or to hold the impression that you would come to his assistance if there were problems. We  
10 know what happened with Kawula. You forwarded to Nkosi to do something about it. So, if Mr Matlala were to come here and say, my relationship with General Shibiri is such that I had the impression that he would assist me if I ran into trouble with the police, you cannot blame him for that, for that impression. Do you want to comment?

**LT-GEN SHIBIRI:** Yes. If it were me, I would not do that. People are different, but the inference to Kawula is different. Whereby he is a victim, and it is my job to deal  
20 with crime. But I was referring to the instance where he is on the run, and then he expects me to assist him or to make sure that he cannot be arrested. Assist, you can assist anybody who is related to you, legally so.

For example, getting him a lawyer if it is necessary and whatsoever. We all have friends we all have family

members who sometimes can be in conflict with the law and need our assistance. And as human beings, we will assist each other. But my reasoning was, and what makes me angry, what I was trying to explain, is what was said to those people.

So that is what made me uncomfortable to say, you cannot say this and say nothing will happen to me. I have got severe, you know, which cannot be, I am not certain, or I am not somebody who can condone something illegally to  
10 happen and come and say to assist him. So, I wanted to draw the distinction.

**ADV BALOYI SC:** Can I put this to you for your comment? That you have the kind of relationship, and again, I want to underline, because at least where I am sitting, it is very important that there has been this money exchange between you and him. A fact that we cannot do much about, we cannot delete it. Are you prepared to accept, you may not have thought about it at the time, but are you prepared to accept that the fact that you, there has been a money  
20 exchange from him to you, may well create anxiety about your neutrality when it comes to matters dealing with Mr Matlala?

I mean, you have been a beneficiary financially from him. Even if you repaid him, you were in a bind at some point, according to you, and he assisted you. So,

there is a benefit that you got. So, you have been a beneficiary of his generosity. Do you accept, sitting there, General, you may not have thought about it then, sitting there, do you accept that it is a cause for concern to, or it would be a cause of concern to anyone who has a complaint against Mr Matlala to come to you and say, help me.

They do not know you. I am a citizen. I do not know anything about you. All I come to know is you are friends with Mr Matlala, and he gave you money when you had a problem. Are you able to accept that it would be reasonable for me to be concerned that I have an issue, I cannot go to General Shibiri about a complaint against Mr Matlala because they are friends and he is given him financial assistance.

**LT-GEN SHIBIRI:** Yes. I hear you, and yes, other people can take it like that and say, no, we cannot go to him if we have something against Matlala because Matlala once assisted him. But if it was saying, I assisted Matlala for exchange of something, it will make it worse. It will make it genuine for those people to think like that. But anyhow, I cannot think, everybody will think the way they want to think. But yes, I agree with what you are saying. It puts perception to other people.

**ADV BALOYI SC:** Thank you, General.

**ADV KHUMALO SC:** Can I just give you context? On the

date of the raid on Mr Matlala's house on the 6<sup>th</sup> of December 2024, you owed Mr Matlala, on your version, R50 000 because you had only paid him 20 of the 70 000 that you owed him.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Now, there is a suspicion that either you or Captain Nkosi, Sergeant Nkosi, tipped off Mr Matlala on the 6<sup>th</sup> of December 2024, when there was a raid at his house. And when you say you were upset that he  
10 mentioned to those people, or later, not even on the day, but later, but certainly before January, that he mentioned to those people that they cannot touch him because you are his person. That is the context. That is why it is a source of concern that head of organised crime owed Mr Matlala money at the same time that Mr Matlala was the subject of a criminal investigation. I hope you get the context. And why it is concerning to all of us.

**LT-GEN SHIBIRI:** Commissioner, I know I will not go anywhere with this one because it is there. In context or  
20 not in context, I borrowed the money, not knowing it has been investigated or whatever. But the way it has been pushed, so it will not end. So let me end it there. But I was not happy for the reason I mentioned. And when I borrowed the money, I did not know it was a subject of investigation. And I borrowed it from like any other person whom you

know you could have borrowed money. So yes, I know it will not go anywhere. We can debate until tomorrow, but that is my stance.

**CHAIRPERSON**: Let us - are you finished General?

**LT-GEN SHIBIRI**: I am finished.

**CHAIRPERSON**: Thank you. Let us adjourn and resume at 14:10.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

10 **CHAIRPERSON**: Ms Pooe.

**ADV POOE**: Thank you, Chair. General, just before the lunch adjournment, you were dealing with when you were informed by someone that Mr Matlala had mentioned your name during one of the operations. Do you recall that that is where we were?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Are you able to tell the Commission who informed you?

**LT-GEN SHIBIRI**: No.

20 **ADV POOE**: No? Why not?

**LT-GEN SHIBIRI**: For his personal security.

**ADV POOE**: Would you be willing to tell the Commission confidentially?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: General, can I request, because depending on

your answer, can I request that you write it down? And then you can show it to the Commissioners and then we can have sight of it. Thank you, General. And you indicated that he, this person told you – you indicated that this person told you sometime in January.

**LT-GEN SHIBIRI**: That is correct.

**ADV POOE**: You also indicated before the break that Mr Matlala did not discuss his troubles with you in December with those two calls.

10 **LT-GEN SHIBIRI**: No.

**ADV POOE**: Right. And I think, and if I am not mistaken, you indicated that you then talked to Mr Matlala about this on the 24<sup>th</sup> of January 2024.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Right. Now, General, the operations that were conducted at Mr Matlala's house or premises, the first happened on the 6<sup>th</sup> of December. The second happened on the 18<sup>th</sup> of December at his premises.

**LT-GEN SHIBIRI**: Yes.

20 **ADV POOE**: And by the 17<sup>th</sup> of December, he was suing Organised Crime and had launched an urgent application for what he says were missing things from one of the operations. I can give you a reference for that. It can be found in item 85 of File 3. That is Witness C's statement.

**LT-GEN SHIBIRI**: Sorry, page?

**ADV POOE**: Page 351.

**LT-GEN SHIBIRI**: 351?

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: Which bundle?

**ADV POOE**: File 3, item 85, page 351.

**ADV BALOYI SC**: The big bundle, General.

**LT-GEN SHIBIRI**: The big one?

**ADV BALOYI SC**: The big one.

**ADV POOE**: Sorry, General. So on page 351 you will see  
10 that Witness C talks about the operation that was initially  
scheduled to take place on the 18<sup>th</sup> of December 2024. It  
was a firearms inspection. And then it was ultimately done  
on the 19<sup>th</sup> of December. That is paragraph 72 and 73.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then in relation to the litigation, if you  
can go to page 353, you will see there that Mr Matlala  
initiated an urgent application on the 17<sup>th</sup> of December 2024  
in the High Court.

**LT-GEN SHIBIRI**: Yes.

20 **ADV POOE**: And the purpose of it is described there in  
paragraph 80. So it was in relation to a number of items he  
says went missing ought to be returned to him.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then on paragraph 82, you will see there  
that General Mbuso a Khumalo deposed to an answering

affidavit in response to Mr Matlala's urgent application.

**LT-GEN SHIBIRI**: Correct.

**ADV POOE**: See that. So basically, in December Mr Matlala had a lot going on in relation to him and the SAPS and we know from your evidence that Mr Matlala approached you often with personal legal issues.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And so it is inconceivable that he would be going through all of this, particularly by a component that  
10 you head, but not talk to you about this. What is your comment?

**LT-GEN SHIBIRI**: But I do not see the component which I had here.

**ADV POOE**: Remember, this was a operation where the PKTT was assisting, but it was Organised Crime.

**LT-GEN SHIBIRI**: Ja, but even the respondent is not from Organised Crime, who responded here.

**ADV POOE**: Even assuming that the respondent is not from Organised Crime, the point is Mr Matlala, who  
20 approaches you on your version, on his legal issues, and even comes to you on a small issue like *crimen injuria* related to Musa Khawula. It is inconceivable that he would not approach you over something like this.

**LT-GEN SHIBIRI**: I know the expectation is I was supposed to be consulted because you are saying it is

inconceivable, but I indicated I underwent operation on the 5<sup>th</sup> and I started working on the 18<sup>th</sup> and ...[intervenes].

**ADV POOE**: General I said, my apologies.

**LT-GEN SHIBIRI**: And I did not receive any call for that matter. And as it was being testified here, his phones were taken and he requested our phone numbers from a Sergeant Nkosi. I do not know what date. So I do not know if he, that time he did not phone me because he did not have my number or he did not have a phone or whatsoever. So I do  
10 not know whether I am being asked to comment on, but I was never phoned.

**ADV POOE**: So you were never phoned by Mr Matlala? I am saying that you were phoned by Mr Matlala in late December. That much, you know, and you have confirmed. And you have also testified that he approaches you on his personal legal issues, including the issue of Musa Khawula. And we know that there are a number of calls, although we do not have a complete set of information of calls between you and Mr Matlala.

20 Furthermore, we know that you had a call with Witness A on the 7<sup>th</sup> of December and again on the 16<sup>th</sup> of December, where you were discussing in part the operations that Witness A, B, and C, and the whole team were undertaking. So just because you were gone and had an operation from the 6<sup>th</sup> and you returned on the 18<sup>th</sup>, it does

not mean you did not know. You had those two calls in that time period.

**LT-GEN SHIBIRI**: Ja, I have a problem with perceptions which I need to respond to, not factual things which I need to respond to. Yes, on the 7<sup>th</sup> I phoned after I received the call when I was off sick because I was phoned by General Sibiya. On the 16<sup>th</sup>, I was about to go back to work on the 18<sup>th</sup>. Hence, I phone, that is what I said, I phoned Witness A. Then I am saying I never received a call from Mr Matlala  
10 during that duration. The phone call we had, it was on the 30<sup>th</sup>. And with Mr Khawula, it was in September when Mr Matlala phoned me.

I also heard the Commissioner indicating that this alleged here that me or Nkosi have tipped him off on the 6<sup>th</sup>, but Witness C said Nkosi never mentioned me to have tipped him off. So I am answering what I know and what happened to me. So what you conceive and what you perceive to be, it becomes difficult for me to say yes or no, because it did not happen to me.

20 Unless you are saying, you showed me – I was shown, Commissioner, calls, which I agreed to. And now I must agree to a call which I cannot say for a fact it happened or it did not happen, but I did not receive such a call.

**ADV POOE**: General, before we lose each other, because I

may have lost you along the way, I am not suggesting that Mr Matlala called you between the 6<sup>th</sup> and the 18<sup>th</sup>. We do not have that information before us. I am saying to you that, one, you had knowledge of the operations because you spoke to Witness A on two occasions prior to the 18<sup>th</sup> of December. Two, you called Mr Matlala on the 30<sup>th</sup> and the 31<sup>st</sup> and you have a conversation where you say you never discussed Mr Matlala's issues.

I am saying in the context of him calling you with  
10 matters such as what you describe as personal legal issues, like Mr Khawula's *crimen injuria* issue, that you are saying to us that he approaches you with that type of information. I am saying that it is inconceivable that on the 30<sup>th</sup> or the 31<sup>st</sup> when he calls you, he did not speak about these issues. Not when there were basically two operations that had taken place at his premises and he was in the process of suing SAPS.

**LT-GEN SHIBIRI**: Commissioner, I knew about the operation on the 6<sup>th</sup>, not from Matlala. And on the 30<sup>th</sup>, I  
20 did not know about the 18<sup>th</sup>, even though I have spoken to Witness A. And when I spoke to Mr Matlala, he never told me of any operation that happened to him. I do not know for what reason. So that is my answer. I do not know for what reason, but he did not tell me. And even this one where I said the member gave the name he told me about, it

was not even relating to this, it was relating to other investigation.

**ADV BALOYI SC:** General, when do you say you heard about the operation of the 6<sup>th</sup>?

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** When did you hear about it?

**LT-GEN SHIBIRI:** On the 7<sup>th</sup>.

**ADV BALOYI SC:** So you had about it immediately after it happened?

10 **LT-GEN SHIBIRI:** Ja, on the 7<sup>th</sup>, I was phoned to enquire about the detention of Mr Molefe. Remember, I testified about it on my initial testimony. That is when I phoned Witness A. And then on the 16<sup>th</sup>, it was a follow-up ...[intervenes].

**ADV BALOYI SC:** No, I am sorry. Unless I misunderstand your answer, my question is the operation, the first operation of Mr Matlala when they raided his home at the beginning of December, is that what you say you heard about it for the first time on the 7<sup>th</sup>?

20 **LT-GEN SHIBIRI:** I did not even hear about it. I heard about the Molefe one on the 7<sup>th</sup>.

**ADV BALOYI SC:** When did you first hear that there was a SAPS operation on Mr Matlala on the 6<sup>th</sup> of December, if you ever heard about it? When did you first hear?

**LT-GEN SHIBIRI:** Ja, I heard about it when the testimony

was given here.

**ADV BALOYI SC:** Before that, you did not hear about it?

**LT-GEN SHIBIRI:** No, before that, I did not hear about it.

**ADV BALOYI SC:** And then the operation of the 18<sup>th</sup> and the 19<sup>th</sup>?

**LT-GEN SHIBIRI:** On the 18<sup>th</sup>, I heard about it.

**ADV BALOYI SC:** Before the Commission, you heard about it?

**LT-GEN SHIBIRI:** Before the Commission, yes. I heard  
10 about it before the Commission.

**ADV BALOYI SC:** When did you hear about that?

**LT-GEN SHIBIRI:** I cannot remember, but I heard they had court or something about that thing of the court. That is when I heard about it after the court, after the court, after about there was something. It was also on the news.

**ADV BALOYI SC:** Okay, so you heard it from the news in the public space?

**LT-GEN SHIBIRI:** Ja, from the news and from the police speaking in the offices.

20 **ADV BALOYI SC:** Okay. You see, if you look at your WhatsApp exchanges with Sergeant Nkosi, the operation against Mr Matlala, the first one, if you look at page 42 of that big file, page 42, are you at page 42?

**LT-GEN SHIBIRI:** That is correct.

**ADV BALOYI SC:** Yes. You have a call, chat 5, you have

a call with Sergeant Nkosi on the 7<sup>th</sup>. You have another call on the 7<sup>th</sup>, you have another call on the 7<sup>th</sup>. Can you see where I am reading?

**LT-GEN SHIBIRI**: It is at page 42, Commissioner?

**ADV BALOYI SC**: Yes, of File 3. As I understand these WhatsApp exchanges, and correct me if I am wrong to say you had a call. So at page 42, chat number 5, if you look at that middle of the page, chat number 5 is a call, WhatsApp call from Sergeant Nkosi on the 7<sup>th</sup>, right?

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

**ADV BALOYI SC**: So this is a day after the operation. You have another call on the 6<sup>th</sup>, chat number 6 on the same day. There is another call on the same day, number 7 at 10 PM. And then there is another call on the 8<sup>th</sup> of December and there is another call ...[intervenes].

**CHAIRPERSON**: These last two being from him.

**ADV BALOYI SC**: Yes, thank you. Thank you, Chair. And you have another call on page 43 from Sergeant Nkosi. In fact, the first one is from you. And then the second one on  
20 the 8<sup>th</sup> is from Sergeant Nkosi. And then chat number 3 is you to Sergeant Nkosi. Chat number 4 is you to Sergeant Nkosi. Number 5, number 6, number 7, number 8, that whole page.

You are talking to Sergeant Nkosi on the 8<sup>th</sup>. It ends on the 13<sup>th</sup> on that page. And then you go on to page

44. You are making calls again. Chat number 1 on the 13<sup>th</sup>, chat number 2, it is you on the 13<sup>th</sup>. Chat number 3 is Sergeant Nkosi to you on the 13<sup>th</sup>. Chat number 4, a picture is shared. Ms Pooe will tell us what that picture is, if it is relevant, but I am looking at the calls. You have chat number 5. It is a call from Sergeant Nkosi.

Chat number 5, it is Nkosi. Number 6, it is Nkosi, Sergeant Nkosi. There is all on the 13<sup>th</sup>. There is another communication on the 13<sup>th</sup> between the two of you. And  
10 then you have on the 18<sup>th</sup>, the day of the operation itself, there is another communication there from him and then from you on the 18<sup>th</sup>. The one is at 11:17. The other one is at 01:18. I do not recall what time the operation was.

But if you go to the next page, on the 20<sup>th</sup>, the day after the 19<sup>th</sup>, the second operation, Sergeant Nkosi calls you. And then again, Sergeant Nkosi calls you. Again, Sergeant Nkosi calls you. And again, he calls you. So we stop there. That is all in December up to the 20<sup>th</sup>.

Now, we know from your own evidence, going  
20 through the WhatsApp exchanges, that you and Sergeant Nkosi do have conversations about Mr Matlala. We know that, even if it is later on, but we know that he is a subject of conversations, his businesses or he is affairs are a subject of business, of discussion between the two of you. It is improbable that you did not discuss these operations.

It cannot be.

You have many calls between the two of you. You both are interested and, in fact, have relationships with Mr Matlala. But you do discuss him as well, including your WhatsApp exchanges about the matter that, the matters that are in the media. So it is not just unlikely. It is improbable that you did not discuss this operation. So it is improbable that you did not find out about it on these dates that I have listed here. Do you want to comment to that?

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

**ADV POOE**: General, before you comment, Commissioner Baloyi, just because it is relevant, the attachment there at page 44. If you turn to page 111, you will see there it is Sergeant Nkosi sending Cat's contact information to the General.

**ADV BALOYI SC**: Sorry, say that again, Ms Pooe?

**ADV POOE**: If you go to page 111.

**ADV BALOYI SC**: 111, yes?

20 **ADV POOE**: You will see it is Sergeant Nkosi sending the General Mr Matlala's contact information.

**ADV BALOYI SC**: Yes. So on the 13<sup>th</sup> of December, page 44, on the 13<sup>th</sup> Sergeant Nkosi sends you something.

**ADV POOE**: The 18<sup>th</sup>.

**ADV BALOYI SC**: On the 18<sup>th</sup>, rather, I beg your pardon. He sends you some. Sorry, Ms Pooe. Okay. You say the

18<sup>th</sup>.

**ADV POOE**: So if you look at the date at the bottom, just after the little icon.

**ADV BALOYI SC**: Yes, thank you. So at page 111, Sergeant Nkosi sends you contact details on the 18<sup>th</sup>, you say?

**ADV POOE**: Yes.

**ADV BALOYI SC**: Yes. So, General, it is difficult to accept and believe you that you did not become aware about this, it did not rise between you and Sergeant Nkosi and whoever else and that you become aware of these things only at the Commission or publicly available information. It cannot be.

10 **LT-GEN SHIBIRI**: Ja. Commissioner, my responses from page, you said page 42.

**ADV BALOYI SC**: 42, yes. What about 42?

**LT-GEN SHIBIRI**: Ja, from page 42.

**ADV BALOYI SC**: Yes.

**LT-GEN SHIBIRI**: Myself Nkosi were chatting and also he was phoning me, checking on me, starting by on the 4<sup>th</sup>, sending the thing of General Khan. And then when you go to page 43, you see he sent me even a name and a name of the shop where I was supposed to go for a drip for vitamin for the drip and where he sent me the telephone number you are saying of Mr Matlala on the 18<sup>th</sup>.

20 **ADV BALOYI SC**: Yes.

**LT-GEN SHIBIRI:** On the 18<sup>th</sup>.

**ADV BALOYI SC:** And that is the day when they are doing a, there is a SAPS operation at his business.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** And Mr Nkosi sends you Mr Matlala's contact details.

**LT-GEN SHIBIRI:** Yes, he sent me the phone number of Mr Matlala because I said Mr Matlala is no longer using the other number, his number. He does not have his phones.

10 He said I must give him the number.

**ADV BALOYI SC:** But, General, he would have told you that there is an operation going on.

**LT-GEN SHIBIRI:** No.

**ADV BALOYI SC:** He would have.

**LT-GEN SHIBIRI:** No, we did not even talk about that. We did not even talk about that.

**ADV BALOYI SC:** Ja, it is unbelievable that with these many calls starting the day after the first operation of the 6<sup>th</sup> ending on the 20<sup>th</sup> of December, a day after the last  
20 operation you have got this mass of exchanges of telephone calls, in fact, between the two of you, including the exchange of Mr Matlala's new contact details because he does not have a phone, that in all of that you and Sergeant Nkosi would not have discussed this operation. It is simply unbelievable. And I think I will, in fairness to you so that

you comment, I think you are not being truthful about it.

