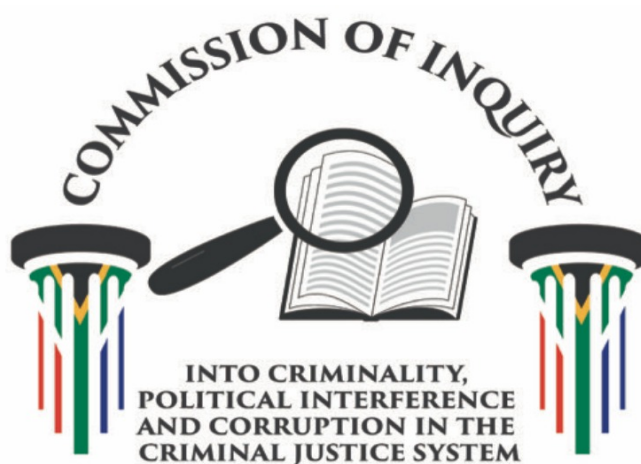


JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM

HELD AT
BRIGITTE MABANDLA JUSTICE COLLEGE

12 MARCH 2026

DAY 76



PROCEEDINGS HELD ON 12 MARCH 2026

CHAIRPERSON: Good morning, Ms Segeels-Ncube. Good morning, Ms Poee. Good morning, Mr Mkhize. And good morning to you too, General. Please switch on.

LT-GEN SHIBIRI: Good morning, Commissioner.

CHAIRPERSON: Thank you very much.

ADV SEGEELS-NCUBE: Good morning, Chair.

CHAIRPERSON: Before you start, Ms Segeels-Ncube, I just want to touch on something with the General. I hope it
10 will be quite brief. General, can you please go to File 4, page 54?

LT-GEN SHIBIRI: Of the statement?

CHAIRPERSON: Sorry?

LT-GEN SHIBIRI: Of the statement?

CHAIRPERSON: Yes, it is your statement.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: Page 54, yes.

ADV SEGEELS-NCUBE: Chair, you said File 4.

CHAIRPERSON: Did I say statement? No, no, no, I meant
20 bank statement, bank statement. Sorry, sorry, sorry. File 4 is your bank statement. Please bear with me, General. General, please go to 44.

LT-GEN SHIBIRI: Page 44?

CHAIRPERSON: Yes, of your statement. And do you see that on the 18th of September, that is the date there was

actually an agreement between you and Mr Matlala that you had in excess of R50 000. Do you see that? In credit.

LT-GEN SHIBIRI: On page 44?

CHAIRPERSON: Yes. September.

LT-GEN SHIBIRI: September, yes.

CHAIRPERSON: Yes, you see that?

LT-GEN SHIBIRI: Where there is a credit of?

CHAIRPERSON: Balance, far right-hand side.

LT-GEN SHIBIRI: Ja.

10 **CHAIRPERSON:** Yes. You see that you had a balance in excess of R50 000.

LT-GEN SHIBIRI: R75 000.

CHAIRPERSON: Sorry?

LT-GEN SHIBIRI: At the end of the page.

CHAIRPERSON: Yes. It is in excess of R50 000, General.
Do you see it?

LT-GEN SHIBIRI: Yes, yes.

CHAIRPERSON: You see it, yes. Now, add to that, go right to the beginning of the statement. You will see there
20 that it is indicated at the top just before the heading, your transactions. You will see that you had an overdraft limit of R44 000. Do you see that?

ADV KHUMALO SC: Page 43, General.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: You see that?

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: Yes. So that basically means that you had far more than you required to finance the repairs to your son's car. That is if you add what was in your own account in credit and also the overdraft facility that you had with a bank. Do you see that?

LT-GEN SHIBIRI: Ja. My understanding here is the balance is inclusive of overdraft.

CHAIRPERSON: No, no, no, no. That is the credit. The
10 R50 000 plus is the credit. That is your own money, General.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: So basically, all on your own, you had R94 000 available to you. You accept that? Or rather, in excess of R94 000 available to you?

LT-GEN SHIBIRI: I think...

CHAIRPERSON: The 50 plus, plus the 44, that gives you more than R94 000. Do you accept that?

LT-GEN SHIBIRI: I am trying to understand before I can
20 respond.

CHAIRPERSON: Yes.

LT-GEN SHIBIRI: Because even now when I check into my account, it will show something over R200 000, but it will show when you go to the machine to say overdraft is how much, deducting from the whole amount, then the remainder

is what is yours. The overdraft is money which you are paying monthly. That means you are owing that money.

CHAIRPERSON: No, General. How it works is, and it must be the same with your bank as well, as the money goes down, the money in credit, as it goes down, down, down. And if you have an overdraft facility, the balance will then begin once you go beyond your own money. That is the money in credit.

LT-GEN SHIBIRI: Yes.

10 **CHAIRPERSON**: It will now start showing the balance as minus whatever amount by which you have gone beyond your own money. And at that stage, you are beginning to eat into the credit facility. Then you have negative balance, minus x amount, minus y amount, and so on, until you are not able to transact once you hit, in your case, R44 000. That is how it works, on my understanding, General.

LT-GEN SHIBIRI: All right, I hear you.

CHAIRPERSON: So I go back to my question. You had available to you, inclusive of the overdraft facility, an
20 amount in excess of R94 000, General.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: Now, let us go to, which file is this? Let us go to File 2, page 35 of File 2.

LT-GEN SHIBIRI: 35?

CHAIRPERSON: 35, 35 of File 2. Now, you see you have

highlighted the credit by Mr Matlala, the credit of R70 000 into your son's account. Do you see that? It is the very first highlight out of the one, two, three, four, five. Out of the five highlights you have made on that page, the very first one, it shows the deposit of R70 000 by Mr Matlala. Do you see that?

LT-GEN SHIBIRI: Yes, Commissioner.

CHAIRPERSON: Yes. And after that deposit, the amount is then R81 000. So there is the 70, which is added to your
10 son's balance, and the balance becomes R81 000.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: Now, look just above that. The amount reflected just above that credit on the balance side is R11 364. That is the money your son had in credit in his own account. Do you see that?

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: So the effect of that, if I add your son's amount to the 94 plus, is that between the two of you, you actually had in excess of R105 000 between the two of you.
20 In excess of R105 000. Do you see that?

LT-GEN SHIBIRI: That is correct.

CHAIRPERSON: And now, let us go back to the quotation. The quotation was only for R52 000. Remember?

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: And even if we take it higher, take it to

the amount that you say your son was told verbally by whoever had quoted to the insurer, that quotation was R55 000 based on what you told us yesterday. Correct?

LT-GEN SHIBIRI: That is correct.

CHAIRPERSON: Now you have between the two of you R105 000, in excess of actually R105 000 and there is a quotation at the most of R55 000. You basically did not need Mr Matlala's money. Correct?

LT-GEN SHIBIRI: Incorrect.

10 **CHAIRPERSON**: Why so?

LT-GEN SHIBIRI: As I indicated yesterday, I had planned to build a wall back home and also at my house. And also, we are renovating my dad's tombstone in March. That was in my plan. So hence, I needed extra money to deal with that, knowing that in December I will be having in the excess of R130 000 to R150 000, which I can easily pay back the money which I could have loaned. So that was my reasoning behind all those.

CHAIRPERSON: But you were only to do that, if I
20 remember correctly, from yesterday around March of the following year.

LT-GEN SHIBIRI: Yes, I indicated that. March was the tombstone. And also on the 20th, I was going, remember that week I was only going to Limpopo, where we were doing the Thanksgiving ceremony with my brothers and

sisters.

CHAIRPERSON: Now you keep piling on and piling on, General. You only told us about putting up fences here in Johannesburg, at your residence here in Johannesburg and also at your residence in Limpopo. That is all you told us. Now, suddenly, we hear about a tombstone. Now, suddenly, we also hear about the Thanksgiving function with your siblings. Why is it that now that I am saying ...[intervenes].

LT-GEN SHIBIRI: Can I ...[intervenes].

10 **CHAIRPERSON:** Let me finish. Why is it that you start doing that piling on and piling on once I say that between you and your son, you actually comfortably had an amount in excess of R105 000? Why do you keep adding and adding and adding? It appears to me that you are trying by all means to indicate to us that you were really in need of money.

LT-GEN SHIBIRI: Can I go to my statement?

CHAIRPERSON: Yes, please. Maybe you will correct me. I may just as well be mistaken as to what justification you
20 gave for wanting the money.

LT-GEN SHIBIRI: Page 48, paragraph ...[intervenes].

CHAIRPERSON: Sorry, 38 of 48?

LT-GEN SHIBIRI: 48. Paragraph 156.

CHAIRPERSON: Yes, yes.

LT-GEN SHIBIRI: The Thanksgiving ceremony took place

at my home state in Tzaneen on the 20th of September 2024. That was not a party to celebrate my promotion. It was not funded by Matlala. And in page ...[intervenes].

CHAIRPERSON: Sorry, which paragraph did you read from?

LT-GEN SHIBIRI: Paragraph 156.

CHAIRPERSON: Yes. Now, General, you yourself say in so many words that this was not funded by Mr Matlala, so you did not need Mr Matlala's money for this. So you
10 cannot use this Thanksgiving function as justification for you wanting a loan from Mr Matlala. So you have discounted it yourself. Please take me – it sounded like you wanted to take me elsewhere. Please do so.

LT-GEN SHIBIRI: Ja, I am trying to explain what the Commissioner was saying, I am keeping on adding and adding.

CHAIRPERSON: I am continuing to say so, General.

LT-GEN SHIBIRI: Ja.

CHAIRPERSON: Let me tell you why I am continuing to
20 say so. That is because I do not understand this to read as justification for you wanting money to Mr Matlala. But now when I engage you and say between you and your son, you had in excess of R105 000 and therefore, you did not need money from Mr Matlala.

You say you did. And one of the reasons you give

is the Thanksgiving. You refer to the Thanksgiving function. And I say, in your own words, you discount that as a basis for wanting money from Mr Matlala. So I repeat when I say, you are now piling on reason after reason. I repeat my statement. It stands.

LT-GEN SHIBIRI: No, I disagree. I am trying to explain to the Commissioner that it is not piling. It is something which was planned, which was there, which that particular money you are referring to as collective mine, which was on
10 balance. Some of the things I was going to use for it is that. That was my explanation. To show that I am not piling things as I have been questioned is something which I mentioned it went to happen.

I also indicated that from the 16th, I was supposed to be on leave. And I left on the 18th for Limpopo because I was having that ceremony on the 20th. And even if when I was questioned with the chats, I was explaining. When I received this, I was in Kimberley doing that and that. On the 18th, I met with Nkosi and gave him even my claims to
20 go and take them there because I was leaving.

So I am trying to demonstrate that I am not piling up something. It is something which was there. It is something which I took into cognisance when I took the loan. By the way, on my statement, when I read it here, as we are discussing with Mr Matlala, I indicated what I

encountered. My child nearly lost the life of accident and what-what. And now I am busy. When going back home, I will be doing this and that to cover some money to assist him.

And he offered to say, I can loan you the money. So that is how it happened. And to reach the – and what I borrowed initially from my side, it was what was told to my son to say it can reach 55. But on his advice to say, hey, things fluctuate, it can go high and so forth, it is better you
10 take the higher one. As you are saying, you will be having the money whatsoever.

So there is nothing I am piling up or adding up which was not there. It was there. And even yesterday when I was responding to the Advocate, I said maybe it can feel like it was harsh to say, I decide how I spend my money because I have seen that I have got some commitments which I planned myself and then this can help me do that. And in a short space of time, in a three months' time, I will be getting my bonus. I can settle everything and be square.
20 So the decision was based solely on that.

CHAIRPERSON: From what you have said a few questions back, so I basically understand you to say that you used money from your account for the Thanksgiving on the 20th of September. That is my understanding.

LT-GEN SHIBIRI: Ja, also it was planned also to

...[intervenes].

CHAIRPERSON: No, no, can you be direct please, General? I understood you to say that you use money out of your account for the Thanksgiving ceremony, which was on the 20th of September 2024. Did I understand you correctly?

LT-GEN SHIBIRI: Yes, some of the money.

CHAIRPERSON: How much did you use out of that account?

10 **LT-GEN SHIBIRI:** I think I used R14 000 to buy beverages.

CHAIRPERSON: Which you took out of that account?

LT-GEN SHIBIRI: The?

CHAIRPERSON: Which you took out of the account from what you have been saying?

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

CHAIRPERSON: Because, and it has to be out of that account because I am talking to you about money that was in that account when I am engaging you at the level of the 105 plus, or rather, in excess of R105 000 which you had
20 between you and your son. It is in that context that you mentioned the Thanksgiving and that you would use part of your money for the Thanksgiving on the 20th of September 2024. So the money must indeed have come out of your account. So that R14 000 came out of your account?

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: Please show me where. Please show me the debit of R14 000 in your account. And remember, we are talking between the 18th and the 20th because the 18th is when you ask for the loan. Please show me the debit.

LT-GEN SHIBIRI: I am ...[intervenes].

CHAIRPERSON: I can even go back and say even the 14th when you first approached the subject of the loan. Show me the R14 000 debit. It cannot be anywhere. It must be at page 44.

10 **LT-GEN SHIBIRI:** Ja. On page 44, it is not showing or since it came from my credit account.

CHAIRPERSON: Your credit account?

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: Which one is it now? And you say we will see that debit of R14 000 in ...[intervenes].

LT-GEN SHIBIRI: Ja, they are linked, but here it is not showing. On it ...[intervenes].

CHAIRPERSON: But you are saying we will see that debit of R14 000 in preparation for the Thanksgiving ceremony.

20 **LT-GEN SHIBIRI:** Yes. Can you give me my phone?

CHAIRPERSON: We can do that exercise over the tea break, General.

LT-GEN SHIBIRI: Okay, yes.

CHAIRPERSON: So I think we can step off that for now. Now, the other functions or ceremonies – no, no, no. You

putting up the wall, the two walls in Johannesburg or rather in Mogale City, is it? Am I correct? And then in Limpopo. That was to be in March of the following year.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: So the Thanksgiving is on the 20th of September 2024. The other two, March 2025, I am sorry. Now, I just do not understand this idea that you need the loan when you yourself say that in December you are going to get in excess of R100 000 of your own money. Why
10 would you not have used that money for putting up the wall in 2025, in March of 2025? Make me understand that.

LT-GEN SHIBIRI: Ja. As I indicated yesterday, if I used that money, I was going to be left with no money.

CHAIRPERSON: No, no, no, General. Not when between you and your son you have in excess of R105 000. That is not correct. That is not factoring your overdraft. That is not factoring your overdraft. And within a couple of months, you are going to be, or rather you are going to receive in excess of R100 000.

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

CHAIRPERSON: I just do not understand this idea.

LT-GEN SHIBIRI: I still repeat, Commissioner, that if I used that money by that time, let us say 55, but the cost all in all is 65. After calculating yesterday, and we got the list, my son calculated ...[intervenes].

CHAIRPERSON: But you did not know that at the time. When you took the loan, you did not know that it would add up to 65, so let us forget about that. What you knew was that at the most, it was ...[intervenes].

LT-GEN SHIBIRI: 55.

CHAIRPERSON: 55, yes.

LT-GEN SHIBIRI: It is 55 000.

CHAIRPERSON: Yes.

LT-GEN SHIBIRI: Ja, travelling home with my family of six
10 with different cars also is money. So ...[intervenes].

CHAIRPERSON: When? When now? When now?

LT-GEN SHIBIRI: Travelling home during that week of the 20th of September is also money. It is petrol, it is toll gates. Indicated it is Tzaneen. And also, my thinking that time was I will be having money, the car need to be fixed so that he can have something to drive to work. And then, I do not want to use my money, which I am having, but I get an offer and then which I will pay at the end of December. I found it convenient for me. That was my thinking. So, yes, and I
20 still stand by that thinking. Other person can think otherwise, but that is what I thought.

CHAIRPERSON: General, what I have done now is to subtract the R55 000, which you knew to be the cost for the repairs to your son's car. I have just subtracted that from 105. That leaves you with R50 000. No matter how much it

costs to travel to Limpopo, you still had enough funds, General. So, I just do not understand you. Let me, perhaps, so as to avoid moving in circles, that is the two of us, let me suggest this to you.

So, you chose the convenience, convenience in quotation marks, of borrowing money from a person that you knew at the time, and you admitted this yesterday when my colleagues engaged you, a person that you knew at the time to be alleged to be seriously implicated in criminality. So,
10 you chose the convenience of borrowing, instead of using in excess of R50 000 that you had or that was available to you. So, that is what you chose. What is your response to that suggestion?

LT-GEN SHIBIRI: Ja, my response is this. As I am repeating, to say I saw it convenient for me to use the loan and repay it and use the other monies for what I intended to. Irrespective of somebody says it is convenient or not, that was my thinking.

LT-GEN SHIBIRI: General, General, you ...[intervenes].

20 **LT-GEN SHIBIRI**: I finished ...[intervenes].

CHAIRPERSON: All right, all right, I am very sorry, I am very, very sorry, General.

LT-GEN SHIBIRI: That was my thinking, that I will be able to pay it sooner and this was easier for me. So, we have got different people, different households who decide issues

simpler. But the worst thing which I am taking home now is the one that I agreed to say I decided to take a loan from a seriously, seriously implicated person. So, that is the only thing I am taking home. My decisions ...[intervenes].

CHAIRPERSON: By taking home, you are saying you accept that part at least?

LT-GEN SHIBIRI: At that point, even though I take this serious implication with a pinch because nobody was charged or any police brought charges against anybody, it
10 was just allegations, but I take that home. But I am not sorry for my decision. I took a decision as a man who was thinking that in that particular way at that time and I believe I have got the right to think like that as long as it is right.

CHAIRPERSON: I have serious problems with that, General.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: You have said you chose an option that was easier and you chose that option because you knew that you would pay back soon. And thirdly, you say that
20 these were allegations without Mr Matlala having been charged. You seem to forget something very important, General, which is that one, you are a police officer. And two, not just a police officer, but a very senior one, a General.

Yes, Major General, but still, in terms of how you

are addressed, all Generals from Major General to the full General, the Commissioner, all of you are referred to as General. So you are not just a police officer, you are a General. You cannot seriously tell us that for you, you would have chosen this easier option because you knew you would pay soon and also that these were just allegations in a situation where there had been no criminal charges. That cannot lie in the mouth of a very senior police officer, a General. Your comment?

10 **LT-GEN SHIBIRI**: Ja. I think I also commented yesterday about it when it was said to me in a similar vein, that I am not condoning it or condoning police officers to be involved with people who are allegedly to be involved. But we live in a country, in a society, where we have people having allegations and still been serving or doing something, whom we still have to interact with.

I also gave example of activists who have been convicted and out. I can even quote even Ministers who are serving with conviction and so forth. So I do not, this
20 applies only to me in the eye of the Commission. It cannot be taken solely to say Shibiri, whereas it is the society where we live in.

People are every day having allegations. Some, they cannot even be substantiated and whatsoever. And if a person is not charged as an accused, it becomes more

difficult also to adjudicate as a person to say, would you associate or not? But it is your choice to associate with a person. I repeated that as long as you are not doing something wrong or unlawful with that particular person. That is my stance, irrespective of how the Commission feels.

CHAIRPERSON: So you are basically saying no matter the nature of allegations of criminality, for you that means nothing for as long as the person concerned has not been
10 charged. Is that what you are telling us? It matters not that you are a police officer and a General to boot.

LT-GEN SHIBIRI: I am saying I cannot associate with criminal doings.

CHAIRPERSON: Criminal what?

LT-GEN SHIBIRI: Criminal acts with any individual. I cannot. I cannot. But association or interaction, sometimes it is unavoidable. For example, I gave example to say yesterday I was labelled as assisting a friend who have bankrolled me and so forth. I said I was assisting a
20 complainant. A complainant can come from all the spheres, irrespective of the status.

So I am just reiterating the same thing I said yesterday, but I hear the feeling and the feeling out there at home to say the police cannot be seen as taking sides of their criminals. Taking side, I will say, is when you become

involved with them or protecting them from not, the law not taking its own, taking place or taking against those particular perpetrators who have committed a crime, and of which I have done none of those.

The only thing where it has been pointed now and then is that I borrowed money from a person who had an allegation or a cloud hanging around his head. And I indicated I had a long relationship with him without knowing or without him having such or whatever. So I do not want to
10 reiterate that because I will be told I should have maybe profiled him.

And profiling a person also, there must be a reasonable cause. You must have suspicion of some sort. And I agreed to say after hearing this, I should have checked. And I said I have done some of the checkings, hence that start moving away gradually, but the issue of the loan already happened.

But as it may, it is in the hands of the Commission to decide on the matter to say, indeed, it is genuine what I
20 am saying, or I am trying to reason myself out, or it was incorrect or unjust behaviour of which I have done. So I will leave with that.

CHAIRPERSON: General, you see, what I am engaging you on is the very question whether this was a loan at all. Yesterday, on the two main occasions when I engaged you, I

ended each one of those by suggesting to you that based on what I was engaging you on, it seemed to me that there was no loan at all. So that is the difficulty I have. So even on what I have just engaged you on, I say to you, you have available to you and your son an amount that is in excess of R105 000.

And my question is, why do you not use it? You say that that is because you were going to pay for a Thanksgiving function in September of 2024 and put up two
10 walls in March of the following year. But the thing is, as at the time that you borrow the money, if we subtract from what was available to you and your son, you are left with an amount in excess of R50 000.

And you have volunteered to this Commission that in December you are going to get in excess of R100 000. So the walls in March cannot be a factor to you borrowing money in September of 2024 when you have available to you, after we have taken out the expenses for the repairs, you have available to you R50 000.

20 So I conclude this engagement with a similar suggestion as the two that I made yesterday, which is that it seems to me that this could not possibly have been a loan because you simply did not need the money. That is my suggestion and I will end it there. But of course, you are entitled to respond.

LT-GEN SHIBIRI: Ja. Ja, I hear what the Commission is saying and I took note also of yesterday, which was inclusive of the quotation and which I explained and we provided even the OT number of OUTsurance to get all the details to say it exists. And I take your understanding of the quotation even though it is not a quotation, it is estimate quotation, and that you do not take that before the quotation, the estimate was issued, a verbal one was issued. So those things will be covered.

10 But as people, if we are thinking alike, I do not think maybe everything will be going well in the world. So as people, we think differently. But if the respect which made the Commission to believe it was not a loan, I am fine. We will take that on the other level, but I had my reasons and I gave my reasons why I chose to take the loan, preparing for whatever and it was within my reach to pay and I paid.

 And it remained a loan which I paid. So whatever the Commission is conceding to or is considering, if it is
20 based on the facts which is applicable to everyone, it is fine, but I still believe I was within my right to think what I thought and have done what I have done and I am prepared to live with that and whatever consequence here and going forward. I am still saying I have done the right thing. As a man who was supposed to think in that particular time, I

thought like that.

CHAIRPERSON: Thank you, General. Let me just make this observation. Whatever I may have said about the JBI quotation and also what you had told orally, which I think you referred to as something from insurance. Whatever I may have said about that has now been superseded by what I have raised with you, which is, and I have actually used that higher amount, the OUTsurance amount or the oral amount, I have used that higher amount in my calculations
10 that I have been engaging you on.

So whatever I may have said yesterday about the quotations does not affect my engagement with you this morning. You still had R50 000, in excess of R50 000 available to you after the R55 000 had been factored. I will leave it at that. I just want to say to you that it is not that important that there may be this issue around the 55 being oral or from OUTsurance and so on. I have actually factored it in the calculations I have been engaging you on. Any further comment?

20 **LT-GEN SHIBIRI:** No, no comment.

CHAIRPERSON: Thank you.

LT-GEN SHIBIRI: Just to highlight that there was no OUTsurance amount.

CHAIRPERSON: I may have misheard you then.

LT-GEN SHIBIRI: Ja.

CHAIRPERSON: You said oral and did you not refer to ...[intervenes].

LT-GEN SHIBIRI: Ja, the oral was the same.

CHAIRPERSON: Yes, yes.

