

**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS
REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION OR
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES
(TRC CASES INQUIRY)**

HELD AT:

Sci-Bono Discovery Centre, Corner of Miriam Makeba & Helen Joseph Street
Newtown, Johannesburg

BEFORE:

COMMISSIONERS:

The Honourable Ms Justice Sisi Khampepe (Judge Ret.) – Chairperson
The Honourable Mr Justice Frans Diale Kgomo (Judge President Ret.)
Adv Andrea Gabriel (SC)

EVIDENCE LEADERS:

Adv Ishmael Semanya (SC)
Adv Vas Soni (SC)
Adv Fana Nalane (SC)
Adv Nompumelelo Seme
Ms Baitseng Rangata

REPRESENTATIVES

Adv KD Moroka (SC) – DoJ representative
Adv Anisa Kessery-DOJ Representative
Adv Varney (SC) – The Calata Group
Ms A Thakor – The Calata Group
Mr Sipho Tlhaole – The Calata Group
Ms Lamiah Casoo-The Calata Group
Adv Nwabisa Ntshizana (for Ex-NDPP's Officials)
Adv Gwala- NPA representative
Adv Vivian Rikhotso (for Adv Menzi Simelane)
Adv Bridgette Nthambeleni (for Adv Jiba)

22 JULY 2026

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PROCEEDINGS ON 22 JULY 2026

CHAIRPERSON: Good morning to you all. Adv Semenya?

ADV SEMENYA: Good morning, Chair and to the Commissioners as well. We have today Adv Matzke to give us her account of the business of the Commission.

CHAIRPERSON: Yes, thank you.

MS RANGATA: Morning, Chair.

CHAIRPERSON: Morning, morning, Ms Rangata. You will be leading the evidence of Adv Matzke.

10 MS RANGATA: Yes, Chair.

CHAIRPERSON: Thank you. Adv Matzke, good morning.

ADV MATZKE: Morning.

CHAIRPERSON: Yes. Will you give your evidence under oath or affirmation?

ADV MATZKE: Under oath.

CHAIRPERSON: Yes. Do you swear that the evidence you will give will be the truth, the whole truth and nothing but the truth? If so, raise your right hand and say 'so help me God'.

ETRICIA MATZKE: duly sworn states

20 CHAIRPERSON: Thank you. Ms Rangata?

MS RANGATA: Thank you, morning, Chair and the Commissioners. Good morning, Adv Matzke.

ADV MATZKE: Morning.

EXAMINATION BY MS RANGATA: Welcome, thank you for coming today. Adv Matzke, would you want to state your name and your

background and your profession, a little bit of your personal, not too much, but professional background?

ADV MATZKE: Thank you, Counsel. Thank you, Commissioners, Chairperson and Commissioner. I am just... My name is Etricia Matzke. I have been a prosecutor for 40 years. I left the NPA service in January 2025. I started off as a judge's clerk, as we were called those years; and in 1986, I was appointed as a public prosecutor.

I started off in the district courts for a short while in Randburg, but for most of my time in the Department of Justice that time, I was
10 at the Germiston Magistrate's and Regional Courts. I also served as the senior state advocate, senior public prosecutor in Germiston for a while, and then I was transferred to the Johannesburg Attorney General's office at that stage, first for a year in the fraud unit, and then I was appointed as a state advocate, later a senior state advocate. Excuse me; I just want to drink a little bit of water.

MS RANGATA: Okay.

ADV MATZKE: I was then transferred to the national office in Pretoria, which was then newly formed under the leadership of Mr Ngcuka and I was then promoted to a deputy director in 2000. I
20 stayed a deputy director until 1 April 2022 when I was appointed as a Special Director of Public Prosecutions for the general stream and tax matters. And later on, I was also overseeing and working with Adv Singh in the TRC matters in the last part of my career there.

MS RANGATA: Thank you. Thank you very much. And you have made a statement to, an affidavit to this Commission.

ADV MATZKE: That is correct.

MS RANGATA: Chair, if you go to page 2303, there is an affidavit of Adv Etricia Matzke. Did I pronounce your name right?

ADV MATZKE: Yes.

MS RANGATA: Okay and if you turn to page 2308 of the same affidavit, there is a signature there. Is that your signature?

ADV MATZKE: That is correct.

MS RANGATA: Would you then confirm that this is your affidavit and the contents thereof are true and correct?

10 ADV MATZKE: I confirm so.

MS RANGATA: Thank you. You have already spoken to paragraph 4 of your affidavit, which you have outlined your background and your employment history. Am I correct that you are now on retirement?

ADV MATZKE: Yes.

MS RANGATA: So we have taken you away from your comfortable days. Yes. When did you retire?

ADV MATZKE: In January 2025. At the end of January I left the NPA.

20 MS RANGATA: All right. I am going to then turn to page 2303 of your affidavit. You have pointed out some typographical mistakes or errors in paragraph 2. Do you want to correct that into the record?

ADV MATZKE: Thank you very much, Counsel. Chairperson ...[intervenes]

MS RANGATA: Ms Rangata.

ADV MATZKE: Adv Rangata.

MS RANGATA: Thank you.

ADV MATZKE: Paragraph 2 should actually read:

“The facts contained...”

Not “contacted”,

“...in this affidavit.”

So remove “are”.

“...are within my personal knowledge, unless
stated otherwise, both true and correct.”

I apologise for the typing error.

- 10 MS RANGATA: Thank you. Thank you. Thank you for that. I will then take you to paragraph 3 of your affidavit. You speak to the reason why you are before this Commission. I would like you to read that into the record, paragraph 3 on page 2303.

ADV MATZKE: Thank you.

- 20 “The purpose of my affidavit is to respond to the request made by the Commission of Inquiry into allegations regarding efforts or attempts to stop the investigations or prosecution of Truth and Reconciliation Commission cases (“the Commission”) in its mandate, under the Terms of Reference. I am requested to respond to the evidence presented to the Commission by Adv N Jiba on 1 April 2026 and provide any further information relating to my involvement and knowledge in respect of the TRC cases.”

MS RANGATA: Thank you very much. As a result of being requested by the Commission to deal with this very matter and deal with the issues raised by Adv N Jiba under her examination, you were requested by the Commission to consult with the evidence leaders, and which you did; and out of that consultation, you have prepared your draft statement. The evidence leaders considered it and you were happy with it. And hence, we are here today with your signed affidavit. Correct?

ADV MATZKE: That is correct.

- 10 MS RANGATA: All right. I will then go to paragraph 6 of your statement, where you deal with the component or the department where you are deployed. Can you just read that into the record?

ADV MATZKE:

“My main portfolio and responsibilities at the National Prosecuting Authority was that of coordination of the Representations and Complaints Component.”

- MS RANGATA: All right. If one was to ask you what this component or this unit was all about, can you, in short, just explain to the
20 Commission or to the chairperson what the component was all about? What was the function of this unit?

ADV MATZKE: The Representations and Complaints Component came into being in 1998/1999, when Mr Ngcuka was appointed as the first national director; and the reason being that the National Prosecuting Authority Act made provision for a review mechanism for

the national director. So, that is where it started many years ago under the leadership of various deputy nationals. When we started that stage, it was Dr D'Oliveira and later on whoever was in charge of the National Prosecuting Service, the NPS, would then coordinate or oversee the Representations and Complaints Component.

So, the representations and complaints at the national office would come to the play once the mechanism in the provinces and regions has been... once a complainant or an aggrieved party has made representations to either the senior public prosecutor, then it
10 would go to the Director of Public Prosecutions. And then once the Director of Public Prosecutions has made a decision, which is not, which a party wants to be reviewed, then representations would be made to the national office; and this component was the mechanism, excuse me.

MS RANGATA: Are you comfortable?

ADV MATZKE: Yes.

MS RANGATA: Okay.

ADV MATZKE: This was the mechanism where the representations would be received. There is a system, it would be registered, a file
20 would be opened, allocated to responsible prosecutors or advocates in that component, and then it will be evaluated and the reports and the case dockets or copies of the case dockets would be requested from the director and then it would again be processed in the office to go to either the national director through the deputy national director or the deputy national director who would be designated to review

certain matters by the national director.

MS RANGATA: Okay. And what would be your role in that unit?

ADV MATZKE: My role as coordinator over the years was to see to it that the system is working, that there is proper allocation of the matters, that the reports are obtained, that the reports are prepared in a proper format, and that is then submitted to either the deputy national or the national director for the final review decision. And all the correspondence that went with that, some of that was delegated to me, the normal correspondence to request and to do the initial
10 work, and then the final decision and signature was that of the deputy national and the national director.

MS RANGATA: Thank you. Thank you very much. In that unit, when you receive, if I understand your evidence, the cases will come to your office in a form of complaints.

ADV MATZKE: So, complaints were submitted or fully-fledged representations. It was called complaints and representations. Sometimes parties would just complain about no progress in matters or not receiving status, not receiving correspondence and sometimes it would be the decision of the DPP; and that is, if it was about the
20 review decision, then we would call it representations and others would be complaints, but it is still always a file is opened, letters are written and the DPP is then asked to look into the matter and to also inform the national office what the progress was.

MS RANGATA: All right. And those matters that are referred to your office will be all sorts of matters, including priority crimes?

ADV MATZKE: The representations office was the conduit for all the units, so be it the specialised commercial crime, the organised crime, the Priority Crimes Litigation Unit, and then the bigger, the majority of the matters referred to the matters that was dealt with in the provinces by the prosecutors or the DPPs. So everything had to come through this office so that one could track it on a system. We had an electronic system. Files would be opened. The process would then be that once it was received, if it was a review decision, they ...[intervenes]

10 MS RANGATA: I think you have dealt with that.

ADV MATZKE: Thank you, madam.

MS RANGATA: Thank you.

ADV MATZKE: Oh, thank you.

