

**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 Mfundo Salukazana (for Ex-NDPP's Officials)
Adv Motlalepule Rantho (for SAPS)
Adv Ebenezer Propy (for SAPS)
Adv Irene Dikgale (for SAPS)
Adv KD Moroka (SC) – DoJ representative
Adv Anisa Kessery-DOJ Representative
Adv Matseleng Lekoane (DOJ representative)
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Mr Jos Venter – The Calata Group
Mr Sipho Tlhaole – The Calata Group
Ms A Thakor – The Calata Group
Adv Vivian Rikhotso (for Adv Menzi Simelane)
Adv Irene de Vos for President Cyril Ramaphosa

17 AUGUST 2026

DAY 76

PAGES 1 – 42



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PROCEEDINGS ON 17 AUGUST 2026

CHAIRPERSON: Good morning to you all. Mr Semenya?

ADV SEMENYA: Good morning to you, Chairperson and to the Commissioners as well.

COMMISSONER KGOMO: Good morning.

ADV SEMENYA: I think I need to explain why we cannot have Adv Mpshe today. We have communication that he is not in good health, and would have to defer that to a date approved by the commission.

CHAIRPERSON: Yes.

10 ADV SEMENYA: And once we have established his health status, for now we will be receiving the evidence of Mr Bester. I understand my learned colleague would be leading him.

CHAIRPERSON: Yes, I see we have got Mr Salukazana here.

ADV SALUKAZANA: Yes, Chairperson, I just came to confirm.

COMMISSONER KGOMO: You switch off your microphone.

ADV SALUKAZANA: Yes, Chairperson, good morning. I just came to confirm that Mr Mpshe is ill and wanted to make myself available in case there were any queries or questions that the commission had.

CHAIRPERSON: Yes, do we have any medical certificate?

20 ADV SALUKAZANA: There is one that we shared this morning.

CHAIRPERSON: This morning?

ADV SALUKAZANA: Yes that is correct, yeah.

CHAIRPERSON: Yes. Has it been transmitted to the commission?

ADV SALUKAZANA: I hope it has because my attorneys of record have sent it to me.

CHAIRPERSON: Yes.

ADV SALUKAZANA: I will just confirm with them that they have sent it, but it just came in this morning as I was sitting here.

CHAIRPERSON: Okay. No, thank you, Mr Salukazana, for coming to confirm that Mr Mpshe will not be coming to the commission that is highly appreciated. That is how counsel should behave in a situation of this kind.

ADV SALUKAZANA: Pleasure, Chair.

ADV VARNEY: Chairperson, before we proceed, my learned friend
10 for Adv Mpshe has indicated that he will be housebound for approximately four weeks. So I raised the possibility of a virtual testimony, and apparently that is possible. So we would then encourage a date to be agreed upon within the next few weeks for a virtual testimony if the commission so pleases.

CHAIRPERSON: Yes. Mr Salukazana?

ADV SALUKAZANA: We are open to that, and we will engage with the commission on the arrangement date.

CHAIRPERSON: Okay.

ADV SEMENYA: We will also explore it, Chair.

20 CHAIRPERSON: Thank you. Then, Mr Salukazana, you may be excused.

ADV SALUKAZANA: I appreciate that. Thank you very much, Chair.

CHAIRPERSON: Thank you.

ADV SALUKAZANA: Thank you.

COMMISSIONER KGOMO: Just switch off that microphone. Thank

you.

ADV SEMENYA: If Ms Rantho is ready, Chair, we can have the witness sworn in.

CHAIRPERSON: Ms Rantho?

ADV RANTHO: Good morning, Chair.

CHAIRPERSON: Are you ready?

ADV RANTHO: We are ready, Chair.

CHAIRPERSON: Thank you. Colonel Bester, are you going to give your evidence under oath or affirmation?

10 COLONEL BESTER: Oath.

CHAIRPERSON: 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.

COLONEL BESTER: So help me God.

LOUIS JOHANNES BESTER: (duly sworn states)

CHAIRPERSON: Thank you, you may be seated. Ms Rantho, your witness.

ADV RANTHO: Thank you, Chairperson.

EXAMINATION BY ADV RANTHO: Good morning, Colonel Bester.

20 COLONEL BESTER: Good morning.

ADV RANTHO: Just before we proceed, may you kindly confirm if you are in possession of an affidavit deposed to by Louis Johannes Bester in front of you?

COLONEL BESTER: That is correct.

ADV RANTHO: And you confirm that you have personal knowledge

of the contents of the said affidavit.

COLONEL BESTER: That is correct.

ADV RANTHO: In paragraph 1, you are informing the commission that you are a retired member of the SAPS.

COLONEL BESTER: Correct.

ADV RANTHO: Can you confirm that?

COLONEL BESTER: Correct.

ADV RANTHO: And that at that time when you retired, you held the rank of senior superintendent, which you later became a colonel.

10 COLONEL BESTER: That is correct.

ADV RANTHO: If I may then proceed to paragraph 3 of your affidavit. That is where you explain to the commission as to the purpose of this affidavit and you indicate that it is in response to the notice received from the commission dated 12 May 2026. Can you confirm that?

COLONEL BESTER: I confirm, it is correct.

ADV RANTHO: And the very said notice is annexed to your affidavit as LB1. That appears on page 14 of the bundle that is in front of you. Can you go to page 14? LB1. Annexure LB1.

20 COLONEL BESTER: I have got it in front of me.

ADV RANTHO: You do confirm that this affidavit was prepared in response to that notice that appears on page 14.

COLONEL BESTER: Correct.

ADV RANTHO: Now, Chairperson, if I may just read into the record what is requested of Colonel Bester. Just in short, LB1 on page 14,

paragraph 3. In fact, I will start from paragraph 2.

10 “The terms of reference of the commission
require that, among other things, the commission
must inquire, make findings, report, and make
recommendations concerning whether, why, and
to what extent, and by whom, efforts were made
to influence or pressure members of the South
African Police Service or the National Prosecution
Authority to stop investigating or prosecuting TRC
cases.”

Paragraph 3 of the notice.