LT-GEN SHIBIRI: JBI, which after seeing the vehicle, they issued that one. There was nothing ...[intervenes].

CHAIRPERSON: I misheard, I misheard. It does not really matter. Point is, we are both talking about the R55 000 and I factored that in my calculations when engaging you this
10 morning.

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: That is the important thing. And you say you have no comments on that.

LT-GEN SHIBIRI: Thank you, Commissioner.

CHAIRPERSON: Thank you very much.

ADV KHUMALO SC: Just one point from me to add to what Chair said. Good morning, General.

LT-GEN SHIBIRI: Good morning.

ADV KHUMALO SC: Remember yesterday you said the car
20 was not repaired immediately. It was repaired over a period of two or three months.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Yes. And it goes to emphasise the Chair's point that you did not need a loan of R70 000 immediately because 12 days later, remember we talking 18

September, 12 days later you and your son received your September salaries and your prospects improved considerably from what your position was on the 12th of September.

And we know from the statement that some of the parts were purchased in October. I think it was the 5th, if not the 10th of October. Some of the parts to repair the vehicle were purchased in October. So there really was no urgent need for a loan from Mr Matlala because by the time
10 you had to pay for the repairs and you had to pay for purchase of the new parts, you actually had your September salary, which made your position even better than what it was on the date when the loan was given. Because when you needed to pay for what you needed to pay for, it was a lot higher. And I did the maths and some of it I got it wrong as I was assisting the Chair.

But by the time the end of September came, your position was a lot better and it continued to be even better in October, considerably better in November. And even
20 when you sold some of your cattle, you then had the additional R20 000. Remember, that is still within the three-month window. So your prospects were a lot better and sitting here, we do not see why you needed a loan from Mr Matlala in the first place because there was no urgent need for a loan from Mr Matlala. So I just wanted to add

that to what Chair has said and you can comment if you wish to do so. Then I will yield to the evidence leaders.

LT-GEN SHIBIRI: Ja. It seems as if the money needed was only for the cow. There is no life, there is no food, there is no whatever which is done in the households or my son is staying in the flat, is paying certain amount and so forth. But I will leave it there, that is your thought, but there were other commitments.

And again, in order for you to build up for
10 something which you are intending to do, which you just costing, you need to save more and fasten your belt so that when time comes, you can be able to execute what you aimed. So that was my intention. I am not taking away whatever your analogy and checking on this, the whole set up on your own way. Yes, but my thinking will remain my thinking and I stand by what I have done and decided.

ADV BALOYI SC: General, good morning.

LT-GEN SHIBIRI: Good morning, Commissioner.

ADV BALOYI SC: I was going to ask you just one question
20 about the WhatsApp chats, but two things, now I have to start with two things that have come from your exchange with the Chair. And you said something now, and it is a repeat of something that you said yesterday, the same things that you said yesterday, and I just want to make sure that I understand, on the one that I understand your

position.

You said to the Chair, in the engagement with the Chair, you asked, I think rhetorically you asked the question, these concerns about mixing with people who have serious allegations of criminal conduct against them, is this something that applies to just me, Shibiri, and not to others? You remember that, I am paraphrasing. You remember you said something like that? Do you remember, General, that you said something like that?

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

ADV BALOYI SC: You do not?

LT-GEN SHIBIRI: No.

ADV BALOYI SC: Okay. The record will reflect that you did, and I am going to ask you the question anyway on the basis that that is what you said. Do you consider that perceptions, do you accept that perceptions matter? That a senior official, and not just for a senior official, any police officer for that matter, but maybe especially so for a senior officer who is also head of Organised Crime in the country,
20 do you consider that, do you accept that perceptions matter when the public sees you keeping the company and friendship of people who, in the public space, are accused of serious misconduct?

Yes, they have not been charged, they have not been sentenced, but serious allegations are made against

them of criminal conduct. Do you accept that it matters to what people think about that police officer, and in fact, faith in the SAPS as a whole? Do you accept that as a fair proposition?

LT-GEN SHIBIRI: Ja. I accept, depending on the level of coming together or whatever happens, I accept.

ADV BALOYI SC: You accept?

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: All right.

10 **LT-GEN SHIBIRI**: Because I accept the perception out there, if ever they see you, for example, in assisting your statement, is seeing the police van always parking at a place where they say drugs have been sold, it becomes otherwise. So the perception would be the police who are going there, they are corrupt, they are going to collect. Yes, it is like that.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: But do we need to brush everyone with the same brush?

20 **ADV BALOYI SC**: I am not sure what you are answering. Maybe let me repeat my question because I am not talking about a police van that is parked. I am talking about if the public becomes aware that you are friends, and when I say you, I mean every police officer, but in this case we are talking, the specific facts we are discussing are you, where

the public becomes aware, as it has now become aware through your evidence that you are close friends with Mr Matlala, that you have received the benefit of a loan, what you say was a loan, from him.

The public now knows that you actually do provide assistance. You justify it, that well, this is assistance that I would have given to any member of the public. But knowing the facts, as you have testified to at least that you have conceded about your relationship with him, do you accept
10 that in the eyes of the public that may be an issue for concern and it is something that must concern you, because it impacts on what people think about not you, not just you, but also the SAPS?

And I thought this issue you had discussed it and conceded with Commissioner Khumalo yesterday when he spoke about the families who come now know that you are friends with Matlala, I thought you accepted that you understand how that could create a problem in the eye of the public. But this morning when you speak to the Chair,
20 you walk it back, you say, well, what does it mean? Does it mean just because people, accusations are made against them, we must not associate with them? So I want to understand what your position is, in fact, because I thought I understood it.

LT-GEN SHIBIRI: Ja, I tried to give example so that we

take this thing on perspective of how it is because it is not similar ...[intervenes].

ADV BALOYI SC: Ja, General, I do not mean to be rude, I am going to ask you not to use an example because I have asked you a very direct question. And I think it is, if your position is, no, it is unfair and unreasonable for the public to form a view, because of my association with Matlala, against the SAPS and against me, that is your answer. I just want to clarify it because I thought yesterday I
 10 understood it that you appreciated the impact of that association, the negative, potentially negative impact of that association, but this morning, you seem to speak differently. So I am just seeking clarification. So please do not answer me with an example because it will simply make me repeat the question.

LT-GEN SHIBIRI: Ja, I think it is what I explained to Commissioner Khumalo yesterday to say that it would be wrong for the public to take a view based on one incident, and then combine them to be one thing. I even gave
 20 example of we, this comes from long way, and criminal actions happened later, and now I am still in that one, even though for where I am standing now because of what happened, because of what involved in, we are no longer friends or whatsoever.

But I explained this, exactly that question to

Commissioner to say this relation, it was long, and now you got evidence now of what unfolded and who is this person, what did it happen, and when did I became to see it, and so forth. So, I indicated yesterday it would be unfair because it would be an unfair in a realistic world where we are living with people.

ADV BALOYI SC: Okay, I think I understand your answer.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: Secondly, again, that comes from your
10 engagement with the Chair, it is a repeat of what you said yesterday, and this was from an engagement with me yesterday about the assistance that you have given to Mr Matlala. And that in my view, it is because you were his person, and you answered this way yesterday and you repeated it this morning to say, well, you assist citizens who come to you asking for assistance, and Mr Matlala was no different in this case.

Can I just ask this, which I think was lost on you yesterday in our engagement? The citizens that you are
20 referring to, when they come and seek assistance from you, do you let them pick the police officer that must assist them as Mr Matlala did when he picked that he wants Mr Nkosi to be the one that goes to assist? Is that how you operate? That when I come to you and I say to you I have this problem, but I do not want anyone else but that police

officer, is that what you do in the normal course?

LT-GEN SHIBIRI: Not necessarily what we do, but it happens that the complainant will come and say we do not want this particular investigator because of one, two, three, we want our case to be dealt by this one because he was doing better than this one. This one is giving us feedback, or we want our case to be removed from the district to province, or from the station to head office.

I can give an example of one case in Paarl whereby
10 they demanded that the case must be brought to head office under a court case investigation, which will resort under me. So it happens that somebody can suggest, but it is not always where it will happen. Sometimes we can say we are having another versatile, experienced investigator, who we think can do better.

And again, sometimes it depends on the resources. And again, it depends on the type of a case, what needs to be done thereafter. So, when you need to do the 252A, it is not everybody who knows, but those who are at Organised
20 Crime knows better because they are doing it on daily basis. So I was speaking from that perspective, but not to say everyone who comes must choose his own and whatsoever.

But people always will report to somebody they know. Being friends or not friends, or whatsoever. Some,

they just know there is a General Shibiri. Somebody from KZN can phone me and say I need assistance on this, knowing I will still refer them to KZN, or go to KZN, sit down with the team from KZN, do the investigation plan, sit with the family and indicate this is what we are going to do going from there. So, as I was saying, I think I was doing my legal duty. It was in that premise.

ADV BALOYI SC: Did Mr Matlala tell you why he wanted Mr Nkosi, Sergeant Nkosi, to be the one that goes with him?

10 Because that is really my question. It is. You are giving many examples that has nothing to do with the kind of question that I am asking. You testified yesterday that you involved Sergeant Nkosi because Mr Matlala, after you said to him go to the police station, Mr Matlala said I want Nkosi to go with me, and then you told Nkosi to go with him. That is why I am asking you, do members of the public who have access to you get the same treatment, where they ask you to give them somebody specific, like Mr Matlala did, and then you oblige them.

20 Now, in the long explanation you have given or answer, you say, ja, members will come and say I do not want that one for reason A, B, C, D. Did Mr Matlala say to you I want Nkosi to go with me, to go and lay this complaint as you advised, about this Khawula matter, here are my reasons for wanting Nkosi?

LT-GEN SHIBIRI: Ja. I think I said this more than four times, that Matlala actually said if Nkosi is not busy, he will appreciate if you assist him and I said I will phone Nkosi and hear from him, then he will call him if he is ready. And that is what happened.

ADV BALOYI SC: So he did not give you a reason why Nkosi should go with him?

LT-GEN SHIBIRI: No, he did not give me instruction as the Commissioner is alluding to. He did not give me
10 instruction.

ADV BALOYI SC: No, I am not saying instruction, General. Please listen to my question. Did he give you a reason why he wants Sergeant Nkosi to be the one that goes with him after you said to him go to the police station? When he says to you if Nkosi is not busy, I want him to go with me, which you then actioned, did he tell you why he wanted Nkosi to be the one that goes with him?

LT-GEN SHIBIRI: No, I indicated due to the proximity of him and Nkosi. I indicated that yesterday.

20 **ADV BALOYI SC:** Okay, so he wanted Nkosi. According to you, he wanted Nkosi to go with him because they are friends. That is what you mean by proximity?

LT-GEN SHIBIRI: I think I have answered that because I will keep on changing my answers based on the questions.

ADV BALOYI SC: Okay. All right, then let me go to what

would have been my question and that relates to the WhatsApp messages. When you end up, in fact specifically, it is still to do with how this loan comes about. Your testimony is that you last saw Mr Matlala in 2023 and then you see him, I think, on the 14th at General Sibiya's function. Now, before you meet him at General Sibiya in September 2024, had you had a discussion with him about attending that function?

LT-GEN SHIBIRI: No.

10 **ADV BALOYI SC:** You had not?

LT-GEN SHIBIRI: No.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: I did not even know about it. I knew about it on the, I think on the 13th. It was Friday.

ADV BALOYI SC: Okay.

LT-GEN SHIBIRI: Because I came back from China on the 12th. And on that Friday, I was so tired, then I was sleeping.

ADV BALOYI SC: Yes.

20 **LT-GEN SHIBIRI:** Hence, other documents were brought home to be signed. So, I received a call from the General indicating that there will be a engagement party of his son. If I could, he would appreciate it if I come. I said I would see if I am not still yet tired because I am still feeling tired. And during the day, on Saturday, I spoke to Nkosi, who

seems to be there by the General's assisting, asking if I am coming.

And I said, ja, I think I will come, but I will decide in the afternoon. And then in the afternoon, that is when I decided and then I requested my wife so that we can go and make a turn there. That is on the way. I had a puncture, and then I again phoned Nkosi and the other people to assist. They could not assist. I phoned Absa directly to come and assist me.

10 **ADV BALOYI SC:** Okay. So, Sergeant Nkosi knew that you were going to be attending this function?

LT-GEN SHIBIRI: I take it so because he was with the General and he asked me if I was coming. So ...[intervenes].

ADV BALOYI SC: Clearly he knew that you were coming.

LT-GEN SHIBIRI: Ja, it is very difficult to say because he asked me if I am coming telephonically when he was there with the General. I do not know what they talked with the General.

20 **ADV BALOYI SC:** Yes.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: No, but the point I am making, I am trying to establish with you is even on the basis that he asked you if you are coming, you would have answered that, yes, I will be there.

LT-GEN SHIBIRI: I answered to say I am coming.

ADV BALOYI SC: Yes, that is all I am seeking to clarify at this point. And in that discussion, whatever discussion you had with Sergeant Nkosi about him asking you are you coming and you said you are coming, you would be attending the party, did you have any discussion or mention of Mr Matlala attending that function?

LT-GEN SHIBIRI: No.

ADV BALOYI SC: Not at all?

10 **LT-GEN SHIBIRI:** No, he asked me when I was there if Matlala was there.

ADV BALOYI SC: Exactly where I am going.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: If you would turn to page 190 and you have seen that text. Sorry, it is File 3. File 3, the big one. The big file, yes. Page 190.

LT-GEN SHIBIRI: Page 53?

ADV BALOYI SC: File 3, page 1-9-0.

LT-GEN SHIBIRI: 1-9-0.

20 **ADV BALOYI SC:** If you look, and you are referring to chat 3, if you look at that chat 3, you ask Sergeant Nkosi at 08:03 PM, you ask him, where are you? You see where I am reading?

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: Okay. And then he responds to you. He

says:

“30 minutes, I am there.”

You see that?

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: And then you say to him:

“Night rider.”

And then at chat 6, he says to you:

“Cat has arrived there.”

And then you say, at 7:

10 “I do not see him.”

So, why would he tell you if there had not been any discussion or any mention between you and him?

Remember, this is Matlala that you have not seen in a year.

And so, I do not know why Mr Nkosi would think you are interested in seeing him if you have not seen him in a year,

and that is subject to your explanation. If you are speaking about a person you have not seen in a year, you happen to

come to the same party, you have not discussed it with Sergeant Nkosi, why would he tell you that Cat has arrived?

20 And I would like to hear you before I make a proposition to you. And then your answer is:

“I do not see him.”

LT-GEN SHIBIRI: Ja. My understanding here of this chat is he was asking me if Cat has arrived, irrespective of how this English was framed. Remember, I asked, where are

you? He said, 30 minutes away. Because I was expecting to get him there because I was stuck with a vehicle and I was still fixing, and he said he went out, he is coming back, and then when I arrived there, I did not see him.

And I said night rider because of checking time, meaning he likes going in the evenings, because I mean, the time is eight, we expect nine, 10 to leave, then you will be arriving at your own time. So this one, I took it as if he is saying Cat has arrived there as an answer because I am
10 already there. Then maybe if he has arrived, I will be able to respond to say yes, he has arrived, he is there ...[intervenes].

ADV BALOYI SC: So you say ...[intervenes].

LT-GEN SHIBIRI: That is how I took it.

ADV BALOYI SC: So you say this was a question, not him telling you that Cat is there.

LT-GEN SHIBIRI: Yes, that is my understanding.

ADV BALOYI SC: Okay, all right. It is not a question, General. He is reporting to you that Cat has arrived there.
20 That is what he is telling you. Cat has arrived there. He is telling you that Cat is there. And my question is, why would he tell you if there had not been a discussion between you and him about Mr Matlala attending the same function, why would he tell you that Cat is there, has arrived?

LT-GEN SHIBIRI: Unless Nkosi comes and confirms what

you are saying, I will take it. For now, I understand what I am understanding.

ADV BALOYI SC: Yes. I must say, when he testified and he was asked about this question, he has never said about this, he did not say it was a question to you. You are saying it was a question, he did not say it was a question. But here is my proposition about this exchange to you. It is that when you say you had not seen Mr Matlala or not spoken to him since 2023 up to that evening, these are my
10 propositions and I may be wrong. It is for you to say to me, you are wrong, this is in fact the correct story.

That in fact, you knew he was going to be attending, Mr Matlala was going to be attending that evening. That is what I want to propose to you because it does not make sense that someone you have not seen in a year, according to you, the very night you see him, you ask and he gives you a loan. You agree to get a loan or he offers you a loan and you accept it.

It just does not make sense that things would have
20 happened that way. So the proposition I am making to you and I am saying this WhatsApp exchange supports or accords with the proposition that I am making to you that you knew Mr Matlala was going to be there that evening either because you have spoken to him or you have spoken to Sergeant Nkosi.

You knew he was going to be there, you expected him to be there. Sergeant Nkosi knew that you know he is going to be there, that is why he reports to you as you ask him, where are you? He tells you Cat is there already. There had been a discussion therefore between you and Sergeant Nkosi about Mr Matlala arriving that evening. And when you saw Mr Matlala that evening, it was not a surprise that he was there.

You expected he would be there. And this
 10 conversation about a loan if it happened that evening, it is something that was going to happen because you had spoken to Mr Matlala and you expected him to be there that night. It is no coincidence to you that you all happened to be there that evening. Do you want to comment?

LT-GEN SHIBIRI: I have a serious problem with this proposition actually because it seems whatever somebody is saying, it does not make sense always. The sense is what is being thought from the Commission's side and then the fiction is made and made a proposition. It is
 20 problematic with me in this sense.

I said I saw Matlala physically for the first time on the 14th. I did not say we never communicated telephonically. I did even indicate in September when going to China, he asked me where I am travelling. I was so amazed to say, how do you know I am travelling? And then

that is when I knew he has got contract with SAPS because he said he is doing that.

And also, I did indicate that at the beginning of the year he indicated that he heard I am back in the office. He was there around our office. He could have passed there. So what I am saying is I did not know that Cat is invited, he will be there. I was invited by the General to be there. I have spoken to Nkosi earlier on asking me if I am coming. I said I am coming.

10 And I had a puncture with a bakkie where I needed assistance and I had to ask for Absa Direct to assist me. I arrived there around past seven to eight. And when I arrived, I indicated when you enter, there is a sitting place which is made of glass where these people who were engaging were seated. At the corner there, like a pool place to sit. That is where the Generals were seated. I went to the left. In the middle is a swimming pool and there is a small place at the other side.

 I went to the left, greeted the DNC and then I
20 passed where the kids were sitting, went to the Generals, greeted them. And then I went and sat there with two couples who were speaking in IsiXhosa. Then later, General Fannie came to sit there. And then late in the evening, Advocate Chauke came and sat with us.

So, that is why I take this as a question, asking me

if he has arrived there because he knew he was arriving. Not to say I knew and it was not a surprise. And he was not seated where I have seated. Where I have seated were limited people, maybe six. And he came from that other side where the other Generals were seated to come in this side to come and greet.

And then, I do not know if he saw me or whatsoever, but he came and greeted and we stood, we talked. And I never said in that talk I proposed a loan. We
 10 talked about the accident and how I am going to get some money to do that because I do not have enough. I am going to do this and that and that. And he offered.

So, to the proposition that I knew that he would be there as if there was a pre-planned meeting with him. I was going to see him. This is what I am insinuating. This is why I am saying, I have got problem with these propositions. But I think it is your work which allows you to do that, because you are probing. You want to know the facts, but nevertheless what we are explaining, it seems not
 20 to be taken through.

ADV BALOYI SC: Thank you, General.

ADV SEGEELS-NCUBE: Thank you, Commissioners. General, this is not even my topic, but I am going to insert myself. If you go to your witness statement, and you can blame the Commissioners for this, not me. If you go to your

witness statement, which is File 1, page 48. In fact, if we can start on page 47 at paragraph 151? Do you have it?

LT-GEN SHIBIRI: Paragraph 15?

ADV SEGEELS-NCUBE: 151 of your statement on page 47.

LT-GEN SHIBIRI: Okay.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: I am there.

ADV SEGEELS-NCUBE: You say:

10 “Approximately four days later on 18
September 2024, Mr Matlala contacted
me to enquire whether I had managed to
raise the required funds. I informed him
that I had not yet succeeded and that I
was travelling to Limpopo at the time.
We then agreed he would advance me a
personal loan by depositing the money
directly into my son's account, as my son
was responsible for arranging the vehicle
20 repairs in Gauteng.”

Go to the next page, page 48, paragraph 156. This is where you deny the allegation about the Thanksgiving. You say:

“The Thanksgiving ceremony took place
at my homestead in Tzanneen on 20

September 2024. It was not a party to celebrate my promotion and it was not funded by Mr Matlala.”

And that is in response to the allegation made by Witness C that during the interrogation of Mr Matlala he had made a link between the two of you and had suggested that he had funded the Thanksgiving or that he had funded some celebration for you. Do you recall that?

LT-GEN SHIBIRI: Yes. Actually he said Matlala deposited
10 R80 000 to my account, which I got angry and sent it back.

ADV SEGEELS-NCUBE: Correct.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Now, go to Witness C's statement, which is in File 3, item 85.

LT-GEN SHIBIRI: 85?

ADV SEGEELS-NCUBE: Yes, item 85. So you will see it is labelled File 3. It should be the last item actually of that file. It starts 85, but you want to go to page 362, File 3. Do you have it?

20 **LT-GEN SHIBIRI**: No, I am at 81.

ADV SEGEELS-NCUBE: Page 362.

LT-GEN SHIBIRI: 362?

ADV SEGEELS-NCUBE: Yes, it should be the last. It is probably like four pages from the bottom of that. I think somebody needs to assist the General, please.

LT-GEN SHIBIRI: I am getting there. I am at 362.

ADV SEGEELS-NCUBE: 362.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Paragraph 116. This is Witness C's statement. It says, General Shibiri:

10 “Mr Matlala told us that he gave General Shibiri R80 000. The money was sent to him in celebration of his promotion to the rank of Major General. The funds were paid through a company called Black AK Trading. He explained that General Shibiri reversed the money back to him and requested that it be paid to him in cash in order to limit a paper trail.”

Now, if you go to File 4, and we are going to page 60. I think it is from page 63. It is CJC97. It is page 63. Do you see the covering page it has between IO and Maj-Gen Shibiri?

LT-GEN SHIBIRI: Yes.

20 **ADV SEGEELS-NCUBE:** Okay. Now, this is part of the recording of the interview between Witness C and Mr Matlala in May of 2025. And if we go to – sorry, it is the one before that. My apologies. It is on page 60, not 63. Page 60. Do you have it?

LT-GEN SHIBIRI: 60 of?

ADV SEGEELS-NCUBE: Ja, 60 of the same document, same bundle. The document starts on page 58. So just go to page 58.

LT-GEN SHIBIRI: 60 of the big one?

ADV SEGEELS-NCUBE: No, no, no. That same one. File 4.

LT-GEN SHIBIRI: File 4.

ADV SEGEELS-NCUBE: Go to page 58. Can somebody assist the General, please? File 4, page 58.

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

ADV SEGEELS-NCUBE: Okay. Now, this is the recording of the interview that was held with Mr Matlala when he was arrested in May of 2025. And I will not read the whole thing, but if you look at line 10, you will see indicated on the side, it is line 10. Mr Matlala says:

“DNC is severe.”

And then the unknown male says:

“Who did he send?”

Mr Matlala:

20 “General Shibiri.”

So this conversation relates to Mr Matlala speaking about you. If you look at the last line, unknown female:

“General Shibiri is calling you direct, and
you call each other.”

And then on the next page, Mr Matlala says:

“Yes, he called me even Friday.”

And we know that that relates to, you recall there was a WhatsApp call between you and Mr Matlala, or you attempted to call him, or actually did get hold of him a few days before he was arrested. Do you recall that?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. And then if you go to the unknown female:

“Yes?”

10 Mr Matlala:

“Then after, I did not pick up.”

Unknown male 2:

“Yes.”

Unknown female:

“For what?”

Mr Matlala:

“He is also used to me a lot.”

Unknown female 2:

20 “And I saw an account number, a
business account number going to him.”

