

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**13 MARCH 2026**

**DAY 77**



**PROCEEDINGS ON 13 MARCH 2026**

**CHAIRPERSON:** Good morning, Ms Segeels-Ncube. Good morning, Ms Pooe. Good morning, Mr Mkhize.

**ADV MKHIZE SC:** Good morning, Chair.

**CHAIRPERSON:** I am not discriminating. That is because they both led, so this side I only recognize or acknowledge the lead Counsel. Thank you. Good morning. Good morning, General.

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

10 **CHAIRPERSON:** Thank you.

**ADV SEGEELS-NCUBE:** Thank you, Chair.

**CHAIRPERSON:** Ms Segeels-Ncube.

**ADV SEGEELS-NCUBE:** Good morning, General.

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

**ADV SEGEELS-NCUBE:** General, before we progress, hopefully, this morning to the other topics on the call, I just wanted us to go back to your evidence regarding your understanding or your version that you gave about what you meant by reporting to the other side. You will recall that  
20 you had exchanges, not only with myself, but with the Commissioners as well regarding that aspect. You recall?

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

**ADV SEGEELS-NCUBE:** Okay. Now, I understand that you also want to deal with it to some extent, and I will give you an opportunity to do so. General, but before we do

that, if I can just repeat what I understand your evidence to be about that. You said that by the other side, reporting to the other side, that General Sibiyi wanted the information for the other side, you are referring to Mr Molefe's family, correct?

**LT-GEN SHIBIRI**: I made that concession later because my first response was the other side was, the other side of General Sibiyi and his faction.

**ADV SEGEELS-NCUBE**: Yes.

10 **LT-GEN SHIBIRI**: And I was pressed to say I must mention names, and again explained that it seems I am lying under oath. Then I conceded, because I did not, I want to mention any other person, because of the reason that I did not have concrete evidence against any of those people who might be perceived to be on his side. I even included myself, that sometimes I was considered to be on his side.

And without having any evidence that really he was going to share with them, or it is for their benefit and without any other reason, so I decided to say I do not want  
20 to mention any person because I will be just making a vague, or it is just my perception, hence now, the other option was, anyhow I was sent by him to enquire about the detention status of Mr Molefe, so I decided to say the family, because they are the ones who phoned him, according to him, that, not phoned, I am not sure of that,

what he was told it was that they wanted to know where, they were complaining about not knowing where he is detained. So that was the reason, what I wanted to clarify.

**CHAIRPERSON:** General, I may be covering ground that I covered with you yesterday, and which my co-Commissioners also covered, but I cannot help but say this. You say in so many words that you were referring to the other faction of SAPS, and you referred to General Sibiya as being part of that faction, and clearly from what you are  
10 saying, that is who you were referring to at the time the recording was made.

I have difficulty understanding how that can, upon engagement in this Commission yesterday, how that can suddenly change to the family. You say in so many words, at the time, reference was to the other faction. How does that suddenly change? I do not understand, because the reason you give, or the reasons you give for the change are a sense of discomfort that you now have, and also the difficulty of identifying those within that faction. But that  
20 cannot then change who you are referring to. It cannot.

What you should rather say is, one, I have a discomfort saying more about that faction. Two, I cannot even identify the people in that faction, except for General Sibiya. I would understand you if that is what you were saying, but for the identity of “this other side” suddenly

changing, I do not understand that, and I will never understand that.

**LT-GEN SHIBIRI**: Commissioner, I agree with Commissioner, that indeed I was referring to General Sibiya, and when I said this other faction, and having difficulty to identify or to say specifically who is in his faction from the police side.

**CHAIRPERSON**: Yes, and then that cannot change upon being engaged by the Commission.

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

**CHAIRPERSON**: It should stay there, that is who you were referring to when you said this other side. It should stay there, it should remain there, not so?

**LT-GEN SHIBIRI**: Yes, but, ja, when I was overwhelmed with now lying to the Commission and whatsoever, I decided to ...[intervenes].

**CHAIRPERSON**: No, reference to you lying was only after you had changed. If you had not changed, nobody would have suggested that you are lying on this.

20 **LT-GEN SHIBIRI**: Yes, yes, Commissioner, I agree. That is why I wanted to indicate that the difficulty was that I cannot put a name or say these are the people on this faction whom I think they were going to share with me.

**CHAIRPERSON**: All right, all right. Then towards the end of the debate, I think it was with Commissioner Baloyi.

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

**CHAIRPERSON:** You even referred to, so the reference was, that is, the changed reference was no longer only to the family, but you also referred to perpetrators, and I think you even referred to friends. Who are the perpetrators that you were talking about?

**LT-GEN SHIBIRI:** No, I think I referred to friends. I said family and friends.

**CHAIRPERSON:** You did refer to perpetrators. I know for  
10 a fact, General, you did.

**LT-GEN SHIBIRI:** Oh, no, no, I thought I said family and friends.

**CHAIRPERSON:** You said perpetrators as well in so many words. Who are you referring to? I know for a fact you did. Who were you referring to?

**LT-GEN SHIBIRI:** I cannot refer to the perpetrators because the perpetrators are those who were arrested, I think it is four.

**CHAIRPERSON:** If, if ...[intervenes].

20 **LT-GEN SHIBIRI:** It is four persons who are being charged, and I do not have information that they are related or have ties with General Sibiya. I just felt it was easier to say family and friends because it is the family who found him, or might be friends, people who are close to the family. Hence, I wanted today to say, actually, for me, I did not

have two versions. I had one version when I said side, which I was meaning to the General Sibiya and the faction which is perceived to be there, even though I could not put names. But when I was pressed, I said because the persons who complained was the family and I said family and friends.

**CHAIRPERSON:** I will be surprised if I am mistaken about your reference to perpetrators, but perhaps we will revisit that aspect after the tea adjournment.

10 **ADV SEGEELS-NCUBE:** Chair, just while you are on that, we will display the transcript of yesterday and you will see there it does say it is the perpetrators, family and friends. That was from yesterday, General.

**CHAIRPERSON:** There it is, General. Do you see it? Look, look behind you. It is the perpetrators, family and friends. So there it is. You did refer to it. Who were you talking about when you referred to perpetrators?

**LT-GEN SHIBIRI:** Ja, maybe it just come up, but I wanted to say family and friends.

20 **CHAIRPERSON:** What do you mean come up? You said it, you said it. What do you mean?

**LT-GEN SHIBIRI:** Ja, I agree that it is indicated, I indicated perpetrators, but as I have explained, I do not have knowledge of the General having knowledge, knowing the perpetrators or ...[intervenes].

**CHAIRPERSON**: No, it is not about the General. I am sure you are referring to General Shibiri. It is not about, I am very sorry, General Sibiya. It is not about him. It is about what you said. It is you that referred to perpetrators. What were you talking about? Or who were you talking about?

**LT-GEN SHIBIRI**: Ja, as I am trying to explain, Commissioner, to say, when I was pressed with to say who is the faction, I end up indicating that family and friends. I was in a way, I added even the perpetrator because I do not  
10 know him to be having the ties. So that is my mistake that.

**CHAIRPERSON**: I will leave it at that, General. And thank you very much for the transcript.

**ADV SEGEELS-NCUBE**: Thank you, Chair.

**CHAIRPERSON**: Yes.

**ADV SEGEELS-NCUBE**: General, it was not just when you were pressed for a name after you said the factions. It was not just then when you were pressed for names that you changed your version. It was also because it was put to you that it is implausible that the other side could be the  
20 police or the other faction of the police because why would you be saying General Sibiya wants you to, wants the information for, not for NasCom but for the other side if the other side is General Sibiya's side. You would have then said for his side.

That is why you then, it was not just because you

were asked for names that you changed your version. Do you accept that, that it was both when you were asked for the names and then it was put to you several times that it was implausible that that in context could have meant the other faction within the police force.

**LT-GEN SHIBIRI**: Yes, that is why I am saying, that is why I am saying it was when I was pressed. I remember it was Commissioner Baloy to say I cannot say there is other side and then I say it is the other faction and I cannot mention  
10 because my response, I remember I said I choose not to mention the names. And then it came from there when the pressure started mounting from there and that is where I became confused to come up with anything to get out of that because I did not want to mention a name of a police whom I would be just speculating through my perception without those people knowing anything to do with anything.

**ADV SEGEELS-NCUBE**: Okay, so let us then understand what your version is of the other side. So it is not the family, it is not Mr Molefe's family.

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

**ADV SEGEELS-NCUBE**: It is not the National Commissioner's side, we know that. So is it General Sibiya's side?

**LT-GEN SHIBIRI**: Yes.

**LT-GEN SHIBIRI**: Okay. So we, I am still going to say to

you that it is implausible that in the context you are referring to General Sibiya's side because you would have said his side and it cannot be a third faction because if there was you would have disclosed that there is a third faction that you are referencing. But let us just proceed on, you say that this call was a follow-up from a call that you had made to Witness A on the 7<sup>th</sup> of December.

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

**ADV SEGEELS-NCUBE:** Okay. I understood you to say  
10 that you were on leave from the 6<sup>th</sup> of December.

**LT-GEN SHIBIRI:** No, from the 27<sup>th</sup> of November.

**ADV SEGEELS-NCUBE:** Okay. So your point was that you were on leave even on the day of the operations, which was on, of the takedown operations, which was the 6<sup>th</sup> of December.

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

**ADV SEGEELS-NCUBE:** Okay. Now, if I can just take you to Witness A's statement, because Witness A does not recall a call with you on the 7<sup>th</sup> of December. And if I  
20 understood you to say that the 16 December call that you made to Witness A was to follow up on General Sibiya's request from you about feedback on the detention status of Mr Molefe because the family did not, they had no information about where he was detained. Correct?

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

**ADV SEGEELS-NCUBE:** Okay. Please go to file 3, yes, file 3, item 83, page 263. In fact, if we can start on 262. Do you have it?

**LT-GEN SHIBIRI:** I am at 262.

**ADV SEGEELS-NCUBE:** Okay. Just before that, at paragraph 88, I just want, okay, I just want to point out at 88, it says:

“I left ...”

This is Witness A.

10 “I left Pretoria Central Police Station to assist the team who were on an active manhunt to find Lucky Molefe. The manhunt continued that entire weekend from Friday evening, 6 December 2024 until the morning of Monday, 9 December 2024 when we had to attend court for Molefe's first appearance.”

So Mr Molefe was appearing in court on the 9<sup>th</sup> of December. You see that? Then at paragraph 89, he says:

20 “On 7 December 2024, the day after Molefe's arrest, I received a call from Colonel Mokoena who asked why I had not reported the arrest of Molefe. Colonel Mokoena initially said that he was making the enquiry because this

should be reported as a team success. I was surprised by this because Colonel Mokoena was aware that Brigadier Gopane had instructed us shortly after Tau, Kekana and Mabusela's first appearance on 19 April 2024 not to report to anyone other than her regarding the murder case. In fact, since April 2024, we had not reported to Colonel Mokoena regarding the murder case. Since then, there have been many significant developments, including Tau's bail release in August 2024 and his re-arrest in September 2024 for violating his bail conditions. Colonel Mokoena had not once complained that we had not reported any of these developments to him at the time.”

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Then on the next page:

“When I reminded Colonel Mokoena that we have not been reporting to him on this matter for the last seven months, he then changed his stance and said he was only enquiring

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because he had received a call from General Sibiya who wanted to know why Molefe was not being detained at the police station closest to his residence and why Molefe's family had not been informed of where he was being detained. I told Colonel Mokoena that when we took Molefe from his residence, I informed his family members who were present that we would be taking him to Pretoria Central Police Station and I also informed his attorney. Colonel Mokoena left it at that.”

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Now, Witness A, and I inquired again with Witness A, he is adamant that he does not recall you calling him on the 7<sup>th</sup> of December. He only has a record of the call of the 16<sup>th</sup> of December. And it would seem to me that the 7<sup>th</sup>, if you did call him on the 7<sup>th</sup> of December, then your enquiry about where Mr Molefe is being detained would make sense.

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But if you are calling on the 16<sup>th</sup> of December, it is 10 days after his arrest, it is more than a week after, or just a week after his first appearance. The family know where he has been. He has already appeared in court. So it just seems to me, again, that it is implausible that that call on

the 16<sup>th</sup> of December was this enquiry or a follow-up on this enquiry because by then it should be a done deal. Everybody knows what the position is regarding Mr Molefe. Do you want to comment?

**LT-GEN SHIBIRI:** Yes. As I have indicated also in my statement, maybe he does not recall. I was also looking on my itemized billing for the state phone, because that is the only one I am having where it shows the calls out, not calls received, and then my dilemma is, Commissioners,  
10 sometimes when people are given my number, they are giving them my private number, which is the one which now a lot of people are sending me messages after I talked about it.

So that is the one which when I went to Vodacom to look for the itemized billing in November 2025, I could not be assisted. So I am not sure with what, but if we request section 205, it will indicate, indeed, I phoned first Brigadier Nama on the 7<sup>th</sup>, who is the Component Head of Serious and Violent, because I did not know which unit from the  
20 province have made such an arrest when I was asked to establish on the 7<sup>th</sup>.

Then I ended up calling Colonel Mokoena. It is there in my statement. And then he said, we will follow up. And Colonel Mokoena did not even give me this feedback, which it is on the statement of Witness A. He gave me the

telephone number, which I dialled. And he said he will come back to me sooner, they are busy. They are busy somewhere in the police. I think they were in the police station. And after a few minutes, he phoned.

And I said, no, I wanted to enquire about the detention of Mr Molefe, whom you arrested yesterday. I received a call that the family complained to the DNC that they do not know where he is detained. He said, no, a lot of people phoned about this thing and they were with his  
10 attorney. He said Thami something. I forgot only the surname.

And then I said, for me, it does not make sense, because ordinarily, if the attorney will go to enquire, that attorney should have been sent by the family. So it means this thing is unfounded and then I will report as such. And then, I do not know if I forgot to report or I sent a WhatsApp to the DNC or whatsoever. Then, on, and, but I phoned on the 16<sup>th</sup>, because I received an invitation. And also, I knew on the 17<sup>th</sup> I am going back to work and I forgot to ask what  
20 was he arrested for. That was the reason why I was phoning on the 16<sup>th</sup>, not to enquire about his arrest, to enquire about the charges which he was arrested for. So that was my testimony.

**ADV SEGEELS-NCUBE:** But General, by the, by that stage, he had already had his first appearance. So it would

be known what he was arrested for. Why would you need to enquire about that? He appeared on the 9<sup>th</sup> of December. And if, indeed, you were following up on behalf of General Sibiya about something as innocuous as that, it would seem to me, why the reluctance to report back to the other side, being General Sibiya himself who is asking you this, was asking you for the request. Why the reluctance?

**LT-GEN SHIBIRI:** I was not reluctant on the 16<sup>th</sup>. On the 16<sup>th</sup> I was supposed to be going there if I was feeling well.  
10 And again, I was supposed to give the whole, I remember, I have to give the full feedback. And I forgot that I did not ask about why was, what was the reason for the arrest. And I am not aware when is the first appearance and so forth as I was staying home. So that was the reason why I phoned to find out what was he arrested for, so not to say the General phoned me asking me about it.

I thought he will ask me about it when we meet because I did not give him a full report. And on the day which he phoned me on the 6<sup>th</sup>, that is when I responded,  
20 but why do not you ask Khumalo because Khumalo is the DPC and me, I am sick, I am home. So, but I end up, on the 7<sup>th</sup>, I end up phoning anyhow establishing that because I felt I answered, I could not have answered my senior like that. He trusted, he always phones me and it shows he trusted me to do the work and always he tasked me.

So it was not that I wanted to know where was he detained and it was about the charges and I did not know when did he appear or whatsoever because I could not, I made sure my patches stays there and I stay indoors so that I can get healed and I do not read, watch TV and read a lot of things for that reason. I could answer phones, yes.

**ADV SEGEELS-NCUBE:** So there was not another call from General Sibiya asking for information ...[intervenes].

**LT-GEN SHIBIRI:** No.

10 **ADV SEGEELS-NCUBE:** After you, you reported back to him after the 7<sup>th</sup>.

**LT-GEN SHIBIRI:** Ja, I think I sent the message back.

**ADV SEGEELS-NCUBE:** And then you of your own accord called witness A on the 16<sup>th</sup> because you anticipated that General Sibiya would want more information when you get back to work.

**LT-GEN SHIBIRI:** Or if I go that day to, you said birthday, I thought it was Thanksgiving. So I thought maybe if I am going or if I go back to work either of those days I will be,  
20 he will expect me to give him a full feedback also to say what, that is normal when you are tasked, you need to give full back, feedback not full back, feedback to the person who have tasked you. So I did that on my own account, not to say he phoned me to say you still owe me.

**ADV BALOYI SC:** What does not make sense to me is that

you are on leave, so there is no expectation that you are making these enquiries because you are not on duty. But this is about someone who was arrested at the beginning of December. It does not make sense to me why you would think that General Sibiya has not obtained this information from other people in your absence. You are not the only, in fact, this was not your matter. You were not responsible for this docket, that is one. So somebody else is responsible for the docket.

10           General Sibiya knows that because he is talking to you, he has called you, he knows you are on leave, and he knows that it is not your docket. So it does not make sense to me that it is as innocent as, well, when I was concerned that when I go to the farm he wants me to tell him about this case, when he knows it is not your docket, but also that when I go back to work on the 17<sup>th</sup> he will want a full report. You were not, someone was acting in your position.

                  What is it about this which makes you think that General Sibiya is going to expect a full report from you  
20   about a matter that is not yours, and things that happened when you are on leave? Just make it make sense, please.

**LT-GEN SHIBIRI:**       Thank you, Commissioner, and I promised today I would be short, but this one I will explain longer. Previously, or yesterday, I did even indicate that even if you are on leave, meaning myself, I am on leave, or

sometimes you are on sick leave, you become to be tasked. Sometimes you are called from home to go and attend to something. I even gave example of the 16<sup>th</sup> and 17<sup>th</sup> of September 2024, which I was on leave. I had to go to Kimberley to do the shortlisting.

