

**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 Motlalepule Rantho (for SAPS)
Adv Irene Dikgale (for SAPS)
Adv KD Moroka (SC) – DoJ representative
Adv Matseleng Lekoane (DOJ representative)
Adv Anisa Kessery-DOJ Representative
Adv B Lukhele-NPA Representative
Adv Varney (SC) – The Calata Group
Ms A Thakor – The Calata Group
Ms Lamiah Casoo-The Calata Group

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PROCEEDINGS ON 4 AUGUST 2026

CHAIRPERSON: Good morning to you all.

ADV SONI: Good morning, Chairperson.

CHAIRPERSON: Mr Soni?

ADV SONI: Chairperson, Commissioners, today we have as the witness Mr Timothy Williams, who will be led by his counsel, Ms Rantho.

CHAIRPERSON: Yes. Thank you. Ms Rantho?

10 ADV RANTHO: Thank you, Commissioners. I do confirm that I will be leading Mr Williams.

CHAIRPERSON: Yes. Is General Williams online? General Williams.

MR WILLIAMS: I am.

CHAIRPERSON: Good morning.

MR WILLIAMS: Yes, I am, Commissioner. Good morning. Good morning Commissioners.

CHAIRPERSON: Are you going to give your evidence under oath or affirmation?

MR WILLIAMS: Under oath, please.

20 CHAIRPERSON: Ja. 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."

MR WILLIAMS: So help me God.

CHAIRPERSON: Thank you, General. Ms Rantho.

ADV RANTHO: Thank you, Chairperson. Perhaps before we start, I

just want to inform the Commissioners that the witness is not really in good health. So what we asked from him is that if he needs some short break, we will be alerted. But then again, if we could keep it if possible, keeping him until 13:00, if it is possible. So he says he will do his best to stretch it. But I think if we can just, we are going to be very short. The witness statement is very short, Commissioner. Thank you.

CHAIRPERSON: Yes. Thank you.

ADV RANTHO: Thank you, Commissioners. Good morning, General
10 Williams.

MR WILLIAMS: Good morning. [Speaker 1]

Perhaps before we start, I just want to confirm if you have an affidavit deposed to by Timothy Charles Williams in front of you at the moment?

MR WILLIAMS: I do, yes.

ADV RANTHO: And that is the affidavit dated 13 July 2026, correct?

ADV RANTHO: Correct, yes.

ADV RANTHO: Thank you. Commissioner, in paragraph 1 of your affidavit, you are informing the Commission that you are a retired
20 member of the SAPS. Is that correct?

MR WILLIAMS: Correct, yes.

ADV RANTHO: And you further inform the Commission that at the time of your retirement in 2009, you were holding the position of the Deputy National Commissioner of the SAPS, correct?

MR WILLIAMS: Correct.

ADV RANTHO: And if I may take you to paragraph 3 of your affidavit.

You inform the Commission that this affidavit serves as a response to the Commission's letter dated 22 June 2026, wherein I was requested to assist with information in the following manner. I just want to confirm with you that you are informing the Commission that your affidavit was prompted by a letter from the Commission, not any notice, right?

MR WILLIAMS: That is correct.

ADV RANTHO: Commissioners, if I may just read into the record in
10 terms of what the letter sought from the witness. And that appears from paragraph 3.1, but for the purpose of context, I will start with paragraph 3:

“This affidavit serves as a response to the Commission's letter dated 22 June 2026, wherein I was requested to assist with information in the following manner:

3.1. By setting out my role, responsibilities, and authority as the Acting National Commissioner of SAPS during my tenure as far as investigations of
20 TRC cases are concerned.

3.2 The manner in which I exercised oversight, direction, supervision, coordination, or support in relation to investigations concerning TRC cases, including reporting, briefing, decision-making, or resource allocation processes relevant to such

investigations.

3.3. My knowledge of involvement in, or contribution to the management, prioritisation, investigation, monitoring, or administration of TRC cases, including any steps taken in the execution of my responsibilities.

10 3.4 Any communications, instructions, representations, requests, concerns, or interventions relating to TRC cases that came to my attention during my tenure, including any instances in which efforts were made or were alleged to have been made to influence, delay, limit, discourage, or stop the investigation of such matters.

20 3.5. My knowledge of any interactions between the SAPS, the National Prosecuting Authority, the Department of Justice and Constitutional Development, members of the Executive, or any other persons or institutions concerning the investigations or prosecution of TRC cases; and

3.6. Any additional information that may assist the Commission in understanding my role, responsibilities, knowledge, and involvement in matters relating to TRC cases during my tenure.”

So in essence, that is what the letter have requested of the

Witness, Commissioners. Now, Commissioner, General Williams, if I may then refer you to Annexure TCW1 to your affidavit.

COMMISSIONER KGOMO: Well, maybe the General may have to confirm what you have read.

ADV RANTHO: I was just about to confirm because it relates to the contents of the same Annexure, Commissioner Kgomo.

COMMISSIONER KGOMO: Okay.

ADV RANTHO: You see Annexure TCW1 to your affidavit.

MR WILLIAMS: Correct, yes.

10 ADV RANTHO: Do you confirm that it is TCW1? It appears on page 9 on the bundle that is in front of you.

MR WILLIAMS: Correct, yes.

ADV RANTHO: Can you confirm to the Commission that that is the letter that you are referring to in Paragraph 3 of your affidavit?

MR WILLIAMS: Yes, I confirm.

ADV RANTHO: Can you also confirm the contents that I just read into the records emanating from the same letter?

MR WILLIAMS: I do. Correct, I do, yes.

ADV RANTHO: I suppose that covers you, Commissioner Kgomo?

20 COMMISSIONER KGOMO: Yes, thank you.

ADV RANTHO: Thank you, Commissioner. In Paragraph 5, you inform the Commission that:

“Given the time lapse since my retirement in the SAPS, I have no documents in my possession relating to the questions asked in the

Commission's letter dated 22 June 2026.

However, reliance will be made on the documents
that are already before the Commission."

Do you confirm that is your statement?

MR WILLIAMS: Correct, yes, I do.

ADV RANTHO: Now, Commissioners, if I may proceed just to outline
or deal with the career history of the witness during his employment in
the SAPS. General, I am going to take you to paragraph 7 of your
affidavit. Can you tell the Commission about you joining the SAPS?

10 When did you join the South African Police Service? And shortly
before that, also inform the Commission about the position that you
occupied. Please go ahead.

MR WILLIAMS: Thank you. Yes, I joined the SAPS. I was appointed
in a post in May 1995. But I was being appointed having been in the
Ministry of Safety and Security as it was referred to then, as one of
the Interim Advisory Team to the Minister. So I was a member of the
Interim Advisory Team 1994 to 1995. And then in 1995, I assumed
the position of the Head of the Inspectorate in the SAPS up to 1997.
Up to 1997.

20 And then in 1997, with the Component Head of Crime
Intelligence having... I think we lost him in a car accident. I was then
transferred to take over the position of Head of Crime Intelligence
from 1997 up to 2000. So for three years. And then in 2000, I was
appointed as a Deputy National Commissioner from the year 2000 up
to the time of my retirement in 2009.

ADV RANTHO: Thank you. Thank you, General Williams. Maybe just to take you back to what you mentioned in paragraph 8 of your affidavit.

MR WILLIAMS: Yes, yes.

ADV RANTHO: Where you informed the Commission that among the issues you dealt with as part of the Interim Advisory Team to Minister Mufamadi was amalgamation of all Police Forces from the former TBVC states, self-governing territories, and the erstwhile SAPS. You confirm that?

