

**IN 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 COMMISSION)**

HELD AT:

Sci-Bono Discovery Centre, Corner Mirriam Makeba & Helen Joseph Street,
Newton, Johannesburg

BEFORE

The Honourable Justice Sisi Kham Pepe (Judge RTD) – Chairperson
The Honourable Justice Frans Diale Kgomo (Judge President RTD)
Advocate Andrea Gabriel (SC)

AFFIDAVIT OF YVONNE MABULE

I, the undersigned,

YVONNE MABULE

do hereby state under oath as follows:

1. I am an adult female and a retired legal practitioner.
2. The facts contained in this affidavit are within my personal knowledge, unless the context indicates otherwise, and are true and correct.
3. I make this affidavit for the purpose of assisting the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts to Stop the Investigations or Prosecution of Truth and Reconciliation Commission Cases ("**the Commission**")

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in its mandate under the Terms of Reference ("Tor"). The Commission is to establish whether there were any attempts to interfere with or stop the investigation and prosecution of the TRC cases by the South African Police Service or the National Prosecution Authority.

4. I have structured my affidavit as follows:

- 4.1 first, I provide a brief background of my role as a legal advisor in the National Intelligence Agency;
- 4.2 second, I deal with my role in the Amnesty Task Team established for the purpose of developing an integrated and coordinated government approach to the investigation and prosecution of TRC Cases; and
- 4.3 finally, I deal with my position as a member of the Inter-Departmental Task Team dealing with the assistance to the National Prosecution Authority as it executed the task of investigating and prosecuting TRC Cases.

MY EDUCATIONAL AND PROFESSIONAL BACKGROUND

5. I hold a Diploma. Uris, a B-Proc degree, an LLB-degree and LLM degree in Human Rights and Constitutional Litigation from the University of the North. I also obtained a Diploma in Legislative Drafting from the University of Pretoria and a Diploma in Advanced Labour Law from the then Randse Afrikaanse Universiteit,

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now University of Johannesburg. In my managerial roles, I acquired an Executive Leadership Certificate from Wits University and London Business School.

6. As a professional, I have worked first as a Prosecutor and Magistrate. I have been involved in several Commissions and foras, to mention a few – I was involved in the Hefer Commission, the Khampepe Commission and was a trustee of the Board of Healthcare Funders in South Africa and SADC.
7. Related to the issues before this Commission, I was a legal advisor within the National Intelligence Agency, now State Security Agency from September 2001 to end of January 2007. In February 2007, I assumed my duties as the Principal Officer of the Optimum Medical Aid; a position I occupied until retirement.
8. It was when I was a legal advisor with the National Intelligence Agency that my Director-General, Mr Mavimbela, on short notice (the very day of the first meeting of the ATT), requested me to attend a meeting of the Amnesty Task Team Committee in 2003. I was not initially planned to be a member of the ATT and merely attended the ATT meeting because Mr Mavimbela could not attend the meeting. I only attended one meeting of the ATT.
9. I also subsequently became a member of the Inter-Departmental Task Team dealing with matters arising from the conflict of the past, to assist the Priority Crimes Litigation Unit of the National Prosecution Authority to investigate and prosecute the TRC Cases. I explain my roles fully below.

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MY ROLE IN THE AMNESTY TASK TEAM ("the ATT")

10. My role with the ATT took place decades ago and my memory of the events is understandably not as vivid as I would wish it could be, so as to assist the Commission.
11. What I recall regarding my ATT involvement is that my former Director-General, Mr Mavimbela mandated me in the morning of the first meeting of the ATT and requested me to attend the said meeting on behalf of the Organisation, as he was indisposed.
12. I had no proper briefing about this meeting – I did not know what the name of this meeting was, nor did I know of its purpose; however I was to attend the meeting and report to him.
13. I recall that I arrived at the meeting as it was about to adjourn. What I remember is that a tall gentleman, called Mr Rudman, was closing up the meeting as the Chair of this meeting. He subsequently left the meeting and entered an office adjacent to the venue of the meeting.
14. I inquired from people who had remained in the meeting venue what the meeting was about. I was informed that the meeting was aimed at designing an approach to deal with the issues relating to the investigation and prosecution of TRC Cases and matters where persons had not appeared before the TRC Commission for amnesty.

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15. This was the only meeting of the ATT that I attended, from my recollection.
16. What followed from the ATT meetings was the Inter-departmental Task Team comprising of members from the Justice Cluster to assist the PCLU with the investigation and prosecution of the TRC Cases. With the lapse of time, I cannot remember the details of how it came about that I became a member of the ITT in my capacity as legal advisor to the then NIA. It was only when the Evidence Leaders, during consultation showed me the minutes of the meetings of the ITT that my memory was jogged and I could remember a bit about these meetings and my minimal participation.

