



Your reference:
Our reference: XOL1/0004

22 March 2018

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National Prosecuting Authority
Head Office
C/O Ms Mabanga, Executive Assistant to the NDPP
Per email: psmabanga@npa.gov.za

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And to: DPCI – The Acting National Director
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Attn: Major General Ledwaba
Head: Organised Crimes
Directorate for Priority Crime Investigation
Per Email: ledwabam2@saps.gov.za

**Re: Request for NPA to Oversee Investigation into Murder of Mr S Radebe:
Mzamba CAS 49/03/16 and Port Edward CAS 150/03/2016**

- 1 We write to express our concerns regarding ongoing delays in the investigation and prosecution of the above matter.
- 2 Mr Sikhopsiphi 'Bazooka' Radebe was assassinated two years ago today. To date, there have been no arrests. The Alternative Information Development Centre ("AIDC") has prepared a report on the failure by the SAPS and the Directorate for Priority Crime

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Investigation (the DPCI) to meaningfully seek justice for the Radebe family. A copy of the report is attached hereto marked "A".

- 3 In light of this report, we write to request the NPA to take supervision of the investigation and to provide regular reports on progress to our clients.
- 4 Our letter deals with the following:
 - 4.1 Our clients;
 - 4.2 Brief synopsis of events and the inadequate reporting to our clients; and
 - 4.3 Proposed supervision of the investigation by the NPA.

Our Clients

- 5 In this matter we represent the Radebe family including the wife, children, mother and siblings of the late Mr Radebe. We also represent the Amadiba Crisis Committee (ACC), of which Mr Radebe was the chairperson for 9 years until his death.
- 6 We also represent the ACC, the Umgungundlovu community, and iNkosana Baleni and her council in various civil matters concerning an application by an Australian titanium mining company and local elites to mine the ancestral land and coastal dunes owned by our clients. An application for a mining right is pending. An application to determine whether our clients have the right to veto the mining right application will be heard in the Pretoria High Court from 23 - 25 April 2018.
- 7 The signatories to this letter have regularly attempted to liaise with the SAPS and the Directorate for Priority Crime Investigation ("the DPCI") to seek the successful prosecution of those responsible for Mr Radebe's death.

Short Synopsis of Investigation and Inadequate Reporting to Clients

- 8 Mr Radebe was assassinated two years ago today. He was killed in the early evening on 22 March 2016 at his home in Lurholweni in Mbizana Local Municipality in the Eastern Cape.

- 9 To date, no arrests have been made. More than a year has passed since the Radebe family received any feedback on the investigation.
- 10 The Alternative Information Development Centre (“AIDC”) has prepared a report on the investigation by the SAPS and the Directorate for Priority Crime Investigation (the DPCI) to date. A copy of the report is attached hereto marked “A”.
- 11 The report details the repeated inadequacies and delays in the investigation by the SAPS and the DPCI over the past two years. There are strong suggestions that the investigation has been intentionally impeded. At best, the investigation has been given insufficient attention and resources.
- 12 The murder docket was opened at Mzamba Police Station and transferred to the DPCI a few days after the assassination.
- 13 On 24 March 2016, WO Mshiywa from Mzamba station tried to prevent our clients’ forensic specialists from taking part in the autopsy of Mr Radebe’s body.
- 14 On 29 March, the SAPS continued to oppose our clients’ specialists from taking part in the autopsy.
- 15 On 30 March the DPCI in Bizana failed to honour an agreement to investigate the scene of the crime in Lurholweni together with the ballistics specialist appointed by our clients, claiming that they did not have transport from Bizana to the crime scene.
- 16 They also failed to honour an appointment to inspect the hijacked vehicle used in the murder at the SAPS vehicle pound in Port Shepstone. We learned that the vehicle had been released by the SAPS days earlier.
- 17 After breaching an agreement to jointly download the data from Mr Radebe’s cell phone, the DPCI processed the phone itself. Mr Radebe’s son reported that when the phone was returned three months later, data had been deleted from Mr Radebe’s phone, including the phone numbers of members in the local mining lobby.