10 MR WILLIAMS: Yes, I do. I confirm that, yes.

ADV RANTHO: Thank you, General Williams. We can then proceed to paragraph 11, just under the heading "Involvement in the TRC-related matters".

MR WILLIAMS: Yes.

ADV RANTHO: So that is paragraph 11 of your affidavit.

MR WILLIAMS: That must be right, yes.

ADV RANTHO: I will read it out and you will confirm the contents.

You informed the Commission that, or as follows:

20 My first encounter with TRC matters related... My
apologies, Commissioners. I think there is a typo
here. My first encounter with matters related to
the TRC while in the SAPS was during 2004,
when the late Commissioner Selebi requested
Lt General Pruis and I to go and collect some
documents from the then NDPPs office, Advocate

Bulelani Ngcuka. On arrival at the NPA's offices at Church Square in Pretoria, we found Advocate Pikoli with some officials from the NPA that I cannot remember who exactly they were, waiting for us outside the entrance of the said offices."

You confirm that is the contents of your statement, General Williams?

MR WILLIAMS: I can confirm, yes. I can confirm that, yes.

ADV RANTHO: Okay. Perhaps if you can, you may elaborate on
10 what you meant there. Maybe just to, briefly, inform the Commission what happened on that day.

MR WILLIAMS: Oh. On this day, the National Commissioner was Selebi then, was having, you know, in the morning we have these morning briefings, himself and the two deputies who are responsible for operational matters with myself and Pruis. And then he said, you know, there was a discussion between himself and the NDPP. I assume the discussion happened the previous day. And then there was an agreement that there are certain documents or dockets to be handed to the SAPS. He then requested us to please approach the
20 office of the NDPP and to collect such documents.

There was no discussion about what they involved at the time. It was just documents to be picked up and so on. And our office is not very far from there. We walked across to the NDPPs office in Church Square and we found them. We met Pikoli and a number of other people from the NDPPs office. Just outside the

building on the Square and they had a big box, a carton box full of documents, an open carton box.

And then there was discussion about, I do not know, I think some people were saying, should they really be handed over and whatnot. I was not prepared to enter the discussion because the discussion had happened, in my understanding, between the National Commissioner and Advocate Ngcuka. And so I requested that Advocate Ngcuka be present and that I would like to see him. He then came down to where we were and when he arrived he just said,
10 no, no, no, I have had a discussion with Selebi. These documents must go back to the Police. I have got no interest in holding on to these documents.

And then myself and Pruis got somebody from Detective Services to come and pick up the documents. But it was one big carton box. I did not go through what was the contexts. It was an open box and in the carton box and in there I saw lots of publications of the ANC, old publications, publications of the ANC. And I do not know what else was there. I did not really go through it and I did not have any interest because I had no prior knowledge of what was
20 supposed to happen and what they were about.

And we just got somebody from Detective Services because in our briefing, my understanding was that there is going to be dockets as well. So we then called on General De Beer, who was Divisional Commissioner of Detective Services, to arrange for the documents to be picked up from there. The carton was big and there

is no way we could have moved that carton. And we did not have an interest to hold on to any of the contents. And De Beer and some of his members arrived and they took care of the box. That is the last time I saw it, the contents of that carton box. And I have never ever seen it again after that day. And I have never ever been engaged in any discussions about in relation to the carton box and the documents in there. Ever, until now that I am reflecting and recollecting. Because it is very long ago. I am recollecting that one incident, yes.

ADV RANTHO: Thank you, General. If you may just elaborate
10 further on what you said, there were two deputies, yourself and the other deputy.

MR WILLIAMS: Yes, and General Pruis.

ADV RANTHO: Thank you very much.

MR WILLIAMS: General Pruis, yes.

ADV RANTHO: And you also mentioned the presence of Advocate Pikoli at that time.

MR WILLIAMS: Pikoli, yes.

ADV RANTHO: Pikoli and?

ADV RANTHO: Yes, Advocate Pikoli.

20 MR WILLIAMS: I think Ackerman was there too. Pikoli and Ackerman, I think.

ADV RANTHO: Okay, but then, the question that I wanted to ask. [speaking together] Sorry, General. Yes. I am trying to get your attention to specifically Advocate Pikoli. Now, his presence, in what capacity was he at that time? Or do you remember what position was

he occupying at the time?

MR WILLIAMS: No, I could not understand his presence there because he was the Director General of Justice and Constitutional Affairs. He was not from the NDPP, so I could not understand why he was there.

ADV RANTHO: Thank you, General. That you described as your first encounter with TRC-related matters. Now, we may then proceed to paragraph 15 of your affidavit, where you now inform the Commission of your second and last encounter with TRC-related matters. Now, I
10 will read out the paragraph, which you will then confirm its content. Paragraph 15 of your affidavit reads as follows:

“My second and last encounter with TRC-related matters was shortly after my appointment as the Acting National Commissioner in 2008. This was after Assistant Commissioner Jacobs (which later became Major General Jacobs) from Legal Services approached me about the invitation received from the then-Acting NDPPs Office, Advocate Mpshe, regarding the meeting of the
20 Inter-Departmental Task Team, planned to take place on 13 March 2008.”

You confirm the contents of paragraph 15?

MR WILLIAMS: I confirm. I can confirm that.

ADV RANTHO: Then you proceed to paragraph 16 by stating that:

“Due to my lack of prior involvement in the issues

related to the TRC and or ITT at the time, I requested Major General Jacobs to prepare an information note explaining what the issues were about. It was then that I became aware of correspondence exchanged between Commissioner Selebi and Advocate Pikoli during February 2007 about a misunderstanding that existed between them on the exact role of the ITT *vis-à-vis* the Forum of Director Generals.”

10 You confirm the contents of paragraph 16?

MR WILLIAMS: I can confirm that, yes.

ADV RANTHO: Now, if I may, Commissioners, with agreement with the Calata Group, Mr Varney, was going to put a letter that preceded the one that is annexed to the document that General Williams annexed to it his affidavit STCW2. So it is actually a letter that preceded the Pikoli letter of 06 February 2006. So I just wanted the Commissioners just to have it nearby.

The letter appears on page 172 of the Calata bundle.

CHAIRPERSON: Yes, we have got it.

20 ADV RANTHO: Thank you Commissioners. Now in paragraph 17 you state it as follows.

“What became significant about the letter from Advocate Pikoli addressed to Commissioner Selebi on 06 February 2007 was the undertaking he made to seek clarity from the Minister of

Justice and Constitutional Development on the issues raised by Commissioner Selebi during February 2007.”

Commissioners we later became aware that actually it is a mistake. It ought to be February 2006, not 2007. It has to be aligned to the Pikoli letter. No, no, no, it is 2007, my apologies Commissioners.

COMMISSIONER KGOMO: 2007, I have it here.

ADV RANTHO: You confirm the contents of paragraph 70?

10 MR WILLIAMS: I do, I can confirm.

ADV RANTHO: And then paragraph 18 you stated that:

“This resulted in the letter addressed to Advocate Mpshe wherein I expressed my reluctance towards the SAPS attendance to the ITT meeting planned for March 2008 based on the impasse that appeared to remain unresolved between the two institutions.”

Then you annexed copies of your response to Advocate Mpshe is letter as annexure TCW2 to your Affidavit. Can you go to
20 TCW2?

MR WILLIAMS: I am there.

ADV RANTHO: And then the same TCW2, there is a letter accompanying the same Annexure that appears on paragraph 13, you see. I am sorry, on page 13 of the same bundle. Just after TC, part of TCW2.

You see page 13?

MR WILLIAMS: Yes, I am there. I am there.