The General knew I was on sick leave, and he chose to phone me, not informing the one who is acting to enquire about these things on the 7<sup>th</sup>. That is number one. And that is what I enquired from Mokoena and Nama, who  
10 can come and also confirm that, and the telephones will show that.

So, I took it upon myself. It is for us when we are tasked, and I even indicated that even things which does not want me as I am the Head of Organized Crime, I will be tasked with things which there are Component Heads not been tasked by the DivCom or the Deputy National Commissioner. I felt that because I was tasked, and when I remembered after he called me to say for the invitation and so forth if I am able to come, and also I was going back to  
20 work, it is a norm that you give full report, and I thought when we meet he might ask me.

I did not think about that maybe he might have asked somebody and so forth. Remember, Commissioner, my response to him the first time when he phoned me, I said, why if it is urgent, not phone General Khumalo, and I

felt bad about that, that I responded maybe wrongfully to my senior. So, it was for that reason, not any other motive.

**ADV BALOYI SC:** You had an acting person in your position. Why did not you ask that person? I mean, that person is on duty. They are doing what you are supposed to do. If you were concerned properly to get a report about this, why did you not task the acting or ask the acting to get this information and to give you the report or to give it to General Sibiya? It just does not make sense that you are  
10 on sick leave. It is not your docket, and I have heard the explanation about even when you are on leave and even when it is not your matter.

This is different. This man was arrested at the beginning of December. You are on sick leave. There has obviously been developments in the matter, unless you are telling us that you know, you did not think there had been any developments, that is why you had to speak to the investigating officer, but I still want to suggest to you that you had someone acting. You have to explain why it is you  
20 did not put this to the desk of the acting person to get the answers that General Sibiya required of you and to have that person reporting to General Sibiya. It just does not make sense.

**LT-GEN SHIBIRI:** Yes, I hear the Commissioner it does not make sense, but that is the practice which I am used to,

to say when I am tasked I do it like that. Even if I can ask the person who is acting, I expect them to come back to me and then report back to the person who have asked me because, I do not know, it is how I feel because the person knows and they are the ones who are signing off the acting person but they know you are not on duty, but they still task you. So I take it upon myself that always I report back if I am sent. I make sure that I go and report back, so I do not, even if I can task somebody to say find out it for me, I  
10 expect the person to report back to me and then I report back to the senior person who has tasked me.

**ADV BALOYI SC:** You see, the other anomaly about your version is that you say to us that you told General Sibiya to speak to General Khumalo and get a report. That is the last thing that happened. You, and then the next thing that happens is you are now calling, so even this I was tasked, yes, maybe you were tasked on the 7<sup>th</sup>, but you did give him a response. You said to him get a report elsewhere.

You do not, and then you then on the 17<sup>th</sup> or 16<sup>th</sup>  
20 start making these enquiries without yourself speaking to Khumalo to check did you give Sibiya a response. So you created this vacuum. You are on leave. Things are in a vacuum. Nobody is dealing with this matter and nobody is giving reports to General Sibiya and then it waits for you to come back from leave to make these enquiries and then

give him a report. It still does not mix. It does not add up what you are saying.

**LT-GEN SHIBIRI**: Commissioner, the enquiry was not done on the 16<sup>th</sup>. It was done on the 7<sup>th</sup>. On the 16<sup>th</sup>, it was a follow-up.

**ADV BALOYI SC**: Yes, I am talking about the follow-up.

**LT-GEN SHIBIRI**: Yes, and I done the follow-up because I did inquire on the 7<sup>th</sup> and I forgot to ask about the reason for detention and I believe I also forwarded a WhatsApp to  
10 the General to indicate that the person, the family seems to be knowing where he is, the attorney was there and then I did not indicate further to say what was he arrested and so forth.

Then I felt I must get full report in order to report promptly if I am asked or when we meet because I know he does not forget, when he task you, tasks you, he will say when are you, you are owing me something, you did not tell me what ...[indistinct]. And sometimes it can be after months and so forth. So the enquiry was done the first day,  
20 the first day which I responded to say ask Khumalo and corrected myself to say I could not have responded like that.

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

**ADV KHUMALO SC**: Can I? Sorry to do this. You see, General, what you are saying now does not make sense

because now you are saying upon making the first enquiry you were satisfied that the attorney was there and the family was there. That is the 7<sup>th</sup>, right?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** You are satisfied that the family knows because the attorney knows. So on the 16<sup>th</sup> when you make the call and you say Sibiya wants the information for the other side, it cannot be the family because on the 7<sup>th</sup> already the family and the attorney know. So on the 16<sup>th</sup>  
10 when you say he wants it for the other side, it cannot be the family.

**LT-GEN SHIBIRI:** Ja, I do not understand it as I said he wants it for the ...[intervenues].

**ADV KHUMALO SC:** He wants the information for the other side.

**LT-GEN SHIBIRI:** Ja, I do not understand it as I said that was the conversation which I came with that proposition to say I know maybe he does not want this information for the National Commissioner even when he asked for the first  
20 time, maybe he wanted it for the other side. So it is not to say that day he phoned me and said he want information for the other side. So we were talking something which already happened and it was a proposition.

Remember, we had a long discussion about ourselves and also further sharing information which I had

and then we were talking as colleagues not to say, but the reason for the phone was to establish the reason for the arrest but we talked a lot of things and also shared more information which is, which I thought it can assist in the investigation. Ja, so that was just a preposition from me that even though I think I will be asked I do not think maybe the information is needed to give to the National Commissioner, it is for the other side. So it is not to say he phoned and said he wants information that day.

10 **ADV KHUMALO SC:** But why were you so conflicted? I mean if General Sibiya wants the information for himself and other Generals at SAPS or he wants it for the family, why did that bother you so much, because you seemed bothered by this thing. Even the tone in your call you seemed bothered, you seemed conflicted and worried. Why would you be bothered that the family wants to know why he is arrested, or General Sibiya and Generals within his faction want to know why he is arrested? They are Generals at SAPS. Why were you so bothered by that?

20 **LT-GEN SHIBIRI:** No, in our discussion what was bothering me which we discussed is this thing that we do in our work and people threatens us when we do our work. I think if we can go in the whole you will see that was the only thing which we were discussing to say people they do things but they know they will be arrested but they do not

want to be arrested. But this one it was only in that sentence where we were talking to say after I said the reason why I phoned it was I wanted to know why, the charges against the person so that when we meet I can be able to give a full report. But ja, for me to be, to have that perspective to say I know it is not the National Commissioner maybe needing this. He might be knowing for his own information and his own faction.

So it is me who said that. It is me who said that  
10 but I was not bothered by that the family asked. So that one came when he was saying even that day Colonel Mokoena, that was the first time he mentioned Colonel Mokoena because on the 7<sup>th</sup> he mentioned a lot of senior officers were enquiring about this thing, and then he said Colonel Mokoena and Brigadier Gopane were promptly explained that the family was explained where the person was and the lawyer was explained where the person was and there was nothing wrong.

That is when my response was say these people  
20 are full of drama and then I have learned or I have information that this person was partners with the late Mswazi and other people. They were business partners and so forth. That is when I shared that information with him further. So not to say I was bothered by the General or whatsoever. I wanted full information so that when I explain

or if I am asked, I explain in full. I am a person who wants to explain in full or have a full report if I am tasked about something.

**ADV SEGEELS-NCUBE**: General, did you know that when you, on the 16<sup>th</sup> of December, did you know that Mr Molefe had his first appearance already in court when you called witness A?

**LT-GEN SHIBIRI**: No, it did not come to my mind but supposedly he is supposed to have appeared because if you  
10 are arrested by the 16<sup>th</sup>, in terms of our law within 48 hours you need to be released or appear. And I think the 16<sup>th</sup> was only a holiday.

**ADV SEGEELS-NCUBE**: Yes.

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: So, but nowhere in this call do you ask, do you, does he tell you that Mr Molefe had his first appearance already, and neither do you enquire what happened at the first appearance of Mr Molefe.

**LT-GEN SHIBIRI**: No, that was not what was in my mind. I  
20 was tasked to find out where he is. I forgot to ask what was he arrested for.

**ADV SEGEELS-NCUBE**: No, but General, now we are on the 16<sup>th</sup>, you are calling to find out what he was arrested for, and in your statement you say reason for the arrest. By reason for the arrest do you just mean what the charge is?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** So if it was just about the charge, would you not have said this guy would have appeared on the 9<sup>th</sup>. You are a police officer, you know by the time you speak to him on the 16<sup>th</sup> there would have been a first appearance already. Correct?

**LT-GEN SHIBIRI:** Correct.

**ADV SEGEELS-NCUBE:** So is that not the first question you asked him? If your reason is to find out about the charge for why he is being charged as you say, is that not  
10 one of the first questions that you say when did he appear and what was it about, if it is a follow-up?

**LT-GEN SHIBIRI:** Ja, the reason one's logic but I phoned for what I was thinking about that time, being to find out what I forgot to ask what is he arrested for.

**ADV SEGEELS-NCUBE:** Yes, but if it is what was he arrested for by then you know that he has already had a first appearance so you would have said to him so this guy appeared already, what was the charge? You do not ask  
20 that.

**LT-GEN SHIBIRI:** That was not an issue.

**ADV SEGEELS-NCUBE:** Okay. So when you say reasons, it is just the charge.

**LT-GEN SHIBIRI:** Ja, I forgot to ask that.

**ADV SEGEELS-NCUBE:** Okay.

**LT-GEN SHIBIRI:** The person is arrested for and that was in my mind at that time.

**ADV SEGEELS-NCUBE:** So why do you then say he wants this information for the other side? He wants to know from the other side what Molefe has been arrested for, what is his charge.

**LT-GEN SHIBIRI:** I think I already explained even though I was struggling explaining to the Commissioner to say, I was saying he wanted for himself and the people who are close  
10 to him on his side. So that was my explanation.

**ADV SEGEELS-NCUBE:** Okay, so if we are to then confine it to just being the charge, and I think we all understand that transcript, including witness A, as there being a reluctance on your part to share this information with General Shibiri. You do not want to report this information. It seems implausible that you do not want to report an information about he is been charged for the murder of Armand Swart. There is nothing sinister about that. You should not be reluctant about that, correct, to just report  
20 back, I forgot to tell you that he is been charged for the murder of Armand Swart, if that was the purpose of the call.

**LT-GEN SHIBIRI:** His response was, he was given instruction, they were, he said they were given instruction that they must not talk about this case with any person.

**ADV SEGEELS-NCUBE:** Yes.

**LT-GEN SHIBIRI:** And then any person who want to enquire further about this matter, it must be enquired to General Khumalo, and I have seen also that he indicated also Colonel Mokoena and Brigadier Gopane.

**ADV SEGEELS-NCUBE:** Gopane.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** But if you go to the transcript, page 67 of the call, which is in file 4, CJC97, do you have it?

10 **LT-GEN SHIBIRI:** Ja, I am at 97, but no, I do not know ...[intervenes].

**ADV SEGEELS-NCUBE:** No, CJC97, it is page 67.

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

**ADV SEGEELS-NCUBE:** Page 67.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And then you see after line 10, just before line 20, the line just before line 20, it says investigating officer, yes, then you say:

“He is looking for it for this other side.”

20 And then you say:

“So what can we say? It is how we live, but as long as we are safe, you see.”

This suggests that you feel like you do not have a choice, this is how we live, these are the things that we

must do now. You do not want to do it, but this is how we live, but at least we are safe. That is how one interprets it. You are reluctant, but you feel that you have no choice because you are in a situation where this is just how my life is now.

**LT-GEN SHIBIRI**: Yes, you see, you are off sick, you are phoned for such a thing which anybody can provide. As I indicated, even the Commissioner Baloyi indicated, there is somebody who is acting, there is a Provincial Head and  
10 DPC, but you are phoned for specifically yourself, you wonder why, and then that is how you live. As long as you are safe, you are living, and then you are doing your work, it is fine.

**ADV SEGEELS-NCUBE**: And you see, General, if you go to page 68, it continues. We, reading this, not even being part of the conversation, can sense your reluctance. It is palpable from the pages that you are reluctant to report to General Sibiyi. If we take it that this is a genuine call to  
20 Witness A and that you are being forced to make this call to Witness A to get information that you do not want to get, and that is the premise that I am approaching you on. There is, of course, another basis that this is a deliberate call made and it is orchestrated to get information out of Witness A, but for present purposes, I want to suggest to you that if we look at this, it sounds that you are reluctant

to give this information, you feel forced to give it, and that is the lens that I am going to question you on this now.

If you look at the next page, you say, you speak about Joe, and then you say:

“But I asked myself that, okay, so I said no, this is the first ...”

[intervenes].

**CHAIRPERSON:** Which line?

**ADV SEGEELS-NCUBE:** Line 1, Chair, and then I am  
10 reading from line 3:

“But I asked myself that, okay, so I said no, General, give me time. I will give feedback later, or else, if you are in a hurry, you can phone Khumalo to send you the report. Myself, no.”

Again, it seems like you do not like the terms on which you are being asked to give this information, so it cannot just be about the charge, and I think when you prepared your statement by saying reason, you could have simply said charge, but you were being asked to get more  
20 than just the charge.

You were asked to get information General that even in, despite everything that we have dealt with over the past couple of days with you, there was a line you were not willing to cross. This is what it suggests here. Even you were not willing to cross this line that General Sibiya

wanted you to cross, and you were reluctant to do it, and I cannot understand why you are now so hell-bent on not saying that. Saying that I did not want to give any information that would compromise the investigation or the safety of the officers.

Why cannot you just say that, because it is clear from the transcript and the recording that if this call was a genuine call to witness A, that is the situation you found yourself in. You did not want to cross the line.

10 **LT-GEN SHIBIRI**: Ja, as I have already explained here, if you go to the whole paragraph, I even indicated, because I said we were discussing more things relating to what I thought was happening and what has been happening. And if you see where we, I started, it was like I was thinking about all these things, all about the taxi violence, now it goes out to killing innocent people. And I also talked about the issues which were giving me problem on my component, being extortions done by who and who.

20 And also going back to the same day where I said I was, I said not now because I was not feeling well, why do not you phone Khumalo, so I do not know if ever this thing is intertwined in terms of how it is being extracted here or translated here. But it was, it goes back to the same thing where, when we started when I said why do not you phone this and whatsoever.

But going further here we are discussing a lot of things and I thought because these people were involved in this, the only violence happening is amongst taxis. And I see now they are venturing also into extortion and so forth. So you can see this was casual talk between two colleagues and I could not dream that he could even record me for that matter because always when we speak, we speak cordially. It is either he is asking me how I am, I am asking how are they, are they still safe and then encouraging them and so forth. So what you are thinking or taking out of this is not what I meant.

**ADV SEGEELS-NCUBE:** General, if it is not that, then it is that you are on the other side of the line and you were getting information from Witness A. You made this call not to find out about the charge because Mr Molefe had been arrested on the 6<sup>th</sup> of December. He appeared on the 9<sup>th</sup> of December. It is now the 16<sup>th</sup> of December. Colonel Mokoena called. She was given a direct answer from Witness A not to share information with anyone else and if you were on the other side, if you were on General Sibiyi's side and this is an orchestrated call then that version also makes sense because you are now trying to get information from Witness A that nobody else could get and you were luring him by telling him about your 2013 and 2016 experience and trying to suggest to him that you are on his

side. It is one of the two General.

**LT-GEN SHIBIRI:** Ja, it is very much surprising that you think that way. You, Advocate, you just said the accused has appeared in court already on the 16<sup>th</sup>, it is after 10 days, so, obviously if I was looking information for the family obviously the family was at court. The lawyers were there, the friends was there. So, what information will assist the family about knowing what is the charge?

**ADV SEGEELS-NCUBE:** Not the family General.

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

**ADV SEGEELS-NCUBE:** The other side, General Sibiya's side and the information that they wanted was the evidence against Mr Molefe. That is what they wanted. That is the reason for the arrest. It is not the charge. It is the reason for the arrest. You wanted to know what evidence they have.

**LT-GEN SHIBIRI:** That was not the question. The question to Witness A was what was he arrested for, not to explain what did he do or the incident. So, it is not what  
20 was asked. What was asked was what was he arrested for.

**ADV SEGEELS-NCUBE:** In your statement you say reason for the arrest. So, reason can be more than just the charge. It can include, as an investigating officer, what evidence is there and you are trying to lure that evidence out of him. You are trying to get it out of him by playing on

the fact that you have had an experience about safety. You are telling him, you are appearing to be reluctant to give this information. It can only be one of two. It is a genuine call and you are genuinely reluctant and that is why you are giving him this information or you are giving him the information because you are trying to get information for General Sibiyi's side, which is the side that you are also on. There is no innocuous interpretation of this call, General.

10 **LT-GEN SHIBIRI:** You see, I explained what I wanted to ask and now I have been explained English. We use books in the SAPS, SAP14, for example, to say reason for arrest, you write murder, rape or whatever. So, my English and your English will never be the same. So, you will stretch it further according to your knowledge. If Shibiri's knowledge ends here, so, it does not mean my capacity is like yours. So, I responded, Commissioner, what I was inquiring about.

**ADV BALOYI SC:** General, if you, if all you wanted and you understood that is all you needed to report to General  
20 Sibiyi that he is arrested because on a charge of murder or, ja, the charge is murder, why would you say, and I want to read at page 68, this is a part that I read yesterday in isiZulu, but I am going to read it in English. You say:

“So, but now I saw that I responded ...”

It starts at line 8.

“responded to him in a bad way, you see. I said eish, yes, I am also here because of this issue. So, let me come back a little bit because some other things also make me angry, you see.”