Then if you go a few lines, just above line 20, where it says unknown male:

“Do you put money for him?”

Mr Matlala:

“No, I give him cash.”

Then the unknown male:

“You did not.”

And the unknown female says:

“What was the account?”

Mr Matlala:

“I remember one day when he was, that one I am not denying, I am not saying I am not.”

The unknown male:

10 “Yes, no, that is fine.”

He says, Mr Matlala:

“He was celebrating that thing when he was General.”

Then on the next page, unknown female, unknown male 2:

“Yes.”

Mr Matlala:

“And then he went to somewhere in Tzaneen. It was not his account.”

Unknown male:

20 “Yes.”

Mr Matlala:

“He gave me an account to say he wants to buy alcohol. I think I gave him something like 80 or 100. I do not remember.”

Now, Mr Matlala, and I am going to put this proposition to you. At this point, Mr Matlala, I am suggesting to you, is referring to the same R70 000 that you are referring to. Sorry, Mr Matlala.

ADV BALOYI SC: Do you mean Mr Matlala or General Shibiri?

ADV SEGEELS-NCUBE: I am saying that Mr Matlala in this conversation is referring to the same R70 000 General Shibiri that you are referring to. He is not certain of the
10 number. He is saying it was R80 000 or R100 000. And he says that he wanted to buy alcohol. And you recall that you had referred earlier on to you needed money for beverages and you were talking about a celebration that you were going to at home in Tzaneen. Do you recall that? And you are denying that it was for the celebration. You say the celebration was 20 September 2024. Correct?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And the payment was made to your son of the R70 000. When was that?

20 **LT-GEN SHIBIRI:** 18.

ADV SEGEELS-NCUBE: 18 September 2024?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: So while Mr Matlala might have the amount incorrect here referring to 80 or 100 000, he is saying that it is not into your account, and we know it was

not your account. Correct? The money was not paid into your account. It was paid into your son's account.

LT-GEN SHIBIRI: But why is he saying he sent it to my account and I refused?

ADV SEGEELS-NCUBE: No, he says it was not his account. And then he went to somewhere in Tzaneen. It is not his account. Do you see on page 61, Mr Matlala?

LT-GEN SHIBIRI: Ja, but where he started that point, he said at some point I sent it to him.

10 **ADV SEGEELS-NCUBE**: Where? No, he is saying at the top, the money that he sent, it was not to your account. It is not his account. Then the unknown male says yes, he says, Mr Matlala:

“He gave me an account to say he wants to buy alcohol. I think I gave him something like 80 or 100 000.”

Now he is telling you at the top, he says he went to somewhere in Tzaneen. Is that not consistent with your evidence that the call was when you were on your way to
20 Limpopo? Was that not your evidence?

LT-GEN SHIBIRI: Yes, but before I answer that, I am taking you back to where you started, because now you choose what you want to ask for and then do not want to correlate with everything which was said.

ADV SEGEELS-NCUBE: No, please let me know where I

have gotten it wrong.

LT-GEN SHIBIRI: No, I am not saying you got it wrong.

ADV SEGEELS-NCUBE: Then please clarify.

LT-GEN SHIBIRI: Where he started with Shibiri.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Where he said he did send it to him.

ADV SEGEELS-NCUBE: Where, General? Which page are you on?

LT-GEN SHIBIRI: Paragraph 10.

10 **ADV SEGEELS-NCUBE**: On page?

LT-GEN SHIBIRI: Page 59, where we started.

ADV SEGEELS-NCUBE: Okay. Yes, I am at 59.

LT-GEN SHIBIRI: Ja. There under paragraph 10, where he said who did you send? He said to General Shibiri.

ADV SEGEELS-NCUBE: Yes, he is referring to something else there. That is why I just wanted to show you your name to show that this conversation is about you. If you go to the start of it, he says, unknown male:

20 “So you saying this matter of North West,
 you do not know who it is. We know that
 they are involved.”

And he is speaking about the DNC sending someone in respect of that aspect. It has nothing to do with your loan. The loan issue starts at the bottom where the unknown female says:

“General Shibiri is calling you direct, and
you call each other.”

And then on the next page, Matlala says:

“Yes, he called me even Friday.”

And then he says:

“That is someone who he is also used to
me a lot.”

Meaning you know each other. And then the unknown male
says:

10 “I saw an account number, a business
 account number going to him.”

In other words, there is money going to him. That is what
the unknown male says. Mr Matlala says he is sending to
you. In other words, he is talking about the money coming
back, you paying the money back. Do you see that?
Because at that stage, we only know that part because they
are referring to Mr Matlala's information. They do not have
your son's bank statement at that stage.

 As the Chair indicated to you yesterday, when we
20 get the information, we only see the payment that you
made. We do not even know what it relates to. So we are
wondering why you are paying Mr Matlala. Right? It is you
that volunteers the information in response to an allegation
that Mr Matlala made, that he funded a celebration. And
you say it was not a celebration, it was a loan, and that

explains the payment back into his account. And then you tell us about the flip side of the transaction, i.e., he paid the money into my son's account because my son's vehicle needed to be fixed.

Mr Matlala never refers – I am suggesting to you, and you can correct me if I am wrong, insofar as we know, do you confirm that there is only one transaction of any of the companies of Mr Matlala or Mr Matlala himself transferring money into an account connected to you? And
10 by that I mean your son's account. There is only one such transaction you are aware of. Correct?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And that transaction is for the R70 000?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And do you agree with me that when he is interviewed on page 61, he is not sure of the amount? He says, I think I gave him something like 80 or 100 000.

20 **LT-GEN SHIBIRI:** How can you not be aware of the money you transferred from your account to another account?

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: And again, the other thing is Mr Matlala knew that the account is for my son. And I gave him that account in order for him to transfer the money to that

account and I indicated it is my son and the names were given to him, and for that reason. And you could see that the money was used for what? Even though there is some disbelief, but even though it is shown which your investigator is going to follow up.

But the truth is, which cannot be probable is that Matlala did not know to whom did he put the account to. He testified at the Ad Hoc to say the money was given to my son. And again, it was a loan to me, is what he said with
 10 his mouth. So I do not know these other things that he gave me 80 000, I become angry, immediately send it back. I sent it, I paid the money after three months.

ADV SEGEELS-NCUBE: You see, General, the thing is when Mr Matlala gives the version before Ad Hoc about the loan, that is after everything has now – the cat is out of the bag. This is contemporaneous, as contemporaneous as we are going to find. It is May 2025, he has been arrested. There is no 6 July statement by General Mkhwanazi yet. Everything is not open yet.

20 He is being interviewed. He wants these investigators to know that he is connected and is telling them, one of the people I am connected to is General Shibiri. I am used to him. I gave him 80 000 or 100 000. He is being interrogated or interviewed while he is being arrested. He does not know the exact amount like you know

with the benefit of the documentation.

So when he says 80 000 or 100 000, what he is certain of is that it was not your account and what he is certain of is that you were going somewhere to Tzaneen, in Tzaneen. That is what you were saying, which is consistent with your evidence except you now classify it as a loan.

And I am not suggesting to you that is something for the Commissioners to decide as to whether it was a loan or not, but I am saying the person that is advancing the
10 loan to you when he is interrogated or interviewed by the investigating officers, he does not classify it as a loan.

He classifies it as a loan long after. And he does that probably for your benefit because you have now classified it as a loan after the fact. That is all that I am putting to you. Do you want to comment on that?

LT-GEN SHIBIRI: When he said that, I did not yet testify. I did not know what I am going to say. What I can tell you, what I like about what you are saying, you are saying he has been interrogated, and you know what is interrogation.
20 And again, I am responding because it is the questions before the Commission in respect of the Commission, but I do not respect this.

I do not respect this in front of me whereby the insinuation somebody was interrogated for hours and been recorded by a junior member, which is not in terms of the

law or any other procedure. And I do not know how I was told to say or whatever happened. So I do not want to venture into that. I will continue answering you.

But I am answering you to say, yes, Matlala knew about me going to Tzaneen because we met two days before we went. Other than that, he knew I was going to go to Tzaneen before even I tell him because when we talked, he talked about that. But he maybe deliberately misled them to say he paid how much and whatsoever because he
10 was being coerced. But the fact of the matter, he knew that he paid the money to my son.

And he heard the name of my son. He is having the slip, which he sent the proof of payment. So what you are insinuating to say he did not know, he might have forgotten whatsoever, it is not there. He knows where the money went. He knows what was the money for. And you have seen what the money was used for. But because you are pushing your own narrative, you will continue with that line of questioning.

20 **ADV SEGEELS-NCUBE**: Well, General, I am not pushing a narrative. All that I am putting to you is what Mr Matlala says. Now you may say that it was done under duress or whatever. The point is what he confirms, which is consistent with your version, is that you went somewhere in Tzaneen. He also speaks about the issue of the

celebration. It is, so it is either another coincidence that the payment is made two days before your celebration on the 20th of September. He also knows about the celebration. Is that not more consistent with you getting the money for that purpose as opposed to for the vehicle for your son to repay his vehicle?

LT-GEN SHIBIRI: But really, let me use the right word. Really, it does not make sense because there is money which showed in my account or the account of my son.
10 Money showing paying for parts and whatsoever. And you still insist. I do not know for what reason.

Unless Matlala comes here, you said Matlala comes here, you asked him, he told you so. But I told you I am not going to take this. You can take it as a way or how you wish, but I am not taking this as evidence.

ADV SEGEELS-NCUBE: I accept that.

LT-GEN SHIBIRI: I am not going to take this as evidence, something which is not taken proper, coerced or whatever, or choreographed and so forth to suit the narrative of
20 whoever. But I gave you a bank statement showing Matlala depositing money to my son, which I gave to him. He did not have it. So if I wanted to use it because I was in Tzaneen, I could have given him my account or my sister's account to access the money and use the money there. So I did not do that and you have seen where the money went.

But the insistence is those propositions which is in this house. That the narrative, nevertheless how it must be pushed in a certain direction.

ADV SEGEELS-NCUBE: Well, General, we are trying to do a fact-finding here. So we go with what we see and we put the proposition for you and of course you are entitled to say it is an unfair proposition or you disagree with the proposition. But we are entitled to put this to you because it is a version that is here by Mr Matlala. That is it. That is
10 all that I am saying to you is that there are certain things that are consistent with your evidence that you had given and there are certain things that are not. That is all that I am saying to you.

LT-GEN SHIBIRI: Ja, if I can tell you that the investigating officer, they knew that I had a celebration and whatever. They know about everything and that is why I am saying I am going to sit here and listen to choreographed things by the investigators and whoever to suit a certain narrative. So I deny everything here and actually I do not want to
20 respond to this. I respond because I respect the Commission.

ADV SEGEELS-NCUBE: Thank you, General.

CHAIRPERSON: Let us adjourn and resume at 11:30.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair. I am about to move to another topic.

ADV KHUMALO SC: Maybe before you do so. General, let us just conclude on the issue of the loan. And remember you said in early November 2024, you needed to sell some of your cattle to pay back some of the money to Mr Matlala?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Do you remember that?

10 **LT-GEN SHIBIRI:** I remember, Commissioners.

ADV KHUMALO SC: Yes, and you say the proceeds were approximately R20 000?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: And that is what you paid to Mr Matlala?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Yes, we have gone through your bank statements covering the period from September until December 2024, and it appears to us that you did not really
20 need to sell your cattle. Because if you go to page 50 of file 4. Are you there, General?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: And I know you know how accounts work. So, you will see that the second entry there, the first one is the balance brought forward. And then the second

entry there shows that on the 4th of November 2024, there is a purchase at Gucci Sandton for R19 500. You see that?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: And then it reflects, obviously, in your statement on the 6th of November 2024. Do you see that?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Yes, and it suggests to us, at least, that you were not in desperate need of cash, and you did
10 not need to sell cattle to pay Mr Matlala, because you had enough funds in your bank accounts to even make these luxury purchases. Do you want to comment?

CHAIRPERSON: General, maybe either Commissioner Khumalo, who is very good at finding documents here, or even the evidence leaders may assist you with what you are looking for.

LT-GEN SHIBIRI: Yes, I was trying to look for something. I was not sure if it was during that particular year or whatever. So, I found it, but it is relevant to that.

20 **CHAIRPERSON:** Sorry, but it was what?

LT-GEN SHIBIRI: I found it. I have established that it is relevant to that. On page 24 of the same bundle, there was a time when I was in town, and then with a friend who was buying a suit for a wedding of the son, and he forgot his banking details. Then I did swipe for him the 53, and he

sent it back. I was looking into that one, if it is not extra in that particular month, but it was in the previous year, not that one. It was in 2023. Because I remember we were at Zegna he was buying a suit going to overseas, and he forgot his card, and then the secretary transferred.

ADV KHUMALO SC: I am sure you know that advert that says, no, it is not a suit, it is a Zegna.

LT-GEN SHIBIRI: It is a?

ADV KHUMALO SC: You do not call it a suit, it is a Zegna.

10 **LT-GEN SHIBIRI:** Yes, I am not used to it, so I call it suit.

ADV KHUMALO SC: It is a suit to all of us, but people who know it say, you must distinguish it from other suits.

LT-GEN SHIBIRI: Yes, no, I am back on page 50, where the tickets were purchased of 19 500.

ADV KHUMALO SC: General, just so you understand the simple point, you had enough money in your bank account to make these luxury purchases, such that even after the purchase of Sneakers at Gucci Sandton, you were still left with 55 000, even after that purchase, which just shows that

20 there was no need for a loan. There was certainly no need to sell your cattle to repay the loan to Mr Matlala. That is really the simple proposition that is being put to you. Even if you go to the previous month, you will see that you are making purchases at Louis Vuitton in Sandton again, nowhere near the 20 000. It is obviously much less on page

48. It is the sixth entry on that page. The fifth one, I am sorry.

LT-GEN SHIBIRI: The fifth of?

ADV KHUMALO SC: If you go to the – oh, sorry, it is the same month. The statements go back and not forward. If you go to page 48, page 48 during the same month, there is another purchase, but this time it is at Louis Vuitton Sandton. Do you see that? That is even before your salary reflects in your bank account. Before your salary reflects at
10 the end of that month.

LT-GEN SHIBIRI: Which number is that?

ADV KHUMALO SC: Entry number 5 on page 48. The date is 29 October 2010, 2024, sorry.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Do you see that? And it shows that in the same month that you made the purchase at Gucci Sandton, you made another purchase at Louis Vuitton Sandton. But even after those two purchases, even before your salary reflects in your bank account, you are still left
20 with 47 900, right?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Which just shows that there was no need to sell cattle. There was no need to – and sorry, I said it is the same month. It is the prior month. I think it is 6 days earlier.

LT-GEN SHIBIRI: May I respond?

ADV KHUMALO SC: Yes.

LT-GEN SHIBIRI: Yes, you see the Louis Vuitton? There are 3 300. I was buying sandals, and there are no sandals worth that amount in Louis Vuitton. Now I am telling you, the sandals were 17 000. On the 23rd of October, it was my birthday party. I thought the evidence leader is going to talk about it because it was there on the chat where I put the present the friends bought to me.

10 There were a Louis Vuitton bag and a small bag. That big bag was having that small bag which was a wallet. So, I took the wallet to exchange it for the sandals, and I paid the difference of the 3 300. So that is what happened. It is not to say really, I wanted to buy the sandals. It was like they bought me something expensive which was not worth the value for me.

 I took it back and took something which I could wear, and even though it was a present for my birthday party, I think there were three presents from different
20 friends. So, I even forwarded that to Nkosi to say, hey, they bought me a present. It is only you who did not buy me a present. I saw it there. I thought they were going to ask me about it because they saw Gucci and whatsoever.

ADV KHUMALO SC: But General, I do not want this discussion to be about the specific purchases that were

made.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: The simple proposition we are putting to you is that your bank statements show that you did not need a loan, and you certainly did not need to sell any of your cattle to pay Mr Matlala because at the end of October, you make this purchase. Before your salary reflects in your bank account, you still have a balance of 47 000. That excludes the overdraft facility of 44 000.

10 So, you have at least 90 000 available to you at the end of that month. If you go to the November month, you have in excess of R90 000 available to you. In December, I do not want to mention your bonus publicly, but you have a lot of money. You certainly did not need a loan, and you did not need to sell any of your cattle to pay Mr Matlala back.

CHAIRPERSON: But I think there would be no issue at all with the more than R100 000 that you have paid in December being mentioned, because you mentioned that
20 amount yourself.

LT-GEN SHIBIRI: Yes, of the 132 which I get in December, yes.

ADV KHUMALO SC: Well, in the interest of time, I do not want us spending 10 minutes on what is a fairly straightforward proposition.

LT-GEN SHIBIRI: No, no. No, that is why I was listening. I thought you were still talking. And I wanted to say I did respond to the Chairperson.

ADV KHUMALO SC: Just remind us again, now answering what I have put to you, and then we can give that content.

LT-GEN SHIBIRI: As I decided I wanted to use money to build in something, I thought I must not use the money. The money which will be loaned to me, I will use it, and then I will pay it in December. So that is what I decided.

10 **ADV KHUMALO SC:** Then it does not explain the Gucci and Louis Vuitton purchases, because it shows that you had money for those things.

LT-GEN SHIBIRI: I explained for the Louis Vuitton and for the Gucci, I was buying back the person who bought me a Gucci.

ADV KHUMALO SC: Okay.

ADV SEGEELS-NCUBE: Thank you, Commissioner. General, I want to move on to a new topic.

ADV BALOYI SC: Can I just ask, Ms Segeels-Ncube, we
20 have got in front of us a document. Do we pack it away, or will you come back to it?

ADV SEGEELS-NCUBE: Yes, Commissioner. We will deal with it after lunch once the General has had an opportunity to consider it with his team.

ADV BALOYI SC: Okay. Thank you.

ADV SEGEELS-NCUBE: Thank you. General, just before I deal with the new topic, I know you said earlier on, and probably out of frustration, that we are trying to push a narrative. I can assure you that we are not. And you will recall that in our engagements, you had indicated your displeasure at how a certain issue was addressed regarding the Musa Kawula matter, that you were not satisfied with the withdrawal of the allegation that was, or the proposition that was put before the Commission, that you were the
10 person that sent the WhatsApp message that said *tjommie*. Do you recall that?

LT-GEN SHIBIRI: Yes, Ma'am.

ADV SEGEELS-NCUBE: And when I spoke to you yesterday, you had indicated that you were not that happy with how it was addressed. Do you recall that?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. It was not our intention, General, to make light of the fact that that was actually a withdrawal. I do want to place it on the record, Chair, that
20 during the evidence of Sergeant Nkosi, and you will recall that when you met with Mr Chaskalson before you gave your evidence, he did indicate that he would rectify this publicly, that during the evidence of Mr Nkosi, an incorrect proposition was put by Mr Chaskalson to Mr Nkosi that the message, I do not know if Ms Pooe can display it, the

message that refers to *tjommie* do not run the story, you recall that, that that was in fact a message that was sent from you to Mr Kawula, correct? That is what the proposition was.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And that Mr Chaskalson indicated to you was an incorrect proposition, and in fairness to Mr Chaskalson as well, in that discussion he also said to you that your good friend Sergeant Nkosi ought to have
10 corrected him and said to him it is not the correct proposition, but Sergeant Nkosi did not do so. You heard that evidence, correct?

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Okay. So, I do want to place it on record that it is incorrect. You are not the person that sent that message that said *tjommie*, and Mr Chaskalson did tend an apology to you regarding that.

LT-GEN SHIBIRI: I remember.

ADV SEGEELS-NCUBE: Thank you, General.

20 **LT-GEN SHIBIRI:** Thank you, Commissioner.

ADV SEGEELS-NCUBE: So that should put it to - should put that matter to bed. Now, if we can deal, and Mr Chaskalson had asked me to address that, now if we can deal with what actually does concern you. I just want to understand from you, and you will tell me if my

understanding of your evidence is incorrect. It seems to me that from the start of your career, very early on, you seem to have taken to the role of detective quite naturally. That seems to be where you are most comfortable. Is that a correct observation?

LT-GEN SHIBIRI: Yes, from the college I decided to go to detective.

ADV SEGEELS-NCUBE: And you seem to have occupied a role in so far as investigations and detective is concerned
10 for the majority of your career.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Now, it seems that it is something that it is a badge of honour because when General Sibiya was here, he also said that many of the people that are accusing him are not even detectives. They are not investigators. So, do you agree that it seems to be that it is a badge of honour that you wear that to be a detective?

LT-GEN SHIBIRI: Yes, I take it as an honour.

ADV SEGEELS-NCUBE: I am hoping that throughout our
20 engagement today, I will actually understand why it is a badge of honour because it seems to me that it is something that the both of you identify with. Now, if I understood your evidence correctly, you were the acting component head from 18 December 2023.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: For organised crime.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: And that role came about because if I understood, General Sibiya and General Senthumule had approached you to take over, to find out if you are interested in that role because they did not have a head in organised crime because General Sibiya had been promoted to DNC.

LT-GEN SHIBIRI: That is correct.

10 **ADV SEGEELS-NCUBE:** And then sometime in May, 1 May 2024, you then occupied it as a permanent position.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Okay. Now, that role is a national role.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: And in your evidence when you were dealing with the Swart investigation and how you got involved effectively in the Swart investigation sometime in May of 2024, you said that you had tried to contact General
20 Mbuso Khumalo.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And he would be the provisional head of organised crime.

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: What? He is provincial. Sorry.

LT-GEN SHIBIRI: He is a deputy provincial commissioner responsible for crime detection.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: So, all those components fall under him.

ADV SEGEELS-NCUBE: Okay. And so why were you trying to get hold of him?

LT-GEN SHIBIRI: Yes, I was trying to relay that information I got from the source to him so that he can take appropriate step, for example, to request for the threat risk
10 assessment for the members and also ensure that they get proper protection.

ADV SEGEELS-NCUBE: Okay. I do not really recall your evidence as to whether you dealt with whether you eventually got hold of him.

LT-GEN SHIBIRI: Yes, I think the phone rang for some seconds. I cannot remember if he said he was in a meeting and we could not talk. And I thought he would come back to me. And then it did not happen that he came back to me. Then I went to the person responsible for organised crime.

20 **ADV SEGEELS-NCUBE:** And who was that?

LT-GEN SHIBIRI: Brigadier Gopane.

ADV SEGEELS-NCUBE: Okay. So, you never had a conversation with General Mbuso Khumalo about the threats that you were aware of on the investigators?

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: Okay. I just wanted to clarify that. Now, your role as the component head, I am not entirely sure what it entailed because you said that you were not involved directly in investigations at that point. Correct?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: So, it is more supervisory.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And somewhere in your witness
10 statement, you referred to it as ongoing interaction with intelligence structures. Would that be like crime intelligence?

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: And you also referred, if you go to file 1, which is your statement, page 14, at paragraph, I think it is 35.

LT-GEN SHIBIRI: I am there.

ADV SEGEELS-NCUBE: Okay. There you say:

“My involvement in matters referenced...”

20 Paragraph 35:

“Before the Commission must be understood within the context of longstanding operational policing responsibilities, lawful engagement with investigative source, and then command

oversight of complex investigations.”

Are you referring there to your role as the component head?
So, we must consider your evidence and your role before
the Commission in light of your role as the component head
and what it is that you were doing at the time.

LT-GEN SHIBIRI: It is paragraph 112.

ADV SEGEELS-NCUBE: No, 35. Page 14, paragraph 35.

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

ADV SEGEELS-NCUBE: Yes, so, paragraph 35 is where,
10 in the previous paragraphs, you were dealing with your role
as a component head, *et cetera*. And then you say:

“When we are looking at your
involvement in the matters referenced
before the Commission, it must be
understood with the context.”

So, are you referring to the context of your role as the
component head at the time?

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Okay, and at paragraph 33, you
20 speak about your engagements with intelligence reports and
registered sources.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: I just want to understand what
you meant by intelligence reports. Is that internal or is it
something that comes from outside to you?