 “Dr Philippus Christoffel Jacobs submitted a
sworn affidavit to the commission. In the relevant
portions of his affidavit, he refers to the alleged
fraudulent document or note purporting to have
been authored by Adv Ackermann, which
appeared in the Rapport newspaper on the 19
August 2007. He states, *inter alia* that:

20 4.1 He obtained a copy of the note from you and
that the original was kept in safe custody at your
behest.

 4.2 An official media release was issued by the
NDPP's office on 21 August 2007 claiming that
the note received by Adv Ackermann from SAPS
was regarded as false and that they had

authorised an immediate investigation into the matter.

4.3 On 21 August 2007, you handed over the original document to Commissioner De Beer; and

4.4 You were then requested by Commissioner De Beer to take a statement from S/Supt Britz to ascertain the process that was followed in the drafting and filing from the NPA.”

And then, specifically, the witness was then drawn, his attention was
10 drawn to paragraphs 65 to 73 of the affidavit of General Jacobs. We just wanted, just to read into the record, just to give a context in terms of the issues that the witness was required to address, Commissioners. If I may then proceed to paragraph 5, where you intend dealing with your educational background and career history before responding to the notice that was served on by the commission. Correct?

COLONEL BESTER: That is correct.

ADV RANTHO: Yes. In paragraph 6, you inform the commission that you are in possession of the National Diploma in Police
20 Administration, as well as National Higher Diploma in Management obtained from the erstwhile Technical RSA, and those were obtained in 1984 and 1999 respectively. You confirm that.

COLONEL BESTER: Correct.

ADV RANTHO: And then, perhaps, if you can just assist the commission with the contents of paragraph 7 up to paragraph 11, just

to give a background of your career in the SAPS. When did you start? What were your duties and so on? You may proceed. Thanks, Colonel.

COLONEL BESTER: Yeah, I joined SAPS on the 22 August 1973, and I start my work as police officer, in those days in the Community Service Centre, those days known as the charge office. And then later you go to the patrol van and attend to complaints from the public.

And then I was also transferred to the Flying Squad in
10 Marabastad in Pretoria, where I was a patrol dog handler, and later transferred to Pietersburg, now Polokwane. For the period of 19 June 1979 until the 31 December 1991, I was attached to the Criminal Records Centre. I joined the Criminal Records Centre in Polokwane and was trained there, and there I reached the rank of a captain.

That was our sole duties to visit crime scenes, gather fingerprints. I was a fingerprint expert, a draftsman, as well as a photographer. And then I was transferred to the office, the CRC in Kimberley, where I was later promoted to the rank of a major.

There I was for some time also the Regional Commander in
20 the Northern Cape of the LCRCs. Then on the 1 January 1992 until the 31 December 1993, I was transferred, after becoming a major, to Bloemfontein, where I was the second in command in Bloemfontein, with the same responsibilities as far as crime scenes is concerned.

Then from the 1 January 1994 until the 31 May 1994, they transferred me to the detective branch in Bloemfontein, where I

became the Commander of the Detective Service. Although a very short period, they transferred me to the Provincial Office in the Free State and appointed me as the Provincial Commander of Serious and Violent Crime.

Now the Serious and Violent Crime office contains of management and command over all murder and robbery units, taxi violence, gang violence, child protection units, and the firearm investigating units in the Province of the Free State. Then on the 1 April 2000 until my retirement on the 31 January 2011, I was
10 appointed at head office as the Commander of Crimes against the State and stationed at the General Piet Joubert Building in Visagie Street, with the rank of the senior superintendent, now colonel.

My responsibilities as such include the management and leadership of the said unit to ensure effective supervision and coordination of investigations of crimes against the state, including but not limited to terrorism, usage and possession of weapons of mass destruction, contravening of the nuclear and foreign military assistance legislation.

My areas of responsibilities while serving in SAPS were
20 further expanded to providing lectures and/or training sessions at various SAPS training facilities within the country. This includes presentations of lectures and or training on topics such as terrorism, weapons of mass destruction, nuclear investigations, and conventional arms control, and in general, docket management and how to preserve a crime scene, *et cetera*. So I was involved in many

of the training of the members.

ADV RANTHO: Thank you, Colonel. If we then proceed to paragraph 11 under the title career highlights.

CHAIRPERSON: Paragraph 12?

ADV RANTHO: Paragraph 12, Chair, paragraph 12.

COLONEL BESTER: Correct.

ADV RANTHO: The heading is "Career Highlights." And specifically in paragraph 12, you stated that among the highlights of your career in the SAPS was being involved in the vigilante activities orchestrated
10 by an organisation known as 'People Against Gangsterism and Drugs' ("PAGAD").

COLONEL BESTER: That is correct.

ADV RANTHO: Can you just perhaps tell the commission what your involvement was in the PAGAD issues?

COLONEL BESTER: Yeah, just for clarification, my involvement, we were sent there from head office side. There was capable investigating officers, so we do not intervene with the investigations. We were just there in a support manner, perusing some of the dockets, give them some guidance or whatever because they were
20 very busy. It is every day, it is bail applications, and they cannot get to the administration stuff, so we just help there from time to time to solve those problems for them and support them.

ADV RANTHO: Thank you. And in paragraph 13, you informed the commission about your role as a leading coordinator in cases involving 'International Nuclear Proliferation', which you said was the

first ever investigation carried out concerning proliferation of nuclear material in the world. Can you just tell the commission what your involvement was?

COLONEL BESTER: Yeah, I was the leading coordinator as far as the investigation is concerned, and I worked hand-in-glove with Adv McAdam and Abrams at the National Prosecuting Authority. This was a big challenge because it was a very big investigation, first of its kind, especially for our country, and we have to liaise abroad.

10 Yeah, it was a long investigation and coordination with the prosecuting authority to get everything in place, which leads, under the guidance of Adv McAdam, to a successful prosecutor.

ADV RANTHO: Thank you, Colonel. Paragraph 14, you stated that you were also involved in cases involving acts of terrorism that were committed by 'Boeremag'. Can you also just briefly tell the commission what your involvement was in the Boeremag matters?

COLONEL BESTER: That is correct, Your Honour. In the early 2002, a driven investigations lead that we are taking some statements of people and certain individuals, and that leads to more investigation and more statements that we have taken. At the beginning, I take the
20 leading role, but I soon realised that I will not be able to do it alone, so we compile a team, and the chief investigating officer was Col Tollie Vreugdenburg.