If all that there was that you needed to report to General Sibiya and that is all you were asking Witness A to tell you what is the charge, what you call the reason for arrest, what would make you angry if that is all that General  
10 Sibiya wanted to know and that is all that you needed to report to him? And what about it, that reason for arrest would cause you concern that he wants this information for the other side?

It is what the docket says on its face, it is murder. Why do you not want to tell General Sibiya? You do explain. I did not go. At the farm I know he would ask me. He has invited me so that he can ask me about this. If all he wanted was that reason for arrest, why is that a concern that when you go to the farm he would ask you about it?

20 Two, why would he want that? Why would it concern you that he wants it for the other side, whatever side you have decided now, you have defined as the other side. Why would that be a concern?

And three, what about that would make you angry? So I have put three things to you that suggest, in fact

maybe let me just wait at this point now. Why would you have difficulty with that you are going to have to tell him yes, he has been arrested for murder, if that is all that you wanted to know from witness A and that is all you needed to report to General Sibiya.

**LT-GEN SHIBIRI**: I will try to fold the question. Sometimes it is long and then, and I miss some along the way. I have indicated that I forgot to ask what was the person arrested for and that was the reason why I phoned,  
10 so that I can be able to explain in full.

And secondly, even the day before when I started here testifying that I had a serious challenge in my workplace that everything is pumped to me, even including things which does not need my components. I indicated there were five components. I will be, I even gave example of serious and violent happening in Port St Johns, which I was thinking it falls under General Motsepe, we will go there. CIT, which is dealt by DPCI then I will be sent there.

I did not worry about the Eastern, Gqeberha,  
20 because gang violence is within my sphere and extortions and so forth. So that is what I was always pestering me complaining about always, so that there will be tasked unnecessary things and so forth. So to say the other side, I have already explained to say his side or to discuss with the people who are in his side because as it was indicated

and also he testified, he was not in the side of the National Commissioner. There are people whom he believe they are fighting and it is clear for everybody to see what was happening. So without getting deeper to things which again I will be putting myself into questions which I cannot respond to, I think I can end it there. That was the reason. And the murder, it is there on the docket but I never saw the docket and hence I asked and I did not see any danger in asking because I usually ask them and phone them on  
10 daily basis and not specifically him, all the investigators if I am tasked to.

**ADV BALOYI SC:** No, General, what I, and maybe it is my fault for how I asked the question. You complained that it is long and that is a fair comment to make. Let me repeat what I am what I am putting to you. There are, you say in what I have read, it concludes by saying some other things also make me angry. That is in the telephone call.

But the other thing that you said in the telephone call is that you know he has invited you to the farm because  
20 he wants to ask you about this case. He wants information. That is what you say on the call. And then the third thing, relevant thing, that you say on the call is you know he wants that information for the other side. So those are the three things you have said.

Now, in your exchange with Ms Segeels-Ncube, you

say all you wanted or all you asked Witness A was the reason for the arrest and the reason for the arrest is murder. That is all you wanted to know. So those are the, that is what you have just said and I have put to you what you said in the transcript which I say is relevant. Now, this is my question now, maybe if you then focus on my question. My question is, why would you not want him to ask you for the reason which is simply murder? What is your concern? That I do not, I know at the farm he wants to  
10 ask me about this matter. And if the answer is, well he is arrested for murder, why is that an issue? And one, at the farm.

Two, why is that an issue if he is going to share that with the other side, that the man has been arrested for murder, what is your concern about that? And if all you wanted to get from Witness A and to share with General Sibiya is murder, why would that make you angry to tell him that you are having to tell him that kind of information? It is that which again I say, it just does not add up. Your  
20 explanation of what this telephone call was all about, it is impossible. If all you needed to convey to General Sibiya is that he is arrested for murder, then it does not make sense that you have these concerns that you have recorded here.

**LT-GEN SHIBIRI:** Ja, it is becoming more difficult and more difficult for me to respond for this thing because I

respond one thing forever. Here it says, so but now I saw that I responded to him badly, or in a bad way you see. I said yes, I am also here because of the issues. So let me come back a little bit because some things also make me angry, you see. I was referring on the top one, it is where I am saying if you were in a hurry, why do not you ask General, if it is imminent, why do not you ask General Khumalo? So it is a follow-up from that one, that small things like this, then I am phoned and then I ended up  
10 answering otherwise.

And I understand, okay, it is my issue, I am there, I work there, I voluntarily took the post and applied for the post and wanted to go to work at that office. So I cautioned myself to say no, let me, but even though sometimes it makes me angry to say I am off sick, I am phoned for a small thing which I think, as the Commissioner has indicated, the acting could have dealt with or a simple phone call to General Khumalo could have made matters lesser, or to Brigadier Gopane.

20 But I have to on my bed with closed eyes, go and check the phone, phone people, ask those things. Those are the things which is annoying. And to say for the other side, meaning for their own benefit, not even for his own benefit or to discuss on his own side with his own people, meaning at the police. So that is what I tried to explain I

think for the past 30 minutes.

**ADV BALOYI SC**: Thank you.

**ADV KHUMALO SC**: General, I am going to cut to the chase because I want, for my part at least, I know Advocate Ncube still wants to ask you questions about this. This is what you do on page 67 and 68, unprompted by witness A, because if you were just asking what is the person arrested for, that is all you would ask and you would talk about your health and general chitchat, unprompted by witness A, you  
10 tell witness A about this group of five business people, and I say business people in inverted commas or open close brackets, and then you say to him, there is this Zee who is involved in the taxi business, again unprompted. And then now you go to General Sibiya and you say, you see, this person is close to General Sibiya and General Sibiya is close to Julius Malema.

And then this is the important part on page 67, line 15. You say:

20 “So I know even when he says I must come ...”

Meaning when General Sibiya says you must come to my party:

“He wants to ask me, yes I have sent you, so now what is happening whatsoever? So that himself, and I

know that he is looking for it, he is not looking for it to take it to NasCom.”

Witness A says yes, and then you say:

“Is looking for it for the other side. So what can we say, this is how we live as long as we are safe.”

Witness A says yes. Then you go back to this group of business people. So you do not talk about family, you do not talk about another faction in SAPS. You say:

10 “So ...[indistinct] I was thinking that maybe it links to the taxis.”

That is General Sibiya's request, that is what you are linking here, correct, when you say it links to the taxis, correct?

**LT-GEN SHIBIRI**: No.

**ADV KHUMALO SC**: And then you say:

“But I said no, but this in the taxis ...”

And then you continue:

20 “They got out. The person who is left there and causing problems is Joe, plus in those extortions he is there, this voice of his bafanas and what what. But I asked myself, that okay, so I said no General, give me time.”

So you see how you are linking General Sibiya with

all these things, unrelated to the request. You say:

“Link to the taxis, but I said no General, but I asked myself, okay, I said no General, give me time, I will give you feedback later. Or else if you are in a hurry, you can phone Khumalo to send you this report. Myself, no.

So that was your discomfort because although you are talking about a request General Sibiyá made to you, you unprompted mentioned this group of five business people to Witness A, you mentioned Zee, you mentioned Mr Julius Malema, you then go to the issue of taxis and extortions and you link all of that with General Sibiyá and you say, you know, if he is in a hurry, you do not want to be part of it, he must phone Khumalo to send him the report.

And apparently this is where you left it. That is why you felt bad and you needed to make follow ups. To me, reading this, it suggests that your discomfort was exactly that, the link with all these people and your concern which you were expressing to Witness A that General Sibiyá requires this information for these people that you mentioned in page 66, 67 and 68. That is how I read this transcript and the audio clip that we listened to, because nowhere in 66, 67, 68 do you say, hey, you know, I am concerned about the factions in the SAPS, he is looking for

this information for this faction, I do not like this factionalism, it makes me uncomfortable. The only people you are referring to in those three pages are this group of business people, and I use that term business people loosely, and that bothers you because you even say it is linked to extortion, it is linked to the taxis, it is linked to these people.

10                    “I asked myself, so I said, General,  
                         give me time, I will give you feedback,  
                         or else if you are in a hurry, get it from  
                         Khumalo.”

That is how it looks to me. If I am wrong, you will say you are wrong, it has nothing to do with that. But it will not make sense why when you are discussing invitation to a party, you would then mention all these people, because they have nothing to do with the invitation to the party or the request that you get this information. Do you follow me?

**LT-GEN SHIBIRI:** Ja, although it is too very long.

20 **ADV KHUMALO SC:** Yes, I know it is long because I had to paint that full picture.

**LT-GEN SHIBIRI:** Yes, I follow. I follow.

**ADV KHUMALO SC:** I can break it down if you need to, but if you followed, you can just give your comment.

**LT-GEN SHIBIRI:** Ja, I thought it was a conclusion of the

Commissioner, concluding the whole thing.

**ADV KHUMALO SC:** I am saying, looking at the three pages together, that is what it looks like to me. It looks like you are linking General Sibiyi's request with his association with all these people.

**LT-GEN SHIBIRI:** Ja.

**ADV KHUMALO SC:** Is that not what it looks like, reading the transcript?

**LT-GEN SHIBIRI:** I already said no. I already said no and  
10 I plead that my explanation also be listened. It might not make sense to oneself, but this is what I am explaining. It was a discussion between two colleagues and we, it was not a meeting which was structured. And I said a lot of things.

Number one, I indicated, I shared the information to the member, because I knew he was, I said this yesterday, he was at the safehouse and now they have a team that they can, they are more mobilized to deal with this thing. I indicated to say, I got information now that this person you arrested was belonging to these people and they were  
20 business partners, they were how many.

And I thought it was only along the taxi and I hear there is also mining business involved. Then I said, I further talked about what is currently happening, saying I thought after the passing of the old man, Mswazi, then now Joe has took over. It is only that. Also I see his voice.

That is why I was not feeling comfortable in talking to this one. I indicated because I know a lot. I might know that you can think this one belongs to this faction and found, only to found it belongs to all the factions and they are together. So, ja, that is why I indicated, it was indicated to me to say it is me and you warned me to say why you do not want to be out, you are making it out. I was talking exactly to that.

But here the discussion was between two  
10 colleagues which was casual. We talked about a lot of things even though the call was about one thing. It is not all this linked to General Sibiyá. What is linked to General Sibiyá is one thing, that I needed to give him a feedback and that he tasked me and I answered him in a wrong way which I felt it was bad and now he invited me and I am not going because of ill health but when I go back to work because soon I am going I will still need to give feedback.

So, ja, what makes sense to any person who is reading the whole thing it is different from what was  
20 happening and I plea that I be understood to what I am saying. I am not saying you must not deduct what you need to deduct and make up what you need to make up but what I am testifying or saying is what happened and that was my intention solely.

**ADV SEGEELS-NCUBE:** Thank you, General. General, I

think I will move on to the next topic in the conversation.  
You will recall that ...[intervenes].

**ADV BALOYI SC:** Maybe before you do that, just to complete this so that we do not come back to it. General, still in that transcript if you look at page 4 of 12 at page 66 I do not think this clarification was requested of you yesterday, so you have, right at the bottom that is you speaking there. This is after you say they are a group, they are five, they are a group of, you see where I am reading?  
10 And then right at the bottom you have got, the very last line, you have got you speaking and then you say Mswazi and then there is a name there that was skipped yesterday for the reasons that you have provided and then you say and others you see.

And then, and this is the part where I would like to get clarification, the investigating officer, Witness A says:

“Yes, because even to me he said that  
he has interest in mining.”

And then you answer you say:

20 “Yes, yes, somewhere in Rustenburg and Brits.”

Who are you, the two of you discussing here, because it is not clear to, is it about, is it Mr Molefe who has got mining interests in Rustenburg and Brits or is it somebody else? It is not clear from the transcript.

**LT-GEN SHIBIRI:** Ja, as I just indicated now now to say I

further, we further discussed to say the arrested person, being Mr Molefe, was business partners with these people I am mentioning and they have mining interests and that was information which I got and also somewhere in Brits and also, so we were discussing that, hence I said we also shared information further other than that of what recently I have collected so that he might be on the know because if they continue the investigation, they will be having further names to look at and working on.

10 **ADV BALOYI SC:** Thank you, General. Than you, Ms Ncube.

**ADV SEGEELS-NCUBE:** Thank you Commissioner. General, you will recall that one of the topics that Witness A said you discussed with him was about a senior official that is at district level that is trying to interfere in an investigation at provincial level. Do you recall that?

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

**ADV SEGEELS-NCUBE:** And I said to you that according to Witness A he understood that to be Brigadier Nkhwashu.

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

**ADV SEGEELS-NCUBE:** Okay, and you denied that ...[indistinct].

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

**ADV SEGEELS-NCUBE:** Okay. Do you still deny that you were talking about, that you were referencing Brigadier

Nkhwashu?

**LT-GEN SHIBIRI:** Yes, I still deny.

**ADV SEGEELS-NCUBE:** Okay. Can I ask you to go again to Witness A's statement so that we can deal with your denial. It is file 3, item 83 page 264.

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

**ADV SEGEELS-NCUBE:** Okay. Paragraph 96, do you have it?

**LT-GEN SHIBIRI:** Yes.

10 **ADV SEGEELS-NCUBE:** General Shibiri also said that, this is Witness A's statement:

20 “That we must be very careful because the people we are dealing with are heartless and they will never allow us to relax. He mentioned that there was a senior officer that he refers to as homeboy that is not even an official in the province but this person seems to have an interest in the Swart murder case. He did not mention the name but he said that the person's actions annoyed him. I must put General Shibiri's comment about province in context. By province General Shibiri was not referring to province

geographically, he was referring to it in terms of levels. For example, you would have a District Head and a Provincial Head. In other words, General Shibiri was saying that this person is not even at provincial level and I understood this to mean that the person he was referring to is at district level. I think he was referring to  
10 Brigadier Nkhwashu who was at district level but was inquiring about a case being investigated at provincial level.”

You see that? Now if you go to file 4 to the transcript of ...[indistinct] and it is CJC97, page 70.

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

**ADV SEGEELS-NCUBE**: And if you go to, and then for the Zulu transcript it will be page 82 of that file, but page 70 of the English one you say after line 10, so line 12:

20 “Yes, you will never, you will never, you do not relax. Yu do not relax because last time you know it is just that I do not like things you see, so when I, and I am here do not follow up things. I heard police they are not even working at province or

whatsoever, then indicating that no I am the one who is stopping the bails, I am doing this and that. I said my job is to oppose bail but I do not carry dockets so I do not know those people tell me that whatsoever and those people they are not even working at province. The matter is investigated at province, they are working at the district. What is happening, you see. But, no, the person that you trust and you say no this one we are from the homelands together, then they will turn on you for a small thing.”

You see that?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** Who were you referring to here? What were you referring to and who were you referring to?

**LT-GEN SHIBIRI:** I was referring to information I received from members that there are people who were speaking at the district indicating that I am the one who is blocking the bail.

**ADV SEGEELS-NCUBE:** Yes, you are the one that is opposing the bail.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And you are the one that is opposing the bail of the suspects in the Armand Swart murder.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And why is this a problem for these officers that you are opposing bail?

**LT-GEN SHIBIRI:** I do not know but information was they were talking about it to say I am the problem, I am the one who is opposing, who is blocking the bail to happen.

10 **ADV SEGEELS-NCUBE:** Yes, in other words this person thinks that opposing, the police opposing bail is a problem for the suspects.

**LT-GEN SHIBIRI:** No, I am the problem. I am the one who is making that the bail it is not successful.

**ADV SEGEELS-NCUBE:** Yes, you are the police officer who is doing the right thing. You are opposing bail of the Armand Swart murderers, the suspects in the Armand Swart murder, correct?

**LT-GEN SHIBIRI:** Yes.

20 **ADV SEGEELS-NCUBE:** That is what you are being, they are saying that you are the problem because you are doing that.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And these are officers that are saying this.

**LT-GEN SHIBIRI:** No, the members told me, not officers.

**ADV SEGEELS-NCUBE:** The members are saying you are a problem to who? Who is complaining about you?

**LT-GEN SHIBIRI:** They were talking to say they were told, they heard people talking to say I am the one who is blocking the bail, I am the problem.

**ADV SEGEELS-NCUBE:** Yes, so who are they saying told them that you are the problem?

**LT-GEN SHIBIRI:** You mean the members who told me?

10 **ADV SEGEELS-NCUBE:** No, the members who told you, who did they say is, you are their problem, whose problem are you? You are not the members' problem, because the members are telling you something. So whose problem are you for opposing bail?

**LT-GEN SHIBIRI:** They said they were in Johannesburg district and then they heard people talking and they did not, I did not ask who or they did not tell me who is these people saying I am the one. They said there is a talk out there which indicates you are the one who is a problem blocking  
20 the bail for this and that and that. I said they are talking nonsense, I am not even investigating the docket.

**ADV SEGEELS-NCUBE:** Okay, and when you say the person and you say we are from the homelands together, who is that person that you are referring to there?

**LT-GEN SHIBIRI:** So people who are telling me I am from

Limpopo, obviously the investigators were telling me they are from Limpopo, so I am thinking the people who were also talking with them they might be people from Limpopo too, so you cannot trust anybody. You will say this one I am used to and then it will be the people who are talking behind you or plotting things behind you.

**ADV SEGEELS-NCUBE**: Okay.

**ADV BALOYI SC**: General, are you saying you were told that someone from Limpopo says you are the one that is  
10 blocking bail?

**LT-GEN SHIBIRI**: No, the group of, the people who were telling me are from Limpopo.

**ADV BALOYI SC**: Yes.

**LT-GEN SHIBIRI**: And then I took it that they were talking to people from Limpopo, those who were talking there when they were in a meeting somewhere at the district and then saying I am the problem, not, blocking the bail on this particular matter. It is said it is me who is blocking the bail although I am not investigating the case and the case is not  
20 even investigated by that office.