MS RANGATA: Thank you. Chair, this witness will address in the main three matters. The first matter will be the answer to the issues that were raised by Adv Jiba, which she will start with, and then we will then deal with her role in specific in the Representations and Complaints Unit with a specific matter that she will deal with, which is the matter of Els and Sons. And lastly, she will then address her
20 involvement in the TRC unit where she is working together with Adv Singh. That evidence is already before this Commission. She will just give an overview of her direct involvement and what it entailed in that department towards the end of her career in the NPA.

CHAIRPERSON: Yes.

MS RANGATA: Thank you, Chair. We will then move to your

affidavit on paragraph 7, which appears on page 2305. You are addressing the main reason why you deposed to this affidavit, and I will request you to read, for context and just for completeness sake, to read paragraph 7 and the contents of the email that is contained until the end of that page. Thank you.

ADV MATZKE: Thank you, Chairperson and Commissioners.

10 “7. In her evidence, Adv Jiba stated that her personal assistant, Ms Pfanani Mlova, sent an email to Adv Pretorius, then Acting Special Director of the Priority Crimes Litigation Unit, PCLU, on 22 October 2018 and that I was amongst those copied in the said email.”

The email reads as follows, read as follows:

20 “Dear Dr Pretorius

By direction of Adv Jiba, following the National Operations Management Meeting last week, which you unfortunately could not attend, understandably so, a decision was taken that you should forward a list of cases/matters together with the cases themselves emanating from the TRC to my office in order to see and evaluate which matters should be referred to the DPP offices. The delay in dealing with these matters was highlighted as something which is

unacceptable, seeing that the suspects are getting old, witnesses also getting old, which might result in victims not getting justice at all. The target date for the evaluation of these matters is 14 November 2018. Adv Jiba has already requested Adv Matzke and her team to run with the process.”

MS RANGATA: Thank you. Oh, yes, this is 2306. You can complete.

10 ADV MATZKE:

“It is therefore requested that this be submitted by Wednesday, 24 October 2018 latest. You can delegate any of your prosecutors to collate the dockets.”

MS RANGATA: Thank you, thank you. You have now given context of why you are here, and I note on the last paragraph of this page 2305, that there is a special mention that you have been requested to run with the process. Before you tell the chairperson and the commissioners how you ran with that process, can you explain why
20 would you at that time have been the person that has been requested specifically to deal with this request?

ADV MATZKE: I actually, I do not know and I think that is then why I mention in paragraph 8 that it was my first time of being informed of the task at hand, and then I responded to Adv Jiba.

MS RANGATA: Are you reading paragraph 8?

ADV MATZKE: Can I read that?

MS RANGATA: Yes, you can do that. It is page 2306. You can proceed.

ADV MATZKE: Thank you, Commissioner.

10 “This email was the first time of me being
informed of the task at hand. Thus, I henceforth
in respond wrote an email to Adv Jiba on the
same day at 3:45 PM, requesting a meeting with
her so as to understand what the referral of the
matters to the Directors of Public Prosecutions
entail as well as the process to be followed by the
Representations and Complains Component.”

There should be a “T”.

“I also propose that we await the submission by
the PCLU and then take it from there. The
meeting never materialised.”

MS RANGATA: Yes. You can proceed and read paragraph 9 and
10.

ADV MATZKE:

20 “I should mention that the PCLU was a separate
unit from the Representations and Complaints
Component where I worked, and I have up until
that time never dealt with TRC matters. On or
about 23 October 2018, I went to the PCLU
offices to discuss a list of the TRC cases. I met

with Adv S Bukau, Senior State Advocate, and a member of the PCLU.

10. The deadline of the two days for the PCLU to deliver a list was too short and caused me to investigate the feasibility thereof. I also learnt that time that Adv Pretorius was very ill and evidently not in a position to assist with a consolidated list.”

MS RANGATA: Yes, you can stop there for a moment. You have explained that you had no knowledge why you would have been the one that was recommended to run with the process, and you request for a meeting. Was the meeting also going to address the reasons why you were specifically requested to be running with the process, or what was the reason mainly?

ADV MATZKE: I think the reason or the request for the meeting was to understand, because I was not in the meeting that was held with the Directors of Public Prosecutions, so just to understand the background and what were we supposed to do when we gathered everything and then send it to the provinces.

20 So I needed some direction from my supervisor just to understand exactly what this entail; and yes, what is the process that we need to follow, the procedure and to just get some background. I was not not willing to do it, because I know over the years in the representations and complaints that you were asked to do other work as well. So that was not the issue. But the issue is work from

another component to do it properly, and what is expected, how do we do it, what should we do, what should go. So that was the reason.

MS RANGATA: Thank you.

ADV MATZKE: Thank you.

MS RANGATA: Did you at any stage receive any such list?

ADV MATZKE: I never received a comprehensive detailed list or report, but I was obviously concerned to start to get the work done, and that is why I went to Adv Bukau or up to the PCLU, and I found
10 Adv Bukau there and then I engaged with her; and that is then I think what I mentioned in paragraph 13.

MS RANGATA: Yes. You can go to paragraph 11. Do you want to read that into the record?

ADV MATZKE: Thank you.

“It appeared that there were not only various lists kept by the respective advocates involved in the TRC matters at that stage, but that the numerous case files or documents were stored in various PCLU offices, as well as the NPA Document
20 Centre. I was also informed that a proper audit of all the matters was required and that it was not only to simply compile a list of matters.”

Paragraph 12 ...[intervenes]

MS RANGATA: I just want to just do a follow-up on paragraph 11.

ADV MATZKE: Okay.

MS RANGATA: You seem to mention that there were quite a number of lists. What was your observation when you went to the PCLU offices? Were you shown anything by Adv Bukau?

ADV MATZKE: Yes.

MS RANGATA: Can you explain to the commissioners?

ADV MATZKE: Okay. So I am working from my recollection, which is not always the best, but what I do remember when I went up, Adv Bukau had informed me that she worked on some of the matters, a couple of the matters, and she then also later on sent me her list or
10 the documents or copies of documents that I could start working. But if I remember correctly, she was the only one in that component, that floor, and she actually showed me, she opened up cupboards. So there were documents in the cupboards and there were boxes with documents. So with all due respect, it was not as if I went in and saw a proper system, if I may say so, of documents.

COMMISSIONER KGOMO: Are you saying documents or dockets?

ADV MATZKE: There were documents. Did I say case files? My recollection is that there were documents. So I will not say that I saw a docket. Thank you very much, Commissioner.

20 COMMISSIONER KGOMO: Okay.

MS RANGATA: All right, and you found boxes of files as you refer to it?

ADV MATZKE: Yes. So it was in the cupboards. There was an office or two with boxes, which it was said those are the matters.

MS RANGATA: Yes.

ADV MATZKE: Yes. So ...[intervenes]

MS RANGATA: When you say matters, you are talking about TRC?

ADV MATZKE: Yes. Well, that was in my conversation with Adv Bukau. In her office, she also had documents. And as I say, if I remember correctly, she did then send me some documents. Maybe to the commissioners at this stage, if I can just say that I have requested access to my emails and laptop, but I have not received any feedback. And Adv Bukau was the only one that, from her own she was also, she is also not with the NPA anymore, sent me some
10 information to refresh my memory. So I have raised it with the evidence leaders. So I am talking, I just wanted to say that. I am trying to remember as best I can.

MS RANGATA: No, thank you for mentioning that. I am aware that you have made some requests for documents. And as we have discussed, we will then obtain a proper list from you of the documents that you need, so we can make formal requests to the NPA. On paragraph 12 of your affidavit, you respond to the submission or to the evidence of Adv Jiba that you have or you were indeed furnished with the report that you were supposed to receive and coordinate for
20 her attention. And what do you say about that?

ADV MATZKE: So I think when I sent Adv Jiba the WhatsApp that I referred to in paragraph 13, she thought that I have received the report, but I did not receive the report.

MS RANGATA: So you say you did not receive the report ...[intervenes]

ADV MATZKE: No, I never...

MS RANGATA: As it was made out that you had received the report?

ADV MATZKE: Ja, no, I think she just made an assumption because of my wording in my WhatsApp.

MS RANGATA: Okay, let us go through paragraph 13 so we can understand what you are talking about. You can read it into the record.

ADV MATZKE: Thank you.

10 “I only received copies of documents or case files in two matters from Adv Bukau and might have received summaries of a couple of matters as I endeavoured to commence with some kind of a schedule as mentioned in the WhatsApp dated 25 October 2018. I confirm that on 25 October 2018...”

I apologise again for the spelling mistake.

MS RANGATA: Where is the spelling?

ADV MATZKE: It says “2028”, it is 2018.

20 MS RANGATA: It should be 2018.

ADV MATZKE: 18.

MS RANGATA: Thank you.

ADV MATZKE:

“I sent a WhatsApp message to Adv Jiba asking to meet me.”

I can just mention at this stage Adv Jiba was then, in that short period, two, three days, she was suspended. She was not at work. So I asked her to meet.

“I further stated in the message that I wanted to brief her on the TRC cases and that I have started with a schedule. I also mentioned that I am very concerned that the NPA failed dismally. The meeting did not take place. I never received a comprehensive consolidated list or report. I
10 also never received police case dockets in the matters.”

In my WhatsApp...

MS RANGATA: Yes, I will take the commissioners. There is a subfolder. Immediately after the affidavit of Adv Matzke is a transcript of Adv Jiba of 1 April 2026 on page 36. Four, on line four, Adv Jiba states what is in the message. Do you want... are you there? Okay, you can read it into the record.

ADV MATZKE: Thank you very much.

“Dear Adv Jiba...”

20 I am not sure, it says “thinking coffee”. I think it was supposed to read “thinking of you”.

“You will let us know when we can take you for coffee, if it is allowed.”

At that stage she was not at work.

“I wanted to brief you re the TRC matters. I have

started with a schedule and then I am very concerned that the NPA has failed dismally.”

So this was... we were without our supervisor from one day to the next day.

MS RANGATA: Let us take it from this stage. You received the email directing you as to the process that needs to unfold.