I get him from the Limpopo Province at that stage, and we also, from other Provinces, we get other investigators that can assist us, and it was a tremendous task because all the arrests do not

appear simultaneously. It was from time to time, and while you are busy with bail applications and other arrests occur, new intelligence arrives at the table, so yeah, it was a tremendous task, but there was also, I was busy with that till my early retirement in January 2011, but in 2013 it was also, they was found guilty and sentenced, and the case was successfully closed.

ADV RANTHO: So you were involved with Boeremag from 2002 until 2011?

10 COLONEL BESTER: That is correct. On and off, not permanently every day, because the investigating team know what they were doing, but I paid courtesy visits to the court and all the administration was done by me. There was a lot of administration. They must have accommodation, the vehicles. There is a lot of administration that must be done, and everything went through me, or I delegate some to them to do them themselves. The whole time I was involved. When I was in Pretoria, I was there, and I was supporting them.

ADV RANTHO: Okay. Thank you, Colonel. And then paragraph 15, you also informed the commission that you were involved in the preparations for the Soccer World Cup.

20 COLONEL BESTER: That is correct, Your Honour. I was assigned by Commissioner Lebeya to represent the detective service at the National Joint Centre, but we also already established in June 2009, roundabout there, to visit the Province to see if their house is in order, if everything, if there is any occurrence of any crime that may be committed that we are ready to investigate. We run some dry

examples for them of what can happen and what will they do and how they must react, so that was an on-going thing.

And I also represent the police at the IPCC that is the International Police Coordinating Committee that sits on a daily basis on the Beria Park Hotel, so I have to manage that as well. So it was long hours, but as all know, at the end we successfully presented the Soccer World Cup, and there was no major occurrences of incidents that needed police attention.

ADV RANTHO: And all this happened when Boeremag was still also
10 part of your team?

COLONEL BESTER: Yeah, Boeremag, my team, was still running, and from time to time they inform me, and if necessary I pay them a visit and just courtesy and to support them.

ADV RANTHO: Thank you. Paragraph 16, you informed the commission that given your commitment with other crimes that formed priority or that were classified as priority crimes, your involvement in the TRC cases became limited during the said periods. Do you confirm that?

COLONEL BESTER: I confirm, yeah.

20 ADV RANTHO: Now let us proceed to deal with your involvement in the TRC-related cases. It is the next item, paragraph 17, yes. According to you, you first came to know about the TRC-related documents around March 2004. This was after you received an instruction from the Divisional Commissioner of Detective Services, Commissioner Johan de Beer, to identify suitable offices that would

be used for storage by S/Supt Britz and Director Nel, and you further testified that these offices were among those seconded to the NPA to assist with the implementation of the TRC Amnesty Commission's recommendation. Do you confirm that?

COLONEL BESTER: That is correct.

ADV RANTHO: Paragraph 18.

10 “I was later informed by Commissioner de Beer that his instruction, as indicated above, was issued consequent to the instruction by the National Director of Public Prosecution, at the time, Adv Bulelani Ngcuka, that S/Supt Britz and Director Nel be moved from their offices along with their documents to the SAPS.”

Can you just inform the commission in terms of how the instruction came about?

COLONEL BESTER: That is correct.

20 ADV RANTHO: Yes, just tell the commission, maybe just to say you received an instruction from Commissioner de Beer, just to again make it easy for the commission to understand how did the instruction, or how was the instruction communicated to you?

COLONEL BESTER: He called me to his office and he said that I must adhere to the request that the documents must be transferred, and he said to me that I must identify suitable offices to place those documentations. Now, I was nowhere to go with the documentation, but then there was on the 8th floor, there was suitable offices that was

standing empty and they were secured already with burglar bars and with safety doors, *et cetera*. So I make the suggestion that we move them there and then the documentation was moved there.

ADV RANTHO: Okay. When you talk of 8th floor, can I confirm, you are referring to the 8th floor of Detective Services office in Wachthuis, as indicated in paragraph 19 of your affidavit?

COLONEL BESTER: That is correct.

ADV RANTHO: In paragraph 20, you informed the commission that your involvement in the transfer of the documents from the DPP's
10 office to the SAPS was only limited to facilitation of the transfer to Wachthuis where after Supt Vinette Coetzee of your office attended to the administrative processes in that regard.

You further inform the commission that Colonel Coetzee further assisted with giving effective Commissioner Selebi's instruction for the sealing of the boxes and compiled an audit of the documents contained in the boxes before being stored away. You confirm that?

COLONEL BESTER: That is correct.

ADV RANTHO: In paragraph 21, you informed the commission that:
20 "Meanwhile, S/Supt Britz remained the person responsible for safekeeping of the documents that were transferred from the DPP to SAPS until the expiry of his contract of employment on 28 February 2005."

You confirm that?

COLONEL BESTER: That is correct.

ADV RANTHO: And then perhaps if you can just inform the commission what happened following the departure of S/Supt Britz. What happened to the documents?

COLONEL BESTER: Because of the transfer, not the transfer, the end of the ...[intervenes]

ADV RANTHO: The end of – yes, when he left ...[intervenes]

COLONEL BESTER: of his duty ...[intervenes]

ADV RANTHO: [Indistinct] S/Supt Britz ...[intervenes]

10 COLONEL BESTER: I was asked if I have suitable offices at my, in Visagie Street, not at Wachthuis, because at that point in time, they also have another need for those offices on top of Wachthuis. So I said, I did not have, but if I can secure some of the offices with proper burglar bars and safety gates, *et cetera*, we can proceed.

So I applied for financial authorisation and accordingly those offices were secured and then we removed those boxes and everything, Colonel Coetzee removed to Visagie Street at our offices.

ADV RANTHO: Thank you, Colonel. You also indicate in the same paragraph 21 that the safekeeping of the document, as you stated,
20 emanated from the instruction you received to do so by the late Commissioner Selebi.

COLONEL BESTER: The late Commissioner Selebi was very clear, we must safeguard the documents. No investigation must be done unless there is a request or instructions from the NPA side that any further investigations must be done.