**ADV BALOYI SC**: Ja. I think it might be helpful if we look at the conversation itself, not the translation, because it gives a better sense of what it is that you said to the investigating officer and I am going to try again in isiZulu. At page 82, line 4, if you get to line 4, page 82, line 4, line

14, sorry, line 14. This is you speaking, Major General Shibiri. And then from, and then you look at line 4 of that, it says ...[vernacular] they are not even working at province or whatsoever then indicating ...[vernacular] I do not carry dockets, and the rest of it. So in the conversation itself you say it is the police who say you oppose bail in that ...[vernacular] they are not even working at province or whatever, then indicating ...[vernacular] so the police say you oppose bail.

10           That is the first part, so, certainly in this conversation here you are not saying they have been told by other people ...[vernacular] tell me that other people say. You say the police say I am the one that oppose bail. That is the first thing. And then the second part which is that last paragraph, you say ...[vernacular] so you say here is someone that I trust. You trust somebody because you say we come from the same place, we come from home together and then you get here, they turn on you.

20           So you are referring to very specific people who have said you are the one that blocks bail, one, and then two, it is people or a person that you come from home with who is now turning on you on small things. That is what you have said here and what you are explaining now is not quite accurate. It is not an accurate reflection of the conversation itself.

**LT-GEN SHIBIRI:** Ja, what I am explaining is I am told by police to say there are police who are saying I am the one who is blocking the bail, opposing the bail, and you cannot trust people because even people whom you come with from home or from the same province ...[vernacular] whom you can trust, they can turn around and say things about you.

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

**ADV SEGEELS-NCUBE:** General, before I go to the exhibits to deal with Brigadier Nkhwashu, I just want to read  
10 to you from the record and we will put it up on display what you said in your evidence in chief when you were referring to Brigadier Nkhwashu. Just bear that in mind when we address this issue. It is on the screen. I was asking you about him and then Commissioner Khumalo also followed up on the question. So if we can just go one up, yes, where it says:

“And for that matter ...”

Do you see there on the screen:

20 “And for that matter he comes from Tzaneen. I am from Tzaneen. Even though he is coming from a different direction area, he is coming from Juliesburg.”

I think you meant, oh, this is different, sorry, Burgersdal. And then you say on the next page, should we

read the next one, you say:

“Yes, he was working, he worked in Tshwane as Acting District Commissioner and then he was transferred to the Vaal. That is when he became acting until they promote a District Commissioner, though he became a deputy and I think he built a house. He stays that side because he was staying in Roodepoort. So, we were in the West Rand all of us, so we meet occasionally weekends as friends to drink, not work related or whatsoever. So in terms of reporting, it was reporting to the District Commissioner.”

So that is how you refer to Brigadier Nkhwashu. Now if we can go to file 3, item 84, page 301, it is Witness B’s statement. Do you have it?

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

**ADV SEGEELS-NCUBE**: Page 301, paragraph 75:

“The bail for Mr Tau on new facts was eventually set down to be heard on 1 August 2024. It is worth noting that there were several concerning events

around this bail application. Our unit usually has a meeting on Tuesdays to receive update. On Tuesday, 30 July 2024, when attending such meeting, Sergeant Shukuru approached me to ask about the Vereeniging murder investigation. In particular he informed me that Brigadier Nkhwashu, the Deputy District Commissioner, Sedibeng, currently Acting District Commissioner, had asked him to ask me not to oppose the bail application of Mr Tau. I informed him that this is not a new bail application but a further application on new facts and we had already opposed the bail. The discussion was strange and I found it inappropriate.”

You see that?

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

**ADV SEGEELS-NCUBE**: And then at 75.4:

“Shortly after the bail, Sergeant Shukuru requested that we meet. We met at Mall of the South. He told me that he was sent by Brigadier

Nkhwashu to thank me. I asked him what I was being thanked for. In response he claimed not to know but said he was asked to convey the message of appreciation, I told him that his previous request was that I not oppose the bail and that I could not agree to that request, further that Mr Tau was granted bail not because of anything I did and he knows that and so I do not know why he is approaching me like this.”

And then if we can go to item, and paragraph 96, I think, you can just go there for completeness.

**LT-GEN SHIBIRI:** 76?

**ADV SEGEELS-NCUBE:** 96. Paragraph 96 on 309. Let me just confirm. Sorry, it is item 85, my apologies, page 346. Do you have it?

**LT-GEN SHIBIRI:** Yes.

20 **ADV SEGEELS-NCUBE:** Paragraph 55:

“Upon questioning him about these items ...”

This is Witness C’s statement, sorry.

“Mr Molefe informed us that Brigadier Nkhwashu had visited him in prison and brought him the Polo tracksuits. I

found it startling that a senior SAPS official who had no active involvement in the murder investigation would visit and accused of a serious crime at a prison facility. We took steps to determine the facts surrounding this.”

The next page 56:

10 “Our inquiries revealed that Brigadier Nkhwashu had attended at the prison facility on 9 December 2024 and introduced himself as the brother-in-law of Mr Molefe. The Brigadier allegedly informed the prison officials that the accused, Mr Molefe, was arrested at the airport and was therefore not in possession of any clothes or food. He therefore wanted to see the suspect. The prison officials further advised that Brigadier 20 Nkhwashu had arrived at the facility after visiting hours driving a white BMW SUV that had no number plate. This was alarming to them because if Brigadier Nkhwashu attended in his official capacity they questioned the

removal of the vehicle registration plates.”

And then at paragraph 10:

“On 10 December 2024 the Head of Groenpunt facility, Mr Nkoli, went into the accused cell to ask him if he was related to Brigadier Nkhwashu. Mr Molefe said that he was not related to Brigadier Nkhwashu.”

10           You see that? Now, when you go back to the transcript of the conversation between you and witness A at page 70 of file 4, here when we had, now that we have that in our minds do you see why witness A thought that you were talking about Brigadier Nkhwashu as being the person that had, that was trying to get you to stop bail, that was trying to stop, while, that was trying to interfere in the investigation, the Swart murder investigation, the district officer trying to interfere in a provincial investigation who is your homeboy?

20    **LT-GEN SHIBIRI**:    Ja, when I submitted my statement, Witness A already had submitted the statement and what is in my statement which is depicted there, I was responding to the question from the Commission regarding our relationship with Brigadier Nkhwashu specifically and what happened in, and what mentioned in the statement,

Brigadier Nkhwashu sending Shukuru and to speak to the investigators regarding the bail, I think it happened before December and we are talking in December where I am saying some members of the district informed me that there was a talk about me that I am the one who is blocking the bail and that time already he thanked the people for arranging bail as he requested and so forth.

So, and I indicated that those members did not even want to tell me who is the person and the district in  
10 Gauteng they are six, not, if I am not mistaken and there are a lot of people coming from my homeland and others not far from where I am staying, working there and there is nowhere where me I am saying here in the transcript that is a district officer. I am saying somebody working from, people working from the district and then having interest in cases which are not even investigated by them.

So, again I was not, I am not referring to Brigadier Nkhwashu because even today I do not know who exactly is those people but I know the people who were talking to me  
20 they are from Limpopo. I am coming with them and they are the one who told me that some people were saying that.

**ADV SEGEELS-NCUBE:** So, you are saying that this did not relate to Brigadier Nkhwashu, it was just information that you had received.

**LT-GEN SHIBIRI:** Ja, it might be.

**ADV SEGEELS-NCUBE**: Okay.

**LT-GEN SHIBIRI**: It might be, but they did not indicate to me it is Brigadier Nkhwashu.

**ADV SEGEELS-NCUBE**: Okay, they did not indicate to you that it was Brigadier Nkhwashu when you had the conversation. That is what you are saying. But it is possible that they were referring to Brigadier Nkhwashu when they were giving you the information.

**LT-GEN SHIBIRI**: I said it might be possible but I am not  
10 saying they were referring, they did not say they were referring to you, so I agree with you it might be possible based on the analogy here, but I also indicated that it was in December when we were talking and I am not sure the request for bail and when the bail happened was which month.

**ADV SEGEELS-NCUBE**: But I read it out to you from Witness A. It related to Tau's bail which was in August of 2024.

**LT-GEN SHIBIRI**: Yes.

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

**LT-GEN SHIBIRI**: Yes, so in December which bail I was blocking that time.

**ADV SEGEELS-NCUBE**: Well, only you know, General, because these are your words.

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

**ADV SEGEELS-NCUBE:** Remember, he was re-arrested in September 2024, Mr Tau, for violating his bail conditions.

**LT-GEN SHIBIRI:** Ja, I did not know. But remember, me I am telling you I was telling him about the gossip which I heard to say this is said about me.

**ADV SEGEELS-NCUBE:** Okay. Chair, can we take the adjournment.

**CHAIRPERSON:** Let us adjourn and resume at half past 11.

10 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV SEGEELS-NCUBE:** Thank you, Chair.

**CHAIRPERSON:** Yes, Ms Segeels-Ncube.

**ADV SEGEELS-NCUBE:** General switch on your microphones. Thank you. General, I, unless the Commissioners have questions on Brigadier Nkhwashu, I want to move on to the next topic in the phone call, which is your reference to the group of five. On page 66 of file 4, are you there? Are you there?

20 **LT-GEN SHIBIRI:** Yes, I am there.

**ADV SEGEELS-NCUBE:** Just three lines above line 20.

You say:

“Yes, no, you see those people, they like drama, because this guy was the same group with Mswazi, and we know by this

guy you are referring to Mr Katiso Molefe, correct?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And then you next speak, you say:

“Yes, him, I am sure they are five. They are a group of, they are five, they were five. They are having other companies together also, or mining rights together.”

10 Right? Now, can I just ask you, when I had put Witness A's version about this to you, you had denied that you had said anything about a group of five. Do you recall that? When I asked you in your evidence-in-chief, can I just read from the record? And maybe we can display it.

**LT-GEN SHIBIRI:** What was the question?

**ADV KHUMALO SC:** Just a moment. You want to address the Chair?

**LT-GEN SHIBIRI:** No, no, I will wait. I wanted to ask what was the, I was responding to a question when I denied. So  
20 not, yes, that is why I was saying what was the question, but I will wait.

**ADV KHUMALO SC:** I saw you looking at the Chair as if you want to address the Chair.

**LT-GEN SHIBIRI:** No, I thought maybe it is on the screen, the question will be up here.

**ADV SEGEELS-NCUBE**: Yes, I am just trying to display it, because the transcripts seem to be too different. Okay, so it will come on the display, General. I was reading from - so you will see, I will put it on. It says there after line 20 on the transcript, can you see? Okay, then 94:

10                   “During the call General Shibiri told me that Molefe was part of a group of five individuals with interest in mining. And then in the Northwest province, and that one of these groups belongs to a group of...”

And then the name is given. And then I asked you and you said:

                  “No, I deny all of those.”

Do you see?

**LT-GEN SHIBIRI**: Yes.

20                   **ADV SEGEELS-NCUBE**: And I even asked you about, you also said another guy is a Zulu guy called Zee, who stays in Sandton, who I understood to be Zee Nxumalo. He said Zee is close to Julius Malema, who is close to General Shibiri. And you said you deny all of those.

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: Now, do you want to just comment on that denial in light of the transcript of the call?

**LT-GEN SHIBIRI**: Yes, I think I was referring to my

statement where I think the question, when referring to the five, the group of five, it did another thing again. I do not know if it was indicating cartel or something.

**ADV SEGEELS-NCUBE**: Yes.

**LT-GEN SHIBIRI**: That is what I deny. I never talked about a cartel. I said the person arrested, he was involved with a group of five and they have business interest when we were talking on the phone, and I also testified now. So, my denial was about that one. And then when coming to the  
10 issue of Zee, I indicated somebody called Zee, but I never said Nxumalo.

So, when you put a surname, it is something else because I do not know. And this Zee, remember I am talking about information of which I do not even know who Zee is. And I indicated in my statement that when I was asked with the relation of Zee and General and Mr Malema to see, I was once in the office of the General.

There were a female and a Chinese guy who came to report about a case of vandalism at the mine in Northern  
20 Cape, and he indicated he is a business partner of Zee Nxumalo. And that is when I heard the name in that office, so suggesting they might be knowing him because they came to his office to report. And Mr Malema, I indicated that yes, sometimes he sent me to attend to certain cases and said he received a call from Mr Malema. So, it was

from those bases.

**ADV SEGEELS-NCUBE**: No, General, I had asked, I put to you Witness A's version in his statement. I had put to you his version of what transpired in the telephone call. And you then, I said to you, let us go through what you confirm and what you deny.

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: And I read that out to you, and you denied all of it. You said, yes, I deny all of those.

10 **LT-GEN SHIBIRI**: And I am giving my reasons why I deny it. If you added something on top of Zee, then I deny. And if you added something, what was the question? That is what I was asking.

**ADV KHUMALO SC**: Put it back on the screen, the part that Adv Ncube is referring to, then General can respond. I think you have moved on now. It is no longer on the screen. Sorry to interrupt you, General. You misunderstood the question. So, I wanted them to put it back on the screen so that you can know what they are  
20 asking you.

**CHAIRPERSON**: And whilst you are doing what, oh, let us hope it will be quick.

**ADV SEGEELS-NCUBE**: Here we go. It seems to be working now.

**CHAIRPERSON**: Thank you, thank you.

**ADV SEGEELS-NCUBE**: Thank you.

**CHAIRPERSON**: I was saying whilst you are looking for the transcript again, or is it there already? But let me say what I want to say. We should spell people's names or even names of places. I was looking at this, for example, the Z-A-Y, when the name is Z-E-E. And there was also a strange-looking surname there. We should spell people's names. And if it is a witness speaking, we should ask the witness to spell their name as well.

10 **ADV SEGEELS-NCUBE**: Will do, Chair. Thank you, thank you. General, we will just put it up again so you will see there. Look at the screen, General. You will see after line 20, I say, okay, then 94. 94 is a reference to paragraph 94 of Witness A's statement. I am putting to you what witness A said during that call. And in that call, he refers to a group of five individuals that you had told him about, which included Mr Molefe. And then I also said to you that he had told you about, you told him about another guy, which is a tall Zulu guy that lives in Sandton, Ze, Z-E, for the  
20 transcript and his surname.

**CHAIRPERSON**: Of course, once a name has been mentioned, we will trust the transcriber to remember that. We will not be spelling every time a name is mentioned.

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

**CHAIRPERSON**: Thank you, thank you.

**ADV SEGEELS-NCUBE**: Do you recall that, General? And then I asked you and you said, no, I deny all of those.

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: So now you have seen the transcript of the recording. I am asking you whether you are still sticking to that denial. You want to clarify the denial, and then we can address what you meant in the call.

**LT-GEN SHIBIRI**: Yes, I remember. And I even indicated that, because on my statement I said I cannot recall, and I  
10 gave the reason why I indicated that. And I even asked if I recall, must I mention these names here and whatsoever. But today I did indicate that I agree with the statement to say, yes, I informed, and I shared information with him to say that the same person, I got information that he was working with somebody, and they were a group of five and they are having mining rights, yes.

**ADV SEGEELS-NCUBE**: Okay. Now, if we then go back to the transcript of the call, the recording of the call, you can go to file 4, page 66.

20 **LT-GEN SHIBIRI**: 66?

**ADV SEGEELS-NCUBE**: Yes, 66. And we are at line 21 where it says:

“Yes, him, I am sure they are five. They are a group of they were five. They are having other companies together also or

mining rights together.”

Now, this group of five, you say they are having other companies together also or mining rights together. So, it seems to me like you are saying in addition to the companies or the mining rights that they have, there is another reason why you are referring to them as a group of five because you say having other companies together also. So, what is the primary reason that you are referring to them as a group of five? It cannot just be because they  
10 have companies together.

**LT-GEN SHIBIRI:** I am saying they were a group of five partners according to information, and that is what I said even today, to say information I got that the arrested person, he was belonging to the group of the deceased, and they were about five. They are having also companies. That is what I indicated.

**ADV SEGEELS-NCUBE:** Oh, they all originate from the deceased Mr Mswazi, the five?

**LT-GEN SHIBIRI:** That is what I said, yes.

20 **ADV SEGEELS-NCUBE:** Okay, and there is Mr Mswazi’s name is mentioned, and we know that there is Mr Molefe, and then there is a name that you do not mention. That is fine. Who are the other two?

**LT-GEN SHIBIRI:** I do not know.

**ADV SEGEELS-NCUBE:** You do not know?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** Okay.

**CHAIRPERSON:** How do you know there are five if you do not know about the other two?

**LT-GEN SHIBIRI:** Commissioner, that is what I was told, that there were five, and then I happened to know the other three names which I was informed of.

**CHAIRPERSON:** Told by whom?

**LT-GEN SHIBIRI:** By a source. Remember I said after, I  
10 remember even before, the source indicated to me that they  
arrested three. They previously worked for Mr Mswazi and  
as contract killers. And later on, when we were discussing  
after the arrest of Mr Molefe, I indicated to him, I got further  
information that this person was working with Mswazi and  
the other people, and they were also involved in mine. That  
is what I indicated. Then I indicated those names which,  
that name which I was informed. Then other names which I  
am not informed, I do not know.

**ADV KHUMALO SC:** The two names that you mentioned in  
20 the same transcript, Joe on 68 and Zee on 67, are they part  
of the five?

**LT-GEN SHIBIRI:** No, that was something else.  
Remember I indicated to say after the death of Mswazi, my  
understanding is Joe took over as leading the industry. And  
I was saying, I was regarding the whole fight is about taxi

violence and so forth. That is where I mentioned that name. I said now there are people who are also there in the taxis, now venturing on the construction mafia and whatsoever. That is what I indicated. So, it is not related to that.

**ADV KHUMALO SC:** But your simple answer is Joe and Zee are not part of the group of five that you mentioned.

**LT-GEN SHIBIRI:** No.

**ADV KHUMALO SC:** Okay.

**LT-GEN SHIBIRI:** No.

10 **ADV SEGEELS-NCUBE:** How do you know they are not part of the group of five if you do not know who the group of five is according to you?

