

**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 Varney (SC) – The Calata Group
Ms A Thakor – The Calata Group
Ms Lamiah Casoo-The Calata Group

5 AUGUST 2026

DAY 70

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PROCEEDINGS ON 5 AUGUST 2026

CHAIRPERSON: Good morning to you all and Mr Semenya.

ADV SEMENYA: Good morning, Chair, and good morning to the other Commissioners. Today we are receiving the evidence of Mr de Beer and he will be led virtually by Ms Rantho.

CHAIRPERSON: Do you confirm that Ms Rantho?

ADV RANTHO: I do confirm Chairperson.

CHAIRPERSON: Good morning General.

GENERAL DE BEER: Good morning Chair.

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

GENERAL DE BEER: Under oath, please.

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.

GENERAL DE BEER: So help me God.

JOHAN FREDERICK DE BEER: (duly sworn states)

CHAIRPERSON: Thank you General. Ms Rantho.

ADV RANTHO: Thank you Chairperson.

20 EXAMINATION BY ADV RANTHO: Good morning General.

GENERAL DE BEER: Good morning.

ADV RANTHO: Just before we start, may you kindly confirm if you are in possession of an affidavit deposed to you by Johan Frederick de Beer in front of you?

GENERAL DE BEER: Yes, I have that affidavit.

ADV RANTHO: And you confirm that it is your affidavit?

GENERAL DE BEER: Correct.

ADV RANTHO: You also confirm before the commission that you have knowledge of the contents or you have personal knowledge of the contents of the affidavit?

GENERAL DE BEER: Correct.

ADV RANTHO: Thank you General. General, in paragraph 1 of your affidavit, you inform the commission that you are a retired member of the South African Police Service. Is that correct?

10 GENERAL DE BEER: That is correct.

ADV RANTHO: And you further inform the Commissioner that you occupied a position of Divisional Commissioner responsible for Detective Services at the time when you retired from the SAPS. Is that correct?

GENERAL DE BEER: Correct.

ADV RANTHO: And then in paragraph 3, you inform the commission that the purpose of this affidavit was in response to the Rule 3.3 notice dated 20 July 2026 that was issued to you by the commission. And you further point the commission to annexure to your affidavit,
20 which is JDB1. Do you confirm that?

GENERAL DE BEER: I confirm it.

ADV RANTHO: Perhaps if I can just also get you to confirm that that annexure JDB1 is in front of you. Is that so?

GENERAL DE BEER: Correct.

ADV RANTHO: Thank you General. Now, I will go to paragraph 5 of

your affidavit and I will read it out so that you can confirm the contents. In paragraph 5, it is stated as follows.

"I joined the erstwhile South African Police Force in 1966 and became appointed in the Detective Services environment two years following my appointment. Being a detective would later turn out to be my permanent career until I retired from the SAPS, holding the position of the Divisional Commissioner Detective Services in 2007."

10 You confirm that?

GENERAL DE BEER: Yes.

ADV RANTHO: And then in paragraph 6.

"In my capacity as the Divisional Commissioner, I reported directly to the then Deputy National Commissioner for Crime Intelligence and Detective Services, Tim Williams, ("General Williams"), who in turn reported directly to the late National Commissioner Jackie Selebi. My responsibility was mainly overseeing what were
20 then referred to as the Specialised Units and General Detective Components. The Specialised Units comprised of, among others, crimes against the state and serious and violent crimes units."

Do you confirm that?

GENERAL DE BEER: I confirm it.

ADV RANTHO: Now, just for the benefit of the commission, at the time when you were the Divisional Commissioner for those Specialised Units, is it correct that that was before the Directorate for Priority Crimes Investigation came into being, what we now know as Hawks?

GENERAL DE BEER: Correct.

ADV RANTHO: Thank you, General. And then in paragraph 7, I will read it out, you will confirm the contents. You deal with a response to Rule 3.3 notice. And paragraph 7 reads as follows.

10 "Pursuant to the Rule 3.3 notice dated 20 July 2026, I am required to respond to the following two issues, which form part of the allegations against me regarding attempts to obstruct the investigation or prosecution of Truth and Reconciliation cases.

7.1 The letter I addressed to Adv Ackermann SC dated 26 September 2003, bearing the subject matter investigation of TRC cases.

20 7.2 My involvement in the alleged *fabricated note* authored by Adv Ackermann SC."

Do you confirm the contents of paragraph 7 up to 7.2?

GENERAL DE BEER: I do.