ADV RANTHO: Then perhaps if we can just go back to the sealing of the documents in paragraph 20, where you indicated that you caused or you instructed Colonel Coetzee, who was in charge of the administrative process, to take care of ...[intervenes]

COLONEL BESTER: Yeah, I instructed Colonel Coetzee that she must do it and that she must involve the forensic laboratory to come and see if that is the normal procedure, if there is documents of that volume and it must be sealed. We sealed it properly and with the necessary seals and everything. So it was done that way, by, under
10 her supervision.

ADV RANTHO: It was done under her supervision.

COLONEL BESTER: That is correct.

ADV RANTHO: Thank you, Colonel. We can proceed to paragraph 22, where you informed the commission that:

“At the time when the documents were transferred from the DPP to the SAPS, there was neither handover nor inspection report received from the NPA in relation to the said documents.”

Do you confirm that?

20 COLONEL BESTER: That is correct. No report was received from any other, or list of dockets or nothing.

ADV RANTHO: And then you further inform the commission that those documents were voluminous in nature and they contained information of cases that had served before the TRC. Do you confirm that?

COLONEL BESTER: That is correct.

ADV RANTHO: In your statement, you indicate that such included dockets, files, correspondence related to investigations led by the NPA with assistance of S/Supt Britz and Director Nel that were considered closed until being directed otherwise by the Priority Crimes Litigation Unit. Do you confirm that?

COLONEL BESTER: Correct.

ADV RANTHO: You proceed in paragraph 23 to further mention that:

10 “While the documents were kept in custody of
your office, you prepared an info note or
information note to the attention of Assistant
Commissioner SG Lebeya, as the head of
Organised Crime within Detective Services at the
time with the purpose of providing him with some
background in relation to the said documents.”

Do you confirm that?

COLONEL BESTER: That is correct.

ADV RANTHO: You further stated that:

20 “This happened some time before General
Lebeya became provisionally appointed as the
Component Head responsible for Organised
Crime within the newly established DPCI during
August 2009.”

Do you confirm that?

COLONEL BESTER: Correct.

ADV RANTHO: Now specifically, you attached your affidavit ANNEXURE LB2, which is the memorandum that you said you prepared for ...[intervenes]

COLONEL BESTER: That is correct, for the divisional commissioner and if you see at the end, the path it must go, it must first go to Commissioner Lebeya and then to the detective head.

ADV RANTHO: Okay.

COLONEL BESTER: It was addressed to the detective head.

10 ADV RANTHO: And then the information contained in this memorandum, how did you obtain the information that is recorded in that memorandum?

COLONEL BESTER: Your Honour, it was also for me a new... What can we call it? I did not know what was the path actually that was followed. So I do some research, I do some questioning of people that was involved and even Supt Britz helped me a lot. So that is why I can start with the D'Oliveira investigation and follow the path till I get it on the 1 March 2004.

ADV RANTHO: So this was compiled on the basis of ...[intervenes]

COLONEL BESTER: That is correct.

20 ADV RANTHO: the information you gathered during your research?

COLONEL BESTER: Yeah.

ADV RANTHO: Thank you. And paragraph 24, you inform the commission that due to the time lapse since you left the SAPS, you are no longer in possession of your diaries and thus cannot recall the exact date on which the documents were moved from Wachthuis to

Visagie Street. Do you confirm?

COLONEL BESTER: That is correct. Unfortunately, I cannot trace my diaries.

ADV RANTHO: Okay. And then paragraph 25, you then addressed the commission on your second encounter with the TRC-related investigation, which you stated that it was in 2006. Commissioners, it is 2026. It is an error. It is supposed to be 2006. Our apologies for that, Commissioners.

So you stated that your encounter, your second encounter
10 with the TRC-related investigation was during October 2006 when you were requested by Commissioner De Beer to assist General Jacobs with an audit of the TRC cases that were in possession of the SAPS. Do you confirm that?

COLONEL BESTER: Yes, confirm.

ADV RANTHO: And you further stated that this followed the establishment of the Interdepartmental Task Team, wherein General Jacobs, who was the SAPS representative in the said task team, was requested to compile the said audit report.

COLONEL BESTER: Correct.

20 ADV RANTHO: Paragraph 26, you informed the commission that subsequent to the presentation of the audit report to the ITT, you further assisted with the investigation related to the inquest being pursued by the PCLU into the TRC cases. Do you confirm that?

COLONEL BESTER: Confirm.

ADV RANTHO: And you further indicate that your feedback in

respect of the status and outcome of the said inquest investigation reflect in the manuscript on the audit report, which is attached to your affidavit as LB3.

COLONEL BESTER: That is correct.

ADV RANTHO: Now, if I may refer you to LB3. You confirm that is the ...[intervenes]

COLONEL BESTER: That is the report that was handed to me by Commissioner Jacobs.

10 ADV RANTHO: And now, on the left-hand side, perhaps if you can start first on top there, where it is written, "Gee finale", I think it is, "Gee finale report", whose handwriting was that?

COLONEL BESTER: If I am not mistaken, it is Jacobs' handwriting, it is not mine.

ADV RANTHO: It is not your handwriting?

COLONEL BESTER: No.

ADV RANTHO: And then just underneath, there is another handwriting on the left-hand side.

COLONEL BESTER: Yeah. On the left margin that is all my handwriting.

20 ADV RANTHO: Is that your handwriting?

COLONEL BESTER: That is my handwriting.

ADV RANTHO: Perhaps to assist in understanding as to what is written there. Is it possible for you just to read into the record in Afrikaans? Once you are done, give some translation of some sort as to what you meant in terms of the notes that you made there.

COLONEL BESTER: I will do so. The first one is, "GO's is afgehandel van Van Eck en De Nysschen voorvalle. Aanspreeklikheid ja. Onbekende persone of persoon wie die landmyn geplant het." So, I cannot trace... The inquest was completed, but nobody can be pinpointed that was responsible for the planting of the landmines. And the other one of the two police officers. "GO is ten opsigte van die twee polisiemanne Nel en Gerber, kan nie opgespoor word nie. GO register en Messina sal nagekom word." I could not trace at that stage any inquest or any documentation about the two
10 policemen what was the outcome of it. Then on page 21. "GO was wel gehou. GO 42/89. Die J56 is egter weg. Ellisras sal besoek word om uit te klaar." Also, that inquest documents could not be traced.