MY ROLE IN THE ITT

17. I sat in the ITT as a legal advisor of the NIA. On the substantive matters as to how the NIA was to assist the PCLU/NPA with the investigation and the prosecution of the TRC Cases, I suspect, without any certainty that Mr Brian Koopedi who was serving with me on the ITT, was well-placed and apprised of the substantive role the NIA would play in the ITT.
18. I am however aware that the PCLU/NPA members of the ITT were keen to be advised by the NIA on any information that may assist in the investigation and prosecution of TRC Cases, as indicated in the minute of the ITT. I have attached the minute of the ITT in October, November and December 2006 as well as the meeting that took place in January 2007 (where I suspect I could not have been present, because, if my memory serves me well, I had taken leave, prior to

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assuming my new role as Principal Officer of Optimum Medical Scheme). I have annexed the minutes of the ITT meetings as annexures "YM1", "YM2", "YM3" and "YM4" respectively.

19. At the time of the functioning of the ITT, Advocate Vusi Pikoli who according to the minutes of the ATT was the convenor of the ATT in his capacity as the then Director-General of the Department of Justice was by now, in 2006, the National Director of Public Prosecutions. Therefore, in my view, Advocate Pikoli is the central person who understood the purpose of both the ATT and the ITT and is better placed to enlighten this Commission about these structures.
20. It was Advocate Pikoli who convened the first meeting of the ITT as indicated in the meeting of the ITT of 12 October 2006 and placed on record the purpose of the ITT in its first meeting.
21. From the minutes of this first meeting, I understood the role of the ITT to be that of assisting the PCLU/NPA in the discharge its mandate. It was however made very clear that the NPA had the ultimate decision making-power as to who should be prosecuted, in accordance with Advocate Pikoli's assertions as recorded in the minutes.
22. I vaguely recall that in the meeting of the ITT, I noted that the PCLU Report presented to the ITT was inconsistent at certain places in the sense that more details were provided in some of the cases and other matters had scanty details.

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It is in line with this that the minutes reflect that I commented that this inconsistency must be cured in the following reports to the ITT.

- 23. I did not participate in any effort or attempts to stop the investigation and prosecution of TRC Cases.

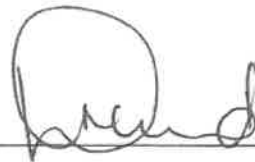
CONCLUSION

- 24. In conclusion I deny emphatically that I stopped or interfered with the investigation or prosecution of TRC Cases.

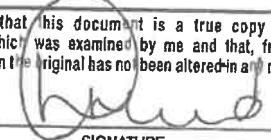
DATED AT _____ ON THIS THE _____ DAY OF JULY 2026.


YVONNE MABULE

I hereby certify that the deponent knows and understands the contents of this affidavit and that is to the best of her knowledge both correct and true. This affidavit was signed and sworn to before me at MIDRAND on this 24TH day of JULY 2026. The Regulations contained in Government Notice R1258 of 21 July 1972, as amended have been complied with.



COMMISSIONER OF OATHS

I certify that this document is a true copy of the original which was examined by me and that, from my observation the original has not been altered in any manner.	
	
SIGNATURE DINANA REID INC Commissioner of Oaths (RSA) Member nr: 45818 Unit C36 Block C Lonecreek, 21 Mac Mac Road & Howick Close Waterfall Park Midrand	
Date: <u>24/07/2026</u>	

**NOTICE IN TERMS OF RULE 3.3 OF THE RULES OF THE JUDICIAL
COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS OR
ATTEMPTS HAVING BEEN MADE TO STOP THE INVESTIGATION OR
PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES**

TO: YVONNE MABULE

EMAIL: yvonne@opmed.com.br

INTRODUCTION AND ESTABLISHMENT OF THE COMMISSION

1. On 29 May 2025, the President of the Republic of South Africa issued Proclamation Notice No. 264 of 2025, establishing the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of Truth and Reconciliation Commission Cases (“the Commission”).
2. The Commission was appointed in terms of section 84(2)(f) of the Constitution, 1996. The Honourable Madam Justice S. Khampepe serves as Chairperson, with the Honourable Mr Justice F. D. Kgomo and Adv A. Gabriel SC as members.
3. In terms of its mandate, the Commission is required to inquire into, make findings, report on, and make recommendations concerning allegations that, since 2003, efforts or attempts were made to influence, pressure, or otherwise improperly prevent the South African Police Service and/or the National Prosecuting Authority from investigating or prosecuting TRC cases.

