

Capture and Disclosure: South Africa's Past, Present, and Tipping Point

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UGLJESA RADULOVIC, NOV 25 2025

The Judicial Commission of Inquiry into Criminality, Political Interference, and Corruption in the Criminal Justice System – commonly referred to as the Madlanga Commission after its chair, retired Judge Mbuyiseli Madlanga – has captured national attention due to the gravity of the allegations it was established to investigate. The Commission emerged in response to claims made by Lieutenant-General Nhlanhla “Lucky” Mkhwanazi, the Provincial Police Commissioner of KwaZulu-Natal, a province historically characterised by fierce political competition and persistent struggles over access to state resources (Ngcobo, 2025). On 6 July 2025, Mkhwanazi publicly alleged that both the Deputy National Police Commissioner and the Minister of Police were using their positions to shield a criminal syndicate (Singh, 2025a). These accusations, levelled against individuals occupying senior positions in the policing and political hierarchy, raised significant concerns about the integrity of the criminal justice system and the depth of political interference in law-enforcement processes. In response to the seriousness of these claims, President Cyril Ramaphosa appointed the Madlanga Commission to investigate the matter. The Commission thus functions not only as a fact-finding mechanism but also as a critical test of the state’s commitment to confronting entrenched corruption and rebuilding public trust in South Africa’s policing institutions.

The Madlanga Commission, of course, would not be the first commission of inquiry into high-level malfeasance in South Africa. Instead, it is at least the second significant commission established in the last few years that would appear to have repercussions of more profound national consequence. Earlier, the Judicial Commission of Inquiry into Allegations of State Capture, Corruption, and Fraud in the Public Sector, including Organs of State (commonly referred to as the Zondo Commission, after its chairperson, Deputy Chief Justice Raymond Zondo), was held from 21 August 2018 to 15 June 2022. The Zondo Commission findings were cataclysmic. They determined, in an extensive report, that several integral facets of the state had been captured. State-owned enterprises were misappropriated, government contracts were manipulated, and state resources were siphoned off, all for the benefit of corrupt public officials and private individuals (Radulovic, 2023b; Uys & Radulovic, 2025). After all, state capture necessitates the enactment of precisely such behaviours, as the phenomenon is a form of systemic corruption where institutions and public policies are shifted away from the public interest and redirected toward private interests (Dávid-Barrett, 2023).

A recent progress report from the Presidency of South Africa (2025: 4) on the implementation of the actions in President Ramaphosa’s response to the 218 recommendations of the Zondo Commission indicated that: 10 cases have been “finalised with verdict, conviction, acquittal, withdrawal, or terminated investigation”; 36 cases are enrolled, are in progress, or have been partially finalised; 111 cases are under investigation “with regular progress updates”; 9 cases are “delayed but proceeding”; 35 cases are “stalled due to external dependencies such as extradition requests”; and with 17 of the cases no investigation has been initiated or authorised. Thus, since the completion of the Zondo Commission, only roughly 4.5% of the cases have been fully finalised, and it is important to emphasise that the outcomes of acquittal, withdrawal, or termination of investigation have been ringfenced within the banner of ‘finalised’. There has also been a lack of action taken to hold the perpetrators accountable, with the law moving very slowly to respond to Zondo’s recommendations and the main architects remaining at large.

A Long History of Capture

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An argument can be made that all states are, to some degree, subject to capture. Initially, the term 'state capture' was reserved for post-socialist Eastern European countries transitioning from planned to market economies. This transition was often incomplete, marred by interference, irregularities, contextual constraints, and geopolitical competition (Longhurst, 2016; Uzelac, 2003). State capture also manifests in fully-fledged liberal democracies. In the West, it is "driven by global finance and liquidity" with financial corporations disproportionately influencing political structures (Visser and Kalb, 2010: 176). In the United States, for example, J.P. Morgan played a pivotal role in the early development of the American financial system, contributing significantly to the creation of the Federal Reserve. Later, Goldman Sachs played a pivotal role in the development of mortgage-based derivatives, with its executives occupying key state positions. Western European banks have employed a similar anchor model to influence state structures across the continent (Visser and Kalb, 2010).