ADV RANTHO: Okay. Now, in paragraph 18 you informed the Commission that that is the letter that you sent to Advocate Mpshe. You confirm that?

MR WILLIAMS: I can confirm that, yes.

ADV RANTHO: And then annexed to the very same letter as you informed the Commissioner was that letter that appears on page 13, the one that Advocate Pikoli wrote to Commissioner Selebi, correct?

10 MR WILLIAMS: I confirm that, yes.

ADV RANTHO: Thank you, General. Now, there is a letter that should be in front of you by National Commissioner Selebi addressed to Advocate Pikoli. The subject is outstanding TRC cases and then the letter is dated 6 February 2007. Do you have a copy of that letter in front of you?

MR WILLIAMS: Yes, I do.

ADV RANTHO: Okay, perhaps if you may just confirm that you have the right document in front of you. "My reference" is up there. Okay, if you can just inform the Commission who is the person mentioned
20 next to the words "My reference" in the same letter.

MR WILLIAMS: That is National Commissioner Selebi, National Commissioner Selebi.

ADV RANTHO: Okay, all right.

And then it is addressed to who? To Advocate Pikoli.

MR WILLIAMS: To Advocate Pikoli, yes.

ADV RANTHO: Thank you very much. Now, taking you back to paragraph 16 of your affidavit where you stated that

“I requested Major General Jacobs to prepare an information note explaining what the issues were about. It was then that I became aware of correspondence exchange between Commissioner Selebi and Advocate Pikoli during February 2007.”

Now, for the confirmation of the Commission, is this the letter that you were referring to? The one that was exchanged between Commissioner Selebi and Advocate Pikoli?

10 MR WILLIAMS: Yes, I can confirm it is.

ADV RANTHO: Thank you, General. Now, if we then go to paragraph 18 of your letter, I am sorry, of your affidavit:

“This resulted in the letter addressed to Advocate Mpshe wherein I expressed my reluctance towards the SAPS attendance to the ITT meeting planned for March 2008 based on the impasse that appeared to remain undissolved between the two institutions.”

20 Now, after having confirmed the contents of that which are next to your affidavit, that is now the letter that you addressed to Advocate Mpshe. Can you just tell the Commission in terms of that letter, what is it that you were communicating to Advocate Mpshe?

MR WILLIAMS: Okay, so what basically I was communicating to him is that there in my briefing, in my being briefed by then Major General Jacobs, who was a member of the ITT. The ITT operated without any

guidance because there was no matter of the role of the... they were operating, the ITT was appointed by the Committee of Directors General, on which the Selebi and Pikoli and others served. And the ITT was like a subcommittee working team under the guidance of those Directors General.

Now, the Directors General themselves had not met for, as you can see, before February 2007, and this was now in 2008. They had not met for more than a year, and there had been an impasse at the time. There was like two, or lack of understanding or common
10 understanding between the NDPP at that time, because by then Pikoli was at the NDPP and the National Commissioner about their role as a committee.

And I was basically bringing to his attention that it serves no purpose for the ITT to meet without guidance of the DGs who had not been meeting. And that also if the role is not defined of the Directors General, then there is no guidance for the ITT serving on their behalf. So, basically, that is what I was... that letter was raising the issue of there being no meeting, one, two, that there is no direction, no guidance.

20 ADV RANTHO: And then taking you back to paragraph 17, where you stated before the Commission that what became significant about the letter from Advocate Pikoli addressed to Commissioner Selebi on 6 February 2007 was the undertaking he made to seek clarity from the Minister of Justice and Constitutional Development on the issues raised by Commissioner Selebi. Can you confirm that?

MR WILLIAMS: I can confirm that, yes.

ADV RANTHO: So, would I be correct to say that your understanding that, the same understanding as Commissioner Selebi, that Advocate Pikoli had to revert regarding the interaction with the Minister in that regard?

MR WILLIAMS: I can confirm that, yes. That is how I understood, yes.

ADV RANTHO: And then we can proceed perhaps to page, I am sorry, paragraph 19 of your affidavit, where in you stated as follows:

10 “My view as expressed in the letter being referred to above was informed by the fact that, since the matter had been escalated to the highest authority by Advocate Mpshe is predecessor, it was necessary that clarity be sought on the way forward in that regard. Since then, I was never informed if there were any developments on that issue until I retired from the SAPS.”

 You confirm the contents of paragraph 19?

MR WILLIAMS: I can confirm that, yes.

20 ADV RANTHO: And I can confirm that that talks to that impasse that you referred to, to say that at the time when you retired, from your knowledge, it had not been resolved?

MR WILLIAMS: Correct, yes.

ADV RANTHO: And then, in your role as the Deputy National Commissioner of the Police, before we go to the conclusion, again,

Commissioners, we agreed with the Calata Group that a letter of a Divisional Commissioner De Beer, even though it is not before, or the witness was never asked to clarify anything, that the witness would talk to it for the convenience of the Commission as well. Now, the letter is dated 26 September 2003, and it is page 296 of the Calata Bundle. If I may confirm, General Williams, you have a letter that was written on 26 September 2003, and enquiries there is this Divisional Commissioner De Beer?

Can I confirm that you have the letter in front of you?

10 MR WILLIAMS: I do, I have it in front of me. Thank you.

ADV RANTHO: Now, firstly, given the history that you gave to the Commission, that you were appointed Deputy National Commissioner for Crime Intelligence and Detective Services in early 2003, would I be correct that this letter would have been written during your tenure as the Deputy National Commissioner responsible for Detective Services?

MR WILLIAMS: Correct, yes.

ADV RANTHO: And Divisional Commissioner De Beer, can you tell the Commissioner who Divisional Commissioner De Beer was at the
20 time?

MR WILLIAMS: Divisional Commissioner De Beer, yeah. Divisional Commissioner De Beer at the time was the head of Division of Detective Services, so he was responsible for all investigations in the SAPS. So, normally he would report to me by myself to the National Commissioner, but this matter at the time was different from the

normal, from the norm in the sense that he had been appointed by the National Commissioner without my knowledge, and from the letter there seems to have been a meeting between himself and Advocate Ackerman, and this is a response to that meeting that they had.

ADV RANTHO: Okay, maybe before we go there, at the time when you were the Deputy National Commissioner, as you informed the Commission that General De Beer or Commissioner De Beer was reporting to you as a supervisor, did you become aware of the contents of this letter?

10 MR WILLIAMS: No, I was not aware at all. I was not aware of, and I did not have to be aware necessarily, because the National Commissioner has deputies who are just assisting him in his duty, but he has got direct access to all other members, Divisional Commissioners, Provincial Commissioners, and he can assign whatever he wants to assign to any one of them without going by the deputies.

So, I think this is such a case where he spoke to Commissioner De Beer without going, not in my presence, and I do not think this is the only issue. There would be other issues as well
20 that he would do from time to time. So, I was not aware of that meeting at all, and I am not aware of that letter until I saw it now.

ADV RANTHO: All right.

MR WILLIAMS: Yes.

ADV RANTHO: Thank you, General. And as you stated in your affidavit, there were those two instances that you had to deal with

TRC matters as mentioned in your affidavit.

MR WILLIAMS: Yes.

ADV RANTHO: And then in conclusion, if I may take you to paragraph 20 of your affidavit, and I will read it out, you will confirm. paragraph 20 reads as follows:

“Apart from the two instances I mentioned above during my employment with the SAPS, and more specifically my tenure as the Acting National Commissioner.

