

# McBride finally cleared

**THEFT CHARGE:** STATE SAYS THERE ARE NO GROUNDS TO PROSECUTE

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**Amanda Watson**

**S**tate prosecutors refused to prosecute Independent Police Investigative Directorate (Ipid) head Robert McBride in March last year for contravening the Interception of Communications Act, for removing a device from the Hawks offices in 2015.

But McBride only became aware of the decision to drop the charges this week.

“This is yet more evidence of spurious charges and unlawful actions by the Hawks on the instructions of former minister

[Nathi] Nhleko,” McBride said yesterday.

*Saturday Citizen* has had sight of a memorandum from the National Prosecution Service Priority Crimes Litigation Unit, addressed to the Crimes Against the State division of the Directorate of Priority Crimes Investigation (Hawks), dated March 11 2016, in which the prosecution of McBride was declined.

The device, known as a “data 6 device”, was discovered by former Gauteng Hawks head Major-General Shadrack Sibiya who, according to the memo, “had suspicions two officials from Crime Intelligence who visited the DPCI offices in Gauteng – where he was based prior to his suspension – were looking for a device with recorded information that could include him in any wrongdoing”.

Sibiya then asked Ipid to look into the matter and McBride took the device from Sibiya and handed

it over to his IT department.

Officials then took it to State Security, which determined it to be a fax encryption device.

The NPA’s acting special director of public prosecutions, Dr JP Pretorius, wrote: “It was clear the Ipid head had no intention to deprive the police of the equipment permanently, the idea was to pursue an investigation. There was no intention to defeat the ends of justice and to commit theft.”

The NPA was approached for comment, but had not responded at the time of going to press.


The charges came at a time when McBride was under investigation for purportedly altering a report into the rendition of five Zimbabweans.

The claim at the time was that Witness Ndeya, Shepherd Tshuma, Nelson Ndlovu and Maqhawe Sibanda were kidnapped by members of the Hawks and detained at Orlando police station in Soweto

in November 2010, before being handed over to Zimbabwean police at the Beit Bridge border.

In the fallout after McBride submitted a second, official, report into the rendition which cleared Sibiya, McBride was suspended, and then Hawks head Lieutenant-General Anwar Dramat was allowed to resign.

This cleared the path for Nhleko to appoint Lieut-General Berning Ntlembeza, who is currently fighting for his own reinstatement. – [news@citizen.co.za](mailto:news@citizen.co.za)

 ***There was no intention to defeat the ends of justice and to commit theft.***

**Dr JP Pretorius**

NPA’s acting special director of public prosecutions