**LT-GEN SHIBIRI**: I did comment, Commissioner, that on those days from the 5<sup>th</sup> until we were talking about my health and also suggesting to say where, which shop must I go where they booked for me, where if I get a driver, then he will be taking me there for the drips to be installed on me and the person whom I must look for. On the 18<sup>th</sup>, that is when he forwarded me the phone number of Mr Matlala indicating that he is no longer having his phone. He said he  
10 must give me this phone.

**ADV BALOYI SC**: That is your answer, General?

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: Did he tell you what happened to Mr Matlala's old phone? Why would you suddenly have a discussion about Mr Matlala's new phone without context? Because it must mean you wanted to contact Mr Matlala and you could not reach him ...[intervenes].

**LT-GEN SHIBIRI**: No ...[intervenes].

**ADV KHUMALO SC**: And he then gave you the phone  
20 number.

**LT-GEN SHIBIRI**: No, I remember now it is the day where he said he asked him to give my phone number to him because he does not have my phone since his phone was confiscated.

**ADV KHUMALO SC**: So then it means you knew that his

phone had been confiscated by the police.

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: You did not find that out in this commission here.

**LT-GEN SHIBIRI**: Yes, I remember now.

**ADV KHUMALO SC**: No, but why did you say you only found out in this commission?

**LT-GEN SHIBIRI**: Because I did not see this and I did not remember. The only way I can remember was that.

10 **ADV KHUMALO SC**: General, Chair has warned witnesses in this commission many times that when they are asked things that should be within their knowledge, first they deny them they claim not to know until they are shown documents and only then do they suddenly remember. You have known for a couple of months now that you will be coming to this commission to testify about your relationship with Mr Matlala. It cannot be that you do not remember these facts until you are confronted with documents.

I mean, even this bundle, you have had a weekend.  
20 You were supposed to continue your testimony on Friday last week. You have had a weekend to go through this bundle. It is now Wednesday today. You must have gone through the bundle and it must have jogged your memory. I find it unacceptable that you can say until five minutes ago you did not remember and then when you are shown this

suddenly you remember that this discussion took place. That is difficult to accept.

**ADV BALOYI SC:** Now, I just want to add why it cannot be that you are remembering now. Mr Matlala is your friend. It is of big moment that there is a raid on his property, at his home on the 6<sup>th</sup> and later on. It is a big moment that is happening and it is a big moment to you when you find out eventually because he is your friend and you have dealings with him. But it is also a big moment to Sergeant Nkosi  
10 because he is quite close with him.

There is just simply no scenario where you could not remember it independently that he, that Nkosi, whether you had it from Nkosi or from Mr Matlala himself, but I am prepared to accept that you had it from Mr Nkosi because all these exchanges are between you and Sergeant Nkosi. But the quarrel now is that it cannot be that you just remembered five minutes ago as you are sitting there.

It is of sufficient importance to you as head of Organised Crime, one. Two, as someone who has received  
20 monies from someone who is now being raided by the SAPS, it is of moment. There is no way you only remember now.

**LT-GEN SHIBIRI:** Ja. I hear the Commissioner. The big issue here is because he borrowed me money. And secondly, as a friend, I indicated what type of a friend is

that when we meet, when we do not meet and how long and how do we phone each other. And already it was indicated here that I did not have my WhatsApps and whatsoever. And we received this WhatsApps, I think it was on the – we were supposed to report back on the 12<sup>th</sup> or the 10<sup>th</sup>. I cannot remember, but we received that Thursday, which by Friday I was supposed to report and we requested until Monday.

And some of them you can see we could not know if  
10 there is something missing or whatsoever. But yes, this kind of documents are here to remind us also as people. So I am telling the truth that our discussion with Nkosi was about medical treatment which I can get somewhere to advance my ill health and whatsoever.

And on the 18<sup>th</sup>, yes, he gave me the number to say here is the new number of the man and so forth. So the reason why we did not discuss about the search at his premises and whatsoever, I do not know and I cannot remember. So it does not mean I lie if ever I did not  
20 remember something or it was convenient for me to say so because it is not here or because I did not see it here. I might have seen a lot of things which I do not even remember what it is all about also here which is in here ...[intervenes].

**ADV BALOYI SC:** Maybe lastly from me because you are

talking about numbers that he has given you. If you look at page 43, you are the one actually that is providing information to him. At page 43, you say at chat number 5, you say he must look for that name and then the next chat you give the name of the shop and a telephone number. So you are the one that is actually giving him information. The rest of it is telephone calls.

**LT-GEN SHIBIRI**: Yes. We were supposed to go to that ...[indistinct] thing for that particular injection.

10 **ADV BALOYI SC**: Thank you, General.

**LT-GEN SHIBIRI**: We usually go together. Even if we do colons cleaning, we go together. You can see, or maybe some they will show here. Usually we go together on these things.

**ADV BALOYI SC**: General, do not understand me to be disputing that you had these other health issues and health discussions. I am not disputing that. We are speaking about the improbability of you and Sergeant Nkosi not discussing the raid on Mr Matlala when you speak on the  
20 7<sup>th</sup>, a day after that operation.

And then when you speak again, well, you have all of those chats. And then you speak on the 20<sup>th</sup>. But in between he has given you Mr Matlala's contact details. And as Commissioner Khumalo says that he knows you to have his contact details. He cannot just give it to you in a

vacuum. He would have said something to you.

And you have just admitted, well, ja, he did say to me that his phones were seized. The simple point is that it is improbable that you heard from the public for the first time and in the commission.

**LT-GEN SHIBIRI**: I have acceded that.

**ADV BALOYI SC**: All right, thank you.

**ADV POOE**: General, just to finish up on one of the points here. If you go to File 4, page 88, so that is where we have  
10 that schedule that gives you the duration of the calls. Page 88 on File 4.

**LT-GEN SHIBIRI**: File 4?

**ADV POOE**: Yes. The big one. The mini flags. Page 88. You will see, you will recall that earlier you said that you had the conversation with Mr Matlala on the 24<sup>th</sup> of January 2025. Now, when you look at the calls that you had with Mr Matlala on the 24<sup>th</sup>, you will see that the first call, which was at 10:06, was 45 seconds. The second call at 10:28 was 34 seconds. Then there is a call at 10:44, which was  
20 50 seconds. And then at 11:07, it is a 14-second call. And then at 1 o'clock, it is a 38-second call.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So there again, given your earlier explanation about how long it takes you to talk to Mr Matlala, particularly about simple things. For example, you said on

the 31<sup>st</sup> of December, the five-minute call was just so that he can check if he received the money. And on the 30<sup>th</sup>, you said the 15-minute call was just so that you can get an account number. So again, it just seems implausible that you would discuss something as important as him name-dropping you for that shorter duration.

**LT-GEN SHIBIRI**: Yes. I phoned somebody. I am angry. I am telling him about what he has done. He is telling me he is going to phone me back. He is going to phone those  
10 people, and then he does not phone. I phoned again. He said, no, he did not yet get to all of them, those people who told those police that he said what he said.

So it is not something where you will understand when you are angry. You go straight to the point and tell the person. But you can see also he is avoiding discussing the issue until he is saying he is phoning the people. I phoned. He not yet found the people and so forth and so forth. But that is what happened. But yes, I was conveying that. And if you can check from there, it took long for us  
20 even to speak again because I was expecting him to call me back and tell me really he thought that this thing is not true and so forth.

**ADV POOE**: General, how do you propose he sort it out? Because it seems to me that he has told somebody that you know them. Were you expecting him to retract?

**LT-GEN SHIBIRI**: No, I was told by the person I wrote the name who was told by somebody, not by him, to say this is what he said.

**ADV POOE**: General, you just said that the calls were because he was trying to get a hold of someone to check.

**LT-GEN SHIBIRI**: Ja, to that particular person who told – the person who told me.

**ADV POOE**: So the back and forth was because he was trying to get a hold of the person that told the person to  
10 ...[intervenes].

**LT-GEN SHIBIRI**: Yes, and I never got any answer until I think the 7<sup>th</sup>, but he denied the thing.

**ADV POOE**: All right, let us go then to – you say you do not get an answer until the 7<sup>th</sup>.

**LT-GEN SHIBIRI**: Although in the 7<sup>th</sup>, I think it is me who phoned. I do not know if he answered or he did not answer because I remember I was in Cape Town with the ...[indistinct] Minister that.

**ADV POOE**: And there you see on the 7<sup>th</sup> there is a call at  
20 11:45 where there was no answer and he was calling you and then you call him back and you proceed to have a 30-minute discussion. You see that, General?

**LT-GEN SHIBIRI**: Ja, I see the call. The first one, there was no response and then the response was later on the day.

**ADV POOE**: Yes, he calls. You call him.

**LT-GEN SHIBIRI**: He called me.

**ADV POOE**: He called you and then you call him.

**ADV KHUMALO SC**: Are you in February now?

**ADV POOE**: Yes. General, if you look at the 7<sup>th</sup> of February at 11:45, he calls you and there is no answer.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then at 13:31, you call him and you proceed to have a conversation.

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

**ADV POOE**: So is your version that this is when you then resolved the issue of him having told someone?

**LT-GEN SHIBIRI**: Not resolved as such, where indicated that a person denies what it was told to me, but I left it like that.

**ADV POOE**: General, when I have regard to the length of the calls and the nature of the subject matter, it is more likely that you had a substantive discussion with Mr Matlala on those two occasions being the 12<sup>th</sup> and – sorry, I  
20 apologise, the 30<sup>th</sup> and the 31<sup>st</sup> of December, because that follows again.

**CHAIRPERSON**: Are those the 15 minutes and the five minutes?

**ADV POOE**: The 15 minutes and the five minutes. That the conversation is more likely to have happened then than

it having happened in February or even on the 24<sup>th</sup> of January as you suggest. Do you care to comment?

**LT-GEN SHIBIRI**: I already commented, yes. I was angry and fighting and then it is not like the other one where you greet and then you thank somebody or you can chat about anything because you cordial there, you are not fighting.

**ADV POOE**: Thank you, General. Now, General, let us then deal with your knowledge of Mr Matlala's dealings. You testified earlier that you did not know, nor did you  
10 check, do a check of Mr Matlala between 2019 and 2025. And in the testimony, your testimony last week, you said you also did not know of any investigations against Mr Matlala. Do you recall that?

**CHAIRPERSON**: Perhaps before that, may I ask this? General, sorry.

**LT-GEN SHIBIRI**: Commissioner?

**CHAIRPERSON**: Would you borrow money from a criminal or someone who is alleged to be a criminal?

**LT-GEN SHIBIRI**: No.

20 **CHAIRPERSON**: Thank you. You may continue.

**ADV POOE**: All right. So for purposes of this, I am going to ask that we not display, but if we can go to page 92.

**LT-GEN SHIBIRI**: Of what?

**ADV POOE**: My apologies. Of File 4.

**LT-GEN SHIBIRI**: 4.

**ADV POOE:** I am not sure if it is legible when it is printed.  
I suspect it may not.

**LT-GEN SHIBIRI:** Ja, I cannot see. It is faint.

**CHAIRPERSON:** Perhaps, please deal with it tomorrow.

**ADV POOE:** Chair, my proposal is to ask one of our attorneys to just sit with the General to show him. And I also propose to borrow the Commissioners my machine to have regard to it.

**ADV POOE:** General, it will require to zoom in and out in  
10 order to be able to see. Unfortunately, the infographic was operated by us. So unfortunately, we could not manipulate it.

**CHAIRPERSON:** Ms Pooe, we do realise that you structured your questioning in a particular way. Is it not practical to have this printed on an A-3 size paper for you to then give us copy tomorrow morning?

**ADV POOE:** Yes, Chair, we can do so. I suppose the, without...

**CHAIRPERSON:** And by us, I mean the General as well.

20 **ADV POOE:** Yes.

**CHAIRPERSON:** And of course, your colleagues.

**ADV POOE:** Yes, we can do so. Chair, although I do want to touch on it. And suppose the simple point I want to demonstrate is the number of cases where Mr Matlala was being investigated as a suspect. The General can, I do not

know if he can quibble with whether or not they existed. We have provided him with the schedule and he has seen it. Perhaps maybe I must confirm with the General that he has had regard to it. General, have you had regard to that infographic?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And what the infographic shows is that Mr Matlala has been either a person of interest or a suspect in a number of cases from the year 2000.

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

**ADV POOE:** All the way to 2024. So you will see on the infographic that there are three cases in 2000, three cases in 2006. There is a case in 2001 where he was found guilty and imprisoned for four years. There was a case in 2011, a case in 2012, a case in 2015, a case in 2016, a case in 2018. There is also cases of attempted murder in 2022, 23 and 24.

20 So my point, General, is when you said yesterday that you were not aware of any investigations, a search or even a preliminary search would have shown you that Mr Matlala is either being investigated or that he has a criminal record.

**LT-GEN SHIBIRI:** Correct.

**ADV POOE:** And you did not do any of those searches?

**LT-GEN SHIBIRI:** No.

**ADV POOE**: And you were not aware of any of these investigations?

**LT-GEN SHIBIRI**: No.

**ADV POOE**: Despite the fact that in some instances you testified that as part of your role, you were quite close to various investigators across the province.

**LT-GEN SHIBIRI**: Correct.

**ADV POOE**: All right. So this is just the cases where he was under investigation, a suspect, or where he was found  
10 guilty. You will also recall that in 2021/2022, this is not in the infographic. This is what was in the public domain, was he was implicated in that Tembisa scandal. Remember that?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So by 2021/2022 it was publicly known that Mr Matlala was implicated in the Tembisa hospital's tender fraud. Recall that?

**LT-GEN SHIBIRI**: No, I did not see it in 2022. But I want to put something in perspective here.

20 **ADV POOE**: Yes, General.

**LT-GEN SHIBIRI**: Mr Matlala was an accused person in all these cases you have indicated. The only three which he was arrested now, which is going court and then the only one which he was found guilty. So if you were arrested and cases were withdrawn by court or found not guilty, do we

hold that against you?

The guilty one, yes. But even these ones which he was not found guilty, if I have checked, I will have, it would have given me an idea what kind of a person he is and then I could have a certain perspective on him. I have already testified, Commissioners, that that time I did not have any reason to go and profile him.

And I hear about the issue of Tembisa scandal 2022/2023. Those things I saw them last year when they  
10 start coming up. And then in 2024, to be honest, the other one, which I have seen, which was there on the Khawula thing, talking about Deokaran, talking about Tembisa and also the Tembisa fraud which is under investigation by the IDAC.

So for these people, the investigators who have come out with this chat, analysis chat, it is the people who had interest who were investigating him. I was working in Gauteng and as the crime investigation component head. All the 144 police stations, they were reporting to me. I  
20 could not know. We arrested more than thousands of people per day and I will know only of prominent cases which are reported to us and those which ones of high-profile people or serious murders and whatsoever. You will not know something like theft of motor vehicle.

In the day, more than 500 vehicles are stolen in

Gauteng and more than 20 people are arrested. It is not something which they write and send to us. Unless you are attending a meeting, zooming in to say here is the problem of theft of motor vehicle Tshwane region and then how which type of vehicles are stolen and where are they going and so forth.

So that for me, as an Organised Crime person, to identify the targets, identify where these are going so that I can start to zoom in and deal with real targets. So it is not  
10 an issue of you know a person and then there is a scandal, then you go and profile a person.

We are having a lot of friends, a lot of family members. There is a lot of people who are written in the newspapers. Nothing happened and some, they are written there wrongfully and so on. So to say I should have known or if I see such, I must start profiling or something else, but my testimony is I did not profile.

And if I did profile, I could have seen. My perception could have been changed. And I am telling you  
20 that he was convicted of the case of 2001 and the rest, two were not guilty and the rest were withdrawn. Unless if we can say now, after checking these ones which are withdrawn, there is wrongdoing. They were withdrawn not on merit because somebody has put a hand into it, then we can discuss something.

But I have already, Commissioners, answered that. I did not profile the guy. Maybe that is one of my mistakes if I did not profile when I see this thing in the newspaper and so forth, but it is not always happening. In the provinces, as I said, we are having what we call National Organised Crime Secretariat which I chair. Crime Intelligence, number one, what we do, we do the crime stats of each and every province ...[intervenes].

**ADV POOE:** General, I am very sorry to do this. I am not  
10 trying to be impatient with you. I think you are now making, adding a lot of information to make it seem like it would be insignificant. Remember, I took you back to your testimony, which was, I was not aware that there were any investigations. I am showing you that there were plenty of investigations between 2000 and 2024.

**LT-GEN SHIBIRI:** So when ...[intervenes].

**CHAIRPERSON:** Perhaps, General, I am sorry, Ms Pooe. Let us focus on what the evidence leader referred to last, which is the Tembisa contract which was in excess of R2-  
20 billion and which, if I am correct, had been awarded fraudulently and it even resulted in the death of Ms Babita Deokaran.

So, all of this was out there in the news. You were aware of that at the time the news broke. Were you not? Both with regard to the fraudulently awarded Tembisa

hospital contract and also with regard to the death of Ms Babita Deokaran. You must have been aware of that at the time the news broke about both matters, both matters but which were, of course, related. Correct?

**LT-GEN SHIBIRI**: Yes, I have already also, Commissioner, you are correct. I testified to that to say ...[intervenes].

**CHAIRPERSON**: I just want to be sure where we are exactly because when you gave the long answer, I got confused. I just want us to focus our discussion. So, you  
10 say you were aware and you say also that you were aware of this at the time. Part of what was reported is that Mr Matlala was implicated and that he had, I should not say received, but he had gotten the benefit even if it is just contractual without having actually received payment. He had received the benefit of R5 000 000.

It was connected to the same story which you have already said you were aware of. So, you must have been aware of that as well. It would be very strange for you to say that somehow you are going to extricate that 5 million  
20 and Mr Matlala's involvement and say, no, no, no, that part I was not aware of. Yes, I was aware of the rest which I have already admitted to. So, you were aware also of Mr Matlala's involvement and the R5 000 000 benefit. Were you not?

**LT-GEN SHIBIRI**: No, I indicated I was aware of the

murder and ...[intervenes].

**CHAIRPERSON**: Of the what?

**LT-GEN SHIBIRI**: Of the murder.

**CHAIRPERSON**: I am asking you about the 5 million.  
Please, please, General.

**LT-GEN SHIBIRI**: About the 5 million?

**CHAIRPERSON**: Yes, and Mr Matlala.

**LT-GEN SHIBIRI**: And Mr Matlala. I have seen it  
somewhere on the news.

10 **CHAIRPERSON**: You saw it.

**LT-GEN SHIBIRI**: Ja.

**CHAIRPERSON**: You saw it and you must have seen it at  
the time as well. Correct?

**LT-GEN SHIBIRI**: I do not know when the Commissioner  
said at the time.

**CHAIRPERSON**: At around about the time the news broke,  
General.

**LT-GEN SHIBIRI**: Ja, because I indicated, Commissioner,  
even during the issue of the murder, I even also seconded  
20 my members to go and assist DPCI and then ...[intervenes].

**CHAIRPERSON**: General, can we be more direct, please?  
I am going to get confused. I want to know if you became  
aware of Mr Matlala's involvement in the Tembisa Hospital  
fraudulent or allegedly fraudulent award of a contract.

**LT-GEN SHIBIRI**: Yes.

**CHAIRPERSON:** And his involvement relating to R5 000 000. So, you say yes, you were aware.

**LT-GEN SHIBIRI:** I was aware.

**CHAIRPERSON:** Yes. So, my question was, and you were aware at the time the news broke.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Yes. Perhaps let me leave it there so long. So, the acts of criminality around this, there is even the death of, and you were aware that the allegations – in  
10 fact, there have been convictions – and you were aware also that the death of Ms Babita Deokaran was said to have related to her having uncovered the improperly awarded contract, in fact, fraudulently awarded contract. You must have been aware of that because you said you were aware of the death of Ms Deokaran, Ms Babita Deokaran. So you must have been aware why she had been killed. Correct?