10 20.1 I have never exercised oversight, gave direction, supervised, coordinated, or supported any investigations in relation to the investigation of the TRC cases. I was further never involved in any efforts which sought to influence, delay, limit, discourage, or stop the investigation of such matters.”

Do you confirm the contents of paragraph 20 and paragraph 20.1?

MR WILLIAMS: I do.

20 In paragraph 20.2, you stated as follows:

“Furthermore, I never issued any instruction that sought to undermine the investigation of any TRC cases to any official or member of the SAPS in whatever manner.”

Do you confirm that?

MR WILLIAMS: I do. I confirm that.

ADV RANTHO: Paragraph 20.3, you stated that:

10 “Apart from the limited information shared in this
affidavit, I have never been privy to any
communication and/or any interactions between
the SAPS, the National Prosecuting Authority, the
Department of Justice and Constitutional
Development, members of the Executive or any
other persons or institutions concerning the
investigation or prosecutions of TRC cases. I
accordingly do not have in my possession any
information, document, or any material that shows
my involvement or otherwise in relation to the
TRC cases.”

Do you confirm that?

MR WILLIAMS: I do. I confirm that.

ADV RANTHO: And then perhaps if you can read into the record
paragraph 21 of your affidavit.

MR WILLIAMS: Paragraph 21:

20 “Lastly, I wish to state that during my entire career in the
SAPS, I have always been conscious of my obligations as outlined in
section 205 of the Constitution.

ADV RANTHO: Commissioners, that brings an end to the witnesses'
testimony.

CLARIFICATION QUESTIONS

CHAIRPERSON: Thank you, Ms Rantho. Ms Moroka?

ADV MOROKA: Chair, may I be permitted to greet my high school buddy and further then state that I have no questions.

CHAIRPERSON: Thank you. Mr Lukhele?

ADV LUKHELE: Thank you. Thank you, Commissioner. I have a few questions, clarification questions. Firstly, good morning, General. I am not sure if you can see me.

MR WILLIAMS: I can see you. Good morning.

ADV LUKHELE: Thank you. In your affidavit, you referred to a
10 misunderstanding between Advocate Pikoli and Commissioner Selebi. I just want to understand how you understood that misunderstanding at the time. I am not sure if you follow my questions.

MR WILLIAMS: Yes. No, I do. At the time of the misunderstanding, at the time that it happened between the National Commission and Pikoli, I was not aware of it. I was aware of it only in 2008 when I was being briefed by General Jacobs. But at the time that it actually happened, I was not aware. So, I do not know. There must have been clear guidelines of why. Possibly, the Cabinet was a Cabinet decision or whatever, I do not know. Was it the President's decision, I
20 do not know. That they put together these Directors General to deal with TRC matters.

The responsibility itself to investigate was with the NDPP. But then there is a committee. I see that there was a committee. I came to understand that there was a committee. My understanding, it would seem that there was a matter of these DGs being briefed by

the NDPP on possible actions or cases that would lead to, maybe that are controversial, that would lead to certain outcomes that the other DGs should be aware of or what. I do not know if that is the only reason why they were constituted. But that was my understanding, that they existed, the committee.

In that committee, it seems like there was a misunderstanding related to a matter at first, of how to handle the Chikane case, whether to prosecute or not. And Selebe held the view that Chikane did not want a prosecution to ensue, and Pikoli had a
10 different view. So it is possible that arising out of that one matter, they then want to sought clarity on what exactly, because finally the person who is responsible for taking the decision of whether to prosecute or not is the NDPP, and by law is supposed to be unhindered and independently.

So possibly they sought clarity on what are the roles of the other DGs would be in cases that are being considered by the NDPP, which is mainly TRC cases. That was my understanding of what happened there. So they sought, I think, political direction from the Minister of Justice. Pikoli undertook to seek direction, but then it
20 never happened for more than a year. By the time Selebe had been suspended and I was acting in his position, it had not taken place. I do not know if it took place at any other point. I left in 2009, and the committee never met of DGs. I was never invited to any meeting subsequent to that letter. I do not know if it ever happened. I do not know.

ADV LUKHELE: Thank you. My second question is, you spoke of an impasse between the NPA and SAPS, and you said when, during your tenure or when you left the SAPS, that impasse had not been resolved. What I just want to...

CHAIRPERSON: What impasse, Mr Lukele? What impasse are you adverting to?

ADV LUKHELE: Commissioner, in paragraph, I think it is paragraph 18 of the founding affidavit, that the witness states there that there appeared to have been impasse between the two institutions, the
10 NPA and SAPS.

CHAIRPERSON: Yes.

ADV LUKHELE: Yes. So then I wanted to ask a question insofar as it relates to whether there was any working relationship between his tenure with Advocate Ackerman, when it comes to dealing or investigating the TRC cases.

CHAIRPERSON: Yes.

ADV LUKHELE: Thank you. I am not sure if you followed the discussion I was having with the chair.

MR WILLIAMS: I do not know. I understand the question. My
20 understanding, or the situation is such that the ITT and the Committee of Directors General are not the only levels, or the only fora, where there is cooperation between the SAPS and the NDPP.

There were investigations that were being carried out at a lower level than that, and that correspondence would happen, and those meetings would happen between the Divisional Commission on

Detective Services and the NDPP, which are the normal cooperation levels of actual investigations. So I think that continued. I am aware that, although I became aware afterwards, and I assumed at the time that it was going on all the time, that there would be work that they are cooperating on. Because in my understanding, TRC cases, if anybody, if there was an incident or a murder or missing person case prior to 1994, then of course a docket would exist somewhere in the Police. So the NDPP, as a matter of routine, would ask for those dockets, would ask to be briefed, and right by investigating officers,
10 and the docket would then be taken over to the NDPP. And those members, if any members are involved in the investigation, they would then continue with the investigation under the direction of the NDPPs office.

So that cooperation would continue, and I think it did continue. The matter I was raising in paragraph 18 is only the matter that involved the DGs and the ITT, and not the actual investigations. So the impasse there was in terms of the ITT that operated as subcommittee of the Director's Generals. It is limited to that. It is limited to that.

20 ADV LUKHELE: Thank you. My last question is, during your involvement with the TRC cases, do you know who investigated the TRC cases?

ADV RANTHO: Sorry, Commissioners. I think the witness has explained that there were only two encounters with the TRC. He made it clear that he was never involved in any investigation. And

again, he made it clear that Divisional Commissioner De Beer investigated on the instruction of National Commissioner. He did not know anything about it. So I am not so sure if it is fair to ask the witness as to whether he knows who investigated, but I think rather it is an unfair question.

CHAIRPERSON: Yes, Mr Lukhele?

ADV LUKHELE: Thank you, Commissioner. If the witness is not in a position to assist or the question is unfair, then I will not proceed with it.

10 CHAIRPERSON: Yes.

ADV LUKHELE: And that is it, thanks.

CHAIRPERSON: Thank you. Any questions offline, online?

ADV NTSHIZANA: Thank you, Chair. Yes, I do have one clarification question for General Williams.

CHAIRPERSON: And it is Miss who?

ADV NTSHIZANA: Ms Ntshizana.

CHAIRPERSON: Yes, Miss Ntshizana.

ADV NTSHIZANA: Good morning, General Williams.

MR WILLIAMS: Good morning.

20 ADV NTSHIZANA: My question to you is referring to paragraph 19 of your statement. I just want to find out if, did you ever get any response before the matter was escalated to Advocate Mpshe? Did you get any response from him regarding your letter on Annexure TCW 2?

MR WILLIAMS: No, Advocate Mpshe did not respond to the letter,

nor did we discuss. He never, yeah, he never reverted back at all.