ADV RANTHO: In paragraph 8, it is stated as follows.

"Before responding to the Rule 3.3 with specificity, I begin by providing a synopsis of the

events leading up to the letter being addressed to Adv Ackermann to give a proper context on the issues raised in the said letter."

Do you confirm that?

GENERAL DE BEER: Yes.

ADV RANTHO: Now, the next thing that you deal with is titled before paragraph 9. It is titled "April 2003 Presidential Speech." In paragraph 9, you stated as follows.

10 "During April 2003, the then President of the Republic of South Africa, Mr Thabo Mbeki, announced as follows during his Presidential Speech before Parliament."

And then there is a quote.

20 "The National Directorate of Public Prosecutions and relevant departments will be requested to deal with matters relating to people who were unaccounted for, post-mortem records and policy with regard to burials of unidentified persons. We would like to encourage all persons who might have any knowledge of people still unaccounted for to approach the National Directorate of Public Prosecutions, the South African Police Service and other relevant departments. The Department of Justice and Constitutional Development will monitor the implementation of all these programs

and it will report to Cabinet on an on-going basis."

You confirm that is the quotation that is in your affidavit under paragraph 9, General.

GENERAL DE BEER: I confirm it, Commissioners.

ADV RANTHO: In paragraph 10, you stated it as follows.

10 "Given the history of the human rights violations that were found to have been committed by members of the former Security Forces, the President's announcement did not come as a surprise. I say so, because I understood that the recommendations of the TRC Amnesty Committee were to be executed and the NPA was hence entrusted to spearhead such a task."

Paragraph 11.

20 "With that in mind, I also understood that the SAPS had a duty to assist with the investigation of the cases emanating from the TRC process when so requested by the NPA to fulfil its constitutional mandate. This included cooperation between the SAPS and the NPA at different levels. On the other hand, I was also mindful of a situation where the SAPS would be the one leading the investigation involving most of its own members. This, to me, appeared to be a factor that could have informed the President's

decision of entrusting the NPA and not SAPS as the leading entity in the implementation of the Amnesty Commission's recommendations."

You confirm the contents of the two paragraphs that I just read out.

GENERAL DE BEER: I do, Commissioners.

ADV RANTHO: And then, General, if you were to give context to the contents of paragraph 10 and 11 in reference to the letter that you wrote, which is JDB2, to your affidavit, the letter of the 26 September 2003. You have the letter in front of you.

10 GENERAL DE BEER: You are referring to the letter JDB1?

ADV RANTHO: The one you addressed to Adv Ackermann.

GENERAL DE BEER: Okay, yes, I have got the letter in front of me.

ADV RANTHO: JDB2.

GENERAL DE BEER: That is correct.

ADV RANTHO: Yes. And perhaps, if you have to say something to the commission about what you meant in paragraph 10 and paragraph 11. Give just a short summary of what you meant by those two paragraphs.

GENERAL DE BEER: What I meant by those two paragraphs was
20 that the then President, President Thabo Mbeki, directed these investigations to be done by the NDPP, Public Prosecution, *et cetera*, and that the SAPS had a problem in this regard. Not a problem, but SAPS could not investigate their own people previously from the Security Services of which those people were still serving at that point in time, and there might still be loyalty among the other serving

members.

It also came up that that would be a conflict of interest, and we understood that was the reason why the President not directed SAPS, but the National Prosecuting Authority.

ADV RANTHO: Thank you, General. Paragraph 12, you stated as follows.

10 "In the ordinary course of events, the National
Commissioner would, from time to time, interact
with the National Director of Public Prosecutions,
Adv Bulelani Ngcuka, as his counterpart to
discuss issues of mutual concern in their fight
against crime. On the same breath, I, in my
capacity as the Divisional Commissioner of
Detective Services, interacted regularly with the
Priority Crimes Litigation Unit Head, Adv Anton
Ackermann, who was also my counterpart from
the NPA to discuss issues of mutual concern.
These included the discussions around the
allocation of investigators to assist with the TRC
20 cases."

Do you confirm that is your statement in terms of that paragraph?

GENERAL DE BEER: Correct, Commissioner.

ADV RANTHO: And then we proceed to deal with the next item, which is "Alleged political interference." You stated as follows in paragraph 13.