**LT-GEN SHIBIRI:** Because I was not - that information, which was shared to me, they were not mentioned. And I indicate, I just indicated to say the name Joe came out to say after Mswazi's demise, then he is the one who took charge on the taxis. And I was talking about something else. And regarding Mr Zee, I indicated he is known to the two gentlemen. And I indicated the reason why I said they  
20 are known to him, to the General.

**ADV BALOYI SC:** But, General, what you have been asked is, you say they are five, and your language, I am trying to see, you say, I am sure they are five. So, you say five, and then you mention two names here in the next sentences. You mentioned the two names, Mswazi and that other name,

and then you say, and others, you see. Now when you are asked about whether Joe is part of the five, and the same as Zee, whether they are part of the five, you say no.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** And what Ms Segeels-Ncube is asking is, but if you say you do not know who are the other members of the group, what you call the group of five, if you do not know who the others are, how are you firmly saying Joe is not part of them, Zee is not part of them?

10 Because if you say that, if you answer that way, it suggests that you know who the other members of the group are of five.

**LT-GEN SHIBIRI:** Commissioner, I am sure even the journalists in here, they know the rivalry between Joe and Mswazi. So, there cannot be one belonging to that. And in the context of what I was sharing information regarding Joe it was something else. And there by the five already we know who is the three, and then the only ones which we do not know is the two. But again, I am saying everybody  
20 knows that there was a rivalry between Joe and Mswazi, then there cannot be the same group having the same company together. So that is why I am sure of that.

**ADV BALOYI SC:** I do not know that Joe has rivalry with Mswazi. I did not know that, maybe because I do not operate in that world. Now you have provided an

explanation why Joe is not part of the five. That is the explanation you have given.

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: Why do you say Zee? And Zee, because you do mention him in another context. I accept that, that you mention him in a particular context here. But the question was, how do you know Zee is not part of the group of five? If you say, I do not know who the other two members of the group of five are. Joe, you know, you have explained why you say he cannot be. What about Zee, that you happen to mention in another context?

**LT-GEN SHIBIRI**: Because he was not mentioned in that information I got.

**ADV BALOYI SC**: Okay, that is fine. That is sufficient for me, General.

**ADV KHUMALO SC**: And just to clarify, you mention him in this context, because if you look at where you mention Mswazi, I will skip the other name. And then you say, and others you see. And then Witness A says:

20                    “Yes, because even to me, he said that he has interest in mining.”

You say:

“Yes, yes, somewhere in Rustenburg, and Brits there. And then, yes, yes, he mentioned that.”

Then you say:

“Yes, there is this other guy, his name is Zee, who is staying in Sandton.”

So, you do not change context. You do not move from group of five to other people. You are still discussing mining. Specifically, mining interest in Rustenburg and Brits. And then Witness A says:

“Yes, yes, you mentioned that he mentioned that.”

10 Then you say:

“Yes, there is this other guy, Zee.”

So, you are not talking about taxis here. You are still talking about the mining interest.

**LT-GEN SHIBIRI:** About mining interest, yes. And I have indicated that there were once people came to the office who indicated they were having mines with him in Kimberley and complaining to the National Commissioner and mentioned his name – not Deputy National Commissioner and he mentioned his name.

20 **ADV KHUMALO SC:** You have promoted him already?

**LT-GEN SHIBIRI:** No.

**ADV KHUMALO SC:** No, finish your answer.

**LT-GEN SHIBIRI:** No, I said, excuse me. And then they mentioned that they were partners with him. Hence, it was on that issue of mines.

**ADV KHUMALO SC:** Yes.

**LT-GEN SHIBIRI:** Yes, and I indicated also that he is close to, they say he is close to Mr Malema. And also, the Deputy National Commissioner is also close to Malema because now and then he reports to him certain cases which he tasked me. So, it was in that context.

**ADV KHUMALO SC:** Okay.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** Thank you. General, are you  
10 aware that General Dumisani Khumalo gave evidence that one of the groups of five is Mr Matlala? One of the members is Mr Matlala?

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

**ADV SEGEELS-NCUBE:** Do you know whether Mr Matlala is one of the five?

**LT-GEN SHIBIRI:** No, what I know, I know he was a security for the late, not part of the five. I do not know. But I know he was providing security for the late Mswazi.

**ADV SEGEELS-NCUBE:** So, you knew that Mr Matlala is  
20 somebody that originates from the late Mswazi?

**LT-GEN SHIBIRI:** No. I know he provided service to Mr Mswazi.

**ADV SEGEELS-NCUBE:** Linked to - okay, so he has a link to Mr Mswazi, providing services for him.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE**: Okay.

**ADV BALOYI SC**: Can I ask differently? Now that Mr Mswazi passed, do you know if Mr Matlala has got any association with this group of five?

**LT-GEN SHIBIRI**: I do not know.

**ADV BALOYI SC**: You do not know?

**LT-GEN SHIBIRI**: I do not know.

**ADV BALOYI SC**: Thank you.

**ADV SEGEELS-NCUBE**: And you say that Joe is not part  
10 of the five?

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: If I take you to page 67.

**CHAIRPERSON**: Before you move away. Still at starting  
page, I am sorry, line 22, page 66, where we were. You  
say, and the evidence leader has read this:

20 “Yes, him, I am sure they are five. They  
are a group of five. They were five.  
They are having other, underline other,  
companies together. They are having  
other companies together also, or mining  
rights together.”

When you use other, it seems to suggest that there is  
something else in addition to the other companies that you  
are referring to. What is the other thing that they have  
together?

**LT-GEN SHIBIRI**: All of them, they were known for taxi. They were owning taxis. They were owning a fleet of taxis, and they were running the Santago[?] and so forth.

**CHAIRPERSON**: Oh, okay. Thank you.

**ADV SEGEELS-NCUBE**: Thank you, Chair. So, if we go to 67 where you referenced Joe, page 67, are you there?

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: Line, the last two lines on page 67. Do you have it?

10 **LT-GEN SHIBIRI**: At line?

**ADV SEGEELS-NCUBE**: The last two lines, Maj-Gen Shibiri:

“So, Mina, I was thinking that maybe it links to the taxis, but I said no, but these in the taxis...”

Do you see that?

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: Just before we go on, where you say:

20 “I was thinking that maybe it links to the taxis.”

Is the ‘it’ that you are referring to the Armand Swart murder?

**LT-GEN SHIBIRI**: Yes, I was referring to the murders happening from that particular group. So, I was thinking

their link is about taxi violence. Now this happened, so it is another thing.

**ADV SEGEELS-NCUBE:** Sorry, General, when you say it links, so you are saying that it is more than just the Armand Swart murder? Or is it the Armand Swart murder?

**LT-GEN SHIBIRI:** No, after Armand Swart murder happened, and then this person, Molefe arrested, and these people who were contract murderers from the taxi industry side. That is where I am referring to, that I thought all  
10 these things about taxi violence, not other things.

**ADV SEGEELS-NCUBE:** Okay, so this is now in December 2024. So, in December 2024, when you say it links, you are referring to the Armand Swart murder and other murders committed by those contract killers that were arrested for Armand Swart murder?

**LT-GEN SHIBIRI:** No.

**ADV SEGEELS-NCUBE:** Okay, just clarify for me what you mean.

**LT-GEN SHIBIRI:** It was also testified here that somebody  
20 or the deceased was called notorious in the taxi, and there were allegations even though he was never arrested. Of which I do not know, maybe he was arrested. So, I was thinking, if ever these people will be arrested, and these ones who are termed to be contract killers, it should be contract killers for taxi-related murders. But now somebody

else who is not related to the murder has been murdered. So, I was talking in that context.

**ADV SEGEELS-NCUBE:** Okay, so there you are referencing, but that is what I asked you, the Armand Swart murder. So, you are not referring to the contract killers and Mr Molefe, you are referring to the deceased Armand Swart. You thought that his murder is linked to the taxis, but it is not.

**ADV SEGEELS-NCUBE:** No.

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

**LT-GEN SHIBIRI:** No, no, no. I was referring to it, that it is amazing that these people who are known to be involved in this other side, now they killed somebody who is not belonging to the side of the taxis, yes.

**ADV SEGEELS-NCUBE:** And these people, were you referring to just the contract killers, or were you referring to Mr Molefe as well? When you say these people who are known to be ...[intervenes]

20 **LT-GEN SHIBIRI:** Remember they said, information I gave to them initially, to say there is a handler who wanted them out. So, I take it, it was him who might be the handler, because I did not know the merit. So, and I know he was to be, I know, I am told he is owning taxis. So hence, I mean all four arrested, they are supposed to be maybe involved in the violence which might happen at the taxi environment,

not outside the taxi environment.

**ADV SEGEELS-NCUBE:** Okay. But in May 2024, when you have the meeting with the investigators, you already tell them then that these contract killers used to be Mswazi's contract killers. So, they must go and find out who they are working for now. Remember you said you gave intel, so that CI and the investigators could follow up who are these contract killers working for now, now that Mswazi is deceased. Do you recall that evidence?

10 **LT-GEN SHIBIRI:** I just said so again now. What you are repeating is what I just said. To say initially when I gave information, that the source said these contract killers who are arrested, the people who are arrested actually, they are contract killers. That was the information, which I gave to them to say this is what I am told. And these people used to work by Mswazi. And now the current handlers, which we did not know who were they, they want them out on bail. So even now, up before the question, is what I repeated.

**ADV SEGEELS-NCUBE:** Yes, I am just trying to clarify  
20 that that is what you are saying now, because you knew this information in May of 2024 already, but you are saying you did not know the identity of the hit orderer in May 2024, but you knew that the contract killers were linked to the deceased Mswazi, and they needed to find out, the CI and the investigators needed to find out who these guys are

working for now, that the deceased is no more.

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

**ADV SEGEELS-NCUBE**: Okay, and now that person that gets accused of being involved in the murder in December 2024 and is arrested is Mr Molefe, who you say originates from the deceased Mswazi.

**LT-GEN SHIBIRI**: Which I say, information I got says so. Because you are making as if I know.

**ADV SEGEELS-NCUBE**: Yes.

10 **LT-GEN SHIBIRI**: And then I can move.

**ADV SEGEELS-NCUBE**: Well, I am talking about what you are communicating to Witness A. When you are speaking to Witness A, you say, this person was part of Mswazi's group. And you are referring to Mr Molefe.

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: Yes, so, you know that. That is what you have been told, according to you. We are on the same page.

**LT-GEN SHIBIRI**: No, you are tricking me again.

20 **ADV SEGEELS-NCUBE**: I am really not tricking you, General. I think it is because I am in agreement with you that you think I am tricking you.

**LT-GEN SHIBIRI**: No, you are tricking me again. I said I was told the information. So, if you say I know it is something else, it is different. I do not know. That is my

understanding.

**ADV SEGEELS-NCUBE:** But General, if you are told something, then you know it. Somebody tells you something, you know it. That is all. I think you think I am tricking you because I am in agreement with you. I am just trying to clarify what your evidence is so that we know going forward that you are saying that in May, in December, when you are speaking to Witness A, you are telling Witness A that Molefe is linked to Mswazi, but you did not  
10 know that it was Molefe in May 2024.

**LT-GEN SHIBIRI:** Yes, blame my tutors. They said what you know or knowledge is what you have experienced.

**ADV SEGEELS-NCUBE:** Okay, let us move on, General.

**ADV BALOYI SC:** But I think in fairness to this discussion, General, in your conversation with the investigating officer, you do not say I have been told, and you can look at it. It is not how you express yourself. You express yourself as they are part of him, Molefe. They are five. I am sure they are five. They are a group of they were five. They are  
20 having other companies together also or mining rights together. So, you are not saying to him you are relaying what you have been told. In fact, on the next paragraph, he says — I mean, in the further conversation, he says:

“Yes, to me, he told me that he has an interest in mining.”

And then you say:

“Somewhere in Rustenburg and Brits.”

Now, that conversation, you are not conveying it as I have been told. You are telling A. These are the facts. At least that is how you speak in the transcript. You may now want to explain it and say, well, maybe I misspoke. It is what I had been told. But in this communication, if we go by the transcript, in the transcript, you present it as something that you know. So, there is no tricking there. And I think you  
10 are not being fair in the discussion to say that you are being tricked. It is your words. No one is putting words in your mouth.

**LT-GEN SHIBIRI**: Yes, it is not easy because me and the person I was speaking to, we understood each other. And even the information that I got, information and whatsoever, it is not there on the transcript. And they indicated that they were not aware that some were not being recorded and so forth. But it will seem I am reasoning. I will leave it there as it is on the transcript. But what I am explaining is  
20 what is the truth, is what I know.

**ADV KHUMALO SC**: And, General, to be fair to you, line 18 on page 66, because there you identify Molefe because you say this guy, meaning Katiso Molefe, in line 19, this guy was the same group with Mswazi. So, whether you heard that from somebody else or not, when you communicated to

Witness A, that is how you communicated. You may not have personal knowledge yourself, but the information you are communicating to Witness A is that Katiso Molefe was linked to Mswazi and they are part of this group of five. So, whether the source is somebody else, for now we can accept that what you communicated is that information. Right?

**LT-GEN SHIBIRI**: Can I leave to my answer?

**ADV KHUMALO SC**: Yes.

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

**ADV BALOYI SC**: And maybe this is just an interest to understand how it works. So, General, if somebody told you this kind of information, so you are not putting it as a fact, you were saying someone has told me, as head of organised crime, is it not supposed then to, as part of your functions, to then give you the beginning of an investigation to get you to a point where you are able to say that indeed they are part of a group of five, or no, they are actually not part of a group of five, or for that matter there is no group  
20 of five. So, we take it past I have been told, because you are head of organised crime in the country. What do you do when that happens and what did you do here? Maybe let me bring it back to this, that you say to us you were informed and that is what this conversation is about. What do you do with that?

**LT-GEN SHIBIRI:** That is why I shared with Witness A. Witness A works for organised crime. Witness A was part of the investigation team which has been formulated, which is dealing with the same group related to certain things. So, it is additional to what you already know to say they can go further, and I indicated even now to say now they were reinforced in a safe house, having all the resources to pursue this thing.

Hence, I shared further with him that information so  
10 that it must be a continuation of that particular investigation, because the investigation has already started and already other people arrested. I am giving him further names to look at. As I indicated to say when I wanted a threat risk analysis to be done was exactly that, that they get protection, they stay in a safe house, they have more members and then team with crime intelligence and combat so that they can work on this and pursue other new cases which will emanate from these firearms. I think I testified like that, and this was just a continuation of sharing the  
20 information so that they can follow up also on that other part.

**ADV BALOYI SC:** So just to make sure that I understand, so you get this kind of information from whatever other source, it is an informer or whatever, you pass it on to an investigator like this in a docket, and you do nothing more

about it. I am just trying to understand so that one does not attach to you functions and responsibilities that do not belong to you. If you say to us, look, once I have got the information, I just pass it on, investigators will deal with it as head of organised crime, and I just wait for them to give me reports. If that is what it is, that is what it is.

**LT-GEN SHIBIRI:** So, if it was a normal investigation, when it is based at the unit, I could speak to him and the commander and follow up and make sure that whatever support which I can provide, they can. As I indicated  
10 before, that when I was briefing them, I indicated this will form a part of investigation which we call the project. A project lead has got a project team, a leader, and it is a group, and it reports otherwise.

You cannot access it unless there is a – at the provinces they have what they call provincial organised crime secretariat. Only the project leaders will go and brief, and then there will be NDPP and everybody who is supposed to be there who forms the part. So, if he is  
20 already there at the project and is the person I communicate with, who I knew from the start he is part of the investigation, and they are making inroads, and I am just hearing further information for him and the team to pursue. So, I will end there.

**ADV BALOYI SC:** Again, I am just trying to understand

this. If Witness A is not part of that project team, it is his docket specific, in this case it is a very specific docket. If his involvement is limited to this docket and he was not part of a project team, you have now shared this with him. What happens? You hope that you will feed it into somebody else or what?

**LT-GEN SHIBIRI**: No, no. It will depend on if it is faceted. It does not need more resources like this one. It seems to need more. Then what we do, we will now, the investigator  
10 and the commander come together. We discuss to say we form a team, a multidisciplinary team to work on that particular issue. We call it five-pillar approach. Then we will call crime intelligence and then we will have that investigator.

They will determine the number in terms of the volume of the work that needs to be done. Crime intelligence will be number one to come with that investigator to follow up and verify. That is why we call them pillar one. Because everything we do, we call it  
20 intelligence-led policing. Then it must be information, not information. Now it becomes intelligent report. Information is not yet verified. So, it works like that.

**ADV BALOYI SC**: Do you know if that has happened in respect of this group of five, this which you are describing would have happened?

**LT-GEN SHIBIRI:** I think they testified that the leader is General Lekalakala and the testimony of General Khumalo is they are still investigating. The investigating is ongoing. That is what I know.

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

**LT-GEN SHIBIRI:** Thank you.

**ADV SEGEELS-NCUBE:** General, just on the issue of Mr Matlala, so you say you knew that Mr Matlala was providing security for Mr Mswazi?

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

**ADV SEGEELS-NCUBE:** And if I can ask you to go to file 3, it is page 198. It is a WhatsApp, CJC70, page 198.

**LT-GEN SHIBIRI:** Yes, Ma'am. I am there.

**ADV SEGEELS-NCUBE:** These are WhatsApp chats between you and Sergeant Nkosi.

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

**ADV SEGEELS-NCUBE:** And were you aware that, and you must know that Sergeant Nkosi considered the late Mr Mswazi to be a father figure? Did you know that?

20 **LT-GEN SHIBIRI:** I do not know that he is a father figure, but I knew they are related.