ADV NTSHIZANA: Okay. Thank you, General Williams. And how were you informed that the matter was escalated to his predecessor? How did you find out?

ADV RANTHO: Again, sorry, Commissioners, the witness did indicate in paragraph 16, he gave a background of how he came to know about the ITT issues. So I think my colleague, if you could follow from paragraph 16, it is clear and he is explaining how he became aware of the issues related to the ITT.

10 COMMISSIONER KGOMO: So you are saying there is nothing to clarify because it is clear?

ADV RANTHO: I think so, Commissioners, it is very clear.

COMMISSIONER KGOMO: Yes.

ADV RANTHO: Beyond that, I do not see what is it that you would clarify, anyhow, beyond that, Commissioners.

CHAIRPERSON: Yes, Mr Ntshizane?

ADV NTSHIZANA: Thank you, Chair. No questions, Mr Williams
Thank you.

[Speaker 1]

20 MR WILLIAMS: Thank you. Thank you.

CHAIRPERSON: Next person online, Mr Varney?

ADV VARNEY: Thank you, Chair. Just a few questions by way of clarification. General Williams, good morning. It is good to see you again. I think I last saw you in the 1990s.

MR WILLIAMS: Yes.

ADV VARNEY: I think we had a couple of interactions. We might have met once talking about hit squad investigations. I was working with the Minister of Safety and Security at the time.

MR WILLIAMS: Yes, good morning. Nice seeing you, too.

ADV VARNEY: Thanks for taking the time to be with us, even in your condition. I am not going to keep you very long.

MR WILLIAMS: Okay.

ADV VARNEY: If I can refer to paragraph 10 of your statement, would I be right in saying that your stint as Acting National
10 Commissioner was for a period of approximately 18 months? That would have been December 2007 through to September 2009?

MR WILLIAMS: January 2008 until September 2009.

ADV VARNEY: Thank you.

MR WILLIAMS: Yes.

ADV VARNEY: Prior to that, you headed up D&C for Crime Intelligence and Detective Services from the year 2000. Can I ask, General, between 2000 and your departure in September of 2009 in those two posts, did you get to hear about the struggle to get the TRC cases investigated?

20 MR WILLIAMS: Not at all. Nobody really raised any matter with me at all. Even, you know, at the time when I became acting National Commissioner, almost at the same time, I think Advocate Tim Mpshe was appointed as Acting NDPP. I met with him. Even in that meeting that we had, although it was just an introduction meeting and we were saying we must manage issues between SAPS and the NDPPs office,

he did not raise any matter with me, any issues with me at the time. So, I assumed that the investigations were going on. How well they were being investigated or how much was being investigated by the NDPP, I never enquired. I never knew anything about that, but I assumed that he was experiencing no problems with cooperation with the SAPS because he did not raise any such matters with me. I do not know if that answers your question.

ADV VARNEY: Yes, thanks for that clarification. Now, my learned friend, Advocate Rantho, has referred you to the De Beers letter, and

10 I understand you do have a copy of it.

MR WILLIAMS: Yes.

ADV VARNEY: Commissioners, as mentioned, that is in Calata bundle 1 at page 296. That is the letter from Divisional Commissioner De Beer to Advocate Ackerman. It is dated 26 September of 2003. General, you have indicated that you were not aware of this interaction between Divisional Commissioner De Beer and Advocate Ackerman, and actually that the letter only came to your attention recently. Is that correct?

MR WILLIAMS: Correct. Yes, it is correct.

20 ADV VARNEY: I think in your position as DNC for Crime Intelligence and Detective Services, De Beer would have reported to you?

MR WILLIAMS: Normally, yes.

ADV VARNEY: Yes. I just want to read some extracts from the letter and to ask for your comment. I will just start at the second paragraph.

De Beer writes:

“As agreed at our meeting, I have discussed your request for the assistance of the South African Police Service to investigate cases emanating from the TRC processes with the National Commissioner.”

If I can just pause there. So it appears that De Beer was talking directly to National Commissioner Selebi, and not involving you as his immediate superior. Did that happen from time to time?

MR WILLIAMS: Yes. Yes, it would happen. The responsibility lies
10 with another department. You have a lot of interdepartmental task teams that have said that from time to time. So that is like an add-on normally. We regard it as an add-on. It is not our primary responsibility. So if the initiative came via the National Commissioner to Commissioner De Beer, it would be normal that it could happen from time to time. So he would report directly to the National Commissioner. If the tasking came from the National Commissioner himself, he did not have to report via me.

ADV VARNEY: Thank you for that clarification. I am not going to read the rest verbatim, but I think you get the gist of it, that...
20 (intervenes)

MR WILLIAMS: Yes.

ADV VARNEY: Divisional Commissioner De Beer, presumably on instructions from National Commissioner Selebi, indicated that unless the President instructed SAPS in writing to take on these cases, that SAPS would not do so. Do you have any comment on that?

MR WILLIAMS: Ja, it would seem to me that there was apprehension on behalf of the Special Detective Services that those investigations mostly would be, the bulk of them would be against former Security Branch members who at the time had become members of the Detective Services. And the apprehension there is that De Beer would have preferred that an independent body investigate rather than the Police investigate themselves. That is how I understand the apprehension that the Police had. I think this motivated this letter. It is just that apprehension, I think. That is how I understand it.

10 ADV VARNEY: I see. Thanks for that clarification. If we can turn to your paragraph 11, and this is where you explain how it was that during 2004, yourself and General Pruis went to collect documents. You mentioned that these documents related to the African National Congress together with associated dockets, and that at the NDPPs office, Advocate Bulelani Ngcuka was present together with Advocate Pikoli and others. Did Commissioner Selebi explain to you why it was necessary to retrieve those particular dockets and bring them to SAPS?

20 MR WILLIAMS: No, there was no explanation at the time. He just mentioned that, he looked at his watch, we were sitting, looked at his watch and he says, oh, I had an agreement with Advocate Bulelani Ngcuka that I would collect some documents from the NDPP, from his office, from Advocate Bulelani Ngcuka's office, and could we please facilitate that these documents are collected. So myself and General Pruis were sitting with the National Commissioner and the NDPPs

office was within walking distance, so we just walked across to Church Square. On our way to the NDPPs office, we found that, I think it was Advocate Ackerman and Pikoli, who was then DG of the Justice and Constitutional Affairs and a few other members who were there of the NDPPs office whom I did not know. And I cannot remember who they were subsequently also, they were there with this box, it was an open carton and they then indicated these were the documents that the Bulelani Ngcuka decided should be given back to SAPS and some of them had apprehension about why they are to be
10 given back, and they talked about dockets and whatnot and then Bulelani Ngcuka himself came to where we were standing in the Church Square.

And when he came I said to him I have been sent I repeated to him I have been sent by the National Commissioner to collect documents from you, are these the documents? He said yes and then I said I do not know is there, I have not been mandated to have any discussion regarding whether it is appropriate or not to take possession of the documents. I was just requested to to take possession of the documents and he said yeah, yeah, yeah we have
20 had the discussion with Celebi, I have agreed that they should go back to the Police, I have got no interest in keeping the documents and then we because we did not know how much of documents it was, it was a big carton with lots of publications. I do not know what else was there, there might have been one or two dockets I do not know, there could be more but on the top were mostly these

publications

CHAIRPERSON: General, if I may interpose.

MR WILLIAMS: Yes.

CHAIRPERSON: The pointed question was whether the National Commissioner had explained to you the reason why you had to collect the documents from Mr Bulelani Ngcuka. That is the question you must answer.