ADV RANTHO: Okay.

COLONEL BESTER: And another case ...[intervenes]

ADV RANTHO: Sorry, that relates to... Sorry, just for the convenience of the Commissioners. The first note was in relation to Messina CR/11/85 MZ Ncube and two others.

COLONEL BESTER: That is right.

20 ADV RANTHO: Is that correct. And then the second ...[intervenes]

COLONEL BESTER: Is Ellisras CR.

ADV RANTHO: Yes.

COLONEL BESTER: Yeah.

COMMISSONER KGOMO: And the GO stands for "Geregtelike"...[intervenes]

COLONEL BESTER: “Geregtelike ondersoek.”

COMMISSONER KGOMO: “Ondersoek.”

COLONEL BESTER: Yeah. Inquest, “Geregtelike ondersoek”, correct.

ADV RANTHO: Thank you, you may proceed with “dit wil” underneath.

COLONEL BESTER: And then 2.3 King Williams Town. “Dit wil voorkom asof GOs nie gehou was nie.” That there was no inquest held as far as I can establish, so we could not trace anything.

10 ADV RANTHO: Thank you.

COLONEL BESTER: I must mention already at that stage when I visit some of the police station and even the magistrate courts, you cannot find everything. The filing was not done. It was really a struggle. I spent days, for instance, in Umbumbulu, we will get to them, and I cannot trace anything. You must look in there yourself. Nobody helps you. You must try and follow through it and see if you can see if there is anything and there was nothing.

ADV RANTHO: And that was in relation to King Williams Town.

20 COLONEL BESTER: In King Williams Town also that we cannot trace anything.

ADV RANTHO: Thank you. You may proceed to page 22.

COLONEL BESTER: 22 is Diepkloof. “Geregtelike ondersoek was wel gehou. Michael Ndlovu se posisie word uitgeklaar.” We could never get actually the establishment of that inquest, what was the decision at the end of the day already, although there was an inquest

held at that stage.

ADV RANTHO: And then just below that, the Nzama matter.

COLONEL BESTER: “Daar is GO stukke in die dossier. J56 egter weg. Sal uitgeklaar word.” I tried my best, I could not trace that J56. “Die geregtelike ondersoek.” The inquest documents, I could not trace.

ADV RANTHO: Okay. And then on page 23 again. Just under this docket Jeppe.

COLONEL BESTER: Yeah.

10 ADV RANTHO: Yes, thank you.

COLONEL BESTER: “GOs 90/91/88 was gehou. Aanspreeklikheid ja.” Persons unknown. So the inquest was held, but they could not pinpoint any who was responsible for what happened.

ADV RANTHO: Thank you, Colonel. You can then proceed to paragraph 27, where you deal with your third and your last interaction with the TRC-related matters, which you stated that:

20 “It was during January 2010, upon receiving an instruction from General Lebeya, who was acting as the Divisional Commissioner for the DPCI at the time to assist with the appointment of investigators in about nine matters that were related to the TRC. This instruction was informed by an earlier request made to General Lebeya by Adv McAdam for the SAPS assistance.”

You confirm that?

COLONEL BESTER: I confirm that.

ADV RANTHO: And you further state in paragraph 27 that:

“After having interacted with Adv McAdam regarding the details in respect of matters that he required the SAPS to assist with, same were attended to the investigation of these nine matters.”

COLONEL BESTER: That is correct.

ADV RANTHO: You provided the assistance.

10 COLONEL BESTER: We assisted.

ADV RANTHO: And then you refer the commission to ANNEXURE LB4. If you may just go to ANNEXURE LB4.

COLONEL BESTER: That is correct.

ADV RANTHO: You confirm that is your exchange between General Lebeya and yourself.

COLONEL BESTER: That is correct.

ADV RANTHO: In respect of such cases.

COLONEL BESTER: Yeah.

ADV RANTHO: And then also with Adv McAdam's office.

20 COLONEL BESTER: That is right.

ADV RANTHO: And then if I may just take you to page 27.

COLONEL BESTER: Yes.

ADV RANTHO: That letter from Priority Crime Investigation Unit. There is some handwritten notes again by Captain Nel. You see them down below that last paragraph.

COLONEL BESTER: That is right. I just had to mention that was in the almost dry run towards the 2010. So I quickly assigned investigating officers that, although they were also sometimes part of the World Cup arrangements that they can start with the investigation as soon as possible. That is why I assign it, the day that I received it, I assigned it to them.

ADV RANTHO: So that was your handwriting.

COLONEL BESTER: Yeah, the people at my office, I assigned it to them. That is my handwriting on page 27. Underneath there, Captain
10 Nel. "Soos met jou bespreek. Ek bring jouself op hoogte en handel die ondersoek af."

ADV RANTHO: This may be translated in English for the record. What you meant there?

COLONEL BESTER: I just assigned the investigating officer on page 27. That is Captain Nel. I discussed it with him. And I said that he must bring him up to date with the circumstances and carry on with the investigation. And if he needs help, I can assist.

ADV RANTHO: Thank you. And then paragraph 28, you inform the commission that:

20 "In a nutshell, my involvement in the TRC matters was limited to the safekeeping of the documents received from the NPA, assistance regarding the audit report as well as allocation of investigators to the nine matters that were received from Adv McAdam."

COLONEL BESTER: That is correct.

ADV RANTHO: And you indicate in paragraph 29 that your assistance to the NPA was not only limited to those cases that were assigned to you but that you were also involved with missing persons and you regularly interacted with Ms Madeleine Fullard. Perhaps if you can just tell the commission in terms of your assistance that you rendered to Ms Fullard.

COLONEL BESTER: That is correct.

ADV RANTHO: Your interaction, yes, what was specific, how did
10 you assist?

COLONEL BESTER: No, I assigned Captain Masegela because there was different request from her to go to certain areas where she wanted to exhume bodies. I mean, the police must be present and we must sort of safeguard and if there is any investigation. So, Masegela was always, and we also help her to transfer some of the boxes. There was human remains in that she wants to take back to the families and Masegela also assisted in that.