**LT-GEN SHIBIRI:** I do not know how to respond now, because I already responded to that one.

**CHAIRPERSON:** No, no, no, I did not ask you about the  
20 why. I am asking you about the why now.

**LT-GEN SHIBIRI:** Ja. On my WhatsApp, the particular one of the 5 million, it is there. That is the time I became aware. And the one of the murder, I even testified, I was still in Gauteng. Suspects were arrested and he was not part of those or linked in that particular time. So that is

why ...[intervenes].

**CHAIRPERSON**: Which murder are you referring to?

**LT-GEN SHIBIRI**: Of Ms Deokaran.

**CHAIRPERSON**: Yes.

**LT-GEN SHIBIRI**: So that is why I am saying now I am not sure how to respond, because I responded before ...[intervenes].

**CHAIRPERSON**: Okay. May I be sure what exactly you say about the murder?

10 **LT-GEN SHIBIRI**: I indicated when that WhatsApp was read, that WhatsApp, it seems to be from Mr Khawula, which indicated that there was involvement of the 5 million. He is also involved in the murder. He is involved in the burning of the hospital and whatsoever. I indicated that I knew for sure that we arrested the suspect of the murder. And I knew that the Tembisa Hospital murder is being probed by DPCI and IDAC.

20 And I said the issue of the burning of the hospital, I was personally involved and then we arrested the suspect and he was not part. So I was aware at that time. And that time I think it was after the – I think I received that thing on the 17<sup>th</sup> of September 2024, and already the issue of the dealing, but I know it is not about the dealing. It is about me not profiling the suspect to know him better so that I must not have dealings with somebody who is having a

criminal record.

**CHAIRPERSON**: You see, my difficulty is that the – yes, this is the 17<sup>th</sup> of September 2024.

**LT-GEN SHIBIRI**: Yes.

**CHAIRPERSON**: And the story about the Tembisa Hospital allegedly fraudulent contract was way before that. Likewise, the murder of Ms Babita Deokaran was way before that.

**LT-GEN SHIBIRI**: Yes.

10 **CHAIRPERSON**: So I am not sure I follow your reference to the events of September 2024. Remember, you have already said that you became aware of the allegedly fraudulently awarded contract, the murder of Ms Babita Deokaran, the alleged involvement of Mr Matlala. You said you became aware of all these when the news first broke. And as I say to you, all of those happened way before September 2024. So you confuse me when you refer to September 2024. What point are you trying to make?

20 **LT-GEN SHIBIRI**: Ja, during the murder and the 200 million tender and whatsoever, I did not see the name of Matlala, and that is what I am trying to say. And I know the suspects were arrested for the murder, not for the tender. But I became aware of the 5 million you were referring to in September 2024, where Matlala's name was mentioned. So that is what I am trying to explain.

**CHAIRPERSON:** I find it difficult to believe, General, and my reason is this. Your affidavit or statement before us now is replete with references to your interest in current affairs. And at least twice, I think it is paragraph 108 and it is also 160. Ja, at least twice in your statement you specifically refer, for example, to news that you picked up from News 24.

And then there is reference to a whole lot of other news items, not necessarily from News 24. And look at that  
10 in the light of you saying you have a particular interest in current affairs and that you would even share current affairs with people close to you.

Now, for you to say that, yes, I did become aware of the allegedly fraudulently awarded contract at the time the news broke. Yes, I did become aware of the death of Ms Babita Deokaran at the time that happened, and also the reason why it happened. But you certainly do not know anything about news that in that same context implicated Mr Matlala with regard to that same contract about which the  
20 news had broken.

I find it difficult to believe what you say. Do you wish to comment? Especially regard being had to the fact that you say that you had a particular interest in current affairs. Do you wish to comment on that?

**LT-GEN SHIBIRI:** Commissioner, I already commented that

when the news of the murder of Ms Deokaran happened, I was in Gauteng, I had a full report. And then I was part of assisting the Hawks. We formed a multidisciplinary team to trace the suspects. Right. By that time it was indicated that the murder is about 200 million Tembisa tender and so forth, but I was not aware at that time that there was the name of Matlala.

**CHAIRPERSON:** Did any of the things you mentioned make you stop following current affairs as appears to have  
10 been the norm with you? Did you, because you were in Gauteng doing A, B, C, D, did you suddenly stop following current affairs?

**LT-GEN SHIBIRI:** Commissioner, when I was in Gauteng, I indicated that the reason why I came to head office, it was because of the enormous task I was having and not having a rest. Going home every time after 10, working every day. So there was less of current affairs. It was more of meetings, more of engagement with the community, more of boots on the ground. That is what was happening. And  
20 because of my ill health, I decided when they requested me to come back, I testified like that, that is why I came back to head office.

**CHAIRPERSON:** And when exactly did you go to Gauteng?

**LT-GEN SHIBIRI:** 23 December. No, 18 December 2023.

**ADV BALOYI SC:** Is that that the date when you returned

to head office?

**LT-GEN SHIBIRI**: Ja, when I returned.

**ADV BALOYI SC**: You returned to head office in December.

**LT-GEN SHIBIRI**: Ja, to Gauteng I went on the 1<sup>st</sup> of October 2019.

**CHAIRPERSON**: 2019?

**LT-GEN SHIBIRI**: Yes.

**CHAIRPERSON**: And I just want to check my facts here.

10 Just bear with me, General. Ms Pooe or colleagues, quickly help me with when the story about or the news about the allegedly fraudulently awarded Tembisa Hospital contract was awarded. I have it somewhere here. I may be mistaken, but my note here refers to the articles were published 15 February 2023. 31 May 2023. So are you saying that from 2018, did you say, you had no interest whatsoever in current news? You did not follow current news or current affairs?

**LT-GEN SHIBIRI**: Not to say I did not follow, 20 Commissioner, but not often as like now when you are no longer having too much on your plate.

**CHAIRPERSON**: But you still got to know, you still got to know about the award of the, rather the news about the fraud around the contract. You still got to know about the death of Ms Babita Deokaran.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** The only thing you just did not get to know about was the alleged participation or involvement of Mr Matlala in that context.

**LT-GEN SHIBIRI:** That is correct.

**CHAIRPERSON:** And the R5 000 000 benefit.

**LT-GEN SHIBIRI:** That is correct. The R5 000 000, I saw in ...[INTERVENES].

**CHAIRPERSON:** I will suggest to you, General, that it is  
10 quite convenient that you should be saying so. What is your response?

**LT-GEN SHIBIRI:** I apologise that you feel like that, but I have seen it in 2024, as I said, in September.

**CHAIRPERSON:** Thank you.

**ADV KHUMALO SC:** Can I just take up one thing with you, General? On page 37 of File 3.

**LT-GEN SHIBIRI:** File 3?

**ADV KHUMALO SC:** Yes. Ms Pooe, I am going to need your assistance with File 3, page 37. I am going to need  
20 assistance with that article on chat 7, the bigger one. General, if you look at chat 7 on page 37 of File 3, do you see that?

**LT-GEN SHIBIRI:** Page 37.

**CHAIRPERSON:** Sorry, General. My co-Commissioner has just drawn my attention that the allegation of fraud and the

alleged involvement of Mr Matlala was actually as far back as 2021. It is just a matter for the record. I referred you to 2023.

**ADV KHUMALO SC:** Do you want to comment before we move on, General? You heard Chair's clarification of the date. Do you want to comment?

**LT-GEN SHIBIRI:** On the 2021?

**ADV KHUMALO SC:** Yes, that the allegation relating to the fraud and the murder was in the public domain in 2021.

10 **ADV BALOYI SC:** Sorry, just to clarify, that Matlala was linked in 2021.

**LT-GEN SHIBIRI:** In 2021?

**ADV KHUMALO SC:** Yes.

**LT-GEN SHIBIRI:** Ja. No, no comment because as I indicated, I was at CIS and a lot of things which were happening regarding that was at DPCI. Ours was to assist them with the investigation and giving people. So it might have slipped me not seeing that, but I saw it on 2024.

20 **ADV KHUMALO SC:** Now, your version, let us go to page 37, looking at chat 7 on that page. It is the 13<sup>th</sup> of September 2024. So, do you see that the date there is 13<sup>th</sup> of September 2024 at 01:35 PM, chat 7?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Yes. And remember ...[intervenes].

**LT-GEN SHIBIRI:** 13, ja.

**ADV KHUMALO SC:** Yes. Remember you said by this point you had not seen Mr Matlala for over a year. Remember that was your evidence?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Yes. And then what happens in that chat is you and Sergeant Nkosi, I keep thinking Captain, you and Sergeant Nkosi are sharing an article about Mr Matlala. Do you see that photo on the right in chat 7?

**LT-GEN SHIBIRI:** Page 37?

10 **ADV KHUMALO SC:** Yes.

**LT-GEN SHIBIRI:** I see chat which ends with chat 8.

**ADV KHUMALO SC:** Yes. I am saying in chat 7 on the right, do you not see that there is a photo there and something is being shared?

**LT-GEN SHIBIRI:** There is a photo of me and my wife.

**ADV KHUMALO SC:** Of?

**LT-GEN SHIBIRI:** Me and my wife.

**ADV KHUMALO SC:** Is that you and your wife?

**LT-GEN SHIBIRI:** Yes.

20 **ADV KHUMALO SC:** I thought it was Mr Matlala.

**LT-GEN SHIBIRI:** No, it is me and my wife.

**ADV KHUMALO SC:** That is why I needed a bigger one. It may be that you look alike.

**LT-GEN SHIBIRI:** I forwarded Nkosi, there is somebody who is doing portrait. So he said this one is started. He

was doing portrait of me and my wife and my kids.

**ADV KHUMALO SC:** But you say it was around that time that you first became aware of the allegations concerning Mr Matlala.

**LT-GEN SHIBIRI:** Ja, on the 17<sup>th</sup>.

**ADV KHUMALO SC:** On the 17<sup>th</sup>.

**LT-GEN SHIBIRI:** If you go forward, you will see it on the 17<sup>th</sup>.

**ADV KHUMALO SC:** And it was because he had called you  
10 to tell you that he has been blackmailed?

**LT-GEN SHIBIRI:** Yes, and he sent that thing.

**ADV KHUMALO SC:** He sent that thing.

**LT-GEN SHIBIRI:** That is where I saw the 5 million.

**ADV KHUMALO SC:** And the subject matter of the  
blackmail was exactly what Chair was talking about.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** That he is accused of having  
benefited from the scandal.

**LT-GEN SHIBIRI:** Yes.

20 **ADV KHUMALO SC:** And the murder issue.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** That is really what Mr Khawula had  
written about. Correct?

**LT-GEN SHIBIRI:** That is correct. That is where I am  
saying I saw it first there.

**ADV KHUMALO SC:** So we can agree then that the following day, on the 18<sup>th</sup>, when you asked him for a loan, you know that he has been accused of murder and fraud and corruption and all those things.

**LT-GEN SHIBIRI:** When he deposited the money on the 18<sup>th</sup>, remember the loan was made on the 14<sup>th</sup>.

**ADV KHUMALO SC:** No, no, no, no. You said in your statement on the 14<sup>th</sup> you met with him or you met him at General Sibiya's party and you mentioned to him that your  
10 son had been in an accident. And where you left things off was if you do not come right, let him know. And then he next contacted you on the 17<sup>th</sup>. So he could not have offered you a loan before then because the loan offer could only have come after the 17<sup>th</sup>.

**LT-GEN SHIBIRI:** Yes, he offered but I did not take.

**ADV KHUMALO SC:** Yes. My simple point is this, General. On the 18<sup>th</sup> or on the 17<sup>th</sup>, when you take a loan from him or when he offers it for the second time, you know that he is accused of all these things. So even if you did not know, as  
20 Chair says, about these things in 2021, on the day when you take a loan or you accept a loan from him, you are aware of all these things because you have been made aware of them the day before or at least on the same day. That is the simple point.

**LT-GEN SHIBIRI:** No, but it was two days after.

**ADV KHUMALO SC:** What is two days after?

**LT-GEN SHIBIRI:** 21<sup>st</sup>.

**ADV KHUMALO SC:** What is the 21<sup>st</sup>?

**LT-GEN SHIBIRI:** Where is this thing of Khawula? I am looking at something.

**ADV POOE:** The text you are looking for is at page 191.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And it was the 17<sup>th</sup> of September.

**LT-GEN SHIBIRI:** No, you are correct, Commissioner.

10 **ADV KHUMALO SC:** General, let me take you to your statement.

**LT-GEN SHIBIRI:** You are correct.

**ADV KHUMALO SC:** Because the text, you would not have had them. Look at page 50 of your statement.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Paragraph 161. And just so that this makes sense for you. If you start at 149 on page 47, in paragraph 149 you talk about the General Sibiya's son's engagement party on the 14<sup>th</sup>. Do you see that?

20 **LT-GEN SHIBIRI:** Yes, yes.

**ADV KHUMALO SC:** And then look at paragraph 151, where you say:

“Four days later on the 18<sup>th</sup>, Matlala contacted me to enquire whether I have managed to raise the required funds.”

Do you see that?

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: So that is the 18<sup>th</sup>.

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: But when he told you about Khawula and the allegations, that is on?

**LT-GEN SHIBIRI**: 17<sup>th</sup>.

**ADV KHUMALO SC**: On the 17<sup>th</sup>, and you see that on page 50, paragraph 161.

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

**ADV KHUMALO SC**: So Chair's point stands that when you took a loan, when you accepted a loan from Mr Matlala, you knew about the allegations against him of being involved in fraud and possibly murder and various other things. On your own version, as it appears in your own statement, that is the case.

**LT-GEN SHIBIRI**: Ja. Even if the Chair did not say that we were talking about profiling, I take it, yes.

**ADV KHUMALO SC**: Ja.

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

**ADV KHUMALO SC**: And the Chair's point stands that when you accepted a loan from Mr Matlala. Remember, Chair asked one question and he did not follow it up. And the simple question was, would you accept a loan from somebody who is accused of a crime?

**LT-GEN SHIBIRI:** Yes, I guess ...[intervenes].

**CHAIRPERSON:** And you said you would not.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** But here you did.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Yes.

**CHAIRPERSON:** Now, Ms Pooe, I apologise to you for interrupting your questioning. I have another suggestion to make to you. You say that this was not only a loan, but that  
10 indeed you repaid the money. Now, the money that you say you paid first, which was R20 000, you said you paid in cash. Correct?

**LT-GEN SHIBIRI:** That is correct.

**CHAIRPERSON:** And you say you paid it in November.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Yes. In December, there is, that is the 31<sup>st</sup>, there is payment of R50 000 to complete the amount of R70 000. And at least there is a record of that because the R50 000 was paid into a bank account. Correct?

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

**CHAIRPERSON:** Yes. Now, this payment of R50 000 is made after there have been two raids of Mr Matlala's premises. That is on the 6<sup>th</sup> of December 2024, and on the 18<sup>th</sup> of December 2024. And then on the 31<sup>st</sup> of December 2024, you pay the R50 000. Correct?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** I want to suggest to you, and I know you will say I am wrong, but I just want to say this as a suggestion of inferential reasoning. I suggest to you that once there were these raids, you saw that the police were catching on to Mr Matlala, and you decided that money that had been paid to you, not as a loan, I suggest, you should now suddenly pay back to Mr Matlala so as to make it look like a loan. What do you say to that?

10 **LT-GEN SHIBIRI:** I am saying it is incorrect. You know, if I wanted Mr Matlala to give me money which is not a loan, I could have preferred that he give me in cash so that there would not be any trail ...[intervenes].

**CHAIRPERSON:** But ...[intervenes].

**LT-GEN SHIBIRI:** And...

**CHAIRPERSON:** Yes, continue, I am very sorry, I am very sorry.

**LT-GEN SHIBIRI:** I think I have been in the police for so long, and I have arrested a lot of police officers in that regard. So, our arrangement was month-end, December, 20 because I get my bonus that time, and that is how we agreed to say when I get money that time, I get my bonus, I will pay you the whole R70 000.

And the reason I paid the R20 000 is because I managed to sell some of my stock, because now and then

they get stolen. And then I said, well, let me now reduce the debt from him. So, hence, I paid him back in December. If ever it was otherwise, I could have paid it before December.

So that is our – that is what it was arrangement. And if I needed the money for something else other than what I needed, those bank statements I gave showing also the payments, maybe if it was the money which went in and came out to me, I could agree with the Commissioner's  
10 inference. But it is very much unfortunate, I am in a corner with your inferences. But the truth is what I am saying, so I have got nothing further more to say on that one. So, I will die with that.

**LT-GEN SHIBIRI:** You say that if you wanted the money and it was given to you for improper reasons, you would have asked for cash.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Yes, you have said that. I will say to you that it happens relatively frequently that because of a sense  
20 of impunity people may be quite careless. Which is why, for example, we are finding so much in these WhatsApp texts. So it may well have been as a result of a sense of impunity that you did not ask for cash.

**LT-GEN SHIBIRI:** Unfortunately, the Commissioner feels like that, but there is nothing I can say except what I said.

**CHAIRPERSON:** And it may also be something quite convenient to say that R20 000 had been paid before the 31<sup>st</sup> of December 2024, it had been paid in cash. Obviously, there would then be no record of the cash payment. Your comment?

**LT-GEN SHIBIRI:** Well, I do not know. Maybe I can try to find out the people who bought the homeland and then get their statement. But, yes, as friends, we usually pay cash or account. It depends when you have money, how did you  
10 get it, and so forth. Yes, you got that right to think like that, but it is not what happened. I paid him.

**CHAIRPERSON:** Please remind me, your statement probably covers it. I remember, I think you said you sold a cow here, another cow there, and so on.

**LT-GEN SHIBIRI:** Ja.

**CHAIRPERSON:** And did you pay Mr Matlala as and when you received each payment in respect of each cow?

**LT-GEN SHIBIRI:** No. Remember ...[intervenes].

**CHAIRPERSON:** You paid him R20 000 at the same time?

20 **LT-GEN SHIBIRI:** Yes, I paid at the same time.

**CHAIRPERSON:** At the same time?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Where was he when you paid him?

**LT-GEN SHIBIRI:** Where was he?

**CHAIRPERSON:** Where did you find him when you paid

him?

**LT-GEN SHIBIRI:** At his offices.

**CHAIRPERSON:** At his offices?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** And you had sold the cows back home in Limpopo?

**LT-GEN SHIBIRI:** Yes, they sold on my behalf, yes, and I fetched the money.

**CHAIRPERSON:** They were sold on your behalf?

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

**CHAIRPERSON:** Then you drove to Limpopo to pick up the money and bring it down?

**LT-GEN SHIBIRI:** No, no, no. My sister's daughter, she came with the money.

**CHAIRPERSON:** She came from Limpopo?

**LT-GEN SHIBIRI:** Ja.

**CHAIRPERSON:** Huge risk, I would say. Why was the money not deposited in Limpopo instead of having a ...[intervenes].

20 **LT-GEN SHIBIRI:** Commissioner, we still do that. Even now, I send money with ...[intervenes].

**CHAIRPERSON:** I would understand R500, R1 000, but R20 000 from Limpopo, your niece having to pick it up.

**LT-GEN SHIBIRI:** Yes, I hear you, but we still do that.

**CHAIRPERSON:** Can you tell me why it was not deposited

into an account?

**LT-GEN SHIBIRI**: Why did they not deposit to my account?

**CHAIRPERSON**: Why was it not deposited, yes.

**LT-GEN SHIBIRI**: I do not have any reason. Because they are not used to that, they are not used to such money. They just gave the one who was coming to bring it with him.

**CHAIRPERSON**: Who is not used to what?

**LT-GEN SHIBIRI**: My sister. She is not working, staying at home alone.

10 **CHAIRPERSON**: All right, thank you.

**ADV BALOYI SC**: General, maybe just on that point where you say to the Chair that you could have asked for the money to be given to you in cash if it was an improper transaction. It is quite – maybe let me ask a question first. When you testified last week, you said this vehicle belongs to your son. I assume your son works?

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: He does work?

**LT-GEN SHIBIRI**: Yes.

20 **ADV BALOYI SC**: All right. So you are the one that takes a loan with Mr Matlala when you have an adult son who is employed, who has his own car, whose insurance you say repudiated.