MR WILLIAMS: Ja, he did not say why, he just said there was an agreement between himself and advocate Ngcuka that there were
10 documents that had to be handed back to SAPS I took it there the meeting I do not know the day before or so, and that is all.

CHAIRPERSON: Yes, thank you.

MR WILLIAMS: He did not even say one thing wrong, not at all.

ADV VARNEY: Thank you General. As a follow-up, at that time or subsequently, did you hear any discussion around a possible prosecution of the ANC 37?

MR WILLIAMS: informally yes informally yes, I did.

ADV VARNEY: Thank you was it around that time?

MR WILLIAMS: No it was subsequent to that... I do not remember
20 exactly when but I did hear that I do not know if there was an intention to to investigate or put together a case. I think related to the landmine cases that relate by MK people and that the NDPP was looking at possibilities of charging people who might have been in the leadership of the ANC in exile at the time, including then President Mbeki and others. I do not know who else but it was informally, not

not really in any formal setting

ADV VARNEY: Thank you. If we can turn to paragraph 16 of your statement, it is at the top of page 6. You mentioned then, I will just read it just to refresh our memories:

“Due to my lack of prior involvement in the issues related to the TRC and/or ITT at the time I requested Major General Jacobs to prepare an information note explaining what the issues were about.”

10 And sorry I I should have mentioned that this was in response to the request by the then acting NDPP advocate Mpshe, the meetings of the ITT that is set out in your paragraph 15. You then say

“Then that I became aware of correspondence exchange between Commissioner Selebi and advocate Pikoli during February 2007 in relation to the misunderstanding between the roles the exact role of the ITT *vis-a-vis* the forum of DGs in relation to the TRC matters.”

20 In preparation for your evidence did did you get sight of the information note prepared by Major General Jacobs?

MR WILLIAMS: I did yes, I did.

ADV VARNEY: Thank you. I do not see the information note as part of your bundle but can can I just check if you have with you whether it is the information note in Jacobs bundle page 1811

ADV RANTHO: Sorry, apologies Commissioners. Mr Varney did not alert us that the witness will be taken through that information note.

CHAIRPERSON: Yes.

ADV RANTHO: So the witness had not, he explained that he does not have any documents he is reliant on the documents that are before the Commission. So the witness did not have an opportunity to have a sight of it perhaps it might well be that he is given some time to have a look at the document, before the question is being asked from him

10 CHAIRPERSON: Yes. Is the document here?

ADV RANTHO: It is part of, if I am correct, Mr Varney, it should be a part of documents that are next to a supplementary affidavit of General Jacobs.

CHAIRPERSON: Yes.

MR WILLIAMS: Ja.

CHAIRPERSON: Mr Varney, your clarificatory question in this regard

ADV VARNEY: Yes, thanks Chairperson, yes it is mentioned in his paragraph 16 and we just wanted to make sure that we were all on the same page in relation to the information note. General Williams
20 indicated that that he did take a look at it and perhaps my learned friend for General Williams can indicate whether it is part of the Jacobs bundle at page 1811?

CHAIRPERSON: Yes, Ms Rantho?

ADV RANTHO: Commissioners our difficulty is that he may have seen it there, but for in preparation of this, hence it is not annexed

here. The witness did not engage with that document and that is why we are saying, and it would rather be unfair to ask specific questions in relation to that document.

CHAIRPERSON: Yes.

ADV RANTHO: Unless of course the witness is afforded opportunity to have a look at it, yes.

CHAIRPERSON: Yes. Mr Varney do you intend to deal specifically with that note for purposes of clarification?

ADV VARNEY: Yes just for purposes of clarification, we just wish to
10 know which note it is, because the one that we found deals with the appeal that the Government wished to launch in relation to the guidelines that it does not seem to be related to this note. So we just want clarity as to which note it is and where it can be found.

ADV RANTHO: Commissioners we can confirm it is the same note. It is explained in General Jacob's affidavit that he was assigned, but he has an unsigned copy and that he annexed to his supplemental effect. So it is got to be the one,

CHAIRPERSON: Yes.

ADV RANTHO: And we assume, but for the purpose of that the
20 witness was asked here in terms of and his evidence he said he was giving some background, obviously that was included, but to ask any specific questions arising from that we find it unfair.

CHAIRPERSON: Yes. Mr Varney?

ADV VARNEY: Chairperson we do not see the connection between that note and the decisions around the ITT, so I will not pursue it and

perhaps we will just have to... (intervenes)

CHAIRPERSON: Yes. I think it is better not to pursue it.

ADV VARNEY: Yes if we do find the note that I think General Williams is referring to, we will bring it to the attention of the Commission. General Williams we can then move to paragraph 17, and here you make reference to the letter addressed by Advocate Pikoli to Commissioner Selebi on 6 February 2007, in relation to that misunderstanding in which he indicated that he will seek clarity from the Minister of Justice, in that letter you have annexed as TCW2 and
10 in that letter Advocate Pikoli refers to the letter of Commissioner Selebi on the same day 6 February 2007, and I understand that you do have a copy of that letter.

MR WILLIAMS: Yes.

ADV VARNEY: Commissioners that has been placed before you as well, it is in Calata Group bundle 2 at page 172. General Williams just for the sake of completeness, I am going to read extracts from that letter to you for your comment. So it reads and this is Commissioner Selebi writing, it is titled outstanding TRC cases:

20 "I have been briefed in the last meeting of the Task Team set up in terms of the Cabinet guidelines on outstanding TRC matters. It was brought to my attention that in State v Otto, that is the Chikane matter, a decision on prosecution was taken without consultation with the respective departments

I have insisted that the complainant be consulted in terms of the Guidelines on the basis that the Director General will have an opportunity to provide input before a decision on prosecution is taken.

10 I am also under the impression that there is no common understanding on the process to be followed. My understanding was that the officials designated on the Task Team by the Director General, will provide recommendations to the Director General who will as a collective advise the NPA as the decision maker on prosecutions.”

And on the next page:

20 “It might be a comprehensive report such as the one directed to the NPA, dated 24 November 2006, and revised on the 29th, should be discussed by the Directors General although I do not insist on a meeting of the Directors General after each meeting of our officials I deem it necessary that the substantive reports and recommendations of the officials should be discussed by the Directors General before a decision is made.

I am of the opinion that the Director General should meet as soon as possible to provide

guidance on the procedures to be followed by the officials in the Task Team. I am also of the opinion that the Chikane matter should be discussed both in terms of the procedures followed and the way forward. I have requested the NPA to convene a meeting as soon as possible and trust that you will be in agreement with that request."

And then you are aware of course of the response of
10 Advocate Pikoli. He then takes that matter up with the Minister of Justice.

MR WILLIAMS: Ja.

ADV VARNEY: Now given that your response to Advocate Mpshe essentially said that until that matter had been resolved, SAPS would not participate further in the ITT. Would I be correct in saying that you aligned yourself with Commissioner Selebi's letter?

MR WILLIAMS: Yes. When I was, it made sense to me and I agreed with his position because they were, basically it was they sought guidance on their role and function and Pikoli had undertaken as the
20 chair of that committee, to seek clearance with, clarity with his Minister and he had not come back and therefore they had not met for a long time, I think more than a year. And I had not been approached by the NDPP in the time that I was there either. So the ITT needed guidance and there was none forthcoming, and so I agreed at the time with, when I was being briefed that there was a need for clarity.

And I could understand that correspondence between the two, and since Pikoli had not come back, it means there was an impasse there.

ADV VARNEY: Thank you. Can I ask why did the ITT need the guidance of the Directors General?