**ADV SEGEELS-NCUBE:** You knew that they are related?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And did you also know that Sergeant Nkosi got to know of Mr Matlala because of Mr

Mswazi?

**LT-GEN SHIBIRI:** I do not know that they knew each other because of Mr Mswazi, but I knew later that they know each other.

**ADV SEGEELS-NCUBE:** Okay. And if I understood your evidence, you were quite involved in the taxi violence investigations and the taxi violence, that kind, those syndicates, the taxi violence syndicates.

**LT-GEN SHIBIRI:** No.

10 **ADV SEGEELS-NCUBE:** I thought you said that you were involved in taxi violence investigations of taxi violence syndicates.

**LT-GEN SHIBIRI:** No, I said I was tasked with taxi violence in the Eastern Cape.

**ADV SEGEELS-NCUBE:** Yes, but that is my question. Taxi violence. I was not referring to any specific province.

**LT-GEN SHIBIRI:** That is why I say no, because there is a component dealing with taxi violence, which I indicated that it falls under General Motsepe. And I was explaining that  
20 sometimes I am tasked with things which is out of my jurisdiction. So, I was giving example, but also include, I do not want to jump in front of you, including this, what is in here. I will explain because I know you come to that because of that.

**ADV SEGEELS-NCUBE:** No, no, no. I am just asking

because in your conversation with Witness A, you also speak about, I thought this was linked to the taxis, but it is not the taxis because the only person that is left there is Joe. So, you seem to know a lot about what is happening in the taxi industry. Remember you said Joe is not part of the group of five, and he is the one that is left in the taxi world. Do you recall that?

**LT-GEN SHIBIRI:** In a way, I ought to know as a police officer, even though I am not working with it.

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

**LT-GEN SHIBIRI:** Some of the things I will know because I am attending meetings. For example, I attended meetings with Santago and the National Taxi Association where there was conflict and accompanying senior managers to be part of the meeting, whereas it is got nothing to do with me to assist with ideas and whatever. It could happen, yes. I will know certain things.

**ADV SEGEELS-NCUBE:** Okay, now this WhatsApp text, it is a chat, you sending this to Mr Nkosi?

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

**ADV SEGEELS-NCUBE:** And what was the purpose for sending this to him about the taxi industry?

**LT-GEN SHIBIRI:** I had a tasking from the DNC General Sibiyi, that you got a tasking from the Minister. The Minister wanted to know about the bucket system. How

does it operate. And they wrote this short description of the taxi industry. They want to know about short background of the taxi industry. How does it constitute the associations. How many are they in each region, meaning province?

The rise of Joe Ferrari, the rise of Mswazi, the chairpersons and regionals and whatsoever. And the General gave me a name of a guy called Thami from Gauteng to say he is a chairperson I think in Gauteng he can assist me. But I saw that this is not going to help me.

10 So, I happened to know the president of Santago.

Then I phoned the president and said there is a question which we need your information about. How many associations are there? How many Chairpersons in regions and so forth. Because I knew Santago is the biggest one. And then he said he is in the meeting and gave me the number of the secretary to say I must send an email. I told my secretary to send an email.

And I asked Nkosi to say do you know the Chairperson? He said yes. I said I have spoken to the  
20 Chairperson. They are supposed to give me this and that. I am going to the meeting. My secretary forwarded an email to their office. Just follow up that they respond. They responded well after some time. I think I got the file explaining all those things. So that was the reason. This was a tasking to him to follow up for me when I was going

to a meeting.

**ADV SEGEELS-NCUBE**: Okay, and at that stage you knew who Mswazi was, you knew who Joe Ferrari was. You knew all of that.

**LT-GEN SHIBIRI**: Mswazi was already passed when I sent this.

**ADV SEGEELS-NCUBE**: Yes.

**LT-GEN SHIBIRI**: Yes, I knew.

**ADV SEGEELS-NCUBE**: Okay.

10 **LT-GEN SHIBIRI**: I knew. But tasking is a tasking. Police officer is a police officer. When I task you to go and do the job, go and do the job.

**ADV SEGEELS-NCUBE**: Yes, I do not have an issue with that. I am just trying to test that you did not know about Mr Matlala. You just referred to Mr Matlala as providing security for Mswazi. But you do not know that what General Dumisani-Kumalo says that Matlala became one of the group of five. At this stage he would have been in the group of five because Mr Mswazi is no more. This is  
20 October 2024. You are speaking to Witness A in December 2024.

**LT-GEN SHIBIRI**: Even today I do not know. I heard what the investigation reveals now by the General. I do not know.

**ADV SEGEELS-NCUBE**: And when you were telling the

investigators in 2024 that the guns that were found on the alleged hitmen of Armand Swart was connected to other murders, did your source tell you which murders they were?

**LT-GEN SHIBIRI:** No.

**ADV SEGEELS-NCUBE:** You did not know?

**LT-GEN SHIBIRI:** No.

**ADV SEGEELS-NCUBE:** Okay, and now do you know?

**LT-GEN SHIBIRI:** What I heard I heard about DJ Sumbody, another DJ whom I forgot the name. I think I heard about  
10 three.

**ADV SEGEELS-NCUBE:** And the attempted murder of Tebogo Thobejane?

**LT-GEN SHIBIRI:** The attempted murder, I know that not about the firearms, about the suspect, those who were arrested on the Armand Swart. They are linked to that, yes.

**ADV SEGEELS-NCUBE:** So, you know about the suspects?

**LT-GEN SHIBIRI:** Yes, they are charged on it, on the Thobejane one.

20 **ADV SEGEELS-NCUBE:** Okay, so you know that the accused, Mr Musa Kekana and Mr Floyd Mabusela, that is being accused together with Mr Cat Matlala for the attempted murder of Tebogo Thobejane, are also co-accused of Mr Katiso Molefe in the murder of Mr Armand Swart?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** Okay, and you did not have any knowledge of that connection of those contract killers when you spoke to the investigators in May of 2024?

**LT-GEN SHIBIRI:** I knew the connection of what?

**ADV SEGEELS-NCUBE:** You did not know that those contract killers in May 2024 when you spoke to the investigators, you did not know that those contract killers that had been arrested for Armand Swart's murder were  
10 also involved in the murder of DJ Sumbody as well as the attempted murder of Thobejane?

**LT-GEN SHIBIRI:** No.

**ADV SEGEELS-NCUBE:** You did not know?

**LT-GEN SHIBIRI:** No, I did not know.

**ADV SEGEELS-NCUBE:** Okay.

**LT-GEN SHIBIRI:** I remember when the DJ Sumbody happened in Gauteng and I was still in Gauteng, so I was interested in finding out who killed him. So, if I knew, they could have been linked. I remember even head of his  
20 General Motsepe, they had some information and took the docket, and it was taken away from them after maybe the linkages had done. That I know. But I did not know they are linked to any. What I knew is information which I indicated in my statement and what I testified is the source informed me that those firearms are going to link with more

murders and that is what I conveyed to the investigators.

**ADV SEGEELS-NCUBE:** And they did indeed link. There was indeed a link. And it was one of the links is to the person that you took a loan from, Mr Matlala, in September of 2024.

**LT-GEN SHIBIRI:** I do not know about that. And I did not know if that would happen, so it happened. So even if it is linked to him, I did not know. And it happened is a good thing that he is arrested for that.

10 **ADV SEGEELS-NCUBE:** And then, General, can I just ask you whether you had ever had any telephonic interaction with Mr Motsumi?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** Can you tell us why? Can you tell us who is Mr Motsumi?

**LT-GEN SHIBIRI:** I know him as a businessman. He phoned me and said he was referred to me that I am dealing with extortions, and they were having problems with extortionists somewhere in Reiger Park. And also, I think I  
20 was in Tanzania. They phoned me. I referred him to Brigadier Kgorane, the Provincial Head of Northwest, where there was a problem in the mining area where they were working with this 50 percent and others were coming, robbing the chrome and so forth. So that is how we had telephone conversation. And then it was about him

reporting that, referred to me. As I have indicated, the extortions fall under me. So, I did not even ask who referred you to me. And until today, I do not know.

**ADV SEGEELS-NCUBE:** And do you know what industry Mr Motsumi is in?

**LT-GEN SHIBIRI:** The complaint in Reiger Park was construction. The complaint in, I think it is Brits, it was mining. So, I think it is construction and mining. Furthermore, I do not have knowledge.

10 **ADV SEGEELS-NCUBE:** And do you know if Mr Motsumi had any relationship with Mr Mswazi? The late Mr Mswazi?

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

**ADV SEGEELS-NCUBE:** You do not know?

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** Okay.

**ADV BALOYI SC:** Do you know if there is any relationship between Mr Motsumi and Mr Molefe or any other members of the group of five? And I ask the question because you have just said that he mentioned mining in Brits. And in  
20 your transcript, we have referred to Brits already, that group of people having mining in Brits.

**LT-GEN SHIBIRI:** No, I do not know. Because I knew about Mr Molefe or seeing him on TV recently after the arrest, but not immediately because that time I could not see on the TV. And, yes, that is when I started knowing

him. But I do not know who is his second.

**ADV BALOYI SC:** So, you do not know whether there is any connection in this mining in Brits between Mr Motsumi and Mr Molefe or any member of the group of five?

**LT-GEN SHIBIRI:** Yes, I do not know. Because my communication with Mr Motsumi, it was always about his complaints. And I would always refer him to the relevant people working with him to deal with him. For example, that one I indicated, I can remember that one because it was, I  
10 think, last year. I referred him to Brigadier Kgorane to assist because he is the provincial head of organised crime.

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

**ADV SEGEELS-NCUBE:** General, sorry, just remind me, you said with the call with Mr Motsumi, who called who?

**LT-GEN SHIBIRI:** He called me and I called him back to give him feedback that certain person will phone him.

**ADV SEGEELS-NCUBE:** And do you recall when was this?

**LT-GEN SHIBIRI:** The other one was, if not, I think the first one was 2024. The last one which I can remember, I  
20 was in Tanzania. It should be April, May 2025, I think.

**ADV SEGEELS-NCUBE:** Okay, we also have a record of a call in 6 June 2025, you are making the call. And that is in file 4, page 8.

**LT-GEN SHIBIRI:** That might have happened because I remember I came back on the, I think if it is not the 1<sup>st</sup> of

June, it is the 1<sup>st</sup> of May when I came back. And there was still not satisfaction about how it was handled. Because one of his partners was, they were indicating that this person persistently, because what happens, what they explained is Sarmandka[?] gives them mining places to mine and then they extract and then Sarmandka buys the minerals from them.

And then there was one who was blasting all over, damaging electricity and whatsoever. And when Sarmandka stops him, he wants them to give potions and whatsoever. But they were giving WhatsApp messages to the brigadier. And the brigadier could only open enquiry to follow up, but he wanted somebody to give a statement in order for them to go forward.

But nobody was forthcoming. And they were not happy. We had to meet. And then I phoned him to explain to him that, no, we need a complainant. We cannot use only this. We can open enquiry, but it can lead us up to so far. But you are approached by a person, so give statements. So that is where I ended.

**ADV SEGEELS-NCUBE:** You recall when Chair said that he finds it concerning that police officers and Generals in particular are afraid to mention the name of certain people, the names of certain people.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And he referred to you and then he referred to another General.

**LT-GEN SHIBIRI:** Yes.

**ADV SEGEELS-NCUBE:** And the name that the General, which is General Senona, was afraid to mention was Motsumi. Do you know why he would be afraid to mention his name?

**LT-GEN SHIBIRI:** I do not know, but I know why I did not want to mention certain names. Because I have established  
10 that even those who are on the other side or investigating, they are close to the same people. And you do not know who you are dealing with. So, hence I said, even me now publicly saying this, I do not think I have been brave to do this. Because it is not easy if you have information about certain things. So General Senona might be having different information about the individual, which I do not know. My engagement with the individual was because he was a complainant and was referred to me, as many people are referred to me.

20 **ADV SEGEELS-NCUBE:** And your fear of wanting to mention the name that we have not mentioned is because that person is part of this group of five that you told Witness A about?

**LT-GEN SHIBIRI:** Actually, I did not want anybody to be mentioned, which I mentioned there. But my prayer did not

get through, so maybe I need to pray more. But it did not get through. I did not want any name to be mentioned for that matter.

**ADV SEGEELS-NCUBE**: When you say any names, who do you mean?

**LT-GEN SHIBIRI**: All those names you had mentioned.

**ADV SEGEELS-NCUBE**: Zee?

**LT-GEN SHIBIRI**: All those names. I do not know all those names which were mentioned.

10 **ADV SEGEELS-NCUBE**: Well, I want to understand why you would have a fear of mentioning a politician's name. So, Mr Malema, why would you be afraid to mention a politician's name? He is a public figure.

**LT-GEN SHIBIRI**: Politicians are followers. It is like a priest. You do not know who is mad out there, who can do what when you say things. So, I have seen a lot in the 38 years I am working with the police. So, I understand.

**ADV KHUMALO SC**: You are leaving that topic. General, the question that I also had was, yes, you are reluctant to  
20 mention these other names, but there is this one particular name that you drew the line on and said, you know, reluctantly the others can be mentioned, but not this one. Even the recording has to be manipulated so that mention of this name is not heard.

And we are not asking you to mention the name.

We respect the engagement that has taken place between the legal teams. Maybe the question is, why? What is the reason? And remember, General, look here. General, I want you to look behind me and understand what is it that this Commission is probing. Can you see this Commission is probing interference and infiltration of the SAPS?

**LT-GEN SHIBIRI**: Yes.

**ADV KHUMALO SC**: By alleged crime syndicates?

**LT-GEN SHIBIRI**: I have full understanding.

10 **ADV KHUMALO SC**: Yes.

**LT-GEN SHIBIRI**: And again, without us coming to testify, the Commission will not exist.

**ADV KHUMALO SC**: Yes.

**LT-GEN SHIBIRI**: And tomorrow, whatever finding will come without us being in existence again, it will not work. I indicated here my first day to say, to come here and say, I thought it was reckless from crime intelligence head, and I am taken to be maybe against crime intelligence. I respect the men very much, and we worked along well with all of  
20 them. And they can attest to that. I got information, I called them, and it is my point of departure. But to come, what I had qualms with, to come here and say Shibiri he gave us the name of the cartel. And you are having bodyguards 24 hours because you do not want to be harmed by the same cartel. So that is what I indicated.

**ADV KHUMALO SC:** When you say you, I assume you are talking about General Khumalo.

**LT-GEN SHIBIRI:** Yes, he is having bodyguards.

**ADV KHUMALO SC:** When you say you, looking at the three of us.

**LT-GEN SHIBIRI:** I am addressing you as my Commissioners. I am addressing you. So, I am referring to that, to come and say that it was not palatable with me, and I thought it is putting me in danger. And that is why I  
10 indicated. I even requested a threat risk assessment, and I did not get any response, because I said I am considered maybe to be a loyalist to General Sibiya or whatever.

But that is something. Here today where we are, my legal team, I indicated to them, I do not want this recording to be played. And if it is supposed to be played, it must be played *in camera*, of which I think the Commission's terms of reference allows. And I have seen people testifying as witness what, what, what, what, and what. And those people are under protection. I am not.  
20 So, you can ask them.

**ADV KHUMALO SC:** Can I interrupt you? You are going to continue because you are saying too many things. When you say you requested a threat and risk assessment, again, it is from SAPS?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Yes, just so that we are clear.

**LT-GEN SHIBIRI:** Yes, from SAPS.

**ADV KHUMALO SC:** Again, because remember now you are referring to the Commission.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** And the public is listening. So, we did not want the public to think you have asked the Commission.

**LT-GEN SHIBIRI:** No, the Commission is now assisting  
10 me.

**ADV KHUMALO SC:** Yes. No, no, you do not have to mention that.

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

**CHAIRPERSON:** Please do not speak at the same time. What you just said is very important. You say with regard to protection, the Commission is now assisting you.

**LT-GEN SHIBIRI:** Yes.

**CHAIRPERSON:** Thank you.

**LT-GEN SHIBIRI:** But from my team, legal team, they know  
20 my plea was this must not be played. This must not be discussed outside, or it must be protected like any other for that reason. But my prayers were not met, so I will live with the consequences. So, it is fine.

**ADV KHUMALO SC:** It is my question because I want to give you a chance or an opportunity. And I do not want you

to leave me with the feeling that you did not assist the Commission to fulfil its mandate. And I hope you understand that because what has happened in 2024, you cannot revisit. You cannot go back to 2024 and change that. Your request to crime intelligence, we cannot go back and change that. When we are sitting here, we are probing these very issues. And if you are reluctant to share information with us, information that you know is relevant to our terms of reference.

10           And information that you know will assist us to get to the bottom of what is happening. Have criminal syndicates infiltrated SAPS at the very highest levels. And if you know that but you do not want to tell us because you fear for your safety or for some other reasons, I do not want to be left once you are gone. I do not want to be left with the feeling that General knew something, but he did not want to tell us or was reluctant to tell us. Because I do not want to make findings against you based on that feeling or that hunch or that belief that you did not tell us or you  
20 knew. Do you understand?

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

**ADV KHUMALO SC:** That is why we are asking this question.

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

**ADV KHUMALO SC:** Is there a reason why you do not

want this name to be mentioned? And I am not asking you to mention the name. I am just asking you, is there a reason why you do not want this specific name to be mentioned?

**LT-GEN SHIBIRI:** For the same reason, Commissioner, I love this country. And I have been a police officer for 38 years because I am a patriot. When I came it was because of money, I did not have work. And then it changed when I am working here and when I am growing. One of the  
10 questions, number one, which the Commission asked me was to indicate if ever I have knowledge of infiltration and how it happens.

And I tried from my level best of my knowledge to articulate that to the Commission so that I assist. And I wanted to say, whatever is said, I told everybody what I told you because I wanted us to fight this crime and then to deal with it. So, it cannot, when I have done so, and then do not want to tell the Commission. But I felt, because it is not yet  
20 over and the fight is still going on, but the information is needed.