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: It is you that asks for a loan from Mr

Matlala?

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: Okay. When you say you could have asked for this money in cash, I think it is notable for me that this money was in fact not paid to you. It was paid directly to your son. So on the face of it, in response to you saying I could have asked for it in cash, it may be easy to say, well, you redirected it somewhere else where it would not be found. It would not be traced to you because  
10 it goes to your son's bank account. What do you say about that as a way of hiding the source of this money?

**LT-GEN SHIBIRI**: No. Your account will always show where you deposited the money and the surname will show. He is Shibiri, I am Shibiri, so there is no way to conceal it.

**ADV BALOYI SC**: Yes. Well, you would have to know that Matlala paid money to Shibiri's son to go and look there. But if we are just looking at your account, if investigators just look at your account, all they would see is you paying Mr Matlala money and then ask the question, what was this  
20 all about? And then you say, well, I was refunding him a loan. So there was no clear – there is no obvious link to you when the money is paid to your son's account. Do you accept?

Let me put the proposition to you this way. Let me put this to you. Do you accept that until you told us in your

statement that you had a loan from Mr Matlala, until you said that, if we had looked at your bank statement, we would not have seen the money come in. We would just see it go out to Mr Matlala. That is all we would see. And we would have no reason to go and look at your son's bank account until you tell us that, well, I took a loan, that is why I was paying him and that loan was paid to my son. Did you accept that factually?

**LT-GEN SHIBIRI:** I do not.

10 **ADV BALOYI SC:** You do not?

**LT-GEN SHIBIRI:** I do not.

**ADV BALOYI SC:** Okay, explain how we would know that you got a loan from Mr Matlala if we did not see the repayment.

**LT-GEN SHIBIRI:** You see, if you investigate, there will be investigation to my relation with you to check if you gave me money or not. And then you do the family tree and checks, and you also go to check if I have trust and so forth. That is how the investigation goes. So there is no  
20 way you could miss that.

**ADV BALOYI SC:** I accept that.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** But that is not what we are doing here. Here what we do is we have your bank statement, and then we say you have this money that is paid to Mr Matlala. We

do not see why you are paying Mr Matlala. Explain. You had to say to us, well, he gave me a loan and he paid it into my son's account. That is the proposition I am making to you, that until you tell us that you got a loan from him that explains that R50 000, we had no way of identifying money flowing from Mr Matlala to your son. We could not have known that.

**LT-GEN SHIBIRI**: So Commissioner is saying my ...[indistinct] means nothing here in the Commission.

10 **ADV BALOYI SC**: Sorry, I am saying what?

**LT-GEN SHIBIRI**: My faithfulness in telling you, as you are saying the Commission, if it was not told. I told the Commission, showing that I am faithful. That is not enough.

**ADV BALOYI SC**: That is why I say if you had not told us, let us look at what the documents tell us before you give us your explanation. The documents tell us you paid Mr Matlala R50 000, and that is all we know from your bank account. Then the question is asked, the question has to be asked, why did you pay Mr Matlala? Because there is no  
20 explanation from your bank account. We do not see money from Mr Matlala coming to you. We see money flowing from you to him.

So the question was asked of you, why did you pay Mr Matlala R50 000? Your response was he gave me a loan. So for the first time we find out that he gave you a

loan, and then now we say, where did the loan go? And then you point us to your son, which we would not have known if the question had not been asked, where is this loan paid?

**LT-GEN SHIBIRI**: I wish to consult, because I do not know how to respond because I think I responded to the Commission the way the Commission wanted to know everything, and it is supposed to suffice that I am truthful and I explained. And also, the documents from Matlala to  
10 my son's bank account and from myself, it shows. So I do not know now how to respond. I am defeated now.

**ADV BALOYI SC**: Okay. Maybe let me suggest directly to you that the suggestion really in this scenario that I am trying to put to you is the payment into your son's account was to hide that Mr Matlala gave money to you. That is the suggestion, that you were hiding by directing the money to your son.

**LT-GEN SHIBIRI**: In my language they say ...[vernacular]. So that is what I can say. If you want to see something,  
20 you will see it. That is how I see it myself.

**ADV BALOYI SC**: I am saying to you that is how it looks. That is what I am saying to you, that it looks like you were hiding money.

**LT-GEN SHIBIRI**: No, I was not hiding anything.

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

**ADV KHUMALO SC:** I just want to draw your attention to the payments, because even your payment is not a direct payment to Mr Matlala. It is a payment to one of his companies. You do not pay to his bank account. You pay to a bank account of his company and the reference you use is not even Matlala. You simply say Shibiri. So that if the Commission had not done its investigations, it would not have seen the link between you directly and Mr Matlala directly. What it would have seen is it would have seen a  
10 company paying money to your son's bank account, and you in December paying money to a company's bank account, but not to Mr Matlala directly. Do you accept that that is what the bank statements show?

**LT-GEN SHIBIRI:** I do not, Commission.

**ADV KHUMALO SC:** Okay.

**LT-GEN SHIBIRI:** I do not, and I resent that. Because if you check the WhatsApp, it is clear. I requested an account, and I am given an account by Matlala and that is the account I paid in. And the reference there is me to  
20 show to him it is coming from me. That is why I wrote Shibiri. But the account was given to me by Matlala and I can only pay to what the person I am paying gave me. So I do not know how could that be held on me.

**ADV KHUMALO SC:** Here is my point. Your bank statement – because remember, this is now your bank

statement. Your reference also shows Shibiri. It does not show Matlala. That is the point I am making.

**LT-GEN SHIBIRI**: Okay.

**ADV KHUMALO SC**: And if you go to page 55, you will see that. This is your bank statement of December 2024.

**LT-GEN SHIBIRI**: That might be a mistake because I have done it from my phone. But if you go to the account, the account will give the account holder. Who is the account holder? There is nothing to conceal in that one. I do not  
10 know. So I do not know, but I deposited to the account which I was given. My mistake is to make the reference myself instead of saying Matlala. I was making sure that you will see that is mine. So that was my mistake and it is an honest mistake.

**ADV KHUMALO SC**: But you accept that your reference is not his reference if you go to page 55. It says intermediate or immediate digital payment Shibiri.

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: On your statement.

20 **LT-GEN SHIBIRI**: Yes, but for me it is immaterial. I paid the account, the account which he gave to me and it is Matlala's account.

**ADV KHUMALO SC**: No, no, it is the company's account. It is Black Arc Trading.

**LT-GEN SHIBIRI**: It belongs to him. It is what he gave me.

I did not have any other account except that he gave me.

**CHAIRPERSON:** At last, Ms Pooe.

**ADV POOE:** Now that the Commissioners have nudged me, not even thrown me into the loan, let us go deeper into this loan situation. General, if you have regard, you testified that at the party when you had a conversation with Mr Matlala about this, you indicated to him that you had a need for the money. That is correct?

**LT-GEN SHIBIRI:** Yes.

10 **ADV POOE:** And he had indicated that if you do not come right, he will advance you that money.

**LT-GEN SHIBIRI:** That is correct.

**ADV POOE:** Now, let us go to your bank statements. File 4. Let us start at page 43. Page 43.

**LT-GEN SHIBIRI:** File 4?

**ADV POOE:** File 4, yes. General, did I understand your evidence correctly that you were in need?

**LT-GEN SHIBIRI:** I am?

**ADV POOE:** That you were in need at the time. You  
20 needed the cash advance because you were in need.

**LT-GEN SHIBIRI:** I do not understand what you actually talking.

**ADV POOE:** You needed the money.

**LT-GEN SHIBIRI:** Yes, I needed the money.

**ADV POOE:** So you were in need. Then if we go to page

43, you will see this section has a series of your bank accounts between June to December. And in particular, if you go to the date on which Mr Matlala paid you or paid the amount to your son, if you have regard to the balance in your account at that time ...[intervenes].

**LT-GEN SHIBIRI**: 43? Page 43 here by me is something.

**ADV POOE**: 43 is the beginning of the statement. Are you in File 4?

**LT-GEN SHIBIRI**: 44?

10 **ADV POOE**: File 4.

**LT-GEN SHIBIRI**: Yes, 43 there you put something from Vodacom. And then it is 42, then a Vodacom thing, and then 44. It is File 2?

**ADV POOE**: File 2 has your annexure, so File 4.

**LT-GEN SHIBIRI**: 4. Thank you. Sorry about that.

**ADV POOE**: No, no worries.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So you will see page 43, that is the beginning of your statement.

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

**ADV POOE**: And that one covers the period 6 September 2024 to 5 October 2024. You see that?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then it gives a net balance for that month. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** It is a positive balance of R60 000 and then it also indicates your overdraft limit. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Now if you go to the next page, on page 44, this is now around the 17, 18, when Mr Matlala advances you the money. You had a positive balance of R50 000. Can you see that?

**LT-GEN SHIBIRI:** On the 18<sup>th</sup>, yes.

10 **ADV POOE:** Yes. And even if you look just what happens at the end of the month, is by the time you get your salary, you have a positive balance of R42 000. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Yes. Now if you continue to the following month, 6 October, so it starts at page 46.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** There again you see your net balance there is R66 000.

**LT-GEN SHIBIRI:** Yes.

20 **ADV POOE:** And even if you go through all of the transactions and reach the end of the month, you will see that it goes up and up.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And so at all material times when you needed to assist your son, you did indeed have the money.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So you did not require the loan.

**LT-GEN SHIBIRI:** No, I did acquire the loan because I wanted to ...[intervenes].

**ADV POOE:** Not acquire, require.

**LT-GEN SHIBIRI:** I required it.

**ADV POOE:** Yes.

**LT-GEN SHIBIRI:** I required it because by that time I wanted to build the wall here at my house and the wall also  
10 at home, and of which I ended up doing that in March 2025.

**ADV POOE:** But can you see that between that period when the loan was taken, up until December when the loan was paid back, there was no need. You may have had an intention, but certainly in your account what it shows is that you had the money to assist your son without a loan from Mr Matlala.

**LT-GEN SHIBIRI:** I decided how I want to use my money. It is not about what you have there. I decided to say I wanted to make the wall and then I can get another money  
20 to do that and then I will pay it back because I know in December I will be getting more than R100 000 for my bonus. So that is what I thought at that time.

**ADV POOE:** So you thought it would be better on your version to get a loan from somebody where you know, one, is being alleged to have killed and fraud, that you find out

the day before. Two, you also found out in September that he was a SAPS contractor. That is also your version. So if you have regard to page – if you go to page 47 of your statement at paragraph 151, and then if you read that with paragraph 250, you will see – I will start with 250. You say:

10                    “I became aware of the contract between  
                         SAPS and Medicare 24 during September  
                         2024 when Mr Matlala asked  
                         telephonically where I was travelling to  
                         and I became amazed at how he knew.  
                         Mr Matlala then indicated that he had a  
                         contract with SAPS.”

Now when you go to paragraph 151, you will see that conversation when you told Mr Matlala you are travelling to Limpopo happens on the 18<sup>th</sup> of September.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** So, again, you thought it was acceptable to take the loan, one, in the instance where you found out that Mr Matlala is implicated in very serious allegations. Two,  
20 on the 18<sup>th</sup> you also find out that he is a SAPS contractor. So even if you had used the money for building a wall, you are now faced in that moment knowing these two facts about Mr Matlala and you chose to take the money from Mr Matlala as opposed to defer your plans to build the wall.

**LT-GEN SHIBIRI:** Ja, I did take the money from Mr Matlala

knowing he has got the contract. I have got nothing to do with the contract. I do not deal with the contracts and I think even if it comes to the integrity, it deals with those who are in supply chain and so forth. So for me ...[intervenes].

**ADV POOE**: General, is your suggestion that there would be nothing wrong with taking money from a contractor as a general within SAPS because you are not in supply chain?

**LT-GEN SHIBIRI**: Yes, I am not in contract with him and  
10 that contract is not directly linked to me.

**ADV POOE**: And, General, are you then aware of the, I think I will have to go there, the employment regulations that require disclosures of loans and benefits, particularly where there is a relationship between the service and this person?

**LT-GEN SHIBIRI**: I think Regulation 18 of 20  
...[intervenes].

**ADV POOE**: Yes, precisely.

**LT-GEN SHIBIRI**: Yes.

20 **ADV POOE**: And despite, and you know that is precisely because where there is a relationship between you and a contractor, even if it is not direct, you may be able to gain some benefit from a contractor. Remember also, Mr Matlala was doing health risk management, which affects most departments within SAPS because that is where recruitment

takes place, sick leaves take place, all of that. And in fact, Brigadier ...[indistinct] testified that Mr Matlala would often want to make links with other Generals across the province because that is how work was generated in that area. So you did not have to be in supply chain management to be able to assist Mr Matlala.

**LT-GEN SHIBIRI**: No, our sick leave is not dealt with by them. We go direct to the private GPs. And those from the province he was referring to, he is referring to the provinces  
10 responsible for LCRC or Forensics, not ours.

**ADV POOE**: General, even in an instance where it refers to others, you have to accept you are an influential person within SAPS, this is a contractor within SAPS, and there is something inherently wrong with you taking loan from him. Particularly, maybe I should ask, did you disclose this loan?

**LT-GEN SHIBIRI**: No, we disclose gifts, not loans.

**ADV POOE**: General, the requirements, it says it deals with both disclosures of loans and benefits. So even if it is not a loan, it certainly was a benefit. Do you accept that?

20 **LT-GEN SHIBIRI**: I cannot benefit something which I pay back.

**ADV BALOYI SC**: General, you got an interest-free loan. How about that? If you had gone to the bank, you would have had to pay interest on it. So at the very least, your benefit here is that you got a loan, if it is a loan, you get a

loan that has no interest implications for you, so you saved what you would otherwise have had to pay to a bank. Do you accept there is a benefit in that way?

**LT-GEN SHIBIRI**: Ja, I got a benefit from a friend, yes.

**ADV BALOYI SC**: Ja, okay. You do accept it is a benefit, thank you.

**LT-GEN SHIBIRI**: Ja.

**ADV POOE**: And now you accept, General, that he is your friend?

10 **LT-GEN SHIBIRI**: It was said the whole day here.

**ADV POOE**: No, you have just said it.

**LT-GEN SHIBIRI**: No, it was said here the whole day.

**ADV POOE**: So, General, just in regards to this, I for one find it implausible that in a face where you had money to assist your son, you chose this option, that in a time where it places you in a precarious position because you know he is a criminal and you know he is a contractor. On either score, you would have been in trouble, and you failed to disclose it.

20 **LT-GEN SHIBIRI**: To know that he is a criminal, I did not know. He is arrested now, he is a criminal now. And there were allegations, yes, I agreed to that. And again, I said I knew him with not being charged of anything or being a criminal. And if I took that R55 000, I was supposed to be left with zero, whereas I needed to do something. So I had

to make a decision which I see fit for myself, which maybe the Commission does not see it fit.

**CHAIRPERSON**: General, you say at the time he was not a criminal, and you say, yes, he is charged now. Remember, I asked you one question as Commissioner Khumalo reminded us earlier before the lengthy engagement between you and me. I asked you one question, and I did so deliberately. I asked you, would you ask for a loan from a criminal or an alleged criminal? And you said you would  
10 never do so. Do you remember that?

**LT-GEN SHIBIRI**: I remember.

**CHAIRPERSON**: Now you have just said that he was not a criminal, he is only charged now, but you say there were allegations against him.

**LT-GEN SHIBIRI**: Ja, he is charge ...[intervenes].

**CHAIRPERSON**: And the allegations you are referring to were allegations of criminality. Correct?

**LT-GEN SHIBIRI**: Correct, and he is not yet charged for that.

20 **CHAIRPERSON**: No, no, no, no, no. My question earlier was not about being charged or anything. It was about allegations of criminality. A criminal or somebody against whom there are allegations of criminality. And you said you would never, never ask for a loan from such a person.

**LT-GEN SHIBIRI**: Correct.

**CHAIRPERSON**: Now you admit that there were allegations of criminality against Mr Matlala. Fine, not charged at that stage, but allegations of criminality, and yet you still took a loan from him. How does that square up with the answer you gave to me earlier?

**LT-GEN SHIBIRI**: I hear you, Commissioner, even though he is not yet charged on those things.

**CHAIRPERSON**: No, no, no, no. My question was not about criminal charge or anything like that. It was  
10 allegations of criminality, and you said you would never. So my question stands. How does that, what you say now, square up with your answer to my earlier question?

**LT-GEN SHIBIRI**: Commissioner, you always corner me. You always corner me because even that allegation was not police allegation. Allegation from the newspapers, of which even today he is not yet charged for it, but I will agree. I agree.

**CHAIRPERSON**: Thank you.

**LT-GEN SHIBIRI**: Even though I am cornered.

20 **CHAIRPERSON**: Thank you.

**ADV BALOYI SC**: General, can I just raise an issue from a different perspective about this payment to you? You get paid on the 18<sup>th</sup>, or the money is paid to your son's account.

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: I think it is on the 18<sup>th</sup>, if I am not

mistaken. And the messages about Mr Khawula, they come in, it comes to you on the 17<sup>th</sup> and then on the 18<sup>th</sup> you receive payment and you instruct General, I think I understood you to say you then forwarded this message. We see that it goes to Sergeant Nkosi, and Sergeant Nkosi is supposed to do something about it.

Do you not see the problem, at least from a perception point of view? Earlier in your testimony you said I would not, when you were angry about him saying you are  
10 his person, you said something to the effect that you would not want anyone to say because they have given you money or they know you, you do things for them. I think that is what you were saying, because they know you, you do things for them.

Did you not see the potential problem that it creates, even if it is just a perception, that your friend forwards you this message about Mr Khawula, you forward it to Sergeant Nkosi, obviously not for the fun of it, to do something about it, and I think that is what you said. And  
20 then the next day he pays you, gives you money.

That looks like he is paying you to do his bidding, to assist him. The proximity of the payments, there is no distance in terms of time. One happens immediately after the other. Do you see the potential, the impression that it creates actually, that Matlala pays you, you are prepared to

do things for him?

**LT-GEN SHIBIRI**: Ja, because of that interpretation of the WhatsApp. Actually it is not Khawula who was extorting money. Somebody who is purporting to be speaking to Khawula is the one who was extorting money, whom he told me, he says he is a journalist. If you can check, Khawula has already posted, it is out there. So he is saying he sent it to him to say he must publish. In order for him not to publish, he must give him something so that he can also  
10 give to Khawula.

So I asked him, why is this thing? He said, no, it is people wanting to extort me money, I have got nothing to do with these things. But the only two things I knew there on what was written is what I testified about, to say the people who burned the hospital were arrested, the people who made that were arrested. The only thing was that one of the 5 million on top there, that he might be involved on it.

But irrespective of that, that person who is wanting money is committing a crime. I cannot say because there is  
20 an allegation against this one, we cannot help because somebody is extorting money. That is why, Commissioners, you heard me, I was not much very happy of the evidence leaders who reported or indicated that I am the one who said show me to Khawula, he must not do what-what.

So that is why I was saying that. But how it is

understood is, it is like the case was about to be about Khawula. It was about the person who claims to be a journalist acting on behalf of himself and Khawula, who wanted money from Matlala to be paid.

**ADV BALOYI SC:** General, just in case I was not clear in what I am putting to you. What I am putting to you is, for your comment, is on the 17<sup>th</sup> you get this from Mr Matlala. Obviously he wants you to do something about it. You are a general in the SAPS. He is not sharing for the sake of it.  
10 So he sends you this on the 17<sup>th</sup>. On the very next day he gives you money.

And I am saying, what I am proposing to you is, did you not see the impression that it creates? In fact, I want to put to you that if you were minded to act ethically and cautiously, you would not have accepted the money from him because it just looks bad. You may have discussed it earlier, as you say you discussed it on the 14<sup>th</sup> for the first time, and then he follows up without any probing or any request from you. He follows up on you on the 18<sup>th</sup>, let it  
20 be what it is.

But on the 17<sup>th</sup> itself he sends you a message And on the 18<sup>th</sup> he follows it up with payment to you. And what I am putting to you is that if you were minded to avoid appearances of impropriety, you would not have accepted that loan when it came. Even if you had accepted it in

advance, but you would not have taken the money because it has appearances of being paid by someone that is asking you, and you actually do act on it to do things for you.