MR WILLIAMS: Yes, the ITT are nominees of the Directors General and they are appointed directly by the Directors General. So they needed guidance all the time and those are the people to whom they reported back, to their respective DGs. So they were like a subcommittee to the committee of the DGs, in my understanding.

10 ADV VARNEY: Thank you. Do you have any comment on the view of Advocate Pikoli who felt that the requirement that Commissioner Selebi was suggesting, that the Directors General make inputs into each case before he makes a decision, that that constituted improper interference in his work?

CHAIRPERSON: Mr Varney?

ADV VARNEY: Yes Chairperson?

CHAIRPERSON: I think that is not a clarificatory question. You are asking for his opinion.

ADV VARNEY: Yes Chairperson, if the Commission is of the view
20 that it goes beyond the bounds then... (intervenes)

CHAIRPERSON: Yes. That is not a clarificatory question.

ADV VARNEY: Okay, let us turn to paragraph 19. You mentioned in response to a clarification question from one of my colleagues that, following your correspondence to Advocate Mpshe, that you mentioned in paragraph 18, that you did not get any response from

Advocate Mpshe and that you were then not informed of any developments on that particular issue, the impasse as you call it, until you retired.

MR WILLIAMS: Yes, that is correct. Yes, that is correct

ADV VARNEY: So would you also be unaware of what happened to the TRC cases in the absence of the ITT operating?

MR WILLIAMS: My assumption is that the investigations went on. The responsibility, the main responsibility was with the NDPP, the DSO and so on, and that there was cooperation between the Police
10 and that is my assumption. And that would be the normal way in which cooperation happens daily between prosecutions and the Police and that it does not need an ITT or involvement of a DG on a case-to-case basis. So I assume that that would have gone on, that would not hinder the normal work that the investigations that were continuing at all. The other matter is more of a political matter than actually investigation matter.

ADV VARNEY: When you say political matters, what do you mean?

MR WILLIAMS: Can you come again?

ADV VARNEY: You mentioned, if I heard you correctly, that the ITT
20 was more for political matters.

MR WILLIAMS: No, no, I am saying the impasse was brought about because of the role not being clear of the Directors General meeting and looking at the cases, how to handle the individual cases. And I do not know if it is all cases or controversial cases or what, I am not sure about that, but that has got nothing to do with the normal

investigations day-to-day, nothing to do with that. It is more the political... if these Directors General are appointed, in the instance of a Cabinet decision or a President's decision or whatever, then they, and there was a difference of their understanding of why they were constituted. They would think that, but that has got nothing to do with the cases, actual cases that are investigated. So it is more of a political guidance thing than the investigations, and that would be relevant to investigating the cases on an ongoing basis. That is my understanding.

- 10 ADV VARNEY: Thanks for setting that out, General. And then lastly, from my side, do you have any comments on the fact that it appears that the investigations only really started in 2010. Indeed, according to the NPA, only after the World Cup, the investigations on the TRC cases commenced.

CHAIRPERSON: Mr Varney, again, you are treading on dangerous ground. That is definitely not a clarificatory question.

ADV VARNEY: Thank you, Chair. Then I will not persist.

CHAIRPERSON: Where did you get that statement from?

ADV VARNEY: Chair, there are multiple sources for that statement.

- 20 We would be happy to share it, but since the question is not permitted.

CHAIRPERSON: Yes.

ADV VARNEY: I will pass that information on to my learned colleagues.

CHAIRPERSON: Thank you.

ADV VARNEY: No further questions.

CHAIRPERSON: Thank you. Mr Soni?

ADV SONI: Chairperson, we had intended asking some of the questions that have been asked already, so we will not waste any time asking those issues.

CHAIRPERSON: Thank you.

COMMISSIONER KGOMO: General, good morning.

MR WILLIAMS: Good morning, Commissioner.

COMMISSIONER KGOMO: General, when you collected, you and
10 General Pruis collected the documents, you were not asked to sign for them.

MR WILLIAMS: No, no. As I stated before, we just met a minute ago. We were headed for Advocate Ngcuka's office, the NDPP at the time, but the actual documents and the people having the documents, Ackerman and others, were outside their offices on Church Square. And they had this open carton in which was all kinds of things. It was not like your normal dockets or anything that you have to sign for. If it was as formal as that, we would have arranged for the head of detectives, Divisional Commissioner De Beer, to arrange for a proper
20 handover from NDPP to investigators.

But because it was not clear what the documents were, we were just told they are documents that Advocate Bulelani Ngcuka had agreed with Selebi, should be handed back to the Police. No, there was no signing. When we were there, they did not have anything to be signed or anything. So there was nothing. No, Commissioner,

there was nothing that we signed. We did not sign for anything. I do not know subsequently, Commissioner De Beer had to sign for anything. I do not know. I would not know.

COMMISSIONER KGOMO: Yeah, at least it boggles my mind that between Senior Government Functionaries that a document was not prepared and you check whatever the documents may be.

MR WILLIAMS: Yes.

COMMISSIONER KGOMO: And then, so that there can be a record of what you have signed for and what you have delivered. Would not
10 you agree with my statement?

MR WILLIAMS: I would fully agree because that whole exchange was something that had never happened before and it is something that I could not understand. I must say that at the time I could not understand what it was about. Because on one hand, I thought there were dockets, then it was just documents and loose newspapers and magazines. I could not understand what that was all about at the time. Both myself and Commissioner Pruis were there. We could not understand what it was all about.

Formal discussion or informal discussion that happened
20 between Selebi and Pikoli and those were the documents and we were given these documents and then we were told they involved investigations, because Pikoli when he came he said, you know, dockets belong to the Police and amongst other things. No, no, dockets normally belong to the Police and they will approach us when they have to approach us at a point, and these documents must go to

the Police. I have agreed with Selebi.

It was just as brief as that ,in the open, there in the Square and that was it. And then because he had referred to dockets, we phoned General De Beer to arrange for the documents to be received and to be transported back to the Police and that was it. But I agree that it was very unusual.

COMMISSIONER KGOMO: Yes, no, thank you. I do not, for my part, I do not blame you and Advocate Moroka was greeting you and you did not respond to her.

10 MR WILLIAMS: I was very glad to see my colleague from school, many, many years ago, and I have not seen him in a long, long time. Thank you Chair.

COMMISSIONER GABRIEL: General Williams, good morning. Can you hear me?

MR WILLIAMS: Yes, I can. I do know to who I am speaking to.

COMMISSIONER GABRIEL: Just on that last issue, I want to take you back to paragraph 12 of your affidavit. Just to get confirmation from you, you have written there:

20 Whilst we were still engaging with Advocate Pikoli, Advocate Ngcuka also came and informed us that he had agreed with the National Commissioner about the dockets that had to be taken back to the SAPS since there were no decisions taken to prosecute on the said dockets.”

Did you have any understanding of what that meant?

MR WILLIAMS: Ja, no, I did not, I must just say. We are standing right there and you know the two words we use interchangeably, we talk about documents and dockets, but that is actually, I think correctly, that is correct, that is a correct quotation of what Advocate Ngcuka said.

COMMISSIONER GABRIEL: Okay, thank you and then just so that I understand your evidence correctly, you have said with respect to the TRC cases. If these were being investigated by SAPS members, the
10 NPA would ask for the dockets and then the investigations with the TRC cases would continue by the SAPS members under the direction of the NPA. Did I understand you?

MR WILLIAMS: Yes, that is correct, that is my understanding.

COMMISSIONER GABRIEL: And you also said that you always assumed that investigations were going on and that there was cooperation between SAPS and the NPA and that the ITT issue should not have influenced those investigations, am I correct?

MR WILLIAMS: That is correct, yes, that is my understanding.