ADV MATZKE: Yes.

MS RANGATA: That is on the... what is the date; 22 of October. Three days later, you sent a message to Adv Jiba and you want to
10 brief her on the progress that you have made thus far.

ADV MATZKE: Yes.

MS RANGATA: And within that three days, she was already out of her job. How did you learn that she was no longer with the NPA or in her position?

ADV MATZKE: I cannot recall exactly, but whether it was an official notification on our emails or whether we just heard, if I may say, in the grapevine that Adv Jiba is presently not there. I cannot remember exactly, but we knew then that she was not at work anymore.

20 MS RANGATA: And you say that the message that you sent, you sent it being aware that she is no longer responsible for those files that she had requested, but you still wanted to take her through what you have collected and you wanted to share with her your concern.

ADV MATZKE: Yes, because at that stage, if I did it like this, it was because we were still waiting for a new supervisor.

MS RANGATA: And as you say, the meeting never happened. She never reported to you.

ADV MATZKE: Unfortunately not, understandably so.

MS RANGATA: Before I step to the next aspect that we need to deal with, I think you can just explain to the commissioners as to exactly what the word 'dismally' meant or what were you trying to communicate when you say NPA failed dismally. If you were to unpack it, what would you say?

ADV MATZKE: So when I said that, because when you start with the
10 schedule and the cases, the little that I had, and most probably the cases that were handed over to the NPA 10, 15 years ago, and then you see that little progress was made maybe in the investigations or a decision made.

So that is what caused me as a prosecutor to say well, we cannot have dockets or cases for 10, 15, how many years in our possession and there was no outcome or progress. This was just my observation from outside of the TRC at that stage. But as I said, I unfortunately do not have the schedule so that I can clarify it better, but that was just my observation.

20 MS RANGATA: Thank you. Thank you very much. We will then move to the second aspect that I will invite you to address. You have stated that in your position as the Deputy Director of Public Prosecutions, you were appointed, just remind this Commission when you were appointed or promoted to that position.

ADV MATZKE: As special director?

MS RANGATA: As the deputy DDPP.

ADV MATZKE: Oh, as deputy DDPP.

MS RANGATA: Yes.

ADV MATZKE: Thank you, Chairperson, I just have to... So I was promoted in 2000. I became a deputy director.

MS RANGATA: Yes, yes, yes, thank you. And in that position, you were still in the unit called Representations and Complaints Component.

ADV MATZKE: That is correct.

10 MS RANGATA: During that time, there was a judgment that was delivered by Judge Mothle. Commissioners, the extract of that judgment is on page, on another folder just after the transcript of Adv Jiba. There is the first part of the judgment on page 2309A. It is a judgment on the reopened inquest into the death of Ahmed Essop Timol.

CHAIRPERSON: Yes, we are on the same page.

MS RANGATA: Thank you. If we go to page 2319A on paragraph 332 of that judgment; are you there?

ADV MATZKE: I am not there, madam, Commissioner. I am sorry.

20 MS RANGATA: Just after the transcript, there is... the next folder is the judgment.

ADV MATZKE: Oh, there.

MS RANGATA: And you page through that, almost at the end of that document, page 2319A.

ADV MATZKE: 23, is it...?

MS RANGATA: There is paragraph, you go to paragraph 332 on that document.

ADV MATZKE: 23, oh, let me see.

COMMISSIONER KGOMO: Can someone help?

ADV MATZKE: Thank you. I am a little bit lost, I apologise.

MS RANGATA: It is the same file.

ADV MATZKE: This one?

MS RANGATA: Yes.

ADV MATZKE: Oh, there, thank you very much. Oh, thank you.

10 Thank you very much. I am there, Counsel, ag, Commissioner.

MS RANGATA: Thank you very much. It is page 2319A, paragraph 332. I want you to read 332 and 333 into the record. It is the extract, paragraph 332 and 333 to the judgment by Judge Mothle.

ADV MATZKE: Thank you. 331 reads...

MS RANGATA: 332.

ADV MATZKE: 332 reads, apologies.

20 "Els should be investigated for misleading the Court that he only knows of allegations of assault on detainees from the media. The police file records reflect that he was in attendance as one of the interrogators when Naik was subjected to the helicopter method of torture for which he lost the use of his hands.

333. Sons should also be investigated for testifying under oath that he heard of

detainees' assault from the media. There are five witnesses who filed affidavits to dispute his statement."

MS RANGATA: Thank you. In your capacity in this office, Representations and Complaints Component, were you aware of this matter and the judgment that was made to Els and Sons being the judgment saying that they need to be investigated? Did you become aware of this matter?

ADV MATZKE: I only became aware of it when the matter was
10 where a complaint was received from Mr Cajee with regard to the lack of progress.

MS RANGATA: And who is Mr Cajee?

ADV MATZKE: Mr Cajee was a family member that made, that wrote an email.

MS RANGATA: Family member of Mr Timol?

ADV MATZKE: That is correct, yes. And that is when the Representations and Complaints Component became aware of it; that because of his complaint and the file was opened.

MS RANGATA: And how did it come to your department and how
20 did you deal with the matter with that judgment? How was it implemented?

ADV MATZKE: So the process, if I can just mention; once the order was made, a case docket was opened at Pretoria Central CAS Police Station, and that was in October 2017. Two case dockets were opened according to the record. So the police dockets were opened

and then generally what happens is; once it is, the case docket is opened, it is investigated by an investigating officer and then it must be taken to either the senior public prosecutor or the office of the Director of Public Prosecutions.

I unfortunately do not have access, so I do not know whether it was brought directly to the office of the Director of Public Prosecutions, but at the stage when Mr Cajee made the complaint, then a letter was written to the office of the Director of Public Prosecutions. At that stage, there was an acting director, Adv
10 George Baloyi, to request status of certain matters that Mr Cajee was complaining or brought to the attention of the national office. So that is how our file was opened and that is then when we started to get involved.

MS RANGATA: Okay. You received a complaint from your office. How did you deal with the complaint or how was it handled, that particular complaint?

ADV MATZKE: So in the file, the complaint, a letter will be written to the office of the Director of Public ...[intervenes]

MS RANGATA: Just to interrupt. What was the complaint that you
20 received?

ADV MATZKE: According to the statement of Mr Veenemans ...[intervenes]

MS RANGATA: Okay. Chair, there is a separate file that has been provided. It is the file that contained the statement of Adv Singh and on page 449 there is Annexure I, which is the affidavit of Mr Leon

Veenemans, who is in the senior public prosecutor who was mandated to prepare a timeline in particular on this matter of Els and Sons, and that is where she is making reference to. Yes. You can proceed.

ADV MATZKE: Thank you. So, when the complaint was received, a letter was written to the acting DPP.

MS RANGATA: And who wrote that letter? ,

ADV MATZKE: It was most probably the advocate, thank you, Commissioners. If I can just say that in the Representations and
10 Complaints Component, there were a number of senior state advocates that reported to me as the deputy director. So once a file is opened, it is allocated.

So the letter writing, that would have been done by the senior that was allocated the file; and then I do not know whether I signed the letter or whether it was, whether it was pp'd by the senior, but the request that went to the acting DPP was: please provide a status report on the matters that was complained about; and Mr Cajee was then also advised accordingly. That was...

MS RANGATA: So you submit the letter together with the
20 representations to the DPP for his consideration?

ADV MATZKE: Well, at this stage it was a complaint on the status.

MS RANGATA: A complaint, yes.

ADV MATZKE: And then just, and then after that, according to the timeline, paragraph 7, the acting DPP then responded in a letter dated 21 May 2020 with his decision on this specific matter.

MS RANGATA: And what was the decision?

ADV MATZKE: Well, the decision was not to prosecute, not to prosecute.

MS RANGATA: Yes.

ADV MATZKE: Yes. And that is then usually where the representations will then kick in, because when a party is aggrieved about the decision of the DPP, then representations can be made to the national office, to request ...[intervenes]

COMMISSIONER KGOMO: Yes. I think it may help if you can just
10 read that paragraph 7, because it has dates as well.

ADV MATZKE: Thank you.

“7. The acting DPP responded in a letter dated
21 May 2020 with his decision. This office
advised the acting DPP on 28 May 2020 that
we will await Mr Cajee's representations.”

MS RANGATA: And did you receive the representations?

ADV MATZKE: The next paragraph 8 says:

“Representations were received on 21 June 2020
from Webber Wentzel Attorneys on behalf of...”

20 My page is not clear.

MS RANGATA: Mr Cajee.

COMMISSIONER KGOMO: On behalf of...

ADV MATZKE: Cajee.

COMMISSIONER KGOMO: Mr Imtiaz Ahmed Cajee.

ADV MATZKE: Cajee, thank you.

COMMISSIONER KGOMO:

“...and the Foundation for Human Rights in respect of criminal matters against Mr Neville Els, Pretoria Central CAS 822/10/2017 and Mr Seth Sons (Pretoria Central CAS 798/10/2017).”

Paragraph 8 ends there.

MS RANGATA: Yes. Thank you, Commissioner. So now the decision is made. Representations are received on behalf of Mr Cajee. I want you to speak to your recollection as to once the
10 representations were received by your office, what was being done?

ADV MATZKE: The senior in the office will then or that then prepare. So, after the representations was received, the report was received from the DPP, the copy of the case docket. And then once all the information was received from the DPP, the national office prepared a comprehensive memorandum with copies of the representations, the report, whatever other relevant documentation or must go as annexures in the memorandum prepared that time for Adv de Kock, because he was delegated for the review decision.

MS RANGATA: And what was Adv de Kock's position at the time?

20 ADV MATZKE: He was a Deputy National of Public Prosecutions and he was delegated to review certain matters.

COMMISSIONER KGOMO: That is the late Adv Rodney de Kock.

ADV MATZKE: Thank you, Commissioner, the late Adv de Kock.

MS RANGATA: Yes. Yes, you can proceed.

