

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

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SUPPLEMENTARY AFFIDAVIT OF SHUBNUM HARIPARSADH SINGH

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I, the undersigned,

**SHUBNUM HARIPARSADH SINGH**

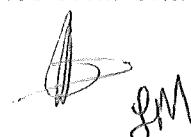
declare under oath and state that:

1 I am an adult female. I am a prosecutor, holding the rank of a senior state advocate and Head the TRC Component within the National Prosecution Services (NPS) of the National Prosecuting Authority (NPA).

**A PURPOSE OF THIS AFFIDAVIT**

2 During October 2025, I deposed to an affidavit in response to a Rule 3.3 Notice from the Chief Evidence Leader, Adv Ishmael Semenya SC with a view to place before Commission a full account of the NPA's measures, progress, and challenges in relation to TRC matters since the establishment of the dedicated TRC Component on 6 September 2021.

3 I depose to this supplementary affidavit in my capacity as a senior state advocate and Head of the TRC Component within the NPA and in response to a Rule 3.3 Notice served on the former National Director of Public Prosecutions, Adv Shamila Batohi ("Adv Batohi") on 4 March 2026. In the Notice, the Evidence Leaders indicated that they intend to present the evidence of Mr Shadrack Ganda



("Mr Ganda") who in their opinion possessed information that relates to allegations against Adv Batohi, and that are relevant to the Commission's work.

- 4 Below I set out what I consider to be the relevant paragraphs in Mr Ganda's statement that would implicate Adv Batohi:

Paragraph 16 of Mr Ganda's statement:

*"The Gqabi family decided to engage the NPA to formally request investigations into this matter, and on 10 October 2020, the late Mrs. Gqabi and I addressed a letter to Advocate Shamila Batohi, the National Director of Public Prosecutions of South Africa, formally requesting that investigations be instituted into the assassination of Joe Gqabi. Please find attached and marked as annexure SG1, a copy of the above-mentioned letter"*

Paragraph 17 of Mr. Ganda's statement:

*"The letter expressed concern over the delays in the administration of justice, drawing attention to how the passage of time could reduce the likelihood of successful investigations, as both the perpetrators and those with crucial information could pass away with advancing age. At the time the letter was addressed to the NPA, the late Mrs. Gqabi was in her eighties, and she subsequently passed away while still awaiting justice."*

5. It must be noted that Adv Batohi was not intimately involved in the operational aspects of any TRC cases. Adv. Batohi played a minimal role which was not necessarily operational.
- 6 In view thereof that I am the relevant person able to provide insight, to a limited degree, as to the progress made in the matter of the late Mr Gqabi, and which I consider that it will be of assistance that I provide information as to the developments in that matter. I say limited because the investigation falls within the purview of DPCI. I am of the view that it will assist the Commission. In any



event Adv Batohi would have to rely on me to obtain the information that I provide herein.

## **B BACKGROUND**

7. Mr Joe Gqabi was a member of the ANC underground structure. On 31 July 1981, he was shot at least 18 times in Harare, Zimbabwe. Prior attempts had been made on his life. Hours prior to his death, both Mr **Shadrack Ganda** mentioned above, and Mrs Fraser Moleketi had engaged with Mr Gqabi. However, they were not present when he was shot and killed. On their return, they discovered his body. Both were arrested and detained. Mr Ganda was released on the same day. Mrs Moleketi was detained for 17 days and then released. Subsequently, three South African security branch agents were arrested in Zimbabwe and admitted to the attack on Mr Gqabi. Three years later, charges were withdrawn after the Zimbabwean High Court found that their confessions had been obtained under duress. All three agents are now deceased.