- 18 In August 2016 it was clear that DPCI was not investigating the murder. Responding to complaints by the ACC to the Human Rights Commission, Brigadier ED McLaren wrote on 12 August 2016 that “a report was receive (sic) from the DPCI that all indications are that the killing was a result of a feud in the Mzamba Taxi Association and that it is not a result of the mining dispute”. This was never conveyed to the deceased’s family. No arrests of any individuals in the taxi business have been made.
- 19 Our clients had information to the contrary and engaged a private investigative organisation, The iFirm. The iFirm is led by former SAPS Generals T Ntobela and M Petros. It started its investigation on 3 September 2016.
- 20 General Ntobela reported on early progress in October 2016, after doing interviews and helping DPCI in Bizana to obtain and analyse cell phone data. Though this is part of standard procedure, these steps had not been taken until The iFirm’s intervention. While interviews and hard data pointed to persons suspected to be involved in the murder in some way, no steps were taken against these individuals.
- 21 After further delays, the Deputy Police Commissioner of the Eastern Cape, Major General David Molo, was contacted. Our clients met Major General Molo on 16 March 2017. Major General Molo gave undertakings to actively support and take responsibility for the murder investigation and to solve the case before his retirement in June.
- 22 Major General Molo moved the investigation to a task team under Brigadier G. Govender in East London. The DPCI undertook to remain in contact with The iFirm and report on progress, and to take the following immediate measures:
 - 22.1 analyse cell phone data to encircle the two assailants as soon as there were responses from service providers;
 - 22.2 conduct proper interviews with the hijacked eye witnesses; and
 - 22.3 consolidate the Mzamba murder docket and the Port Edward carjacking and hijacking docket.
- 23 None of these steps were taken by October 2017.

- 24 In November 2017, The iFirm's Gen Ntobela and Gen Petros were granted a meeting with the acting head of the DPCI, Lt Gen Yolisa Matakata. Lt Gen Matakata undertook to move the investigation from the Eastern Cape to the DPCI in KZN, where the chain of events started and ended on 22 March 2016.
- 25 When Gen Petros followed up with the Acting Head of the Hawks in EC, Maj Gen Nonophi, she and asked him "what is so special about this case" and said that "people die every day". To date, the docket remains in the Eastern Cape.
- 26 Gen Ntobela sums up the performance of the DPCI in Eastern Cape in *The iFirm's* confidential Final Forensic Report dated 07 August 2017, as follows:
- 26.1 On the DPCI office in Bizana: "Interview conducted with Sgt Wophula and his commander Cpt Mdindi (in DPCI's Bizana office) indicated that nothing much is being done to solve the case."
- 26.2 Introducing the general handling of the investigation by the SAPS and DPCI in the beginning of the report: "The non-cooperation of the SAPS members made this investigation an impossible mission."
- 26.3 At the end of the report, *The iFirm* point to basic police measures still available today to solve the case and then concludes: "The DPCI would have solved this case long time ago if they were willing to do so."

Requests

- 27 We are gravely concerned that such long and unjustified delays in delivering justice threaten the integrity of the justice system and cultivate a culture of impunity that places our clients in grave risk. The longer this investigation languishes, the lower the prospects of successful prosecution become.
- 28 We therefore request that:
- 28.1 The National Prosecuting Authority take responsibility for overseeing the conduct of the investigation.

28.2 The National Prosecuting Authority to respond to this letter with a plan and timeline for the investigation by 12 April 2018.

28.3 A lead prosecutor be identified with whom our clients may liaise on a regular basis, including face to face meetings.

29 Kindly confirm whether the NPA will take responsibility for overseeing the investigation by Thursday, 29 March 2018.

30 Should the status quo persist, and if there is no discernible progress in the investigations within the near future, our instructions are to demand the holding of an inquest into the murder of Mr. Radebe, at which the multiple obstructions and shortcomings in the investigation will be examined.

31 Finally, please note that our clients and ourselves are available for an urgent meeting at your earliest convenience. We thank you in anticipation of your cooperation.

