

**IN THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING
EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION
OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES**

AFFIDAVIT OF MAGEZI FREDDY SEWELE

I, the undersigned

MAGEZI FREDDY SEWELE

do hereby declare under oath as follows:

1. I am a Captain in the South African Police Service ("SAPS"), currently attached to the Crimes Against the State Sub-Component ("CATS") within the Directorate for Priority Crime Investigation ("the DPCI"). I am stationed at General Piet Joubert Building, 218 Visagie Street, Pretoria.
2. The facts herein contained are, unless specifically stated or the contrary appears from the context, within my personal knowledge and to the best of my belief, both true and correct.

PURPOSE OF THIS AFFIDAVIT

3. I depose to this affidavit in response to the notice dated 26 February 2026, issued to me in terms of Rule 3.3 of the Rules governing this Commission's proceedings



("the Rule 3.3. notice"). A copy of the notice to that effect is attached hereto and marked as Annexure "**MFS1**".

4. Before dealing with specific allegations made against me in terms of the said notice, I deem it necessary to provide a brief background of my employment within the SAPS.

MY CAREER HISTORY

5. I have 30 years' experience in the SAPS served in the following capacities:

- 5.1. I started as a Constable at the Uniform Branch of Giyani Police Station from December 1992 to 1995. I later assumed the role of the investigator within the General Detectives Unit at Giyani Police Station from 1995 to 2000, holding the ranks of Sergeant and Warrant Officer respectively. This was followed by my transfer to Limpopo Provincial Commercial Crimes Unit in 2007 to 2008 whilst still holding the same rank of a Warrant Officer.

- 5.2. In 2008, I was promoted to the rank of a Captain within the same Commercial Crimes Unit and served as a group leader until 2010. I was then transferred to the DPCI: Anti-Corruption Unit as an Acting Provincial Commander holding the same rank until from 2010 to 2014.

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5.3. In 2014, I was assigned to work at Crimes Against the State Sub-Component based at Head-Office in Pretoria on a service arrangement to serve as a lead investigator on a South African Revenue Services (“SARS”) project.

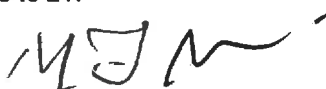
5.4. During or about February/March of 2018, I resigned from the Service due to personal reasons and was later re-employed at the DPCI in 2021 on a contractual basis to assist with the investigation of the TRC-related cases. My duties remain specifically focused on investigation of the TRC cases.

THE TERMS OF REFERENCE OF THE COMMISSION

6. From the onset, I wish to record that during the hearing of Mr Shadrack Ganda (“Mr Ganda”) evidence on 03 March 2026, the Chairperson of this Commission pointed out to Mr Ganda that the issues raised in his affidavit did not fall within the terms of reference of the Commission.¹ This subsequently prompted my attorney of record, Mr Lungelo Gumede (“Mr Gumede”), to address a letter to the Evidence Leaders with a view of establishing if this Commission deserves to be burdened with the issues that fall outside its terms of reference.

7. In response thereto, the Evidence Leaders appeared to hold a different view from that of the Chairperson, and insisted that I should nevertheless appear before the Commission to deal with Mr Ganda’s issues. Copies of Mr Gumede’s letter

¹ Transcript dated 03 March 2026: Page 28 at lines 13 to 21.



dated 01 April 2026 and the Commission's letter dated 07 April 2026 are annexed to this affidavit and marked as "**MFS2**" and "**MFS3**" respectively.

8. Notwithstanding the view expressed on my behalf by my legal representatives on the relevance of Mr Ganda's evidence to the terms of reference, I have no intention to obstruct the Commission from doing its work and offer my assistance as requested.
9. In what follows, I deal with my involvement in the TRC cases followed by my brief response to the allegations made by Mr Ganda as contained in the Rule 3.3. notice.

MY INVOLVEMENT IN THE TRC CASES

10. I am currently the investigating officer in the inquiry involving the death of Mr Joe Nzingo Gqabi ("Mr Gqabi") that took place in Harare, Zimbabwe on 31 July 1981 registered under CATS Inquiry 04/11/2020. Mr Gqabi's murder was allegedly committed by the former Apartheid Government's Joint Operation consisting of former Defence Special Forces, National Intelligence Agency ("the NIA") and Security Branch members of the erstwhile South African Police ("the SAP"), while serving as the African National Congress (ANC) Chief Representative in newly independent Zimbabwe.
11. Shortly after being assigned the task of investigating the case of Mr Gqabi in May 2021, I was introduced to his widow, who has since passed away in June 2025, Mrs Aurlia Gqabi and Mr Ganda in Soweto by the late Lt. Colonel Mathipa. Lt Col



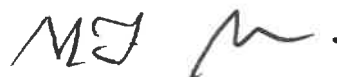
Mathipa was previously involved in the matter and sought to introduce me to the family as the new investigating officer so that they could liaise with me in future.