ADV RANTHO: Thank you very much, Colonel. We now go to the
20 next item where you deal with the actual response to rule 33 notice that was issued to you by the commission.

COLONEL BESTER: Correct.

ADV RANTHO: In paragraph 30, you state that:

“I am requested to assist the commission with my
knowledge of the events relating to the evidence
given by General Jacobs about the note authored

by Adv Ackermann dated December 2006, which featured in the newspaper article published on the 19 August 2007 by Rapport newspaper.”

COLONEL BESTER: Correct.

ADV RANTHO: Would you tell the commission what your involvement was with that note and that is alleged to have been fabricated by Adv Ackermann?

COLONEL BESTER: Yeah, my involvement was, I was summoned to the offices. As I said in paragraph 31.

10 “It was alleged in the said article that there was imminent prosecuting of the ANC leaders to be prosecuted by the NPA in that time.”

I first see that report. I did follow it the Sunday in the newspapers. I am not a big newspaper man, but I saw the first article with the Commissioner De Beer’s office and even that they report that they want to prosecute or investigate the late President Thabo Mbeki. The copy is on LB5.

ADV RANTHO: You mean the former, not late.

COLONEL BESTER: The former. I beg your pardon, the former.

20 ADV RANTHO: Yes. Thank you, Colonel. And then you referred to a copy of that newspaper article you actually attached to your affidavit. That newspaper article as LB5. Is that correct? Page 40.

COLONEL BESTER: Just a second. Yes, that is a copy.

ADV RANTHO: Thank you. You have explained that pursuant to the article being published, you were summoned to the office and then

particularly in paragraph 32, you informed the commission that you were summoned to bring the file containing the note in question to the office of Commissioner Selebi in the presence of Commissioner De Beer and General Jacobs. You confirm that.

COLONEL BESTER: I confirm.

ADV RANTHO: Further indicate that:

10 “I was then presented with a copy of the fax received by General Jacobs from Adv Ackermann requesting to be furnished with the original copy of the said note. I then handed the original copy of the note to General Jacobs so that he could fax a copy to Adv Ackermann. This was subsequently handed back to me by General Jacobs for safekeeping.”

COLONEL BESTER: That is correct.

ADV RANTHO: So this happened during the time when the safekeeping of documents was now your responsibility.

COLONEL BESTER: That is correct.

ADV RANTHO: In paragraph 33, you stated that:

20 “The gist of Adv Ackermann's complaint, as I was made to understand, was that the note was fabricated by members of SAPS to record the date of its compilation as 2006 instead of 2003.”

And then you referred, or in fact you attached a copy of alleged fabricated note as LB6. So if I may just ask you to go to LB6.

COLONEL BESTER: That is correct.

ADV RANTHO: Is that the copy of the note?

COLONEL BESTER: That is a copy of it.

ADV RANTHO: Further stated that:

10 “Upon perusal of the original copy of the note, I
then noticed that its content was similar to the
ones written about in the Rapport article.
However, the identity of the person who leaked
the contents of the note to the Rapport remains
unknown to me to date.”

COLONEL BESTER: Correct.

ADV RANTHO: That is your testimony. In paragraph 34, you
informed the commission that:

20 “On 21 August 2007, the NPA released a media
statement indicating that the SAPS provided a
copy of a letter purporting to be written by Adv
Ackermann on 26 June 2006 to the NPA and that
the NPA regarded the letter as a forgery and
authorised an immediate investigation into the
matter.”

COLONEL BESTER: Correct.

ADV RANTHO: So you confirm that you authorised the investigation
into the matter.

COLONEL BESTER: Yeah, it was instructed by Commissioner De
Beer to proceed and I first, if you look at paragraph 35, go to Supt

Britz and get an affidavit from him.

ADV RANTHO: Okay.

COLONEL BESTER: That is LB7 in the file.

ADV RANTHO: Okay. That is LB7. That is the affidavit that you obtained from ...[intervenes]

COLONEL BESTER: It was taken by me. I take that statement from him.

ADV RANTHO: Thank you. And then you further state in paragraph 36 that:

10 “On 22 August 2007, I referred the alleged forged
note for forensic investigation to the SAPS
Forensic Laboratory Unit as instructed by
Commissioner De Beer.”

COLONEL BESTER: That is correct.

ADV RANTHO: That you confirmed. And you further informed the commission that:

20 “The said investigation entailed a signature
comparison analysis and an assessment as to
whether there was any tampering with the said
document as alleged by Adv Ackermann.”

COLONEL BESTER: Correct.

ADV RANTHO: Paragraph 37, you informed the commission that:

“There was investigation conducted by Colonel
Marthinus du Toit and the outcome indicated that
there was no forgery committed.”

COLONEL BESTER: That is right. Confirm.

ADV RANTHO: You further refer the commission to LB8, which you say was the outcome of the investigation conducted by Colonel Marthinus du Toit.

COLONEL BESTER: That is correct.

ADV RANTHO: Paragraph 38:

10 “By 30 August 2007, Commissioner De Beer had
 made it clear that any request for the note should
 be pending while the SAPS was conducting an
 inquiry into the document in dispute.”

COLONEL BESTER: Correct.

ADV RANTHO: Can you just explain what you mean in that paragraph? Just to explain to the commission the exact instruction that you got.

20 COLONEL BESTER: The instruction was that I must keep it until the
 investigation is from the handwriting experts. As you will see in 39, it
 was discussed that we send it for a second opinion to a private
 company just to clarify any allegations that it must be SAPS that
 forged the document. So we sent it for another and the outcome as
 reflected on LB9 was exactly the same as from the police handwriting
 experts.

ADV RANTHO: Okay. By Commissioner De Beer making it clear that any request of the note should be pending. It meant anybody who wanted to access the note ...[intervenes]

COLONEL BESTER: That is right. It was in my safekeeping so it will

not go anywhere.

ADV RANTHO: Okay. And then in paragraph 39 you indicate that:

“On the very same day of the 30 August 2007, I
referred the note for a second opinion of an
external expert.”

COLONEL BESTER: That is correct.

ADV RANTHO: Can you just inform the commission who the expert
was and what the outcome of his investigation was?