Yours Faithfully



Henk Smith
Henk Smith and Associates



Johan Lorenzen
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Report on murder investigation of Sikhosiphi 'Bazooka' Radebe -- 2018-03-20

1. The late Mr Sikhosiphi 'Bazooka' Radebe was assassinated in the early evening on 22 March 2016 outside his house and workshop in Lurholweni Township, Mbizana LM, a 4km drive south on R61 after crossing the border between KZN and Eastern Cape. The two assailants came in a car they had hijacked in Port Edward, KZN. They presented themselves as police officers to Mr Radebe's youngest son and when taking Mr Radebe out from the house under gun point. They shot and killed Mr Radebe with a handgun and a rifle after Mr Radebe refused to step into the car. It is unclear what the assailants intention was had Mr Radebe agreed to go with them in the vehicle. The assailants fled back north on the R61 and finally abandoned the car in a banana field south of Shelley Beach in KZN. The two hijacking victims were still inside the vehicle, one placed in the boot and one in the back seat.
2. Mr Radebe was the chair of Amadiba Crisis Committee (ACC). He was a taxi owner and founder of Mzamba Taxi Association. He was the owner of a football club and a well-known personality in the political life of Mbizana. He was one of the central leaders of the coastal Amadiba community, which has resisted the "Xolobeni Mining Project" since the beginning of 2000s. Bazooka was also a husband and a father.
3. The investigation of Mr Radebe's murder by the SAPS and the Directorate for Priority Crime Investigation (DPCI), the Hawks, has been repeatedly delayed and passed between various investigating units and investigating officers in two provinces over the past two years.
4. That the investigation was sabotaged from inside the SAPS was early evident to the Radebe family and Mr Radebe's comrades from observations made by witnesses during the night of the murder as well as what occurred during the following days, weeks and months, including broken promises to provide security for Mr Radebe's funeral on 2 April attended by 3000 and the behaviour and performance of SAPS officers and the Deputy Minister of Police at a "SAPS imbizo" on 17 July 2016 in Xolobeni.

5. On the request of the Radebe family and the ACC leadership, Alternative Information & Development Centre (AIDC) agreed to pursue a private investigation. AIDC approached The Raith Foundation, which agreed to fund the investigation.
6. The iFirm was recommended for the task by Ms Elinor Sisulu. Its team started work in the first week of September 2016 led by former SAPS General and Provincial Commissioner in Mpumalanga, Thulani Ntobela. There was rapid progress, but this was soon met by resistance from inside the SAPS.
7. Gen Ntobela writes in The iFirm's 7 August 2017 confidential Forensic Report: "The non-cooperation of the SAPS members made this investigation an impossible mission". He continues: "We do not have arresting powers, we rely on the SAPS members, we play a supporting role in [a] investigation, but there seems to be reluctance in solving this case."

The repeated failure to create one murder docket

8. This reluctance can be illustrated by the handling of two dockets: a murder docket that was opened at the Mzamba police station in, Mbizana, Eastern Cape (Mzamba, Cas 49/03/2016) and a vehicle hijacking docket opened in Port Edward in KZN (Port Edward, Cas 150/03/2016).
9. When Gen Ntobela and his staff started to assist the SAPS in the first week of September 2016, an agreement was made with the Hawks in Bizana to immediately consolidate the murder and the hijacking docket into one docket, because this is one case, not two. Five months after the 22 March murder this measure had not been taken, indicating that there was no investigation.
10. After another 8 months, on 6 July 2017, the hijacking docket was still not fused with the murder docket. This was reported at a meeting in East London between Gen T. Ntobela and Gen M. Petros from The iFirm and Brigadier G. Govender, Deputy Head of the DPCI in Eastern Cape. He called directly from the meeting to the Station Commander (S/C) of SAPS in Port Edward who had no objections.
11. We shall come back to the 6 July 2017 meeting below in the chronological account. Data, witness statements and observations that may point in a certain directions in the murder case are not relevant for the purpose of this report, unless to illustrate the performance of SAPS.