12. On 29 July 2021, I filed the statements of the witnesses, including Mr Ganda in the relevant docket. Coupled with the statements filed was a letter that was prepared and signed on 10 October 2020, by both Mrs Gqabi and Mr Ganda. The said letter sought to request the Office of the National Director for Public Prosecutions ("the NDPP") to investigate the circumstances surrounding Mr Gqabi's murder. A copy of the letter to that effect is attached hereto and marked as "**MFS4**".
13. It is apposite at this stage, to mention that since Mr Gqabi's murder was committed outside the Republic of South Africa ("the RSA"), a request for assistance in the said investigation required of us to follow the Mutual Legal Assistance ("MLA") Standard Operating Procedures aimed at securing cooperation of authorities from foreign countries (Zimbabwe in the current instance) in respect of crimes committed in their countries. This is designed to ensure compliance with the International Co-operation in Criminal Matters Act 75 of 1996.
14. On 14 September 2021, I forwarded an application signed by my immediate commander, Colonel Pitsoane, to the DPP's office in Pretoria, requesting the authorisation for the MLA for the purpose of obtaining information relating to the death of Mr Gqabi from the Zimbabwean authorities. The said application, a copy of which is annexed hereto as "**MFS5**" was subsequently acknowledged by Adv

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Leonard on 15 September 2021. To this effect, I reported progress telephonically to Mrs Gqabi, Mrs Fraser-Moleketi and Mr Ganda on 15 September 2021.

15. On 26 October 2021, I received feedback from Adv Leonard informing us of the fact that the request had been signed by the Magistrate. The same application was referred to the Department of International Relations & Cooperation ("DIRCO") by the Department, and was in the process of being submitted to the Zimbabwean authorities. I then telephonically reported progress on the status of the MLA application to the late Mrs Gqabi and Mr Ganda on 30 November 2021.
16. On 22 March 2022, I received the signed copies of the MLA and email communication between the Acting Chief Director: International Legal Relations of the Department of Justice and Constitutional Development ("the Department") and Adv Mfaku of the NPA, in which Mr Botes confirmed that the MLA request was forwarded to the Zimbabwean Authorities. A copy of the email correspondence is attached hereto and marked as "**MFS6**". This progress was also reported to the late Mrs Gqabi at her home in Soweto on 26 April 2022 and subsequent telephonic update provided to Mr Ganda.
17. After unsuccessful attempts to be provided with progress on the request made to the Zimbabwean authorities on the MLA, I visited the Department on 22 June 2022 to make further enquiries on the matter. I was then informed by Mr Botes that the MLA memorandum had since been forwarded to DIRCO in March 2022 with no feedback forthcoming.
18. I pause to mention that, since the MLA request was forwarded to DIRCO, I continued interacting with DIRCO's employees on various occasions. My



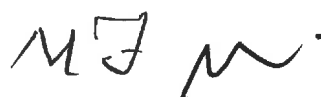
unsuccessful attempts to get positive feedback from DIRCO was also communicated to the late Mrs Gqabi together with Mr Ganda throughout the investigation.

19. In the period between 25 October 2023 and August 2025, I kept contact with Interpol South Africa ("Interpol SA") to enquire if they had managed to get hold of their Zimbabwean counterparts to establish if there had been progress regarding our request for the MLA. This was after having solicited their assistance due to lack of feedback from DIRCO on the matter. Sadly, this too did not yield positive results.
20. With investigations on-going during this period, I was required to resubmit the MLA application. I was assisted by Ms Martha Sethoga. A copy of the letter acknowledging receipt from the Department on 25 January 2024 is attached hereto and marked as "**MFS7**". I again visited the late Mrs Gqabi's home on 26 January 2024 to report on the challenges faced regarding the MLA request.
21. I thereafter reported same to Mr Ganda on 5 February 2025 telephonically and requested a meeting with him. Mr Ganda then informed me that he was out of the country, and that I would be notified upon his return but never did so to date.
22. During the period between 24 May 2025 and 01 July 2025, I continued to engage with DIRCO employees without any success and thus the request for the MLA from the Zimbabwean authorities remains unresolved to date.