LT-GEN SHIBIRI: No, from the division detective service, we do not have intelligence. The intelligence is a division on itself. So as I was indicating, on a monthly basis, the crime intelligence will develop the crime threat analysis, where they are indicating more especially for our side as organised crime, but they are doing it holistically to all the environments for crime prevention to see what crime is happening where and when and what type of commodities have been taken and suspects which were previously
10 arrested.

And modus operandi indicates it can be similar syndicates and what type of syndicate we are having. That will come to us to say, they have identified a criminal grouping in a certain area. And then that is where during the knocks, I will then ask the province to say, based on this, your threat in your provinces is this and that. But the project you have registered are dealing with this.

They actually are not addressing your threat at your responsible provinces. And then, okay, this one and this
20 one is identified. That is where you were needed to do the profiling to check if ever these people are not wanted and what is the status of their cases. Those which were withdrawn, does they have a potential of being resuscitated and what is outstanding.

Sometimes you will find out some case, because of

delay in receiving forensic reports, they just close it instead that they were not supposed to close it. Because when they receive it, it must still continue. But you find out they are closed and withdrawn as such. Then the intelligence reports which I am talking about, in that regard, on a quarterly basis, we are having the knocks with all the provinces.

And crime intelligence will present to us those intelligence relating to, unless it is imminent, it is somebody
 10 whom we need to address because there is new cases which have happened and they have identified through sources and intelligence that these people, there is tangible evidence which we can now or empirical evidence which we can now say there is a *prima facie* case for us to go and arrest them.

ADV SEGEELS-NCUBE: Okay, I think I understand that. So, on the 16th of May, 2024, when you have the meeting with the, I am going to refer to them as the Swart investigators, the Swart murder investigators, that meeting
 20 was, you had called that meeting, but there was also another meeting that you were already going to have with, was it Colonel Mokoena, on the Murray murders.

LT-GEN SHIBIRI: That one I was supposed to have with Brigadier and the Brigadier was absent from office and Colonel Mokoena is one who works under, I can say, second

in charge for that matter.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: Then, he phoned on the 14th to say, I will not be available, the members are going to come alone to brief you. I think there was Mr Kyle Cohen from News24 who was representing the family and a lawyer. On monthly basis, they will come, we give them progress report and I check if they have done any progress or what we advised previously to say this and that need to happen, it has been
10 done. So, they were supposed to be there 11 o'clock and then Colonel Mokoena happened to be having engagement at Kempton Park Court with the senior public prosecutor, so he could not come. The three warrant officers and the sergeant came and Mr Cohen also came and then we had the meeting, it ended around past 12 to 1, I think.

ADV SEGEELS-NCUBE: Okay. So, these are routine meetings that you have as the component head where you, in the Murray murders instance, you did it because there was a complaint by the family that there was not progress
20 or something to that effect?

LT-GEN SHIBIRI: Yes, the complaint was sent to the office of the Deputy National Commissioner. Then the Deputy National Commissioner reigned me in with the team and the Brigadier and the family representative and whatever because there was a huge also between some of the family

and the investigators. Then we sat down, I was briefed about the case, I gave directives and we agreed that we give them chance to investigate for three weeks and after every three weeks we will meet in my office to give feedback.

ADV SEGEELS-NCUBE: Okay, when you say Deputy National Commissioner, you are referring to General Sibiya?

LT-GEN SHIBIRI: That is correct.

10 **ADV SEGEELS-NCUBE:** Because there is more than one Deputy National Commissioner?

LT-GEN SHIBIRI: Yes, Deputy National Commissioner Crime Detection.

ADV SEGEELS-NCUBE: Okay, thank you. So, that was the Murray murder investigations.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: The Swart murder investigations, the need for that meeting arose because of information you had received from a source.

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

ADV SEGEELS-NCUBE: Okay, prior to that you were not involved in the investigation.

LT-GEN SHIBIRI: No, I was not involved and I was not informed either, I did not know about it.

ADV SEGEELS-NCUBE: Okay, and at the time that you get

the information from the source, I understand you then spoke, you wanted to try and get hold of General Mbuso Khumalo to tell him and then you also called Brigadier Gopane. Did you tell her about the intelligence that you had received from the source?

LT-GEN SHIBIRI: Yes, we discussed a little to say I have got information about a threat against your investigators investigating a case of murder whereby a white person was killed, I did not have the details and three suspects were
10 arrested, one of the suspects is a police officer. I did not have the details either of that, and she did not, you did not inform me.

She indicated no, I thought I put it on the WhatsApp because we are having a WhatsApp group where they are reporting so that we can know. The reason for that is so that when there is a media enquiry from head office, from the minister or whatever, then the DIVCOM will ask me as the component head to say they said your team is investigating this, what is happening, so that we may be
20 able to account in that particular time, so hence I was asking.

So, when I told her about the threat and that there is intended bribery, she told me that no, about this case, there was a drama in court and I had to send my TRT, the TRT and my tracking team to go and assist in transporting

the members. But we ended there to say no, I must speak to Colonel Mokoena because those members resort under him and you will know better about it and she was by the way not available.

ADV SEGEELS-NCUBE: Yes, I recall that and then you then called Colonel Mokoena and you met somewhere to discuss the matter, I think you said at 7 o'clock, it was that same evening that you received the information from the source?

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

ADV SEGEELS-NCUBE: And what day would that have been, the 14th?

LT-GEN SHIBIRI: The 14th.

ADV SEGEELS-NCUBE: Okay, so the 14th of May was when the source gave you the information?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And you then met with Colonel Mokoena?

LT-GEN SHIBIRI: Yes, I phoned Colonel Mokoena and he
20 indicated he was somewhere in Pretoria attending court, and he is on route back home to West Rand. And I said okay I am also about to leave the office because it was around 5 or 5 o'clock in the afternoon and then I am also staying in West Rand. I said we can meet somewhere along the way and then we agreed to meet at a garage called

Uncle Harry's, there is a restaurant there.

ADV SEGEELS-NCUBE: Yes, I recall that. I just want to establish who it is that you spoke to about the information that you got from the source. So, you did not get to speak to General Mbuso Khumalo about it, but you intended to tell him about it. You spoke to Brigadier Gopane, but you only informed her about the intended bribery or the attempted bribery and about the threats.

LT-GEN SHIBIRI: Yes.

10 **ADV SEGEELS-NCUBE:** None of the information about it being contract killers or anything like that?

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: Yes, that was not your evidence.

LT-GEN SHIBIRI: I do not remember if I went into detail to tell you that the people arrested are contract killers, but the person I relayed that information to, was the Colonel.

ADV SEGEELS-NCUBE: Yes, you told Colonel Mokoena.

LT-GEN SHIBIRI: Yes, the Colonel and the members, yes.

ADV SEGEELS-NCUBE: Now, why did you have to meet
20 with Colonel Mokoena? Why did not you just inform him over the phone like you did with Brigadier Gopane and intended to do with General Mbuso Khumalo?

LT-GEN SHIBIRI: Yes, not necessarily I was going to tell them telephonically. I told the Brigadier that I would have liked her to come on that meeting of the 16th with that

particular team so that after this other meeting we can discuss that one. That was my proposition to her. So not necessarily I wanted to tell her on the phone or to tell General Khumalo.

For General Khumalo it was about to notify him and probably have a meeting with his people and the people of CI because my experience in this thing is when you want a threat risk assessment to be done, more especially it was concerning the province. The province has got a provincial
 10 head of crime intelligence who is a general and they have got legs where there are brigadiers who may be in charge of counter.

What do you do? You write an application. Sometimes the application must be signed by the GPC or approved by the PC. It goes to the general. And then in the meantime if it is urgent already the general of crime intelligence would have sent the operatives to go and do the risk assessment on itself because sometimes the security needed is imminent. And that is what I emphasise, that
 20 even before that can happen the better you put some sort of security around them, not working alone or going to fetch these people alone and so forth. Because remember what I got was information which needed to be confirmed.

ADV SEGEELS-NCUBE: Yes, we will get to that. I just, and so when you speak to Colonel Mokoena, he then tells

you yes there was an incident that happened at court, was that Brigadier Gopane?

LT-GEN SHIBIRI: It was Brigadier Gopane.

ADV SEGEELS-NCUBE: And you already told at that point that the detectives have been given some form of security in light of that.

LT-GEN SHIBIRI: To take the people from court to the correctional centre.

ADV SEGEELS-NCUBE: Yes, but you were suggesting that
10 there must be something more now in light of the information that you had received.

LT-GEN SHIBIRI: Yes, I think it deserves to have a threat risk assessment whereby the whole information will be investigated to verify if it is true and those other allegations of people who need to be investigated and enquired will be opened based on the threat assessment. And then other investigators allocated, that was my take because I said it is not objective that you, person involved, the threat is against you by these people you have investigated, that
20 particular person. And sometimes you meet with them then you do not know how he will behave and what will happen. And again, certain evidence you gather it will be questioned to say actually you wanted to make them to see it to be like that because I know I was involved in many of these.

ADV SEGEELS-NCUBE: Okay, thanks General. So, I just

wanted to understand your evidence insofar as what it is that you did before the 16 May meeting, and we will get to that meeting. I just want to deal with some of the things that you address regarding infiltration and your personal experience. You mentioned on page 21 of your statement at paragraph 59, it actually starts at paragraph 58. You recall the Maswanganyi murder where you said that you were the lead investigator.

LT-GEN SHIBIRI: I am there at page 29.

10 **ADV SEGEELS-NCUBE:** Page 21.

LT-GEN SHIBIRI: 21. I am there.

ADV SEGEELS-NCUBE: You had given evidence about your experience as the lead investigator in the Maswanganyi murder. Do you recall that?

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: And there you had given evidence about how the registered source there was one of the people that actually ended up being arrested and convicted in respect of the very crime that you were investigating.

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

ADV SEGEELS-NCUBE: And there was also a police officer that was arrested.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: In that matter were the hit orderers ever arrested?

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: Okay and is it still an ongoing investigation?

LT-GEN SHIBIRI: Yes, you know where it is told is the people who were linked to be maybe the orchestrators or the handlers, they were now somewhere in Nigeria. And through our police attaché we tried. And in that particular time, we could manage to get the address through Blackberry in Dubai because his phone which he was using
10 was a Blackberry.

And you can delete the Blackberry profile. So, I did not remove his number from my number. I could see now he has got this new profile saying Queen of Africa. And then we followed up and we found out there is a number using it. But unfortunately, it was our own MTN recurring people with one address and it is mostly rural. We could not get anywhere.

ADV SEGEELS-NCUBE: So, the short answer is, no?

LT-GEN SHIBIRI: No. We finished the case at the High
20 Court by sentencing those four. Out of six we sentenced four. One became one of five there. The other three were sentenced for life. And the other two met who were withdrawn against them.

ADV SEGEELS-NCUBE: Okay. In that matter you talk about how you had to go into a safe house due to the

threats that you had received.

LT-GEN SHIBIRI: That is correct. After threat analysis and then they give the level of threat. And the only thing we saw fit which will preserve us and preserve our information, and everything is a safe house. Because when you will be staying there together, including your crime intelligence, including your combat people who will be guarding you, going out with you and doing investigation because you will still continue doing investigation. And it
10 minimises people compromising information because the counter will be following you. Because when I want to see who is following you, I must follow you. And crime intelligence we are using was from outside Gauteng, was from Free State. Because of that reason.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: Yes, so we have to take that one so that we can be protected, and we know we are one thing. And the reporting lines, it became shorter because it becomes a project. Only a project manager on need-to-know basis can
20 go and report. Because after reporting to senior manager you found the defence knows about what we discussed behind closed doors at the court.

ADV SEGEELS-NCUBE: Yes, you did give evidence about that. And in that matter, were you ever offered a bribe by anyone that was involved in the murder?

LT-GEN SHIBIRI: Offered a bribe?

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Actually, there was attempt through other people. And they could not reach us because we were so close. And there were people hired to come and eliminate us. And because we formed another team to counter the threat. And those people were arrested. And only to find there were police officers, also those people. But matter was due to insufficient evidence was end up
10 being withdrawn.

ADV SEGEELS-NCUBE: General, I was just asking whether you had been offered a bribe in that matter. Whether you had been subjected to an attempt to bribe you. Because of course we are talking about you using this as an example to show infiltration. And how officers can be compromised. I am just trying to establish, you speak about the safe house, you speak about the threats. So, I am not suggesting that you were. I am just asking, were you as the lead investigator, was there an attempt to bribe you?

20 **LT-GEN SHIBIRI:** No, I was not offered personal. But there is a case which I cited of a prosecutor. Where a police officer is still under witness protection for the past four years. Where he was offered a bribe of 100 000. And the prosecutor and those other police were arrested or other people. Mine was not a serious one, was a robbery

case where I was offered a bribe. And I ended up arresting that person. Who was not this one.

ADV SEGEELS-NCUBE: Okay, thank you General. Now I want to also, just to place it on record. You also deal with an instance on page 23 of your statement at paragraph 67. Where public procurement plays a role in financing the criminal syndicates. That attempt or infiltrate, try to infiltrate the criminal justice system. Correct?

LT-GEN SHIBIRI: Yes.

10 **ADV SEGEELS-NCUBE:** Okay, I want to explore with you ways in which, and I am going to call the person, let us say a compromised police officer. The ways in which a compromised officer would go about trying to influence an investigating officer who is investigating a crime. So, you could have a situation where the compromised officer could enquire from the IO about a case that has nothing to do with a compromised officer. He shows a particular interest in the matter that he has not involved in. Do you agree with me?

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

ADV SEGEELS-NCUBE: And then you can have a situation where the officer, they may already have a relationship of trust. And he shows concern for their safety, for the IO's safety. And says to them, you must watch out for yourself. Do you agree with me? That could be a way of trying to

endear themselves to the investigating officer.

LT-GEN SHIBIRI: I agree with the first one.

ADV SEGEELS-NCUBE: Which one is that?

LT-GEN SHIBIRI: The one that you come near the investigators and try to make as if you are assisting or trying to know what is happening. But the one, the so-called one that you try to assist them to stay safe ...[intervenes]

ADV SEGEELS-NCUBE: No, General, let me interrupt you
10 because you are pre-empting what I am going to ask you at the end. I am not there. I am exploring with you. Ways in which that can happen. And maybe if I can ask you to put on your detective cap.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And not your General Shibiri before the Commission cap for this exercise. Okay? And as somebody that has been exposed to this, I am not trying to trick you. I promise you, I am not. What I want to establish from you is ways in which a compromised officer
20 can endear themselves to an investigating officer in order to influence that investigating officer to compromise an investigation.

Now, I am asking you, is it a possibility that a compromised officer would go to an investigating officer and say, sjoh, I heard that you, there are guys that are after

you. You must be careful. In fact, I think go and get a threat and risk assessment because this thing is dangerous. Like, how is it going? What is happening with the investigation? Showing a concern for safety but also trying to endear themselves to get information from them at a later stage. Are you saying that that could never happen? It is not a possibility.

LT-GEN SHIBIRI: I never experienced such a thing. What I have experienced is they will try to work with the person,
10 either to lure him to meet with the perpetrators, to befriend them in order for them to be captured or to be compromised. But that one, I never met it because I do not think it is an easy one. The one I have seen is when they were going to be hit on the police and this other one will be with them. But automatically, he was already cultivated there. And when the hit happens, he will be the only one who is not harmed and the others being harmed. But the scenario you are giving, I never experienced it. I am not saying it is not possible, but I never experienced that and it
20 is right.

ADV SEGEELS-NCUBE: Okay. Could you have a situation where the compromised officer tests whether the investigating officer is susceptible to a bribe by saying, I heard that there is a bribe out there if you are willing to not oppose bail or if you are willing to hide evidence. You have

heard of a situation like that?

LT-GEN SHIBIRI: That happens if they know each other. That might happen if they know each other. But when they do not know each other, I do not see it being easy to happen. Because how do you start from a person you do not know?

ADV SEGEELS-NCUBE: Yes, well, would not a bribe, you would have it in two situations, potentially even more. There is the overt way of doing it. If you know the person,
10 you trust the person, you know the person to already be somebody that is susceptible. So, you will say to them, listen, so and so told me that there is R10 000 available for you if you just lose the docket. That is direct.

LT-GEN SHIBIRI: It is direct. It is not overt. Overt meaning you must go to a person and gain trust first.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: And thereafter, you can propose to say, hey, these guys, I met these guys, remember that case? And then these guys, they are indicating this and that. And
20 then that might happen.

ADV SEGEELS-NCUBE: Yes, and then you can have indirect, like, is that not covert? A covert operation. Where you endear yourself with the person, show interest in their safety, show interest in what is happening with them, and then at some point say there is an informer that told me that

there is a bribe available.

LT-GEN SHIBIRI: I never experienced that one because I do not know how it will carry out. Because obviously, if you involve yourself in that manner, meaning you will be prepared to go all the way to assist, and then work with them daily or whatever, and provide more information relating to the matter. So that happened prior to any other crime happens.

In most instances, the people who will be sent will
10 be the people who will be easy for that person to interact with in terms of they will not be exposed easy, and their motive cannot be seen easier. For example, if a prosecutor approaches and says, hey, in this case there is this and that and that, and then I think there is not enough evidence or whatsoever, we can do this and that and that, and these guys are offering this.

But also, it is a risk, because you do not know the type of person you are dealing with. Because I believe the majority of police officers are not corrupt out there, and
20 they are doing their level best. I do not see that being so easy, but it never happened. I am not saying it did not happen in another world where I do not know, maybe it happened.

ADV BALOYI SC: General, just as a concept, is it not what Ms Segeels-Ncube describing what you would call

cultivation or cultivating? Because she puts a scenario where somebody befriends, and in time it develops into a conversation about corrupt conduct. I thought that is what you described as cultivating.

LT-GEN SHIBIRI: Yes, I tried to describe previously, to say what is cultivation, taking it from our side, when you cultivate an agent. So meaning you send somebody to go and befriend these people, work with these people, they gain trust on you, and then for future use, or for planned
10 things which are still coming, or for the exact thing which is happening, and then on the later stage, you can be in the able position to propose something to them.

So, the cultivation is about that. Sending somebody in, and then that person works with the people, goes out with the people, gain trust from those people. Later on, when you propose something, it will not be seen as something sinister or questionable. So that is how we do when we want to penetrate, we first do the cultivation to infiltrate, be within, go with them. We do that mostly when
20 we use agents, so to say. Because even in that case of Maswanganyi, the people who were supposed to eliminate us, some were sent to work with us.

ADV BALOYI SC: Well, sorry, I mean it is not my conversation, it is just that with this new explanation, then you make me question my understanding of your evidence

yesterday. When you first testified, and it was under the heading, The Nature, Extent, and Consequence of Infiltration and Actual Influence in your statement, and in paragraph 70 you were listing the different ways in which syndicates, infiltration in fact, you were describing how infiltration of the police happens, and then at 79 you then list the different ways that crime syndicates influence law enforcement, and one of them was recruitment or cultivation.

10 And then I asked you, what is cultivation? And you said, befriending police to corrupt them. So I was saying, I understand Ms Segeels-Ncube to be putting that kind of scenario to you, that someone can make an approach that looks completely innocent to the police, including a colleague, to, in time, elevate that discussion that started off innocently to even a statement like, oh, I understand there are bribes that are available, without saying I am offering you a bribe, or somebody's offering you a bribe, but just saying I understand, just to sound them out whether
20 they would be amenable to particular conduct.

LT-GEN SHIBIRI: Yes, the simplest one I can say in cultivation, in OR Tambo Airport in Kempton Park, we had a similar thing whereby the Nigerian will propose to the new constables, and then cultivate them to those people who are investigating the narcotics so that they have information

firsthand of what is happening inside, and so forth. So, hence I was just trying to indicate it is by recruitment of members inside, or you send members from outside to be within the inside as individual members, and it is not happening like as a whole capture of the whole police. So, it happens in all the environment but including at uniform and whatsoever. So, that is what I was trying to explain.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, General. Can we go
10 then to see what happened on the 16th of May 2024, during your meeting with the investigators?

LT-GEN SHIBIRI: Yes, Ma'am.

ADV SEGEELS-NCUBE: And that is on page 55, file 1, and it starts at paragraph 174.

LT-GEN SHIBIRI: I am there.

ADV SEGEELS-NCUBE: General, at 174 you set out about meeting with the investigators, which were three investigators. It was Witness A, B, and Sergeant Ndlela, correct?

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

ADV SEGEELS-NCUBE: And you then informed them about the information you had received from the source. Now, at 174, you say:

"I informed them that the accused were
considered dangerous contract killers

and that there were alleged attempts to
bribe investigators, prosecutors, and/or
the magistrate.”

Now, you speak about alleged attempts to bribe. I just want to understand, alleged attempts, were they attempts to bribe, or did you - are there allegations that there may be, because alleged seems to say might be. You are not certain.

LT-GEN SHIBIRI: Yes, I used these words interchangeably
10 because the information was, remember, the attorney is already given a bag full of money. We must approach the investigators. If he fails, the prosecutors or the magistrate, because that is how disparate they showed that they want these people out on bail. So, not knowing why they must go on bail, because even if they are on bail, the case remains. And the case remains. Hence, I used that, but it was an allegation from the source that already a lawyer is given a bag full of money. And I think I mentioned also the name of the lawyer which was mentioned to me.

20 **ADV SEGEELS-NCUBE:** Yes, you did.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Now, can we go to RS10, which is in the annexure bundle, which is file 2, and it is on page 50.

LT-GEN SHIBIRI: Yes, Ma'am.

ADV SEGEELS-NCUBE: Do you have it?

LT-GEN SHIBIRI: Yes, I have it.

ADV SEGEELS-NCUBE: You will recall that this is the statement of Sergeant Ndlela that you had provided as an annexure to your statement.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Which is the written statement that was, I think it is the 7th of July 2025, right?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: That is the one you were referring
10 to.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: In paragraph 4 he deals with the meeting and he says:

“On our arrival at General's office he informed us on how sensitive and dangerous is this case and how connected are the suspects. He further informed us that he got the information that the suspects are planning to bring a
20 bag full of money for us so that they can be freed failing which a hit is coming for us.”

LT-GEN SHIBIRI: I see it.

ADV SEGEELS-NCUBE: Do you do you confirm his recollection of what you said to them?

LT-GEN SHIBIRI: He wrote it in his own words, but it is not how I said it.

ADV SEGEELS-NCUBE: Okay, you did not mention a bag full of money?

LT-GEN SHIBIRI: I did.

ADV SEGEELS-NCUBE: Okay, so where is the difference?

LT-GEN SHIBIRI: The difference is where it says the hit is coming for you.

ADV SEGEELS-NCUBE: Okay, there was not, are you
10 saying that you did not tell them about a hit?

LT-GEN SHIBIRI: No, I am saying how it is phrased. It is different to how I said it.

ADV SEGEELS-NCUBE: Okay, what did you, what do you recall how you said it?

LT-GEN SHIBIRI: I said there will be a bribe brought to you and consequently when you do not take the bribe there will be a threat to you because these people are hitmen and even if you take the money still there will be still a threat against you because the case will not be gone away unless
20 as we know if they are given bail they are going to be taken out the same people.

So hence I said the solution is you enjoy this then we have a threat analysis. If possible, you work from the safe house under protection that is how you can win this thing. And then the team they said there were three or

there were five, two ago and I said you are less. You need to get more those who can deal with the threat because you can investigate the threat.

Investigate the murder because according to the informant this murder will come with more cases, will link with other cases and you may not receive further cases. You concentrate on this because it is going to be a murder investigation. So that is what I said. So, the only thing but it means the same thing that they will be hit, the threat is
10 coming but it is how it is phrased.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay and then if we can go to file 1 divider 3 which is your short supplementary statement there is an annexure that you provided there which is RS12. File 1, general file 1. I think you could be in file 2.

LT-GEN SHIBIRI: File 1.

ADV SEGEELS-NCUBE: File 1 is your statement file.

LT-GEN SHIBIRI: I am there.