ADV MATZKE: So the memo, the memorandum was prepared by

the senior. Then the process is that it will come to me as checking officer, as the coordinator, and then the memo was submitted to Adv de Kock with all the documents. Adv de Kock was not satisfied.

MS RANGATA: Do you recall what was in the memorandum?

ADV MATZKE: I cannot exactly recall; and as I have also indicated, I have not seen the documents.

MS RANGATA: Yes. Okay.

ADV MATZKE: So Adv de Kock, what I do know was that he was not satisfied and he gave, he wanted the file to go to the Organised
10 Crime Component to another senior for a second opinion. The second opinion, when he received that, he endorsed that; and that is then when he stated that the matter, the prosecution must proceed. And letters were then sent to the DPP, instructing the enrolment of the matters and the representors were then also informed of the process. Yes.

MS RANGATA: So, then from the review, a decision was then made that they must proceed with the prosecution of Els and Sons.

ADV MATZKE: Yes.

MS RANGATA: And were they prosecuted?

20 ADV MATZKE: I know that the colleagues from the organised crime did give advice as to, with regard to the presentation of the matter; and if I recall correctly, also witnesses to be consulted, enrolled, consulted and called, but in the Pretoria office, later on a letter was received from the DPP Pretoria to say that there were challenges and then why the matter cannot proceed.

MS RANGATA: Can you recall what those challenges were?

ADV MATZKE: If I recall correctly, I think there were challenges with a witness that was in the United Kingdom that was unable to testify. I am not sure if there were unfortunate passing of a witness, but that was then in the report that came from the DPP as to why they were not able to proceed with the matter.

MS RANGATA: At that time when the decision was made, was there anything that your department was involved, or was there any reason why your department would still be involved to oversee the actual
10 prosecution of these individuals? ,

ADV MATZKE: Well, it was just; once a decision was made, our role or the role of the representations was to get the reports from the DPP, do whatever comes in, to then put that in a file to submit it to Adv de Kock and for him then to advise on the way forward. That is the role that we played. So we were always there as the conduit or the scribes, yes, doing the... to make sure that the processes were followed, files were pended, follow-ups were made. That was the role that we still had to play. Yes.

MS RANGATA: Thank you. I would like to take you to page 460 of
20 the same document at paragraph 44; and I want you, it is a bit of a long paragraph. I would like for you to read it into the record.

ADV MATZKE: 460?

MS RANGATA: Yes.

ADV MATZKE: Of...?

MS RANGATA: The same document you were on, you just go

ahead. Just go on to page 460.

ADV MATZKE: This is the statement of Mr Veenemans. Thank you.

Let me go to this file.

COMMISSIONER KGOMO: Hopefully your document is legible.

MS RANGATA: I did not get that, Commissioner?

COMMISSIONER KGOMO: No, no, I say hopefully your document is legible, paragraph 44.

ADV MATZKE: 44, okay, let me go there.

COMMISSIONER KGOMO: Page 460, long paragraph.

10 MS RANGATA: Can it help?

COMMISSIONER KGOMO: Ms Baitseng, you may even wish to read it.

MS RANGATA: Can I read it?

COMMISSIONER KGOMO: Yes.

MS RANGATA: Yes. I will read it.

COMMISSIONER KGOMO: Just let the witness get it first.

ADV MATZKE: I have the paragraph.

MS RANGATA: You have it.

ADV MATZKE: Yes.

20 MS RANGATA: I will read it into the record. Now, Commissioner, you are challenging my eyes.

“44. Letters dated 7 July 2023 were signed by the
Deputy National Director of Public
Prosecutions and addressed to the legal
representative of the accused persons, Mr

Cajee and DPP Pretoria, to advise them that since Prof Naik passed away, we hoped that the evidence of Dr Essop will enable the state to present sound evidence against the accused. Such evidence would be backed up by circumstantial evidence from other witnesses (that is detainees on other cases) who would also testify about assault and torture that they also experienced while in the hands of the Security Police at John Vorster Square Police Station. Efforts were made to request Dr Salim Essop, who is now living in London, Great Britain, to provide a sworn statement on the matter. Unfortunately, Dr Essop has confirmed that he will no longer be providing a sworn statement due to his deteriorating health conditions. Dr Essop stated that he does not want to be exposed to the rigorous of a criminal trial as a result of the above. The intended prosecution against Mr Sons will no longer be feasible due to the fact that the state will not be in a position to lead the evidence of key witnesses in this matter. The recent and unfortunate developments

have negated a reasonable prospect of a successful prosecution. The DNDPP therefore rescinded his earlier decision dated 15 February 2023.”

Does that accord with your memory how it happened?

ADV MATZKE: That is correct.

MS RANGATA: In April 2022, you get promoted into a new role. Can you talk to that?

ADV MATZKE: Yes. In April 2022, I was appointed as Special
10 Director of Public Prosecutions. The designation was general pack; excuse me, general prosecutions and tax. So, I was promoted in the office where I have done all the work on the representations complaints. By that time, I was also overseeing the tax components. That is correct.

And then I was also allocated by Adv de Kock, the late Adv de Kock, the role of overseeing and working with Adv Singh on the TRC matters. At that stage, Adv Singh was a senior state advocate. She was the coordinator and nodal point for the TRC, but at that stage there were no deputies, deputy directors to assist and work with her;
20 and Adv de Kock considered it best that she be supported. And that is when I was then requested to also oversee with her the TRC matters.

MS RANGATA: All right. So, at the time when you crossed over into the new role, the decision was not yet made in this Els and Sons matter. Did you at any stage, because according to what I have just

read into the record, that final decision was communicated in February 2023. And at that time, you were now directly involved in the overseeing of the TRC cases in the new department, which was the TRC unit where you were working with Adv Singh.

ADV MATZKE: So, is the question as to what was my role in the Els and Sons matter at that stage?

MS RANGATA: Yes. Yes.

ADV MATZKE: So I was, while I was still... let me just say that this matter that came out of the judgment was not allocated to this TRC component as such, it was dealt with in the national, in the general stream. So I was, I cannot remember, I must have overseen the documents and the letters and but all the letters were signed by Adv de Kock, so I must have been the conduit. So that was still my role and at that stage.

MS RANGATA: Yes.

ADV MATZKE: But I cannot unfortunately speak if I do not see...

COMMISSIONER KGOMO: Yes.

ADV MATZKE: The memorandum.

COMMISSIONER KGOMO: Yes, you were a conduit but were you also a decision maker or were you not a decision maker?

ADV MATZKE: Never. We were, if I can say this, so as with the representations and complaints the senior will prepare the memo and make a submission, then for me it is also to go through it and support or not support. And then it goes the deputy national who will make the decision.

So we were not decision makers, but we did make submissions and it did happen over the years, it is, but the super were the ultimate decision maker, like Adv de Kock was very thorough. He would, he did not always agree with our submissions or with DPP office decisions and he would overturn it.

So we did make submissions, but he was the ultimate decision maker and that is also why he requested the organised crime to give him a second opinion.

COMMISSIONER KGOMO: Yes, thank you.

- 10 MS RANGATA: Thank you. Would you say that there was anything that was, could have been done differently for this matter to have been avoided to have come to your department? As a complaint, if somebody has done their work this matter would not even come to your unit?

ADV MATZKE: So it is always unfortunate if family or aggrieved parties complain about a delay in matters, it is unfortunate but one must then investigate to see what is the cause of the delay. So I can... I do not know, I cannot remember offhand what the reason for the delays were.

- 20 Representations is received because when you are aggrieved with a decision, you are entitled to ask for a review and that happens often. We had thousands of cases and that must then go through due diligence and must be reviewed.

So unfortunately when you are aggrieved about a decision, it must be evaluated and then looked at. So I cannot say that

representation should never come to us, or go to the national office, because decisions are made and then it is reviewed. So...
[intervenes]

MS RANGATA: Yes, I think my question was more on the complaints.

ADV MATZKE: Oh, on the complaints.

MS RANGATA: I am saying that... [intervenes]

ADV MATZKE: Ja, yes.

MS RANGATA: It came to your department... [intervenes]

ADV MATZKE: Yes.

10 MS RANGATA: Because somebody... [intervenes]

ADV MATZKE: Ja, it is.

MS RANGATA: Did not do their job.

ADV MATZKE: Yes.

MS RANGATA: If they did, it would not have come to your department... [intervenes]

ADV MATZKE: Exactly. No, that is true.

MS RANGATA: Yes.

ADV MATZKE: And it is unfortunate.

MS RANGATA: Yes.

20 ADV MATZKE: Yes.

MS RANGATA: Thank you for that.

ADV MATZKE: Yes.

MS RANGATA: I think you have slightly started on my third topic that I wanted to deal with. We have already introduced and I think it is common cause from the evidence of Adv Singh that you were

absorbed into this department. Can you talk about the milestones from 2021 in principle the decentralisation of the TRC cases and your involvement when you came in 2022 and what would have been your role in that department?

ADV MATZKE: Okay, so when I became involved, Adv Singh, if I can say was really already up and running. She was a very active nodal point and the decentralisation had then already taken place of the matters to the provinces. That was started off in 2021 by Adv Batohi then when she gave the instruction.

10 So there were already a process of documents that was referred to the provinces and then the one big task was to build the capacity in the provinces, to have dedicated advocates to work on the cases. And so when I became involved, I can remember that at that stage we started to work on the building up of the dedicated prosecutions, building the dedication for the promise for the prosecutors.

 So that was one of the issues that we had to look at, was working with the organisational development, it is called the OD component in our HR, because there is a whole process. So that is
20 something that I had to support and assist with.

MS RANGATA: I just want to ask you...

ADV MATZKE: Yes.

MS RANGATA: At the time when you get absorbed in this TRC unit, were you working parallel with the PCLU or what then happened to the PCLU?

ADV MATZKE: No, when Adv Batohi removed and Adv de Kock, they removed the TRC matters from the PCLU and placed it under... [intervenes]

COMMISSIONER KGOMO: The what matters, sorry? What matters? They removed what?