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ALLEGATIONS BY MR GANDA

23. At the heart of the allegations made against me by Mr Ganda, is that I failed in my duties as an investigator in that *'there has been no meaningful progress in the investigations, and the explanations provided to the family have been unsatisfactory'*.
24. From the onset, I wish to point out that Mr Ganda is one of the witnesses identified in the investigation of the killing of Mr Gqabi. This is based on what is believed to be his direct knowledge of the events leading up to the killing of Mr Gqabi in Zimbabwe. I wish to further mention that Mr Ganda has on previous occasions, raised his objections against my direct communication with Mrs Gqabi or any of her family members to provide feedback without his knowledge. Seemingly, Mr Ganda viewed my direct contact with the late Mrs Gqabi or her family as going behind his back.
25. What I also need to mention is the fact that the close relatives of the late Mrs Gqabi's appeared to be stunned to learn that Mr Gqabi's matter has now been brought before the Commission by Mr Ganda. This, I was informed, was done without their knowledge as no such mandate was neither sought nor granted by them in the first place. According to one of the close relatives of Mrs Gqabi, the last time they saw Mr Ganda was during the funeral of Mrs Gqabi in June 2025. For fear of reprisal against the late Mrs Gqabi's relatives, I restrain from revealing the identities of those I have been interacting with but willing to do so in confidence to the Commission should that be necessary.



26. Notwithstanding Mr Ganda's claims of not receiving regular feedback on the matter, I recorded providing him with feedback on more than thirteen (13) occasions. These include the telephone calls and personal visits to both Mr Ganda and the late Mrs Gqabi over and above my interaction with him via WhatsApp messages. Neither parties complained to me that my reports were unsatisfactory.
27. To date, I continue to interact with the late Mrs Gqabi's family to provide them with progress and my last interacting before deposing to this affidavit was on 20 June 2026. There has since never been any complaint lodged by the late Mrs Gqabi's family members as I continue to give the investigation into Mr Gqabi's death my utmost attention. I therefore consider Mr Ganda's accusations as a mere attempt to intimidate, harass, and frustrate the investigation into Mr Gqabi's death for reasons unknown to me.

CONCLUSION

28. In conclusion, I wish to state the following to the Commission:

28.1. In my capacity as the Investigating Officer into the death of Mr Gqabi, I made reasonable efforts to keep the late Mrs Gqabi and Mr Ganda informed of the developments in the matter. This included positive leads into the matter as well as challenges that arose during investigation. This is much attested to by the WhatsApp exchanges between Mr Ganda and I as evinced by the contents of his affidavit.



28.2. I remain fully committed to this matter and continue to give the investigation into the death of Mr Gqabi unwavering dedication and commitment without any fear or favour. I further remain committed to ensuring that all the TRC cases assigned to me for investigation receive my utmost diligence. This includes ensuring that the affected families receive regular feedback on progress made in the said matters.

28.3. I have never been instructed or threatened by anyone to stop or delay the investigations into the death of Mr Gqabi or any other TRC related cases.



DEPONENT

THUS SIGNED AND SWORN TO before me at Pretoria on this 1st day of **JULY 2026** the deponent having acknowledged that he knows and understands the contents of this affidavit, he has no objection to take the prescribed oath and considers it to be binding on his conscience.

COMMISSIONER OF OATHS

Name:

John Jordaan

Address:

Commissioner of Oaths

Designation:

(ex officio practicing attorney)

Jordaan & Smit Inc.

36 Escombe Avenue

Rietvallei Park

Pretoria

"MFS1"

**NOTICE IN TERMS OF RULE 3.3 OF THE RULES OF THE JUDICIAL COMMISSION
OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING
BEEN MADE TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND
RECONCILIATION COMMISSION CASES**

TO: DIRECTORATE OF PRIORITY CRIME INVESTIGATION

EMAIL: MbamboNP@saps.gov.za , NkwalasePS@saps.gov.za , SingoC@saps.gov.za
MbothoDP@saps.gov.za & SurabaliJ@saps.gov.za

INTRODUCTION AND ESTABLISHMENT OF THE COMMISSION

1. On 29 May 2025, the President of the Republic of South Africa issued Proclamation Notice No. 264 of 2025, establishing the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of Truth and Reconciliation Commission Cases ("the Commission").
2. The Commission was appointed in terms of section 84(2)(f) of the Constitution, 1996. The Honourable Madam Justice S. Khampepe serves as Chairperson, with the Honourable Mr Justice F. D. Kgomo and Adv A. Gabriel SC as members.
3. In terms of its mandate, the Commission is required to inquire into, make findings, report on, and make recommendations concerning allegations that, since 2003, efforts or attempts were made to influence, pressure, or otherwise improperly prevent the South African Police Service and/or the National Prosecuting Authority from investigating or prosecuting TRC cases. The Terms of Reference further require the Commission to determine whether officials within these institutions colluded in such efforts, and whether further action—including investigations, prosecutions, or the payment of constitutional damages—is warranted.
4. Among the parties identified as having a substantial interest in these proceedings are:

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- a. The applicants in the matter of L.B.M. Calata and 22 Others v Government of the Republic of South Africa and Others (Case No. 2025-005245, North Gauteng High Court, Pretoria); and
- b. The families of victims in TRC cases who have a substantial interest in the matters under inquiry.