The blocking of the investigation inside the Hawks

12. The murder docket was opened at the Mzamba Police Station, but transferred to the DPCI a few days after the assassination. The Hawks officer responsible for the docket in the Bizana office, the assigned Investigating Officer (I/O), was a Sergeant Wophula.
13. He was present during half a day of strange post mortem negotiations at the morgue in Bizana on 24 and 29 March 2016. On 24 March, the legal team got an alarm call in the morning from a family member that the autopsy had started. This reversed an agreement between the police, the Radebe family and the lawyers, for the family's forensic pathologist, the renowned Dr S R Naidoo, to participate in the autopsy of Mr Radebe's body.
14. The new I/O from DPCI and the original I/O, SAPS Warrant Officer Mshiywa from SAPS Mzamba station, sought to prevent the participation of the family's forensic experts. SAPS officers were for example claiming that the death certificate and the funeral would be delayed several weeks.
15. At the end of the tense discussions on 24 March, the newly appointed I/O from the Hawks in Bizana stepped in by asking Mr Radebe's oldest son, Mr Tarzan Radebe: "How will it help the family to take out bullets from your father's body?" Tarzan thought this was an unknowledgeable assistant worker at the morgue or a taxi driver who was interfering. When the W/O from Mzamba informed that this was the I/O from the Hawks in charge of the investigation, Tarzan Radebe walked out in protest, saying: "Now I know you will not investigate the murder of my father!" After he walked out, the autopsy was postponed to 29 March.
16. On 29 March, more SAPS officers arrived and continued their opposition. Dr Naidoo wanted to do an X-ray. This was refused. To X-ray for bullets, the body allegedly had to be moved to Port Elizabeth. Dr Naidoo had to call to the Provincial Department of Health and have a senior official call in to order that the X-ray must be done that day in Bizana.
17. It transpired one year later that the SAPS officers likely were under orders to prevent the private autopsy.
18. Finally, the autopsy could take place on 29 March. Bullets and bullet fragments were retrieved from the body and a state of the art report was produced. The wounds told a story of a chaotic fight.
19. Next day on 30 March, the Hawks in Bizana failed to honour an agreement to investigate the scene of the crime in Lurholweni together with the ballistic

expert, Mr Jacobus Steyn (who also had attended the autopsy). The Hawks alleged they had no cars available. Mr Steyn retrieved a spent rifle cartridge, which was handed over the DPCI, and produced a state of the art ballistic report to assist the DPCI.

20. The appointment 13.00 with DPCI on the same day at the SAPS garage in Port Shepstone had to be called off. When the family's lawyers arrived together with Mr Steyn they were informed that the VW Polo used by the two assailants had been returned back to the family less than 48 hours after the murder. The car was no longer available for forensic investigation. The DPCI General who called after 13.00 to apologise for being late had not been informed. He had no explanation.
21. These incidents marked the start of the official investigation into the murder of Mr Bazooka Radebe. They prompted Legal Resources Centre to protest in a media release on 30 March 2016.
22. Because of these incidents, attorneys from LRC managed to get an agreement with DPCI that Mr Radebe's cell phone should be examined jointly at a laboratory in Durban and its content be given to the family. This agreement was broken. DPCI in Bizana instead repeatedly visited the Radebe family asking for the cell phone and finally got it in April. They gave it back in the last week of July 2016 after keeping it for 3 months. It had allegedly been in East London. Tarzan Radebe reports that data had been deleted from the phone including the phone numbers of locals behind the mining project in Xolobeni.
23. By August 2016, it was obvious that the DPCI was not taking the murder investigation seriously. Responding to several other complaints over attacks against the anti-mining community since May 2015 and SAPS failure to act (made by the ACC to the Human Rights Commission in EC), SAPS Brigadier ED McLaren writes in a letter 12 Aug 2016 (Ref. 26/1/2/1) that "a report was receive [sic] from the DPCI that all indications are that the killing was a result of a feud in the Mzamba Taxi Association and that it is not a result of the mining dispute".
24. The reference to taxi violence echoed the statement made in Parliament shortly after the murder by the then Minister of Mineral Resources, Mr Zwane.
25. Tellingly, no-one from the DPCI or any other SAPS institution gave any updates to the family about these alleged leads.