The Terms of Reference further require the Commission to determine whether officials within these institutions colluded in such efforts, and whether further action—including investigations, prosecutions, or the payment of constitutional damages—is warranted.

4. Among the parties identified as having a substantial interest in these proceedings are:
 - a. The applicants in the matter of L.B.M. Calata and 22 Others v Government of the Republic of South Africa and Others (Case No. 2025-005245, North Gauteng High Court, Pretoria); and
 - b. The families of victims in TRC cases who have a substantial interest in the matters under inquiry.

NOTICE IN TERMS OF RULE 3.3

5. This notice is issued in terms of Rule 3.3 of the Rules of the Commission, read with the Regulations made under Government Notice R.278 of 2025.
6. The Commission's Evidence Leaders intend to present the evidence of one or more applicants in the Calata case, and any person who in the opinion of the Evidence Leaders possesses information that relates to the paragraph **Error! Reference source not found.** allegations against you and is relevant to the Commission's work.
7. The specific date and venue for the hearing at which such evidence will be presented will be communicated to you in due course.

8. Below is an extract from the Calata matter's founding affidavit, with corresponding paragraph numbering, which implicate, or may implicate, you in allegations regarding efforts or attempts to halt or suppress the investigation or prosecution of TRC matters. Further details of the Calata proceedings, including the said affidavit, are available on the Commission's website at www.trc-inquiry.org.za.

PARTICULARS OF IMPLICATION

"The Amnesty Task Team"

148. *A Director-General's Forum chaired by Adv Pikoli, the then Director General of the DOJ, met on 23 February 2004 to consider how to give effect to the President's objectives set out in his speech the year before. Essentially this involved how to deal with the TRC cases, which Pikoli described in his affidavit, as being "politically sensitive" (TN7 at pp 170 – 216 in Nkadimeng 2). The Forum appointed a Task Team to report on a mechanism to give effect to the President's objectives. This task team was known as the "Amnesty Task Team" (ATT).*

149. *The ATT was required to:*

149.1 *explore options for the NPA and the intelligence agencies to accommodate persons who still wish to disclose the truth about past conflicts.*

149.2 *consider a further process of amnesty on the basis of full disclosure of the offence committed during the conflicts of the past.*

149.3 *advise whether legislative enactments were required.*

150. *The original terms of reference for the ATT (as attached to Macadam's affidavit*

(FA5) as annex [RCM14](#) (at p863) were to consider and report on:

150.1 *The criteria the NPA applies in deciding on current and impending prosecution of cases flowing from the conflict of the past.*

150.2 *The formulation of guidelines that will inform current, impending and future prosecution of cases flowing from the conflicts of the past.*

150.3 *Bearing in mind the abovementioned guidelines, whether legislative enactments were required.*

150.4 *Whether any of the two Bills that have already been formulated can be taken forward, while taking into account the views of the intelligence agencies.*

151. *The names of the two bills were not disclosed but presumably one of them was the Indemnity Bill (first 2 pages at [RCM13](#) at p861). The views of the Intelligence Agencies were also not disclosed.*

152. *The ATT comprised the following members:*

152.1 *Deon Rudman (Chairperson): DOJ*

152.2 *Yvonne Mabule: National Intelligence Agency (NIA)*

152.3 Vincent Mogotloane: NIA

152.4 Gerhard Nel: NPA

152.5 Lungisa Dyosi: NPA

152.6 Ray Lalla: SAPS

152.7 Joy Rathebe: Department of Defence (**DOD**)

153. The ATT was requested to submit its report to the Director General's Forum by close of business on 1 March 2004. The ATT met on 26 February 2004 and again on 1 March 2004.

154. The undated 2004 secret report, titled "Report: Amnesty Task Team", which was disclosed during the proceedings in the matter of [Nkadimeng & Others v The National Director of Public Prosecutions & Others](#) (TPD case no 32709/07 [2008] ZAGPHC 422) (**Nkadimeng 1**) as annex [TN42](#) at p431. It is annexed hereto marked **FA24**. The report set out the ATT's mandate, background, proposals and concerns.

155. The ATT Report noted that a further amnesty would face challenges because of constitutional issues but nonetheless the team still had to find ways to accommodate those perpetrators who did not take part in the TRC process.