ADV MATZKE: The TRC matters.

COMMISSIONER KGOMO: Oh, okay.

ADV MATZKE: Was removed from the PCLU and it was placed under the guidance of the National Prosecuting Service, the NPS. That is
10 where we worked, you can say the general stream with then certain components. So it was not part of the PCLU anymore when I commenced and then I cannot remember exactly when, but the Missing Persons Task Team was also previously resorting under the PCLU.

And if I am correct, Adv de Kock then also request or transferred the Missing Persons Task Team to collocate or to work in the NPS, the general component with the TRC component. So that, because there was a lot of working together needed between Missing Persons and the PCLU... ag and the TRC component.

20 MS RANGATA: Alright. And at that time the decentralisation had already taken place.

ADV MATZKE: Yes.

MS RANGATA: And the cases were now residing with the provinces?

ADV MATZKE: Yes.

MS RANGATA: And then what was the reporting structure, how did

you get then the reports from the provinces?

ADV MATZKE: Okay, so in all the provinces as Adv Singh did go into the detail in her affidavit, but in all the provinces there were then dedicated advocates, as well as in most of the provinces a deputy director coordinating the TRC provincial component reporting to the Director of Public Prosecutions.

So the reports would come monthly from the Director of Public Prosecution's office which was mostly compiled by the coordinator in the province. All of that would go to Adv Singh and she
10 would then compile a comprehensive monthly report with all the matters, the progress, the challenges, the good lessons to be learned, so that was a very comprehensive report that would be prepared and be submitted to me and via me to Adv de Kock.

But what also happened was we had monthly meetings with the directors of Public Prosecutions where I was also then involved, because I was a special director. And Adv Singh as the nodal point was also involved in all the meetings. And Adv Singh would then present a synopsis of what was happening in the provinces, where are the challenges and so that everybody in the, all the leadership
20 could see what was happening in all the provinces.

MS RANGATA: Yes.

ADV MATZKE: So that is how we received the progress on the matters. I can also mention the so-called accountability sessions that Adv Singh spoke to. The accountability sessions was direct engagement with the provinces, the nodal point together with the

DPCI, that was a very important step, the appointment of the DPCI investigators, the nodal point which the DPCI had Colonel Nkuna, he was working, I think he was more in our office than his own office, working with Adv Singh.

So that structure and that working together really brought or gave a lot of impetus to the matters. So the accountability sessions was over and above just checking on a daily basis what is happening. There would be visits to the provinces with the investigators, everybody had to present their cases, the prosecutor with the
10 investigator. So that was quite intensive and it was two or three days at a time. Yes.

MS RANGATA: Thank you very much for that. My last question to you is, having listened to your evidence in comparison, you have spoken about your dismay or your concerns in 2018 where you have seen gaps and you have identified that matters were not being properly handled. And now you are directly involved in 2022 going forward in that department.

ADV MATZKE: Yes.

MS RANGATA: Would you say that there was an improvement and
20 what was your observation?

ADV MATZKE: If I may say so, according to me there was a vast improvement. Just starting from the organisation, putting files together, going through a mass of information not only with the then PCLU, the document centre, getting the Missing Persons Task Team onboard with all their knowledge, their information.

So just the organisation of getting documents together to have a docket or a case together, not all over the place, that was the one thing. I think the decentralisation and the dedicated capacity, that was a milestone, the working together there, the accountability sessions.

But the liaison with other stakeholders, building relationships not just with the police, also with archives, with some of the firms of attorneys, other people that had information, then Adv de Kock... I actually still think of him, so the late Adv de Kock, the... he started the
10 meetings with the stakeholders, he was extremely hands-on. He was a deputy national but he was so hands-on, he... [intervenes]

MS RANGATA: So you confirm that there was a huge improvement?

ADV MATZKE: Yes.

MS RANGATA: Yes. Is there anything in addition that you would want to say to the Commissioners?

ADV MATZKE: I can only say from my observation and I was part of the NPA, so it is very unfortunate that there had to be commissions, this commission, the advocate... I cannot remember his name, that did the preliminary investigation, that in our history in the country that
20 families had to go through what they went through in an era in our country and then it was not addressed immediately and speedily, properly.

So I only, if I may say, I really only saw the extent of the hardship when I started to work directly on the TRC matters. So I am, I do not know if I am allowed to say this, but ja, it is unfortunate and I

hope that the NPA is now on a better road. It is late, it is very late and I think the one thing that we still, by the time I left and I think what happened at that stage with Mr Cajee is the communication.

Communication, although you try and you think that we do communicate properly, it, maybe it was not properly done. So...
[intervenes]

COMMISSIONER KGOMO: Yes. Communication as in report back to the families?

ADV MATZKE: Excuse me, Commissioner?

10 COMMISSIONER KGOMO: I say communication as in report back to the families.

ADV MATZKE: The families.

COMMISSIONER KGOMO: Was lacking, was not sufficient?

ADV MATZKE: I would say that the stakeholder mechanism that was put in place and the meetings that were held and there were families, there were engagements, Commissioner, I am specifically referring to the matter of Mr Cajee. I do not know what went wrong there, in sittings and in personally informing him of this is the reason, this is outcome.

20 MS RANGATA: Thank you.

COMMISSIONER KGOMO: Yes, thank you.

MS RANGATA: Thank you Chair, that is the evidence of Adv Matzke.

ADV MATZKE: Thank you.

CHAIRPERSON: Thank you, Ms Rangata.

COMMISSIONER GABRIEL: Thank you for your evidence, Adv

Matzke.

ADV MATZKE: Thank you.

COMMISSIONER GABRIEL: Could I just take you to paragraph 15 of your affidavit? Are you there?

ADV MATZKE: Yes.

COMMISSIONER GABRIEL: Okay, in there you say, the TRC cases remained with the PCLU because a new appointment, NDPP appointment was awaited.

ADV MATZKE: Yes.

10 COMMISSIONER GABRIEL: Then when Adv Batohi was appointed with effect from 1 February 2019, she took charge of the TRC matters.

ADV MATZKE: Yes.

COMMISSIONER GABRIEL: Then you say Adv C MacAdam, would that be Chris MacAdam?

ADV MATZKE: Yes.

COMMISSIONER GABRIEL: Dealt with audit of the TRC matters and the subsequent decentralisation of the TRC cases to the provinces, as stated in his affidavit.

20 ADV MATZKE: Yes.

COMMISSIONER GABRIEL: And testimony before the commission. Is that still correct?

ADV MATZKE: Yes, that is correct.

COMMISSIONER GABRIEL: Now was this before or after your time working with Adv Singh?

ADV MATZKE: No, this was before, because I was only appointed in 2022, so yes, the initial decentralisation took place when Adv MacAdam and the PCLU was still working with it, but Adv de Kock then was appointed as deputy national and he said no, it must move to the NPS, he wants more control and ja.

COMMISSIONER GABRIEL: Thank you.

CHAIRPERSON: Thank you, Ms Rangata?

MS RANGATA: I am told that on MS Teams we have Adv Gwala SC and Adv Ntloko.

10 COMMISSIONER KGOMO: No, it cannot be.

CHAIRPERSON: [Indistinct]

COMMISSIONER KGOMO: It used to be Gwala.

CHAIRPERSON: Mr Gwala or Ms Ntloko.

COMMISSIONER KGOMO: Or Ms Ntloko.

MS RANGATA: Okay. Noted.

CHAIRPERSON: Yes.

MS RANGATA: I am told they are both there.

COMMISSIONER KGOMO: No.

CHAIRPERSON: Yes.

20 COMMISSIONER KGOMO: Should not be.

MS RANGATA: Should not be? Noted, Commissioner. And we have Adv Rikhotso and Adv Nthambeleni. Thank you, Chair.

CHAIRPERSON: Ms Moroka, any clarificatory questions?

ADV MOROKA: No clarification questions, Chair.

CHAIRPERSON: Thank you. Ms Nthambeleni, any clarificatory

questions?

ADV NTSHIZANA: Thank you, Chair. Yes, Chair, I do have a clarificatory... [intervenes]

CHAIRPERSON: Yes, you may proceed.

ADV NTSHIZANA: Question.

COMMISSIONER GABRIEL: But we cannot hear you.

ADV NTSHIZANA: Thank you, Chair. Good morning, Ms Matzke.

ADV MATZKE: Good morning.

ADV NTSHIZANA: Okay, my first question to you is, in your
10 involvement on the TRC cases at the time during your tenure with the
NPA... [intervenes]

COMMISSIONER KGOMO: Can you raise your voice?

CHAIRPERSON: Just raise your voice.

COMMISSIONER KGOMO: The witness is streaming.

ADV NTSHIZANA: Okay, sorry Chair. I would like to know if during
your time at the NPA, while you were engaging with the TRC matters,
who were you working with.

ADV MATZKE: Can I answer?

ADV NTSHIZANA: Yes.

20 ADV MATZKE: So I was mainly working with Adv Singh. At that
stage she was the only senior state advocate at the national office
and then I was together with her working with the DPPs as in the
meetings or in the accountability sessions. We were working with the
DPCI, the monthly meeting we had with the DPCI at our offices, I
would chair that meeting, but that was then the gauge progress and

so on. So I was not personally involved in matters. I was just there to assist, support, if there were challenges, be it whatever to see how we can address that or assist in addressing that.

ADV NTSHIZANA: Okay, thank you. And then my last question, did you ever engage with Adv Pretorius any further after learning that he fell ill during 2018?

ADV MATZKE: This is one of my difficulties, I cannot remember. Because I did ask copies of my emails just to check what I did, but I do not, I cannot remember that I did engage him, because I know that
10 he was very ill at one stage. So...

COMMISSIONER KGOMO: You cannot recall?

ADV MATZKE: I cannot recall. I cannot recall, sorry.

ADV NTSHIZANA: Okay, thank you.

CHAIRPERSON: Thank you, Ms Ntshizana. Ms Rikhotso?