"Following a letter from Adv Ackermann dated 20 August 2003, I discussed its contents with the National Commissioner. Consequently, I sent a letter to Adv Ackermann requesting him to approach Adv Ngcuka to seek clarity from the President regarding the investigative mandate over TRC cases. As clearly recorded in my letter, previous discussions on TRC matters had already taken place between Adv Ackermann and me. A
10 copy of the letter is annexed to this affidavit and marked as JDB2."

Do you confirm the contents of paragraph 13, General?

GENERAL DE BEER: I do, Commissioners.

ADV RANTHO: And then, if I may again refer you to JDB2 that is that letter that I just referred you to earlier on. You see JDB2 there?

GENERAL DE BEER: Yes, I do.

ADV RANTHO: You confirm that that is the letter that you are referring to in terms of your interaction with Adv Ackermann. Is that not so?

20 GENERAL DE BEER: That is the correct letter, was signed by me.

ADV RANTHO: And then, whilst dealing with that, I just want you to inform the commission if you ever saw that letter that you referred to. The Adv Ackermann letter dated 20 August 2003 at the time when you deposed to this affidavit. Did you have or were you in possession of that letter?

GENERAL DE BEER: Yeah that letter must have been directed to me, but I am not in possession of that letter now.

ADV RANTHO: Okay. Paragraph 14.

10 "Another issue that caused uncertainty regarding the SAPS role was the involvement of the then Directorate of Specialised Operations in similar investigations without any clarity as to how and which of the matters would be referred to the SAPS for investigation. Put bluntly, the TRC investigations led by the PCLU were done in an uncoordinated fashion and all haphazardly."

Do you confirm that is your statement?

GENERAL DE BEER: Correct.

ADV RANTHO: Paragraph 15.

20 "Therefore, Commissioner Selebi, rightly so from my very own point of view needed clarity to be sought from the President as to who of the two entities was to be entrusted with the investigation of the TRC given the sensitivity around such cases. This resulted in my communication with Adv Ackermann, which communication has now been fingered as the genesis of political interference on the part of the SAPS."

You confirm the contents of paragraph 15?

GENERAL DE BEER: I do, Commissioners.

ADV RANTHO: Paragraph 16.

"I deny that my letter was in any manner intended to cause any political interference in the investigations of the TRC cases. I further deny that I participated in any form of interference with the investigation(s) or prosecution(s) of the TRC cases at any given moment."

Paragraph 17.

10 "Following the establishment of the Inter Departmental Task Team pursuant to the amended prosecution policy in 2008."

Commissioners, it is supposed to be 2005.

CHAIRPERSON: Yes.

ADV RANTHO:

20 "I continue to offer my support to the NPA towards the investigation of the TRC cases. This included assigning Colonel Louis Bester, who was working at CATS at the time, to assist with the compilation of the audit report of the cases in possession of the SAPS to enable the ITT to fulfil its mandate."

Paragraph 18.

"Owing to the limited investigative capacity at head office at the time, I also addressed a letter to the Provincial Commissioners, requesting their

assistance with the appointment of investigators that would assist in the TRC cases emanating from their respective provinces. A copy of a letter to that effect is annexed to this affidavit as JDB3."

Do you confirm the contents of paragraphs 16, 17 and 18, General?

GENERAL DE BEER: I do, Commissioners.

ADV RANTHO: You further confirm that JDB3 ...[intervenes]

CHAIRPERSON: Is it correctly ...[intervenes]

ADV RANTHO: It is actually supposed to be 4. Apologies,
10 Commissioner.

CHAIRPERSON: instead of 3.

ADV RANTHO: Indebted to the Chairperson. It is JDB4, Commissioner. You see JDB4? Page 19. Page 19 of the bundle in front of you.

GENERAL DE BEER: Page 19.

ADV RANTHO: One nine, yes.

GENERAL DE BEER: Page 19.

ADV RANTHO: One nine.

COMMISSIONER KGOMO: One nine.

20 GENERAL DE BEER: Yeah, correct Commissioners, I have got it in front of me.

ADV RANTHO: You do confirm that is the letter that you authored that was sent to the Provincial Commissioners?

GENERAL DE BEER: Yes, the letter was drafted by the General Jacobs. That is the letter, but it is not signed by me. I do not know

why, maybe it was done electronically at that point in time, but this is the correct letter.

ADV RANTHO: So it was done, compiled by General Jacobs with your instruction?

GENERAL DE BEER: Correct.

ADV RANTHO: Thank you, General. We can then deal with the next item, "Alleged fabricated note." Paragraph 19.