26. But in August 2016, ACC and the Radebe family had a range of indications and circumstantial evidence from before and after the murder that suggested otherwise. The family (whose oldest son is a member of the Mzamba Taxi Association and knows it and neighbouring associations) did not know of any dispute. The taxi industry participated by their hundreds in funeral ceremonies and preparations. There was no demonstrative absence or arrogance, which is the usual routine after taxi murders. The taxi owners held a memorial service in Lurholweni two days before the funeral.
27. It was instead the SAPS in Mbizana who displayed arrogance, defiance and demonstrative absence, to the family and to the mourning Amadiba community. The family agreed with SAPS at Mzamba station to have police protecting the night vigil. The police never came. The legal team had a meeting with Captain Freemantle at SAPS in Bizana. He agreed to have strong police presence from early morning on the day of the funeral 2 April, which was attended by some 3000 people. The priest of the Radebe family visited the Mzamba station before the funeral and got an assurance to the same from the S/C Lieutenant Colonel John. Still the SAPS in Mbizana were absent when the funeral started. Four officers arrived in two vehicles after 10 a.m. after attorney Henk Smith had made a call to Freemantle who apologised. In the afternoon, two leading members of the mining lobby followed two journalists from *The Citizen* and their local guides from the funeral and spearheaded an attack that landed three in hospital. Ms Mbuthuma from the ACC and a resolute intervention of a WO from the Mzamba SAPS could barely stop the SAPS from Mpisi station to bring in for interrogation seriously wounded victims of a crime together with the perpetrators.
28. Police presence during the night vigil and funeral needed the cooperation of the S/C of Mzamba Police Station, Lieutenant Colonel John. This is the closest station to the Radebe family homestead in Mdatya, and a 3km drive to the site of the murder. The S/C was on duty in the evening of 22 March according to journalists who called to the officer in charge of watch and got the S/C's number. But Lt Col John did not answer calls and did not appear at the site of the murder during the evening (which was not protected from the growing crowd arriving by the SAPS officers, who in addition came late).
29. Given the failure of the police to investigate the death of Mr Radebe and the perceived conflicts of interest, the Radebe family and the ACC leaders to try to find support for a private investigation.
30. The iFirm started the private investigation on 3 September 2016.

31. Gen Ntobela reported on progress to the family and ACC in October 2016 after a conducting a range of interviews and assisting the DPCI in Bizana to apply for and analyse cell phone data. Such analysis had not been done by the Hawks, despite this being standard procedure, especially in a so-called “priority investigation”.
32. The Bizana DPCI office was then assisted in making a second ‘205’ application. It was lodged in November, so we thought. Based on the results of the first analysis a more precise analysis should have been possible.
33. In beginning of March 2017, it was revealed that Sgt Wophula, the I/O at the Hawks in Bizana, who had been accompanied to the door of the Prosecutors’ office in Bizana by Gen Ntobela with a completed form, never used the fax machine standing on the other side of the door. The request was never sent. The I/O could not provide any credible explanation. There followed more obstructions on this point and the I/O was in tears when confronted on this by Gen Ntobela. He claimed he had a conflict with his commander Captain Dindi over the matter, who did not want him to engage in this investigation.
34. On the overall impression of the Hawks office in Bizana, Gen Ntobela writes in the 7 August 2017 confidential Forensic Report: “Interview conducted with Sgt Wophula and his commander Cpt Mdindi [Dindi] indicated that nothing much is being done to solve the case. For instance, they were informed that the perpetrators who were involved in the December 2015 shooting could be linked to this case. They were informed that one of the suspects in that case is [redacted] alias [redacted]. He was still roaming the streets and the police were not arresting him for the 2015 December shooting. Had they shown interest they would have brought him in for questioning ... [redacted] ... we gave them ... [redacted] ... the people they had to interrogate but nothing was done.”¹
35. To get the second “205” application filed, and because of the failure of SAPS to cooperate and act, the then Deputy Provincial Commissioner of EC, Major General David Molo was contacted. ACC and AIDC met him on 16 March 2017 together with Gen Ntobela. It was a very positive meeting.