ADV RIKHOTSO: Thank you, Chair. I do not have any clarificatory questions.

CHAIRPERSON: Thank you, Ms Rikhotso. Ms Nthambeleni?

ADV NTHAMBELENI: Chair, I do have questions for this witness.

CHAIRPERSON: Yes, you may proceed.

20 ADV NTHAMBELENI: Good morning, Adv Matzke.

ADV MATZKE: Morning.

ADV NTHAMBELENI: Just by way of the reading of your affidavit at paragraph 7. Where you make reference to the emails that was sent to you by the personal assistant to Adv Jiba. If I may, on that point you mention that you did not know of the request that was made or

rather it is stated there that you did not attend the particular meeting that is in question here and ...[indistinct] only learned of the ...[indistinct] I think my network is poor this side. If maybe I may take it from where I left it. You mention that as according to what you know, you were only informed of the request that was made to you by Adv Jiba on the particular meeting that you were not in attendance of, by way of this email. Am I correct?

ADV MATZKE: That is correct.

10 ADV NTHAMBELENI: Thank you. So on that score, it is further your evidence as according to paragraph 8 then of your affidavit that having been copied into that email, you followed up or endeavoured to secure an appointment with Adv Jiba in order for you to understand what the requirement request itself entailed. And that the particular meeting never materialised. What steps, if any, between the 22nd after you have sent that email and the 24th which was the deadline for that requirement to be fulfilled, did you take an order to try and get the clarity that you were seeking from Adv Jiba?

20 ADV MATZKE: I could not communicate any more with Adv Jiba than try to then sent a WhatsApp. I cannot remember what else I tried, because I do not have access to my emails or my laptop or my documents at the NPA. So I do know and this is why I did go up to the PCLU that if your name is mentioned and you are given a task, that you must just start working and try to do what you can. So but unfortunately I cannot remember anything more and the last was my WhatsApp to Adv Jiba and then what I can also not remember is who

came then to our office, who was acting and there was then also this time in-between... [intervenes]

COMMISSIONER KGOMO: Yes, really the answer lies at paragraph 36.

ADV NTHAMBELENI: Thank you.

COMMISSIONER KGOMO: That was read, it says the witness was saying Ms Jiba was suspended and then what the witness knows is that here I saw a message that was written to me by Adv Etricia Matzke and that part was read into the record. Is that not the
10 answer?

COMMISSIONER GABRIEL: May I add to that also what you, the witness has stated in paragraph 13.

COMMISSIONER KGOMO: So that does not require clarification.

ADV NTHAMBELENI: Thank you, Commissioner Kgomo. Maybe having considered what has already been read into the record and for me to have a clear and further understanding of what is at play over and beyond what has already been stated, I just want to clarify that. Because from what we have, the witness states that she wrote immediately to Adv Jiba on the 22nd and the deadline of the request
20 was the 24th. And Adv Jiba was only suspended on the 25th and as I would have it, if I heard her clearly on the evidence that she has placed before record, she sent a WhatsApp to Adv Jiba on the 25th. I am not certain as to what it before she learned of her suspension or was it after she, after she learned of the suspension, of which at that time we are not certain exactly... [intervenes]

COMMISSIONER KGOMO: Sorry, it is okay. If you follow Adv Matzke respond to the question that was...

COMMISSIONER GABRIEL: In other words when did you...
[intervenes]

ADV NTHAMBELENI: Thank you, Commissioner.

COMMISSIONER GABRIEL: When did you send the WhatsApp to Adv Jiba, before or after she was suspended? I believe you have already said that you sent it after she was suspended.

ADV MATZKE: Yes.

10 ADV NTHAMBELENI: Yes, Commissioner, that is what the witness has already put on record, it was after.

ADV MATZKE: Yes.

ADV NTHAMBELENI: Adv Jiba had left.

ADV MATZKE: Ja.

ADV NTHAMBELENI: Yes.

CHAIRPERSON: Yes.

ADV NTHAMBELENI: Thank you for that clarification... [intervenes]

CHAIRPERSON: Adv Matzke, you confirm that?

ADV MATZKE: I, this is, yes.

20 COMMISSIONER GABRIEL: It is your evidence.

ADV MATZKE: Yes, I, this is what I gave her on the WhatsApp.

CHAIRPERSON: Yes.

ADV MATZKE: Yes.

CHAIRPERSON: Ms Nthambeleni?

ADV NTHAMBELENI: Thank you, Chair. And having heard that

answer now, after you received no response, I believe at that stage did you get any response from Adv Jiba, because you did mention that you tried to have coffee with her as your WhatsApp stated, did you get any response that would have led you to know that, over and above Adv Jiba now being suspended, how then do you go forward with that particular request that was made?

ADV MATZKE: Excuse me, can you just repeat the last part of your question?

10 ADV NTHAMBELENI: Or maybe let me just paraphrase it a little bit there. Was there any way in which you tried on your side to communicate your request by Adv Jiba to any NPA personnel in the hierarchy that would be at the level of Adv Jiba, having learnt of her suspension.

ADV MATZKE: That is what I cannot remember and I cannot remember what I did, because I have nothing to refresh my memory on that.

COMMISSIONER GABRIEL: And this is apart from... [intervenes]

ADV NTHAMBELENI: Thank you for that.

20 COMMISSIONER GABRIEL: You have dealt with this in paragraphs 13 and 14.

ADV MATZKE: Yes.

COMMISSIONER GABRIEL: Of your affidavit.

ADV MATZKE: Yes. Thank you.

ADV NTHAMBELENI: Thank you, Commissioner, that will be all the questions from my side.

CHAIRPERSON: Thank you, Ms Nthambeleni. Mr Gwala?

ADV GWALA: Good morning, Commissioners. We do not have clarification questions for this witness and those instructing us are not available today, we do not know if we would be instructed to do cross-examination. If that is the case, we kindly request that we be allowed to indicate to the commission, say by Wednesday next week if we need to make an application for cross-examination.

CHAIRPERSON: Can it be earlier than Wednesday next week, Mr Gwala? This is a time bound commission and Wednesday is too far. We are already on Wednesday this week and having to give you Wednesday next week is just too far.

ADV GWALA: I accept that, Commissioner.

CHAIRPERSON: Yes. I mean are you able to give an indication by at least this Friday with regards to whether there will be an application for cross-examination or not?

ADV GWALA: [Indistinct]

CHAIRPERSON: Yes, Adv Matzke's evidence is short.

ADV GWALA: Yes, we will do our best, Chairperson. The problem I am ...[indistinct] I am not saying yes we will, is because they are not available today and tomorrow, so we will be having to speak with them on Friday, so hopefully by the end of the day Friday we will be able to give that indication.

CHAIRPERSON: Thank you, that will be highly appreciated. Mr Varney?

ADV GWALA: Thank you, Commissioners.

ADV VARNEY: Thanks, Chairperson, we do have a few follow-up questions by way of clarification. Ms Matzke, thanks for taking the time to be with us today. I should disclose to the Chair that we have been in one or two meetings and it was found that your involvement and input were cooperative and helpful. When you prepared yourself for today and also to prepare your statement, I understand you did try to retrieve some documents and some emails. Did you approach the NPA directly or did you work through the evidence leaders?

10 ADV MATZKE: I had a consultation with the evidence leaders and then I did approach the NPA, I sent emails, I WhatsApp and then I have now also escalated to the evidence leader and yes, so I did try to get. I even I contacted the PA to try and trace my laptop, but unfortunately I have... that was in April this year, so I have not received any feedback and I consulted with the evidence leaders and I thought I should just come and speak of what I know and have and not delay. But the evidence leader indicated that they will further assist.

20 ADV VARNEY: Thank you. Yes, I think that does make sense. Now if the evidence leaders and the NPA are able to uncover those documents, would you be still willing to give us your views on those documents? Perhaps on affidavit.

ADV MATZKE: Yes, I will. Is it with regards to the list and the schedule and...

ADV VARNEY: Yes, exactly.

ADV MATZKE: Absolutely. I myself would like to see what I had

there.

ADV VARNEY: Thank you. If I can turn to paragraph 9 of your statement, here you mention that PCLU was a separate unit from the representations and complaints component where you worked, up until that time you had not dealt with TRC matters. But following the request from Adv Jiba you say that on or about 23 October 2018 you went to the PCLU offices to discuss a list of the TRC cases. You met with Adv Bukau, you mention that she was a member of the PCLU. Was that the only person you spoke to at the PCLU at that time?

10 ADV MATZKE: Yes, she was the only person that was there, as far as I can remember. So I have a recollection of speaking to other colleagues, but I am not sure about that and I did not want to put it in my affidavit. So with Adv Bukau I know I went up and she then when I spoke to her later on, so I spoke to her also before I received some documents from her to refresh my memory. But at that stage, I cannot remember, mostly one, we would communicate on email to say are you in, can I please come up, so and so. So I cannot remember if I did. I am very sorry.

ADV VARNEY: No, it is okay. It is several years ago, you cannot be
20 expected to remember all detail. At paragraph 11 you indicate that and I think this was during one of your visits,

“It appeared that there were not only various lists kept by the respective advocates involved in TRC matters at that stage but that the numerous case files / documents were stored in various PCLU

offices as well as the NPA Document Centre. I was also informed that a proper audit of all the matters was required and that it was not only to simply compile a list of the matters.”

When you were saying you were informed, would I be right in saying that that was Adv Bukau who informed you?

ADV MATZKE: Ja, ja.

ADV VARNEY: And while we are on the question of the audit, I think you mention in your evidence in chief and discussing this paragraph
10 that various cupboards were opened up but you did not see a proper system. Can you just briefly indicate to the commission what a proper system would have been in your view?

ADV MATZKE: A proper system is that your cases are referenced in a file with a reference number, with all the documents therein and that you have an electronic or support system list of your cases with progress. So for me a proper system like we had in the representations is cupboards or cabinet files with your files, with your documents, that is just my opinion. You must be organised, it is very, it must be organised, your documents must be together, you must
20 have a proper docket or at least a file with copies and everything must be in one place, that is for me a system.