In South Africa, the state capture revelations, investigated by the Zondo Commission, implicated Former President Jacob Zuma (who served as the country's president from 2009 to 2018), along with several public officials and influential businesspeople. However, South Africa has a long history of grappling with state capture (across regimes – both autocratic and democratic) and that capture had transpired, in some way, from the very arrival of Jan van Riebeeck in Table Bay (in what is present-day Cape Town) on 6 April 1652. Van Riebeeck was sent by the *Vereenigde Oostindische Compagnie* (VOC), commonly referred to as the Dutch East India Company, "to set up a revictualling station at the Cape to provision their ships travelling between Europe and the East" (Abrahams, 1993: 3). The *Fort de Goede Hoop* (Fort of Good Hope) was established by van Riebeeck and a small company of men, in the style of contemporary Dutch fortifications (Abrahams, 1993).

At first glance, van Riebeeck would have appeared to be a true 'company man', for a company – the VOC – that "pioneered features which later became textbook characteristics of modern corporations" (Gelderblom, de Jong & Jonker, 2013: 1050). The VOC lasted for nearly 200 years, being one of the first joint-stock companies in the world, and having operated as a chartered trading company involved in the transaction of goods ranging from spices to textiles to precious metals. With the Company being primarily responsible for shipping trade between Europe and Asia (Lucassen, 2004), the advanced capitalist nature of the Dutch Republic enabled it to spearhead Europe's expansion into Asia (Robertson & Funnell, 2012). By some accounts, the VOC was "the original military-industrial complex" (Taylor, 2013). With it being granted quasi-governmental status, it possessed "the power to wage war, imprison convicts, establish colonies, and mint its own coins" whilst standing at the forefront of a lucrative slave trade (Christabel, 2022). It was a vessel for colonisation, one which possessed an absolute trade monopoly. By virtue of that fact, it was, in itself, a corrupt entity.

Van Riebeeck, operating within and benefiting from this structurally corrupt corporate machinery, was himself implicated in the corrupt practices that characterised the VOC. He had been accused of corruption at the VOC's Tonkin trading post in Vietnam, abusing his official position (as the head of the post) for private benefit (Blackman & Dall, 2021). However, van Riebeeck's corruption did not bear nearly enough fruit for him, as the "pickings at the Cape were too slim for him to make any real cash" (Blackman & Dall, 2021: 2). Van Riebeeck had, aside from the rather economically unsuccessful abuse of his position as the Cape's first commander, also set "in motion a process of land expropriation for the success of the service and benefit of his employer" (Blackman & Dall, 2021: 4), a process which continues to have ramifications for South Africa to date.

In the 1650s, the Cape "was not a sufficiently developed bureaucratic state" for corruption, as we know it today, to thrive (Blackman & Dall, 2021: 4). By the time the outpost had graduated into a colony, Willem Adriaan van der Stel would position himself to profit off it significantly. Willem Adriaan van der Stel was the second Governor of the Cape Dutch Colony (from 1699 to 1707) and the eldest child of the Colony's first governor, Simon van der Stel. Both were service members of the VOC, and both were corrupt; however, Willem Adriaan was particularly corrupt and cruel. Simon was an effective administrator, but he disregarded rules for the benefit of his private farm, Constantia. Willem Adriaan would employ the same disregard, but on a more industrial scale.

The VOC had prohibited Company officials from competing in the same market as Free Burghers (independent farmers released from VOC service), as the economic market at the Cape was limited; thus, Company officials were not allowed to own larger gardens or have more cattle than required for their household. The Free Burghers would

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sell their products at strictly regulated prices to the VOC for distribution to passing ships. Willem Adriaan owned much more than larger gardens and several cattle – his Cape wine estate, *Vergelegen*, still stands as evidence of this today. He possessed lands where at least 50 farmers would have been able to earn a living, expansive territory to sow corn, a vineyard of more than 400,000 vines, 800 cattle, 10,000 sheep, and he used more than 60 of the VOC's servants, subalterns, sailors, and soldiers on his farm (where he should not have). He obtained a thousand cattle by violent means, exploited poor wine farmers, threatened bakers to buy his wheat, bribed for title deeds, and commonly employed tactics of violence against the Colony's populace – primarily through his abhorrent henchman Jan Starrenburg, unaffectionately referred to as Beelzebub by the Free Burghers (Blackman & Dall, 2021).