In relation to its first task, the ATT recommended the creation of a Departmental Task Team comprising representatives from:

155.1 Department of Justice and Constitutional Development,

155.2 *The Intelligence Agencies,*

155.3 *South African National Defence Force,*

155.4 *South African Police Service,*

155.5 *Correctional Services,*

155.6 *National Prosecuting Authority,*

155.7 *Office of the President.*

156. *The functions of the proposed Departmental Task Team would, inter alia, be*

the following:

156.1 *Before the institution of any criminal proceedings for an offence committed during the conflicts of the past, it must consider the advisability of the institution of such criminal proceedings and make recommendations to the NDPP.*

156.2 *To consider applications received from convicted persons alleging that they had been convicted of political offences with a view to making recommendations for their parole or pardon, and in making such recommendations to consider various criteria. Aside from the TRC's amnesty criteria, other considerations included, inter alia:*

156.2.1 *Whether a prosecution "politically" reflects the aims of the TRC Act and is not in conflict with the requirements of objectivity.*

156.2.2 *Various humanitarian concerns.*

156.2.3 *Whether a prosecution could lead to conflict and traumatising of victims.*

156.2.4 *The perpetrator's sensitivity to the need for restitution.*

156.2.5 *The degree of remorse shown by the offender and his attitude towards reconciliation.*

156.2.6 *The degree of indoctrination to which the offender was subjected.*

156.2.7 *The extent to which the perpetrator carried out instructions.*

156.2.8 *Renunciation of violence and willingness to abide by the Constitution.*

156.3 *The Task Team noted that their proposals have various shortcomings, including:*

156.3.1 *A possible negation of the constitutional rights of victims, the public at large and alleged offenders.*

156.3.2 *The possibility of the institution of private prosecutions.*

156.3.3 *The absence of any guarantee that alleged offenders will not be prosecuted, meaning that they might be reluctant to make full disclosure.*

156.3.4 *Public perception regarding the participation in a further amnesty process by the security services as the public may regard them as perpetrators in past conflicts.*

157. *According to Pikoli in his affidavit in Nkadimeng 2, the recommendation of the Interdepartmental Task Team for 'a two-stage process', which would have required its recommendation before the NDPP could prosecute was rejected. This was because it would have been a violation of the NDPP's prosecutorial independence enshrined in section 179 of the Constitution. Although the Task Team's role was meant to be advisory in nature it soon became apparent that the non-NPA members of the team saw their role as supervisory rather than advisory. Indeed, as will be seen below, the 'two-stage process' was reintroduced causing a crisis of conscience for Pikoli.*

158. *With regard to the ATT's second task, namely, to consider a further amnesty process, the team was of the view that the only way to address the concerns was to provide a further amnesty similar to that of the TRC process.*

158.1 *Some members argued against another amnesty, pointing out it would undermine the TRC process, while others supported a new amnesty to encourage more disclosures.*

158.2 *The ATT decided not to make a recommendation on the question of another amnesty but to leave it in the hands of government.*

158.3 *It attached a draft Indemnity Bill to the report (as annex B) in case government decided to proceed with a further amnesty. The annex was not*

attached to the report in the version disclosed in Nkadimeng 2. However, the first 2 pages of the draft bill were attached to Macadam's affidavit (FA5) as [RCM13](#) at p861. It would have provided for a rerun of the TRC's amnesty process.

159. *With regard to the ATT's third task, namely, to advise on any legislative steps needed, it noted that its recommendations in relation to the first task do not require any legislation. However, it noted:*

"Should Government, however, decide on a further amnesty process ..., legislation will be required since the mechanisms and procedures of the TRC Act have run their course and can no longer be applied. If it is decided to follow the latter route, an amendment of the Constitution is also proposed in order to enable such legislation being adopted and to pass muster in the Constitutional Court."

160. *Much of the ATT's report was accepted by government and implemented, as is evident by the 2005 amendments to the Prosecution Policy and the introduction by President Mbeki of a Special Dispensation for Political Pardons in 2007, to be discussed below.*

The Secret Further Report of the Amnesty Task Team

161. *The secret Further Report of the ATT was disclosed by Macadam in his affidavit (FA5) as annex [RCM15](#) at p864. Perhaps more than any other document, the Further Report reveals the real intent of those behind the*

political interference. The report is undated, but it would have been generated in 2004 in the weeks or months following the submission of the ATT's first report to the Heads of Department Forum on 4 March 2004.

162. The report reveals that the Heads of Department Forum discussed the first ATT Report with members of the Task Team, "whereafter they deliberated the Task Team's proposals and recommendations in camera". Following these deliberations, the Heads of Department Forum indicated that they preferred the Task Team's recommendations relating to the establishment of a Departmental Task Team (referred to as Option I). However, they requested the Task Team to further consider the following aspects:

162.1 In performing its functions, the proposed Inter-departmental Task Team (ITT) must make use of existing structures rather than parallel structures.