NOTICE IN TERMS OF RULE 3.3

5. This notice is issued in terms of Rule 3.3 of the Rules of the Commission, read with the Regulations made under Government Notice R.278 of 2025.
6. The Commission's Evidence Leaders intend to present the evidence of one or more applicants in the Calata case, and any person who in the opinion of the Evidence Leaders possesses information that relates to the paragraph 9 allegations against you and is relevant to the Commission's work.
7. The specific date and venue for the hearing at which such evidence will be presented will be communicated to you in due course.
8. The paragraph 9 evidence, being the extract of the Shadrack Ganda's and Khulumani Galela Reparations Movement's affidavit, with corresponding paragraph numbering, implicates, or may implicate, you in allegations regarding efforts or attempts to halt or suppress the investigation or prosecution of TRC matters. Further details of the Calata proceedings, including the said affidavit, are available on the Commission's website at www.trc-inquiry.org.za.

PARTICULARS OF IMPLICATION

9. It is alleged as follows:

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"18. On 13 November 2020, we received a response from the NPA's Advocate Macadam, the Acting Special Director of Public Prosecution: Priority Crimes Litigation Unit (PCLU) (see attached annexure marked as SG2). Advocate Macadam confirmed that an enquiry had been registered with the DPCI and that Captain Mathipa had been appointed as the Investigating officer.

19. Advocate Macadam further noted that he had suggested to his team that contact be made with the authorities in Zimbabwe to establish whether they were willing to share any information with the DPCI regarding this matter.

20. after the investigations were instituted Captain Mahipa subsequently passed away and was succeeded by Captain Sewela, who reports to Colonel Pitsoane. These are the most recent personnel with who we have interacted from the DPCI.

21. I can confirm that, since 2020, there has been no meaningful progress in the investigations, and the explanations provided to the family have been unsatisfactory. Set out below are some of the reason provided to the family during the various follow-up engagements we have had with the investigating officer:

21.1 On 23 May 2024, during one of several follow-up engagements with the DPCI, the investigating officer informed the Gqabi family that their investigative efforts were frustrated by the State Security Agency, which denied them access to the declassified archives of the countries intelligence services. This issue persisted over an extended period; on several occasions, we were told that a letter was sitting on the desk of an official, awaiting their signature. Please find attached and marked as annexure SG3 copy of WhatsApp communication with the investigating officer, Captain Sewele, confirming the above.

21.2 On 05 October 2023, the investigating officer informed the family that a meeting had been scheduled between the DPCI and the Director General of the SSA. He further indicated that he had met with the SSA liaison, Mr Jabulani Radebe, who would engage the Director-General regarding the proposed meeting. Please

MF M.

find attached hand marked as annexure SG4 copy of the WhatsApp communication with Captain Sewela confirming the above.

21.3 On 11 July 2024, the investigating officer informed that family that their investigative efforts were further frustrated by the refusal of the DPCI to approve their travel to Zimbabwe to carry out the investigation. He explained that he relevant authorities within the DPCI had declined the request for such travel.

21.4 With the possibility of travelling to Zimbabwe no longer feasible, the investigating officer informed the family that they had attempted to contact the Zimbabwean authorities to request information relating to the case. However, they were advised to channel their request their request through the department of international relations and Cooperation (DIRCO) and were therefore awaiting feedback from DIRCO. Please find attached and marked as annexure SG5 copy of WhatsApp communication confirming the above conversation with Captain Sewele.

22. The explanations provided for the lack of progress in this case over the years appear to include systematic pushbacks and a lack of interest in the investigation and prosecution of TRC cases, as evidenced by the failure to pursue any of the leads provided. To the family's knowledge, none of the officers who served in the intelligence apparatus of the apartheid regime, and who are still alive when the investigations commenced, were interviewed, despite the relevant leads having been furnished.