**LT-GEN SHIBIRI**: Ja, unfortunately that is how life goes with human beings, you make mistakes. So I cannot reverse that, I could not think about that at that time. I knew I spoke to him on the 14<sup>th</sup>. He is a friend. I did not foresee what you are looking at now.

10 And even if it was somebody, it could have happened. Yes, with the head you are having, you have to think all the avenues. But sometimes as a human being it happens to you because you are there, you are alone. You are thinking in what you wanted to do. So ja, that is what I can say.

**ADV BALOYI SC**: Ja, I guess the sum of what you are saying is you saw nothing wrong with it at the time.

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: When this sequence of events, you saw nothing wrong with it.

20 **LT-GEN SHIBIRI**: No.

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

**ADV KHUMALO SC**: General, how much did it cost to fix the car? Do you know?

**LT-GEN SHIBIRI**: No.

**ADV KHUMALO SC**: Do you know?

**LT-GEN SHIBIRI:** I know. It was about 55 when it started.  
It ended up to 87.

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

**LT-GEN SHIBIRI:** Ja.

**ADV KHUMALO SC:** Do you want us to do the math  
tomorrow?

**LT-GEN SHIBIRI:** The math?

**ADV KHUMALO SC:** Are you sure it was 87?

**LT-GEN SHIBIRI:** Yes, because you see the other things  
10 you see there whereby to say 5 000 whatsoever, you go to  
in the job in the inner city or you buy to disperse. They do  
not have the machine. You do the EFT. I was also angry  
saying you are giving girls money whereas I borrowed  
money for fixing the car. So yes, I am sure. Because it  
even took longer than we expected because these  
mechanics, sometimes other money gets out. You have to  
go and buy again.

**ADV POOE:** General, I did the math because I used the  
annexure you gave us where you indicated and highlighted  
20 the transactions that were related to the repair of your son's  
car. If you go to page 42 of File 2, which would be your  
annexures.

**LT-GEN SHIBIRI:** 42?

**ADV POOE:** Yes, RS8.

**LT-GEN SHIBIRI:** It is at bundle?

**ADV POOE:** 2.

**LT-GEN SHIBIRI:** 2, I am no longer here. Bundle 2, page 40?

**ADV KHUMALO SC:** Just for completeness, point out that 70 000 payment. Remember I had mentioned that it did not come directly from Mr Matlala. So can you just complete that picture?

**LT-GEN SHIBIRI:** Is it page?

**ADV POOE:** At page 42.

10 **LT-GEN SHIBIRI:** 42, yes.

**ADV POOE:** Are you there, General?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** You will see the transaction that Commissioner Khumalo is asking me to point out is on the 18<sup>th</sup> of September. There is a slight highlight or shade. You will see it was paid from CAT VIP Protection. Can you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And that is the 70 000.

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

**ADV POOE:** Now if you look, the next payment that you highlighted for us is a payment of R2 800 for headlights. Then you highlighted for us R25 000 for a tow truck. Then you highlighted for us the R8 530. You have also provided a slip for that, that lists the components of the things

bought.

**LT-GEN SHIBIRI**: Ja.

**ADV POOE**: And then if you – there is another statement that you should have regard to that is on page 37. Let us start at page 35. The highlights are clearer there. You will see just before the R8 530, there is the R790.

**LT-GEN SHIBIRI**: At page 35?

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: Before the?

10 **ADV POOE**: On the 25<sup>th</sup> of September there are two payments. Can you see that? One is for R790 and the one is for R8 530.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then if you go to page 37, because those are the last two things you have highlighted for us, that would be on the 10<sup>th</sup> of October, there are two payments for R5 000 each. Can you see that?

**LT-GEN SHIBIRI**: Yes.

20 **ADV POOE**: Once you add all of these figures that you say are the repairs, you get R47 120.

**LT-GEN SHIBIRI**: The one of the 25<sup>th</sup> on page 35, you calculated it?

**ADV POOE**: 25<sup>th</sup> of?

**LT-GEN SHIBIRI**: 25<sup>th</sup> of September.

**ADV POOE**: Which amount?

**LT-GEN SHIBIRI:** There is 500 Goldwagen on top of it. It is not marked. And then R790 and then R8 850. When you go down, it says ...[indistinct] the rental ...[indistinct] Road, R8 875. You see?

**ADV POOE:** So you are saying that that R8 000 is also to be included in the calculation?

**LT-GEN SHIBIRI:** Yes. And there is Mag Reel which was bought for R14 000 after. After, not in the same month, because that is why I said it took longer. But the boy can  
10 make a list of whatever and try to get all the slips because that is all the money was used for that car.

**ADV POOE:** Okay. Just on the ones that you highlighted for us, that was the total, we will take into account the R8 875. But if you also have regard to when these payments were made, you will see that in September the total amount covered for the repairs was R37 000. It was approximately R37 000.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then in October, yes, even the R8 000  
20 would be in October. It would then be the R18 875. So even split across the months, based on what also you had in your account, you would have been able to cover these costs.

**LT-GEN SHIBIRI:** In October?

**ADV POOE:** Yes.

**LT-GEN SHIBIRI**: Ja, as I was saying, remember in October you ended there by the rims, right? The rims where you highlighted the two ...[intervenes].

**ADV POOE**: General, do not say I ended there by the rims. Those are the transactions you highlighted, and in your statement you say here is the statement highlighting the transactions that were related to the repairs.

**LT-GEN SHIBIRI**: Ja, I mean the 10<sup>th</sup> of October.

**ADV POOE**: The 10<sup>th</sup> of October, yes, we did speak about  
10 that.

**LT-GEN SHIBIRI**: About that one. And then I saw...

**ADV POOE**: It is okay, General, you can give us a complete breakdown, but just on what you have.

**LT-GEN SHIBIRI**: Because some of the things, they cannot be done at the same time because you are waiting for the car to be painted. Also there were some, what do you call, airbags which were out, which you have to go and buy, they cut and put and whatever. It is not done in the same time. So the car took longer there for more than three months  
20 being in there. So it was a major damage, that is why. So ...[intervenes].

**ADV KHUMALO SC**: General, that is not the point. The point is you are coming to the commission in March 2026, and you want to show the Commission that in September 2024, a year and a half earlier, you needed a loan of R70

000 because your son needed to fix his vehicle. So when you show us these things, you must show us that I needed R70 000 for my son's vehicle and he spent R70 000 fixing his vehicle. It does not assist 18 months later to say to us, these things take three months, but you are not able to show us that the money you took from CAT VIP Services was used for that purpose.

**LT-GEN SHIBIRI**: My apologies. May the Commissioner be given time to go and then my son to write everything which  
10 was done and to show where it was done and so forth? Because maybe what clouded me was that the money went there and you can see to start to finish what was used. And then, even though you wanted blow by blow, I did not anticipate that one. I apologise for that.

**ADV KHUMALO SC**: Ms Pooe's point is that in the annexures, it is you who highlighted the expenses. It is not her, so this is your annexures. And the purpose of highlighting them was to try to show us that you used the R70 000 to repair the vehicle, but the numbers do not add  
20 up. That is the simple point.

**LT-GEN SHIBIRI**: I apologise once more. It is my son who highlighted for me when I wanted accountability data, so since I kept this one. So I should have bettered it before I brought it here, because I wanted to see where the money went step by step so that it is not used for something.

**ADV BALOYI SC:** General, maybe to, in case it helps this discussion, look at page 38 and maybe explain what this is in relation to these highlighted numbers, whether there is a relationship or not, and what in fact is at page 38.

**LT-GEN SHIBIRI:** 38?

**ADV BALOYI SC:** Ja, you have a quotation. You have provided a quotation there. So what I am asking you is, you are discussing with Ms Pooe line items in a statement, but we also have been given an estimated quotation.

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

**ADV BALOYI SC:** And the date of it is the 19-09-24.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** So I just want whether you are able to explain to us what is the relationship between the two and whether it would clear any of what you ...[intervenes].

20 **LT-GEN SHIBIRI:** This was the quotation given by, estimated quotation by the panel beater who was going to fix this JBI. And the R25 000 was for labour, which was paid to him. So I then advise to say, no, if you give this person the whole amount, we have got a history of these people not fixing the car. Go and buy the parts yourself, and then as and when they are fixing, then you bring them the parts. They can go to Goldwagen, he charges you something, you find it there, it is cheaper. And then so that you can have control of it. And that is what happened.

Then the R25 000 of labour was given. And other parts which you are supposed to start with, then you went and buy. And as he finishes the others and others are needed, then he goes and buy and buy. So the only thing which was outstanding, which cost R14 000, was the sump and the grill, and also the airbag on the roof.

**ADV BALOYI SC:** Thank you, General. I am not sure that it is clearing what I was hoping it would clear, but that is where I will leave it.

10 **ADV POOE:** Chair, I am going to move away from the loan. There are two topics. I hope they will not be long, so that the General can proceed with Ms Segeels-Ncube tomorrow. Are you able to give an estimate, Ms Pooe?

**CHAIRPERSON:** Are you able to give an estimate, Ms Pooe?

**LT-GEN SHIBIRI:** I want to say ...[intervenes].

**CHAIRPERSON:** I know that is quite difficult.

**ADV POOE:** I do not see us taking more than 20 minutes. It is the issue of Musa Khawula, which we have already  
20 canvassed, and then lastly the interest in the Medicare contract.

**CHAIRPERSON:** Let us take a short, short adjournment and come back at 16:35.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: Just one quick question, General. How many quotations did your son get for the repairs to the car?

**LT-GEN SHIBIRI**: How many?

**CHAIRPERSON**: Quotations.

**LT-GEN SHIBIRI**: I know of this one.

**CHAIRPERSON**: Only this one?

**LT-GEN SHIBIRI**: I know of this one.

**CHAIRPERSON**: Only this one. Okay.

**LT-GEN SHIBIRI**: Ja.

10 **CHAIRPERSON**: Okay. So, was it the quotation that gave you an idea of how much it would cost to repair the car, or did anything else give you an idea of the cost?

**LT-GEN SHIBIRI**: Ja. Commissioner, the car was at the pound of the insurance. When they repudiated, he needed to take it somewhere. And then, so he knew these people because sometimes they were panel beating for his friend.

**CHAIRPERSON**: What I want to get an idea of, you say you are aware of only this quotation.

**LT-GEN SHIBIRI**: Yes.

20 **CHAIRPERSON**: So, I want to get an idea of, besides this quotation, is there anything else that gave you an idea of what the cost would be?

**LT-GEN SHIBIRI**: No.

**CHAIRPERSON**: Okay. Yes, Ms Pooe?

**ADV POOE**: Thank you, Chair. General, just before I

forget this point, earlier you testified that when you were repairing the loan, you went to see Mr Matlala. For the R20 000 at his offices.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And when would this have been?

**LT-GEN SHIBIRI:** When I do what?

**ADV POOE:** When would this have been that you go and see him?

**LT-GEN SHIBIRI:** Let me refer to my statement because I  
10 forgot the date. I do not know if it was the 4<sup>th</sup> or the 24<sup>th</sup>.

**ADV POOE:** Are you saying 24 November?

**LT-GEN SHIBIRI:** Yes. Let me check on my statement, please.

**ADV POOE:** In your statement, you say in November. You just say in November.

**LT-GEN SHIBIRI:** Yes, meaning I could not remember the date.

**ADV POOE:** Okay. General, you will recall that in an interaction we had earlier about the frequencies of your  
20 interactions with Mr Matlala, you indicated to me that in 2023 you met once, and then in 2024 you met once, and that was at the son's engagement. Remember that?

**LT-GEN SHIBIRI:** Yes, I remember that.

**ADV POOE:** So now you are saying that the repayment was done in person at his offices, so that would be another

meeting.

**LT-GEN SHIBIRI**: Ja, I forgot that too.

**ADV POOE**: Are there other meetings that you are forgetting?

**LT-GEN SHIBIRI**: Ja.

**ADV POOE**: Are there other meetings that you are forgetting?

**LT-GEN SHIBIRI**: No, no, no. For 2024, no, it is that one.

**ADV POOE**: All right, General. Just on that timeline, let  
10 us also see what happens in November. If we can go to File  
4 at page 39? General, let me know when you are there.

**LT-GEN SHIBIRI**: 39?

**ADV POOE**: Yes.

**LT-GEN SHIBIRI**: It is the bank statement?

**ADV POOE**: General, File 4.

**ADV KHUMALO SC**: File 3.

**ADV POOE**: My apologies. I said 3, my apologies, 4, File  
4. The exhibit file, my apologies.

**ADV BALOYI SC**: Ja, General is asking if it is a bank  
20 statement at page 39.

**ADV POOE**: No, it is not a bank statement. It is the  
WhatsApp chats.

**ADV BALOYI SC**: That is File 3, not 4. 4 is a bank  
statement.

**ADV POOE**: I had effectively confused myself. Yes, we

are in File 3. We are at the WhatsApp chats at page 39. And in particular, if we can have regard to chats 4, 5, and 6. Can you see that?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So this interaction happens on the 25<sup>th</sup> of November.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So Sergeant Nkosi sends you three pictures.

**LT-GEN SHIBIRI**: Yes.

10 **ADV POOE**: In order to see the pictures, the first one is at page 107 of the same file.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: General, can you tell us what that is?

**LT-GEN SHIBIRI**: I think it is the invoice for payment for Medicare 24.

**ADV POOE**: Okay. And then the next one is at page 108. Can you tell us what that is?

**LT-GEN SHIBIRI**: I think it is the same thing. The same invoices, which are on page 39.

20 **ADV POOE**: Which are being paid to Medicare 24?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then on page 109.

**LT-GEN SHIBIRI**: It seems to be going with 107.

**ADV POOE**: Okay. Now we can go back to the chats, knowing what this is? If we then go to page 40. So

Sergeant Nkosi sends to you a message that says:

“Maybe it will reflect tomorrow.”

It seems to be a forwarded message. And then another one that says:

“Yes, it is paid on 24 November 2024, but deposited into account will probably be tomorrow, but I will monitor.”

Can you see that?

**LT-GEN SHIBIRI**: Yes.

10 **ADV POOE**: And you then respond, and your response is:

“What is the amount paid?”

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then if you look, you then call Sergeant Nkosi twice. Can you see that? At 242 and 244.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: I guess you do not get a response about what is the amount paid. General, let us start here. Why was Sergeant Nkosi sending you this information?

20 **LT-GEN SHIBIRI**: Yes, I also asked him because Matlala, I think the previous day, phoned asking if I could assist because the SAPS always shows they paid him and they are not paying. The money is not reflecting in the bank and I indicated to him that that is beyond me. I cannot interfere in that field.

So you will have to wait or it will reflect the

following day. But I was surprised to see Nkosi is also sending the same thing, but he never sent anything to me. He asked by mouth to say it is reflecting now and then. Always they are giving him problems and say they are paid, they show him invoice but the money does not reflect in the account. Can I assist in that regard? And I said no, I will not be able to.

**ADV POOE**: So just in context, General, was this before or after you were at his office to repay him the R20 000?

10 **LT-GEN SHIBIRI**: No, it was after because I said I went there early.

**ADV POOE**: Okay, so this was after.

**LT-GEN SHIBIRI**: Ja.

**ADV POOE**: Okay. And then just in your response to that, you say Mr Matlala called you to request assistance in relation to the contract. Now if you go to your statement where you deal with the contract, that is at page 76.

**LT-GEN SHIBIRI**: I am at page 76.

20 **ADV POOE**: You will see you deal with the contract at paragraphs 249 and 250 and all you say to us is that one, you had no involvement in the initiation, procurement, adjudication, approval, negotiation and administration of the contract. And then two, you say to us that you became aware of the contract in September 2024 and you did not know the name of Mr Matlala's company until you received

the screenshots in November. But curiously, you do not note that you had a call with Mr Matlala the day before the screenshots were sent wherein he was asking you a favour related to the payment of those very invoices. Is there a reason for this?

**LT-GEN SHIBIRI**: This message, it says 19 May.

**ADV POOE**: General, I may have lost you. What is it that you are referring to?

**LT-GEN SHIBIRI**: 76.

10 **ADV POOE**: 76?

**LT-GEN SHIBIRI**: What date is it?

**ADV KHUMALO SC**: No, General, page 76 of your statement, paragraph 250.

**LT-GEN SHIBIRI**: Okay.

**ADV KHUMALO SC**: So go to your statement, your witness statement, page 76, paragraph 250.

**ADV POOE**: That is File 1 at page 76. Maybe if it will help, General, it is also displayed on the screens. In your statement where you deal with the contract, you do so at  
20 those two paragraphs.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Do you remember my question, General?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: What is your answer?

**ADV KHUMALO SC**: Maybe just repeat it.

**ADV POOE**: General, I ask that if you have regard to the two paragraphs, you tell us that you are not involved in the procurement, adjudication, approval, negotiation, and administration of the contract. And then you say that you first found out about the contract in September 2024, and then you did not even know the name of the company. You find out the name of the company when you are sent these screenshots.

**LT-GEN SHIBIRI**: Yes.

10 **ADV POOE**: Now, just a few minutes earlier, when we were dealing with the very screenshots, you noted that they follow after a call the day before when Mr Matlala was telling you about non-payments, and that you then indicated to him that you cannot assist, you have nothing to do with that. Yet in your statement, when asked about the contract, you do not tell us this.

**LT-GEN SHIBIRI**: In my statement, 249, this is what I am stating, that I knew he has got a contract, but I did not know the name of the contract. I knew the name after I have  
20 seen this. So that is what I am saying. So I am not sure what is the contradiction.

**ADV POOE**: General, there is no contradiction. It is that you were not completely forthcoming. You say to us in those two paragraphs you are not involved in adjudication, we accept. You then say you did not even know the name

until you get these screenshots. When asked about the screenshots, you say that they followed after a conversation you had the day before with Mr Matlala, where he was asking for assistance for the payment of these screenshots, these invoices, but you do not say this anyway in your statement.

**LT-GEN SHIBIRI:** I hear you now.

**ADV POOE:** And your comment or explanation?

**LT-GEN SHIBIRI:** My explanation is, maybe it is because  
10 we received the, what is this, the chats later, already  
statement made.

**ADV KHUMALO SC:** General, the question is, why did you not mention in your statement that the day before Nkosi sent you the screenshots, Matlala had called you asking for assistance in relation to the payment of his invoices? That is the question. Why did you not mention that Matlala called you asking for your assistance?

**LT-GEN SHIBIRI:** Ja, as I am saying, I remember now  
20 because I saw these messages. I did not remember that  
time.

**ADV KHUMALO SC:** No, but in your statement you mentioned the screenshots. The question is, why did you not mention the call? Because you are already dealing with the screenshots in your statement. So you cannot say you are only seeing them now. You are dealing with them in

your statement, which means you were aware of them. You even give the November date. So the simple question is, why did you not mention the call from Mr Matlala?

**LT-GEN SHIBIRI**: Ja, the statement was rectified many a times. I am not sure what happened, to be honest. We were rectified many a time. I drafted, it was edited, and then we have to redraft. And you have seen also that there were many duplications and so forth because of not having a typist.

10 **ADV POOE**: Yes, General, but even when you were taken through the statement and you had a chance to amplify, this is not one of the aspects you sought to amplify.

**LT-GEN SHIBIRI**: I was reading.

**ADV POOE**: Yes, but you could amplify after each section. Nevertheless, General, maybe let me move on to my next question. You say that on that day before you indicated to Mr Matlala that you would not be able to assist, right?

**LT-GEN SHIBIRI**: Yes.

20 **ADV POOE**: But now when you look at these screenshots and the message you sent to Sergeant Nkosi, look at page 40, chat 3. Your response is, what is the amount paid?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Why would that be your response?

**LT-GEN SHIBIRI**: No, because he indicated certain amount I just wanted to verify because here on the screenshots he

said I cannot see the amount.

**ADV POOE**: But what would you need to verify when your position is you cannot assist?

**LT-GEN SHIBIRI**: No, he said he will monitor and I indicated it will show maybe tomorrow. Or he indicated it will show tomorrow because it shows it is paid.