162.2 Consider whether there is a way in which private prosecution and civil litigation can be eliminated if the NDPP decides not to prosecute; and investigate the possibility and desirability of legislation, if required.

162.3 The proposed Task Team should work under the direct supervision of an Inter-Ministerial Committee.

162.4 It is important that the proposed Task Team, the Inter-Ministerial Committee and the NDPP, in performing their functions

and reaching decisions, should take the national interest into account.

162.5 Advise the Forum on whether a person who is aggrieved by a decision of the National Director may approach the International Criminal Court (ICC).

162.6 Advise the Forum on a timeline for the completion of the work of the proposed Task Team. Twelve months was mentioned as a possibility.

163. Perhaps most revealing was the Forum's instruction to the ATT to explore ways in which private prosecution and civil litigation could be eliminated where the NDPP decides not to prosecute, including the possibility of fresh legislation to achieve this end. This exposes the intent to come up with a means to guarantee maximum impunity for apartheid-era perpetrators.

164. The fear that victims and families could turn to the ICC, in the event that avenues for accountability in South Africa were completely closed, presented a real fear to the Forum.

165. Equally chilling was the desire of the Forum for the ITT to "work under the direct supervision of an Inter-Ministerial Committee".

165.1 *If there was any doubt that the prosecution process in relation to the TRC cases was to be under the thumb of political overlords, it was dispelled by this requirement. This is in fact what transpired.*

165.2 *As will be discussed below, towards the end of 2006, the ITT was instructed that it must submit a final recommendation to a “Committee of Directors General” in respect of each TRC case, which in turn must advise the NDPP in respect of who to prosecute or not.*

165.3 *In addition, it emerged that at least by 2007, if not earlier, there was a “Cabinet Committee on Post TRC matters”, which was a subcommittee of the Justice, Crime Prevention and Security Cluster.*

166. *The proposal that all players in the process, including the NDPP, should “take the national interest into account” when making decisions in relation to the TRC cases was ‘shorthand’ for the expectation that all involved, particularly the NPA, would be expected to ‘do the right thing.’*

166.1 *Needless to say, no attempt was made to define what the national interest meant in this context, although I am advised that the ‘national interest’ is not necessarily the same as the ‘public interest’.*

166.2 *The national interest constitutes the interests of the state, usually as defined by its government. Typically, politicians invoke the ‘national interest’ in seeking support for a particular course of action.*

166.3 *The public interest on the other hand typically refers to the collective interests of a community or society, in particular when steps are taken on behalf of disadvantaged, marginalised and vulnerable people; as weas the pursuit of objectives that benefit society as a whole, such as the protection of civil liberties.*

166.4 *I am advised that while the national and public interest may coincide, in this instance it does not. The shielding of perpetrators of serious crimes from scrutiny and justice may have served the narrow or expedient interests of the state at that time, but it hardly served the public interests of victim communities or society more generally.*

166.5 *It goes without saying that the national interests, as espoused by the ATT, were also diametrically opposed to the ‘interests of justice’.*

Response of the ATT

167. *The ATT then met to work out how to take the Heads of Department Forum’s directives forward. They consulted legal experts who advised that setting up the Departmental or ITT Team did not require legislation.*

167.1 *Only a Memorandum of Understanding would be needed, although all existing structures, such as the NPA, would have to “commit themselves and give their full support and cooperation” to the process.*

167.2 *It was apparent that for this to work, everybody would have to 'play the game'. As it turned out, they could count on almost everybody in all departments to 'play the game,' or at least 'look the other way'.*

167.3 *However, two key persons in the NPA, Pikoli and Ackermann, were not willing to bow to political instruction. The charade could not work without them playing along. As will be seen below, the former would be shown the door while the latter was sidelined.*

168. *According to the Further Report, the question of "eliminating private prosecution[s] and civil litigation in cases of a no prosecution [] elicited much debate" within the ATT.*

168.1 *The ATT spoke to two State Law Advisers and obtained a legal opinion from Adv JH Bruwer, which was attached to the report, although it was not attached to the copy annexed to Macadam's affidavit. There appeared to be agreement that "legislation eliminating private prosecution and civil litigation will at least affect a person's right to equality and the right of access to courts".*

168.2 *They also doubted that "the motivation for such legislation would meet the requirements of section 36 (the limitations clause) of the Constitution", which would be "seen as a further amnesty process."*

168.3 *The ATT drew the Heads of Department Forum's attention to an article in the Rapport of 7 March 2004 where Archbishop Desmond Tutu was quoted as saying that those who did not receive amnesty should face prosecution and any new initiative to stop prosecutions "would be seen as negating the amnesty process of the TRC."*