10 "The SAPS became aware of an article which featured in the Rapport newspaper published on 19 August 2007. The said article was informed by a memorandum or a note dated 2006, authored and signed by Adv Ackermann prior to the transfer of some documents from the National Prosecuting Authority to the SAPS during or about 2004."

Do you confirm the contents of paragraph 19, General?

GENERAL DE BEER: I do.

ADV RANTHO: Paragraph 20.

20 "It was reported in the Rapport that the note in question pointed to the NPA's intention to pursue persecutions..."

CHAIRPERSON: Not persecutions, prosecutions.

ADV RANTHO:

"prosecutions against the leaders of the African National Congress."

Now I think referred to as the ("ANC 37").

"for politically motivated crimes committed during liberation struggle. Among the said ANC leaders was the sitting President, Mr Thabo Mbeki."

You confirm that?

GENERAL DE BEER: I do.

ADV RANTHO: Paragraph 21.

10 "The essence of the complaint by Adv Ackermann was that the note appeared to have been fabricated by members of the SAPS, who in the main recorded the date of its compilation as 2006 instead of 2003. A copy of the alleged fabricated note is attached hereto and marked as JDB4."

Commissioners, that is the one that is now marked, it is swapped out as JDB3. Now, can you confirm the contents of paragraph 29, General?

GENERAL DE BEER: I do, Commissioners.

COMMISSIONER GABRIEL: 21.

20 ADV RANTHO: 21, 21, my apologies. Thanks, Commissioner Gabriel. And then you go to page 18. 16, one six, my apologies, General. Page 16.

GENERAL DE BEER: I have it in front of me, Commissioners.

ADV RANTHO: And then the document is marked as JDB3, it is supposed to be JDB4. That is on page 16, Commissioners. Now, in paragraph 21, you referred to that note which you state that a copy of

the said note is that one that is reflected on page 16. Is that not so, General?

GENERAL DE BEER: Correct, Commissioners.

ADV RANTHO: In paragraph 22.

10 "Having been concerned about the seriousness of
the allegations made in the Rapport, the National
Commissioner at the time, Commissioner Selebi,
instructed that there be immediate investigation
into the matter. I then instructed Colonel Bester
to subject the note to forensic analysis and
provide feedback in that regard."

Do you confirm that is what happened, General?

GENERAL DE BEER: Yes, I confirm, Commissioners.

ADV RANTHO: Paragraph 23.

20 "To my knowledge, the note was subsequently
subjected to investigations, which revealed no
evidence that the document had been tampered
with. The said results were also shared with the
NPA's Adv Leonard McCarthy, which event
marked the end of my involvement in the matter."

Do you confirm the contents of paragraph 23, General?

GENERAL DE BEER: I do. I can just mention that the note was
presented twice to external examiner as well. In both instances, it
was the same finding, no tampering.

ADV RANTHO: Thank you, General. Paragraph 24.

"At the time of the article's publication, the original note was in possession of the SAPS. However, it remains unclear to date as to how it reached the Rapport."

Do you confirm that is your statement in paragraph 24, General?

GENERAL DE BEER: I do, Commissioners.

ADV RANTHO: Now, if I may, just in conclusion, request the General to read paragraph 25 into the record.

GENERAL DE BEER:

10 "Having said that, I wish to state that I have never engaged myself in any act or acts of political interference or otherwise with the aim of stopping the investigations and or prosecutions of TRC cases."

ADV RANTHO: Thank you, General. Before we conclude, I just want to refer to what you stated in paragraph 6, reporting to General Williams. You spoke in paragraph 6, if you may just go back to paragraph 6 of your affidavit, where you informed the commission that you reported to the Deputy National Commissioner at the time,
20 General Williams.

GENERAL DE BEER: Correct.

ADV RANTHO: General Williams, before the commission yesterday testified that that letter that you authored, the letter of 26 September 2003 that he was not involved when that letter was written. What have you got to tell the commission about that statement?

GENERAL DE BEER: Yes, it might be true, because I directly, at that point in time, was interviewed by the National Commissioner. I do not think Commissioner Williams was present at that point in time.

ADV RANTHO: All right. Commissioners, that bring us to the end of the witness ...[intervenes]

CHAIRPERSON: Your evidence-in-chief.

ADV RANTHO: Indeed so, Chair.

CHAIRPERSON: Thank you. Ms Moroka?

ADV MOROKA: Chair, I have no questions in clarification.

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

FEMALE SPEAKER: Thank you, Chair, no questions.

CHAIRPERSON: Anyone online?

FEMALE SPEAKER: Thank you, Chair, no questions.