And you made a provision that it can be heard, otherwise not mentioning names. Hence, I said, I wanted all those names not to be mentioned or relating to my conversation with Witness A and whatsoever. And it was unfortunate that when I wrote my statement, I used not

recalling, mentioning something intentionally to say I do not want to deny.

I want to say in later stage, if we agree, because I told my team, if we agree, then I recall and indicate. And I also indicated here because of that, I know. I lived the same life for more than 6 years, which they are living now, and it is not the first time. So not to say, I know I will perish one day, and I will die is fine. Now I am having grown-up, I am having grandchildren, is fine. That is why I  
10 said let me take what is given to me. I cannot get all, but I did not want all the names to be mentioned.

**ADV KHUMALO SC:** General, I see you are not going to answer this question. You may have your reasons, so I am going to leave you with this. Are you willing to mention this name *in camera* and reasons why you were not prepared to tell us in public why you do not want this name to be mentioned?

**LT-GEN SHIBIRI:** Yes, I can do that.

**ADV KHUMALO SC:** Thank you.

20 **ADV BALOYI SC:** You are leaving the Motsumi discussion. Okay, let me just ask two questions out of that. General, you explained that Mr Motsumi called you because someone had referred him to you. Did I understand you correctly or hear you correctly that there was in fact more than one call with him?

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** Because you speak of 2024 and then you speak of 2025.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** Can you just explain, in 2024 he calls, is it just one call? And the next time you speak in 2024, what happens there? What number of calls do you have in 2024?

**LT-GEN SHIBIRI:** No, he called and then I called the  
10 investigators because he was not the complainant, obviously the managers. And then I will also call and give him feedback and so forth.

**ADV BALOYI SC:** So, there was a formal complaint, you say there were investigators, so does that mean there was a docket?

**LT-GEN SHIBIRI:** Yes, there was a case opened in that particular station, but I do not have the case now, I cannot get the case.

**ADV BALOYI SC:** You can get us the details of that.

20 **LT-GEN SHIBIRI:** Yes, I can get the case. And then in Northwest, Brigadier Kgorane can attest to that. It is just that I do not have my WhatsApp, but I think he will still have the WhatsApp's I forwarded to him of what was being depicted and what was happening.

**ADV BALOYI SC:** And all of that is in 2024?

**LT-GEN SHIBIRI:** No, Brigadier Kgorane, I think it is 2025.

**ADV BALOYI SC:** Okay, so that is the one that we have here? That is when he called you?

**LT-GEN SHIBIRI:** Yes, it is 2025 when he called me. That is why I remember, because I attended the SARPCCO preparatory for AGM of SARPCCO in ...[indistinct] when I received the call.

**ADV BALOYI SC:** And you have offered that you can get, and for this one in 2025, is there a docket? Was there an  
10 investigator?

**LT-GEN SHIBIRI:** I think Brigadier indicated that they opened an enquiry. I will follow up with him. But they did attend to numerous complaints whereby they arrested people who were robbing in that particular area, robbing the chrome or whatsoever. But he can provide such information.

**ADV BALOYI SC:** All right, thank you for that offer. And then from the evidence that - maybe let me ask it differently, what do you know about the association between  
20 Sergeant Nkosi and Mr Motsumi? Do you know anything about them being associated in any way?

**LT-GEN SHIBIRI:** Not really, but it seems they know each other, because when I was speaking about the mine thing, he indicated to say he knows Motsumi, so I believe they know each other.

**ADV BALOYI SC:** Okay, so you mentioned your Motsumi conversation.

**LT-GEN SHIBIRI:** Yes, because at that time, there was buses burned in Brits, and when they were going that side, I said also you must find out what is happening in those particular areas of the mines there. I had a complaint from Mr Motsumi. He indicated, is Motsumi who? I said, if I remember, he said Stephen or something like that, yes.

**ADV BALOYI SC:** And that is all? That is the only  
10 discussion you have had with Sergeant Nkosi about Mr Motsumi?

**LT-GEN SHIBIRI:** Yes, what I can remember of, yes.

**ADV BALOYI SC:** And then General Sibiya, do you know anything about any association between him and Mr Motsumi?

**LT-GEN SHIBIRI:** I do not know. They might have, because I said he was referred to me, and I do not know who referred him to me, and I did not ask him who referred him to me. But maybe they might be knowing each other  
20 because he knows a lot of businesspeople, and mostly in South Africa it is like that. Prominent people, they do not like going down to the police station. They start there on the top.

They will phone their member of parliament from their constituency, who will phone the Minister, Minister for

National Commissioner, or the deputy or the DIVCOM, then they phone us, and then we will go down to the provinces. Or if they are used to the Provincial Commissioner, they will phone the Provincial Commissioner direct. So, this is the culture of our people. They feel they can be assisted better if they speak to the one on the top. So, the possibility is there that he knows.

**ADV BALOYI SC**: You do not know of any association?

**LT-GEN SHIBIRI**: I do not know.

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

**ADV SEGEELS-NCUBE**: Thank you.

**ADV MKIZE SC**: I am sorry to interrupt you.

**CHAIRPERSON**: Yes Mr Mkize.

**ADV MKIZE SC**: With your permission, Chair, with regard to the issue of name mentioning, my instructing attorney has just basically instructed me to place something on record. Particularly because the General might actually feel that we did not do enough to try and save the situation. And this is just for the purpose of placing it on record. But  
20 other than talking to the legal team of this Commission with regard to how the issue of the audio is going to be approached, I specifically, before the Commission resumed, specifically raised the issue. I went to my colleague and raised the issue of whether or not the audio can be played without mentioning the names. For instance, referring to

the names in terms of letters, whether it is A, B, or G, and so on. And I made the point that I do not see what harm that would do to the case that they would have been trying to present.

**CHAIRPERSON:** All the names or just the one name that has been skipped?

**ADV MKIZE SC:** Indeed. And if necessary, the General could simply write those names just like he did with regard to one of the sources that he mentioned in here and then  
10 present them. But to avoid mentioning names, and I said ...[intervenes]

**CHAIRPERSON:** If it seems to be the case there is an issue with regard to only one name, why should others not be mentioned?

**ADV MKIZE SC:** Well, my understanding was that our instruction was that actually he did not want all the names to be mentioned, but obviously he had to concede as he realised that there was a resistance to - eventually he said, look, well, if it must happen, it must happen, then you can  
20 mention all the other names. I think he was very frustrated. But the point that we are trying to do is just to place on record that we did.

Because bringing a formal application for an *in-camera* would basically have delayed the whole process. I mean, the issue arose while we would have had to adjourn

and bring a formal application, and so it would have delayed the whole process. And he himself wants the proceedings to - I just thought that my instruction, I just thought that we should place that on record. It is not as if he is trying to hide anything, but he is just concerned, just like anyone else, about his own safety.

**CHAIRPERSON**: But when we resumed after the adjournment and everything then unfolded the way it did, we assumed that that was on the basis of an agreement  
10 between you and the evidence leaders.

**ADV MKIZE SC**: In that we tried to - I personally had tried my best to try and ...[intervenes]

**CHAIRPERSON**: But did we not proceed in accordance with what had been agreed? I assume that that was so. In fact, I think all of us did.

**ADV MKIZE SC**: Well, it has already happened.

**CHAIRPERSON**: At least with regard to the other names.

**ADV MKIZE SC**: With regard to the other names.

**CHAIRPERSON**: All the names that have been mentioned,  
20 all the names that have been mentioned.

**ADV MKIZE SC**: Indeed, we were just placing it on record because, as I am saying, Chair ...[intervenes]

**CHAIRPERSON**: But maybe I should ...[intervenes]

**ADV MKIZE SC**: We could not understand why ...[intervenes]

**CHAIRPERSON:** Maybe I should mention - sorry for speaking while she was speaking. Please continue.

**ADV MKIZE SC:** I am sorry, Chair. I was simply saying, not mentioning the names, referring them by letters and so on. I could not understand because those names would have been important. They know the names. You would have known the names. We know the names. The public just interested in the information, not necessarily the names. And there is a reason why the names should not  
10 have been mentioned and so on.

**CHAIRPERSON:** You see, my difficulty is if the witness has an issue or a problem with only one name, I do not understand why the rest of the names should be – or why letters should be used in respect of the rest of the names. I have difficulty understanding that, if you see what I mean.

**ADV MKIZE SC:** Yes, I fully understand what the Chair is saying.

**CHAIRPERSON:** Yes.

**ADV MKIZE SC:** But my submission is that he had a  
20 problem with mentioning all the names. But of course, it looks like there were greys. He was more concerned about certain people and so on. But of course, he would have preferred that no one should have been mentioned. For reasons that you know. He operates in that particular space. He understands the problems that might be out

there. He understands them better than us.

**CHAIRPERSON**: Thank you. Thank you, Mr Mkize. Ms Segeels-Ncube.

**ADV SEGEELS-NCUBE**: Thank you, Chair. The General's initial concern was about the one name that has been redacted. And then when we had reached agreement, my learned friend came to me and indicated that the General did not want another name also disclosed. And I indicated that that name is already part of witness – in fact, all the  
10 names are part of Witness A statement, which is already on the website, already available.

And which I had already put to the witness, to General Shibiri, publicly. So, it did not make sense. But insofar as the one name that had been redacted, we had no problem because there was an agreement. But it just seemed that it was now further agreements on names that were already public. And that is why – and I obviously would rather not disclose what it was said about why those names should not – the General was uncomfortable about  
20 those other names.

**CHAIRPERSON**: So, the short point is we proceeded in accordance with the agreement between counsel?

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

**CHAIRPERSON**: Yes.

**ADV SEGEELS-NCUBE**: I think the General was just

responding insofar as the suggestion is that he is afraid to just mention that name. It is not that he – the suggestion is that he is not afraid to mention that name. He did not want any of the names mentioned, not because of fear, is the suggestion, but because he did not want them named.

**CHAIRPERSON**: Towards the end, in response to a question by me, Mr Mkize, you were talking, I do not know if you heard, but Ms Segeels-Ncube says, we proceeded in accordance with what was agreed between counsel. Do you  
10 confirm that? Finally, finally. Whatever may have been said leading up to that agreement, but ultimately the agreement was in accordance with ...[intervenes]

**ADV MKIZE SC**: It was more ...[intervenes]

**CHAIRPERSON**: Rather, how we proceeded was in accordance with what was agreed.

**ADV MKIZE SC**: More of a concession than an agreement, Chair.

**CHAIRPERSON**: An agreement extracted through a concession. Thank you very much. Thank you, Mr Mkize.

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

**ADV BALOYI SC**: Sorry, because of this conversation, maybe let me just ask my question. I know, General, that Commissioner Khumalo asked you to try and get out of you why this particular name you do not want to mention. And you have been – he did mention that General Senona did

not want to mention Mr Motsumi, which he did mention eventually.

And the explanation in the application was, that name belongs to a very dangerous person. Now, you heard the Chair yesterday when he started to express concern about Generals being afraid to mention names. Is it the same reason? Is it fear that this person is dangerous? In fact, let me ask all of them, the people. We know that Mr Mswazi has passed on.

10           You did not want to mention anyone of these people. You have said they have somebody you never know who is related and associated with whom, but you made a compromise, even on the basis of that concern. You made the compromise that the other names can be mentioned, but there is just this one name that you – let me finish. There is just this one name that you do not mention.

          It is not so much about this one name. It is to understand the reasons for not wanting to mention people by name. And there is a risk of attaching possible  
20 explanations if there is no satisfactory explanation from you, the witness. The one risk may be, well, you are protecting this person. You do not want them to be exposed. That is the one risk.

          And I am saying risk, I am not saying that is why you are not mentioning them. The one risk is, well, you are

protecting and maybe you are sacrificing. You are prepared to sacrifice the others now that you were put in a spot and you are providing cover to this person. That is the one risk, possible explanation. The other explanation is, well, maybe there is still ongoing investigations about all of them, but especially this one.

Maybe the investigation is still in early days, and so you would be compromising it. The other possible explanation is, all of them are dangerous, but especially, 10 like General Senona said about Motsumi, they are all dangerous, but especially this one. And maybe they accord with your safety concern where you say they all have protection and I do not have protection.

That is a possible explanation. And that is the Chair's premise, that it is because you are concerned, you are scared for your physical safety. So, without a proper explanation, there is a risk that not just us, but the listening public, they draw their own conclusions. You have heard the Chair yesterday say, it is a sad day that Generals who 20 are supposed to be investigating these people are scared of them. I do not know if you are happy to leave it at that.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** That is the impression that these exchanges of fear and not mentioning people, they leave that impression. Can I ask you to comment, if you want to.

You do not have to, General, if you feel you have said enough about it. I just, in fairness to you, think I should put it to you because it is something that is a bother, that the head of organised crime in the country does not mention names and we do not quite know why.

**LT-GEN SHIBIRI**: Yes, it happens worldwide that people subject to investigation sometimes we do not mention. And again, that is why even in the country we have laws whereby we can say we do not mention certain information.

10 And some people who are outside their business, people or whoever, they worked with us and knew us in and out and whatever. Better than other people.

So, it becomes a problem when you arm somebody who you know knows you in and out or even your own family can be known to them. So, the danger is not about me. The danger might be, I know the senior counsel, I know where the children are going and we went to school together and know everything in and out. And sometimes you know how those people can behave. So, I did not want  
20 to respond actually, but I know you will not let it go. So that is why I responded.

**ADV BALOYI SC**: It is a safety issue, General. Is that all it is? It is a safety issue.

**LT-GEN SHIBIRI**: Yes.

**ADV BALOYI SC**: Thank you.

**ADV SEGEELS-NCUBE**: Thank you. General, there is just one aspect that I want to deal with in conclusion. You indicated in your supplementary statement that there is this suggestion that some police officers are getting promotions or being offered promotions for giving information or negative information about you. Do you recall that part of your statement?

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: And you make that same  
10 suggestion insofar as Witness A's recent promotion to warrant officer. Do you recall that?

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: And you say that the Commission must be mindful of that or look into that.

**LT-GEN SHIBIRI**: Yes.

**ADV SEGEELS-NCUBE**: Okay. Now I just want to understand on what basis do you suggest that Witness A's promotion may be, that he may have been promoted to warrant officer because he had done anything or said  
20 anything negative towards you or about you?

**LT-GEN SHIBIRI**: As once General Mkhwanazi has indicated, that we have informers, I also have informers. And this is why I was able to assist the team to say, this is coming, this is going to happen. And from within the SAPS itself, I worked with, I was very prolific in my investigating

time, and a lot of people would like to come to me and whatsoever. And the information comes out.

People are given promised posts if they can get information against you. And I indicated before that I even had information that people were going around with my picture wanting to get statements to say I was staying at the penthouse or what. And I gave a statement of a member who was driving me from October to December, whereby I was approached by one member who was working there to  
10 say, we want information about the person you are driving, his relation with General Sibiya, and we can make you a captain.

And we attached that statement. So, it is on that basis. And also, I indicated to the Commission that one of the recommendations by the Commission was the National Commission must appoint a team to investigate those who were being mentioned here in the Commission and where the Commission had a view that there is a *prima facie* case, including myself.

20 And when we learned what is the team constitution, is that it is constituted by members who worked at the PKTT and the leader is still General Khumalo, who is one of the people making allegations against us. So that is why I said the Commission maybe must look into that to see how is that because I was thinking a high-level team, maybe with

DPCI and whoever and what, who would be neutral in this whole matter.

But I was just highlighting. But the thing which made me to highlight is because of that driver who came to me and said, hey, on a weekend people came to my house and said this and that and that and that and that. And yes, it is a problem. And I could see also that there is a circle of people circled working together to make sure these people are get rid of.

10 For example, I was not moved anywhere until General Khumalo testified at the Ad-Hoc Committee. Then at the Committee they asked, why is that civil still lawyering at the offices of SAPS? And he indicated, no, the information is moved somewhere. You know, the following two days I got the letter to be moved somewhere. And then after that I got the letter of suspension.

20 So, this is how it works. There is a team there wanting to make sure that those who are not toeing the line with us, we get rid of them. If we have done something wrong, it is fine. You must pay dues for what you have done. But I highlighted this to make sure. It seems, it is suspicious, seemingly, some of those things happens they got promoted all of them who are there, according to my information.

**ADV SEGEELS-NCUBE**: Okay.

**LT-GEN SHIBIRI:** And maybe, then it made me to have such suspicion. I am not saying it is like that, but it made me to have such suspicion.

**ADV SEGEELS-NCUBE:** General ...[intervenes]

**CHAIRPERSON:** Sorry, sorry. Just for the record, and this is something I said previously, I think it was during your testimony already, a perception may be created around the task team you are referring to, that we are responsible for the composition of that task team. I just want to place it on  
10 record that we are not. The Commission is not responsible for that. All that the Commission did was to make the referrals. Thank you.

**ADV SEGEELS-NCUBE:** Thank you, Chair.

**LT-GEN SHIBIRI:** I am aware, I am aware, Commissioner.

**CHAIRPERSON:** No, no, no. Yes, you are, General. But people listening to you without the background, the necessary background, they may have a misperception about this. So, I just thought I should clarify it.

**LT-GEN SHIBIRI:** Thank you, sir.

20 **CHAIRPERSON:** Thank you.

**ADV SEGEELS-NCUBE:** General, insofar as you say that it is suspicious that they have all been promoted, I am not sure that I understand. You are not suggesting that someone like Witness A, who is actually facing and challenging internal forces that were trying to compromise

an investigation, and facing external forces such as members of this Group 5 that you are scared to mention, which he mentioned publicly, their names. You are not suggesting somebody of his calibre should not be promoted, as he has been, are you?

**LT-GEN SHIBIRI**: With due respect, promotion in SAPS, there is a policy. And there is a lot. I told you about a lady who is still in witness protection, who is not promoted there. But I am not saying if he qualifies or whatever. That is why  
10 I am talking about suspicion. There is a policy of how people are promoted. And there is a lot in SAPS who are going through that.

