



## INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

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Honourable BH Cele  
**MINISTER OF POLICE, MP**  
WACHTHUIS  
Pretoria  
0001

**By Hand**

05 March 2018

### **INFORMATION NOTE**

Dear Honourable Minister,

#### **COMPLAINT EMPANGENI CAS NO: 268/3/2016**

##### **1. PURPOSE**

To inform the Honourable Minister about the complaint of Mr. Senzo Mchunu, former KZN Premier regarding the investigation of defeating the ends justice Empangeni CAS NO: 268/3/2016 by KZN HAWKS, which allegedly became politically motivated.

##### **2. DISCUSSION AND BACKGROUND**

2.1 On 19 February 2018, the IPID received a formal complaint from Mr. Senzo Mchunu regarding investigation of murder of Xolani Nkosi who was his protector during his tenure as KZN Premier.

2.2 Subsequently, a case of defeating the ends of justice was registered as per Empangeni CAS NO: 268/3/2016 emanating from the murder case of Xolani Nkosi Empangeni CAS NO: 357/07/2015. Whereby the police official from VIP protection booked out the deceased property from SAP 13.

2.3 The IPID is investigating the complaint in terms of section 28(1) (h) of the IPID Act 1 of 2011. The case was assigned to a Principal Investigator of IPID.

**COMPLAINT EMPANGENI CAS NO: 268/3/2016**

2.4 On 28<sup>th</sup> February 2018, the IPID investigating Officer (IO) interviewed the KZN HAWKS provincial head, Major General Zikhali. It was discovered that the murder case of Xolani was still under investigation and currently with the NPA. The IO then requested him to produce the defeating docket for perusal. Upon perusal it was discovered that the docket was investigated and sent to NPA for decision and the DPP declined to prosecute. Copy attached Annexure A.

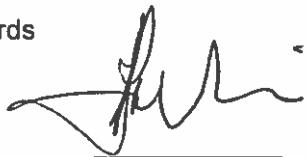
2.5 Surprisingly, according to the CAS system, the docket was closed and filed on 11<sup>th</sup> May 2017. It was reopened on 22<sup>nd</sup> February 2018, it is unclear why this docket was reopened. It was at this stage that a certain W/O Mpangase from DPCI began calling Mr.Mchunu. Mpangase also contacted the Private Investigator who initially had assisted with the case. In addition, Sgt Mzileni, one of Mchunu's protectors, was also contacted during this period. As none of these incidents are recorded in the docket, it is clear that this was as an unauthorised investigation and served some other nefarious purpose.

2.6 The KZN HAWKS provincial head could not provide a satisfactory explanation as to why the docket was re-opened without any instruction from the NPA or any new evidence or facts. He further mentioned that the docket was required for the Moerane Commission.

### 3. CONCLUSION

- 3.1 The Honourable Minister to note the information.
- 3.2 The Executive Director is available to brief the Honourable Minister should the need arise.
- 3.3 The Honourable Minister will be kept abreast of the developments.

Kind Regards



MR. RJ MCBRIDE  
EXECUTIVE DIRECTOR  
DATE: 09/03/2018

## ANNEX 'A'

DIRECTORATE FOR PRIORITY CRIME  
INVESTIGATIONS DPCI (HAWKS) UNIT  
D/W/O MPANGASE

031 333 8054/074 384 0865

EMPANGENI CAS 268/3/2016

268/3/2016

Indicate with X: Mark met X:	Case docket: Saakdossier	Inquest GDO	Court number: Hofnummer	Court Case Number: Hofsaaknommer
Investigator Ondersoeker	CAPT. ZENOU	Tel. No. ....	Investigator Ondersoeker	087-344 2036 Tel. No. ....
Investigator Ondersoeker	DET. S. M. S. S.	Tel. No. ....	Investigator Ondersoeker	Tel. No. ....
Investigator Ondersoeker	DET. S. M. S. S.	Tel. No. ....	Investigator Ondersoeker	Tel. No. ....
Investigator Ondersoeker	DET. S. M. S. S.	Tel. No. ....	Investigator Ondersoeker	Tel. No. ....
Day and time of offence/incident: Datum en tyd van misdrijf/oorval:	2015 / 07 / 22 / YY/11 MM DD HH	or Period: Between: Gelyk tydperiode: Tussen: / / HH MM	on:	on 00
and / / YY/11 MM DD	on / / YY/11 MM DD	Day of week: Dag van week:	SU MO TU WE TH FR SA SO MA DI WI DO VR SA	
Method used/Entrance gained/Circumstances of death: Methode gebruik/Toegang verkry/Circumstansie van dood.				
Type of instrument used: Type instrument gebruik	Address of offence: Adres van misdrijf			
STATE AS PER Tel. No. (H): Complainant initials and surname: Klaer (voornamens en naam): W/O M. F. MPANGASE Tel. No. (W): 031-333-8054				
Nature and description of offence: Aard en beskrywing van misdrijf	Crime code: Misdadig kode	Nature of property/stones: Aard van eiendom/beslag	Value/Damages: Waarde/Verwoede	Value/recovered: Waarde/Verwoede
DEFATING OR OBSTRUCTING THE OF JUSTICE	ALTERNATIVELY	TO DEFAT OR OBSTRUCT THE DRAE OF JUSTICE	OR	
ATTEMPTING				

For further offences: See A. / Vir verdere misdrijfe: See A.