CHAIRPERSON: Thank you. Anyone else? Yes, Mr Varney?

ADV VARNEY: Chairperson, we will apply to cross-examine Mr de Beer.

CHAIRPERSON: Yes. And when will your application be filed, Mr Varney?

20 ADV VARNEY: Chairperson, we aim to file a number of applications this week. So, with your leave and indulgence, could we aim to file on Monday?

CHAIRPERSON: Yes. On Monday, it is a holiday, but ...[intervenes]

ADV VARNEY: Tuesday.

CHAIRPERSON: this commission works even on Sunday.

ADV VARNEY: I see. We will still aim to file on Monday, if we can.

CHAIRPERSON: Thank you.

ADV VARNEY: Thank you, Chair.

CHAIRPERSON: Thank you. Mr Semenya?

ADV SEMENYA: Chair, that defers our questions to the witness until the applications is at home. No criticism on anybody, but it would help because the preparation that goes into a non-event because of an awaiting cross-examination can be improved, we believe.

COMMISSIONER GABRIEL: Yes. General Williams can you – de Beer, can you hear me?

10 GENERAL DE BEER: Yes, Commissioner.

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

GENERAL DE BEER: Just a second.

COMMISSIONER GABRIEL: It is page 5.

GENERAL DE BEER: Okay, I have got it, Commissioner.

COMMISSIONER GABRIEL: Okay. And you have used the word 'sensitivity' in this sentence.

20 "Therefore, Commissioner Selebi, rightly so from my very own point of view, needed clarity to be sought from the President as to who of the two entities, that is DSO and SAPS, was to be entrusted with the investigation of the TRC, given the sensitivity around such cases."

What did you mean by that?

GENERAL DE BEER: Commissioners, what I meant was that it was

a sensitive issue, I believe, for the police to investigate their own members or previous members. That to me was sensible in that it would have been a conflict of interest at that point in time because some of these members were still serving with SAPS and they had maybe friends with these people to investigate it, *et cetera, etcetera*. That is what I meant by sensitive.

COMMISSIONER GABRIEL: Okay. So the conflict of interest issue.

GENERAL DE BEER: Correct.

COMMISSIONER GABRIEL: Okay. Then could I take you to page
10 14, which is your annexure JDB2?

GENERAL DE BEER: Yes, I am with you, Commissioner.

COMMISSIONER GABRIEL: I am looking at the first paragraph
where the sentence is:

"It is evident from your letter that the investigation
and prosecution of these cases were referred to
the National Director of Public Prosecutions by
the President."

Then the next sentence says:

20 "Our understanding was that this referral was
politically inspired."

What did you mean, if you can recall, by the phrase 'was politically inspired?'

GENERAL DE BEER: I can recall what was my understanding at
that point in time, that the President took a political decision on his
own, not to say SAPS must not investigate or the cases must not be

investigated, but to get clarity on the cases to be investigated, and that made, to my mind, a political decision taken by the President, referring it to the NDP and not to SAPS.

COMMISSIONER GABRIEL: Okay.

GENERAL DE BEER: That decision was not taken by SAPS.

COMMISSIONER GABRIEL: Okay. Thank you very much.

CHAIRPERSON: General de Beer, at paragraph 17, you state that you 'continue to offer your support to the NPA towards the investigation of the TRC cases, and that included assigning Colonel
10 Louis Bester in the matter.' When was he assigned to assist?

GENERAL DE BEER: It was much later than my letter was written. Much later, but there was daily interaction. I will not say daily, but there was often interaction between myself and Ackermann and Louis Bester with the NPA regarding to some issues. But he was assigned later, especially when, I can mention 2004, I think, when documents were handed over to SAPS from the NPA, he was in charge of those documents. At a later stage, I also interacted with Dr Jacobs, when he was a member of the ITTT, and that is a time when the letter was written to the Provincial Commissioners to provide support. So what I
20 am saying, there was on-going interaction with the NPA. It did not stop after my letter in 2003.

CHAIRPERSON: Yes. Ms Rantho?

ADV RANTHO: Thank you, Chair.

RE-EXAMINATION BY ADV RANTHO: If I may just refer General Williams to JDB2.

COMMISSIONER KGOMO: General de Beer.

ADV RANTHO: General de Beer. My apologies. General de Beer, to JDB2. That is on page 14, General.

GENERAL DE BEER: I have got it, Commissioner.