23. The investigating officer failed to act proactively in advancing the investigation. On behalf of the family, I was compelled to repeatedly request feedback and to furnish leads that could help with the investigation. For instance, there are individuals in Harare Zimbabwe, who could assist with the investigations, such as Mr Jeremy Brickhill, a survivor of an attempted assassination by car bomb carried out by the apartheid state agents. These individuals may be valuable resources for the investigation; yet, to our knowledge, they were never interviewed. My concern is that many of these potential leads may pass away without critical information being

MJ M.

obtained, for instance, Brickhill is now severely disabled as a result of the car bomb he survived

24. further leads provided to the investigating officer Mr Sewela includes:

24.1 A document downloaded from the internet from a book by Kevin Woods, which details some of the atrocities committed by the agents of the apartheid government and specifically mentioned the assassination of Joe Gqabi. Please find attached and marked as annexure SG6, a copy of the document referred to above.

24.2 a list of the names of south African special forces members involved in the projects "Barnacle" and "Mixer", which were responsible for tracking and killing MK members outside the borders of south Africa between 1990 and 1993. Please find attached and marked as annexure SG7, a copy of the list in question.

24.3 An EWN Eyewitness News article on the Imam Haron Inquest. I shared the link with the investigating officer Captain Sewele to highlight the similarities between the two matters and to suggest that reaching out to the journalist who reported on the Imam Haron Inquest could provide valuable leads for this case. The investigating officer even confirmed that they would contact the journalist, however, to my knowledge, this was never done, and the lead does not appear to have been followed. Please find attached and Marked as annexures SG8 and SG9 copies of the email and WhatsApp conversation in which the link in question was shared with Captain Sewele.

24.4 A Mail & Guardian article concerning the apartheid-era military intelligence unit, the Directorate of Covert Collection (DCC), which names several operatives, including Colins Evens, as involved in covert intelligence activities during that period. Captain Sewele confirmed that he received this lead; however, there is no indication that the lead was ever considered or investigated. Please find attached and marked as annexure SG10 a copy of the WhatsApp conversation with Captain Sewele."

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YOUR RIGHTS AND OBLIGATIONS

10. You are entitled to attend the hearing at which the evidence relating to the above allegations, and any other that may be led against you, is presented. You may be represented by a legal practitioner of your choice.
11. Rule 3.4 requires that, within fourteen (14) calendar days of this notice, you submit a statement in the form of an affidavit responding to the allegations. Your affidavit must specify which parts of the evidence are disputed or denied, and set out the grounds for such dispute or denial.
12. If you wish to—
 - a. give evidence yourself;
 - b. call any witness in your defence; or
 - c. cross-examine the witness whose evidence implicates you,
 you must apply in writing to the Commission for leave to do so within fourteen (14) calendar days of this notice, accompanied by your affidavit.
13. You may also apply for leave to make written and/or oral submissions regarding the findings or conclusions that the Chairperson should draw from the evidence relating to you.

COMMUNICATION WITH THE COMMISSION

14. All correspondence, applications, and affidavits must be directed to: The Secretary of the Commission at secretary@trc-inquiry.org.za.

DATED at SCI BONO Johannesburg on 26 February 2026.

For and on behalf of the Evidence Leaders to the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of TRC Cases.

MJ M.

"MFS2"

Office of the State Attorney Pretoria

PRIVATE BAG X 91
PRETORIA
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SALU BUILDING
316 THABO SEHUME STREET
CNR FRANCIS BAARD AND
THABO SEHUME STREET

TEL: (SWITCHBOARD): (012) 309 1500
(DIRECT LINE): (012) 309 1502
FAX: 086 507 5051

01 APRIL 2026

Enq: L. Gumede
Email: L.Gumede@justice.gov.za

My Ref: 4185 /25/Z42
Your Ref:

The Secretary
C/o Ms Bait seng Rangata
Commission of Inquiry: Stopped Investigations and/or Prosecutions
Sci-Bono Discovery Centre
Mirriam Makeba Street
Newtown, Johannesburg

Per email: secretary@trc-inquiry.org.za
bait seng@brrangata.co.za

To: Secretary of the Commission

**COMMISSION OF INQUIRY INTO STOPPED INVESTIGATION OR PROSECUTION
OF TRUTH AND RECONCILIATION COMMISSION CASES**

Access to Justice for All

Always quote my reference number

MFS *M*

1. We refer to the Rule 3.3 notice dated 26 February 2026 ("the notice"), issued to the Directorate for Priority Crimes of Investigations ("DPCI") regarding the death of Joe Ndzingo Gqabi, who was allegedly assassinated whilst in exile in Harare, Zimbabwe in 1985.