COLONEL BESTER: Yeah, the expert was an expert also attached
10 to the handwriting but he was on pension for a few years and he was
operating his own private company, Forensic Document Consultants.
So I approached him as a matter of urgency and asked him if he can
help us.

So I applied for the necessary financial requirements and
authorisation. After I received that, I hand it to him and it was within a
day he gives me his report back and his conclusion was the same as
that from Du Toit from our own handwriting experts, in LB9.

ADV RANTHO: LB9 is the outcome of investigation conducted by
Brigadier Hattingh.

20 COLONEL BESTER: Yeah.

ADV RANTHO: And then paragraph 40 you inform the commission
that after receiving the outcome you then informed Commissioner De
Beer of both investigations, of the outcome of both investigations.

COLONEL BESTER: That is correct.

ADV RANTHO: And you also informed the commission that marked

the end of your involvement in the matter.

COLONEL BESTER: That is correct. And then for clarification LB10 is my investigative diary that I follow from the moment I received the information that I must follow up and investigate. So I start immediately and that is just a copy of my investigative diary of the file that I followed.

ADV RANTHO: Thank you very much, Colonel. And then in paragraph 41 you say:

10 “Lastly, I wish to inform the commission that
owing to my other investigative duties related to
weapons of mass destruction, nuclear and the
2010 Soccer World Cup events, I interacted with
members of the PCLU, including Adv Ackermann
and McAdam frequently. As far as I can recall we
never engaged in any discussions involving the
difficulties experienced with investigation of TRC-
related matters. I also worked closely with Adv
McAdam in many matters and enjoyed a good
working relationship with him.”

20 COLONEL BESTER: That is correct.

ADV RANTHO: Okay.

COLONEL BESTER: And I can add to McAdam, Abrams and Adv Pretorius. We were in weekly, monthly there was always something that we must discuss concerning other investigations that was handled by them.

ADV RANTHO: Thank you Colonel, and then the last paragraph, which is, paragraph 42 you stated that:

“Given my willingness to provide assistance to the NPA as and when so requested, I had no reason to interfere with the investigation and/or prosecution of the TRC-related cases. I therefore never directed nor instructed anybody not to pursue the TRC-related investigations and or prosecutions in any manner.”

10 You confirm that?

COLONEL BESTER: Yes, confirm.

ADV RANTHO: Commissioners, that brings an end to evidence-in-chief of Colonel Bester.

CHAIRPERSON: Yes. Thank you Ms Rantho. Ms Moroka?

ADV MOROKA: Morning, Chair. Good morning ...[intervenes]

CHAIRPERSON: Your mic is off.

ADV MOROKA: I hope you had a good morning, Chair.

CHAIRPERSON: Yes, I did.

20 ADV MOROKA: Just one question. I just want to understand. You talk about the transfer of all those dockets from NPA to SAPS and they were in boxes and there was no – you cannot know, you have to say yes and ... [indistinct, laughs].

COLONEL BESTER: Just come again?

ADV MOROKA: It was transfer of, was it one big box or a number of boxes?

COLONEL BESTER: It was a number of boxes, as far as I can recall.

ADV MOROKA: And you – did you have an opportunity to go through, I mean, before I say that, you say there was no hand over from the NPA?

COLONEL BESTER: Yes, it was moved over from the NPA on the request. I was not part of the discussions but it was just instructed that the documents must be removed as soon as possible from the NPA's offices to SAPS offices.

10 ADV MOROKA: And I see that you then did a memo to Commissioner Lebeya, but it was really of a historical context not of a – this is what is contained. I see the ones where you mentioned the handwritten notes in Afrikaans, but it was not a proper audit, which you yourself undertook so that you knew what was in the boxes.

COLONEL BESTER: No.

ADV MOROKA: Yeah that is what I wanted to understand. Thank you. Thank you.

CHAIRPERSON: Ms Rikhotso?

20 MS RIKHOTSO: Thank you, Chair. I have no clarification questions for this witness.

CHAIRPERSON: Thank you. Ms de Vos?

MS DE VOS: Chair, no questions for this witness.

CHAIRPERSON: Thank you. Anyone online?

MALE SPEAKER: Thank you, Chair. [Indistinct] no questions.

CHAIRPERSON: Thank you. Anyone else online? Mr Varney?

ADV VARNEY: Thank you Chairperson. Chairperson, we will apply to cross-examine this witness. We do have certain requests, would it be possible if the commission or the evidence leaders can arrange for the translation of Annex LB7 ...[intervenes]

CHAIRPERSON: LB7?

ADV VARNEY: which is the statement of ...[intervenes]

CHAIRPERSON: That is on page 45?

ADV VARNEY: Yes, I believe it is.

CHAIRPERSON: Yes.

10 ADV VARNEY: That is the statement of Britz, JH Britz. And then, Chairperson, we have one last request. We note that the investigation diary at LB10 on page 59 that is incomplete and we also believe it should be translated into English so we would be grateful if the evidence leaders could secure the complete investigation diary and also cause it to be translated into English.

CHAIRPERSON: Ms Rantho, are you able to assist with regard to the completion of the investigative diary?

ADV RANTHO: Chairperson, Colonel Bester is here.

CHAIRPERSON: Yes.

20 ADV RANTHO: I think this is basically what he could find from his documents unless he is able to indicate if ...[intervenes]

COLONEL BESTER: I can just confirm, Your Honour that I was requesting and that was handed to me, so, but if I may, I think this file must still be there, it is filed. So maybe they must just go and look again and see if the rest of the investigative diary is not there and

they just keep it or whatever the case may be, because I never was personally at their offices. I was invited by the evidence leaders to their office and this was handed to me and so I can just find out.

CHAIRPERSON: Yes.

ADV RANTHO: We can make arrangements for the evidence leaders to access the relevant documents.

CHAIRPERSON: Yes, so you will liaise with the evidence leaders?

ADV RANTHO: Indeed so, Chair.

CHAIRPERSON: Thank you. Mr Semenya?

10 ADV SEMENYA: Well, Chairperson in the circumstances we would have to defer our cross-examination and for completeness there is a little controversy about whether or not we were able to do what we do but I would like to remind us, Chair that in terms of Article 3(1) as evidence leaders we have the overall responsibility ...[intervenes]

FEMALE SPEAKER: [Indistinct]

CHAIRPERSON: Your microphone is off.

