



## **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.

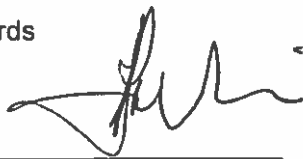
### 3. CONCLUSION

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

Indicate with X: Mark met X:	Case docket Sakdoekster	Inquest GDO	Court number Hofnommer	Court Case Number Hofsaknommer
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Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker
Tel. No. ....	Tel. No. ....	Tel. No. ....	Tel. No. ....

Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker
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Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker
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Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker	Investigator Ondersoeker
Tel. No. ....	Tel. No. ....	Tel. No. ....	Tel. No. ....

Day and time of offence/incident Datum en tyd van misdryf/voorsel	or Period Between of Tydsperk Tussen	on op
2015 / 07 / 22 / YY/JJ MM DD HH MM DD	Between FH MM	on FH MM

Method used/Entrance gained/Circumstances of death Metode gebruik Toegang verkry/Omstandighede van dood	Day of week Dag van week	Day of week Dag van week
	SU MO TU WE TH FR SA SO MA DI WO DO VR SA	

Type of instrument used Tipe instrument gebruik	Address of offence Adres van misdryf	Address of offence Adres van misdryf
	STATE AS FOR	

Complainant (Initials and surname) Klaer (Inisiale en van)	Tel: No. (H)	Tel: No. (W)
W/O M.F. MPANCASE		031-333-8054

Nature and description of offence Aard en beskrywing van misdryf	Crime code Misdad kode	Nature of property/injuries Aard van eiendom/beserings	Value/Damage Waarde/Skade	Value recovered Waarde teruggehoor
1. DEFEATING OR OBSTRUCTING THE COURSE OF JUSTICE				
2. ATTEMPTING TO DEFEND OR OBSTRUCT THE COURSE OF JUSTICE				

For further offences - See A Vir verdere misdrywe - Sien A	For further offences - See A Vir verdere misdrywe - Sien A	For further offences - See A Vir verdere misdrywe - Sien A
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FINDING/RESULT OF TRIAL • BEVINDING/UITSLAG VAN VERBOOR		
Date of conviction/Finding Datum skuldig bevind/Bevinding	COURT DATES HOF DATUMS	REASON FOR POSTPONEMENT REDE VIR UITSTEL
OFFENDERS CONVICTED OF AND SENTENCE or FINDING OF MAGISTRATE OORTREDINGS WAARAAN SKULDIG BEVIND EN VONNIS of LANDROOS SE BEVINDING		
None Prosecuted		

Date/Datum	Prosecutor/Aanklaer	Prosecutor/Aanklaer

EXHIBITS • BEWYSSTUKKE		
Station/Place Stasie/Plek	SAPS 13 No. SAPD 13 No.	SAPS 43 No. SAPD 43 No.
IR No.	POSITIVE/NEGATIVE Date elimination FP forwarded POSITIEF/NEGATIEF Datum uitskakeling VA versend	
OR No.		

DISPOSAL OF DOCKET and/or Exhibits BESKIKKING OOR DOSSIER en/of Bewysstukke	B/F Dates L/V Datums	Initials Paraf	B/F Dates L/V Datums	Initials Paraf
Remarks Opmerkings				
2017/05/11				

Date/Datum	Officer/Station Commissioner/Commander Offiser/Stasiekommissaris/Bevelvoerder	Officer/Station Commissioner/Commander Offiser/Stasiekommissaris/Bevelvoerder

C 8

Tyd, datum  
Time, dateVerwysing  
Reference2016/  
11/  
18

COL

1. Cst 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.

mmmmmm ~~043562~~ m.G MEDMI

2016/  
11/  
18

COL

1. PRIVATE INVESTIGATOR CONTACTED HIS 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.

mmmmmm ~~043562~~ m.G MEDMI

28/11/16 10:00 Sur

① There is no convincing evidence that any of the role players in this docket intended to defeat 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

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SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

# ONDERSOEKDAGBOEK INVESTIGATION DIARY

Stasie • Station EMPANGENITyd, datum  
Time, dateM.R. • C.R. No.  
G.O. • Inquest No.  
MAS • CAS268/3/2016Verwysing  
Reference

Navraag • Enquiry No

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

④ 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)

⑤ Further the phones were returned when the I/O requested that same be done

⑥ There is no indication that the phones were tampered with in any

C10

Tgd, datum  
Time, dateVerwysing  
Reference

way E.g. that any data  
was deleted etc

⑦ As such there are no  
prospects of successful  
prosecution in this  
matter.

⑧ I therefore decline to  
prosecute anyone in  
this matter

ADV K. SHAZ  
SSA- DPP

2017/

Col

/04/

1. HERewith DOCKET FOR YOUR PERUSAL  
AND INSPECTION

2. DOCKET TO BE FILED

MSM-17  
DOCKET  
[Signature]

2017-4-4

W/O: MSM

NATIONAL INSPECTION.

1) DOCKET INSPECTED.

2) PREPARE DOCKET FOR FILING.

3) DISPOSE OFF EXHIBITS.

4) COMPLETE ALL CASE FUNCTIONS.

S NUNDLAL  
DPCI

6/4/17