**ADV POOE**: General, do you accept that you cannot on the one hand say you are not involved and you do not know and you cannot assist. And on the other, when you are sent the  
10 very same screenshots, you already indicated you cannot help with. Your response is not, I cannot help with this, I have already said so. Your response instead is, what is the amount paid?

**LT-GEN SHIBIRI**: I am not speaking to Matlala, I am speaking to Nkosi.

**ADV POOE**: Yes, I accept that.

**LT-GEN SHIBIRI**: Ja.

**ADV POOE**: However, your position is you cannot help with the contract. So that position would not change  
20 because you are now dealing with Sergeant Nkosi?

**LT-GEN SHIBIRI**: Yes, out of curiosity I asked. That is all.

**ADV BALOYI SC**: No, General, it cannot be out of curiosity. You even go so far as to ask what is the amount. So you are not just curious, you want to give Mr Matlala a response. He has called you, he said assist me and you did

something about it. You forwarded this to Sergeant Nkosi and Sergeant Nkosi gives you feedback. It is not a question of curiosity.

If it was curiosity you would not have sent this to Sergeant Nkosi in the first place to do anything about it. So he comes back, he shows you the screenshots. He reports, maybe it will reflect tomorrow. That is consistent with Mr Matlala having asked you to assist him about payments. And then he says maybe it will reflect tomorrow and then he  
10 says yes, it is paid on that day but deposited into an account. It will probably be tomorrow, but I will monitor. And then you say, what is the amount? There is nothing curiosity about all of this.

It is a man who has gone to check and is now giving you feedback. And that is consistent or a consistent response to what you say happened the day before, which is Mr Matlala said help me. Find out, at the very least help me find out what is happening. That is at its most innocent.

**LT-GEN SHIBIRI**: Commissioner, firstly I never sent  
20 anything to Nkosi. Nkosi sent these things to me. Why did you not say to him why are you sending this to me? When he sends you the screenshot, the natural reaction of someone who has absolutely no knowledge about why they are receiving something so specific, it is not to say what is the amount paid.

It is to say, why have you sent me the screenshots? Why are you telling me maybe it will reflect tomorrow and where does it reflect? I mean there is no, it does not even tell you anything. The screenshots just say Medicare and then it gives you that list. He says maybe it will reflect tomorrow. You do not say where, what are you talking about? Quite clearly because you know what he is talking about.

**LT-GEN SHIBIRI**: Commissioner, he is sending and  
10 responding to himself at the same time. As I said, I asked  
out of curiosity to say how much are you talking about?  
How much is supposed to be paid? Because he is sending  
and responding at the same time to say it will reflect  
tomorrow. It was paid when, when and I will monitor. So  
out of curiosity, I just asked how much, because there was  
nothing for me to say and already I already spoken to the  
man a day before. So I did not send anything to him. He  
sent these screenshots and even sent the response for the  
same screenshots. So out of curiosity, I just asked how  
20 much.

**ADV BALOYI SC**: What I am putting to you or what I am  
suggesting to you is that this is not a discussion. Given  
what happened the day before, according to you, Mr Matlala  
calls and says assist me because I am not getting paid.  
What follows in these WhatsApp chats is consistent with

you responding to that request for assistance and what you ask Nkosi to go, that is what it looks like.

And I want to suggest that to you that you get a call from Mr Matlala the day before the 25<sup>th</sup> of November. So you get your call on the 20, according to you, on the 24<sup>th</sup> of November you get a call, help me. You speak to Nkosi. Nkosi sends you these screenshots. I am suggesting that is what happened.

10 Sergeant Nkosi sends you what he is able to pull out from SAPS' system, which he too is not involved with finances, but he gets access to this stuff. He sends it to you and then he gives you a report about when payment will be made, which is consistent with Mr Matlala having asked you to assist him.

He gives you a report and then he does a further report. He says it will be paid tomorrow. Your question of how much is consistent with you getting a report from Nkosi and then going to respond to Mr Matlala. That is my suggestion to you. So when you say curiosity, no, it is not  
20 curiosity. There is more to it than just curiosity is what I am putting to you.

**LT-GEN SHIBIRI:** Commissioner, I do not believe Nkosi can access these printouts.

**ADV KHUMALO SC:** But he did because he is sending them. You can see where they are.

**LT-GEN SHIBIRI:** I thought maybe he got it from Matlala. That was my take. But I do not believe he can. I do not want to speak for him, but I do not believe he can ...[intervenes].

**ADV KHUMALO SC:** But why would Matlala be asking you for help if Nkosi already has this or he has this and he has given them to Nkosi?

**LT-GEN SHIBIRI:** When he asked, meaning he was having because he said they keep on sending him invoices showing  
10 that the money will be paid, but they do not pay. Can you speak to somebody who can assist me to make sure the money is paid? I said I cannot. So that is why I am thinking he got it from Matlala because I do not see any way how Nkosi can access the finance document or have access to that one because it is not even at our finance.

**ADV KHUMALO SC:** You should have reprimanded him. You should have said to him, Nkosi, where do you get these documents because they belong to finance? You should not have access to these documents. What you are doing is  
20 wrong. If you are sharing them with Matlala, you should stop.

**LT-GEN SHIBIRI:** Ja. Earlier on when I was testifying, I did mention for this kind of thing I did reprimand to say you get these things, sometimes they will put you into problem because you are not supposed to. And I referenced also

the other one which was going with it, the one which was having confidential on it.

**ADV KHUMALO SC:** I am talking about these specific ones, General, not in general terms. I am saying on the 24<sup>th</sup> or 25<sup>th</sup> of November you should have said to Nkosi, Nkosi, you do not work in finance, you have nothing to do with service provider contracts, what are you doing with these documents and why are you sharing them?

10 **LT-GEN SHIBIRI:** Ja, no, you are correct. But Matlala already had these things.

**ADV KHUMALO SC:** You do not know that because Matlala did not share them with you.

**LT-GEN SHIBIRI:** No, I said he talked to me about it that he received, not sharing it with me.

**ADV KHUMALO SC:** So you can know that he had them if he did not show you. Unless you say Matlala showed me the screenshots, so I know he had them, you do not know that.

**LT-GEN SHIBIRI:** Yes, I do not know that.

20 **ADV KHUMALO SC:** Yes.

**ADV BALOYI SC:** Even if on your evidence, your evidence is correct, if it is that Sergeant Nkosi received these screenshots from Mr Matlala, even if that were correct, and he somehow forwards them to you without prompting from you, there is this great coincidence, and it would be a

coincidence indeed, or a curious coincidence, that he sends them to you the day after you spoke to Mr Matlala who said help me about payment.

There is this great coincidence that Nkosi, without prompting from you, he sends you these screenshots. There has to have been a conversation, otherwise what you are relating does not make sense. That Mr Matlala on the 24<sup>th</sup> says help me, on the 25<sup>th</sup> Sergeant Nkosi sends you screenshots.

10           Wherever he got it from is irrelevant, at least for what I am proposing now. He sends this to you, and then he says maybe it will reflect tomorrow. So he is telling you he will be paid tomorrow, and then he says yes, it is paid, deposited, it will reflect tomorrow, but I will monitor. There is no context to it, and then you say what is the amount paid.

          But we know these WhatsApps, on your own evidence, are preceded by a call from Mr Matlala to you to say help me. It is more than an unexplainable coincidence,  
20           and it is not, and I am suggesting to you, you are not giving a satisfactory explanation for this sequence of events. You say, well, I was surprised why he sends me.

          Well, you should not be surprised because you have had a conversation with Mr Matlala. Why are you surprised that Mr Nkosi then sends you information about

payments to him when you yourself have had a conversation with Mr Matlala?

So there is no coincidence, there is no curiosity, I am suggesting to you. You actioned, notwithstanding what you are saying, you actioned Mr Matlala's request to assist you by talking to Sergeant Nkosi and he is giving you a report back for you to be able to inform Mr Matlala. That is what I am suggesting happened here.

**LT-GEN SHIBIRI**: That is incorrect.

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

**LT-GEN SHIBIRI**: And I indicated even before that Nkosi whatever is talking with somebody or whatever is sending, and that is why he was sending even the answers himself. Because if I asked him, I should have asked him on the 24<sup>th</sup> to say go, and I could not ask Nkosi because Nkosi is not working at finance, and I indicated that it would be interference from me. I cannot even ask anybody, I do not know anybody dealing with these things. So it is true that I asked the amount through curiosity, but I do not know why  
20 Nkosi sent this to me, but I thought he got it from Matlala or he was with Matlala or speaking with Matlala when he sent this thing.

**ADV KHUMALO SC**: But even on your version – sorry, Commissioner Baloyi. Even on your version it means then you are aware that Nkosi is assisting Matlala in relation to

his problem with payments. If he got this from Matlala, it must mean Matlala had asked Nkosi to assist him, right?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Why else would Matlala send this to Nkosi? It must mean he wanted Nkosi's assistance.

**LT-GEN SHIBIRI:** I do not know.

**ADV KHUMALO SC:** And you do not warn Nkosi to say, Nkosi, do not play in that space, you should not be doing that. You should not be dealing with SAPS' service  
10 providers.

**LT-GEN SHIBIRI:** Ja, as I am saying, I do not know, that he just showed him, he shows me out of him liking posting things, I do not know. But I know he can access these things.

**ADV KHUMALO SC:** Yes. No, no, we accept that. We are saying on your version, he got this from Matlala.

**LT-GEN SHIBIRI:** I think so.

**ADV KHUMALO SC:** Which means on your version, Matlala is discussing the issue of payments with Nkosi. And  
20 on your version, that is not Nkosi's job because Nkosi does not work in finance.

**LT-GEN SHIBIRI:** Ja, because I knew there is nothing he can do. And from the testimony, it seems when he is frustrated, he is talking to everybody, Matlala, regarding assistance. So, it did not amaze me, but I knew Nkosi is

not in the position to say he can assist in this. If I can assist myself, what about Nkosi?

**ADV POOE:** General, just to maybe further demonstrate that it cannot be just curiosity, let us go to page 68 of the same bundle. If you look at chat 5, there you will see a media enquiry about the report that documented the termination of Mr Matlala's contract. So, that is at chat 5.

**LT-GEN SHIBIRI:** 63, yes. I am there.

**ADV POOE:** 68.

10 **LT-GEN SHIBIRI:** 68? Okay.

**ADV POOE:** So, at the bottom of the page, the last chat there. Can you see that? Sergeant Nkosi forwards you that media enquiry, can you see that?

**LT-GEN SHIBIRI:** Is it a media enquiry?

**ADV POOE:** Yes. See, it says, my name is whoever, I am a journalist at City Press, currently working on a story based on the audit findings that recommended the cancellation or termination of Mr Matlala's contract.

**LT-GEN SHIBIRI:** Down there, number 5?

20 **ADV POOE:** Yes, General.

**LT-GEN SHIBIRI:** I was looking on the top one, sorry.

**ADV POOE:** No worries.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then if you turn to the next page, Sergeant Nkosi also forwards you what looks like a

message sent to SAPS generals. It says, the general would be General Masemola and Lieutenant Generals, drawing their attention to the media enquiry. Can you see that?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then you see that Major General, Sergeant Nkosi then forwards Maj-Gen Gopane's response to the generalist. That is the one at 10:22.

**LT-GEN SHIBIRI**: He is sending to the generalist?

**ADV POOE**: Excuse me?

10 **LT-GEN SHIBIRI**: You are saying he is sending General Gopane's message to the generalist.

**ADV POOE**: No, no, no, I am saying that Sergeant Nkosi forwards you the message that General Gopane is sending to the journalist. Can you see it says, good morning, and that is the name of the journalist that had earlier sent the media enquiry?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And then you will see that the next thing that is sent to you is a picture of the preliminary report. And  
20 that preliminary report is at page 127.

**LT-GEN SHIBIRI**: I see it.

**ADV POOE**: Right. Now, look at your response to this.

**LT-GEN SHIBIRI**: I think I already responded, I reprimanded him about this one ...[intervenes].

**ADV POOE**: No, no, no, General.

**LT-GEN SHIBIRI**: Yes, let me finish. The one year preliminary report which is confidential, that is the one I was saying, I reprimanded him to say, whoever is sending you this will put you into problem because you cannot send this one. I said it before.

**ADV POOE**: Yes, I accept that you said it before. I am just drawing your attention to the response that you wrote in the chat.

**LT-GEN SHIBIRI**: Yes.

10 **ADV POOE**: Your response is:

“Good morning, is too bad.”

**LT-GEN SHIBIRI**: Yes, it is too bad.

**ADV POOE**: Yes. Now, viewed in the context of your earlier discussions with Nkosi related to payments, now Nkosi is telling you about the termination. Your response is, good morning, it is too bad. What is too bad?

**LT-GEN SHIBIRI**: It is too bad that the contract is found to be fraudulent and is going to be terminated. And we talked about this. Remember I indicated to say some of the things  
20 I was sending to him was to say, but this guy, it might be a problem in certain things. And this is in March '22, and that other one you were talking about there, it was when? It was in November.

**ADV POOE**: In November, yes.

**LT-GEN SHIBIRI**: Yes. So I do not know, you are

correlating that one to this one.

**ADV POOE**: General, it is demonstrating your attitude towards it. So in the earlier part, when we were dealing with the November interaction, you were saying that you were merely curious about the amount paid. When you are told about termination, your response is, it is too bad.

**LT-GEN SHIBIRI**: Yes, it is too bad.

**ADV POOE**: And you say it is too bad that his contract was terminated.

10 **LT-GEN SHIBIRI**: No, I said it is too bad because it was fraudulent. It is not only him or her involved, even SAPS is involved. It is too bad what is happening. It involves both SAPS and him, and then SAPS also, they are involved in the awarding of these things. So it will not be only him.

**ADV POOE**: General, in the context of what we now know to be your relationship with Mr Matlala, your earlier discussions related to the payments and your interest in how much was paid, it seems unlikely that this too bad was directed at SAPS being implicated. It seems more that what  
20 was too bad about the situation is that Mr Matlala's contract was terminated.

**LT-GEN SHIBIRI**: So is there any need for me to answer questions if ever already questions are putting to me, answers are putting to me? Because I gave my answer, my answer has been changed now to say you can make

reference to say, I said how much out of curiosity, that is what I said. Now I am saying it is too bad because it involves the police and himself, himself being done a criminal act and the police also afforded him without not doing due diligence.

Even if we can go back, when we are talking about General Khan, that is why I commented to say this is changing our image. So it is not the first time where I take the SAPS also into consideration when responding. So why  
10 do you choose that one now?

**ADV POOE**: General, when you do respond to say that it is too bad for SAPS, you actually do say that, you say this is bad, this is not a good look for SAPS. So I am saying the context, when you look at your exchanges related to this contract, it does not seem likely that this was directed at the SAPS part. It is more likely that it is directed at the contract that you and Sergeant Nkosi were trying to assist Mr Matlala with.

**LT-GEN SHIBIRI**: I gave my response.

20 **ADV POOE**: I accept that, General.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Then, General, let us then move.

**ADV BALOYI SC**: Sorry. General, when Mr Matlala calls you, maybe let me start this way. He is your friend. He obviously knows that you are head of Organised Crime and

you have nothing to do with procurement issues, with payment issues. He knows that, right? Can we take it as a given that he knows your position in the SAPS?

**LT-GEN SHIBIRI**: Yes, Commissioner.

**ADV BALOYI SC**: Yes. He nonetheless asks you to assist him, even though you say he knows that you have nothing to do with these things. Can you see from that request how he would think you are the person to assist him with problems in SAPS?

10           He asks you about a matter that has nothing to do with your position and I am prepared to accept for purposes of this engagement that you told him I cannot assist you because that has nothing to do with where I operate. I am not quarrelling for now with what you said to him. But can you see how, knowing very well that you are not in finance, how this request to you to assist him with getting payments indicates that he thinks you are his friend or connection?

          You say the language you used was he has got a person inside. Just from the request itself, that he thinks  
20           you are a person that can assist him about matters that have nothing to do with your portfolio. Can you see how he would have thought you are the person to assist him with this request?

**LT-GEN SHIBIRI**: Commissioner, I just indicated that through testimony which was made to the Commission, he

went to everybody, including to KZN looking for assistance. He can go to anybody, irrespective of he knows you or not. So when he is desperate, he knocks all the doors. So I can say.

**ADV BALOYI SC:** Yes. I am not sure what is the answer to my question. My answer is much more straightforward than asking everybody. You are his friend. You are not just everybody. You are his friend. At the time that you say he asks you for assistance, you owe him money, in fact, at that  
10 point. And then on the 6<sup>th</sup>, you tell us that when there was that operation at his house, on the 6<sup>th</sup>, he told people, he seemed to have said that you are his person.

And all I am putting to you is given the nature of the relationship, which includes a loan to you, which he is still owing, by the way, at that point, and the kind of request that he makes to you for assistance, can you see how he would think, because of the nature of your relationship, you could assist him, even with issues such as finance. I am not saying he is right. I am asking you, can you see how he  
20 would think so?

**LT-GEN SHIBIRI:** I hear what you are saying, but I am saying with that in mind, he left me and went to other people looking for assistance. So that is my response.

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

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Before we leave 69, if you just look at that chat where he shares the screenshot with you of the audit report, it is 10:22 PM on the 22<sup>nd</sup>, and then the next chat between you and him is the following day at 10:32 in the morning. When between those two chats did you reprimand him?

**LT-GEN SHIBIRI:** On this one?

**ADV KHUMALO SC:** Yes.

**LT-GEN SHIBIRI:** Ja, in the morning.

10 **ADV KHUMALO SC:** When? When between the two chats? In the morning when? Because there does not seem to be any communication between chat 3 and chat 4.

**LT-GEN SHIBIRI:** There is. There is the chat 5, it is a phone call.

**ADV KHUMALO SC:** So you reprimanded him after you said too bad?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** But my question was, when between the two chats? So you should have said after.

20 **LT-GEN SHIBIRI:** My apologies, sometimes these questions are tricky.

**ADV KHUMALO SC:** I did not mean to trick you, I just wanted to complete the picture. So after you said, good morning, too bad ...[intervenes].

**ADV POOE:** Sorry, Commissioner Khumalo, just to be of

some assistance, if you look, the call is actually, that comes in after the too bad, it is actually on the 4<sup>th</sup>. Sorry, the 2<sup>nd</sup> of April.

**ADV KHUMALO SC:** Now it is the following month, that is my problem.

**ADV POOE:** Yes, exactly.

**ADV KHUMALO SC:** So that is why my question was, look at when the chat comes to you where he shows you the internal audit report.

10 **LT-GEN SHIBIRI:** Ja, he is saying ...[intervenes].

**ADV KHUMALO SC:** It is on the 22<sup>nd</sup> of March 2025.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** The following day is the 23<sup>rd</sup> of March 2025, at 10:30 in the morning. All you say to him is, good morning, is too bad. So when did you reprimand him for sending you what is clearly a confidential internal audit report?

**LT-GEN SHIBIRI:** Yes, that is why I am saying it is tricky, because we are talking about this, I think only of this, we  
20 might have spoken face to face because we are in the same building. But I do not want to say that because it will seem that I am lying.

**ADV KHUMALO SC:** Maybe to make it easy for you, can we accept that in this document there is no evidence of you communicating with him about this, other than that too bad,

good morning?

**LT-GEN SHIBIRI**: Ja, on this. But before even we come to this, I did indicate I spoke to him about it, but the issue is, did I speak to him face to face, or according to this? But as they are coming thick and fast these questions, I concentrate on what I am dealing with, that is why I went direct to this, I apologise. But I take what you are saying, Commissioner.

**ADV KHUMALO SC**: Yes. My focus is also only on this  
10 document because that is the only thing that is in front of you.

**LT-GEN SHIBIRI**: Okay, thank you.

**ADV KHUMALO SC**: So I do not mean to trick you at all, I just wanted to find out if after you received this, you reprimanded him.

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: And we have accepted that on page 69 there is nothing that suggests that you did. I am not saying you did not use other methods. I am just saying the  
20 chance that we see do not show that.