¹ The December 2015 or ‘Christmas Shootings’ was a week of intimidation and violence directed against the Headwoman of the coastal Amadiba community and homesteads of leading opponents to the ‘Xolobeni Mining Project’. Five perpetrators were identified, one of them an employee of a fellow company (MSR) of the mining applicant (TEM). The Radebe homestead in Mdatya village was one of the targeted homesteads. We have redacted the text above, so as to not disturb the continued investigation.

The fifth accused was not arrested. But he was in the court room when his name was read out loud by the judge during the 6 day bail hearing of four suspects in January 2016. Out of respect the community stayed silent. Mr Radebe (who had been crucial in pushing for the arrest of the other four, causing stir among some officers at the Mzamba SAPS) went over to the I/O and demanded that the fifth accused be arrested. The I/O refused to do so.

Maj Gen Molo would help to solve the murder case “before retirement”, which would happen in June. For a start, he said he would let his detectives track and arrest the so called 5th suspect from the Christmas Shootings, whose movements in the area he was already following. He demonstrated this on his cell phone or a similar device.

36. In December 2016, Gen Ntobela tried to make the S/C Colonel John and the responsible I/O WO Mshiywa at Mzamba station SAPS, aware of the fact that the fifth suspect from the Christmas Shootings wasn't “in hiding”, as erroneously stated in the letter from Brigadier ED McLaren of 12 Aug 2016 (Ref. 26/1/2/1), but going around doing his business as usual. Everybody in the community knew where he was. The Mzamba SAPS claimed they did not. They insisted that the man was “in hiding”.
37. Maj Gen Molo suggested on 16 March that the man was not arrested because someone wanted to sabotage the case against the other four accused. The idea would be to lay the blame on the man who is absent.
38. Nothing however happened after this meeting. In a follow up phone call two weeks later Maj Gen Molo supported idea that the 5th suspect was “in hiding”. This indicates to us that he was under strong political pressure or even under order not to follow through.
39. On 5 March 2018, however, all five accused for the Christmas Shootings did stand before the Mbizana Magistrates Court in Bizana for the first time. The fifth accused appeared without arrest, without being accused for being in hiding, and without participating in a bail hearing (as did the other four accused for 6 days in January 2016). The trial was postponed until June. The lawyer of the local mining lobby and directors, Mr Ximbi from Mthatha, did not pitch.
40. Maj Gen Molo nevertheless filed the “205” requests to service providers again that had been frustrated since November. The answers were however mesmerising. He had a report that Vodacom answered with an instruction how to lodge such a request. MTN had allegedly said that “no traffic” took place with a certain tower during the evening in question. The iFirm knew from the first data batch that this was false. The request must be repeated again. In discussions with Gen Ntobela he did not exclude that someone was playing with Maj Gen Molo in relation to Mr Radebe's murder case, waiting for him to retire.
41. Before he retired in June and to his credit, Maj-Gen Molo moved the investigation to a task team under Brigadier G. Govender in East London, who was the Deputy Head of the Hawks in Eastern Cape. At the meeting

with Govender on 6 July 2017, both former SAPS Generals Ntobela and Petros from *The iFirm* were present to give him a briefing. The three reportedly “talked the same language” and agreed on the strategy. The case would be solved with a combination of quite simple measures. *The iFirm* would be kept informed and be ready to assist and report progress to their clients.