These revelations came to the fore because of a whistleblower, Adam Tas, who, along with other supportive Free Burghers, detailed van der Stel's nefarious dealings in a petition (or disclosure, if you will) sent to the VOC headquarters in Amsterdam. Van der Stel imprisoned Adam Tas in a windowless dungeon for 13 months, but his disclosure ultimately led to the removal of Willem Adriaan van der Stel as the Governor of the Cape Dutch Colony in 1707 and a subsequent recall to Amsterdam in 1708 (Radulovic, 2025). Ultimately, Tas' disclosure exposed not only Van der Stel's personal misconduct but also revealed how fragile governance structures, weak oversight mechanisms, and concentrated economic power allowed corruption to flourish at the Cape. In effect, the downfall of Willem Adriaan van der Stel demonstrated both the limits of imperial authority and the capacity of local actors, however constrained, to challenge and disrupt the exploitative practices of VOC officials.

British Governorship of the Cape Colony was just as corrupt, with Sir George Yonge (Governor of the Cape Colony from 1799 to 1801) and Lord Charles Somerset (Governor of the Cape Colony from 1814 to 1826, though 'granted a leave of absence' in 1825) both benefitting at the expense and abuse of the Colony, with Yonge particularly profiteering off the slave trade. A number of whistleblowers exposed the corrupt activities of both actors, and ultimately, these disclosures led to the removals of Yonge and Somerset from the Cape, but not before they had subjected some of these whistleblowers to retaliation, including veiled threats and imprisonment (Blackman & Dall, 2021). The disclosures might not have exposed 'state' capture, per se, since the Colony was not a state in the sense of a nation or territory as an organised political community under one government, but was precisely what it claimed to be – a colony. Also, by the time Somerset was Governor of the Colony, the Zulu Empire had established dominance in what is now the KwaZulu-Natal province. The Xhosas inhabited a large swathe of land bordering the Colony, and several chiefdoms and clans were spread over what can be considered the boundaries of modern South Africa. Regardless of the region's territorial politics, the very structures that governed the Colony were captured by corrupt actors. It was a colonial capture of the land, followed by a capture of that very colony by private individuals, driven by the desire to control a provisioning outpost and amass power and wealth in the process.

The discovery of minerals would eventually establish South Africa as one of the world's most mineral-rich countries. In 1866, a 15-year-old boy playing on the bank of the Orange River near Hopetown (in the present-day Northern Cape province) discovered the first diamond, and three years later a Griqua shepherd sold another diamond, the *Star of Africa*, for a considerable amount of wealth to a farmer – which would start the diamond rush along the Orange River and Vaal River (Orange River's largest tributary) (Field, Stiefenhofer, Robey & Kurszlauskis, 2008; Nex & Kinnaird, 2019). In the 1880s, the gold rush was initiated in Barberton (present-day Mpumalanga province) (Richardson & van Helten, 1984), and by 1886 gold was discovered on the Witwatersrand (an escarpment locally referred to as the 'Rand', spreading across the present-day North West, Gauteng and Mpumalanga provinces), with mining of that gold starting in early 1887 followed by decades of gold mine expansion (Phillips, 2013).

Coupled with the expansion of gold mining in the mid-to-late 1800s in North America, Australasia, and Asiatic Russia, South Africa's gold discoveries would create the conditions "for a currency revolution of international dimensions" (Richardson & van Helten, 1984: 319). With an increased output of gold, and a relative decline in newly mined silver, industrialising nations shifted toward to the adoption of the gold exchange standard. The major trading nations of Europe began to express the value of their money in terms of gold, and with expanding world trade, increased gold production supported the shift toward a unified global currency system. Yet, the 1886 discovery of the Witwatersrand gold fields was arguably the most important of all of the nineteenth-century gold discoveries (Richardson & van Helten, 1984).

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These conditions had positioned South Africa at the forefront of valuable mineral production, but in doing so, also positioned it for capture – a deeply embedded, long-lasting capture by mining corporations. Cecil John Rhodes had a colossal part to play in this. Rhodes profiteered from the diamond rush by leasing water pumps to diamond miners, and he would eventually secure a monopoly to pump out water from the diamond mines in Kimberley (a town that was the focal point of the diamond rush). Together with his business associate, Charles Rudd, Rhodes would establish De Beers Mining Company in 1881. By 1888, he would absorb all of the smaller mining companies, along with the purchase of a larger French competitor (through the financial support of the Rothschild family). The expanded company would be rebranded as De Beers Consolidated Mines, establishing an absolute monopoly that would ensure no private individuals could profit from the diamond trade. The trust deed of De Beers Consolidated Mines even made provision for governing countries, annexing territory in Africa, creating an army, and waging war, all of which Rhodes would eventually engage in. Rhodes had previously established himself as a politician, worked his way into Parliament, and cracked down on the 'illicit' diamond-buying market (Blackman & Dall, 2021).

