

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

In the application of:

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

Applicant

And

MAJOR GENERAL FEROZ KHAN

Respondent

**NOTICE OF MOTION
APPLICATION FOR THE EVIDENCE TO BE HELD *IN CAMERA***

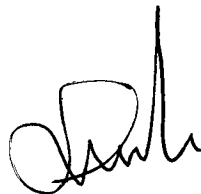
KINDLY TAKE NOTICE that the Applicant hereby applies to the Chairperson of the Commission, in terms of Rules 4.2 and 4.3, read with Rule 11 of the Commission's Rules, for the relief set out below:

1. Condoning any non-compliance with the Rules of the Commission regarding the timeframes set for making applications of this nature.
2. Directing, in terms of the Rules of the Commission, that the Applicant's leading of evidence of certain WhatsApp communications of General Khan and related documentary evidence in anticipation of the appearance before the Commission, of General Khan, be held *in camera*;

3. That the legal representatives of General Khan shall be entitled to be present in the *in camera* proceedings.
4. That the legal representatives of General Khan shall be entitled to disclose the contents of the proceedings
 - a. to General Khan and,
 - b. solely to the extent necessary, to obtain instructions from a third person, to that third person.
5. That the Chairperson shall specify in the order all other persons who will be permitted to attend the *in camera* proceedings.
6. Directing that the *in camera* proceedings, including any transcript, recording, or documentation, be treated as confidential, and that, subject to paragraph 4 of this order, all persons present during the *in camera* proceedings be prohibited from disclosing any information arising the hearing, subject to the directions of the Chairperson.
7. That such further and/or alternative relief be granted as the Chairperson of the Commission may deem fit.

TAKE FURTHER NOTICE that that the accompanying affidavit of **MS MARI WILSNACH** will be used in support of this application.

DATED AT PRETORIA ON THIS 3rd DAY OF JULY 2026.



**APPLICANT
EVIDENCE LEADERS**

**FOUNDING AFFIDAVIT
IN SUPPORT OF THE APPLICATION FOR *IN CAMERA* HEARING**

I, the undersigned,

MARI WILSNACH

Do hereby make oath and state that:

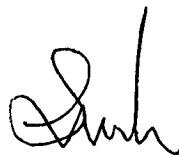
1. I am an adult attorney practising at Diale Mogashoa Inc, the attorneys of record of the Commission.
2. The facts contained herein are, unless otherwise stated or the context indicates otherwise, within my personal knowledge and are to the best of my belief both true and correct.
3. The evidence leaders will seek a ruling from the Chairperson that certain evidence relating to General Khan be led in camera, but in the presence of his legal representatives, in advance of his appearance before the Commission. They have asked me to depose to this affidavit to set out their reasons for requesting such a ruling.
4. The background to this application is the following:
 - a. General Khan was due to appear before the Commission on 1 July 2026;
 - b. Shortly before midnight on 28 June 2026, General Khan was shot and he is currently incapacitated in hospital, recovering from gunshot wounds.
 - c. Before the shooting incident, General Khan had brought an application for certain parts of his evidence to be heard in camera. Although that application was subsequently withdrawn, General Khan made clear in

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M.W.
VL

his affidavit in support of that application that there was some evidence that he intended to give that, if given publicly

- i. would disclose the identity of informants who are involved in organised crime gangs and are supplying information to General Khan and would thus put the lives of those informants and other persons at risk,
 - ii. would prejudice to ongoing investigations into offences committed by organised crime groups, or
 - iii. would disclose secret investigative methods relating to the investigation of organised crime.
- 5. In the absence of General Khan, the evidence leaders have decided to present evidence relevant to the terms of reference of the Commission, comprising certain WhatsApp chats of General Khan and related evidence. They hope that General Khan will recover from his gunshot wounds so that he can respond to this evidence when he is able to do so.
- 6. Quite apart from General Khan's affidavit in support of his in camera application, and well before the shooting of General Khan, the evidence leaders had always accepted that some of this evidence would have to be led in camera because
 - a. There is some evidence which the evidence leaders intend to lead which, if led in open hearings, would disclose the identity of informants who are involved in organised crime gangs and are supplying information to General Khan and the disclosure of the relevant evidence would put the lives of those informants and other persons at risk, and
 - b. There is some evidence which the evidence leaders intend to lead which relates to ongoing investigations into specific offences committed by organised crime groups. The public disclosure of such evidence is likely to prejudice the relevant investigations and/or may lead to suspects absconding.

7. General Khan is unable to give instructions in relation to his own in camera application. In the circumstances, the evidence leaders bring this application to ensure that, through their processes, they do not in the manner described in the preceding paragraph, put human lives at risk or compromise ongoing investigations.
8. The concerns in paragraph 6 above may cease to be relevant with the passage of time. In this regard
- a. It is possible that the identity of the relevant informants may later be revealed in the context of criminal proceedings, and
 - b. It is hoped that the investigations that are currently ongoing into specific offences committed by organised crime groups, will soon lead to charges being instituted against the relevant suspects.
9. In such an event, a transcript of the relevant proceedings that no longer need to be kept confidential will be capable of being made publicly available and the evidence leaders will seek a ruling from the Chairperson to that effect.
10. The evidence leaders accordingly seek a ruling in the terms set out in the notice of motion.



DEPONENT

yes

I hereby certify that the above signature is the true signature of the deponent and that she has acknowledged that she knows and understands the contents of this affidavit which affidavit was signed and sworn to before me in my presence at Pretoria on 03 July 2026 2026 in accordance with Government Notice No. R1648 dated 19 August 1977 as amended by Government Notice No. R1428 dated 11 July 1980, and by Government Notice No R774 of 23 April 1982


Munani Mutavhatsi

R/C
332 Johannes Ramokhoas



COMMISSIONER OATHS

03/07/2026

Pretoria