**LT-GEN SHIBIRI**: I accept, yes.

**ADV KHUMALO SC**: Yes.

**ADV POOE**: Commissioners, I will move on to the last topic, bearing in mind that you stole some of my 20 minutes, I am within my time. General, if we can then just

deal lastly with the Musa Khawula issue. And I know here, General, I just wanted to clarify and make it clear that you did not have a conversation with Mr Khawula. General?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Yes. I am simply just saying for clarity, because I know this is something that you wanted to set the record straight with.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: All right. So now, if we can then go to the  
10 actual chats exchange. Can you please go to page 191?  
Are you there, General?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: 191?

**LT-GEN SHIBIRI**: Yes, I am at 191.

**ADV POOE**: So you see there on the 17<sup>th</sup> of September, at 08:45 AM, you sent to Sergeant Nkosi a screenshot. Now, the screenshot itself is at page 226 and there it is a post by Musa Khawula talking about Mr Matlala and making a number of allegations.

20 **LT-GEN SHIBIRI**: 226?

**ADV POOE**: 226, yes. So that is the actual screenshot.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: So that is just a screenshot of a post by Mr Khawula setting out a number of allegations against Mr Matlala and his wife.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Now, if you go back to the chats, so we are still on page 191.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Sergeant Nkosi responds to you with crying face emojis and says *eish*. Do you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Then you forward to him what you said is a message from Mr Matlala indicating that somebody sent this  
10 to him demanding money.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** You see that?

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** And then this is followed up by a call.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** At 09:04 there is a call from Sergeant Nkosi at 09:05, and then you forward another message from Mr Matlala to Sergeant Nkosi saying:

20                   “Somebody is sending stories to Musa  
                      Khawula about you. I am warning him to  
                      not even try to write about you.”

So you are forwarding this message.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** Right. Then at chat 3, you send a screenshot. You forward a screenshot that Mr Matlala sent

to you. Correct?

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: And that screenshot is at page 227.

**LT-GEN SHIBIRI**: I see it.

**ADV POOE**: And from the looks of it, this is a conversation between someone and Musa Khawula.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Where that individual is telling Mr Khawula not to write stories.

10 **LT-GEN SHIBIRI**: That is correct.

**ADV POOE**: Correct. And then if we go back to the chats, at 09:17 you give Sergeant Nkosi a call. So that is at chat 4.

**LT-GEN SHIBIRI**: Yes.

**ADV POOE**: Now, you say in your statement that after receiving this information from Sergeant Nkosi, you told Mr Matlala first. Sorry. After receiving this information from Mr Matlala, you told Mr Matlala then that you would not be able to assist, that instead you will ask Sergeant Nkosi to  
20 assist. Is that correct?

**LT-GEN SHIBIRI**: Yes. Firstly, I indicated he can go even to the nearest police station. And then he said if Nkosi is not busy, then he can come and assist him with the statement.

**ADV POOE**: So, just to clarify this, are you saying that the

suggestion for Sergeant Nkosi to assist came from Mr Matlala?

**LT-GEN SHIBIRI:** Yes. He said if he is not busy. And then I spoke to him to see if he is not busy. I asked him where he is. He said he is around. I said Matlala was having this problem. I forwarded him everything and then he said no, he will see him later, he was still busy. That is all.

**ADV POOE:** Okay. Just to clarify, Mr Matlala sent you this information. You say to him you can go to the nearest  
10 police station to open a case. He says if Sergeant Nkosi is not busy, can he accompany me? And you then go and speak to Sergeant Nkosi.

**LT-GEN SHIBIRI:** No, I phoned him because I was in Kimberley that day.

**ADV POOE:** Yes. I mean, so you called Sergeant Nkosi to further this request from Mr Matlala.

**LT-GEN SHIBIRI:** Yes.

**ADV POOE:** All right. And is it on that same day that you phoned Sergeant Nkosi?

20 **LT-GEN SHIBIRI:** Ja, after I forwarded him all the screenshots and everything.

**ADV POOE:** Okay. Now, why would Mr Matlala require Sergeant Nkosi's assistance given that you have testified and I think it is also in your statement that Mr Matlala is a businessman, several entities, roots in security industry?

One would imagine that he is familiar with the process of opening a case. Why did you think it was necessary to ask Sergeant Nkosi to accompany him?

**LT-GEN SHIBIRI**: I have already testified that they are close and sometimes Nkosi could phone me being with him and maybe it is for that reason.

**ADV POOE**: Now, if indeed they are, as you say, they are close, why did Mr Matlala send the request to you and not directly to Sergeant Nkosi?

10 **LT-GEN SHIBIRI**: I do not know.

**ADV POOE**: And you did not see anything problematic with you forwarding that request to Sergeant Nkosi?

**LT-GEN SHIBIRI**: I said he was asking for an advice what can he do and that is what I testified about that from time to time he would do so. He would phone me asking for advice for certain things which needs police. He would ask me what do I do, there is this kind of a thing, and then I advise that you can go to the police station and open a case, then we can do entrapment for that particular person and try to  
20 get the money and see how much he wants and so forth. He then asked if ever, if Nkosi is not busy, can he assist him. I said no, I will find out from him and then I phoned Nkosi.

**ADV POOE**: General, I guess I am trying to determine that Mr Matlala makes this request of you. You then

communicated this to Sergeant Nkosi to do. Were you envisaging doing an operation or were you asking Sergeant Nkosi to do this as a personal favour because of his relationship with Mr Matlala?

**LT-GEN SHIBIRI:** Mostly issues of extortion. If you can check even at my statement, it is dealt by us as Organised Crime doing entrapment and so forth. So even if he went to the police station, they were going to call people from the province and wherever. So he could have might have done  
10 so himself also.

**ADV BALOYI SC:** Then the curiosity is why do you tell Sergeant Nkosi to assist him? You have directed him to a police station. Why are you using your position to tell Sergeant Nkosi to go with him to the police station or to assist him in whatever way? You have already sent him to a police station.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** Why do you consider it necessary to have Sergeant Nkosi go with him?

20 **LT-GEN SHIBIRI:** No, because since he mentioned his name to say can he assist him. Other than that, it is not the first that I send members from head office to go and take statement or assist anybody who is complaining. I usually do that.

**ADV BALOYI SC:** So you reached out to Sergeant Nkosi

because Mr Matlala requested Sergeant Nkosi to help him. That is what you just said now.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** Okay. So Mr Matlala decides I want Nkosi to come and help me. He speaks to you, his friend, about the same period that he is advancing loans to you and then he picks, after you say to him go to a police station, he decides no, that is not good enough, I want Nkosi to assist me and you oblige him.

10           You call Nkosi, you say go with him to assist him. That only makes sense to me if it is you using your position and your friendship with Mr Matlala to allow him to tell you what he wants. He tells you I want Nkosi to help me and you say Nkosi go help. It makes sense only that way to me, that here is your benefactor who tells you I want Nkosi to help me. It is not good enough that you tell me to go to a police station. I want Nkosi to help me, and you oblige him. It is just wrong on the face of it.

**LT-GEN SHIBIRI:** Ja, I indicated to him I will check with  
20 Nkosi if he is not busy and then to assist him. If Nkosi was busy, then you could not have helped him and he could have went to the police station. But anyhow, as I have indicated before, when Nkosi phoned him about it, he indicated that his attorney is dealing with it and he did not open a case.

**ADV BALOYI SC:** Forget what he has said. We are talking about your conduct as head of Organised Crime who is friends with this person, who gives you money, a loan, and then in that same period he asks you to do certain things, and you do. And I want to go back to the theme that, well, I can see why Mr Matlala would say I have got my person in there, because he makes requests on you and you oblige him.

You do not say to him no, I have advised you to go  
10 to the police station. You go to the police station and if you do not go to the police station, that is it. You do not do that. You are saying, Nkosi, help him. And Nkosi, as you have told us, he is not just a friend. He is your subordinate. So you have tasked him to go and assist Mr Matlala when he has time.

I completely, I think, understand why Mr Matlala would think I have got my person inside. I ask him for things. I tell him what I want, and he does it for me. I can see where he comes from.

20 **LT-GEN SHIBIRI:** Except that I do so with everybody, I indicated that Nkosi and Matlala they are known to each other, hence he mentioned the name. And I asked Nkosi if he was busy or not busy. If he is not busy, he can assist. If he is not, he is busy, then he will go to the police station. So I do not know because from what I have indicated,

whatever we discussed, it ended by Nkosi phoning him and him indicating to Nkosi that for now my attorney is dealing with it, let us park it.

**ADV KHUMALO SC:** General, to complete this picture, that is not how it ended. In fact, two weeks later Nkosi shared a warrant with Mr Matlala and that warrant was a warrant for Musa Khawula's arrest. And the purpose of sharing that warrant with Mr Matlala was so that Matlala can assist in the arrest of Mr Khawula.

10                So arising from where this whole thing started with you, it ended up with a warrant being obtained, not with Mr Matlala as complainant but somebody else as complainant, but that warrant was then shared by Nkosi with Matlala with the hope that Matlala would assist Nkosi to arrest Mr Musa Khawula. That is the evidence this Commission has heard. And Mr Nkosi himself, Sergeant Nkosi himself confirmed that.

**LT-GEN SHIBIRI:** Yes, and I have testified here that I have no knowledge of that particular matter. I was not even  
20 involved, I did not know about it. It was a different matter or matters as I was informed that there was this one of a cybercrime and there was a murder warrant somewhere and so forth. And I was not informed about it and I did not know about it.

It happened. They executed where they executed

it. It happened like that. So to link up with this one, it can well goes well, but I have no knowledge of that one and I am not seeing it being linked because Matlala did not open a case, opted to go with an attorney to deal with this issue, but there were different complainants according to the evidence led here. And what Nkosi have said, but I take what the Commissioner say.

**ADV KHUMALO SC:** And when the arrest happened you were informed, so you were notified that Mr Khawula has  
10 been arrested?

**LT-GEN SHIBIRI:** No.

**ADV KHUMALO SC:** By Nkosi, did he not inform you?

**LT-GEN SHIBIRI:** No, it is the other way around. When the arrest happened, I saw it from News 24. I forwarded it to Nkosi. I even indicated to say it was to show him that that particular person who they were complaining about is again now a subject of arrest somewhere. It seems he is a problematic person.

**ADV BALOYI SC:** General ...[indistinct] in your evidence  
20 was that nuisance, you are telling him there is that nuisance, and I want to explore that further.

**LT-GEN SHIBIRI:** I said character, not nuisance.

**ADV BALOYI SC:** No, you used the word nuisance, he is a nuisance, and I want to explore that further. You say you had nothing to do and you knew nothing about the

cybercrime, and I think the other complaint was *crimen injuria*.

**LT-GEN SHIBIRI**: He was arrested for a murder, that one which you saw. It was a murder somewhere in KZN where they said he is still there, behind bars, so it was not ...[intervenes].

**ADV BALOYI SC**: Be that as it may, it does not change what I want to raise with you.

**LT-GEN SHIBIRI**: Yes.

10 **ADV BALOYI SC**: That you had nothing to do with it. You saw it reported, the *crimen injuria* and cybercrime and the murder one. You had absolutely nothing to do with them. That is what you are telling us. So the only one that you knew and had an involvement with, which is not a case because you tell us that Mr Matlala in the end never went to a police station. But the only one you had an involvement with because Mr Matlala has shared this information with you and you have shared it with Mr Nkosi, is this Musa Khawula issue.

20           So when you say whether you say that character or you say nuisance, and I do have a clear memory that you used the word and I noted it, you could only have been referring therefore he is a nuisance to Matlala. You identified him as a problem on the basis of what you know because the rest of it is in the media according to you. You

get it from the media. So you do not even know the story behind those two other cases, what you say is the murder case and the cyber security and *crimen injuria*. You know nothing about it.

So when you complain that he is a nuisance, it is because he is troubling your friend. You could only be saying it on that basis because that is what piqued your interest. Your interest in this person is because he is creating problems for your friend and that is why you  
10 describe him the way you do, and that is why you share information about him. It is because of the Matlala issue that he has raised with you.

Again, I want to go back to my theme that you had a problematic relationship with Mr Matlala, whether by design or it happened without you realising the path that this is taking you down to. But you had this relationship with him that he calls on you, but you also act and take positions on the basis that it is your friend who is being troubled.

20 That is what I am suggesting to you, that your position in the end ends up doing Mr Matlala's bidding, inadvertently or by design, and he is not at fault to think you are his person on the inside. You and others, but I am talking about you now, not the others. Do you want to comment? Or feel free to comment if you want to, General.

**LT-GEN SHIBIRI:** The word nuisance, I do not remember saying it. I said character.

**ADV BALOYI SC:** My point remains though, even if you did not use the word nuisance. What I am saying to you, the essence of what I am putting to you is that your particular interest in Mr Khawula, even as you share the media bits about him, it is because of the trouble that he is giving or threatening to your friend, to publish about your friend, these unflattering things in the post that you shared with  
10 Sergeant Nkosi. It is because of that. And Mr Matlala sends it to you because he expects you to do something for him about it, and you do. You say to Nkosi, look at this.

**LT-GEN SHIBIRI:** There is nothing I can say will change the Commissioner, the way he is thinking about this thing. I explained to say my understanding is the person who was wanted to extort was somebody using the name of Khawula. And then, again, I explained that when I saw this, I forwarded to Nkosi to say, hey, do you see that particular name which appeared that time?

20           And I was not even aware they had a warrant somewhere and whatsoever. I do not know where does it fit with trying to assist, to make sure Khawula does not bother Matlala or whatsoever. Because, for starters, the person who was supposed to be entrapped there was the journalist who was using Khawula.

And then, me seeing this name again, or usually we are sharing this thing, and the whole chats which were here indicates that me and Nkosi share, irrespective of Matlala, with everything. So I cannot change the Commissioner's thinking about what the Commissioner has just articulated, but I said what I wanted to say, and I will stick by that.

**ADV BALOYI SC:** So you were seeking, your idea was that the journalist who was using Khawula would be the one that is entrapped.

10 **LT-GEN SHIBIRI:** Ja, that is what is in those chats. It is not Mr Khawula. He is making as if he is speaking to Khawula to hear how much can they charge, and then sending to Matlala so that Matlala can pay money to him. Not to Khawula. It was not Khawula speaking to Matlala. It was somebody who was acting as an intermediary, and pretending to be a journalist, whom Khawula gave information to publish, whom for him not to publish, he must get something and also Khawula to pay Khawula something. So that was what was explained to me and what I  
20 understood. And that is why I took offence when it was suggested it is me who is saying to Khawula *chommie*, trying to assist Matlala.

**ADV BALOYI SC:** Thank you, General.

**ADV POOE:** Commissioner Baloyi, the word you are looking for is menace. I wrote it down as well.

**ADV BALOYI SC:** Yes, General, she is correcting me that you did not say nuisance, you said menace. And I think my point remains that you considered him a menace because he is troubling your friend.

**LT-GEN SHIBIRI:** No, he is troubling everybody because he is arrested everywhere.

**ADV BALOYI SC:** No, General, you did not know anything about, unless you want to tell the Commission now, you want to change and say I knew about the cybercrime thing  
10 that he has done wrong, I knew about the *crimen injuria*, I knew about the murder. You have testified that you knew nothing about it, you just saw it in the newspaper, and you just forwarded it. And the question was, why do you forward these things?

And then you say because he was a menace, and that is why I was sending this to Nkosi. That is how you answered. So my proposition to you, or what I was putting to you, was that you forward stuff that you are not involved with, no one has spoken to you about, and I accept that. It  
20 is stuff in the media, you are sharing it with Sergeant Nkosi because this is the man or the person who is troubling Matlala, and that is the only basis on which you could call him a menace.

It is because he is troubling your friend. And the simple point I was making, again, is there is that

problematic relationship where you have branded someone, as you say, about Matlala. I think what applies to Mr Matlala applies to Mr Nkosi as well, which is, he is innocent until proven guilty. So you did not hold him guilty of anything.

Stories are being said about him. You do not know anything about it. All you know is he is part of those people that are threatening Matlala, and you use your position. Thank you.

10 **CHAIRPERSON**: And where do we find, for the record, Ms Pooe, where do we find menace?

**ADV POOE**: My apologies, it will be in the transcript.

**CHAIRPERSON**: It will be in the transcript, or that was said in testimony.

**ADV POOE**: Yes.

**CHAIRPERSON**: Thank you very much. I missed that.

**ADV POOE**: General, I have one more question. And to ask it, I will just ask you to go to paragraph 79 of your statement. My apologies, paragraph 79 at page 25. Are  
20 you there, General?

**LT-GEN SHIBIRI**: 79 of 81, conclusion?

**ADV POOE**: No, no, no, page 25 at paragraph 79. My apologies.

**LT-GEN SHIBIRI**: I am there.

**ADV POOE**: General, in this part of your statement, you

are dealing with the nature, extent, consequences of infiltration and undue influence. And at paragraph 79, 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.”

From your testimony today, General, what is apparent is that you have testified that Mr Matlala approaches you to  
10 talk and seek problem solutions relating to his personal legal problems. He is the one, on your version, who offers you a loan, and he is the one who also even follows up a few days later to see if you had acquired the money. You oblige him by taking the loan, knowing of the serious allegations levelled against him and the fact that he is a contractor.

He then seeks help with the contract. And although you say you indicated you could not help him from your exchange with Sergeant Nkosi, it seems that you took an  
20 interest, particularly in the amount paid. You also indicated some displeasure when the contract was cancelled. He made a request to you as it related to Mr Musa Khawula, and he wanted to be accompanied by Sergeant Nkosi, to which you obliged.

And you talked to him all the way, even after you

know about the charges against him, you talked to him all the way until a few days prior to his arrest in May 2025. And I think if you have regard to what you have said about infiltration, it appears to me that this is precisely what happened with you, that there was a gradual compromise and that Mr Matlala, in some of these instances, shows that there had been infiltration. Do you care to comment on that?

**LT-GEN SHIBIRI:** Ja, I will comment on it. When we say  
10 infiltration by criminal syndicate in order to undermine the institution and also to influence unlawfulness, and cultivating people to enforce the structures, to be informants, intermediaries, associates, to attempt to bribe investigators, to ensure that cases fall in court and they destroy evidence, I do not see none of that there.

What you have indicated is, as a law enforcement, although I know Matlala, whatever I assisted, I assisted him in line of my duties in relation to say if you want to open a case, do this. And instructing a member to assist any  
20 member of public, irrespective of a friend or whatever, is not an influence. And we do this on a daily basis. I will be phoned and I will phone a member to say go to a certain office and get a statement from this person and assist the person. We do that every day.

You have seen also on the videos there, we send

them, whereas it is the police station who should have acted and went there, and went to those shopping centres and get the video footage and follow up. Because we care, as it happens to us as senior officers, it is expected from ourselves to make sure that we assist the people.

And then people feel that if you report to a senior officer, you will be assisted. Irrespective of you, somebody you know or you do not know. I met a lot of people during ...[indistinct]. They still have my number. I still get phoned  
10 for assistance.

And here at the commission, I gave you a clip of a person who complained about the murder of her parents while she is in the USA. And even now, she sent a message after I testified to say, yes, I want you to correct certain names there in what you have indicated.

So you receive information, more especially if you help a lot of people. You will receive information. Even the information which I gave the members regarding the alleged bribe and the threat, and make sure that there must be a  
20 threat analysis, I got it from informants, people who phone me on a daily basis.

So when we talk about infiltration, we talk about infiltration by the syndicates using you to commit a crime or you to assist them committing crime. So I do not see anything of such here which I have done in assisting

Matlala to commit a crime. He committed a crime where he committed a crime without me knowing, without my assistance, and so forth. So I do not understand how this relates to me, really.

**ADV POOE**: General, my proposition is that if you look at all of these, and not to nitpick because you are looking at one where you say, well, here I was doing it because people come to me, but that is not the only identity that Mr Matlala approaches you with. He is your friend. He is your  
10 benefactor. You take loans from him, frequently advise him on matters of personal, say, legal problems.

On top of that, he clearly comes to you about his contract. You take interest in how much he gets paid. So the person that Matlala is to you is very different from all the other people that approach you with their problems.

**LT-GEN SHIBIRI**: Commissioner, that is your perspective, and I think I am the author of what you are referring to and trying to explain what I explained to you. So if you understand it in that manner, I will say it is incorrect.