2. It is stated as follows in paragraph 8 of the notice:

"The paragraph 9 evidence, being the extract of the Shadrack Ganda's and Khulumani Galela Reparations Movement's affidavit, with the corresponding paragraph numbering, implicates, or may implicate you in allegations regarding efforts or attempts to halt or suppress the investigation or prosecution of TRC matters. Further details of Calata proceedings, including the said affidavit, are available on the Commission's website at www.trc-enquiry.org.za.

3. During the public hearing held on 03 March 2026, the Chairperson of the Commission enquired from Mr Ganda if he was aware of the fact that his complaint fell outside the Commission's terms of reference. This is further confirmed by the transcript of the Commission's proceedings held on the same date wherein the following is recorded:¹

"CHAIRPERSON: Yes. Mr Ganda, you are being represented by Mr Quibe who is an experienced lawyer. He must have informed you when he was preparing your affidavit, about the terms of reference of this commission. We are not here to listen to the life of Mr Gqabi, we are here to determine whether there was any interference in the investigation of his assassination. So we are confined by our terms of reference to allow you to give such evidence, as will assist this commission to be able to make a recommendation in line with its terms of reference."

¹ Transcript dated 03 March 2026: Page 28 at lines 13 to 21.

MJ M.

4. In light of what is stated above, we kindly request your assistance in providing clarity regarding the kind of assistance being sought from the DPCI in relation to the Commission's mandate as set out in the terms of reference.
5. We trust you find this in order.

Yours faithfully



State Attorney

MR GUMEDE

PRETORIA

1/04/2026

MF M.



"MFS3"

07 April 2026

The State Attorney.
Attention: Mr L Gumede
 316 Salu Building,
 Cnr Thabo Sehume and Francis Baard Street
 Pretoria

Your Ref: 4185/25//Z42

Email: LGumede@justice.gov.za

Dear Mr Gumede,

RE: JUDICIAL COMMISSION OF INQUIRY TO INQUIRE INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATIONS

1. We refer to your letter dated 1 April 2026.
2. The Commission issued a notice in terms of Rule 3.3 of the Commission Rules to the Directorate of Priority Crimes Investigation. The notice invited and directed DPCI to address matters raised in the affidavit of Mr. Shadrack Ganda, the details of which are recorded therein.
3. You stated in paragraph 3 of your letter under reply that, during the public hearing held on 03 March 2026, the Chairperson of the Commission stated that the evidence of Mr. Ganda fell outside the Commission's terms of reference. As a result of that comment, you are requesting clarity as to what kind of assistance is being sought from the DPCI in relation to the Commission's mandate as set out in the terms of reference.

MJ M.



4. We respond that the issue raised by the Chairperson during Mr. Shadrack Ganda's testimony is far removed from the matters referred to in the notice in terms of Rule 3.3. The notice concerns the core of the Commission's terms of reference. You are advised to review the entire transcript of Mr. Ganda's hearing so that you can follow that when the Chairperson made that observation about the relevance of the Commission's terms of reference, it was in the context of the witness discussing how the deceased was killed.

5. On the other hand, you may have noticed that when the witness was discussing the matters mentioned in the notice under Rule 3.3, the Chairperson did not make any comments indicating the relevance to the Terms of Reference.

6. We therefore request that your client be instructed to respond to the notice in terms of Rule 3.3 and to address the specific matters raised in the Rule 3.3 notice, read with the transcripts. We await your client's statement regarding the issues raised in the notice under Rule 3.3 and any other relevant matters concerning this witness and the issues outlined in Mr. Ganda's affidavit.

Yours faithfully

Adv AM Thokoa
Secretary

"MFS4"

3344 Cape Vulture street,
Protea Glen
Soweto 2000
Gauteng Province

The National Director of Public Prosecutions
Advocate Shamila Batohi
VGM Building, 123 Westlake Avenue
Pretoria