168.4 *The ATT advised that the only way to eliminate private prosecutions and civil litigation would be by way of legislation and a Constitutional amendment which "would not be desirable."*

168.5 *It is interesting to note that in Nkadimeng 1, the Minister of Justice and the NPA argued that the Prosecution Policy amendments did not promote impunity because families and victims could still bring their own private prosecutions, even though they lacked investigative powers and the resources of the State. Judge Legodi, recognising the absurdity of this claim, noted in his [judgment](#) in Nkadimeng 1 that "crimes are not investigated by victims. It is the responsibility of the police and prosecution authority to ensure that cases are properly investigated and prosecuted."*

168.6 *It is not known if the State Law Advisors and Adv Bruwer were asked to provide an opinion on the constitutionality of the proposed amendments to the Prosecution Policy, which provided for an effective back door amnesty. Archbishop Desmond Tutu filed a*

*supporting affidavit in the legal challenge to the new policy (in Nkadimeng 1), where he stated that the efforts of the State “represented a betrayal of all those who participated in good faith in the TRC process. It completely undermined the very basis of the South African TRC.” An unsigned copy of the Archbishop’s affidavit is annexed hereto marked **FA25**.*

169. *In relation to the proposed establishment of an Inter-Ministerial Committee it is recorded in the Further Report that “the Task Team supports this proposal.” The members of the ATT demonstrated their subservience in agreeing with the Heads of Department Forum. However, they were constrained to provide the views of the State Law Advisers who indicated that a further structure could prove cumbersome and “might be seen as an attempt by the Government to put undue pressure on the National Director of Public Prosecutions in reaching an independent decision.”*

170. *The ATT cast further ignominy on itself when in response to the proposal that the “national interest should be the paramount objective,” it responded in servile fashion: “the Task Team wholeheartedly agrees with this viewpoint of the Forum.” The ATT was more than happy to open the door to the imposition of the dominant political views onto prosecutorial decisions.*

171. *In relation to the involvement of the ICC, the ATT relied on the advice of Adv Bruwer who concluded that it was “not inconceivable that a complainant who is prohibited [...] from instituting a private prosecution in the national court may approach the International Criminal Court for relief.”*

In relation to the question of setting a timeline for the Departmental Task Team to complete its work, the ATT declined to propose a timeline but proposed that “the President should rather indicate that it is expected that the Task Team will finalise its work within a specified period and that such period will be determined taking into account the extent to which its objectives are achieved.” Perhaps the ATT realised it should leave this decision in the hands of the office holder who was really calling the shots. In doing so, the ATT confirmed loudly and clearly that the question of the TRC cases was now firmly in the hands of those in political control.”

YOUR RIGHTS AND OBLIGATIONS

9. You are entitled to attend the hearing at which the evidence relating to the above allegations, and any other that may be led against you, is presented. You may be represented by a legal practitioner of your choice.
10. Rule 3.4 requires that, within fourteen (14) calendar days of this notice, you submit a statement in the form of an affidavit responding to the allegations. Your affidavit must specify which parts of the evidence are disputed or denied, and set out the grounds for such dispute or denial.
11. If you wish to—

- a. give evidence yourself;
- b. call any witness in your defence; or
- c. cross-examine the witness whose evidence implicates you,

you must apply in writing to the Commission for leave to do so within fourteen (14) calendar days of this notice, accompanied by your affidavit.

12. You may also apply for leave to make written and/or oral submissions regarding the findings or conclusions that the Chairperson should draw from the evidence relating to you.

COMMUNICATION WITH THE COMMISSION

13. All correspondence, applications, and affidavits must be directed to: The Secretary of the Commission [Insert Secretary's email and postal address]

DATED at **SCI BONO DISCOVERY CENTRE** Johannesburg on this 19 day of September 2025.

For and on behalf of the Evidence Leaders to the Judicial Commission of Inquiry into Allegations Regarding Efforts or Attempts Having Been Made to Stop the Investigation or Prosecution of TRC Cases.

ANNEXURE "YM1"

"PCJ11"

MINUTES OF TASK TEAM MEETING 29/01/2007Members Present:

Adv Ackermann SC
Mthunzi Mhaga
Nhlanhla Ngidi
Comm Jacobs
Brian Koopedi
Yvonne Mabule
Marlyn Raswiswi
Josias Lekalakala

Apologies: Dr Ramaite

The meeting was chaired by Mr Ngidi due to unavailability of our Convenor Dr Ramaite.

The minutes of the last meeting were read and adopted with some amendments and Yvonne requested for elaborations on minutes in future.