20 **ADV BALOYI SC**: Can I just check this as a follow-up to this discussion, General? Do you accept, and I am trying to understand your answer to the evidence leader, do you accept that an individual like Mr Matlala can befriend a police officer, can gift or even loans, if you like, but have a financial relationship where they provide a benefit in the

way that I have described it?

And I think we are always told that people are more vulnerable when they have financial troubles because that is when those who have the means know they are weakest and they know that is an entry point. But let me go back to my question. Do you accept that an individual, and when I say such as Mr Matlala, I am not talking about the accusations of criminal, of the many cases that he has had, but someone who is a business person, so-called, who has  
10 his own problems with the law, if you like, who has a contract with the SAPS where he is not getting purchase orders and he wants assistance with payment, who has the Musa Khawulas and many others who give him trouble and therefore are a menace to him.

Do you accept that someone like that could befriend a police officer at any level of seniority or junior with the intention to get them, to assist them in their troubles, to use their power? Do you accept that as a proposition?

20 **LT-GEN SHIBIRI**: Commissioner, this did not happen in one day. It happened that the Commission knows it at once. I indicated I have been known to Matlala since 2016. And then based on the current status, it is unacceptable. But when we started, all these things were not there or were not known whatsoever.

Yes, now it is known. It looks bad on me, yes. But if you take it how it came along and how it happened, it is something else. So if you take what evidence you have gathered and get to the conclusion, yes, it will look very bad on me and whatever I have done. And if ever it was like this evidence is here in front of me, even myself, I could not have done it like that. Yes, I agree in that fashion.

**ADV BALOYI SC:** Maybe in fairness to you, let me also  
10 put this, that is an issue of bother, that on your account, when you meet Mr Matlala at General Sibiyi's house on the 14<sup>th</sup> of September, if I am not misrepresenting your evidence, I think you say the last time you had spoken to him was in 2023, and I think something like a year since you last spoke with him, and then you encounter him at General Sibiyi's house in September.

And the suggestion, I think, in the way that you testify is you did not expect him to be there or you had no reason to think he would be there. So you meet him there  
20 on the 14<sup>th</sup>. You greet, but somehow that conversation with someone that you have not seen for a year gets to a point where you are now talking about your money troubles or your money needs.

And then four days later, according to you, without prompting from you, he calls you. He is the one that calls

to ask. You did not call him to say I still have a problem with, you know, I told you that I am going to try, but he is the one that calls you. This is not a friend that you have been engaging with continuously. The last time you saw him was a year ago and then four days ago, but he is sufficiently interested to call you and to offer you money.

You take it innocently on your version because it comes from your long-lost friend. You take it, but then this is a man who has got problems with the law at that point.  
10 Now you have heard from the commission and whatever you knew at the time, this is a man who has got serious problems, serious allegations against him, but you take the money.

And then what we see after that is you are now real friends. You see these exchanges between you and him up to just before his arrest. You see all of that. It seems to me, and you know these terms much better, and it is a note I made when you started with your statement when you were talking about cultivation at 79.1, and I remember I asked  
20 you, what does that mean? And you said, befriending police to corrupt them.

It seems to me that in fact, Mr Matlala, it was by design that this relationship suddenly develops and very quickly becomes a money relationship, assuming that was the first time you get money from him. It escalates very

quickly into a relationship where money is now exchanged and now he is sending you things, asking for help from you. It seems to me that he was doing exactly what you say happens when people want to corrupt individual officers.

They befriend them in order to get them to do what they want. The word you used was corruption, but I want to say to do what they want them to do for them. My view is you seem to have done that for him. I do not know if you have a comment, General.

10 **LT-GEN SHIBIRI**: Actually, if I have done something unlawful, I will agree with you. But where I am standing, I have done nothing unlawful other than doing something lawful in assisting somebody, in assisting a complainant, for that matter, irrespective of if the complainant is known to me or the complainant borrowed me money, but I was doing my legal duty. So I do not agree with that.

**ADV KHUMALO SC**: Can I ask just one last question for today, General? I think we have heard evidence that Mr Matlala's former girlfriend was shot sometime in October  
20 2023.

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: And that is the reason for his arrest.

**LT-GEN SHIBIRI**: That is correct.

**ADV KHUMALO SC**: And one of the friends of the former girlfriend was badly injured in that shooting.

**LT-GEN SHIBIRI:** That is correct.

**ADV KHUMALO SC:** I believe they are in a wheelchair or they cannot walk properly, one of the two.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** And then we know that Mr Jerry Boshoga was kidnapped sometime in late 2024.

**LT-GEN SHIBIRI:** That is correct.

**ADV KHUMALO SC:** And has still not been found.

**LT-GEN SHIBIRI:** That is correct.

10 **ADV KHUMALO SC:** Yes, and we know that Mr Armand Swart was killed sometime in April 2024.

**LT-GEN SHIBIRI:** That is correct.

**ADV KHUMALO SC:** And his killers or alleged killers have been arrested but not convicted. And we also know that based on the ballistics that you facilitated, that the weapons used in these offences are somehow linked. We know that. Now, if you were family members of all these crime victims and you are listening to the evidence that the Commission is hearing, that head of Organised Crime in the country and  
20 some very senior generals, including the Deputy Commissioner of Police, are actually good friends with these people who are alleged to have committed these crimes, what confidence would you have in the police if you are family members of these people who are victims of this crime? What confidence would you have in the police?

**LT-GEN SHIBIRI**: I get the Commissioner. The relation and trust to the police, these kind of things make it to erode. But as I said, how did it happen? It did not happen like I knew, then I involved myself and I assisted these people. Instead, in some of these cases you are talking about, I assisted into making sure that the investigators, that they stay alive and then they continue with the investigation. Then ...[intervenes].

**ADV KHUMALO SC**: Are you avoiding putting yourself in  
10 the shoes of the family members of the victims?

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: Because that was my question. If you did that ...[intervenes].

**LT-GEN SHIBIRI**: I put myself into ...[intervenes].

**ADV KHUMALO SC**: Wait for my question. Because you are telling me that you have assisted. Of course family members will not know that. What I asked you to do was to put yourself in the shoes or in the position of the family members, of these victims.

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

**ADV KHUMALO SC**: And tell me, in those circumstances, would you have confidence in the police? Especially having heard yourself that Mr Matlala told police officers that you are his person, there is no way anything is going to happen to him. Now put yourself in the shoes of victims of crime,

specifically these three families that I have mentioned, and tell me, would you have any confidence in SAPS if you were a family member of any of these victims? Do not tell me about the assistance you have provided.

**LT-GEN SHIBIRI:** Okay.

**ADV KHUMALO SC:** My question is put yourself in that position and tell me how would you feel if you were a family member of this victim?

**LT-GEN SHIBIRI:** I think it is a difficult question and this  
10 Commission must assist in putting the perspective as to say these kind of actions and so forth, how it is going to be dealt with and how wrong was it and whatsoever. But however, my name, my name, Shibiri, is known in Gauteng, is known in South Africa for the good work I have done for years. And I do not think for one thing then to be associated with one person without knowing lots of things that he might have had could make the whole community to lose faith on me. That is my response.

**ADV KHUMALO SC:** Because I will tell you this. Some of  
20 these alleged criminals, their proximity to the very senior police officers in the country is concerning. It concerns me deeply how close they are. Whether it is innocent friendship, whatever it is, it is concerning that people who are accused of such serious crimes fraternise party with senior police officers, loan money to senior police officers,

share SAPS documents with senior police officers. I mean, it is a serious concern. General, if you were sitting where I am sitting now, you would share my concern too.

**LT-GEN SHIBIRI**: I do share your concern. And I work hard also to deal with that kind of thing. Nevertheless, what happened on my side, my track record will indicate. But unfortunately, in the country we live in, sometimes it ought to happen, but we need to make sure it does not happen. We are having even those people who are fighting  
10 for communities who are from prison, and then working hard to make sure that this country becomes well, who are rehabilitated and so forth. Not to say it is correct to commit a crime, not to say it is correct for police to assist with them.

So I am trying to indicate that there is equation in this life. I understand your outcry. And yes, it makes me look very bad the way you are saying it on TV, that I am that cruel person who goes out with these criminals. And it is not like that.

20 **ADV KHUMALO SC**: Alleged criminals.

**LT-GEN SHIBIRI**: Ja, exactly. I am sorry, Commissioner. That is how I feel now and that is what I think, what I was saying. We must give out the good perspective, other than finishing me off here on this platform.

**ADV POOE**: With those words, I am certainly finished with

the General for today.

**CHAIRPERSON**: Thank you, Ms Pooe. General, I want to take you back to what you have referred to as a loan. I assume you would not have done a thumb-suck when you asked Mr Matlala to lend you the R70 000. The loan would have related to the actual cost of repairs. Is that correct?

**LT-GEN SHIBIRI**: Come again, Commissioner.

**CHAIRPERSON**: I am saying I assume that you would not have done a thumb-suck when you asked Mr Matlala to lend  
10 you the R70 000. The loan would have related to the actual cost of repairs. Is that correct?

**LT-GEN SHIBIRI**: That is correct.

**CHAIRPERSON**: Yes. That must mean when you asked for the loan from Mr Matlala, you had a quotation which would have helped make the amount required realistic. Correct?

**LT-GEN SHIBIRI**: That is correct.

**CHAIRPERSON**: There was only one quotation, and that is the JBI quote at page 38 of File 2, which is Annexure RS6. Is that correct?

20 **LT-GEN SHIBIRI**: That is correct.

**CHAIRPERSON**: So this is the quote that would have informed your request for the loan?

**LT-GEN SHIBIRI**: Yes.

**CHAIRPERSON**: Now, I want you to go to that quotation, the JBI quotation at page 38 of File 2. 38 of File 2. That

quotation you will see after the header is dated the 19<sup>th</sup> of September 2024. Do you see that?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Now if, as you say, there was only this quotation, here is a difficulty that I have. As I say, that quote is dated 19<sup>th</sup> of September 2024, which is five days after the day you asked for the loan. Do you see that?

**LT-GEN SHIBIRI:** Ja. I am trying to get to the quotation, but I am aware of what the Commissioner is talking about.

10 **CHAIRPERSON:** Please look at the spine. If you look at the spine, you will see File 2.

**LT-GEN SHIBIRI:** File 2, yes. I am there, Commissioner.

**CHAIRPERSON:** Yes. So I took you to just below the header. You will see that the quotation is dated 19<sup>th</sup> of September 2024.

**LT-GEN SHIBIRI:** That is correct.

**CHAIRPERSON:** And that is five days after the date you asked for the loan from Mr Matlala because you asked for the loan on the 14<sup>th</sup> of September.

20 **LT-GEN SHIBIRI:** That is correct.

**CHAIRPERSON:** Now, how then could this quotation have helped inform the amount of the loan which was asked for five days previously?

**LT-GEN SHIBIRI:** Ja. I think on my statement I indicated that the vehicle was taken to the penal beater by, I think the

12<sup>th</sup>.

**CHAIRPERSON:** Of which month?

**LT-GEN SHIBIRI:** Of September.

**CHAIRPERSON:** Yes?

**LT-GEN SHIBIRI:** And the quotation, they discussed that I knew it was around R55 000 and the quotation was issued later on. But I knew it was R55 000 what was quoted for him.

**CHAIRPERSON:** General, much, much earlier before Ms  
10 Pooe resumed with her questions, I again did what I had done earlier with the question whether you would ever take a loan from a criminal or someone alleged to be a criminal. With regard to this as well, I again ask you just one question, which was whether the loan was informed by a quotation and whether this quotation was the only quotation.

In fact, it was not one question this time. I also asked you whether besides this quotation there was anything else that informed the amount you asked for and  
20 you said no, it was just the quotation that helped inform the amount. Do you remember saying that?

**LT-GEN SHIBIRI:** I remember so, Commissioner.

**CHAIRPERSON:** Yes, now you are beginning to tell us something about the 12<sup>th</sup> and the car having been taken in on the 12<sup>th</sup> and you out of that process having gotten the

idea that the cost would be what is reflected on JBI, on the JBI quotation.

**LT-GEN SHIBIRI:** Ja.

**CHAIRPERSON:** You cannot possibly say that, not in the face of you having said this quotation is what informed the amount you asked for.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** I suggest to you, General, now that this question about the car having been taken in on the 12<sup>th</sup> is  
10 something you say because you are faced with the difficulty of this JBI quotation being dated the 19<sup>th</sup> of September 2024, five days after the day when you first broached the subject of the loan.

**LT-GEN SHIBIRI:** Actually, it was taken by OUTsurance from their storage to there. I think I can source a letter from them also to confirm that, but it was indicated to me by my son that it is R 55 000 quotation, but without me seeing the quotation. So, I apologise for that, but I can ensure that OUTsurance and even the pictures where it was stored,  
20 then I made them available and the date it was taken there and the kilometres it will show.

**CHAIRPERSON:** Sorry. When I asked you earlier, when I asked you earlier, much, much earlier before this engagement, you did mention the insurer and the car being with the insurer or stored at the instance of the insurer, but

I still ask you the question as to what it is that informed the money that you asked for, and you said it was this quotation.

**LT-GEN SHIBIRI**: It was my mistake. I did not check the date, but that is what I was informed by my son on the 12<sup>th</sup>.

**CHAIRPERSON**: And when do you think we can get something from OUTsurance?

**LT-GEN SHIBIRI**: We will contact them tomorrow. Maybe by Friday we might be having all the information.

10 **CHAIRPERSON**: Would there be a way in which this document could be sourced by the evidence leaders instead of you?

**LT-GEN SHIBIRI**: Yes, we can get the reference number and then give to them and then they can source it from them. And they will also indicate the kilometres they drove to there and which place and so forth. I profusely apologise. I did not look at the date. I thought the date was the right date, but I was informed by my son that it is R55 000.

20 **CHAIRPERSON**: R55 000.

**LT-GEN SHIBIRI**: Yes, but ...[intervenes].

**CHAIRPERSON**: Yes, I do see on this one, everything says supply, supply, supply, so I assume that that excludes labour.

**LT-GEN SHIBIRI**: Yes.

**CHAIRPERSON:** So would it have been the labour that would have taken the amount to R70 000?

**LT-GEN SHIBIRI:** Yes, no. That one, as I said in my statement, I said I take more if there is surplus with the parts or whatever. I do not have to run around again looking for another money. So it was not about the amount. The amount ...[intervenes].

**CHAIRPERSON:** So are you saying that the R52 000 was all inclusive, that is including even the labour?

10 **LT-GEN SHIBIRI:** It was including even the labour. And I indicated that we paid him the labour of R25 000 and opted to buy the parts ourselves because sometimes they will take the money and then the parts does not come. You have to fight also for the car to come out. It was a fight and we have to finish it somehow.

**CHAIRPERSON:** General, if you already had the quotation from the insurer, why did you need the JBI quote? Especially if at this time the insurer had repudiated anyway, so why did you need the second? Why could not you go buy  
20 what the insurer had quoted? Especially if in any event you were going to ask for far more than what was required. So you would still have a cushion?

**LT-GEN SHIBIRI:** Yes, the insurance they repudiated.

**CHAIRPERSON:** Yes. How much did the insurer quote?

**LT-GEN SHIBIRI:** I am not sure of what they quoted.

**CHAIRPERSON**: Was there a huge difference from your memory?

**LT-GEN SHIBIRI**: Yes, what I understood is that we need to remove our car to where we need it to be fixed ...[intervenes].

**CHAIRPERSON**: Was there a huge difference between the two quotations?

**LT-GEN SHIBIRI**: I think so. I do not know.

**CHAIRPERSON**: Which one was more? Which one was  
10 less?

**LT-GEN SHIBIRI**: I am not sure. I did not see that.

**CHAIRPERSON**: But from the onset you knew that you were going to ask for a substantial amount which was more than what had been quoted.

**LT-GEN SHIBIRI**: No, no, no. I thought the 55 is lesser.

**CHAIRPERSON**: I do not understand that. I am asking my question in this context. You say even though what was quoted was R52 250, you asked for more to give yourself a cushion.

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

**CHAIRPERSON**: Yes. So, the question then is, if you were going to give yourself this cushion, what difference did it make if one of the two quotations was lesser than the other? Would the R70 000 not take care of that, whatever the amount was between the two?

**LT-GEN SHIBIRI:** I did not see another quotation. I worked on the quotation of R55 000. That is what I am saying.

**CHAIRPERSON:** R55 000?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Was that the insurance amount?

**LT-GEN SHIBIRI:** No, no. Not insurance. Insurance did not offer anything. Our insurance said they are not responsible for fixing the car.

10 **CHAIRPERSON:** So where did you get the R55 000 from?

**LT-GEN SHIBIRI:** The R55 000, I was told by my son that the same panel beater, JBI, said more or less R55 000. So it was based on that one.

**CHAIRPERSON:** So, based on the R55 000, you then asked for a cushion in excess of?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Which took you to R70 000?

**LT-GEN SHIBIRI:** Yes.

20 **CHAIRPERSON:** Why did you need the second quotation then? You are already working on the basis of the R55 000 which your son has told you about. And you have already decided that you want a cushion and the cushion takes you to R70 000. Why did you need a second quotation?

**LT-GEN SHIBIRI:** Which second quotation? I did not see.

**CHAIRPERSON:** JBI, 19<sup>th</sup> of September 2024. Because

your son has told you about R55 000 even if it is not on a formal document. That is what I am referring to.

**LT-GEN SHIBIRI:** That R55 000 was from JBI.

**CHAIRPERSON:** Yes, yes. That is what I am referring to as a first quotation.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** And you work on the basis of that R55 000.

**LT-GEN SHIBIRI:** Yes.

10 **CHAIRPERSON:** To get to R70 000 to give yourself a cushion.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** So my question is, why did you need the quotation of the 19<sup>th</sup> of September 2024? You already have the R55 000 and you have decided, let me cushion myself and go up to R70 000.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Now, why did your son go and get a second quotation which is dated the 19<sup>th</sup> of September  
20 2024, five days later than the day on which you asked for the loan?

**LT-GEN SHIBIRI:** No, I was not getting the Commissioner. Now I get the Commissioner.

**CHAIRPERSON:** Yes.

**LT-GEN SHIBIRI:** Commissioner, what happened is the

vehicle is taken there and then that estimate of R55 000 is given to him. The quotation is not yet given to him. Then it was issued on the 19<sup>th</sup>. That is my answer.

**CHAIRPERSON:** But by then you had already asked for the loan five days previously. You had already approached the subject of a loan with Mr Matlala.

**LT-GEN SHIBIRI:** Exactly.

**CHAIRPERSON:** Five days previously.

**LT-GEN SHIBIRI:** Exactly, because me and my son, we  
10 spoke on the 12<sup>th</sup>.

**CHAIRPERSON:** Yes, and you based that on R55 000, which your son had told you about.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** And you said I want a cushion and you moved up from R55 000 to R70 000, correct?

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** So what I am saying is, why did you need this quotation of the 19<sup>th</sup> of September 2024? You already have even a cushion.

20 **LT-GEN SHIBIRI:** No, we already have verbal one.

**CHAIRPERSON:** Yes.

**LT-GEN SHIBIRI:** And then now he made and quoted and in writing.

**CHAIRPERSON:** Yes.

**LT-GEN SHIBIRI:** So remember I am saying he took the

vehicle there on the 12<sup>th</sup> and he was told about the R55 000, and then now on the 19<sup>th</sup> he is given a paper. Now the proper quotation in writing, which comes to the R53 000. So not to say he was looking for a second one. The one, it was verbal after checking the car and then they spoke and that is what it was told to me. So now on the 19<sup>th</sup>, he gave him the document.

**CHAIRPERSON:** Okay, all right. Ms Pooe, will you please assist that we get the – yes.

10 **ADV POOE:** We will do, Chair.

**CHAIRPERSON:** Thank you. Thank you very much. Thank you, General.

**LT-GEN SHIBIRI:** Thank you.

**CHAIRPERSON:** Let us adjourn and resume at 09:30 tomorrow.

**INQUIRY POSTPONED TO 12 MARCH 2026**

**INQUIRY ADJOURNS**

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