ADV RANTHO: Commissioner Gabriel asked you a question regarding what you meant by 'our understanding was that this referral was politically inspired.' Do you remember when the Commissioner asked you a question about that?

GENERAL DE BEER: Correct.

- 10 ADV RANTHO: Now, perhaps if you may read further in terms of what is written in that letter, just up to the end of that entire paragraph, starting from 'as you know.'

GENERAL DE BEER:

"From your letter, it is firstly not clear why the DSO did not have the legal mandate to investigate the cases emanating from the TRC"
...[intervenes]

- ADV RANTHO: Sorry, General. Let me assist. Commissioner Gabriel asked you, read out to you where it starts off by, 'our
20 understanding was that this referral was politically inspired.' That is in paragraph 1. You see that line, that sentence?

GENERAL DE BEER: Yes. Okay.

ADV RANTHO: Yes. I would just like you to proceed from where it reads 'as you know' to the end of that paragraph, yes.

GENERAL DE BEER:

"As you know, a large number of cases to be investigated are those of ex-policemen. It is therefore understandable that you first endeavoured to have these cases investigated by the Director for Special Operations."

ADV RANTHO: Thank you, General. Would I be correct that your understanding in terms of politically inspired cases meant, or the explanation as you proceed, as you know, a large number of cases to be investigated are those of ex-policemen. So that was said in the
10 context of that politically inspired statement that you made there, or the usage of politically inspired.

GENERAL DE BEER: That is correct, and nothing else.

ADV RANTHO: Commissioners, that is the end of the witness' testimony for the day.

CHAIRPERSON: General de Beer, we thank you for having come to give evidence before this commission. As you have heard, there is going to be an application for your cross-examination, and a date will therefore be arranged for you to come back to this commission for such cross-examination. For now, you are excused as a witness.

20 GENERAL DE BEER: Thank you very much, Chair.

NO FURTHER QUESTIONS

CHAIRPERSON: Thank you. These proceedings are adjourned until tomorrow ...[intervenes]

ADV MOROKA: Chair, before, ...[intervenes]

CHAIRPERSON: Yes.

ADV MOROKA: May I interrupt? There is an application before you to cross-examine the Minister on Friday.

CHAIRPERSON: Yes, can we dispose of this matter first?

ADV MOROKA: Of the postponement?

CHAIRPERSON: Of the postponement, yes. Then you can, I think you can come in, Ms Moroka.

ADV MOROKA: Thank you, Chair. What I was trying to say is that there is an application before the commission to cross-examine the Minister for Friday. I have had a discussion with Mr Varney. He has
10 submitted 443 pages of documentation. The view was, if we were to go through all of that, then we would have to find a date for the Minister to come back. It would not be fair or feasible for her to do so on Friday.

It would seem, depending on whether you grant the application or not, it would seem to us that depending on what Mr Varney intends to do, if the Minister is not to be taken through 443 pages of documentation, then the cross-examination can go ahead on Friday, depending on your decision. I just wanted us all to be on the same page logistically, Chair.

20 CHAIRPERSON: Yes. Mr Varney?

ADV RANTHO: Excuse me, Chair. May I request that General de Beer be excused in the meantime?

CHAIRPERSON: Yes, General de Beer, you are excused.

ADV VARNEY: Chairperson, I confirm that I have had a discussion with my learned friend. The bundle is large. It was prepared in haste,

and I accept that. Well, I can indicate that we were certainly not going to go through that entire bundle. I have given an indication to my learned friend that we will simply be making reference to one judgment and probably one letter, and that we do not intend to spend that much time with the Minister.

CHAIRPERSON: So you will not go through the 400 pages?

ADV VARNEY: We certainly will not go through the 400 pages.

CHAIRPERSON: Yes. Ms Moroka?

ADV MOROKA: If that be the case, Chair, and I accept Mr Varney's
10 undertakings, I cannot bind him to those undertakings, and in any event you have not ruled on it, then ...[intervenes]

CHAIRPERSON: Yes, I have not granted an application.

ADV MOROKA: Yes, then in that event, Chair, if the application is granted, I would indicate that the Minister would be ready for cross-examination on Friday.

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

INQUIRY ADJOURNS UNTIL 6 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	:	M Smit
DATE COMPLETED	:	2026-08-06
NUMBER OF PAGES	:	(Including front page) M Smit: Page 1-24

TRANSCRIBER	:	
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TRANSCRIBER'S NOTE:

- Where no information provided, names transcribed phonetically.
- Grammar errors types verbatim.



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