42. The agreed measures included: (1) standard technical analysis of different kinds (2) proper interviews with all witnesses, not least the two victims of the hijacking who witnessed the murder whilst being in the car but never has been properly interviewed. They again agreed that it was necessary to move the docket of the hijacking from SAPS in Port Edward and fuse it with the murder docket, because this is one case, not two. Brig Govender said he had already acted on this point, but phoned the Port Edward S/C about it during the meeting. The Port Edward S/C had no objections.
43. The iFirm writes in the 7 August 2017 report: “**Interview conducted with Brigadier Govender:** on 06 July 2017 in East London. He indicated that he had instructed the branch commander of Bizana DPCI capt Mdundi [refers probably to “MD Dindi”] to go and fetch Port Edward CAS 150/03/2016 the previous week. This confirmed our belief that the DPCI had no intention of solving this case because we had asked capt Mdundi [sic] to take over the Port Edward investigation in September 2017 already. He promised to be personally involved in the investigation. I discussed the case with him at length and followed up with an email dated 11/07/2017.”
44. The iFirm reported that they had been advised that the hijacking docket was moved from Port Edward to EC and consolidated with the murder docket on 10 July 2017. This was not correct. And there are no reports from DPCI to the Radebe family or to leaders of ACC.
45. We know that SAPS in Port Shepstone found a blood stained towel in the back seat and a white glove outside the abandoned car south of Shelley Beach. As objects for DNA analysis this also makes the hijacking crucial in the murder investigation. There have been no indications to The iFirm that such analysis or, for that matter, any technical analysis of bullets, cartridges or the hijacked car has been done.²

“A national task team with the task of blocking the investigation”

46. In the course of their investigations, The iFirm was advised that a national task team was appointed directly after the murder of Mr Radebe. Their

² The iFirm was informed that the rifle of a known hitman arrested in Harding in January 2017 has not been tested against the bullets and cartridges from 22 March 2016.

assignment was to block the murder investigation. The presence of this team was allegedly not known even to the local Hawks. It reported directly to the national office.

47. In the same vain, The iFirm was advised that the premature release of the hijacked VW Polo was not a blunder by SAPS but that the order to release the car served the purpose of hiding evidence. Mr Radebe put up a fierce fight with the assailants when refusing to cooperate. The car was probably littered with forensic data. That is allegedly why it was released.

August 2017 – March 2018: Futile efforts to start the investigation

48. On 8 August 2017, when a period of grace should have come to an end, AIDC was advised by Gen Ntobela to write an email to Brig Govender, to ask him what is happening and for example when a new interview would be made with Ms Mbuthuma, who together with Mzamo Dlamini was Mr Radebe's close comrade in the ACC. This email should be an exception, because Gen Ntobela had agreed with Govender to manage the contacts with his clients, but assist whenever is needed, as is the role of The iFirm.
49. Brig Govender gave a friendly and convincing reply. He wrote that the interview with Ms Mbuthuma would be done "shortly".
50. The interview with Mbuthuma taken by DPCI member Const. T. Tonga was labelled "incomprehensible" in a phone call from a DPCI Colonel in Port Shepstone. He called Mbuthuma two weeks after the murder to flag that a new interview was needed. But the DPCI in Port Shepstone was never heard of again.
51. The DPCI has not yet interviewed Mr Radebe's other close comrade who in 2016 was the Deputy Chair of ACC, Mr Mzamo Dlamini. Aside from Mr Radebe's youngest son who witnessed the murder, Mr Dlamini and Ms Mbuthuma were the last persons known to have a serious conversation with Mr Radebe. It took place 18.01-18.08 on 22 March 2016. A planned meeting at 19.00 in Mr Radebe's Lurholweni house was called off because Mbuthuma's son was ill. They were also discussing the unexpected presence in Port Edward of Mr Ximbi, the lawyer that the Director of the Australian MRC's mining subsidiary MSR, Mr Zamile Qunya, since 2015 has hired to defend suspects of Xolobeni mining violence. On the evening of 22 March 2016 Mr Ximbi was a 4 hour drive away from home in Mthatha. Ms Mbuthuma and Mr Dlamini observed Mr Ximbi in a long and intensive cell phone call at the Port Edward shopping centre. He was with a man who has

bought bags of chicken at Tiagos fast food restaurant. The three leaders of ACC speculated if XOLCO was going to have a meeting.³