I went through that. I was not promoted on the basis of that. But I am not saying it is not worth rewarding him if ever there is a need. There were awards where they were awarded and whatsoever. Promotion is something. There is a policy in SAPS which we must follow. And I was saying the suspicion comes from the person approved and promised a rank for information. Because that is  
20 dangerous.

**ADV SEGEELS-NCUBE**: Yes.

**LT-GEN SHIBIRI**: And I was saying because, you see, when I testified here, I said I found it strange that you call people to assist and then those people have perception against you. And then there is a sort of choreographing of

something and whatsoever. So, you must wonder what is happening. So, it is a whole lot of things. But I did not want to venture into that. I said one day it will come out in the right way. But yes, you are asking, so I have to say it.

**ADV SEGEELS-NCUBE:** But General Witness A has not said anything negative towards you. He has given you what his experience was. And everything that he has said related to you, he was able to back up with necessary information and with evidence. So, I am not sure where you  
10 are getting this that there is an agenda on his side.

**LT-GEN SHIBIRI:** You remember his evidence on the White House when he was asked why suspicion. He said it is gut feeling. That is why it makes me suspicious for me to be there. And when I was responded, I said I found it silly that you do not know why the person is there and you are there and it is a public place you come inside. So, you cannot have gut feeling as a police officer.

You are not supported by anything and then start making remarks against a person. So even yourself, you  
20 will not like it. It must be based on the merit of something. So, I think those things made you feel otherwise to say there is something orchestrated against you or for what you do not know. As I said, for the past years which I was working, I arrested a lot of police, a lot of people. I do not know I arrested some of their families or whatever, I do not

know. I do not know why the people is angry. And where I am, I am seeing I was helping, now I become a villain.

**ADV SEGEELS-NCUBE:** Thank you, General. Chair, I have no further questions for the General.

**CHAIRPERSON:** Thank you, Ms Segeels-Ncube.

**ADV KHUMALO SC:** General, I just want to be fair to you. You remember when we were dealing with your bank statement, we were focussing on October 2024.

**LT-GEN SHIBIRI:** Yes.

10 **ADV KHUMALO SC:** And for your own reasons, you went to October 2023. And now you have created a perception even in the minds of the public of this unexplained transaction. I want to give you the opportunity to explain it so that you do not read in the papers that Shibiri is alleged to have done this and you never got a chance to address it. Go to file 4 on page 24. Are you there, General?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Please switch on the other mic. Why is it off?

20 **LT-GEN SHIBIRI:** They are all off. Maybe when we pump them with the boots.

**ADV KHUMALO SC:** That is okay. General, when you started testifying last week, you said your birthday is in October, correct?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** And then you said the reason you wanted to receive your bonus in December was because it helps with the school fees in January.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** So, we can take it that your actual birthday is in October.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** On page 24, file 4, is your bank statement for the period October 2023. Do you see that?

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

**ADV KHUMALO SC:** And there is a credit to your account of 58 820 on the 11<sup>th</sup> of October 2023. Do you see that?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Just remind us again, when is your birthday?

**LT-GEN SHIBIRI:** 23<sup>rd</sup> of October.

**ADV KHUMALO SC:** 23<sup>rd</sup>. So that money is paid into your account is 58 000, but the transaction you referred us to is a transaction of the same date. If you go four entries down,  
20 it is a purchase at Zegna for 53 538.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** And you explained that is for a purchase of a suit.

**LT-GEN SHIBIRI:** Yes, that is the suit I was talking about.

**ADV KHUMALO SC:** And you said a friend wanted to buy a

suit, but they transferred money into your account for you to pay for them.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Correct?

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** Just so that we are clear, it was not a gift to you.

**LT-GEN SHIBIRI:** No.

**ADV KHUMALO SC:** A birthday gift.

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

**ADV KHUMALO SC:** And it certainly was not a gift to you by any of these three people, either Mr Matlala or Mr Molefe or Mr Motsumi.

**LT-GEN SHIBIRI:** No. If you take the ...[intervenes]

**ADV KHUMALO SC:** No, no, listen to the answer - to the question.

**LT-GEN SHIBIRI:** Okay.

**ADV KHUMALO SC:** I am trying to assist you because I do not want us to live with the perception that either of these  
20 people purchased a suit for you.

**LT-GEN SHIBIRI:** Yes.

**ADV KHUMALO SC:** So, I am giving you an opportunity so that you deal with this. Just confirm that that purchase of a suit at Zegna for 53 500, it was not a birthday gift for you by either Mr Matlala, Mr Molefe or Mr Motsumi.

**LT-GEN SHIBIRI:** No, it was not.

**ADV KHUMALO SC:** Now you can say whatever you wanted to say, then we can finish.

**LT-GEN SHIBIRI:** I wanted to say, Commissioner, you can check the deposit is from Africa Steel. Africa Steel is owned by Mr Chang, who happened to be a friend of mine. And then he was the one who was buying a suit. His son was getting married. He was getting to China. So, he was buying a suit at Zegna.

10 **ADV KHUMALO SC:** It is not a suit. It is a Zegna.

**LT-GEN SHIBIRI:** And then he requested the secretary to deposit the money to my account so that we can swipe, yes.

**ADV KHUMALO SC:** No, no. I wanted to give you that opportunity because we do not want to live here and people write about you that Mr Matlala bought you a suit and you did not get the opportunity to clarify that. That is all I needed to clarify.

**LT-GEN SHIBIRI:** No, thank you. Thank you, sir.

20 **ADV BALOYI SC:** General, the last question really from me. And I am hoping it will be short because the Chair has asked me to be short. Now, and you may have answered and clarified this and I missed it. And if you have already done so, please bear with me. I just need you then to repeat it. In your statement at paragraph 199, you have stated that you do not know Zee Nxumalo.

You do not know a relationship between Mr Malema and General Sibiya. In fact, maybe let me do it properly. Let me do this properly. You state in paragraph 202, you say that my recollection of the matter is limited to that interaction. There is an interaction earlier where there was a complaint. You were approached by Zee Nxumalo's lawyers about a burglary. And then you say:

10                   “My recollection of the matter is limited to that interaction, and I have no personal knowledge of Zee Nxumalo nor of any relationship between him, Lt-Gen Sibiya, or Julius Malema.”

That is what you say at paragraph 202. And then when you were asked about WhatsApp exchanges at page - at file 3, page 195, where Sergeant Nkosi, you were talking about General Khan, you and Sergeant Nkosi. At page 194, you say:

                  “I understand Khan was suspended on Monday.”

20 This is on the 19<sup>th</sup> of September. And then Nkosi says:

                  “The last time I checked, it was an intention to suspend. Let me confirm...”

He says. And then you say:

                  “I was told by one of his friends, Govender in Limpopo.”

Nkosi says:

“So, it is true if it is from him. It is those extortion cases.”

And then you say:

“Yes, and some botched drug investigation at KZN.”

And then here is really what I am interested in, in the next page at page 195. Nkosi says:

“Let me check with Zee.”

10 It is written Z there, Z, and then you say:

“Okay.”

Now, my recollection is you were asked, do you know Zee, you say no. Am I wrong in that recollection?

**LT-GEN SHIBIRI**: No, no, no, you are not wrong, you are correct.

**ADV BALOYI SC**: I am correct with that. Okay, so, you said you do not know him in those chats, and then again, as I have read to you in 202, you say you do not know that relationship. You have now had the benefit of the  
20 recording. You have had the recording, which must have jolted your memory. Am I correct to say you revise your position about this issue? You did convey to Witness A that there is a relationship between Zee Nxumalo, Mr Malema, and General Sibiya.

**LT-GEN SHIBIRI**: Yes, and I explained why I say that,

because of those people who came to his office in my presence, and also the taskings from the DNC indicating he got a request for intervention from Mr Malema.

**ADV BALOYI SC:** Yes, okay. All right.

**LT-GEN SHIBIRI:** Yes.

**ADV BALOYI SC:** So, it is not that you do not know anything about him, because that is what you had conveyed in paragraph 202. Even when you were discussing the WhatsApp, you were asked, why does he send this to you?

10 You said, I do not know. Do you know Zee? You said no. So, what I am checking with you is that you do revise your position, that you do know him.

**LT-GEN SHIBIRI:** I know the name, not him. I do not know him.

**ADV BALOYI SC:** Okay.

**LT-GEN SHIBIRI:** And even the description from the person who was informing me at that time to say he looks like, but I suspected it is the same person.

**ADV BALOYI SC:** Yes.

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

**ADV BALOYI SC:** Well, maybe let me do this. At page 67 of the transcript, you say:

“Yes, there is this other guy. His name is Zee. He is also staying in Sandton. He is a Zulu guy, the tall one.”

So, you know him. You know that he is tall. You know that he is a Zulu guy. You know that he stays in Sandton. You have that information. And then you then say:

“And then he is close to Malema.”

That is, you are saying that in the telephone call. So, Malema is close to Sibiyi, you see. So, you have created, firstly, you know the person. You describe who Zee is, not just by name. You say he is that tall guy, so you know something about him. But you also know that he is close to  
10 Mr Malema. That is what you say. And then you say, and Malema in turn is close to Sibiyi.

That is all I was checking, that while you deny categorically in your statement at 202, you deny that you know anything about them having a relationship. Remember that paragraph 202. You say, I never said that. I do not know that. And then in the WhatsApp exchanges when you were asked, you said, well, he just said he will speak to Zee. I do not know who Zee is.

That is what you said. And I am saying that the  
20 transcript reflects that you actually do know something, whether you were told or you know it personally. But you conveyed to A that you know something about the relationship amongst these three people and that Zee is that tall guy, which means you know him personally.

**LT-GEN SHIBIRI:** Yes, when I was explaining on the

phone, remember it was linked to the information and description which was given to me. But when coming to this one is the first time I was, you were asking about, when Nkosi said he will ask Zee or whatever you mentioned. But I did not know who he is talking about. Because it is now in December. I do not know when was that one when I received information.

**ADV BALOYI SC:** It was in September.

**LT-GEN SHIBIRI:** Knowing Nkosi that he knows a lot with  
10 a lot of officers. I wanted to confirm if this is true because I did not believe. I was informed by somebody that the General might be suspended. And he said he is going to. I thought this person he is talking about might be a member of SAPS. But I was not sure if ever it would be that one.

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

**CHAIRPERSON:** Mr Mkize, if you will be having any re-examination, you need to apply your mind to specific issues. And you should advise us in advance as to those specific issues.

20 **ADV MKIZE SC:** Indeed, Chair. Our position is ...[intervenes]

**CHAIRPERSON:** I was thinking you could come back to us on that when we resume after the lunch adjournment.

**ADV MKIZE SC:** Indeed. Our current position is that – the default position is that we are unlikely to do any re-

examination.

**CHAIRPERSON:** All right.

**ADV MKIZE SC:** But should it be necessary, then of course we will do it.

**CHAIRPERSON:** You will just tell us then when we come back whether there is or there is not. Thank you very much. Let us adjourn and resume at 20 past 2.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

10 **CHAIRPERSON:** Just a minute, I am clearing the table. Good afternoon, Mr Chaskalson. Good afternoon, Mr Matlala.

**ADV CHASKALSON SC:** Afternoon, Chair.

**MR MATLALA:** Afternoon, Chair.

**ADV CHASKALSON SC:** Mr Matlala is moving an application for Witness G to testify in *camera*.

**CHAIRPERSON:** Thank you. Mr Matlala?

**MR MATLALA:** Thank you very much, Chair. Well, I think at the outset I would just like to perhaps enquire as to if the  
20 Commissioners have read the papers, whether I should traverse any ground, over the ground that has been covered in the papers themselves, or whether there is any specific questions over the papers that the Commissioners would like to pose.

**CHAIRPERSON:** I think rather present the application the

way you want to, and if we want to engage you we will do so. But please do that on the understanding that we have read the papers, so it should not be a regurgitation of the papers.

**MR MATLALA**: Thank you very much, Chair. Yes, we filed an application for our client's testimony to be given partially in *camera*, so not completely in *camera*, because our understanding of in *camera* in legal practice means when you are giving evidence completely off the record, so to  
10 speak. So our client is willing to assist the Commission, but there are some sensitivities.

As the Commission may well know that he runs some covert operations, and there is a very high risk unit that he is running based in Gauteng. Naturally, these are some of the details that I would not want to spell out and name publicly right now.

So we are of the view that given that Rule 4 of the Commission's rules do make provision for an application of this nature, we believe that this is an opportunity for the  
20 Commission to show that it does take the safety of witnesses. And I am not suggesting that there was ever any narrative on our part that the Commission does not take the safety of witnesses seriously, but I think it is an opportunity to reaffirm that perception.

And then what makes this particular application

pertaining to our client unique is that because the witness deals with informers and the likes, and operational contacts, their safety may be at risk as well should, for instance, somebody who has witnessed our client with a particular informer, you know, there could be conclusions drawn correctly or incorrectly that the particular individuals that may have been seen with the witness were acting in a capacity of being informers and the like.

And what makes it even more risky is that there is  
10 also the risk that individuals who are socially incidental to the witness could also be seen as informers. So that is basically our submission. So what we are asking for, in principle, is for the evidence to be given remotely. However, it can be broadcast and ...[intervenes].

**CHAIRPERSON:** Remotely and off *camera*?

**MR MATLALA:** Remotely and off *camera*, yes, that is correct, Chair. Remotely and off *camera*. And if it is possible, we would also request for, if the technology – I mean, if the Commission is in possession of this  
20 technology, voice-altering technology. Otherwise what we could do, and I am just brainstorming here, what we could do is that we could borrow the process that is employed when a translator is used in proceedings, where there is a little bit of a buffer between the person giving evidence and the evidence being received.

So in other words, where the witness could give his testimony, and then somebody else speaks into the mic. Because there is a world where the witness has a unique voice. I am not saying he does, but there is a world where he does. So I think, in principle, those are our submissions. We know that it is a Friday, and we want to keep it short. Thank you, Chair.

**CHAIRPERSON:** I am just trying to think. You say, for example, if someone is seen talking to the witness, the  
10 suspicion may be that that person is an informer. I am just thinking about the recognition of the voice in that sort of context.

**MR MATLALA:** The recognition of the voice is not necessarily ...[intervenes].

**CHAIRPERSON:** That is Witness G's voice.

**MR MATLALA:** Yes. The potential risk of the recognition of his voice does not necessarily pertain to the fears that were articulated regarding him having been seen with other witnesses. It exists alone, but – you know, and I would like  
20 the Commission to take judicial notice, if I may, of the era that we are living in, where people are just connecting dots everywhere. On social media, you have got X, and people are just connecting dots. So what we are trying to do is we are just trying to be as prudent as possible to conceal the identity of the witness.

**CHAIRPERSON**: There are many witnesses who have testified before us here, and I remember very few of their voices. So I am just saying, you know, maybe it may be, but that is not my final view. But getting the voice, what distortion, may be a tall order. That is just at this stage it is *prima facie*, depending on whether you are a Latinist. That may be a tall order. I do not know. I do not know.

**MR MATLALA**: Chair, that is completely understood. I do not want to belabour the point or hammer the point.

10 **CHAIRPERSON**: Yes.

**MR MATLALA**: If it is unreasonable in the circumstances, then ...[intervenes].

**CHAIRPERSON**: I am not going so far as to be that strong. At least not at this stage. You said that those are all the submissions you wish to make. Yes, Mr Chaskalson?

**ADV CHASKALSON SC**: Chair, I accept Mr Matlala's proposition that the witness cannot be visually identified. If he is running agents and informants, his face cannot be shown because that will endanger the people who speak to  
20 him. It is not clear to me – well, we have investigated whether we have voice-altering technology, and we did not come up with any satisfactory results there.

It is not clear to me that he will be identifiable by voice. And so it seems to me that the request for off-screen testimony that will nonetheless be streamed, but not with

any visuals, is one which we would support, but we would not go beyond that. There is an issue that I would want to flag, though which is that – and it is not raised by Mr Matlala.

It is that some of the questions that I may ask this witness may render him identifiable with reference to information that is publicly available. And those are not questions I can avoid asking because they will be directly relevant to the enquiries of the Commission. I would like to  
10 just place that issue before the Commission now.

My proposal is that I could structure my questioning such that any questioning that would expose the identity of the witness can be dealt with in one particular session, which might have to be entirely in *camera*. But if the Commission is inclined to make a ruling of that nature, then it should make it in the form of a rule *nisi* because we have given an undertaking to the media that we will not ask for a fully in *camera* testimony again without giving 72 hours' notice to the media to object.

20 The witness is not going to testify on our schedule for at least another three weeks, so the 72-hour problem does not arise in this case, but I do think that – I think it is incumbent on me to raise that now, because otherwise we will bang into it in the middle of the hearing and suddenly we will face a potential problem where the mere posing of

the question, never mind the answer to the question, might identify the witness.

**CHAIRPERSON:** What we propose is not to make an order now, especially seeing that there will be a rule *nisi* anyway. So we suggest that between the two of you, you should put together a draft for us, which will then be publicised, obviously not less than 72 hours. Ja, we will just leave it to you then to put together something. Once you have agreed, you will then furnish it to us as soon as you are ready.

10 Thank you.

**ADV CHASKALSON SC:** Thank you. We will certainly do that as soon as possible. I am happy to do that.

**CHAIRPERSON:** Yes. So the order for today will just be a stand-down until we have received the draft.

**ADV CHASKALSON SC:** Thank you. Sorry for not arranging that in advance.

**CHAIRPERSON:** No, no, no. I assume it could not be foreseen. We will adjourn and resume at 09:30 on Monday. Let us adjourn.

20 **INQUIRY POSTPONED TO 16 MARCH 2026**

**INQUIRY ADJOURNS**

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