20 **ADV SEGEELS-NCUBE**: Are you at RS12 on page 7?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: This is also a statement that you provided the Commission which is an unsigned document that you said Sergeant Ndlela gave to you and he said that this was a pre-prepared statement that was given to him

and that this statement had to be consistent with Witness A's statement, the people that gave it to him. Do you recall that?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay and he also in this statement, I am just dealing with it because this is what you had provided to the Commission, at paragraph 3 he speaks about and the meeting as well:

10 “On the following day, Thursday 16 May
2024, we then proceeded to the SAPS
head office, to the office of General
Shibiri. We upon arrival General Shibiri
asked us if we were aware of the
sensitiveness of the case and that we are
investigating. We then indicated that we
were not that aware of the sensitiveness.
General Shibiri then informed us that the
case was very sensitive and further that
the people who are linked to the
20 suspects, they want to give us a bag of
money and that if we do not take that
money those people will kill us.”

See that?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Now you do not quibble with that

part even though it is part of the pre-prepared statement of Sergeant Ndlela.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Then can we go to Witness A's account of that, which is if you go to ...[intervenes]

ADV KHUMALO SC: Sorry, before you do that, what is the difference between the document you have just shown us, which is unsigned and CJC89, which has appeared to be the signed version of that same document.

10 **ADV SEGEELS-NCUBE:** Yes, we are getting ...[intervenes]

ADV KHUMALO SC: We are going to get there?

ADV SEGEELS-NCUBE: Yes, this is - let me just deal with that first then, Commissioner. Go to General File 4, CJC89. It starts on page 1.

LT-GEN SHIBIRI: Page 1. It is File 3.

ADV SEGEELS-NCUBE: File 4.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: So, this is the signed statement of Sergeant Ndlela, which is dated the 8th of July 2025,
20 which is the statement that you say the Commission, it is very convenient that we only disclose this version of the affidavit after you disclose the handwritten version on the 7th of July statement. Do you recall that in your supplementary statement?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And I think you take issue with this because the suggestion is that it was pre-prepared for Sergeant Ndlela by members that you say are not friendly with you.

LT-GEN SHIBIRI: Yes, not really, not friendly. It was made by those who are investigating and then brought it to him to sign and indicated it must be similar to that one of Witness A.

ADV SEGEELS-NCUBE: Okay.

10 **LT-GEN SHIBIRI:** So that is my quarrel, to say a statement is prepared to you whereas you have your own statement and then they could have said we will make a supplementary to where you did not indicate certain things after interviewing the person. Not me as an investigator coming with a document and say this is a statement, sign it, it must be similar of that of a certain member who you worked with. So, I feel it is influencing the outcome of the statement or of the investigation.

ADV SEGEELS-NCUBE: But insofar as the contents,
20 insofar as it relates to you speaking to them about a bag full of money, you do not take issue with what he says about how that conversation, that part of the conversation occurred. In paragraph 3, where he says:

“General Shibiri then informed us that the case was very sensitive and further that

the people who are linked to the suspects, they want to give us a bag of money and that if we do not take that money these people will kill us.”

LT-GEN SHIBIRI: I have already answered on that to say the phrasing was not what I said.

ADV SEGEELS-NCUBE: Yes, but you do not take issue with how he records what happened.

LT-GEN SHIBIRI: No, how he wrote it, no, on that issue.

10 **ADV SEGEELS-NCUBE:** Okay, now you take issue with the statement for other reasons, and we will get to that later.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Can we then go to Witness A's statement where he deals with this.

LT-GEN SHIBIRI: Where is it?

ADV SEGEELS-NCUBE: And that is, that will be file 3. And file 3 it is item 83 and I want to deal with page 347, 247, my apologies.

20 **LT-GEN SHIBIRI:** I am at 247.

ADV SEGEELS-NCUBE: At paragraph 39.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: In the middle of that paragraph, he says:

“He also said that the arrested suspects

and their people will do anything to get bail. He then said that there are three envelopes flying around, one for the investigating officer, one for the prosecutor and one for the magistrate. By envelopes he meant money.”

And do you - what do you take issue with insofar as Witness A's record of what you said?

LT-GEN SHIBIRI: Yes, the big thing, flying envelopes
10 which I never uttered.

ADV SEGEELS-NCUBE: What do you use, the flying around part?

LT-GEN SHIBIRI: Yes, that is the thing I never uttered. I talked about a bag full of money given to an attorney who must bribe the investigator or the magistrate or the, what you call, the prosecutor.

ADV SEGEELS-NCUBE: Okay, but it really boils down to the same thing. You discussed with him the existence or possible existence of a bribe.

20 **LT-GEN SHIBIRI**: Yes, you can say so. Me and you can understand the brown envelope to be money. But people, as the sentiments here was about people listening there, it is like I was having envelopes flying around or I have to do something with those envelopes and so forth. So that is what it was said that the envelopes are flying around. And

when they were asked what does that mean, they thought it was inducement for me to say, no, bring the envelopes or they will take the envelopes.

ADV SEGEELS-NCUBE: Okay, I just want to place on record Witness B's version. We do not have to go there. But hers is item 84 of that same bundle, page 288, paragraph 35. And she also refers to it as ...[intervenes]

LT-GEN SHIBIRI: Page?

ADV SEGEELS-NCUBE: Page 288 of that same bundle,
10 paragraph 35.

LT-GEN SHIBIRI: Oh, yes.

ADV SEGEELS-NCUBE: And then if you look at – she says:

“He explained that the case is sensitive and further that there were three envelopes that were available and he hinted that the implication for refusal will be dangerous for us.”

See that?

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

ADV SEGEELS-NCUBE: Okay. Now, in your statement and in your evidence, you said that you expressly cautioned them not to accept the bribe.

LT-GEN SHIBIRI: Exactly.

ADV SEGEELS-NCUBE: Okay, now none of them say that.

None of them say that you cautioned them not to take the bribe. Even Sergeant Ndlela, who you hang your hat on, he does not say that either. So, there it is three against one insofar as whether you actually expressly cautioned them not to take the bribe.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Are you sure that you cautioned them not to take the bribe expressly?

LT-GEN SHIBIRI: Very much sure. Very much sure in the
 10 sense that I even indicated, even if you were to take the bribe, if the source knows, other people know, and it will not take the threat away because the case will still be remaining there. Because also, before we discussed this, we discussed the docket, and I could see there is a *prima facie* case.

The only thing I have noticed that it was not shown to have been done was two things. Were the touch DNA fingerprints on the exhibits which were found, the vehicle itself, the firearms itself, and the cartridges, which I advise
 20 it must be done. Then I asked, is the firearms and everything taken? They indicated yes, it is already delivered.

So, they had something to go on for bail application to oppose. That is the first thing. The reason I wanted them to be there in my office was to explain to them face to

face and relay to them my experience, encourage them that it is doable, and I know it is painful to leave your family and go and stay somewhere.

ADV SEGEELS-NCUBE: General, we will get to that aspect. I just want to deal with the bribery aspect for now. You say that you expressly cautioned them, which means that you actually said to them, do not take the bribe.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay, now it seems none of them,
10 like I said to you, none of them say that you said that. But it seems an odd thing to put to three police officers for you to say do not take the bribe. Should it not be the default position that they should not take the bribe so their head should not be telling them not to take the bribe? Why would you need to expressly tell them that?

LT-GEN SHIBIRI: I agree. I indicated I did not tell them that. Number two, I agree with you that it can be odd that the same people say one thing. But if ever you are influenced in another way for certain purposes, then they
20 will say the same thing. But I am saying these Commissioners because why? Number one, the person who came with the information, the people doing trace analysis, were supposed to come to the person and get the statement and probably get if the informer wants to meet, I could have handed over that particular informer because I had the

telephone numbers.

So that did not happen. And then the next thing, this happens. And I was so happy that when I follow up, whatever I have guided on, it happened. They went to the safe house, and this is happening. And in the same statement of Ndlela, and also A, they also indicate underneath to say my concern was their security. Although maybe they are understanding in what they have written that the probabilities are when you are not taking the bribe,
 10 a threat can come in terms of a threat to your livelihood will come. And also, in order to counter this, we need to do one, two, three. So, I do not deny saying how these people operate and how I think the threat will come about. And I even further to indicate ...[intervenes]

ADV SEGEELS-NCUBE: General, sorry, I do not want to interrupt you. I agree with you. All of them say that you were the one that suggested that they get the threat and risk assessment. I am not there. I am on the issue of the bribery. Now, I am saying to you, it seems odd to me that
 20 you would expressly say to three police officers, do not take the bribe.

You say that you did tell them not to take the bribe. There is no record from any of them that you said that. And I want to put this proposition to you. You are saying that now because you are operating in the grey area. We do not

have a version from Sergeant Ndlela on this. But certainly, Witness A and Witness B left that meeting very confused about your motives.

Because you were operating in the grey area. Because you were not express about the bribe. You were suggesting to them that there is something available if they were susceptible to it. That is what they understood. And so, you are now saying that you say expressly, do not take the bribe, to take away the grey area. To put yourself on
10 the white side.

But you are operating in the grey area, General. That is what they say. And that is why they were confused about what your motives were. On the one hand, you are telling them about the bribe. On the other hand, you are suggesting to them that there must be a threat and risk assessment. And you are also assisting them with trying to fast-track the forensics.

LT-GEN SHIBIRI: Yes. I do not know where they are indicating that they insinuate that I wanted them to take the
20 bribe. Except where they are indicating that if they do not take the bribe, these people are going to kill them.

ADV SEGEELS-NCUBE: Let me take you to it. But finish what you want to say.

LT-GEN SHIBIRI: Yes, and again, on top of that. So, on top of that. If they are insinuating, they came there, they

left there, confused. I explained what should happen and what is going to happen. I explained to say, already I told Colonel Ndlela to request for the threat analysis. And then enquiry will be opened to do the investigating on the threat. And then they will get protection.

So, that is what I explained to them there. So, I do not know where the frustration was and how should I have explained this. And on top of that, I followed up to find out if the threat risk is being done with the Brigadier. And who
 10 told me, as we speak, General, I am with Brigadier Ntuli assisting me in drafting that. So, I do not see how they have frustration unless intentionally they want to be frustrated or somebody want them frustrated.

ADV SEGEELS-NCUBE: You do not see how they could be confused by somebody saying to them, let us do a threat and risk assessment because these people are dangerous. And on the other hand, saying to them, there is a bribe available.

LT-GEN SHIBIRI: No, if you talk about bribe, as police
 20 officers from organised crime, they will be on the know. And I told them the person who is coming and then who will be possibly coming, so that they know. And then from there, entrapment can be made to arrest such person. Enquiry will be opened in the meantime for waiting for such time when that person come.

So, if you alert person that the bribe will come and this is the person who will be bringing. And obviously when he comes, you will try to talk to them and they can indicate, let us meet somewhere. And then arrange with crime intelligence or their bosses and then we do entrapment there. So, it cannot be that I want them to take the money because I am informing them of even the name of the person who supposedly will come. And then, so that they know.

10 **ADV SEGEELS-NCUBE**: General, I am not saying that you told them to take the money. I am saying it is a grey area for them as the investigators. That is what I am saying to you. You are not expressly saying take the bribe. You are saying to them, there is a bribe available. That is what I am saying to you.

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: Now, you say you were looking at the possibility of entrapment. Would not you have engaged one of them to say perhaps in order to entrap this person,
20 one of you should actually indicate a preference to take the bribe?

LT-GEN SHIBIRI: No, I will not influence that because the procedure is what I am telling you. I said alleged an attempt. And you asked me about that. And I explained about the enquiry to be opened. I spoke to the seniors also

if I think they will say they do not know. They were brought to organise crime because they were nominated from where because they know they can deal with that.

And this thing of entrapment, we deal with it on a daily basis. And for me, I took it they understood. For example, when I say enquiry will be opened immediately when the crime intelligence is given that. Because there must be a crime intelligence leading in following up the information and so forth. And the investigators which are
10 indicated, they must be appointed to deal with the threat.

They will be working with those. And when they are approached, they were supposed to have their own meeting. It is not the first time we have dealt with it like that. I dealt with it like that when I was in Gauteng. When a member of organised crime, whilst I was acting, not yet organised crime with the gang-related issues, happened to the member. So, it is not a thing which they do not know. Unless you were saying I am talking to somebody from the police station.

20 **ADV SEGEELS-NCUBE:** Okay. Now, we will go to how they felt about that meeting. But you, when you have that meeting with them, you do not tell them the information is from a source. You tell them it is from a source.

LT-GEN SHIBIRI: Exactly. That is what I said. I got information from the source. And the source indicated that

these people who were arrested are dangerous and are contract killers by profession. That is what they do. And they were waking previously to the late Mswazi. That is what I said to them. So now, what was supposed to come is, because it is normal where they are waking, that is what we are supposed to be finding out. Who is the current handler or person sent them there and whatsoever.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: So that is what I have informed them.

10 To say I got it from the source, who allegedly knows them, probably worked with them previously. And that time we all knew that the old man is no more. We do not know who went where and what. But that was the situation.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: That was the situation I explained. And because, let me finish this one before I forget. That is why when I was talking to Mokoena, I could not understand him when he said the person who was killed was killed at the factory. I said, but the information I got is the hitman.

20 Hitman at the factory, the white man, I thought it might be a robbery. That is when he phoned the investigating officer to explain. And the investigating officer is B. That is when B was not comfortable talking on the phone and said, no, we will come to your office and brief you. And the arrangement was made.

ADV SEGEELS-NCUBE: General, did you tell them the identity of the source?

LT-GEN SHIBIRI: It does not happen.

ADV SEGEELS-NCUBE: Well, you said you told them that it is somebody that they know.

LT-GEN SHIBIRI: No. I said it is somebody who knows the suspect, who also worked there by Mswazi. I never said it is somebody they know. The people I told them the names, which I thought they might know, is that one which I
10 was told by the source to say there is a Zungu from Toms, there is a Johnny from JMPD, an unknown lady from Johannesburg.

Because they were there at court, I thought they might have seen them and know them and confirmed the information to me. Because that is the names which the source indicated those people were there observing, also in court, seemingly working with the accused persons or the handlers. So that is what I explained to them.

ADV SEGEELS-NCUBE: Okay, who did you disclose the
20 identity of the source to?

LT-GEN SHIBIRI: Nobody.

ADV SEGEELS-NCUBE: So, none of the investigators know who the source is?

LT-GEN SHIBIRI: It does not happen. It is a protocol. It does not happen. I cannot identify to them. I could have

identified, as I said, to the crime intelligence person who was doing the risk assessment. Because your informer is your informer. You cannot tell everybody. Tomorrow he is killed. You do not know who you are telling. Even the same members whom I am telling, I am not sure if some of them they are related with or they know each other with the people I am talking about.

But I was giving them information so that they know where they are and to prepare better and whatsoever. I
10 even said, you see, if they give you protection from home to work, it is not a protection. Because your family will become vulnerable. And they will be known. And sometimes you will be off alone. So hence I also suggested the issue of the safe house.

Because it worked before for us. And also, if they come near to me, they will come near to my children. And I guess they are having smaller children also at their house. I do not know. Because I do not know them. I used to see them. But when I met with them physically, I would ask, are
20 you fine? Why do I see you alone? Why do I see you walking like this without any – but they do not talk about those things that I ask them regularly when I meet. And even when we speak on the phone, always I will say stay safe. I know it is difficult, but you need to stay there until – it will not take long until the case is finished.

ADV SEGEELS-NCUBE: So, were you intending on telling General Mbuso Khumalo who the source is, the identity of the source?

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: So, there was never an intention to disclose the identity of the source?

LT-GEN SHIBIRI: No, a source is known to the handler and the co-handler. The only person, if the source agrees, whom I was going to hand over to be the handler, if he
10 agrees - sources are different. Some they want to give you information and stay away. Some they want to give you information and be registered and work with you and be paid.

Some they will call anonymous 10111 and then they will forward it to you because they know you, that you act when they give you this kind of thing. So, a source, even only, only the commander will know because he inspects the file quarterly. But also, himself, he does not need to know the source because you are endangering people's lives.
20 These people, they take their lives in order to assist you in dealing with criminals. So, it is not something which you just share and say, hey boss, this is my source. You will not have a source anymore. Then you will have a dead source.

ADV BALOYI SC: General, can I just ask to understand, I

understand your evidence, or I think I heard you say that crime intelligence was supposed to conduct a risk assessment.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: Would you have disclosed the particulars of the source to crime intelligence or whoever is doing the risk assessment? I think that is what Ms Segeels-Ncube is trying to establish with you.

LT-GEN SHIBIRI: It is yes and no. It depends on the
10 source. You can ask General Lekalakala, you can ask Brigadier Ntuli, you can ask Colonel Herbert at Crime Intelligence Joburg. There are many times where I handed over the sources because the sources wanted to work with those people. They did not have a problem. So, there are those who will say no.

So that is why I am saying yes or no. But if they approach me, I talk to the person to say, here is the people who I need to work with them going forward. Or he decides to say, no, I gave you everything what you want. I do not
20 want to be involved. And then we leave him like that. But if he has willing to work with them, then I will. And also, I asked, can we meet?

Maybe I register. No, he said, no, I am fine. I am giving you information. What I managed to do is to take down the number which he gave me and the name. So that

is what I have done. But if they came to me, we could have talked about that and whatsoever. Sometimes I phone them direct. I even asked the members to say, who is the IO you are working with?

They told me it is Colonel Herbert. I even told them, Colonel Herbert, I work a lot with him. So go and relay the information to him. I was expecting even him to phone me and say, I got this information because it is urgent. You need to work on it. But they do not write that.

10 I even asked them, who is the person under CI working with them. But I was happy that I told the commander. And the commander is doing something in terms of applying for a threat risk assessment. And they know. And they promised the protection is going to be given. And it was given previously. That is what was important for me.

ADV SEGEELS-NCUBE: Thank you, General.

CHAIRPERSON: At this point, let us adjourn and resume at 2 pm.

INQUIRY ADJOURNS

20 **INQUIRY RESUMES**

ADV POOE: Chair, Commissioners, there was an issue that arose earlier this morning as regards the General's credit card statements of September 2024. We have provided a copy of the statement to the General and his legal representatives. General, can you confirm that you

have the statement in front of you?

LT-GEN SHIBIRI: That is correct.

ADV POOE: General, you will recall in your interaction with the Chair, you mentioned that if regard is had to your credit card statement of September, there would be a transaction of 17,000 for the purchase ...[intervenes].

CHAIRPERSON: I think the General said 14, one four.

ADV POOE: 14,000.

CHAIRPERSON: Yes.

10 **ADV POOE**: For the purchase of beverages. So, can you confirm that this is the account in question you were referring to? You said ...[intervenes].

LT-GEN SHIBIRI: That is correct.

ADV POOE: The credit card linked to your ABSA account.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: And General, if you look at those transactions, so it is just the second page of it, you will note there that there is not a transaction like the one that you described. Can you see that?

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

ADV POOE: And do you have an explanation?

LT-GEN SHIBIRI: Yes.

ADV POOE: Please proceed.

LT-GEN SHIBIRI: Ja, after receipt of the slip, I phoned home to establish if ever I used my wife or did I use, and

then I end up phoning my brother-in-law, who was accompanying me when we went to Zanini, to Metro to buy, I said Metro, but he corrected me to Ultra Liquor, and he indicated, no, we did not use a card, we used the cash, which was contribution from my brothers and everybody who was there to go and buy the cold drinks and beers of that value. So, again, I apologize to have indicated that I used my credit card, because I solely believed that I used one of my card.

- 10 **ADV KHUMALO SC:** That is a third version on the same point. You started by saying you used your ABSA cheque account, you needed money for the Thanksgiving. When it was pointed out to you that the cheque account statement does not show that transaction, you then said, oh, no, it is in the linked credit card, and the Commission went through the effort of obtaining your credit card statement. Now you are confronted with that statement, you are changing your version again. You are now saying it was cash contributions from members of the family. But it goes back
- 20 to the same point, you did not need the money in your cheque account for the Thanksgiving. So, that money was all available to you to be used to repair the vehicle, because that is where Chair started this morning. Do you want to comment?

LT-GEN SHIBIRI: No, no comment.

ADV SEGEELS-NCUBE: Thank you. General, we can go back to our topic. I want to just ask you again, insofar as the source is concerned that you, whose information you relayed to the investigators. Now, you say you did not disclose the identity of the source to anyone, and even till today you have not done so. What did you do about the information that the source gave you? Not the issue about the safety of the officers, but about the information related to attempting to influence the investigation itself. What did
10 you do with that information that the source gave you?

LT-GEN SHIBIRI: Number one, I informed the Commander. Number two, I informed the investigating officers concerned. And three, I requested that the Commander conduct the TRA and provide security to the members and that inquiry should be opened to investigate the veracity of the information in conjunction with the security assessment by CI.

ADV SEGEELS-NCUBE: So, General, what inquiry are you referring to? You say that inquiry must be conducted, what
20 inquiry?

LT-GEN SHIBIRI: As I have indicated earlier, when the Commander write a letter to the Head requesting threat risk assessment to verify the information and to assess the severity of the risk, there will be a file registered, which will be allocated to investigators who will be working with those

from CI. And furthermore, it will indicate if ever there is security needed for the members and security be provided.

ADV SEGEELS-NCUBE: Yes, I am speaking about other than the security. You keep coming back to the security. I am talking about the integrity of the investigation itself. You have just informed the investigators that your sources told you that this is a contract killing, that there is a hit order behind the scene and, but you do not disclose the identity of the source to anyone. So I am trying to find out
10 what you did to, with the information that you had since you are in the unique position that only you know the identity of the source to assist with the investigation.

LT-GEN SHIBIRI: The source gave information to assist the investigation. That is where I said the veracity of the information was supposed to be done through threat risk assessment to confirm whatever was said, is it true or not, or the names mentioned, they are followed, they see if ever they meet with somebody or they are doing what the source informed me. So that is what entails the risk assessment.
20 It is the whole lot of investigation which is done surrounding them, also following the investigators to check the integrity of the investigation.

The investigation, there is a Commander checking the dockets now and then to see if ever something does not come out or whatsoever. What I have done on my side, in

front of the members, is to contact the Section Head of Ballistic, Brigadier Mkhabela, and indicate to him that there is this case which need to be prioritized and we need it to be prioritized in terms of getting ballistic report and linkages in terms of IB's before the next court date. And I also gave him the number of the investigating officer.

I indicated that the Commander is Gopane and previously when we were dealing with gang violence, I did make them meet, because there was a need of dealing with
10 those things. So that is what I have done. So other than that, I am not operational. In all provinces, when this happens, I make the province to do what is necessary. Mine is to follow up.

ADV SEGEELS-NCUBE: Okay, and so yours is to follow up, so did you follow up?

LT-GEN SHIBIRI: As indicated, I followed up in, I think it was the 22nd of May where I called the Brigadier where she indicated in the morning, indicated that she is with Brigadier Ntuli from Crime Intelligence, who is responsible for, not
20 cyber, counter. And then he is assisting her with the drafting of the request. And furthermore, once when I met with some of the investigators, they indicated they were fine. And so to say, again furthermore, in the following months, August, September, September was also going in and out, Eastern Cape, attending to certain matters which I

was deployed on, including KZN. So what, when I learned is it was there in the safe house, meaning everything was done accordingly as I would like to happen. So there is nothing further I have done, and the cases were going court, and further people get arrested and so forth.

ADV SEGEELS-NCUBE: Okay, so again you are going to the security. When the source told you that it was a contract killing, did they identify the hit orderer to you?

LT-GEN SHIBIRI: Who?

10 **ADV SEGEELS-NCUBE:** The source. When the source told you that it is a contract killing, did they identify the hit orderer to you?

LT-GEN SHIBIRI: They told me suspects are contract killers.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: They did not tell me who contracted them.

ADV SEGEELS-NCUBE: Did you ask?

LT-GEN SHIBIRI: Yes, I asked to say who contracted
20 them. I said if you follow up these other people, then you will find out. So I do not know if he was afraid to say out to me to say, yes, this person contracted this and so forth.

ADV SEGEELS-NCUBE: But he told you that these, did he tell you that the weapons or the hitmen were connected to other cases?

LT-GEN SHIBIRI: Ja, he indicated the weapons were linked with other cases.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: Other murder cases.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: So hence I indicated that meaning he will receive more cases from this thing.