## **C STEPS TAKEN IRO THE INVESTIGATION INTO THE MATTER**

8. After the letter dated 10 October 2020, referred to in the affidavit of Mr Ganda, was received from Mrs Gqabi, the PCLU referred the matter to DPCI on 4 November 2020 for further investigation to be conducted and guidance given that enquires should be conducted with the Zimbabwean authorities to share their evidence. As PCLU dealt with TRC matters until 6 September 2021, this matter was also overseen by PCLU.
9. DPCI was also advised that contact be made with Mrs Gqabi and Mr Ganda along with other directions. The investigation was registered and the DPCI assigned the matter to the late Colonel Frans Mathipa.
10. On 13 November 2020, the PCLU contacted the family and advised of the name of the investigator and that an inquiry had been registered. TRC material was also forwarded to Colonel Mathipa on 24 November 2020 and then to Adv Torie Pretorius on 8 January 2021, when Adv Macadam advised Brigadier Xaba that



he appointed Adv Pretorius to guide the investigation and that the matter would not be sent to the DPP office.

**SEPTEMBER 2021:**

11. In September 2021, the TRC component was created and Adv Susan Bukau handed over a list of matters under investigation within all the divisions to me. The list reflected 59 matters under investigation and a further 55 matters identified for re-opening/further investigations. The 55 matters had not yet been registered for investigations. The Gqabi matter was not reflected as a matter that was under investigation on the list of matters furnished.

**2022:**

12. During 2022, the TRC component began to compile comprehensive reports on updates received from the divisions on TRC matters. The Gqabi matter was not reflected either as a referred matter or a matter under investigation within the divisions. At this stage, almost 90 percent of the 55 matters identified for further investigation by PCLU had already been referred to the divisions. The Gqabi matter was not amongst them.

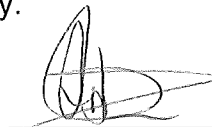
**AUGUST 2022:**

13. On 12 August 2022, the Gqabi matter was formally referred to the DPP's office (South Gauteng Division). The 10/3/5 -16/ 2020 reference number was still reflected on the copy of the referral. As from September 2022, updates were received from the DPP's office in respect of the Gqabi matter. The update was to the effect that a prosecutor had been appointed to deal with the matter and that investigations would be guided by a prosecutor.



**PRESENTLY:**

14. The matter is still under investigation and the DPCI was also requested to respond in terms of Rule 3.3 notice. No decision has been taken yet on the matter. There is no power of attorney from Mr Ganda in this matter. Regular feedback is given to the grandson of Mr Gqabi. Regular feedback had been given to the late Mrs Gqabi by DPCI when she was alive. A Mutual Legal Assistance (MLA) request has been processed from the National Office, and no feedback has been received from the Zimbabwean authorities as the deceased passed away within their jurisdiction. The matter was also investigated within their jurisdiction.
15. In conclusion, the National Prosecuting Authority has taken deliberate steps to address the backlog of TRC matters through the establishment of a dedicated TRC Component and the adoption of a prosecution-guided model. These efforts have strengthened coordination with the DPCI and ensured accountability in the handling of apartheid-era cases.
16. Despite challenges such as missing records, the passage of time, and limited capacity, progress has been made through joint accountability sessions, enhanced skills training, and a victim-centred approach that continues to build trust with affected families.
17. I confirm that during my tenure there has been no political interference during the investigation or prosecution of TRC matters, and the work continues to advance the principles of truth, justice and accountability.

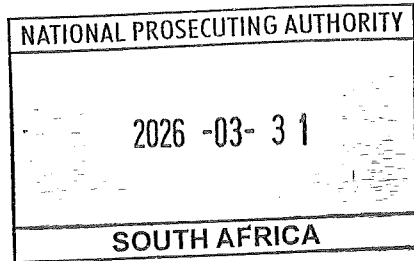


**DEPONENT**

I hereby certify that the deponent declares that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at



Pretoria on this 31<sup>st</sup> day of **March 2026** and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended have been complied with.



*LM Mgiba*

**COMMISSIONER OF OATHS**

**FULL NAMES:** Luckson Mzamane Mgiba

**CAPACITY:** Advocate of High Court

**AREA:** Pretoria