COMMISSIONER GABRIEL: Okay, now would I be correct in
20 assuming that such investigations by members of SAPS were consistent with their Constitutional duties to investigate crimes?

MR WILLIAMS: Yes, that is correct, except that the responsibility for TR cases had now been vested with the NDPP, so we would not be initiators. I think, my understanding is that for most of the incidents that would have been under investigation, there would have existed a

docket at one Police Station or another, depending on where the incident took place. How successful or unsuccessful the investigation was, but the docket should exist. That is my understanding.

COMMISSIONER GABRIEL: Right, and your understanding, is it not it the responsibility of SAPS to investigate crimes in the country, in terms of the Constitution?

MR WILLIAMS: Generally, yes, it is.

COMMISSIONER GABRIEL: Okay, thank you.

MR WILLIAMS: Yes.

10 CHAIRPERSON: Miss Rantho, any re-examination?

RE-EXAMINATION BY ADV RANTHO: Thank you, Commissioners, just one or two, I think. General, you were asked about the letter that Divisional Commissioner De Beer wrote, remember?

MR WILLIAMS: Yes.

ADV RANTHO: That is the letter of 26 September, 2003.

MR WILLIAMS: Yes.

ADV RANTHO: Yes. Now, was it abnormal for Divisional Commissioner De Beer to carry out an instruction without your knowledge? That is what I mean, the instruction from the National

20 Commissioner without your knowledge?

MR WILLIAMS: Yes, it is normal. It is not... there is nothing untoward with it, because the understanding is that we are deputies, but we are Lieutenants Generals, and he is a Lieutenant General himself, so are Provincial Commissioners, they are Lieutenants Generals. The National Commissioner can task anybody in his own

discretion with any task, so it was normal.

I think there must have been a discussion between the National Commissioner and De Beer preceding that letter, and it would be normal, it is normal for that to happen. It happens all the time. The issues that normally would be reported to me are issues that we are functionally responsible for, you know, emanating from our own plans and so on, that basically would be. But anything that is a request from another department, that did not have to go past me, or anything that is assigned directly by the National Commissioner, that would be normal.

10

ADV RANTHO: Thank you, and then Commissioner Kgomo asked you about the documents that you collected from the NDPP, the box that you referred to, remember that?

MR WILLIAMS: Yes, yes.

ADV RANTHO: You were asked about no handover, in other words, nobody signed for the documents, you remember? When clarification was done.

MR WILLIAMS: Yes. While I was there, while I was there,

COMMISSIONER KGOMO: Wait, wait for the question.

20

ADV RANTHO: Okay, the question, you informed the Commission that you did not know what the contents of the box were about, isn't it?

MR WILLIAMS: Correct.

ADV RANTHO: Now, if that box was to be, or whatever that you had to receive from NDPP, in the normal course, whose responsibility

would be to ensure that there is a document that would ensure proper handover to whoever has to receive the documents?

MR WILLIAMS: My understanding is that if it was dockets, then we would have arranged for the Divisional Commissioner, Detective Services, to receive those dockets, if it was dockets, but we did not know what we were receiving.

ADV RANTHO: Yeah, let us say whether it was dockets, but they were going to be handed over to the SAPS by the NPA, so who would be responsible, so whose responsibility would be to ensure that there
10 is a document that would ensure that there is handover of whatever document between SAPS and NPA?

MR WILLIAMS: Oh, it would be the NPA's responsibility as the department handing over to another department. If the documents were coming from us, it would have been our responsibility, but since it was coming from the NPA, it was their responsibility to ensure that there was a register for that.

ADV RANTHO: Okay, thank you. And then just in relation to the question that was asked by Commissioner Gabriel about their responsibility to investigate that is entrusted upon SAPS, remember
20 the question from the Commissioner?

MR WILLIAMS: Yes, I remember.

ADV RANTHO: That the primary responsibility to investigate lies with the SAPS? You remember this question?

MR WILLIAMS: Yes, for investigation of crime.

ADV RANTHO: Yes, did I understand you in your evidence to say

that in the case of TRC cases, that was the responsibility of the NPA, DSO earlier on, in your evidence?

MR WILLIAMS: Yes, correct.

ADV RANTHO: Commissioners, that is all from my side.

CHAIRPERSON: Thank you, Ms Rantho.

ADV VARNEY: Chairperson, sorry to interrupt. Just in the last few seconds, my team has brought to my attention a response from Advocate Mpshe to General Williams. It is a letter dated 13 March 2008. We understand that these documents were provided by the
10 NPA to the Evidence Leaders in April of this year. I do not intend to put a question to General Williams, but with the leave of the Chairperson, may I read this letter into the record?

CHAIRPERSON: Yes, you may.

ADV VARNEY: Thank you, Chairperson. The letter is from the Office of the NDPP, dated 13 March 2008. It is addressed to the Acting National Commissioner, SAPS. The reference is 3-5-2(308). It reads:

“Dear Commissioner Williams,
Interdepartmental task team dealing with post-
20 TRC matters, I acknowledge receipt of your letter dated 7 March, 2008, relating to the above matter, and have to inform you that the Ministerial guidance requested by Advocate Pikoli is still outstanding.

I had decided to convene the meeting of the Task

Team specifically so that the issue could be discussed frankly, with the affected State Departments, and agreement be reached as to how the matter could be taken forward. It is important that a solution be reached so that the rights of victims of human rights abuses are not prejudiced.

10 The representatives of the other State Departments have agreed to attend the meeting, and I would be grateful if you could reconsider your decision not to send a representative to the meeting. I regard the input from SAPS as highly valuable.

And then he adds in a handwritten insertion, "and critical."

"Yours Sincerely,

Advocate MJ Mpshe, SC,

Acting NDPP."

That is the letter.

20 CHAIRPERSON: Yes. I think your next question that you are planning to ask, with the permission of the Chair, is whether the witness is aware of having received that letter.

ADV VARNEY: Yes, indeed, Chairperson, I do not wish to push my luck too far.

CHAIRPERSON: Yes. General?

MR WILLIAMS: Chair, I am completely not aware of the letter. I

never received such a letter. I never received that response. No, I spoke to General Jacobs, who was a member of the ITT. He never, and I checked with him before, when I was preparing my own statement, his position was that he had never received such a letter either. No response.

CHAIRPERSON: Thank you.

ADV VARNEY: Chair, can I just point out one aspect, that the copy we have is an unsigned version?

CHAIRPERSON: Yes. So you have got the response. That letter
10 was never received by the General.

ADV VARNEY: Thank you, Chairperson. I am grateful for the indulgence.

CHAIRPERSON: General Williams, we thank you for having come before this Commission to give evidence. That is greatly appreciated. You are now excused as a witness.

MR WILLIAMS: Thank you. Thank you, Chair.

CHAIRPERSON: Mr Soni?

COMMISSIONER KGOMO: Your second microphone, Mr Soni?

ADV SONI: Thank you. General Williams is the only witness for
20 today. We had somebody else, but that had to be changed, Chairperson.

CHAIRPERSON: Yes. This proceedings are then adjourned until tomorrow at 10:00.

INQUIRY ADJOURNS UNTIL 05 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:

JUDICIAL COMMISSION OF INQUIRY INTO TRC

FORUM OF ORIGIN	:	Inquiry
CASE NUMBER	:	N/A
TRANSCRIBER	:	W Kruger
DATE COMPLETED	:	2026-08-05
NUMBER OF PAGES	:	54 (Including front page)
TRANSCRIBER	:	

TRANSCRIBER'S NOTE:

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- Grammar errors types verbatim.



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