FEMALE SPEAKER: [Indistinct]

CHAIRPERSON: It is a small amount of years.

ADV MOROKA: If you could please speak up.

20 CHAIRPERSON: Okay. Mr Semenya?

ADV SEMENYA: Am I now audible, Ma'am Moroka?

ADV MOROKA: Yes. Thank you.

ADV SEMENYA: I am making for the record that we keep getting to a point where cross is deferred and therefore we also in line defer our cross-examination as evidence leaders but what I propose to do,

Chair, is to place on record that in terms of rule 3(1) we as evidence leaders have overall responsibility that all proper evidence is placed before the commission. So if we cross-examine with other cross-examination following, we will not properly discharge that responsibility.

CHAIRPERSON: Yes. Yes, Ms Rantho?

ADV RANTHO: Thank you, Chair. Perhaps as a request from evidence leaders that whatever document that they intend to put before the witness that we be advised on time and not the morning on
10 which the witness is about to testify. Just as a request so that in all fairness the witness can properly prepare, Chair.

CHAIRPERSON: Yes. Yeah, I think that goes without saying to enable the witness to familiarise himself with whatever documents that will be used in cross-examination.

ADV RANTHO: Indeed so, Chair.

CHAIRPERSON: Yes.

ADV RANTHO: Thank you, Chair.

COMMISSIONER GABRIEL: Good morning, Colonel Bester.

COLONEL BESTER: Good morning.

20 COMMISSIONER GABRIEL: You say in paragraph 25 of your affidavit that you were requested by Commissioner De Beer to assist General Jacobs with an audit of the TRC cases that were in possession of SAPS at that time.

COLONEL BESTER: There was such a request. It does not materialise at that point in time because of the ITT request that we

first respond to that inquest outcomes. So afterwards when General Jacobs was the person who represent the police among others at the task team and there was never a future report or request that I must compile such a report.

COMMISSIONER GABRIEL: Right. So you were part of that audit.

COLONEL BESTER: No, not part of the audit. Understand me correctly, which one is this? Let me just get to the LB...

COMMISSIONER GABRIEL: I think you are looking for ...[intervenes]

10 COLONEL BESTER: LB3.

COMMISSIONER GABRIEL: Yeah.

COLONEL BESTER: Yeah. This was the audit report that was handed to me by General Jacobs coming from the ITT and I respond on the left-hand side as I read it out to the Honourable Court.

COMMISSIONER GABRIEL: Okay. So you were not part of the audit of the 10 boxes?

COLONEL BESTER: No, I was not part of the audit. That was solely handled by Colonel Coetzee.

20 COMMISSIONER GABRIEL: Okay. And then the second question is, you say that Commissioner Selebi, you say this in paragraph 19 that Commissioner Selebi wanted the sealing of about 10 boxes.

COLONEL BESTER: That is correct.

COMMISSIONER GABRIEL: For what purpose? Do you know?

COLONEL BESTER: I do not know. I do not question him. He just informs me that I must safe keep all the documents and those 10

boxes must be sealed. So I never acquaint myself because of the other workload. That is why I assigned Colonel Vinette Coetzee to see that the boxes are properly sealed and later on she makes the audit as well.

COMMISSIONER GABRIEL: Was it common practice to seal dockets in boxes?

COLONEL BESTER: Yeah, well, it was voluminous. It was many documents, as I can establish in the boxes. So I think the best way was to do is to seal it till anybody ask what is in the box and then we
10 can open and see but it was received on that date. Sorry, it was received on that date and now we open it and this is what is in it.

COMMISSIONER GABRIEL: I see. Because you did unseal it later on.

COLONEL BESTER: Correct.

COMMISSIONER GABRIEL: Okay. Thank you very much.

ADV VARNEY: Chairperson, I wish to place on record. I have been advised by my instructing attorneys that the documents in question including the investigation diary were requested back in November 2025. We had asked the commission and the evidence leaders to
20 secure those documents to be used in the evidence of Anton Ackermann SC as well as other witnesses.

So we just need to place on record that we were not furnished with them and the first time we see this investigation diary is in relation to the evidence of Mr Bester.

CHAIRPERSON: Yes, it is noted.

ADV VARNEY: Thank you, Chairperson.

CHAIRPERSON: Thank you. Colonel Bester, we thank you for having availed yourself to give evidence before this commission. As you have heard there is an application that has been brought to the commission to have your – for your cross-examination. So you will be expected to come back to the commission for your cross-examination on a date to be arranged by the commission with Ms Rantho. Yes, so for now you are excused as a witness.

COLONEL BESTER: Thank you.

10

NO FURTHER QUESTIONS

CHAIRPERSON: These proceedings are adjourned until tomorrow at 10 o'clock.

ADV VARNEY: Chairperson, one housekeeping matter. I did write to the commission or rather my attorneys wrote to the commission a few weeks back to indicate that I have to be in the High Court tomorrow to deal with the Matthews Mabelane's inquest.

CHAIRPERSON: Yes.

20

ADV VARNEY: I have to cross-examine the last remaining security branch member so with the commission's indulgence, I seek to be excused from tomorrow's hearing.

CHAIRPERSON: Yes, yes, I note that you intend to apply for the cross-examination of Mr Coetzee as well.

ADV VARNEY: Chairperson, we did want to, I wanted to hear her evidence and we had asked for a non-essential witness to be placed on the 18th. I did speak with Mr Semenya about the possibility of

switching witnesses to have a non-essential witness on that day. I am not aware whether that has been arranged or not but I do not wish to interrupt proceedings unduly. We will take a look, I will read the transcript and we will revert to the commission.

CHAIRPERSON: Yes, Mr Semenya?

ADV SEMENYA: We can get that arranged, Chair.

CHAIRPERSON: Yes, the transcription, the transcript.

ADV SEMENYA: We will get that arranged.

CHAIRPERSON: Yes. Okay. Thank you, Mr Varney.

10 ADV VARNEY: Thank you, Chairperson.

CHAIRPERSON: The proceedings are adjourned until tomorrow.

INQUIRY ADJOURNS UNTIL 18 AUGUST 2026

CERTIFICATE OF VERACITY

I, 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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