Dear Advocate Shamila Batohi,

Request for investigation into the assassination of Mr. Joe Ndzingo Gqabi

1. Executive Summary

- 1.1. In 1979, my husband, Mr. Joe Nzingo Gqabi, an ANC member was acquitted of terrorism charges in the Pretoria Twelve Trial. Unhappy with his acquittal, apartheid security forces, sort to pursue extra judiciary methods to silence him. He had to flee to exile.
- 1.2. He was stationed in Gaborone for a while, after leaving the country, I joined him shortly thereafter. He was subsequently advised that the Botswana Intelligence Officials had communication that South African apartheid agents were plotting to kill him. The Botswana government could not guarantee his safety and was advised to relocate to another country.
- 1.3. In 1980, he was the ANC Chief Representative in Zimbabwe where his life continued to be under threat by apartheid agents who operating inside and outside Zimbabwe.
- 1.4. On 02 February 1981, a car bomb was planted on his vehicle, but was foiled by an ANC operative who uncovered it before detonation. Investigation of circumstances surrounding this incident were not completed and those responsible, including their networks were never brought to justice.
- 1.5. Ultimately on the evening of 31 July 1981, apartheid government agents and its networks managed to assassinate him at his residence, 19 Eves Crescent, Ashdown Park in Harare. Some of the agents involved were later apprehended. Some remained at large and accessory information on them and their handlers was never followed up till present day. He was given an official funeral by the Zimbabwean government in August 1981 and buried in Harare. The investigation that was conducted was not concluded as, apart from the unearthed apartheid agents who confessed to Zimbabwean police, further leads remain unfollowed and not investigated. No one to

date has been brought to justice despite information still available to family and friends who are still alive.

- 1.6. His remains were repatriated to South Africa in 2004 and reburied in Alwal North, in the Eastern Cape Province, on 16 December 2004.
- 1.7. On 25 July 1998, the TRC heard testimony from the family and his ANC comrade, requested an investigation into his assassination. Regrettably, nobody applied to the TRC for amnesty for the conspiracy to or his murder or ever came forward to tell the truth.
- 1.8. We have waited too long for the long arm of the law and the wheels of justice to take their course. Those who committed the offence and those who have information that can provide clues for a successful investigation are ageing and the risk of them passing on is high. It is a race against time to commence the investigation. I am also an octogenarian widow and reside in Johannesburg.

2. What is it that this correspondence seeks to achieve?

- 2.1 This correspondence is an official request by myself done on behalf of the family, relatives and friends to the Office of National Public Prosecution Authority to investigate the circumstances surrounding the assassination of my husband, Mr. Joe Gqabi with the aim of bringing to justice those who,
 - a. ordered and those who carried out the assassination;
 - b. were in the apartheid machinery networks who provided support and helped in carrying out the assassination;
 - c. colluded in defeating the ends of justice and failing to use the TRC to come forward and truthfully disclose what happened to assist the family find closure to be able to move on with life.

3. Recommendations

- 3.1. An investigation by the NPA is requested that will amongst others deal with matters stated under paragraph 2.1 above.
- 3.2. Wherever practical and possible, it is humbly recommended that investigators with a legacy of apartheid or homeland security forces not be involved in this investigation. This in no way prescribes how the NPA should do its work but because the family suffered in the hands of apartheid security forces and its Bantustan forces, it will be rubbing salt into its wounds if the same officers investigate their former colleagues.
- 3.3. In taking this matter forward, kindly contact me at 071 799 4525 or family friend and Joe's close comrade who saw him last before the gruesome murder took place, Mr Shadrack Ganda, on 082 900 1526 who has been assisting me on this matter.

4. I look forward to meaningful engagement with you and ready and willing to assist with all and any information that myself and Mr Ganda were exposed to.

Yours faithfully,

A. Gqabi 10/10/2020
Mrs A N Gqabi,

[Signature] 10/10/2020
Mr S Ganda.

}

}

MJ M.

"MFS5"

SAP 21



Private Bag X 1500
SILVERTON 0127

Verwysing Reference	CATS Enq. 04/11/2020
Navrae Enquiries	Captain MF Sewele
Telefoon	012 401 3247/81
Telephone	072 399 1575
Email	MelzaRose@saps.org.za

THE SECTION HEAD
TRC PROJECT 200
CRIMES AGAINST THE STATE AND TOMS
SERIOUS ORGANISED CRIME
DIRECTORATE FOR PRIORITY CRIME
INVESTIGATION
PRETORIA

*Leonard
Now E. Leonard
DPP
Received documents
to draft m19
request
5/12/21*

The Deputy Director for Public Prosecution
PRETORIA

**REQUEST FOR MUTUAL LEGAL ASSISTANCE TO OBTAIN INFORMATION AT
ZIMBABWE : MURDER : CATS ENQUIRY 04/11/2020 : INVESTIGATING OFFICER :
05220629 CAPTAIN MF SEWELE.**

This office is seized with the investigation of the above matter.

It is alleged that on the 31 July 1981 Mr Joe Ndzingo Qgabi former African National Congress (Mkhonto Wesizwe) member was shot and killed by firearm by former South African Police former Security Branch members while in exile at his residence at 19 Evens Crescent, Ashdown Park in Harare.