ADV SEGEELS-NCUBE: Can I ask you to go to page 54 of your statement, which is, and I want to ask you about
10 paragraph 172 in your statement, file 1. Are you there?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: At paragraph 172 you deal with some of the information that the source had given you, and you conclude that paragraph by saying:

“And that there was concern that someone within forensic services could potentially interfere with ballistics evidence.”

Do you see that?

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

ADV SEGEELS-NCUBE: Now, Witness B in that meeting asks you to assist with fast tracking the ballistics on the Swart murder, correct?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: You have information that there is

potentially somebody within forensic services that may compromise the investigation, that is what you are being told by your source, that may compromise the ballistics evidence.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: You call the section, did you say the Section Head?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: For forensic services.

10 **LT-GEN SHIBIRI**: No, for ballistics.

ADV SEGEELS-NCUBE: Ballistics.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And you asked him to fast track the ballistics on this matter.

LT-GEN SHIBIRI: To prioritize and allocate to someone special.

ADV SEGEELS-NCUBE: At that point do you say to him there is a potential that someone within your division or your section may be compromised?

20 **LT-GEN SHIBIRI**: To tell him?

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: No, I did not.

ADV SEGEELS-NCUBE: Why not?

LT-GEN SHIBIRI: As I said, it was still information to be verified and I cannot alert the people whom is doing that.

And I even told, I think it is Witness B, said, said but, General, if you know they are going to do this, is there anything to do? I said, look, ballistics has got too much people and they have got thousands of cases. In order for somebody to compromise this, meaning there must be somebody, because there is case manager who is allocating. You do not allocate the case for yourself. And it is different stations, different provinces.

10 So the only thing to confirm and see is when we receive the report and then we will follow up based on that with them. I said it is simple. I do not think somebody who has graduated with BSc is doing that, the only thing what he can do in compromising the information is go to write the information wrong. It can go deeper from that.

Exhibit when it is received, it is filed, right, by somebody in a 13 and it is locked. The investigator is allocated, meaning there will be the person who has having the key storage and the person who has going to do the investigation to go and open.

20 So the only worst scenario I was thinking, I am not saying it ever happened, but I was thinking, if somebody, I was thinking loud, I was saying that if somebody who can maybe have another rifle and exchange the mechanism so that it cannot match, but if you go and change the numbers, it is easy for us to detect because we are going to take it to

another forensic, maybe Western Cape or whatever, then they can be easily founded.

But you needed something to verify, to see if ever there is manipulation, and then you can continue doing that. It is an ongoing investigation. It is like how they were saying I know a name of a Warrant, of, given to me to say Zungu. I did not know which Zungu. I knew that Zungu they say is from TOMMS. So must I go to, and arrange Zungu to come here and explain? You do not do that with
10 suspect.

So that file which is opened by Crime Intelligence is part of the investigating of the whole. And then hence I said, there must be a team. And they know it is not the first time we do this and that is why when they said Herbert, I said Herbert knows better. I have done many a case with him when I was still in Gauteng, even when I was still in the head office where we were called to assist. So I could not tell him. It is like telling your suspect. You do not know who is the suspect, but you need to tell him to say
20 prioritize.

Then he promised to prioritize, prioritize by meaning he will give, to assign a specific person to deal with it so that he get the result in timeously as we have requested. So I think that is where I ended.

ADV SEGEELS-NCUBE: You do know that there was an

issue with the ballistics in the Swart murder, that there was errors on the report that was prepared?

LT-GEN SHIBIRI: Exactly.

ADV SEGEELS-NCUBE: Okay. So it comes back to my question, you are in possession of information which really everybody only finds out much later. It is actually very scary how everything that you tell the investigators in May of 2024 comes to fruition later on in the year, because we know that there is an error on the ballistics report. We find
10 out that it is a contract killing. We find out that there is connections, all these connections with the firearms to different murders. You knew that in May of 2024.

So it seems to me that somebody who is the Component Head of Organized Crime, who, on his own version, would engage in, what do you call it, disruptive operations, would not see the need here to intervene at that level to say we are dealing with something here where I have been informed that this is a dangerous situation. You were in a similar situation yourself when you did an
20 investigation. You also know that the investigators are under threat. I understand you take the steps to ensure or make suggestions that they be placed into safety. But is your obligation not also to the integrity of the investigation itself?

LT-GEN SHIBIRI: Ja, we work on a command chain. And

as I said, sometimes I am somewhere, I cannot be all over. If I tell the Commander to say this is the danger and then this need investigation, Crime Intelligence must follow on this and it is how all these big fishes you see arrested, it is happening, it is not the General who has coming out there running around, it is the General advising, giving them the necessary tool, giving them the necessary information.

I informed them that there is this information which needed to be verified. Did they verify with CI and
10 everybody? And then they formed such a team and I was so happy to say that team is there, now they can work as an old machine and do what is supposed to be done. But I was not responsible for going and checking those dockets and so forth.

And you will know if you phone and ask about things, they will refer you to a General who does not want to talk with some other people. And when you phone such a General, sometimes they do not answer their phone. But what, not trying to make me feel better, I have done what I
20 was supposed to have done and I was not the investigating officer. And I informed them what might happen and then what must be followed up. So, now if everybody wants to say, okay, Shibiri knew this, he told us, unless if they said he did not tell us this might happen, there is this information.

Did somebody come here and say I verified the information? I did this after verifying and I looked at this and then this is what we have found out and dealt with somebody like this. So, up to so far, the arrests were made through the ballistic. But those who were mentioned to be involved in what and what and what, people chose to do what they wanted to do, not involve other people, because some of us became suspect of being privileged of being, having information to provide to them.

10 So, as far as I am concerned, Commissioners, I have done my part. It ends there. I did not do anything further and I end there. People were supposed to gather information based on the information I gave and if ever there is further need, I was supposed to be consulted. And I was isolated, not consulted for the reason known by them, but now I must come now here and explain the reason why I was excluded, whereas I started this.

ADV BALOYI SC: Can I just ask a question differently. You are at national and this is a provincial operation, am I
20 correct?

LT-GEN SHIBIRI: That is correct.

ADV BALOYI SC: Yes. The, how does it work? And maybe that would provide part of an explanation about your involvement and the limitations, if any, that you would have had because of your role, because, if I am not mistaken, I

think there may have been a suggestion, if I am not mistaken, that your involvement was unusual. This is a provincial operation, and then you took an interest in this matter. So there might have been suspicion. I think that was the gist of the evidence about your involvement with this particular Swart matter.

How does it work? You are national. How do you become involved? And I am asking in terms of your own operating procedures and even just practice, everyday
 10 practice. How do you become involved with a provincial matter and what are the boundaries, how far you get involved to a point where you say, this is permitted, but beyond this I do not have any further role to play.

And I ask the question with the hope that it provides an explanation for the limit, why you become involved at some point and then you say, well, I left it to others. I gave them information and they are supposed to run with it.

LT-GEN SHIBIRI: In the absence of a detective policy, we
 20 have national instructions, right, and hence we are having structures in SAPS. Starting from national, the structures, I think, are governed by the plan, the mid-term plan by the National Commission where it will decide you need how many people to deal with what and the budget and so forth. So, there is a national instruction called 12/2017. It calls

detective policy. It indicates that on top there is, under the detective, there is a DNC and then there is a Divisional Commissioner who is accountable to the DNC.

Then there is the Deputy Provincial Commissioners who are accountable to the DivCom and then under them, there is Components Head. And under the DivCom, there is Components Head, responsible for their own investigation. Myself, Organized Crime. But most of the time, I communicate with whom? With the Provincial Heads, being
10 the Brigadiers if there is imminent thing.

ADV BALOYI SC: This would be the Provincial Head ...[intervenes].

LT-GEN SHIBIRI: Head.

ADV BALOYI SC: Of Organized Crime.

LT-GEN SHIBIRI: Organized Crime, yes.

ADV KHUMALO SC: Okay.

LT-GEN SHIBIRI: So, for example, I receive information or a complaint from the Minister through the National Commissioner. I will, instead of phoning the Divisional
20 Commissioner, but that is supposed to be the protocol. For example, the whole saga of PKTT, or let us leave that one. I want to go and get a docket, a docket from Gauteng, and then, because there is a complaint.

For example, the Jerry Boshogo case. Ja, there is a complaint from head office that they are not getting joy.

Sometimes the DNC will say or the DivCom, Shibiri, go and zoom in there and give investigative support. Take some few people. And then I go there, will make sure that there is ...[indistinct] negotiator, everybody is there, a multidisciplinary team, and then we start the investigation.

But mine will be supported. The docket will be carried by them. My members will be helping. For example, there were busses burned in Rustenburg. I send people there to go and work with that. I will speak to the
10 DPC, speak to the Provisional Head to say, I am sending you five members. Where must they report to come and assist you and work with you? Or else, I phone them. I have information there is drugs. I phone Gopane, Gopane, they say there is drugs and this person is willing to speak to you. I give the phone. Then she phones and then she operationalize and does that.

My job is to provide investigative support to ensure policy and standard by those units under me are performing accordingly. I go and check and make sure that, hence, I
20 indicated that there is a ...[indistinct], where I must see that the provinces, indeed, they are registering projects which are dealing with their threats from their own provinces. And we have got limited investigators at the province.

For example, which you can take and take them there. And usually, we do not want to go and take the

docket. That is why we want to go there and read the docket and give instruction. Because Gauteng is very small, unlike other provinces and people knows where is head office. People knows where is the provincial office. They walk in.

So, I will call the investigator to come with the docket, read the docket, give directives and give a broad forward and make sure it is done and then, and tell the Commander, the Commander that follow up on this, there is
10 this and that and that, is it done. So, it is limited sometimes to see. Sometimes I will have information and say, they say they are going to do this and that and that and then people are coming to rob and they are getting firearms.

Then I will phone special forces and phone the Commander that other side and say, hey, let us meet. Let us meet. We reconnaissance and then we go and wait for those people or in order to stop that. It will depend from crime to crime.

20 This was an investigation and it was a planned thing which ought to happen. And during the time we were speaking, already the matter is postponed. I do not know the attorney will go and meet them at the court or when, but they were made alert so that they can make preparations to say we are ready. If the money comes, we can pounce. We

can do 212 and arrest and do whatever.

And then when we receive the forensic report and we check there is something, we can highlight, because I remember when B phoned me and said, hey, the report we are getting, we are not getting joy. I said, okay, where is your Brigadier?

In order for me to escalate with General Mulaudizi, let them send me an email, let them send me an email so that I can engage and then we take it further. It never
10 happened. I thought they resolved between Brigadier Gopane and Brigadier Mkhabela.

But it is difficult to approach a senior officer without, by something you are told by mouth which you did not see, whereas there is no correspondence. Maybe my mistake was, I should have after briefing everybody, wrote a letter to the DPC through the PC, signed by my DivCom to indicate that I reported this, they must monitor.

That is where I say that was my mistake. But usually I have done so, there has never been a mistake.
20 Everything was carried out to the letter. So that is where maybe I can say I made a mistake. I should have made it formal after meeting them, informing them and then sent a correspondence.

And I am close to the DPP of, not DPP, SPP of Vereeniging. We are working together on a lot of projects.

Maybe I could also phoned her and informed her, but I said let me not jump the gun, let them do the risk assessment and confirm the information and do the right thing. So yes, that is where maybe I can blame myself, not writing a letter.

ADV BALOYI SC: Okay. So, in your, and now let us bring it to what in fact happened. In your discussion with Brigadier, and this is me still trying to understand where “failing” may have happened. In your discussion with Brigadier Gopane or Colonel Mokoena, did you give them
10 sufficient information about the source, what you have received from the source, the kind of information that you got to the source for them to be able, or for you to expect in fact, that they would then have gone to Crime Intelligence, because I think I have understood you to say, I shared information and someone should have then taken it up to Crime Intelligence, and I think you have a name specifically that you say so and so should have dealt, should have been informed and then would have dealt with it.

Did you provide that kind of information to these
20 two seniors that you could say, that you are able to say the failing happened between the two of them because they had sufficient information and they should have gone to Crime Intelligence? Or is it, are they, would it be fair to say, no, but General, you had all the information.

And please, General, be mindful that it is a

question I am asking as an alternative, that General, you had all the information from the source. It was you who should have gone to Crime Intelligence. Which one is it? And I ask the question in this way because I am trying to understand how it works, especially where, in the back of the question that Ms Segeels-Ncube is asking you, the what did you do kind of question.

LT-GEN SHIBIRI: Ja. Number one, I said I had spoken to Brigadier Gopane and I indicated that I gave you limited
10 information. And then she referred me to Brigadier Mokoena. I gave him full information. And then I met with the members. I gave them full information, and the members went back to Colonel Mokoena and gave him full information. And I remember somewhere they indicated Colonel Mokoena made them sign the threat risk assessment forms.

But my understanding is, and what I have done when I was there is, when there is such, I write a letter as a Component Head to be signed off by the DPC to the PC and
20 to the Provincial Head, being General Lekalakala. And from there, General Lekalakala will assign. But if it is imminent like that, the colleagues, because there was Herbert also working on that, he could have been informed and initiate also, whereas they are waiting for documentation. And when I phoned General Gopane following up, indicating that

she was with Brigadier who was assisting her in drafting the request for such, I was happy because the Brigadier Nthuli is knowledgeable, is dealing with that. So that is, I believe there was sufficient communication to ensure that this happened, hence, I was convinced that even for them to go to the safehouse is because of that.

Because let me tell you, Commissioners, provinces does not provide safe houses, meaning, if they say the threat amounts to safehouse, then they will communicate
 10 with the DivCom at the head office to say, because it is under secret fund, that we need this type of services. And then it will be then allocated to say, no, we are having how many members, how many TRT, how many combat, how many investigators and whatever you are going to be housed there, so that they know, they procure what kind of a house for them if they are not readily having one, and then, and the funding. Then there must be a project registered in order to do the funding, because you cannot get the funding from the normal funding.

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

LT-GEN SHIBIRI: Thank you.

LT-GEN SHIBIRI: Thank you, General. General, let us move on to the allegation that was made by Witness A about the, seeing you at a house party. You recall that, with Vusi Ndlala?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Now, you have addressed that in your witness statement, and you acknowledged that the meeting, you were there, you say it was not a party.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: You are aware of the allegation by Witness A that he considered that to be another attempt to see whether he was susceptible to receiving a bribe. Are you aware of that?

10 **LT-GEN SHIBIRI:** I am aware, and it is very strange.

ADV SEGEELS-NCUBE: Can you, just before I continue, tell me why it is very strange?

LT-GEN SHIBIRI: It is very strange because he is called by his friend without my knowledge, and I was so surprised to see them there. And then, now, it is turned to be something which is linked to some sinister arrangements, to them meeting with somebody, I do not know who, but Vusi Ndlala whom you call Vusi Ndlala is not Vusi Ndlala. He is Vusi Makhubela and Ndlala is the owner of the hotel. It is
20 his half-brother.

So, I happened to go there, not on invitation, because it is a villa and spa, it is sort of a boutique hotel. And then we used to go there and entertain ourselves. It is a private place. For us, it was private as police officers, more special as seniors, because we did not, we were

sitting in a private lounge without mixing with other people. And we would enquire before going there, if ever it is not fully booked, or there is not any other guest.

So, on that day, I think it was on the 25th, I attended a meeting here at Menlyn Maine at, I cannot pronounce it properly, Shandi or whatever. It is a Chinese restaurant. I was with the DNC and General Senthumule, and the Chinese, people from the Chinese Embassy. There were new police officers who came ...[indistinct] because
10 others left.

And there was an outcry about kidnapping of the Chinese. So, we had the meeting there and lunch. After that, I phoned Vusi Makhubela who happened to be known to me, and we were close. And then he said he is there, and then with other friends. That is when I went there. When I arrived, I ordered a drink, and then there is a speaker. I played music, I like music, with my phone.

So, we were about six, if not mistaken. And then Witness A, and Ndlela and I think another gentleman with
20 two ladies, arrived. And before their arrival, there were two people who were introduced to me as police officers, a female and a male.

ADV SEGEELS-NCUBE: Yes, I recall that evidence, General.

LT-GEN SHIBIRI: Ja. So, I did not know about the party,

and I could not have known that there will be a party because I was not invited. I invited myself there that day.

ADV SEGEELS-NCUBE: You see, Witness A seems to be of the view that if Vusi Ndlala is someone that has information, not necessarily your source, but if he has information about the Swart investigation, and there is an attempt to bribe the investigators, Witness A being one of them, and from the conversation that was had at the 16 May meeting, it became apparent that Witness B was not
10 susceptible at all. She was very firm. You recall that you had said, Witness B even said to you, General, why isn't anything being done about these police officers that you know are potentially involved in wrongdoing, and you had indicated something about an inquiry. You recall that evidence?

LT-GEN SHIBIRI: Yes, that is why I indicated on my testimony that she even asked if I know about that, there will be compromise there and there, why I am not, I indicated that I cannot just call people without evidence and
20 then start accusing people, and it is not how you investigate and how you will arrest people. I indicated the TRA need to happen, inquiry opened, and proper investigation be done. And then, I do not know how she come into the picture on the Vusi Ndlala, because, Vusi Makhubela, because she was not there, but they talk as colleagues.

As I have indicated on my statement and when I was testifying, I was surprised, why are they there. And then, and I did not want to make them feel otherwise and whatsoever, and I asked Vusi, jokingly, you did not tell me you are opening a police station here because I knew our arrangement is when we are coming there, we will phone, and it will be us friends, not when there is too much people, because we were trying to keep our privacy.

Then, he said, no, this is my boys ...[vernacular],
 10 and what he told me is they used to come and have lunch there, and with him, they know each other. So, I did not want to dwell more, I just asked them, are they okay, and whatsoever, and let them relax, and later on, I left. So, that one that he suspect Vusi, his friend Vusi, maybe he has got reason for that, but I do not have any reason. Maybe Vusi himself will say why he suspect Vusi, and Vusi will say why he, whatsoever, and I do not know, I cannot talk to that.

ADV SEGEELS-NCUBE: Okay, General, let us take it step by step. You and Witness A and Sergeant Ndlela know Vusi
 20 Ndlala, right?

LT-GEN SHIBIRI: Ja, now I know, I did not know by that day.

ADV SEGEELS-NCUBE: No, no, I am saying it is clear now that that is the case. You all three know him. You know Vusi Ndlala, and Witness A and Sergeant Ndlela know

him.

LT-GEN SHIBIRI: I will agree according to how Vusi told me.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: But I will talk about me and Vusi, not about them.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Because I do not know the extent of the relationship.

10 **ADV SEGEELS-NCUBE:** I accept that you would not know that. Now, prior to the 25th of May, 2024, was Vusi aware of your request or rule that this be a private place for you and senior officials to be, to hang out?

LT-GEN SHIBIRI: Who was aware?

ADV SEGEELS-NCUBE: Was Vusi Ndlala, or Makhubela as you call him, was he aware of your request or your instruction that this place that you utilize to have your gatherings, that it is only for senior police officers?

LT-GEN SHIBIRI: No, it is a business. We phone. We
20 phone when we go there. We were given that allowance to say, if we want to come ourselves and book and sit as us, we can do so, but prior phoning. But that time I phoned him to say he is there. I was passing by seeing him. It was not that arrangement.

ADV SEGEELS-NCUBE: And what time do you say you

called him that day?

LT-GEN SHIBIRI: I think we finished around 3, between 4 and 5. I might have arrived there around 5 or something like that. I am not sure.

ADV SEGEELS-NCUBE: So you arrived around 5?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Witness A and Sergeant Ndlela, according to Witness A, says that they arrived in the evening, okay. So Vusi knows that you are there already at

10 5.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Does he know that when you are there, you do not want junior police officers there?

LT-GEN SHIBIRI: At where I am seated?

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Yes, where I am seated. But it is a hotel, it is big. It has got other venues and they are doing business. I cannot stop business because I am there. But he knew that our arrangement is, when we are there, maybe
20 booked there, there must not be other people whom we do not know. It is either will be his friends or my friends. So that was the arrangement.

ADV SEGEELS-NCUBE: So when, he does not tell you that Sergeant Ndlela and Witness A is coming later?

LT-GEN SHIBIRI: He did not tell me anything.

ADV SEGEELS-NCUBE: And when they come there, you interact with them?

LT-GEN SHIBIRI: They said he introduced them to me. I greeted them.

ADV SEGEELS-NCUBE: So if he knows that you do not want them there when you are there, why does he introduce you to them?

LT-GEN SHIBIRI: The statement is incorrect.

ADV SEGEELS-NCUBE: Okay, please correct it for me.

10 **LT-GEN SHIBIRI:** You see, you are saying if he knows I do not want them there, the question maybe must be, if he knows that I do not want people whom I do not know to associate with, why did he invite them there.

ADV SEGEELS-NCUBE: Okay, so what is the difference here, because you ...[intervenes].

LT-GEN SHIBIRI: The difference ...[intervenes].

ADV SEGEELS-NCUBE: No, remember ...[intervenes].

LT-GEN SHIBIRI: [Indistinct]... [cross-talking].

ADV SEGEELS-NCUBE: General, later on when, on the
20 31st when, or the 30th, when Sergeant Ndlela goes alone to the White House, where you are with General Mthombeni and Brigadier Nkhwashu, you see, your version is you see him through the window by the parking and you go say to Vusi, tell him I do not want him, you know I do not want these people here, I do not want them here, and he goes

and speaks to them and they leave, and Ndlela leaves. Do you recall that evidence?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay, so there is clearly a protocol. Vusi knows what your rule is.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: But here, for the first time, and please understand the context within which Witness A gives this evidence, he says, I get invited to this party. It is the
10 first time I see the General there. It is after we have the meeting of the 16th of May 2024. Correct, that is after the meeting?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. He says, in his mind, it appears to him that this is another attempt to see whether he will be susceptible to receiving a bribe. That is how he perceives it. Of course, at the meeting or at the party, you do not discuss that with him. You do not. I accept that. But that is how he perceives it. Now, I am saying to you in
20 that context, bearing in mind what you say, that this is your friend, he knows how you want to associate with people or not, why would he introduce, come and introduce these two individuals who you just had a meeting with the week before? He knows that they are your juniors. Why would he introduce them to you in your setting where you want to

be relaxed and not be interrupted by that, their presence?

LT-GEN SHIBIRI: You see, I will start by answering this one, that that is silly for that witness to think what he thought because he visited a place invited by somebody. The reason that he never saw me there does not mean I cannot be there. That is a private place and that is a hotel. And again, Vusi introduced me to two other police officers because I said I am passing by him and it was not those type of arrangements where I am saying we are going,
10 coming to sit.

I decided to sit even though he introduced the two officers whom I did not know. And then this one came and then he introduced, and I know them because I met with them. And other than that, I knew them by sight because they used to come to me to sign. And I knew I was going to leave, so I did not want them to feel uncomfortable because of me and then I let it go.

I sat there. It was only me, the senior member, according to me because the others were Vusi's friends.
20 And then I left then. Then, coming to the 31st, it was not the 30th. The 30th I was in Zambia. I arrived late. I went straight home. That is why I remember.

On the 30th, on a Friday, I knocked off duty and then I phoned General Mthombeni because we usually come together if we have time and I think the only time General

Mthombeni have time is Friday and Sunday.

ADV SEGEELS-NCUBE: Yes, you did give that evidence.

LT-GEN SHIBIRI: Ja. On Saturdays, it is Chanel and so forth. So, he said no, he just finished doing something in, he is staying where he is staying. And then I said no, I want to, us to unwind there. We can meet ...[intervenes].

ADV SEGEELS-NCUBE: But, General, sorry, I do not mean to interrupt. You have given this evidence, so we know what the version is, how it came about. I am, my
10 question was more specific as to what happened on the 25th of May. That is what my question is about.

LT-GEN SHIBIRI: I think Mr Makhubela can answer that better because I already indicated I did not know of the invitation or anything.

ADV SEGEELS-NCUBE: Now, you say that it is silly for Witness A to have that impression of the invitation and the actual meeting at the White House. But it is not silly if he thought that Vusi Ndlala or Makhubela was your source because then it would explain why on the 16th there is a
20 suggestion that there is envelopes available or there is money available. You know Witness B is not susceptible to a bribe, because she is the one that had actually said to you, why is there not an investigation. Witness A and Sergeant Ndlela are still confused about, and I am not speaking for Sergeant Ndlela, so let me just speak for

Witness A.