Rhodes had effectively formed “a cartel to control the price of diamonds” (Mashele, 2016). With the money acquired via the diamond trade, the men forming part of this cartel would establish gold companies on the Witwatersrand. Rhodes' Consolidated Gold Fields of South Africa would also result from the aggregation of several companies (Porter, 2020). This newly aggregated company would be of great significance in the gold mining sector. Rhodes understood that money was simply an instrument in his imperial ambitions (Mashele, 2016). Thus, his mining ventures would, in due course, serve him well in becoming the Prime Minister of the Cape Colony (in 1890), a position which he would use to expropriate land from black Africans with the Glen Grey Act of 1894. This process would lay the foundations for apartheid, which itself was the pinnacle of a captured system – a white minority elite capturing all facets of the state for their private benefit. Many would blow the whistle on Cecil John Rhodes' capture of all facets of the system at the time, but author and anti-war campaigner Olive Schreiner would be one of the loudest. In retaliation for Schreiner's outright opposition to his corrupt actions, Rhodes had Schreiner's husband, Samuel Cronwright-Schreiner, removed from the voters' roll, rendering him unable to contest the election against Rhodes (Blackman & Dall, 2021).

Whistleblowers on the Frontlines

Despite whistleblowers bringing significant wrongdoing to the fore, the act of whistleblowing was not a common occurrence under colonial rule. It appeared to have been even less of a common occurrence under apartheid rule, though there were some landmark whistleblowing cases under apartheid. The act of whistleblowing only became a more frequent occurrence with the country's transition to democratic rule in the early 1990s (Uys & Radulovic, 2025). The transition encompassed political, social, and economic changes (Uys, 2014), and in doing so, granted rights to all of the state's citizens. Race-based authoritarian rule was abolished, and the processes to redress the economic exploitation of black Africans were created. Nevertheless, even with its more recent prominence, whistleblowers in South Africa have been subjected to frequent and severe forms of reprisal. These reprisals have manifested in work-related, social, legal, and physical retaliation (Radulovic, 2023a). In spite of these reprisals being widely known, whistleblowers have continued to come forward and expose revelations regarding the capture of the country's policing system.

In a recent radio interview, Dr Mbuyiseni Ndlozi, who resigned from the Economic Freedom Fighters (a political party vocal in its opposition to Jacob Zuma's state of capture rule) and party politics in early 2025, asked me a pertinent question: whether I consider Lieutenant-General Mkhwanazi a whistleblower. In answering this question, I leaned on Near and Miceli's (1985: 4) foundational work, which provides a (still) widely accepted definition for whistleblowing as “the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action”. Since Lieutenant-General Mkhwanazi, serving as a law enforcement official, brought to light what he perceived to be wrongdoing, perpetrated by members of the South African criminal policing apparatus, by holding a press briefing, I argued that he is indeed a whistleblower.

Lieutenant-General Mkhwanazi's significant contribution was in detailing the disbandment of the Political Killings Task Team (PKTT) by the Minister of Police. The PKTT was a specialised police task force established to

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investigate political murders in KwaZulu-Natal and, according to Mkhwanazi, it was disbanded in order to stop the PKTT's investigations into the activities of a criminal cartel connected to high-ranking politicians, police officers, and prosecutors (Nozulela & Mlambo, 2025). Moreover, Lieutenant-General Mkhwanazi's disclosure set in motion the steps that would lead not only to the establishment of the Madlanga Commission but also to the detailing of the depth and breadth of the political and criminal capture of the South African policing apparatus. Several other whistleblowers have stepped forward to further detail the capture of the apparatus (with the Commission still underway and producing revelations on a day-to-day basis). Alarmingly, the criminal network standing behind the capture of the criminal justice system has also been linked to several murders.

Armand Swart, mistakenly identified as a whistleblower who exposed tender irregularities related to a large state-owned rail and port company, was killed, and a veteran police detective was one of the individuals arrested for his murder (Seeletsa, 2025). The detective "had unfettered access to police profiling tools" and "this provided invaluable intelligence" for the execution of the crime (Wicks, 2025: 213). Four of the hitmen who have been fingered in the assassination of Swart have also been charged with the murder of a rising South African musician, Oupa Sefoka – DJ Sumbody, with the national police spokesperson stating that the same firearms were used to kill both Armand Swart and DJ Sumbody (Koka, 2025). An influential businessman has been "identified as a central figure" behind the assassination of Swart (Wicks, 2025: 212). This businessman allegedly forms part of the 'Big Five', a criminal cartel involved in drug trafficking, tender fraud, and assassinations, whose existence came to light because of the investigations of the Madlanga Commission (Solomon, 2025). Another influential businessman implicated as a member of the 'Big Five' cartel has been linked to several major tender fraud cases, one of which is related to contract irregularities at Tembisa Hospital. Babita Deokaran was in the process of exposing the tender fraud linked to Tembisa Hospital when she was assassinated in 2021 (Uys & Radulovic, 2025). She has since become a symbol of whistleblower martyrdom in South Africa.