Adv Ackermann SC requested members for their inputs with a view to finalise the draft report to be submitted to the National Director. Commissioner Jacobs indicated that he was made to understand that Rev Chikane was not interested in the prosecution of the accused in his case, therefore he needs to be consulted and the matter needs to be discussed with their principals before making recommendations.

Adv Ackermann SC reminded the meeting that the National director has made his decision on the matter. Yvonne concurred with Comm. Jacobs on Rev Chikane matter. Mr Ngidi however had no objection to the National director's decision on the Rev Chikane matter.

Comm Jacobs informed the meeting that he has gone through the docket on the Highgate Hotel attack and is of the view that no further investigations is necessary. It was agreed that PCLU would have to look at the docket.

It was then agreed that Mthunzi will be provided with all the views of the agencies after meeting with their principals before 7/2/7 and finalise the report.

Comm Jacobs informed the meeting that he is waiting for a feed back from Provincial Commissioners on the appointment of investigators. Some had responded and provided him with a list of the investigators. He also requested a list of SAPS dockets in possession of the PCLU.

The meeting was then closed.



ANNEXURE "YM2"

"PCJ10"

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MINUTES OF A TRC MEETING HELD ON 4 DECEMBER 2007

1. PRESENT:
Dr Ramaite
Adv Ackermann SC
Comm Jacobs
Josias Lekalakala
Irene Freeman (standing in for Mr Ngidi)
Maryln Raswiswi
Mthunzi Mhaga
2. APOLOGIES:
Brian Koopedi (overseas)
Yvonne Mabule (sick leave)
Mhlahla Ngidi (meeting)

3. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were read and adopted with amendments.

4. MATTERS ARISING

4.1 Matters that arose from the minutes were the following:

- 4.1 Draft report on the progress of the task team; and
- 4.2 The Highgate Hotel case.

4.2 Josias suggested that members need to consult with their principals before the trial report is submitted to the National Director. Members were requested to mail their inputs after consulting their principals before 7 December 2006.

4.3 Josias also asked if NIA had submitted any opinion relating to security aspects of cases identified for prosecution.

4.4 Dr Ramaite drew his attention to page 2 of the minutes on Yvonne's concern.

4.5 Commissioner Jacobs informed members that he has sent a letter to Commissioner de Beer and the list of all investigators will be ready soon.

4.6 Adv Chris Macadam indicated that we need to adopt a wait and see approach as all perpetrators will probably make representations in anticipation of prosecution upon completion of investigations.

4.7 He also briefed the meeting on the Claire Stewart case.

Pf. 34

S. H.

Dr Ramaite asked if a reconciled report with SAPS and PCLU had been compiled to consolidate all TRC cases for investigations. In so far as the President maintained that as long the status quo remains the same the matter will be considered closed.

Mthunzi and Comm Jacobs undertook to compile such a report with a view of identifying cases for appointment of investigating officers by SAPS as Comm Jacobs indicated that he Comm de Beer has undertaken to appoint a investigators for all cases.

Dr Ramaite asked the task team to agree on the time frame for final recommendations as we only had interim recommendations pertaining to some cases.

Yvonne raised a concern on identifying matters to utilise NIA on security aspects but agreed that on completion of investigations and receipt of representations from perpetrators such could be dealt with depending on the circumstances of the cases.

Anton suggested NIA provides the PCLU with any information they might have on these cases fro a security point of view.

Mthunzi was requested to compile a draft progress report on the task team to be submitted to the NDPP and other principals. The

Adv Macadam asked to be excused fro the meeting.

It was agreed that the task team has indeed made progress as there were already cases identified fro investigations and interim recommendations made on some cases.

The meeting was then closed and Mthunzi was asked to arrange a suitable date for the next meeting and that PCLU and SAPS must place before the task team a reconciled list of cases for appointment of investigators within two weeks

ANNEXURE "YM3"

MINUTES OF THE MEETING OF TASK TEAM ON TRC CASES 16/11/2006Members present:

Dr Ramaite
 Adv Ackermann SC
 Adv Chris Macadam
 Comm Jacobs
 Yvonne Mabule
 Marilyn Raswiswi
 Nhlanhla Ngidi
 Mthunzi Mhaga

Apologies: Josias Lekalakala
 Brian Koopedi

Minutes of the last meeting read and adopted as true reflection of the meeting.

Matters arising from the minutes of the last meeting discussed.

Adv Macadam informed the meeting of a representation from the family of Claire Steward who requested investigations of the matter.