He is confused about what the meeting meant. He is confused about your motives. He is not sure what the reason for suggesting the bribe is. He does not know. He gets the invitation. He goes there. Lo and behold, he finds you there. If he thinks that Vusi Ndlala is your source, it makes perfect sense that you are there.

LT-GEN SHIBIRI: Why did he say he thought Vusi is my source, because on the transcript I did not see that and on
10 his statement I did not see that. And when did he see me with Vusi, because that was the first time. So that is why I said it is silly for me because he does not know my relationship with Vusi. I do not know his relationship with Vusi.

ADV SEGEELS-NCUBE: General, I am talking about his thinking about this after the fact, when after the fact he thinks about why am I seeing General Shibiri here, I have never hung out with him. Why am I seeing him here? And why am I seeing Vusi Ndlala with General Shibiri? That is
20 the context within which, and then you must remember, in August when Tau gets bail, he says that he was informed by Ndlala that you told Ndlala that Tau got bail, immediately, almost as soon as the bail order was granted.

LT-GEN SHIBIRI: Ja, he should have said so because that one makes as if he maybe smoked something, that you, you,

if you do not, you saw me first time with a person, you are worried why do I know that person. I am not worried you know the person because we live in this and that place. When I asked him, they frequent there during the day. And then the issue of Vusi Ndlala, of me telling Vusi Makhubela about the bail, it is not true. It is not true. I never told Vusi and we never discussed that thing of them. It is not true.

So that is why I am saying, so I cannot go about the imagination of somebody unless he can give me
10 something to show that I told Vusi that. But Vusi will come, maybe you must call Vusi, to come and say I told him about that and why did I tell him about that, and how did I know he is going to get a bail or when was he going for bail.

ADV SEGEELS-NCUBE: Yes, General. Now, that is, so I am just putting to you that it is not silly for you to say that because you did not tell anybody who the source is. Nobody knows the identity of the source. Is that not the case?

LT-GEN SHIBIRI: So it does not give anybody to speculate
20 and formulate their own opinion based on that. It does not give anybody. If you ask me the name, I said I wrote the name, I wrote the cellphone, I will give it to you and then you can go and confirm on your own way, but even though it is not allowed. But my source is not Vusi Ndlala. I indicated he was working with the police and when I met

him and he was sourced somewhere at Crime Intelligence some other time back and I do not want to be involved in that and I do not want to testify about that because it is not, it is totally not okay to divulge such information. It is not allowed.

ADV SEGEELS-NCUBE: I am not asking you to divulge that, General.

LT-GEN SHIBIRI: But I am not, ja, he was not my source as I indicated in my statement. And him if he got proof that
10 he is my source maybe he is registered somewhere on a polythene under me because we can get that on the polythene under who was he registered and whatsoever. Then it can be proven. But I am still maintaining that is silly. That is silly mind of them to, or of whoever thought like that, that you just see it and then and start coming with your theories against people and tarnishing their name like that. It is not correct.

ADV SEGEELS-NCUBE: Okay.

ADV BALOYI SC: General, can I maybe put it this way,
20 that it may well have been a coincidence that the, it is witness A?

ADV SEGEELS-NCUBE: Witness A.

ADV BALOYI SC: Yes. It may well have been a coincidence that you happened to be there and you know, and your presence there is all innocent. But I think what

you are being asked to comment on without passing judgment about it is that you have witness A who says you called them. They were told by their Commander, their immediate superior, that you want to see them. And you have said that before this you had nothing to do with this matter. They get called by their Commander, you want to see them and then they go and, they come and see you.

You have this conversation with them. You tell them that there is a bag of money that is going around. You
10 tell them to be careful. And then B asks, but why are you not doing anything about these people now that you know that they have done all of this? They leave your office, rightly or wrongly. They leave your office with suspicion.

You have already told them that someone is trying to thwart or to undermine the investigation. You have already said that. If they did not know that before, now you have planted that seed, and I am not saying it in a negative way. I am just saying the nature of your conversation with them, you have planted the seed in their heads that there
20 are big people involved here, police. It is a sensitive matter. It involves other police in wrongdoing. They leave the office and they are suspicious. They become suspicious about what this meeting was about.

And then A says, I then get a call to attend a party at Vusi's. I get there. I find General Shibiri. Remember at

that time he is suspicious of that meeting that you had the previous day because he does not have a proper explanation for it, at least in his head. And then he finds you there.

He, according to you, wrongly, and you say, silly, but from his perspective, your presence there, him being invited by Vusi to be there and only to find you, and to find you there on the back of the meeting that he is uncomfortable about that happened, he forms a view about
 10 you that the invitation was clearly General Shibiri is here. He tried yesterday. He sent a message to us yesterday. He is here today. This gathering that I have been invited to looks like it is to soften me or to introduce me into that circle, to get me to do wrong eventually.

What is being put to you as his evidence is in that context. I think you can say that he was wrong. There was no basis for it without it necessarily elevating to conspiratorial answers and considerations. I mean, he may have been completely wrong, but he does say these are the
 20 facts that he took into account. When I put it that way, do you want to comment further? You do not have to if you feel you have answered this fully.

LT-GEN SHIBIRI: Ja, it is tiring, and there is no fact.

ADV BALOYI SC: Ja.

LT-GEN SHIBIRI: If there was a fact, there should be

something which was said in line of that investigation or something said to them by me or Vusi or whatever. So, nothing is said. They are sitting, enjoying themselves, invited by their own friend. I am there on my business, which they do not even know. And then I call them on an official duty whereby I inform them what I informed.

Really, it is wearing on me and I even think, why did I pass this information? I was trying to save life and assist the people. Now I find myself then answering some
 10 theories which I do not understand and it will never be factual to me because if ever there was something, really, when they were there, which happened in relation to the case or I discussed the case with Vusi and whatsoever or try to ask them, did you think about what I told you, what is the situation and whatsoever.

I greet them. I say, feel at well. The only thing which may be awkward I said, I asked my friend, you did not tell me you are opening a police station here, indirectly telling him, you forgot our arrangements. Now here I am
 20 hearing it is the fourth police officers arriving here.

ADV BALOYI SC: Yes.

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

ADV BALOYI SC: General, let me ...[intervenes].

LT-GEN SHIBIRI: So for his thinking, I do not know which motivates the thinking to think that way. And I do not see

any logic in that thinking. That is why I am saying with due respect, it is silly. It feels silly for me to think like that without any reason. But as he expanded to say, Vusi on one time told him that, I told him that Tau is going to, got a bail, I do not know Tau. I did not know Tau and I did not have interest in Tau bail or getting bail or whatever. What I had interest was the investigators being safe and the case going forward.

And the last time I spoke to them was I spoke to B
10 that he is out on bail, but they are monitoring him. They are going to sought a warrant because it seems the CCTV shows he is going up and down. And on their statements, that one is not even there.

ADV BALOYI SC: Thank you, General. Let me stop you.

ADV SEGEELS-NCUBE: Thank you. General, now I want to deal with the other issue between you and Witness A and that is the call of the 16th of December 2024. You recall that we had that discussion when you were giving your evidence in chief?

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

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: That is the one which I was not comfortable with.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: Ja. Ja, okay, it is fine.

ADV SEGEELS-NCUBE: General, I want to ask you whether you want to revisit your version wherein you denied Witness A's version of the call.

LT-GEN SHIBIRI: Ja. I think I, Commissioners, I even indicated to the Commission, they are my reasons why I say I do not recall. And even indicating, am I allowed to recall these names in this platform, because that would be endangering my livelihood and that is what I said even that day. So even now we are in, we are with the Counsel, we
10 did discuss to say I do not have a problem going back to revisiting my statements and also indicating, it is not all the statement, it is certain parts of the statement, I am prepared to do that, Commissioner, provided I am protected also.

ADV KHUMALO SC: General, maybe the issue is this. When Witness A's version, it is A, when Witness A's version of the phone call was put to you, you denied it and put a different version as regards what happened. And you were then asked if a recording was produced showing that what
20 Witness A says in their statement is in fact correct. and you still say it would not be correct. And it is in that context, I understand, subject to the evidence leaders correcting me, that they then say since you are sticking to your version, we will have to produce this recording and have it played.

Now, if you want to say I am revisiting my denial and I now accept that their version as it appears in the statement and the transcript is correct, then I am sure it can be dealt with that way. But if you insist that your version is correct, then what I understand is that they are going to have to play the tape or the transcript. And so, without mentioning names, I hope you understand the context and you can then explain to us what your position is.

I am hoping you have taken advice from your legal
10 representatives ...[intervenes].

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: And you are able to then tell us what the position is.

LT-GEN SHIBIRI: Yes, we did. The problem is I do not agree with everything. Others are incorrect. Others are correct. Others are incorrect. For example, I indicated to her to say some of the discussion which they indicated was telephonically, it was not telephonically, it was in camera. It was in camera and exactly even on the transcript it
20 confirms that, what I said. So, not totally everything which I indicated is incorrect. What I indicated, some are very correct, some are related to what they are saying. So, if I say I agree to everything, then it will be like all what was indicated to be said there, I agree with it, and some are not the correct version. They mix up issues.

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

CHAIRPERSON: Just a minute. We will adjourn very briefly and may Counsel see us outside, please. Let us adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Ms Segeels-Ncube, Mr Mkhize, has agreement been reached on what is going to happen?

ADV SEGEELS-NCUBE: Yes, Chair, we are going to play
10 the recording of the call that Witness A says is a call
between himself and General Shibiri on the 16th of
December 2024 and, but before we do that, Chair, it is just
to give context to why the call is being played, the
recording is being played, and then also to place a
supplementary statement by Witness A on record, because
of course he is the one that provided us with the statement.
If I can ask the Commissioners to go to file 4, and it is
CJC101, page 93. General, if you could also go there and
just switch on your microphones, please. It is file 4,
20 CJC101, page 93. Do you have it, General?

LT-GEN SHIBIRI: Yes, yes.

ADV SEGEELS-NCUBE: Chair, if I could just read it, but
before I read it into the record, it is just to say that Witness
A had contacted us after he heard the evidence of General
Shibiri denying the conversation, or Witness A's version of

the conversation that took place on the 16th of December 2024 and he requested that he submit a supplementary statement, and also that he would want to provide the recording of the call, and he has given in the statement an explanation for why he wants to do that, and why now, if I could read that into the record. It says:

10 “I am a Warrant Officer currently
serving in the South African Police
Services and attached to the Gauteng
Provincial Organized Crime unit. On
19 October 2025, I submitted a witness
statement to the Commission wherein I
am identified as Witness A, and on 20
and 21 October 2025, I gave evidence
before the Commission regarding my
involvement in the Swart murder and
events that transpired during 2024 and
2025. One of the events that I dealt
with was a telephone call that I had
20 with Major General Richard Shibiri on
16 December 2024, as set out in
paragraphs 93 to 97 of my first witness
statement. As stated in my statement,
when I received the call from General
Shibiri, I was with Witness B, and she

overheard the conversation. What I did not mention in my statement or during my testimony before the Commission in October 2025 was that at some point during the telephone conversation with General Shibiri, Witness B recorded the conversation using her cellphone. I had no intention of disclosing this recording publicly.”

10 The next heading, “the recording”.

“At the time of the call with General Shibiri, Witness B and I were already in the safehouse. We did not know who we could trust, and at this stage, I was already unsure of General Shibiri's motives. The Commission will recall that I testified that I was still willing to give General Shibiri the benefit of the doubt. However, the arrest of Mr

20 Katiso Molefe on 6 December 2024 made us more suspicious of those who would enquire about the Swart murder case, and in particular, Mr Molefe's arrest. When General Shibiri called, Witness B and I had no intention of

recording the call. The call started out casually, but at some point, General Shibiri mentioned that he had been invited to General Sibiya's plot for a birthday celebration. At that moment, we decided to record the call. Witness B recorded the call on her cellphone. When the call with General Shibiri started, the phone was not on speaker.

10

I had tried to increase the volume when Witness B started recording, not realizing that the phone is not on speaker. Therefore, at the beginning of the recording, General Shibiri's voice is not as clear because the call is not on speaker. However, during the call, I realized that the phone was not on speaker and immediately put it on speaker, hence the difference in the audio.

20

Disclosure of the recording. As stated earlier, I had no intention of making the recording public. When I consulted with the Commission's evidence leaders in September and October

2025, I informed them of the recording but made it very clear that I did not want to disclose the recording in public, but that if it had to be brought to the attention of the Commissioners, it would have to be done in camera. My reluctance had nothing to do with disclosing the contents of the recording. This is evident from my first statement, where I deal with the contents of the call in some detail. It was more so my reluctance to disclose that we had recorded the call, but that the Commission must understand the situation that we found ourselves in, especially so soon after Mr Molefe's arrest. Be that as it may, I did not think that General Shibiri would deny the contents of the call. I listened to General Shibiri's evidence on the 4th of March 2026, when he admitted that the call took place but denied my version of the call. Now that he has denied my version and effectively placed my credibility in doubt and that of Witness

B, I have no option but to disclose the recording publicly. I do so reluctantly, but I understand that it is important for the Commission's work. It is also important for my credibility and the evidence that I have already given to the Commission. It is for this reason that yesterday, 4 March 2026, after listening to General Shibiri's evidence, that I gave the Commission's evidence leaders permission to disclose the recording to General Shibiri and the Commissioners and to play it during the public hearing. I understand that the recording had previously been transcribed in Zulu and translated and transcribed in English at the instance of the Commission's evidence leaders in the event that I had to give evidence regarding the call. However, as indicated, my intention was always that it would be in camera, if at all.

Conclusion. It is unfortunate that it has come to this point. My reluctance to disclose the recording publicly must

not be seen as me being forced to disclose the recording. I do so willingly, although I would have preferred for General Shibiri not to dispute the contents of the call and avoid the need for disclosure. I trust that the contents of the supplementary witness statement and the recording of the call will be of assistance to the Commission. Signed on this the 5th day of March 2026.”

Thank you, Chair. With that being said, Chair, we will now play the recording and if I could just advise, Chair, as well that we have provided the transcription, but we can deal with that once we have heard the recording.

CHAIRPERSON: Thank you, Ms Segeels-Ncube. Mr Mkhize?

ADV MKHIZE SC: Thank you, Chair. Thank you, Commissioners. No, I confirm the agreement that the audio can be played. Of course, there is only one name that will be redacted from it. Other than that, everything can be played.

CHAIRPERSON: Only one name will not be mentioned?

ADV MKHIZE SC: Okay, one name, Commissioner. Maybe just to put it in context, obviously, my learned colleague will

conduct ...[intervenes].

CHAIRPERSON: Please pull the mic a bit closer.

ADV MKHIZE SC: Commissioner, I am saying maybe, obviously, my learned colleague will conduct this part of the proceedings in whatever manner she needs, but maybe if she could just remind everyone, including the witnesses, to what it is that was allegedly disputed so that we can contextualize everything and everyone understands exactly where we are, because we, ja, we take a somewhat different
10 view about the impact and the contents of this particular statement. Thank you.

CHAIRPERSON: Perhaps I think that is best left for after the clip has been played, I think, ja.

ADV MKHIZE SC: Indeed. Indeed, Chair.

CHAIRPERSON: Yes, yes, yes. But I just want to make this observation, though. I know the General is human, like all of us, and as such, he should be concerned with his personal safety. But this is the second General who is scared to mention the name or names of certain people. I
20 find this, and I am sure my co-Commissioners share this, I find this quite concerning. The General is the Head of Organized Crime in the country. And the other General is the Head of IPID. I am sorry, I am sorry, the DPCI, the Hawks, that is actually what I have in my head, of KZN. And the Hawks or the DPCI exist also to fight organized

crime.

So it is quite concerning that people who head organized crime should be so fearful of people who are alleged to be or are said to be within the organized crime. It is quite concerning. So who will freely fight organized crime if people at that level are so fearful. Just to mention the names of people who are alleged to be players in that environment is quite concerning.

But I do say what I said or what I prefaced my
 10 concern with, which is yes, the General is only human and yes, the General should be fearful for his own safety, I would imagine. But that does not detract from the concern that I have. Who then is going to fight organized crime and how? Perhaps I hope we will find a way of dealing with this subject as part of the investigation that we are dealing with or engaged in.

And I see the General is smiling. I do not know whether that is because he wishes to say something. But I have expressed my concerns. And, General, I mean it when
 20 I say perhaps because it appears that you are indeed fearful, and the other General was also quite fearful, we could tell. I repeat that perhaps it is a subject that needs to be looked into, that needs to be seriously investigated. Ms Segeels-Ncube.

ADV SEGEELS-NCUBE: Thank you, Chair.

RECORDING PLAYED [VERNACULAR]

ADV SEGEELS-NCUBE: Chair, I have just paused it so that we can maybe try and follow on the transcript as well. You would have heard what Witness A says that the sound is not so great at the beginning of the audio. So that is CJC98, Chair, and that is the ...[intervenes].

CHAIRPERSON: Page 76.

ADV SEGEELS-NCUBE: Page 76. And the English is the one just before that, CJC97.

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

ADV SEGEELS-NCUBE: Chair, maybe we can just find your place before you, before we start it. I think the, it is just at the point where the General is speaking about the sunglasses. So that would be on 78. Sorry, General, if you could also just switch off your microphones. I believe it also has an impact.

RECORDING PLAYED [VERNACULAR]

ADV SEGEELS-NCUBE: Chair, we have just stopped it there, because then the General just speaks about his eye
20 condition. We thought that is not relevant, but we will go then towards the end when the call comes to an end.

RECORDING PLAYED [VERNACULAR]

CHAIRPERSON: Where are we now?

ADV SEGEELS-NCUBE: Chair, we, sorry, we are on page ...[intervenes].

CHAIRPERSON: Transcript.

ADV SEGEELS-NCUBE: [Indistinct]... English, the English or ...[intervenes].

CHAIRPERSON: No, no ...[intervenes].

ADV SEGEELS-NCUBE: Okay. It would be the last page on either one, Chair.

CHAIRPERSON: Oh, page 6. Thank you.

ADV SEGEELS-NCUBE: Yes. It is actually page 85 of the Zulu.

10 **CHAIRPERSON**: Thank you.

RECORDING PLAYED [VERNACULAR]

ADV SEGEELS-NCUBE: Thank you, Chair. General, so now that we have heard the recording, and I think you do have the transcriptions, correct?

LT-GEN SHIBIRI: Ja.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: That is correct.

ADV SEGEELS-NCUBE: Okay. I want to invite you if you want to deal with the recording or whether you want me to
20 go to the denials from the time when I had put the call to you. How do you want to deal with it? I think it is up to you how best you want to deal with it.

LT-GEN SHIBIRI: I am not sure, maybe you can lead.

ADV SEGEELS-NCUBE: Okay.

LT-GEN SHIBIRI: And then I will respond.

ADV SEGEELS-NCUBE: Okay, can we then, I indicated to you of course that what Witness A says is that the recording starts when the conversation had already started. So it starts a bit late. I had asked you whether you denied that you had, that Witness A said you had been and you told him you had been invited to the farm for General Sibiya's birthday celebration and you said yes, you deny that. Do you recall that? I have got the transcription if you want me to refer you to the ...[incomplete].

10 **LT-GEN SHIBIRI:** I thought you were referring ...[intervenes].

CHAIRPERSON: General, General, were you, or rather, have you, did you read the transcript before the hearing?

LT-GEN SHIBIRI: Before?

CHAIRPERSON: The hearing.

LT-GEN SHIBIRI: The hearing?

CHAIRPERSON: Oh, by the way, it was given now, now, now.

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

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

CHAIRPERSON: [Indistinct]...

LT-GEN SHIBIRI: It was given ...[intervenes].

CHAIRPERSON: Did you read this transcript? Did you read this transcript before the hearing or before this week?

LT-GEN SHIBIRI: Ja, I read the transcript I think a day

before, né. The day before, but ...[intervenes].

CHAIRPERSON: Yes.

LT-GEN SHIBIRI: It was all about the questions which were asked, which were responding to here.

CHAIRPERSON: No ...[intervenes].

LT-GEN SHIBIRI: Based on them where there was some disagreement.

CHAIRPERSON: No, just the transcript starting from page 76, the one mainly in isiZulu with bits of English.

10 **LT-GEN SHIBIRI:** I read both.

CHAIRPERSON: You read both.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay.

CHAIRPERSON: Ja, and do you accept the correctness of the transcript?

LT-GEN SHIBIRI: Ja, after listening, because ...[intervenes].

CHAIRPERSON: Yes.

20 **LT-GEN SHIBIRI:** Without listening then it will be something else.

CHAIRPERSON: Yes. Now that you have listened and at the same time you are looking at it, do you accept its correctness?

LT-GEN SHIBIRI: Ja.

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

ADV SEGEELS-NCUBE: Thank you, Chair. So, General, if you go to page 64 of that bundle, which is the English transcript, transcription.

LT-GEN SHIBIRI: Yes, I am there.

ADV SEGEELS-NCUBE: You will recall that during your evidence in chief I had asked you whether you denied that you had told Witness A that you were invited to the farm to General Sibiya's birthday, to a birthday celebration for General Sibiya and you said you deny it. Do you recall
10 that?

LT-GEN SHIBIRI: Yes, I recall. I denied that I am not going there because of certain things. But you see here, it indicate what I, I said I could not go because of what. So I denied what you said that day.

ADV SEGEELS-NCUBE: Okay. I am going to then refer you to the transcript of the proceedings when you gave your evidence in chief.

LT-GEN SHIBIRI: Okay.

ADV SEGEELS-NCUBE: So that I can just read out to you
20 what was said and I do not know if, should I send it to you? The transcript, so on page, just for the record, 199 of the transcript of day 71, you will just bear with us if we, maybe if you want to see it, General.

CHAIRPERSON: I assume it will be shown on screen.

ADV SEGEELS-NCUBE: So, General, let me just read it

for you but I will, it will be flighted soon. So I had asked you, we were dealing with the call and I said:

“Okay, so you deny that he, that you had been invited to General, that you told him that you had been invited to General Sibiya's birthday celebration.”

You say:

“Yes, I deny.”

And I say:

10 “All of that you deny?”

And you said:

“Ja.”

And then I said:

“During the call General Shibiri told me ...”

And then we dealt with what was said during the call. My first question to you was the reason was the issue about going to General Sibiya's birthday celebration. You say you deny that. Do you still deny that that is what you
20 told Witness A?

LT-GEN SHIBIRI: Yes, I told him that I am invited to be at the farm. It was not a birthday celebration, it was Thanksgiving.

ADV SEGEELS-NCUBE: Okay, it is really irrelevant but is the point not that General Sibiya's birthday is on the 16th of

December, correct?

LT-GEN SHIBIRI: I do not know.

ADV SEGEELS-NCUBE: You want me to show you that it is on the 16th of December?

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

ADV SEGEELS-NCUBE: Okay, it is on the 16th of December.

LT-GEN SHIBIRI: Okay.

ADV SEGEELS-NCUBE: And you had, this call was on the
10 16th of December and at page 64 of the transcript, the first line you say, it is investigating officer:

“Oh.”

And then you say:

“Yes, they said at 6 I must come there to him in the farm. No, but myself, let me sit down and nurse myself and stop going around.”

So you were supposed to be, that is what he said, you told him you were going to a birthday celebration for
20 General Sibiya at the farm and you had to be there at 6. Do you see that? It is just that the call starts later.

LT-GEN SHIBIRI: I was supposed to go there but I did not go because of ill health.

ADV SEGEELS-NCUBE: Yes, that is what you said initially and then he said, but then he also said that if he goes there

he is going, you are going to be asked about Molefe.

LT-GEN SHIBIRI: Ja, I was going to be asked about the feedback. Remember, I even indicated the call It was about follow-up on the feedback of, because the day I phoned on the 7th I forgot to ask for what he was arrested.

ADV SEGEELS-NCUBE: Okay, so you now admit that one of the reasons, although the primary reason was your health, one of the reasons that you had told Witness A you did not want to go there was because General Sibiya was
10 going to ask you for feedback about the Molefe case.