Investigative journalist Jeff Wicks did much of the key early reporting of her case and has subsequently published a book detailing why Babita Deokaran was murdered (Wicks, 2025). Through painstaking investigation, Wicks has unveiled a corrupt network of public officials and criminal networks standing behind the looting of public hospitals in the Gauteng province. He concluded that the assassinations of whistleblowers like Babita Deokaran (or those mistaken for whistleblowers, like Armand Swart) are the "hallmark of the shadow state", and that exposing this network has led to whistleblowers simply being eliminated (Wicks, 2025: 224). This has been confirmed in a recent testimony at the Madlanga Commission, where it was heard how a whistleblower was murdered after exposing an unlawful police operation, with the acting head of this police unit having a relationship with one of the 'Big Five' (Singh, 2025b).

Thus, whistleblowers appear to find themselves more on the frontline now than ever before. This is particularly true in terms of the nature of retaliation, where physical retaliation (i.e. the assassinations of whistleblowers) is commonplace. It would appear that the Madlanga Commission is unveiling a web of murder (particularly of whistleblowers) unlike any allegations of capture before it, with the Zondo Commission revelations paling by comparison (being that it was more concerned with the capture of state-owned enterprises and also being that murder was not commonplace).

The Tipping Point?

The capture of the criminal justice system by a politically connected criminal network, however, might be a tipping point for South Africa. Alford's (2001: 68) seminal work on organisational power and the broken lives of whistleblowers identifies the "historical moment" as one of the ways in which whistleblowers reason, making a disclosure – they find themselves in the right place at the right time. Thus, this could also be a historic moment for South Africa, not just for its whistleblowers. With sufficient political will, the state could capitalise on the moment, as the Madlanga Commission has drawn massive public attention. In doing so, the adequate reform of an inadequate whistleblower protection instrument could be expedited. This would, at the very least, offer whistleblowers more comprehensive legislative protection, something that South African whistleblowers have not had up until now. Several provisions within effective global instruments have already been identified, and the importance of global collaboration for legislative reform (across both state and civil society) has been emphasised (Radulovic, 2024). The

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promise of a new whistleblower protection law, to be introduced in Parliament before the end of 2025, remains, following the Department of Justice and Constitutional Development's release of a discussion document on proposed reforms for the whistleblower protection regime (Corruption Watch, 2025). As of late November 2025, we are still awaiting news of this law.

However, the protection of whistleblowers cannot be left only to the legal realm. It would reduce the disclosures of whistleblowers to legal jargon – the questioning of who said what, where, and when. The moment to effect meaningful change presents itself now, with massive public interest in the Madlanga Commission, extensive media attention given to the disclosures of whistleblowers, and widespread public outrage at the scope of the revelations and the murders that accompany them. This moment must therefore be leveraged to move beyond incremental legislative adjustments and instead mobilise not only the actors directly involved in the whistleblowing process but also the broader public. Achieving this requires holding to account – swiftly and decisively – the individuals who have compromised the criminal justice system, rather than repeating the protracted and uneven implementation that followed the Zondo Commission's recommendations. Importantly, several role-players will have to be engaged – from civil society to the state. This broader engagement would yield wider support for whistleblowers and ultimately lead to an independent state institution that provides both protection and support to whistleblowers (through collaborative efforts with civil society), which can harness the potential of disclosure. It would also foster the belief in the broader public that those who expose wrongdoing will have support when doing so.

Corrupt, power-embedded structures have evidently persisted throughout the country's history, but the handlers of power have varied. The Madlanga Commission revelations (that have come to the fore because of whistleblowers) could be the tipping point that, if harnessed correctly, sets the country in a new age – one of accountability. Whether this potential is realised will depend on the state's capacity to institutionalise reforms, protect whistleblowers, and dismantle the criminal-political networks that have become entrenched within the policing and governance apparatus.

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