52. In this conversation, Mr Radebe advised Ms Mbuthuma and Mr Dlamini that the pro-mining lobby had a hit-list with him at the top, Mbuthuma second and Dlamini third. He added that Mbuthuma was considered “the biggest problem”.
53. While Mbuthuma had originally been on the top of the hit-list, Mr Radebe advised that it had changed. He said this was because the mining lobby feared he would retaliate if Mbuthuma is murdered. Before they ended their call, Mr Radebe warned them to be careful “because they are planning to kill us”, referring to the mining lobby. He was murdered a little more than one hour after this call ended.
54. From the middle of August 2017 there was no news from Brig Govender. He expressly avoided the calls of The iFirm, only answering when he was phoned from a new phone number. The Sergeant in Bizana reported to Gen Ntobela that new cell phone data have arrived, but that Govender was not sharing it.
55. In the middle of November, *The iFirm’s* Ntobela and Petros were granted a meeting with the acting head of the DPCI, Lt Gen Yolisa Matakata. They reported the blocked situation to her. In the discussion the suggestion was made to move the investigation to KZN to avoid the internal politics of the DPCI in the Eastern Cape. Lt Gen Matakata agreed to do so.
56. A week later, Brig Govender finally contacted Ms Mbuthuma to take the overdue statement. Const. Tonga was sent to look for her and found her on a road in Xolobeni. Brig Govender then fails to pitch the appointment the next morning at Port Edward SAPS, blaming it on a serial killing outside Mthatha in a detailed text message.
57. Then there was a call from Sgt Wophula asking about next Thursday and Friday. Ms Mbuthuma said she was not available and he apologised for wasting her time. A week later Brig Govender calls when Mbuthuma is in Cape Town, asking where she is. She says she doesn’t want to say this for security reasons. Govender answers that he can come “even if you are in Cape Town”, indicating that the DPCI is tracking her, something she had already guessed when the Bizana DPCI found her in rural Xolobeni.

³ XOLCO is the trading name of the BEE partner of the mining applicant TEM

58. This is the last contact with Brigadier Govender, save for a New Year's greeting. Brig Govender has shown no interest in the former deputy chair of ACC Mr Dlamini, who today is a Ward Councillor, or other witnesses in Mbizana, only in Ms Mbuthuma who continues to be a leading member of ACC.

59. Ms Mbuthuma has been advised by Gen Ntobela that this was about politics in the Hawks. It had nothing to do with solving the murder of Bazooka Radebe. Brig Govender had come under pressure and wanted something to report. And it would be another excuse not to move the docket out from EC.

“The murder of Bazooka Radebe is a case that can be solved”

60. In November, the docket was supposed to be moved to Bisho, to the acting head of the EC DPCI Major General Zinhle Mnonophi and sent from there to DPCI in Port Shepstone, KZN, with a formal short report attached. The iFirm's Petros was asked by Lt Gen Matakata to inform Maj Gen Mnonophi about this. When he called in beginning of December, Maj Gen Mnonophi said that Brig Govender was on holiday and that she wanted to read the docket before it goes to KZN.

61. Gen Petros called again on 18 December; the day when Brig Govender was supposed to be back from his holiday. Maj Gen Nonophi was rude, asking him “what is so special about this case” and stating that “people die every day”. She then said she was leaving for holiday.

62. On the advice of The iFirm, an email letter was sent from the clients to Maj Gen Matakata on 12 January 2018 to remind her of her decision to move the murder investigation from Eastern Cape to KZN. There has been no reply.

63. Today, former SAPS General and Provincial Commissioner of Mpumalanga, Thulani Ntobela advises that the commanders of the Hawks in Eastern Cape “are playing games”. The iFirm has run out of options in how to make commanders of DPCI in Eastern Cape hand over the investigation to SAPS officers in KZN.

64. In its 7 August 2017 Forensic Report, The iFirm points to basic police measures available still today to solve the murder of Sikhosiphi Bazooka Radebe and concludes: “The DPCI would have solved this case long time ago if they were willing to do so”.

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