## FINDING/RESULT OF TRIAL • BEVINDING/UITSLAG VAN VERHOUD

Date of conviction/Finding: Datum skuldig bevind/Bevinding: / / YY/11 MM DD	COURT DATES: HOEDATUMS:	REASONS FOR CONVICTION/SENTENCE: REDEN VAN VONNS:
OFFENDERS CONVICTED OF AND SENTENCE OF: FINDING OF MAGISTEATE OORTREDINGS WAARAN SKULDIG BEVIND EN VONNS: OF LANDDROS SE BEVINDING		
Note: Prosecution Trekmaat: Aanklaer		
Date/Datum	Prosecutor/Aanklaer	

Station/Place: Stasie/Pliek:	EXHIBITS • BEWYSSTUKKE	SAPS 13 No. SAPD 13 No. ....	SAPS 43 No. SAPD 43 No. ....	
IR No. OR No. ....	POSITIVE/NEGATIVE Date elimination FP forwarded POSITIEF/NEGATIEF Datum uitskakeling VA versend	(A) ....		
DISPOSAL OF DOCKET and/or Exhibits BESKIKKING OOR DOSSIER en/of Bewyssluukke	B/F Dates L/V Datums	Initials- Paraf	B/F Dates L/V Datums	Initials- Paraf
Remarks Opmerkings	2015/08/11/			
Date/Datum	Officer/Station Commissioner/Commander Officier/Stasiekommisaris/Bevelvoerder			

C 8

Tyd, datum  
Time, dateVerwysing  
Reference2016/  
11/18 COL

1. CS7 NTOMBELA OF VIP CONTACTED ON HIS CELL PHONE 0723917378 FOR STATEMENT AND HE INFORMED ME THAT HE WANTS TO CONSULT HIS ATTORNEY FIRST FOR ADVICE

ABSENCE

mmmm m.a msom!

2016/  
11/18 COL

1. PRIVATE INVESTIGATOR CONTACTED HIS CELL PHONE 0781313847 AND HE INFORMED THE I/O THAT HE WAS AT HIS HOME TOWN IN LIMPOPO, HE PROMISED TO PHONE OR TO BE CONTACTED NEXT FOR APPOINTMENT.

ABSENCE

mmmm m.som!

23/11/16 10 Sr

① THERE IS NO CONVINCING EVIDENCE THAT ANY OF THE ROLE PLAYERS IN THIS DOCKET INTENDED TO DEFECT THE ENDS OF JUSTICE.

② IT MUST BE NOTED THAT THE "EXHIBITS" THAT WERE TAKEN WERE IN EFFECT DECEASED'S PROPERTY.

③ THERE IS NO LAW

SUID-AFRIKAANSE POLISIEDIENS

SOUTH AFRICAN POLICE SERVICE

ONDERSOEKDAGBOEK  
INVESTIGATION DIARY

Stasie • Station EMPANGENI

Tyd, datum  
Time, dateM.R. • C.R. No.  
G.O. • Inquest No.  
MAS • CAS 268/3/2006Verwysing  
Reference

Navraag • Enquiry No.

prohibiting the family or their proxy from accessing the property belonging to the deceased.

① The Station commander also ensured that the particulars of the person who collected the property were properly obtained and the property was disposed of in the manner prescribed by SAPS processes (SAPS 136 form was completed accordingly)

② Further the phones were returned when the 110 requested that same be done.

③ There is no indication that the phones were tampered with in any

C10

Tyd, datum  
Time, dateVerwysing  
Reference

way e.g. that any data  
was deleted etc

④ AS such there are no  
prospects of successful  
prosecution in this  
matter.

⑤ I therefore decline to  
prosecute anyone in  
this matter

ADV K. SHAZI

SSA - DPP

2017/04/04 COL

1. HEREWITH DOCKET FOR YOUR PERUSAL  
AND INSPECTION

2. DOCKET TO BE FILED

2017-4-4

w/o: memo

Inspection &amp; Inspection.

1. Docket &amp; Inspection.

2. Prepare docket for filing.

3. Process off exhibits.

4. Complete all my functions.

S. NUNDLAAL  
DPCI