LT-GEN SHIBIRI: No, it was not the reason. The reason was my ill health, hence I phoned him to get more information because I knew on the 18th I was going back to work. Even though I am not going, I was still going to be expected to give feedback one way or the other.

ADV SEGEELS-NCUBE: Okay, so that had nothing to do with it that you were going to ...[intervenes].

LT-GEN SHIBIRI: No, no, no.

ADV SEGEELS-NCUBE: And then, General, I also asked
20 you, just before we get there, I just want to see if the transcript can play. So, General, if I understand what you are saying is that you did not have, there was no reluctance. You did not say to him that you were reluctant to go there because of having to report back.

LT-GEN SHIBIRI: No, I wanted the report back from him. I

did not go there because of ill health, because I did not want dust to get into my eyes. It was still fresh from the operation.

ADV SEGEELS-NCUBE: Okay. Now, can we then deal with the next issue, which was what you had told him about Molefe, about Mr Katiso Molefe.

LT-GEN SHIBIRI: Ja, I indicated that on the 7th I received a call to indicate that the family of Molefe is complaining about not knowing where was he detained, and I phoned
10 around in Gauteng, started with Brigadier ...[indistinct] and then Colonel Mokoena, and then Colonel Mokoena referred me to Witness A.

I phoned Witness A, Witness A indicated to me they were with an attorney just separated, they separated ways and mentioned the name of attorney to be Thami, and I ended it there and sent the feedback. But now, because I was, after I got a call for the invitation and I remembered that I am going back to work, I said, look, that feedback, I was, that task I was tasked, I forgot one thing. I did not ask
20 what was this person arrested for. I wanted full information so that I give a full report. So that is what I indicated that day.

ADV SEGEELS-NCUBE: Okay, if you go to page 67 of the transcript, and I am looking at from line 10, so two lines down from line 10.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And there you say:

“And then he is close to Malema, so Malema is close to Sibiya, you see. So that is how this thing goes to say whatsoever, what, what. So I know even when he says I must come there, he wants to ask me, yes, I have sent you. So now what is happening
10 whatsoever? So that himself and I know that he is not looking for it to take to NasCom.”

What were you referring to there?

LT-GEN SHIBIRI: Ja, I was indicating that even though I was not going, but I know when I went there, the same feedback will be needed, will be asked.

ADV SEGEELS-NCUBE: Yes, and so it, according to Witness A, that is how we understood it, that you did not want to, one of the reasons you did not want to go is
20 because you were going to have to give feedback and you did not want to give the feedback and you were saying that General Sibiya is not looking for feedback for the NasCom, for the National Commissioner. And then in the next line, you say:

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

Who is the other side?

LT-GEN SHIBIRI: Ja, we indicated there is grouping in the police.

ADV SEGEELS-NCUBE: Yes.

LT-GEN SHIBIRI: So there is groupings, as we indicated at the beginning. Other group is him, other group is the others.

ADV SEGEELS-NCUBE: Right. So the other side is a grouping within the police force, is that what you are
10 suggesting ...[intervenes].

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: You meant. You did not mean that the other side is Mr Molefe?

LT-GEN SHIBIRI: No.

ADV SEGEELS-NCUBE: So, who in the police force would be the other side, because we know there is the National Commissioner, so General Sibiya cannot be referring to the other side as himself. So which other side?

LT-GEN SHIBIRI: The other side is the police who are with
20 him on the other side and his own grouping.

ADV SEGEELS-NCUBE: Who are you referring to, General? I do not know because you say the other side. The way Witness A understood what you were saying is that you do not want this information for the National Commissioner, i.e. the police. You want it for the other

side, being for Katiso Molefe. That is how he understood it. How, and I think that is how I understand it as well. You say you meant something else. So the other side cannot be General Sibiya. You cannot be referring to, he would, General Sibiya would want it for General Sibiya's side. Who is the other side?

LT-GEN SHIBIRI: I prefer not to mention them.

ADV BALOYI SC: No, General, you say, you see there is, there is, something is being suggested. The witness
10 believes that the other side is the Katiso Molefe people. That is what is being put to you. And if you say I prefer not to answer, then that statement where the witness says, the other witness said you were referring to the Molefe side, that becomes the last word on the topic. The whole point of this engagement with you is to give you the chance to explain yourself. You are the one that speaks of another side and where someone else has said, the other side is the, you say, I think it is a group of five, where witness says it is the Molefe side. You are the one that said that. That
20 is what the transcript is, you are the one that said the other side.

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: And you cannot get away with saying, I prefer not to answer. And if you say you prefer not to answer, as a witness of the Commission in terms of the

proclamation you do, and the act, you do have an obligation to give an explanation why not.

LT-GEN SHIBIRI: Okay. As I indicated, as I was discussing informally with a colleague and further gave information relating after the arrest to say that is why they are behaving like this. Further, I discovered that he was working, he was business partners with Mswazi and the other five people and that is what I was hearing with him, because I was knowing he is at the safehouse. And now
10 they have now consolidated they can be able to follow whatever of the information. Yes, that one I indicated.

That is why even when I was responding to the issue that I said General Sibiba is related, or not related as such, I cannot remember the question here, is ...[intervenes].

ADV SEGEELS-NCUBE: Close.

LT-GEN SHIBIRI: Had ties with Katiso Molefe, I indicated I do not know of that. What I know is he gave me tasks to say I must follow up to find out the detection status of Mr
20 Molefe because the family does not know. So all of this information I needed, it was to report back to say yes, he was detained somewhere where, and then the family found him, the attorneys went there, and everything is fine. And he was arrested for discharge. So hence I phoned that day.

So the other side, it might be the, I was saying, I do

not believe it was the NasCom who phoned to find out, or the complaint came to him. It might be coming from the family or other colleagues of his asking that. So I cannot know who.

ADV BALOYI SC: General, you say in this transcript, you do not say I believe, you are saying ...[vernacular] so you say I know he does not want this information. Firstly, in fact, I think, let me read the beginning of that sentence, because I think it has a meaning other than what you are
10 giving it, the first part of it. You say ...[vernacular] so he wants to, he is inviting me, so that ...[vernacular]. So there are two things in this sentence.

The one is, you say you know that he is inviting you so that he can ask you about what he sent you to go do. And then you say, but I know that he does not want this information for the National Commissioner. You know. And then the investigating officer says, yes. You say, family, you say ...[vernacular] this other side.

Now it cannot be the family because the
20 investigating officer has already said the family has been told, the lawyer rather has been told, that is part of your earlier conversation. So you are not talking about the family when you say the other side. And if you want to say it is the police, you have to say who in the police. And unnecessary as it may appear, I think you should be

reminded that we are required to investigate infiltration of law enforcement by criminal syndicates.

You have, this whole discussion speaks about mentions Mswazi, Katiso Molefe and others, so I do not think it is good enough. or it is going to be good enough for you to say, well, I do not know who is the other side. You are the one that speaks of the other side. You have to mention them. And if the Commission has to go and interview them to find out what is their involvement with
10 what you are discussing, then the Commission has to do that.

LT-GEN SHIBIRI: Ja. Commissioners, I was phoned by the General to say he received a complaint that the family does not know where the suspect has been detained and I must establish the detention status. So that is what led me from, to phone him. So ja, the other side it might be the family of the arrested person because they are, the information I got from him, he indicated that the family does not know where he is. I hear that the response from the
20 investigator was that the lawyer was there. And even that day I indicated it is funny that they do not know as the lawyer. The lawyer is supposed to be briefed by them to go and look for the client unless otherwise other people send him. So I would think the other side is the family.

ADV KHUMALO SC: General. Sorry, let me give

Commissioner Baloyi the opportunity to finish her question.
I will come back.

ADV BALOYI SC: Ja, let me just complete this. General, you had already told him, reported to General Sibiya, according to your evidence in chief, you first reported to General Sibiya on the 7th of December, where you told him that the lawyers have been told. You gave him that report.

In your evidence in chief, you said you made a subsequent enquiry because you were going back to work
10 and you wanted more information about this because you expected that when you go back to work on the 17th, General Shibiri, I mean General Sibiya will require a further report. So here you now know that the lawyer knows about this, where this person is.

It cannot be that your other side, it is the family. I think let us discount that. It is not the family. In fact, you have already said the family or the police. As you sit there, you have said two different things. So let us not hang your hat on the family. You have already said the family or the
20 police. And I have said to you, no, no, and you say, I cannot tell you who in the police. I do not want to disclose who in the police. So we are past the family. We are now where you say the police. And if that is your answer, you have to say who in the police. And if you stick with your response that I do not want to say it, you have to explain

why not.

You cannot get away with, it cannot be the end of the matter you saying it is the - firstly, there is a dispute that it is the police. I also, in my reading of this, I do not accept that it is the police, the other side. But you insist it is the police. Let us go with your insistence. You insist. You say, I will not mention them. Maybe you do have a valid reason not to mention them. Maybe you do have a good reason why you are not mentioning them.

10 But if you do not mention them, you have to give the reason, otherwise, we are going to conclude that you are not open and frank with us and you are not telling the truth because you do not give us an explanation why you will not disclose.

LT-GEN SHIBIRI: Ja, I indicated the police because there is this thing that there is division. But I do not want to just mention a person because I think and I do not have reasons to believe that they have got interest in that or whatever. Hence I am saying, what I know for a fact is the family had
20 interest. But yes, I know he has got police who are close to him, including myself. I am quoted to be one who is close to him. But it was me who was supposed to report. So I said maybe the other side might be the police or the family. But for the police to say I can mention this, I will mention people who are working close with him, unnecessarily so

mentioning them wrongfully for not this involvement or whatever.

ADV KHUMALO SC: Afternoon, General.

LT-GEN SHIBIRI: Afternoon, Commissioner.

ADV KHUMALO SC: Remember when you started testifying last week, Thursday, you took an oath. Do you remember that?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: And you said you will testify
10 truthfully.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Yes, what frustrates me is that many times we have had witnesses taking oath before us, and then when it is their turn to give evidence, they play games with the Commission. If there are safety issues, there are safety issues, we appreciate that. But you cannot have a situation where two minutes earlier you say the other side is one faction of the police, and then when the same question is repeated, you say, oh, the other side is now the family.

20 It means you are lying because you cannot have two different answers for the same question. It is either it is the police or it is the family. But that answer cannot change every minute or so. So, I am going to try this with you on the assumption that you have safety concerns and you do not want to mention people's names. Please go to

page 66, the previous page from where we were. Are you there?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Now, I want to take you back to the 16th of December 2024, because this reflects your state of mind and understanding of the facts on the date when the call was made. Do you see that from line 20 ...[intervenes].

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: On page 4 of 12, it is page 66 of the
10 bundle, you mention a group of people there.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Do you see that?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: Now, without mentioning their names, on page 67, when you said to Witness A that you know that General Sibiya is looking for this information for the other side, did you mean the people who are identified on page 66 from line 20? Is that the people you meant without mentioning their names, yes or no?

20 **LT-GEN SHIBIRI:** I meant the family.

ADV KHUMALO SC: You meant the family?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: So you are sticking with the family?

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: It is no longer his side of the SAPS

faction?

LT-GEN SHIBIRI: No.

ADV KHUMALO SC: So, when you said it was his side of the SAPS faction, you were lying to the Commission.

LT-GEN SHIBIRI: I will take that.

ADV KHUMALO SC: No, no, I am asking you, do not take anything, were you lying to the Commission when you said it is the one faction within SAPS? Were you lying to this Commission?

10 **LT-GEN SHIBIRI:** No, I was thinking also about the fiction, but I do not have facts to support that.

ADV KHUMALO SC: No, no, no. You said you read this transcript. Chair asked you, did you read the transcript. You said both the Zulu and the English version.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: And you know you are going to be asked about this, so you came here prepared. When you were asked the question, who is the other side that is mentioned on page 67, when Advocate Ncube asked the
20 question, you said, Is the other faction within SAPS. Two minutes later, Commissioner Baloyi asks you the same question you say, it is the family. That can only mean your first answer was not truthful. Was it not truthful?

LT-GEN SHIBIRI: When I said the faction?

ADV KHUMALO SC: Yes.

LT-GEN SHIBIRI: Yes.

ADV KHUMALO SC: So I must take it that you have lied to this Commission and consequences should flow from that?

LT-GEN SHIBIRI: Ja, let me concede like that.

ADV KHUMALO SC: Thank you.

CHAIRPERSON: So when you said that you would not mention the people on this other side, did you mean it was the family you would not mention?

10 **LT-GEN SHIBIRI:** No, I was meaning on the side of the police.

CHAIRPERSON: No, all of this, remember, was in the context of who this other side is. And you now say quite firmly that this other side is the family. So you cannot talk about the police then. So my question is, when you said you would not mention the people on this other side, did you mean it was the family that you would not mention?

LT-GEN SHIBIRI: No, I meant the police.

20 **CHAIRPERSON:** What about the police, because you have just categorically said now that this other side refers to the family. So the police have nothing to do with it.

LT-GEN SHIBIRI: Ja, that is what I have just conceded to the Commissioner to say I do not have facts to say the police might have interest except the General. So if I mention the people who are linked to him, I will be just painting them for no apparent reason because I do not have

facts, hence I turn back to say the people who complained actually was the family. So the other side is supposed to be the family.

CHAIRPERSON: No, no, no General. It is one thing to say what I meant by this other side are the police, but the problem is I am not in a position to list them. It is one thing to say that, but it is quite another to say what I meant was the police, but I am now changing because I am not in a position to list the police. Those are two different things.

10 **LT-GEN SHIBIRI**: Ja, I tried to indicate like that. And yes, I have to concede, because it was not taken that I lied, and then I must face the consequences. So I chose that.

CHAIRPERSON: Just to make sure I understand you. So when you said this, what you meant was the other faction of the police, not the family. Your difficulty now is just that you cannot list the police who are on this other side, but you meant the police.

LT-GEN SHIBIRI: Commissioner, that is what I meant earlier on, but when I ...[intervenes].

20 **CHAIRPERSON**: No, when you said it, when you said it ...[intervenes].

LT-GEN SHIBIRI: When I said it.

CHAIRPERSON: You meant, you meant ...[intervenes].

LT-GEN SHIBIRI: Ja, I meant ...[intervenes].

CHAIRPERSON: The other faction of the police.

LT-GEN SHIBIRI: Of the police, but ...[intervenes].

CHAIRPERSON: Not the family.

LT-GEN SHIBIRI: When I ...[intervenes].

CHAIRPERSON: Sorry, sorry, General, not the family?

LT-GEN SHIBIRI: Yes.

CHAIRPERSON: Yes.

LT-GEN SHIBIRI: When I could not substantiate that, and I was going to ...[intervenes].

CHAIRPERSON: And you are referring to today. When
10 you cannot substantiate it today.

LT-GEN SHIBIRI: Today, and ...[intervenes].

CHAIRPERSON: You suddenly refer to the family.

LT-GEN SHIBIRI: I referred back because I was going to be held that I am not wanting to answer correctly to the Commission. So either that, that it was found that I lied, I accepted.

CHAIRPERSON: Ms Segeels-Ncube, I am left totally confused. Please, continue.

ADV SEGEELS-NCUBE: Yes, Chair.

20 **ADV BALOYI SC:** Can I just ask, General, if in this conversation, when you say ...[vernacular] this other side, if it is the family, why do you call them the other side? Why do not you just say the family, because in fact, there would be nothing wrong if General Sibiya was asking for the family to get this information. Why do you call them the other side

and why do you consider it an issue to a point where you mention to the investigating officer that I know when I go there, he is inviting me so he can ask me. Why did you consider it a problem?

LT-GEN SHIBIRI: No, inviting, he used to invite, but the other side, as we were talking casually, and as I have just said to the Commissioner, I was referring to his grouping. But now my difficulty is to indicate who at his grouping. And then I revert to say is the family because the initial
10 question, instruction was the family does not know where is the suspect. And I wanted more information to add to that to say he was arrested for this and that, because I forgot to ask that day.

ADV BALOYI SC: Well, my question to you is, why do you refer to the family as the other side? The other side *viz-a-viz* who? When you say the other side, there are two sides to this.

LT-GEN SHIBIRI: Ja.

ADV BALOYI SC: When you say the other side. So maybe
20 let me reframe the question. Who is on the one side?

LT-GEN SHIBIRI: It is the police.

ADV BALOYI SC: Okay, and who is on the other side?

LT-GEN SHIBIRI: It is the perpetrators, family and friends.

ADV BALOYI SC: So where you say the other side, you mean perpetrators, family and friends. When you say he

wants this for the other side, you mean that group. So you have identified the one side as the police, the second side, you say perpetrators, family and friends. I accept if you say that is the other side, and maybe I do not have any further questions. Thank you.

LT-GEN SHIBIRI: Yes.

ADV BALOYI SC: Thank you.

ADV SEGEELS-NCUBE: Thank you, Chair. General, we are only on the first aspect of the call, so I want to also ask
10 you about, while we are on that, you will recall that I had asked you, I had put it to you that, sorry, I had put it to you that, according to Witness A, you had said that you were concerned about refusing General Sibiya's request and that it would, you were worried about the response that you had given General Sibiya in respect of a response. Do you recall that? If you go to page 68 of the transcript, and if we can just start from the third line:

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

And then he says:

“Investigating officer says, yes.”

Then you say:

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

And I had put it to you that, according to Witness A, he understood you to mean here that your response to General Sibiya initially, that if he wants feedback in a hurry,
10 he must call Khumalo, and I am assuming that is Mbuso Khumalo, General Mbuso Kumalo, is that correct?

LT-GEN SHIBIRI: Ja.

ADV SEGEELS-NCUBE: And for a report because you were not going to give a hurried report. And that you then said you were worried about the fact that you had given that response to General Sibiya because he is the one that is responsible for your promotion. Do you recall that I had said that is what Witness A had said?

LT-GEN SHIBIRI: Yes.

20 **ADV SEGEELS-NCUBE:** And you denied that.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Now, can I ask you what is it that you, what you meant here on page 68, when you say:

“So, but now I saw that I responded to him in a bad way, you see. I said,

eish, yes, I am also here because of
his issue.”

What were you referring to there?

LT-GEN SHIBIRI: The issue of investigation, the issue of organized crime, the issue that I will be phoned any given time, I will have to respond to him. So, I am reporting to him and the DivCom, so any time when they phone you, you need to be, even though I was not feeling well, that is the reason why I said he must, if he is in a hurry, because now
10 I am struggling, he can phone General Khumalo as the Head in Gauteng, will be able to give prompt response, but I felt bad that I did not respond quite in respectful way to my senior.

ADV SEGEELS-NCUBE: Okay, but then what does it mean when you say that I am also here because of his issue? I do not know if the English translation is a bad translation of the vernacular or if it, but what does that mean?

LT-GEN SHIBIRI: I just explained, I am there.

ADV SEGEELS-NCUBE: What issue? What is the issue?

20 **LT-GEN SHIBIRI**: The issue is about investigation, that if I am needed, I am running component and when the DivCom or the DNC phones me, I need to promptly respond. On leave or not on leave, we are used to be phoned like that.

ADV SEGEELS-NCUBE: Okay, because the vernacular translation is on page 80.

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

ADV SEGEELS-NCUBE: Yes, go ahead.

ADV BALOYI SC: ... want to do that.

ADV SEGEELS-NCUBE: You can do.

ADV BALOYI SC: I suspect I am better than you.

ADV SEGEELS-NCUBE: Far better.

ADV BALOYI SC: Yes, General at page 80 where you, in the Zulu transcript.

LT-GEN SHIBIRI: Page?

10 **ADV BALOYI SC:** Eight zero.

LT-GEN SHIBIRI: Eight zero.

ADV BALOYI SC: This is the Zulu transcript, so the isiZulu transcript. So you say at line seven, this is you speaking, you say ...[vernacular]. So, in the Zulu version, in the isiZulu version, you say, after you told him that he should give you time, or if he is in a hurry, he should call Khumalo to get a report. You then had a rethink. You thought, you say ...[vernacular] you thought I have answered him badly, or inappropriately ...[vernacular]. This is you saying, let me
20 speak differently, let me deal with it differently because I think I answered him badly. [Vernacular]... That is what it means ...[vernacular]. So in this version, in the Zulu version, you expressed regret in how you responded to him. You spoke badly and then you thought, let me, let me pull myself back, let me speak differently, let me deal with it

differently. Now that sentence where you say, because ...[vernacular] what it reads like in context, in context it reads like, I am in the position that I hold now of Head of Crime, of Head of Organized Crime, I am in this position because of him. And there ...[vernacular] I spoke badly to him, or I spoke disrespectfully to him. Let me pull back and speak, and deal with it differently. That is what in context that line appears to be.

LT-GEN SHIBIRI: Ja, as I indicated, I serve on his and the
10 DivCom's behest.

ADV BALOYI SC: Sorry, you do what?

LT-GEN SHIBIRI: I serve as a Component Head on the
behest of them under them, under the two. So I explained,
for you to be promoted, there is a shortlisting of a post
which is available and then there is candidates. And in
those candidates, they go for test and go for verbal
interview. And I indicated here that yes, he was the
Chairperson and with him, there was the Divisional
Commissioner, Crime Detection, and there was the
20 Provincial Commissioner of Western Cape, General
Patekile. There was the ...[intervenes].

CHAIRPERSON: Please, General, do not give us the entire
process.

LT-GEN SHIBIRI: Ja. There was also delegation from
NPA ...[intervenes].

CHAIRPERSON: Just a minute, General.

LT-GEN SHIBIRI: Ja.

CHAIRPERSON: Please answer the question directly. When you say that ...[vernacular] I am here because of him, the question by Commissioner Baloyi is, by that, do you mean you are now holding the position that you hold because of General Sibiya?

LT-GEN SHIBIRI: No.

CHAIRPERSON: All right. What do you mean?

10 **LT-GEN SHIBIRI:** I mean ...[intervenes].

CHAIRPERSON: But can you please cut down on the entire promotion process.

LT-GEN SHIBIRI: Yes. Ja, because I was responding to that, because that is what was insinuated, trying to show that he cannot alone promote. And then there were panel members, including people from outside.

CHAIRPERSON: So the short answer is there was a thorough going promotion process, and that is what put you where you are.

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

CHAIRPERSON: Thank you. Thank you very much.

LT-GEN SHIBIRI: Ja, I said I serve on his behest.

ADV SEGEELS-NCUBE: But, General, you recall I had asked you earlier in your evidence, and just to give context, when you took the acting position of Component Head, that

was General Sibiya's position before he was promoted to DNC, correct?

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: And he and General Senthumule had recommended you for the acting position, correct?

LT-GEN SHIBIRI: General Senthumule recommended and he approved.

ADV SEGEELS-NCUBE: Yes, but in your statement you said that two of them approached you to take over that
10 position because they did not have someone because he had been promoted, General Sibiya had been promoted to DNC.

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Okay. So in that context, he has recommended you together with General Senthumule, and it was his former position before he was promoted to DNC, correct?

LT-GEN SHIBIRI: I said he approved the recommendation by General Senthumule.

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

LT-GEN SHIBIRI: Yes.

ADV SEGEELS-NCUBE: Chair, I see that it is 5 o'clock. We are definitely ...[intervenes].

CHAIRPERSON: How much longer do you think you will be, because ...[incomplete].

ADV SEGEELS-NCUBE: Chair, we ...[intervenes].

CHAIRPERSON: Yes.

ADV SEGEELS-NCUBE: Long, I must say. I thought that the call would be quick, but if the General is going to give, answer every question like this, we are going to be a while.

CHAIRPERSON: May we see Counsel outside? Let us adjourn very briefly.

INQUIRY ADJOURNS

INQUIRY RESUMES

- 10 **CHAIRPERSON:** Oh, General, we thought the long that Ms Segeels-Ncube mentioned was not that long, but during the discussion outside it turns out that it is actually very long. So we have decided to adjourn and resume at 9:30 tomorrow. Let us adjourn.

ADV SEGEELS-NCUBE: Thank you.

INQUIRY ADJOURNS TO 13 MARCH 2026

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