Adv Ackermann raised a concern over the impression created by the revised audit report from SAPS that he had indicated his intentions of exploring the possibility of prosecuting the President and 37 ANC leaders. He contented that it was SAPS through Supt Brits who had persuaded in vain the PCLU to prosecute the President as there was enough evidence on the case. He said that SAPS was the driving force behind such prosecution and Adv Macadam produced a letter he wrote to Supt Brits in which he indicated that no sufficient evidence exists to institute such prosecution. He asked Comm Jacobs if he agrees with that contention.

Dr Ramaite enquired from Adv Ackermann on the relevance of the complaint but also said he understood his frustration. He however called upon any agency intending to have an input on the matter to come forward with such.

Adv Ackermann wanted to know from Comm Jacobs who compiled the report and why was it necessary to include cases that had been finalised and request inquests on such matters.

Comm Jacobs indicated that he compiled the report and requested guidance from the meeting on how to deal with outstanding inquests. He said they had six inquests, some had been finalised and others not done at all and that all were TRC matters.

Adv Macadam clarified the position relating to the case against the President and the 37 ANC leaders.

Adv Ackermann indicated that he was really not happy with the report ~~from the ANC~~ ~~leaders.~~

SAPS

~~from the ANC~~

~~leaders.~~

[Handwritten signatures and initials]

"PCJ9"

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FROM: ASST. COMM. PC JACOBS
LEGAL SUPPORT: CRIME OPERATIONS
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YOUR FAX NO.: (012) 361 6752

PAGES: 3 (INCL. COVERING SHEET)

DATE: 2006-11-16

REF. NO.

X	URGENT		FOR REVIEW		PLSE COMMENT		PLSE REPLY		PLSE RECYCLE
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SUBJECT: MINUTES OF "TASK TEAM ON TRC CASES"

Josh

Attached the minutes of the previous meeting handed out today. I confirm that Mthunzi is coming to my office on 22 November 2006, to discuss the issue of investigation for the outstanding matter 09:00.

The next meeting will be arranged for early December 2006, to discuss an intern report.

Regards.

[Signature]
Asst. Commissioner
HEAD, LEGAL SUPPORT: CRIME OPERATIONS
PC JACOBS
Date: 2006/11/16

PCJ 3104

[Signature] 301
[Signature]

the "task team" are necessary because the National Commissioner is of the view that Rev Chikane is not interested in prosecution of the matter. He suggested that contact has to be made with Rev Chikane to ascertain his attitude. *Ackermann also informed that NPA discussed the matter with Rev. Chikane.*

According to Adv Ackermann the complainant (Rev) indicated that he leaves the matter in the hands of the NPA. It was then decided that the latter's attitude be ascertained and the matter was therefore closed pending a feedback on his attitude.

Brian and Adv Ackermann asked to be excused and they left the meeting but shortly thereafter it was closed and Mthunzi was tasked with arranging the date and venue for the next meeting.

Prepared by Mthunzi Mhaga

MS. 31

[Signature]

A.B. Gs.

Received 2006/11/16

"PCJ6"

MINUTES OF "TASK TEAM ON TRC CASES" MEETING 6/11/06

Members present:

Adv Ackermann SC
 Comm Jacobs
 Brian Koopedi
 Yvonne Mabule
 Marlyn Raswiswi
 Nhlanhla Ngidi
 Josias Lekalakala
 Mthunzi Mhaga

2 weeks
 Draft
 meet on 1st
 meet
 1st week Dec
 Reconciliation

Apologies:

Meeting started at 09H15 and Dr Ramaite requested Mr Ngidi to chair the meeting because he was attending a meeting with the NDPP.
 Minutes of the last meetings were adopted with a few amendments.

Adv Ackermann dealt with the revised audit report which incorporated an objection of the proposed reappointment of Mr Britz to assist SAPS in compiling their report. However Comm Jacobs maintained that he had been misunderstood as he never said he will seek the services of the said Mr Britz. The matter was therefore closed as no further action was contemplated.

A revised audit report from SAPS was circulated to all members but it was felt that it would be fair for members to study the report and reserve their deliberations for our next meeting.

Brian suggested that Adv Ackermann should proceed with the ^{in identified} prosecutable matters reflected in PCLU's first report. The suggestion was supported and he proceeded as such.

During his presentation several recommendations were made except for a few matters which were held in abeyance pending further information. *I must mention however that for the purposes of these minutes I deem it fit not to give such detailed recommendations as a full progress report is still to be compiled on all these matters.*

It is however worth mentioning that When Adv Ackermann informed the meeting that a decision to prosecute has already been made by the NDPP on the Reverend Chikane case, Josias indicated that recommendations of

[Handwritten signatures and initials]