It is also alleged that the matter was reported to the current President of Zimbabwe Mr Emmerson Mnangagwa who was a Minister of State Security by Shadrack Ganda who was staying with Mr Qgabi before he was killed. President Mnangagwa attended the crime scene and he instructed that a murder docket be opened and investigated by the Zimbabwean Police. Suspects were arrested, detained and charged for murder after they made confession to the investigating officers. The charges were later withdrawn by court after the accused made representations and complain about Human Rights violation.

The late Mr Joe Qgabi was buried in Zimbabwe by the Zimbabwean government. Later his remains were exhumed, transported and reburied in Aliwal North in South Africa.

Early October 2020, Nomazitswa Aurlia Qgabi deceased wife and Shadrack Ganda made request for investigation into the assassination of Mr Joe Qgabi to the National Director of Public Prosecutions Advocate Shamila Batohi. The NPA referred the matter to the office of the Directorate for Priority Crime Investigation (HAWKS) who opened an enquiry for investigation.

The following statements were obtained by the investigating officer:

1. Nomazotswa Aurlia Qgabi (deceased wife).
2. Shadrack Ganda who worked and stayed with the deceased before he was killed.
3. Geraldine Joslyn Fraser-Moleketi who worked and stayed with the deceased before he was killed.

MF M.

**REQUEST FOR MUTUAL LEGAL ASSISTANCE TO OBTAIN INFORMATION AT
ZIMBABWE : MURDER : CATS ENQUIRY 04/11/2020 : INVESTIGATING OFFICER :
05220629 CAPTAIN MF SEWELE.**

The investigating officer is requesting the following assistance from the Zimbabwean Police:

- 1.To obtain copies of the murder docket related to the murder of Mr Joe Qgabi.
- 2.Statement of Mr Emmerson Mnangagwa the current President of Zimbabwe.
- 3.Statement of Inspector MacCallum.
- 4.Postmortem results.
- 5.Ballistic report.
- 6.Photo album of the crime scene.
- 7.Death certificate.
- 8.Confessions made by the accused.
- 9.Accused details
- 10.Exhibits such as fire arms, catridges and projectiles.
- 11.Any other information which may assist in the investigation.

Your cooperation will be highly appreciated.



**SECTION COMMANDER: TRC PROJECT 200: CRIMES AGAINST THE STATE
SERIOUS ORGANISED CRIME
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
SN PITSOANE**

Date: 2021/09/14

MJ M.

"MFS6"

Luvuyo Mfaku

From: Botes Edgar <EBotes@justice.gov.za>
Sent: Wednesday, March 9, 2022 2:03 PM
To: Luvuyo Mfaku
Subject: Outgoing MLA Request: J.N Gqabi

Dear Adv Mfaku

Your Ref: 9/2/8-86/2021

My Ref: 14/6/3/5 Gqabi J.N

I hereby acknowledge receipt of the matter.

Kindly note that the request was forwarded to the authorities in Zimbabwe.

Further progress report will follow as soon as possible.

Warm regards

ddle

Edgar R Botes
 Acting Director
 Chief Directorate: International Legal Relations
 Department of Justice & Constitutional Development
 Tel: +27 012 315 4661
 Fax: +27 012 315 1557

Departmental Disclaimer:

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"MFS7"



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

File copy.

BRANCH: OFFICE OF THE DIRECTOR-GENERAL
Private Bag X 81, PRETORIA, 0001 • Momentum Centre, 329 Pretorius Street, PRETORIA
Tel (012) 315 4061, Fax (012) 315 1557

Ref: 14/6/3/5 Gqabi J.N
Your Ref: NEW MATTER
Enq: Mr E.R Botes
E-mail: ebotes@justice.gov.za

The Department of International Relations & Cooperation
Private Bag X 152
Pretoria
0001

09 March 2022

Attention: Ms Sampaio / Ms Mgcibi

**REQUEST FOR MUTUAL LEGAL ASSISTANCE BY SOUTH AFRICA TO
ZIMBABWE: THE DEATH OF MR JOE NDZINGO GQABI**

The NDPP forwarded a letter to the Department, requesting the Department to forward a request for mutual legal assistance by South Africa to Zimbabwe.

The Department authenticated the signatures of Acting Chief Magistrate Mahlanu at the Pretoria Magistrate's Court and Advocate Mzinyathi, the Director of Public Prosecutions, North Gauteng Division of the High Court.

Kindly forward the request to the Zimbabwean authorities.

Yours Sincerely

Mr E.R Botes

Chief Directorate: International Legal Relations
On behalf of the Department of Justice and Constitutional Development

Received by: Maria Sethokge
Date: 25/01/2024
email: sethokge@dirco.gov.za
Tel: 012 301 8734

Carries
10/03/2022

Access to Justice for All

M F M.