COMMISSIONER KGOMO: Was there any register or index? Was there any register or index for the files?

ADV MATZKE: I did not see any register or index, Commissioner.

COMMISSIONER KGOMO: Okay.

ADV VARNEY: So at that time, just from a cursory look, would it be true to say that it appeared to be quite haphazard in terms of at least the filing?

ADV MATZKE: Well that is what I also gathered, if I might say so.

ADV VARNEY: Alright. If we then turn to your paragraph 13 and this is where you describe the fact that when you received a few documents and case files in two matters from Adv Bukau, you might have received a few other summaries. You then confirm that on 25 October 2028, this is when you sent the WhatsApp message to Adv
10 Jiba, asking to meet. As I understand the request, you had suggested that you and Adv Jiba meet for coffee to discuss the matters. Did you suggest coffee because you preferred to chat in private and have a discreet chat with her?

ADV MATZKE: No, no. No, sir. Commissioner, no, it is because she was not there anymore. I was stressed, I needed direction and I would never ever have asked her for coffee if she was still in our office. I would have had met her in a meeting and she would have explained. So that was not a private issue, it was... If I read that, when I read that, I did not even remember that I wrote that WhatsApp.
20 To me it tells me this is the desperate stressed, advocate, prosecutor trying to get direction to do the work I was supposed to do. So it is not about private and not in the open.

ADV VARNEY: Thank you. So in your evidence in chief you described why you stated that you were concerned that the NPA have failed dismally in respect of the TRC cases. Now I took some notes

which I hope I captured your evidence correctly. You said when you start with the schedule, cases were handed over to the NPA from the TRC many years previously with little progress made. And that was essentially, the lack of outcome is what caused you to reach that conclusion. So just on that score in terms of a lack of delivery, by that time, this is I suppose around 2018, had you been aware of the previous history of the TRC cases, such as the struggles to get investigators in the 2000s.

ADV MATZKE: I was... 2000 invest... I was never part of the PCLU
10 and to know what were there, what issues they had or what was the challenges, I cannot say that I... I am just trying to think what might have been out there, but even if there were challenges with investigators, Adv Batohi and Adv de Kock turned it around. Going to the DPCI, have meetings, get dedicated capacity, so they proved...
[intervenes]

ADV VARNEY: Yes, yes.

ADV MATZKE: That they did it. So I do not know the details of the struggles of the PCLU in the TRC matters.

ADV VARNEY: Yes, and of course that post 2018 as opposed...
20 [intervenes]

ADV MATZKE: Yes.

ADV VARNEY: To what took place years previously.

ADV MATZKE: Yes.

ADV VARNEY: Ja. So you mentioned that you were still waiting for the schedule you mentioned in the WhatsApp. You started a

schedule but you have not been able to retrieve that. In paragraph 15 you mention that Adv MacAdam dealt with the audit of the TRC matters and you have not been able to uncover that audit either, is that correct?

ADV MATZKE: No, the audit, I just read in his affidavit that he did an audit and that the subsequent decentralisation took place. So I was not then involved in, so I just, I must have read it in his affidavit.

ADV VARNEY: Okay.

ADV MATZKE: I hope I did not make a mistake.

10 ADV VARNEY: Now when you returned to the TRC cases which I understand was in April 2022, when Adv Batohi asked you to oversee the work of the TRC component.

COMMISSIONER GABRIEL: Not oversee, I believe it was assist.

ADV VARNEY: Assist, yes.

ADV MATZKE: Assist and it was Adv de Kock.

ADV VARNEY: It was Adv de Kock?

ADV MATZKE: Who made that.

ADV VARNEY: Okay.

20 ADV MATZKE: De Kock, ja. By that time it was already in the NPS, because he had pulled it over with Adv de Kock when he was appointed.

ADV VARNEY: Right. So this work in assisting the TRC component, did it become your fulltime job or just one of your several jobs?

ADV MATZKE: Adv Varney, I unfortunately had the representations and complaints, I oversaw the tax components in the provinces, I was

also the liaison with the Directors of Public Prosecution, organising or coordinating the meetings. So yes, this was one of my portfolios, but according to me we had a very, very competent nodal point with Adv Singh and also with the DPCI.

ADV VARNEY: So if you just had to give a rough estimate on the percentage of your time that you were able to devote to the TRC component, what would it be?

ADV MATZKE: Adv Singh's office was not far from my office, we both came in very early in the mornings, very early. She was there like
10 06:00, when I came in by 07:00... [intervenes]

COMMISSIONER KGOMO: Can you give a percentage?

ADV MATZKE: I cannot give a percentage; I just want to explain that... I cannot give a percent, but I do know that I did work with her, when she was in the office I saw her almost every day. I cannot say to you what my percentage of work was, but I did try to balance my work between the TRC and all the other portfolios that I had. But I cannot give you percentage.

ADV VARNEY: It is okay. I would like to read to you an account that comes from the Ntsebeza report. I am assuming you are familiar with
20 the Ntsebeza report?

ADV MATZKE: Yes.

ADV VARNEY: In the Ntsebeza report it is mentioned that you and Adv Singh were responsible for... I will read it to you and you can just indicate whether you agree with the summing up or not, it is just a few lines.

COMMISSIONER KGOMO: Yes, after you have given where this is to be found in the documentations that we have.

ADV VARNEY: Ja, my team will assist in coming up, it is actually in the du Toit bundle, Bundle 15, they have a reference of SP00334, but I will just read it slowly.

MS RANGATA: Might I just register Chair, that we do not have the particular documents that are being referred to.

CHAIRPERSON: Yes. Let him read that report and get the witness to comment.

10 ADV VARNEY: Thank you, Chair. So Adv Ntsebeza writes in his report:

“We are informed that the role of special director Matzke and Adv Singh is one of supervision, coordination, sharing of information amongst the dedicated prosecutors and carrying out necessary interventions, where similar challenges or procedural hurdles arise.

20 We are of the view that this is critical to ensuring a uniformed approached to the TRC prosecutions, an approach which should be guided by an agreed understanding of questions of law that may frequently arise.

This includes for example, questions of delayed prosecutions, permit of legal costs, presumption of death for missing victims or victims whose

remains were destroyed, the probative value of evidence, secured an affidavit where the witnesses are now deceased and the admissibility of testimony given before the TRC.”

Would that description roughly accord with your assessment of your role and the role of the component?

ADV MATZKE: I did listen to you talking, so I do not want to... I know that I did work quite a lot with Adv Singh on the TRC matters, so I am not... I do not and if... and I know that Adv Ntsebeza had, I could not
10 remember his name previously, he did have consultations with us. So this is the work that we did. Adv Singh was the hands on middle person, but I did also assist, support. I was not just sitting behind my desk and I was actively assisting her. So I am not sure if that is what is written there.

ADV VARNEY: Yes, the impression one gets is that it is a very supportive role.

ADV MATZKE: Yes.

ADV VARNEY: With the help of legal advice perhaps. But you exercised no... excuse me. You exercised no powers in terms of
20 making decisions on prosecutions and the like?

ADV MATZKE: No, no, no. That was... the matters were decentralised, so decisions on cases is made by the DPP, because it was decentralised. That is... I could not make a decision on prosecution, that was not part of my... at the national office. You cannot make those decisions, we did not. Previously on the TRC

matters or the PCLU maybe that was the case, because it was not decentralised. But it was properly and duly decentralised for a DPP in a province to make the decision and for the national office to review and support where need be.

ADV VARNEY: Thank you. On the supportive role and on the question of legal advice, do you recall ever getting an opinion in the Craddock Four matter dealing with the admissibility of TRC evidence?

ADV MATZKE: No. I am going to say no, I cannot... I am very left brained, if I do not read something I cannot just respond. So I cannot
10 recall.

ADV VARNEY: It is okay, if you cannot recall that is fine.

ADV MATZKE: Sorry.

ADV VARNEY: Ja.

ADV MATZKE: Sorry.

ADV VARNEY: Now prior to the decentralisation and the creation of this TRC component which was created in September 2021, were you aware of attempts by the Foundation for Human Rights to persuade the NPA and the state more generally to create a dedicated investigation and prosecution unit but under a special, full time
20 special director just as you have for commercial crime and sexual offences?

ADV MATZKE: Can I or may I ask a question, was there a document, a representation on that?

ADV VARNEY: Yes, there was several documents on that.

ADV MATZKE: Yes, yes. It rings a bell, but I cannot... [intervenes]

MS RANGATA: Sorry, Chair, I am sorry to interject. I think it would be fair for this witness to be provided with documents that she needs to express her view on. I think it is a bit unfair to be referring to documents as she has had no sight of at this stage.

CHAIRPERSON: Well at this stage she is being asked if she is aware of such a document or not and I think it is a fair question. Are you aware of such a document?

ADV MATZKE: Chairperson, if I... [intervenes]

CHAIRPERSON: If you are aware of it, yes, if not, no.

10 ADV MOROKA: Chair, can I also interrupt? The inquiry is for all of us, not just for Ms Matzke, so if there is references that we have not been given time to peruse, we do not know whether to object, we do not know whether to agree with the proposition and sometimes Mr Varney he does make propositions that are incorrect. So I support my learned friend as the leader of evidence that it is not fair for all of us... [intervenes]

CHAIRPERSON: Yes.

ADV MOROKA: It is not fair for Mr Gwala and I am not speaking on behalf of Mr Gwala, it is really is not fair.

20 CHAIRPERSON: Yes. Ms Matzke, are you aware of such a document?

ADV MATZKE: May I say that I need to, before I can answer properly, now I cannot offhand say, but it is possible, but I need to see and to then refresh my memory.

COMMISSIONER GABRIEL: So you are not aware?

ADV MATZKE: I am not aware, let me say that.

COMMISSIONER KGOMO: It rings a bell. In Afrikaans; jy hoor die klokkie lui, maar jy weet nie waar klokkie hang nie.

ADV MATZKE: Indeed. Thank you, Commissioner. Dankie.

ADV VARNEY: Chairperson, the question is not based on a particular document, it is just that a proposal for a special investigation, such as investigating directorate or a unit it under a special director was proposed, but ultimately not, not accepted.

CHAIRPERSON: Yes.

10 ADV VARNEY: And I just want to know from the witness whether she thinks that if had been accepted that that might have produced greater results.

CHAIRPERSON: But is it a clarificatory question, Mr Varney?

ADV VARNEY: Well we are just seeking her opinion given that this is a... [intervenes]

CHAIRPERSON: Yes.

ADV VARNEY: A fact finding commission... [intervenes]

CHAIRPERSON: I will overrule it as not being clarificatory.

ADV VARNEY: Okay, as the commission please.

20 COMMISSIONER GABRIEL: In any event the witness has answered that she is not aware.

ADV VARNEY: If we can turn to your evidence on the Timol matter and I should disclose that at that time I did represent Mr Cajee and the Timol family during the reopened inquest in 2017 and then also in the attempts to heave certain individuals identified by the inquest

court investigated further.

And I just want to get your view on the periods involved, the inquest judgment was handed down in 2017 and it took the acting NDPP in the Gauteng Division of Pretoria about 30 months or one and a half years to decide not to charge the individuals.

And then you, you confirmed that it was taken on review and it looks like it took a few more years for that review to be resolved and eventually on 15 February 2023 it is mentioned that that review overturned the decision not to prosecute.

10 But by then as you mentioned, witnesses had died or had become unwell, so it could not be taken further. So that was a six year period, what is your view on the length of time it took to resolve that issue?

ADV MATZKE: I just want to, if I may Chairperson and Commissioners... [intervenes]

COMMISSIONER KGOMO: Raise your voice.

CHAIRPERSON: You should speak louder, Adv Matzke.

ADV MATZKE: I just want to just make sure about the dates, the representations were received in June 2020, the report, the final
20 report was received in October 2020. The initial review memo was submitted to advocate, the late Adv de Kock in October 2020. I just need to refresh my memory here good.

That was October, then the second opinion was received in February 2021, February 2021. Adv de Kock then dealt with the matter, then letters were continuously sent to Webber Wentzel. I am

just going through the document, the affidavit of Mr Veeneman as in paragraph 17, because then the suspects had to be engaged and their representations had to be taken. So that was in July 2021, so due process had to be followed.

ADV VARNEY: Perhaps just to save time, I am merely asking the entire period was approximately six years, is that that normal for it to take that long?

ADV MATZKE: I just wanted to... the date of the final decision of Adv de... the late Adv de Kock.

10 ADV VARNEY: February of 2023.

ADV MATZKE: 2023... [intervenes]

ADV VARNEY: Although given the developments he then rescinded that, but that was at a later stage.

ADV MATZKE: So that is three years.

ADV VARNEY: No, I am talking from the judgments of the inquest court in October 2017.

ADV MATZKE: Oh, the six... oh, I was looking at the representations and that. So it did... when the case docket was opened there was investigations that had to be done and then I do not know what
20 happened then, because that was done at the DPP office. So if you read or count all of that and what happened there, if that is six... is that six years?

So there are processes that was followed, case docket opened, investigations. I do not know what the challenges were there, then it was with the DPP office, but I can say from the account

from the time that it was received at the national office and because of all... of what happened there.

In a case like this it is... it is not, I will not say we did not deliberately tried to delay a decision, but there are processes that you need to follow.

CHAIRPERSON: Was that long, Adv Matzke, was that a long time or not?

ADV MATZKE: It is a long time, Chairperson, yes. But this representations in the normal course, except if it is really not a
10 complicated case it will not take long. But in matters where it is involved expert evidence and where you also have to engage the accused, they were policemen, they also had counsel.

MS RANGATA: Chair, just to assist the witness. I think the witness had already under evidence said that she agrees that the matter came to the complaints component, which she is sitting, because there was a delay. I think she conceded that there was some delay, hence there was the initial complaint... [intervenes]

CHAIRPERSON: Yes.

MS RANGATA: For Mr Cajee, yes.

20 ADV VARNEY: We can move on. You spoke in your evidence in chief about the role that you and Adv Singh played in building a decent realisation and you gave the example of liaising or assisting organisational development with human resources. What is that and how would it help in building decent realisation?

ADV MATZKE: Before any new posts can be created in government

there must be, if I can call it... I do not think it is a feasibility study, but organisational development must be involved, they must look at a province, what is the capacity there, what do we need new capacity for, what is the extent of the matters to be looked at.

So that is... that is the why organisational development need to be involved and that is a process unfortunately. Because in most provinces though what I can remember commissioners, is that most of the DPP directors of public prosecutions, when the request was made they did give dedicated capacity, but they borrowed from other
10 components.

Everybody tried to get colleagues together, together with the police to have a dedicated capacity and to take work away from colleagues, but that left a gap in other components. But because Adv du Toit and Adv de Kock was adamant that TRC should be a focus area, they had to borrow from others and then you had to have the other process to create more capacity and then to advertise the posts and to then fill the posts and have enough people in the regions to work on the cases. So that is what it involved.

ADV VARNEY: I think somewhere in the evidence it is mentioned that
20 the question of legal costs was an issue or at least that is in the Ntsebeza report, it was one of the issues that the component had to address.

ADV MATZKE: If I remember correctly it was... was it not the issue of the legal costs for the suspects or police, the accused, I thin...
[intervenes]

ADV VARNEY: That is correct, exactly yes.

ADV MATZKE: Ja, ja, ja.

ADV VARNEY: And do you recall that issue cropping up?

ADV MATZKE: It did in some of the cases it did. I think that is also what delayed some matters from time to time, where the police did not want to fund investigator... excuse me, suspects or accused. That is the... I think was the issue of the legal costs.

ADV VARNEY: Yes.

ADV MATZKE: But I did not... I will not say that I worked directly with
10 that, but I know that it was there.

ADV VARNEY: Okay.

ADV MATZKE: It was a challenge.

ADV VARNEY: If you did not work directly, I will not pose the question to you. You mentioned that the head of the national prosecutions service Rodney de Kock that he was very hands-on with the TRC cases. Given that he was head of the entire national prosecution service, which was, I suppose one could argue the most important job in the entire NPA and given that there was no fulltime special director. But did that not pose challenges, because it was not
20 possible for Rodney de Kock to engage with every TRC case, given his very wide responsibilities?

ADV MATZKE: No, if I say he was hands-on, he did not... he would, how can I put it. Yes, he was a deputy national, but he worked very hard and he was... if there was a question about a case or a complaint... not a complaint, or he wanted to know something he

would, if I say hands-on, he would go to the senior and say 'what is happening here'.

And he was very adamant with regard to the portfolio presentations that he would do that. Everything had to be prepared, he had to do a dry run, he had to do the meetings with the stakeholders. So that is what I meant with hands-on. He had a lot of energy; he had a lot of energy.

ADV VARNEY: Yes and may his soul rest in peace.

ADV MATZKE: Yes.

10 ADV VARNEY: You were asked about whether there had been improvement since the creation of the TRC component and you mentioned some improvements such as getting the documents together, looking at the decent realised capacity, which you called a milestone, development of relationships with police and attorneys and so on. But would you agree that notwithstanding all this good work, it has not resulted in substantial delivery?

ADV MATZKE: I know that I cannot... I must confess in my last year that I was out of the NPA, I have not followed anything in the news. So I do not know what happened after I left, but I think in the time that
20 I was there and the building up and the work that had to be done and Adv Varney, I... excuse me. Commissioners, I think there were... there were some... there were inquests. I think within what we had that work good was done, but was it enough, it was late... [intervenes]

ADV VARNEY: It is okay, you do not have pursue for that further. So you have indicated that at least in 2018 you mentioned that the NPA

had failed dismally in relation to the TRC cases and unfortunately as we sit here today we do not have much to show for ourselves. So who should take responsibility for the failure to deliver in these cases?

ADV MATZKE: Only the NPA can take responsibility, but I am there anymore. Not that I was a miracle maker, I am not there anymore, but what I do know from my working with Adv Singh, I do not know I think there is more capacity now.

10 But even in the regions with the colleagues and even with the DPCI, the will is there and I do not know why it is not providing results if that is the way that it is. But I have not interrogated that and I want to assist the commission, but I cannot speak about what is happening now, because I am not there anymore.

And we did try, we did try and I think as prosecutors and DPPs I have been in some of those meetings with the DPPs and the prosecutors and the investigators. It was a difficult task to pick up, in some cases I think they almost had to start from scratch after the all the years and tried to put things together.

20 COMMISSIONER KGOMO: And you say the NPA must take responsibility?

ADV MATZKE: For our part if the NPA if there was... if the NPA did not do what they were supposed to do.

COMMISSIONER KGOMO: Yes, you do not have to elaborate; you do not have to elaborate.

ADV MATZKE: Thank you.

ADV VARNEY: No further questions, Chairperson.

CHAIRPERSON: Thank you, Mr Varney. Ms Rangata... [intervenes]

MS RANGATA: No re-examination.

CHAIRPERSON: Any re-examination?

MS RANGATA: No, Chair, thank you.

CHAIRPERSON: Yes. Adv Matzke, we thank you for having come to give evidence before this commission. As you have heard there might be an application for you to be cross-examined, in which event you will be expected to return to this commission for your cross-examination, but for now you are excused as a witness.

10

ADV MATZKE: Thank you.

CHAIRPERSON: These proceedings are adjourned until tomorrow at 10:00.

INQUIRY ADJOURNS UNTIL 23 JULY 2026

CERTIFICATE OF VERACITY

We, the undersigned, hereby certify that **as far as it is audible**, the foregoing is a true and correct transcript of the digitally recorded proceedings in the matter of:

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